

THE JUSTICE ENVIRONMENT
AND LEGAL ADMINISTRATION
OF PLAINS INDIANS
1776 - 1876

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P R E F A C E

On the occasion of our bicentennial observance of nationhood it has been my happy task to study a law-way that existed in America for only one hundred years, from 1776-1876. This study is divided into three major sections. The "justice environment" considers the physical environment of the American Great Plains; the nature of the historic context; effect of Old World contact; and annual life-way of the natives (Chapters 1 - 5). When I commenced this undertaking I was not sure what "law" existed during the time period. Although I encountered considerable disparity, common patterns did emerge. These are set forth in Chapters 6 - 13 and consider law and Plains legal administration generally. The third section (Chapters 14 - 35) considers specifically the law and legal administration of twenty-five individual Plains tribes.

In order to accomplish this task I have drawn from over sixty printed sources (Bibliography); conversations with Thomas Rocky Road (Cheyenne), Leonard Crow Dog (Sioux), and other "Old Timers"; as well as field study at the Museum of Natural History in New York, the Museum of the American Indian in New York, and Denver Art Museum, Colorado.

As detailed later, on repeated occasions I found that little or no data existed in this area. In large measure,

this study is comprised of small bits of information pieced into a whole. Although I am tremendously indebted to individuals such as George Bird Grinnell, Robert H. Lowie, E. Adamson Hoebel, Karl L. Llewellyn and Thomas E. Mails, I was surprised to see how much data in this area was lost before any serious attempt was made to record it. I set out to develop a work specifically addressed to the "Plains" Indian law-way. The period of 1776-1876 saw the Great Plains fully inhabited, each nation in its own contested boundaries with diverse languages, culture and laws. Some, like the Cheyenne, had a highly sophisticated legal life-way. By comparison, the Comanche were far more loosely organized. Many, but not all, Plains tribes had military societies. And it appears that many of these societies provided the usual legal administration in a number of tribes. Where this is the case; as detailed later, preservation of order in the camps, while on the move and during hunts was commonly under the supervision of the military or police societies.

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LINGUISTIC STOCK

	<u>Linguistic Stock</u>
APACHE	
Jicarilla Apache	Na-Dene
Lipan Apache	Na-Dene
Kiowa Apache	Na-Dene
ARAPAHO	Algonkian
ARIKARA	Caddoan
ASSINIBOINE	Siouan-Yuchi
BLACKFEET	
Piegan	Algonkian
Blood	Algonkian
CHEYENNE	Algonkian
COMANCHE	Aztec-Tanoan
CREE	Algonkian
CROW	Siouan-Yuchi
GROS VENTRE	Algonkian
HIDATSA	Siouan-Yuchi
KIOWA	Aztec-Tanoan
MANDAN	Siouan-Yuchi
OJIBWAY	Algonkian
OMAHA	Siouan-Yuchi
PAWNEE	Caddoan
PONCA	Siouan-Yuchi
SARSI	Na-Dene
SHOSHONE	Aztec-Tanoan
SIOUX	Siouan-Yuchi
UTE	Aztec-Tanoan
WICHITA	Caddoan

INTRODUCTION

Chapter 1.

Between 1615 and 1850 there was established a "Plains" Indian culture. This was a time of tremendous movement as the various tribes left their status as "Western Farmers" to follow the buffalo as nomadic hunters of the Great Plains. The Indian tribes composing the Western Farmers in 1615 inhabited a vast area stretching from just below the Canadian Border to the northeastern edge of Texas. In this vast territory, lines of cultural definition are hazy.

In the south, the land of the Western Farmers started in Texas where it merged into the southeast; from there, the area extended up through Arkansas and the eastern two-thirds of Oklahoma, into Kansas and through Missouri, Iowa, and eastern Nebraska. One branch reached east across the Mississippi River to occupy Illinois and Indiana south of the territory of the Woodland Hunters, and into Ohio to the boundaries of Iroquoian country. Another branch reached to North Dakota along the northwest bend of the Missouri River.

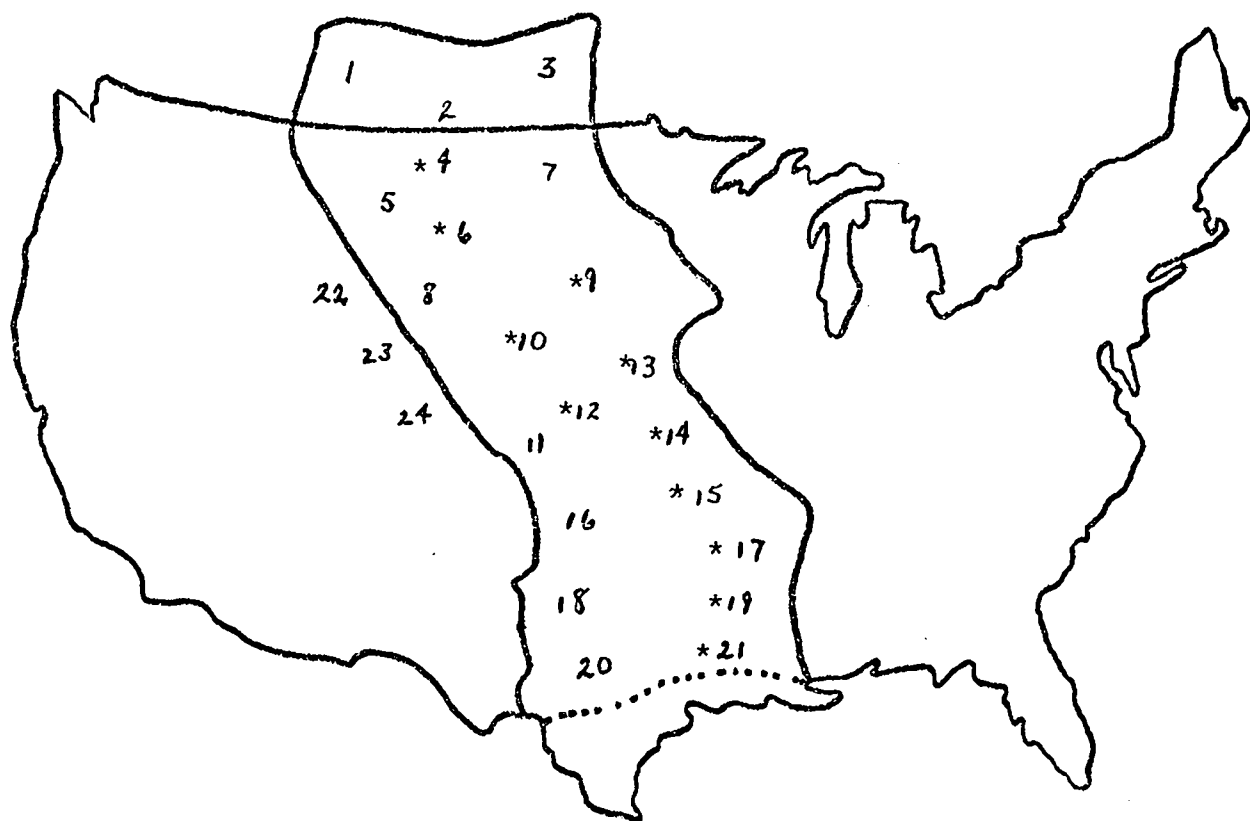
Plains Indians, as they are popularly conceived of today, did not yet exist. In the eighteenth century, the horse became available to these people who quickly adopted its use. Both hunting and war were greatly facilitated by this new found mobility. Larger hunts for extended periods of time became part of the changing life style of what eventually emerged as

"Plains" culture as the people came to depend less upon their crops and fortified villages in their pursuit of the buffalo.

At this same time in history the more powerful Eastern Woodland Tribes were exerting pressure such that approximately 1700 the Sioux were forced from the Woodlands to Minnesota and then to the Black Hills forcing the Crows and Cheyennes ahead of them. Once horses were obtained, each migrant tribe stood its own ground, and although contested, well-boundaried tribal areas were established. With the introduction of the horse, even the great and powerful Woodland Tribes left them alone. From approximately 1775, tribal shifting ceased and various Plains domains were established. As a result of the introduction of the horse, a common buffalo and horse oriented life emerged and lasted but one hundred years.

At the peak of their population, around 1800, all of the Plains Tribes together numbered no more than 200,000 individuals. An approximate numerical breakdown of the individual nations as of that date is as follows:

<u>NORTH</u>			
Blackfoot	30,000	Crow	4,000
Cree	4,000	Hidatsa	2,500
Assiniboine	10,000	Mandan	3,600
Gros Ventre	3,000	Arikara	3,800
		Sarsi	800



* Stationary/Farming

- | | |
|---|----------------------------|
| 1. Blackfoot (also Sarsi & Gros Ventre) | 13. Ponca * |
| 2. Assiniboine | 14. Omaha * |
| 3. Cree | 15. Oto * |
| 4. Hidatsa * | 16. Southern Cheyenne |
| 5. Crow | 17. Kansa * |
| 6. Mandan * | 18. Kiowa (& Kiowa Apache) |
| 7. Plains Ojibway | 19. Osage * |
| 8. Northern Cheyenne | 20. Comanche |
| 9. Sioux * | 21. Wichita * |
| 10. Arikara * | 22. Shoshone |
| 11. Arapaho | 23. Ute |
| 12. Pawnee * | 24. Apache |

CENTRAL

Sioux	27,000	Oto	1,800
Cheyenne	3,500	Omaha	2,800
Arapaho	3,000	Iowa	1,100
Ponca	800	Missouri	500
Pawnee	10,000	Sauk & Fox	6,500

SOUTH

Kansa	3,300	Kiowa Apache	300
Osage	6,200	Wichita	3,200
Kiowa	2,000	Jicarilla Apache	800
Comanche	10,000	Lipan Apache	500

ROCKIES

Shoshone	2,000	Nez Perce	6,000
Ute	4,500	Flathead	3,000

From any standpoint, the Plains Golden Age extended from 1775 to 1875 - or perhaps 1876, when virtually the last buffalo was killed by hunters.

GENERAL SETTING

Chapter 2.

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Within the United States, the Plains area is roughly contained within the boundaries of the band of states running south from North Dakota to the Gulf Coast region of Texas. The western border is marked by the foothills of the Rocky Mountains. In the east, the Plains fade into the central lowlands along an irregular north-south line between the ninety-sixth and one hundredth meridians. Essentially the country is a huge, slightly tilted surface of sedimentary formations with a soil mantle of erosional debris, rising slowly in elevation until, in the west, the surface is four to five thousand feet above sea level. The Great Plains are generally considered as a single physiographic unit with an associated typical climate and relatively uniform floral and faunal populations.

The period of time stretching from the first actual European intercourse with native groups to the time of adequate historical documentation is rather indefinite. As a result, Plains archeologists frequently separate the conventional categories of "historic" and "prehistoric" by an intervening period referred to as "protohistoric."

European military adventures of the colonial powers in the Seven Year's War brought changes in territorial holdings along the Mississippi River. In 1760, France ceded all of

Canada to England. Later, in the Treaty of Paris (1763), England received all of the country east of the Mississippi River, with the exception of New Orleans and a few small islands. Spain granted England rights to Florida, but simultaneously, received control of the Louisiana Territory west of the Mississippi River from France. It is likely that the English, who were in direct contact with the Osage tribe by 1777, employed them against the Spanish who were interested in strengthening their position along the Red River in the south. Both countries recognized the strategic importance of the Arkansas and Missouri River drainage systems. By 1786 as many as two hundred trappers and traders settled on the upper waters of the Arkansas River. The English and Spanish recognized the threats posed by the other and the upper Missouri became an area of increasing interest to both after 1785.

For the riverine horticulturalists of the middle stretches of the Missouri River the first half of the eighteenth century was filled with intermittent contacts from European trade. In the closing quarter of the eighteenth century, northern villagers were exposed to extensive contact with intruding Europeans.

As a result of further military struggles in Europe, the United States became territory west of the Mississippi River. In 1800 the Spanish secretly returned their part of the Louisiana

Territory to the French. By April of 1803 the purchase of that territory from France had been negotiated by the United States and, in December of 1803, possession of Louisiana was formally transferred.

The first official representatives of the United States, Meriwether Lewis and William Clark, explored the Missouri River country in 1804. Earliest expeditions of the United States were primarily interested in exploring the terrain and estimating the inherent wealth of the country. Following the first exploratory expedition of Lewis and Clark, the next source of official information is that gathered by military expeditions under Zebulon Montgomery Pike in 1806 - 1807. A government expedition of scientific intent was not undertaken until 1820 under the command of Stephen H. Long. In the interval between these two official expeditions are the records of commercial representatives of the American Fur Company and others who went up the Missouri.

The introduction of equestrian skills permitted an expansion of simple hunting societies to the point that they became, in their new form, the dominant culture of the area. The other adaptation was the horticultural tradition with its roots deep in the prehistory of the Mississippi Valley. These two patterns were in conflict in the face of advancing European interests. Out of that conflict, culture change was emerging.

VILLAGE LIFE

Chapter 3.

Stable villages of horticulturalists were a relatively late phenomenon in native North America. They were the result of thousands of years of cultural development from simple bands of roving hunters and gatherers. There is now clear archaeological evidence of such development throughout the Mississippi Valley.

Essentially the transition was one leading from small, scattered clusters of farmsteads to larger, more compact, and often fortified villages in late prehistoric and protohistoric times. Regardless of tribal shifting, the basic population unit remained both a central idea and physical reality along the riverine horticultural peoples: the village. In all of the changing circumstances, the village as a functioning unit never disappeared. Each riverine horticultural village was a territorially distinct unit of peoples sharing a common language, tradition and custom. This group had its own social hierarchy and its own methods of controlling labor, wealth and prestige. It normally acted as a unit in the face of outside pressures.

The occupation of these villages was only nominally permanent throughout the year. The village might be virtually abandoned for considerable periods of time. In the north, during the bitter winter months the people scattered along the river bottoms for miles in either direction in order to take up

(temporary dwelling in sheltered spots. In warmer weather the bison herds returned to the uplands and raids by enemy groups began again. Every spring the village effected a physical reunion and the people started on a great communal bison hunt to replenish meat supplies for the coming round of planting ceremonies. These horticultural activities gave integration to all activities of the village and extended to the summer communal hunts. This integration was not lost until the frost came in the fall. With the harvest over and food stores laid up, the physical village might once again dis-integrate in the face of winter.

(This annual cycle must have continued for hundreds of years on the Eastern Plains. In any village there was a fundamental interest in stable hierarchy ranking which appears most strikingly in the lives of men. Essentially there were two groups of men: those of high rank, the leader group; and those without significant rank, the commoners. Since the household centered around the activities of the family unit, it is also clear that the entire village was divided into leader families and commoner families. This structuring is reminiscent of class stratification. However, it must be remembered that the communities were small, the number of people in any status group limited, the lines of stratification somewhat fluid, and

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the wealth meager. Religious sanctions, based on the fundamental activity of horticulture, indicate considerable antiquity.

As early as 500 B.C., a series of sedentary horticultural peoples occupied the central valley of the Mississippi River and the country to the east. Accompanying the rise of these cultures was the growth of an intensive ceremonialism which must have involved the total life of the people, their horticulture and their village organization.

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In the Plains villages of early accounts and ethnographic records the rationale underlying the ordering of interpersonal relations is also related to elements found archaeologically in Mississippi Valley centers. The fundamental supernatural rationale was based ultimately on a system of religious sanctions which were embodied in a physical appurtenance, the sacred village bundle. The bundle is an ancient religious device among North American Indians.

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There are striking analogies between the tribal bundle of the Plains and the ancient ceremonial centers of the Mississippi Valley. Figuratively, the bundle was a portable ceremonial center on a much reduced scale. The Pawnee and Arikara village bundles were the basis for the control of production and of social relations within the villages. The bundle itself was a skin envelope encasing physical symbols which were used as

devices for the recall of complex elements of religious ideology and ritual. The continuing life of the village was guaranteed by powers within the bundle. This power came to the people through the bundle by virtue of the intercession of priests and hereditary chiefs. Although a chief validated his political position through his own behavior to maintain authority in the council of elder men, he could lose only his political status. No chief lost his real rank; a deposed chief remained a member of a leading family.

Hereditary chiefs were charged with the administrative task of maintaining the status quo in the village and assuring that problems which arose were handled by appropriate agencies.

In any matter involving the village as a whole the chief was the leader. It was no fiction that the chiefs were the life force of the bundle - transferred power which enabled the village to continue as an integrated unit. The people firmly believed that the loss or "death" of the bundle would mean the death of the people.

Deliberations of the council of elders were under the charge of the village chief acting for the leader families. Throughout the year many ceremonies and religious gatherings were presided over by this group through their representatives, the priests and, by proxy, through the chiefs. In these

meetings the integrating function of the bundle was made manifest to the people. With the coming of spring the bundles were taken from their resting places and renewed. Awakened from their winter sleep, they needed the sun to fertilize them with the magic forces that would lead the village through the coming seasons.

Ladders of personal achievement were open to the common men of the village. The hierarchical association of the doctors was an extremely important means by which a man might attain status and prestige. Similar status might also be achieved by a warrior of proven ability and successful career.

All doctors of any repute were banded together in animal lodge associations. Warrior societies existed for the young men. Just as the chiefs were sky figures come to the earth, the doctors were earth figures who partook of power through the medium of earthly animals. The religious sanctions of the animal lodges and the activities of the doctors were derived from animal powers contained in the village bundle.

War, the other path of personal achievement, was open to even the poorest of orphan boys, and there were long years in which one might work at these achievements, since maturity was considered to come late to the Pawnee and Arikara men. Much leeway was permitted in the behavior of men under forty years of age, in the group where we find the Boys.

The responsibility for preserving the village in actual attack by outsiders was given the Boys, and they obtained wealth for the village by raiding outside groups under partisan leadership. Both of these activities were organized into a system granting prestige to those individuals who took an active part in warfare. These war activities, whether of a defensive or an offensive nature, were sanctioned by the bundle.

Dancing fraternities were the main avenue of achievement for the Boys. Although they were secular organizations, some were sanctioned by the bundle. Many were invented by individuals through dreams and visions without ever receiving formal religious sanction. In addition to the purely exhibitionistic side of their activities the fraternities functioned in a socially constructive manner for the total village. A given fraternity might aid the women and work around the villages. Fraternities might act as coordinated units in the communal bison hunts or in warfare, and on many occasions a fraternity might be given the responsibility for policing the village or the camp.

These were the major roads of life for the men in the horticultural villages: to be born a member of the hereditary leader families meant to become a chief or priest or to raise oneself through the animal lodges until one became a great doctor. Commoners could travel along the war road, climb the lesser ladder of the dancing fraternities, and become a brave, or remain among

the ranks of the insignificant with the other Boys.

The labor which maintained the village was communal in the sense that its results went to support the entire village membership and products were shared by all.

The basic unit was a type of expanded family with a specific earth lodge as its focal point through time. Such an ideal unit consisted of some fifteen to twenty persons under the leadership of the middle aged women whose lodge and attendant fields provided a secure base for the group. As the village continued its unity through time, so the lodge units had continuity and held together the kin-nuclei which were, in effect, the basic building blocks forming the foundation of the village.

The mechanism which assured the distribution of village wealth was an elaboration of the familiar North American aboriginal idea that hospitality and giving are the hallmark of high status.

NOMADISM

Chapter 4.

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For the horticulturalists, the ancient pattern was one of fairly self-sufficient villages, each with its web of socio-economic relations which assured traditional continuity, stability and a thorough channeling and limitation of innovations. Societies stood tied to the earth. Corn was its protector. The fields of the river bottoms were its insurance in the face of a difficult environment. The labor of the village and the rewards of life were focused in these fields.

Archaeological evidence indicates stability of village life for hundreds of years along the eastern fringes of the Plains and the wooded bottoms of the permanent streams threading their way out of the western mountains. This stability is likely to have endured had it not been for the introduction of new peoples and ideas from the Old World.

There seems to be an assumption among Plains specialists that the introduction of the horse immediately increased hunting and turned interests away from horticultural life. It is held that the settled peoples increasingly leaned toward a hunting existence, to become really semi-nomadic by the middle of the nineteenth century.

The Plains were rapidly filling with fully nomadic hunters. The Cheyenne had moved across the Missouri and become equestrian, followed shortly by the Dakota Sioux groups. Native warfare affecting the Missouri River villages throughout the

eighteenth century was apparently intensified at the very time the Europeans were becoming established there.

A new pattern of life had appeared on the Plains; as the cultural revolution matured, hunting groups and casual gardeners found the new pattern easy to accept and were streaming onto the Plains in increasing numbers.

Of the two momentous innovations due to contact with Whites, the Plains Indians obtained horses from the Spanish and guns from the British and French. The introduction of horses revolutionized the native's economic conceptions. It created great differences in wealth and correlatively in prestige. Paupers in a settlement, and those who had no more than one or two head, would trudge afoot when a camp moved, while favored tribesmen owned herds of seventy or a hundred horses. In the course of time a horse came to be the preferred standard of value. Men paid for a ceremonial privilege with a horse, and a suitor might offer ten horses for a bride. Social standing could be enhanced by giving away property; hence a man who had horses to present or lend to those less favored enjoyed an opportunity to rise in prestige.

By the nineteenth century the Plains west of the horticulturalists were filled with linguistically diverse equestrian nomads who ranged over enormous areas. The Cheyenne were mid-stride in a shift from marginal horticulture to equestrian nomadism

at the time of our first records.

The Cheyenne were a small group of Algonquian-speaking people who strayed far southwesterly from the Great Lakes. They display in capsule form the shift from a sedentary to nomadic way of life. Within less than three generations they abandoned their earth-lodge villages along the Cheyenne River in the Red River drainage system and by the end of the eighteenth century had briefly joined the Arikara villages near the Grand-Missouri confluence. They left their gardens permanently within a decade or so to move to the Black Hills of South Dakota which again they abandoned by the late 1830's. During this short time they had completely forsaken horticultural pursuits and become active middlemen in procuring English goods from the Hidatsa and passing them on to the Arapaho and other tribes.

The Cheyennes withdrew from the country about Lake Superior under pressure from such neighboring groups as the Assiniboine. Presumably they later left their earth-lodge villages along the Cheyenne River because of the activities of the Dakota Sioux, who were in conflict with groups of Ojibway. The movement of the Cheyenne was the ultimate result of the displacement of native peoples in the east and, in the final analysis, a result of European intrusions into North America. At the time during the first three decades of the nineteenth century, groups of Cheyenne were scattered all the way from the vicinity of the

Arikara villages on the Missouri River to the upper course of the Arkansas River far to the southwest. They also spread to the north along the lower course of the Little Missouri River, and were trading with the Mandan. The eighteenth century Spanish settlements in the far southwest had already seen Cheyenne groups long before these final movements. During the first few decades of the nineteenth century the Black Hills of western South Dakota were in the center of the range of all these peoples. By mid-century that area had become the country of the western groups of Dakota. The move onto the Plains was followed shortly by a tacit division of the whole Cheyenne group into southern and northern branches, a division which seems to have been mainly geographical, it only later had any political or tribal meaning.

Once they were on the open Plains and dependent on the bison herds, their political organization and settlement pattern took on a form characteristic of nomadic groups. Despite an overall tribal organization which involved a council of forty-four chiefs, the whole people seldom had an opportunity to come together except at times of annual ceremonial activities. Grinnell tells us that for the most part the people were divided into small self-sufficient groups whose main concern was getting food sufficient to carry on from day to day. These encampments were scattered over the bison country, moving about in keeping

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with the demands of hunting, sometimes joining with another such camp, often losing families or members who might wander off to join others for a visit or even seek common cause with a new group on a permanent basis. Frequently in good season two or more groups combined their forces, remaining together for many months, only to disburse later and go their separate ways. A running report and flow of news concerning the locations and fortunes of the various groups passed about. Such news was especially important when large numbers were able to come together in observance of ceremonies.

While the horse had a tremendous cultural impact upon the horticultural tribes, it was not so tremendous as to shake these peoples loose from their traditional values, social customs, religion and law. The details of the beliefs and customs of the Cheyenne bear unmistakable witness to their former sedentary horticultural way of life. Despite the exigencies of nomadic life, the position of women in the scheme of things is considerably higher than among the Dakota, more reminiscent of that among the Arikara and Mandan. According to Grinnell, descent was weighted in the female line. Membership in the tribal division, or band, was determined along lines of female descent.

There was explicit ranking among Cheyenne families. A good family depended on brave men and good industrious women and also should possess more or less property. The chiefly ideals

presented by Grinnell are virtually identical with those of the Arikara. There were said to be forty-four chiefs of the whole tribe, but there were only four leading chiefs - one of each constituent band. Furthermore, these latter were men of special importance and influence. The forty subchiefs might better be thought of as counselors, their opinions being on a par with those of war chiefs and heads of the soldier societies. The opinions of the head chiefs counted. Since they were allowed to name their successors, capable sons tended to replace their fathers.

Hoebel's sketch emphasizes the dichotomy between the peace and war functions of the chief. He was mainly concerned with peaceful activities. His impressionistic sketch of the Sacred Arrow Bundle has many characteristics in common with the tribal bundles of the village peoples. It was the embodiment of the tribal soul. The life of the tribe depended on the existence of the bundle.

Serious crimes within the community called for a renewal ceremony in which, at the time of the summer solstice, the bundle was unwrapped and purified. There was not only an officiating bundle priest but also a bundle keeper.

It is essential to study law among Plains Indians during the "Golden Age" of Plains Indian life, as this was the time that these peoples emerged from "prehistoric" to "historic" status.

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It is a time during which Plains Indian culture was, in essence, created. Prior to the introduction of the horse, only several Plains Indian tribes existed. These included the Comanche and Apache. The horse changed everything. Horticultural tribes left their villages and sedentary life to follow the buffalo which sustained them.

ANNUAL LIFE-WAY OF THE PLAINS INDIANS

Chapter 5.

The general life-way of the Plains Indians can best be described in the Indian manner, counted in "winters," beginning with the winter season.

At the first snow of the fall, tribes would undertake a final hunt, in order to lay in stores of meat, mainly buffalo, sufficient to carry them through the better part of the winter. This done, the stationary village tribes would settle down for the season, and the various migrating bands who had until now been going their separate ways would pack their belongings and move from all directions toward a wintering area selected at the Great Tribal Encampment of the previous spring. They would remain from perhaps late November until early May.

For the most part, the frequency of warring and horse-raiding activities lessened considerably in the winter. Nevertheless, offensive-minded groups did venture forth as weather permitted, and every tribe remained on the alert for an attack or a horse raid. During these periods the society members functioned as well-qualified guards who patrolled the camp and watched for enemies. If it appeared that food supplies might run short during a long winter, all hunting parties were sent out by the camp chiefs to search for game. Otherwise hunting was at a minimum.

The spring spurred the entire tribe into fresh activity. As soon as the ground was passable, each nomadic nation moved

(to a suitable location for a great encampment. Here the first ceremonies of the year were held, new chiefs chosen and warrior societies reorganized. Tribal chiefs met with the camp chiefs and new leaders of the warrior societies in order to plan the tribe's migrations for the new year. This was true of both the stationary and the nomadic tribes, for while the nomads would move constantly, the permanent village people also had hunting and war excursions to arrange.

(This done, the stationary peoples began their planting ceremonies and the great camps of the nomadic peoples broke up into their many divisions, which then moved off into designated areas of the home country to follow the buffalo. For the most part, the bands, which were communities of primarily unrelated families, and the clans, which were communities of related people, became the controllers of their own destiny. They moved along their designated routes, changing campsites every four days or so, and they made their own decisions as to whether to go on hunts, horse raids or war parties in defense of their home country.

Sometime in midsummer, the bands and clans assembled again for their tribal encampment. At that time the great religious ceremonies were held, with the awesome Sun Dance as the climax. This was the Plains Nations' monumental rite of Thanksgiving to God, and some of the societies filled the role of policemen

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in order to assure order among the jubilant thousands assembled.

The Sun Dance was usually followed by a glorious buffalo hunt in which the entire tribe participated. This ensured the best use of the herds and guaranteed that every family would receive a fair share of the kill. The societies served as police to monitor this hunt, making certain that all the traditional regulations regarding it were followed to the letter.

As fall approached the stationary peoples turned their thoughts to harvest, and the nomadic bands and clans went their separate ways again to wander and hunt as they pleased, to trade with other tribes now and then, to war and raid, to ply their industries of tanning, painting, quilling and beadwork and to defend themselves against enemy attacks as necessary.

GEORGE CATLIN

Chapter 6.

George Catlin's paintings comprise the first important pictorial record of the Plains Indians. Catlin made these dramatic paintings on a series of journeys into the then largely unmapped Indian country between 1830 and 1836. He was born in Wilkes-Barre, Pennsylvania, on July 26, 1796. At his father's request, Catlin went to study law in Litchfield, Connecticut. Less than two years later, he passed his bar examination and began practicing law in Pennsylvania. But the life of a lawyer was not for George Catlin. He moved to Philadelphia in 1823 and there achieved success as an artist. In the spring of 1830 he went to St. Louis where he met General William Clark, co-leader of the Lewis and Clark Expedition, who was then Superintendent of Indian Affairs for the western tribes. Catlin joined General Clark that same year on the first of his journeys west. The following is an observation he made concerning Plains law.

For their government, which is purely such as has been dictated to them by Nature and necessity alone, they are indebted to no foreign, native or civilized nation. For their religion, which is simply Theism, they are indebted to the Great Spirit. For their modes of war, they owe nothing to enlightened nations - using only those weapons, and those modes which are prompted by nature, and within the means of their rude manufactures.

Their Governments, if they have any, are generally alike; each tribe having at its head, a chief (and most generally a war and civil chief), whom it would seem, alternately

hold the ascendancy, as the circumstances of peace or war may demand their respective services. These chiefs, whose titles are generally hereditary, hold their offices only as long as their ages will enable them to perform the duties of them by taking the lead in war-parties, etc., and after which they devolved upon the next incumbent, who is the eldest son of the chief, provided he is decided by the other chiefs to be as worthy of it as any other young man in the tribe - in default of which, a chief is selected from amongst the sub-chiefs; so that the office is hereditary on condition, and elective in emergency.

These people have no written law, nor others, save the penalties affixed to certain crimes, by long-standing custom, or by the decisions of the chiefs in council, who form a sort of Court and Congress too, for the investigation of crimes, and transaction of public business.

LAW

Chapter 7.

Where law prevails, remedies exist in cases of conflict and the violation of rights. Penalties or damages to be exacted for violation and the administration thereof are the visible manifestations of law in a culture.

The concept of "legality" carries with it the idea not only of right, but of remedy. It includes not only the idea of prescribed right conduct, but that of prescribed penalty (or type of penalty) for wrong. Part of the process of specializing law out of the general matrix of society is the sorting out also of recognizably proper persons to deal with offenders; or of recognizably proper ways of dealing with offenders and of recognizable limits on proper dealing with them.

The test of any law lies only in cases of trouble, dispute, breach or disturbance. The techniques of use of any legal form or rule are, if anything, more important than the form or rule itself. The operation of legal personnel and the way they perform their duties often tells more about a society than the "laws" themselves.

Anthropologically considered, law is that aspect of a culture which employs the force of organized society to regulate individual and group conduct and to prevent, redress or punish deviations from prescribed social norms. Rewards and deterrents in the form of sanctions reward or punish conformity or deviation. Positive sanctions include the pat on the back, applause, honorific

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positions, etc. Negative sanctions encompass the raised eyebrow, the word of scorn and ridicule, economic deprivation, physical hurt, prolonged social ostracism and execution. The entire operating system of sanctioning norms is what constitutes a system of social control. Law as a process is an aspect of the total system of social control maintained by society.

What is law? Cardozo's classic definition states that it is "a principle or rule of conduct so established as to justify a prediction with reasonable certainty that it will be enforced by the courts if its authority is challenged." By this definition then, the four essential components of law are: (1) the normative element; (2) regularity; (3) courts; and (4) enforcement.

The fundamental of law in any society, whether primitive or civilized, is the legitimate use of physical coercion by a socially authorized agent. The essentials of legal coercion are general social acceptance of the application of physical power by a privileged party, for a legitimate cause, in a legitimate manner, and at a legitimate time. This distinguishes the sanction of law from that of social rules. The privilege of applying force constitutes the "official" element in law. He who is generally or specifically recognized as rightly exerting the element of physical coercion is a splinter of social authority. Regularity is what law in the legal sense has in common with law in a scientific sense.

Regularity does not mean absolute certainty. In law, the doctrine of precedent is not unique to the Anglo-American common law jurist. Primitive law also builds on precedents. New decisions rest on old rules of law or norms of custom, and new decisions which are sound tend to supply the foundations of future actions. Hence we may say that privileged force, official authority, and regularity are the elements which identify law. On this basis, the law may be defined as follows: a social norm is legal if its neglect or infraction is regularly met, in threat or in fact, by the application of physical force by an individual or group possessing the socially recognized privilege of so acting.

SANCTIONS OF THE PLAINS INDIAN CULTURE

Chapter 8.

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The principal distinction between primary and secondary sanctions rests on a distinction based on the interest protected. Primary sanctions protect the interests of the community or society as a whole; secondary sanctions protect the interests of individuals, or groups of individuals less than the whole society, by giving him, or them, some sort of satisfaction for wrongs suffered.

Any discussion of the organized sanctions of the Plains cannot be separated from the executive machinery through which they were applied - the Plains police. These police are most frequently referred to in the literature as "Aki'Cita Societies." The word "Aki'Cita" commonly translates as "soldier", but more often refers to the meaning "guard" or "police." The exact nature of these societies and the way in which they were chosen to serve as police differed among the several Plains tribes.

Members of the societies acted as guards or marshalls when the camp was on the move, as police in the village, and during communal buffalo hunts. On war parties the police acted to keep order while the party was in movement, guarding against surprise attacks, restraining the overzealous, urging on the stragglers, and insuring that no one left the group without proper authority. During the Sun Dance police were selected for the preservation of order.

Though the policing of the buffalo hunt has been

frequently remarked as the primary duty of the police officers, their duties as keepers of the public peace during tribal gatherings appear as important as regulation of the hunt. Police duties in connection with settling disputes, punishing offenders, and maintaining order in camp generally seem to surpass in importance the police duties at the communal hunt. Police supervision of this kind covered a wide variety of activities ranging from unauthorized absence from the camp or the suppression of horse play to the compounding or punishment of murder and lesser offenses. Societal interference for the prevention of intratribal hostilities is reported in numerous Plains tribes. Nearly all investigators ascribe to the police the power to prevent quarrels within the camp.

Punishments inflicted by the police are quite uniform throughout the Plains. Whipping and clubbing was the most frequent measure resorted to, followed up in more serious cases by destruction of the culprit's personal property - his tipi, blankets, gun, bow, horses, etc.. The severity of punishment and the rigidity of its enforcement seem to have varied with the seriousness of the offense and measured by the consequences of the act to the welfare of the tribe. If the misconduct at the hunt did not result in a serious deprivation for the tribe as a whole, the culpability was less than if the act had occasioned dire hardship and want.

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Another characteristic of Plains justice is the order-preserving nature of police activity as opposed to the idea of punishment for the sake of social vengeance. This is most clearly brought out by the attitude of the society toward the offender after punishment had been inflicted upon him. Conformity, not revenge, was sought, and immediately after a promise to conform was secured from a delinquent, steps were taken to re-incorporate him into the society. Restitution was often part of this process.

This restitution on the part of the soldiers was a completely social act, oftentimes under the direct order of the chief or council. The compensation given was roughly commensurate with the damage suffered through the police action. The important feature is that, were the offender at all amenable to reform, he was given another chance and was provided with those necessities of life that would enable him to make another start. Plains justice was organized, insofar as societal intervention did occur, not to inflict punishment for its own sake, but to secure conformity to tribal regulations in order to preserve the integrity of the group.

Penal sanctions were also applied for various offenses against a society's regulations such as failure to attend meetings, failure to participate in the dances, failure to carry out the duties of one's office. These sanctions were

backed up by regular machinery, consisting for the most part of duly elected officials who punished by cutting up the culprit's blankets, by whipping, or by expulsion from the association. Other sanctions operated also: the use of ridicule, the presentation of gifts, the singing of praise songs, and informal approval or disapproval in general conversation. The control mechanisms operate in a manner closely paralleling their operation in the tribe as a whole, and call attention to the fact that in these associations is found a duly constituted and organized authority for the application of legal sanctions. These miniature societies exhibit the characteristics of statehood and organized control as strongly as the tribal whole of which they form a part.

Individual rights with regard to adultery, homicide, assault, theft and robbery were satisfied by retaliation in some cases, restitution or compensation in others.

SOCIETIES AND CULTS OF THE PLAINS INDIANS

Chapter 9.

Between the years of 1750 and 1850, the Plains Indian nations achieved a rich and sophisticated way of life in every respect. Splendid ceremonies, costumes and regalia were directly associated with the civil societies, warrior societies and cults. The Indians who actually belonged to the societies and cults, plus all eye witnesses, have passed on. By the time anthropologists recognized the importance of these groups and went among them from 1870 to 1930 in order to learn what they could about them, it was often impossible to obtain more than hearsay accounts concerning their activities. In some instances, actual members of defunct orders were located. Sometimes accounts related by older people each added a piece of information discovered. Some societies, whose nature had become social, still existed. Eventually, a general overview of Plains organization was sorted out over a long period of time.

The orders that existed on the Plains were:

Warrior Societies

a. Age-graded

In this scheme, all the young men of the tribe as a group entered the first of a series of societies, doing so at whatever age the tribe had established as sufficient to begin a career as a defender and policeman of the tribal unit. The group then proceeded up a ladder of societies by selling and purchasing ceremonies and regalia at regular intervals of every four years or so.

b. Non-graded

By this scheme, a man who had come of age and was ready to become a defender and policeman could enter any of the societies of the tribe either by choice or upon invitation. A man usually remained in his chosen order or fraternity for the length of his career as a warrior. Under certain circumstances, however, he might shift to another.

c. Religious societies

These consisted of older men who had survived their battle years and, being of proven ability, banded together in accordance with individual tribal custom in order to serve the people as holy men and counselors.

Womens' Societies

a. Cultic groups

These were composed of women whose dreams led them to participate in orders whose rituals related primarily to the buffalo, to other animals and to the raising of crops. They shared in buffalo "calling" to draw the herds close to the camps, in rites ensuring good crops and abundant kills and in performances designed to sponsor fertility among the many animals the Indians depended upon so completely for food, housing and clothing. Some were prayer groups.

b. Craft guilds

Women who belonged to these groups were especially gifted in the arts of the tribes, such as tanning, painting, quilling and beading. The women considered these orders to be as important as the men's societies. They had ceremonies designed to receive candidates and to accompany certain important tasks.

c. Women's war societies

There are only scattered references to these. Wives often accompanied men to war in order to cook, to provide company and sometimes to fight. Since this was a perilous task, it was more than reasonable to assume that such women would be permitted to band themselves into an honor society with rituals forbidden to others. (The Ponca are an example).

Cults

Each was made up of men - and sometimes of women, as well - who dreamed of the same objects, ranging from stars to stones to animals and birds. The Indians believed that everything possessed life. The dream endowed the dreamer with certain power from Above that could be put to personal and tribal use through rituals and medicine practices.

THE NATURE OF THE WARRIOR SOCIETIES

Chapter 10.

On the Plains, the Warrior Societies were the dominant bodies in number and influence. They are most often referred to as military, police or protective organizations, but this over simplifies their place in the life of the tribe. In the broader sense they:

- preserved order in the camp
- preserved order during camp moves
- preserved order during hunts
- punished offenders against the public welfare
- guarded the camp against possible surprise attacks by an enemy, both at the camp and while moving
- kept the camp informed at all times as to the movements of the buffalo herds
- fostered intersociety rivalry to cultivate bravery and a military spirit among themselves and among the boys, who needed a living example of their future responsibilities
- took the commanding and most dangerous place in battle
- ministered to the desires of members for social recreation through feasts and dances
- served as keepers and reminders of the tribe's heritage and traditions

- played a unique intermediary role
in government by serving as the active
but temporary dispenser of authority
- served as creative display centers
where recognition was given for honors
earned by warriors and women's guild
workers for tasks well done on behalf
of the tribe.

In something of a complement to this mixture of secular and religious responsibility, the Plains cults acted as more specialized units of grace - mediums through which God dispensed His supernatural power to the people in circumscribed areas for instruction, healing, prophecy, assurance and hope.

While the functions of the warrior societies were numerous, they can really be sub-divided into the three major categories of: police, military and social. No one of these categories took precedence over the other. Each was of equal importance in the life-way of the Plains Indians.

PLAINS SOCIETIES AS POLICE

Chapter 11.

Disciplinary actions performed by the different societies in their role as police must be seen in the context of the times. The people of the Plains lived in a dramatic, volatile climate. The nature of the geographic area itself was such that existence was always in tender balance. Weather changes were swift and severe as reflected by the animal, bird and reptile inhabitants. Added to this was the intense pressure caused by the coming of the Spanish and other Europeans. The Spanish mistreatment of the Indians bred in reaction a climate of rivalry and bitterness among the Southern tribes. The White fur traders of the Northwest and Northeast had the same effect on the nations of those areas. With colonization, White settlements moved suddenly inward toward the Plains. Eastern tribes were subjugated and relocated time and again. To escape, as many as were able moved westward. The stacking up of peoples turned what had once been occasional quarrels into vicious struggles. Tempers flared and the war spirit rose and subsided in regular patterns.

Some tribes had been on the Plains for centuries before the rest came. These were few in number and relatively contented. As the Woodlands tribes spilled into the area and began grasping for territory, each set of newcomers forced others to shift again. Now the nations had to contend not only with the elements but also with each other. Tribal languages, customs and the varying pressures made an overall unity

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impossible. A few nations united for a time now and then, but for the most part, each was on its own.

The introduction of the horse, which began about 1620 and continued through 1800, brought the entire situation into a tenuous balance. Strikes at one another during survival campaigns could be made more swiftly. The horse became prize booty, for movement was easier, and the hunting of the valuable buffalo was transformed almost into a sport. Affluence came about for the first time, and crafts flourished. Then the White tide spread to the edges of the Plains, and the old story commenced again - only there was no place left to go, so the nations turned to meet what they eventually came to realize were hopeless odds. Battle victories were only temporary, epidemics of diseases struck, and the Plains' mobile storehouse, the fabulous bison, was systematically wiped out by White hunters.

It was within this high pressure that the warrior societies, many of which were of ancient vintage, came to the fore. With emotions constantly provoked to a fever pitch, people needed to be controlled, they required a visible source of hope, and they needed periodic releases from tension. The societies became the fundamental answer to all three. They policed the people, and they did it in a remarkably sophisticated way. Most of the tribes had a number of warrior societies,

commonly ranging from four to twelve societies per tribe. A given order's membership numbered from ten to more than one hundred. Some authoritarian structures were simple, others complex. For governmental purposes, there were civil chiefs, camp chiefs, and society leaders who together made the basic decisions regarding the general activities of a tribe.

Civil chiefs were men of proven leadership ability in war and at home. But actual dictatorships were rare, almost nonexistent, and in most instances a civil chief in disfavor could be deposed more easily than he could be elected. Few held such power or were so respected, as to have their commands instantly obeyed. In addition, the tribes had traditional oral codes rather than written rules, allowing each problem to be handled as an individual case. Therefore discussion of a situation was common practice before the disposition of a problem was made.

It was important, too, for civil chiefs to avoid direct blame for the way in which a situation was handled, for while most decisions were affirmed and little was said in consequence, a single serious error could bring dissension to a tribe and ruin to a career. Therefore the warrior societies were called upon to fill a judicial role. Each season the civil chief or council of chiefs appointed one or more of the orders to become the intermediary instrument of maintaining discipline, either within the great tribal encampments or within the nation that

had split up for subsistence purposes during the good-weather months. A given society seldom served for more than one year at a time, being replaced by another unit the following spring or at the onset of the first tribal assembly. This meant that the authority of any order was limited to its period of duty and that whatever its members meted out in the way of punishment, they were in turn subject to when they were replaced by the next society.

The temporary order could strike severely when the occasion demanded it. By the same token, police performance was tempered by the fact that the members of an order always approached their tasks in the consciousness of ordinary citizenship and of what it was like to live under authority.

The societies did not, in any event, have control over every function of the people. Their role was carefully circumscribed by tradition and need, and when they were appointed for their season of duty, the civil chiefs were quick to remind them of this.

In essence, their work was connected with those matters wherein the general welfare of the camp or of the people as a whole was concerned. They punished offenders against the public good who chose to violate tribal codes, they patrolled the start and the conduct of the hunts to see that everyone received an equal opportunity to obtain his share of the meat and they served

as camp sentinels, guarding against both enemy attacks and hot-tempered or adventurous young men of their own camp if they attempted to go on vengeance raids when it seemed to the civil chiefs that such actions were ill timed.

It should be borne in mind, however, that in each instance of police action, the turbulent days demanded the severe curtailment of any individual conduct that might tend to jeopardize the camp or tribe. It was important to keep tempers under control, and as the days became more difficult under White settlers' pressures a kind of rare sharing of hardships became the only answer to the survival of some. The people understood this, and painful as it may have been at times, they knew that the society police performed their thankless duties for the good and longevity of them all.

The commonest Plains way of teaching a lesson was by providing an example. For instance, children were not punished directly by the administering of a whipping; but they were taught what to expect when they came of age, for the police societies carried out their punishments of adults in public view whenever possible. Frequently, time was allowed between the seizing of an offender and the administration of the penalty so that parents would have an opportunity to bring their children to the place of justice to see it happen. The system was even more effective, of course, for the watching adults, who would know they

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could expect the same treatment if they violated the rules.

With this philosophy in mind, one can better understand why the punishments often took dramatic forms, such as apparently savage attacks by an entire warrior society upon a single individual, his possessions sometimes being cut to ribbons and his valuable horses destroyed. This was always the price a culprit paid for breaking the hunting rules. Punishment of murders brought anything from ostracism through instant and permanent banishment from the camp to the exacting of the killer's life. Yet, the drama of most punishments masked a subtle truth. More often than not, an awesome flurry of activity, accompanied by sounds intended to impress the spectators' minds, hid the fact that little real damage was being done to the culprit himself. The man or woman might be pushed around. His shirt or tipi skin might suffer a few superficial rips or cuts. An easily replaced blanket might be torn to bits with great fanfare as it was tossed in the air from man to man. The threat was more severe than the actions; the bark was worse than the bite.

Given the nomadic, migratory habits of the Plains Indians, a natural question tends to rise regarding the activities of the various orders over the course of a year. As is repeatedly pointed out in literature, societies were reorganized in the early spring. When the first great tribal encampment took place,

a given number of groups were assigned to duty as camp police for that and the subsequent important functions of the year. What happened, however, when the great camp broke up into the various bands and clans that then went their different ways to hunt between assemblies? Did certain society units stay together, or were members of a given order spread throughout the tribe? Generally, the latter was true. So then, since orders continued to function, how did they do so?

The answer is found in the variety of names that Indian sources have called societies possessing the same rituals and regalia but simultaneously in different places - such as the Doves, Pigeons, and Mosquitoes of the Blackfoot tribe. Obviously, enough members of some orders were a part of each band to manage to carry out organized police duties, to maintain their rituals and to encourage the military spirit of the people. Therefore each village could have a part of a certain society that it would identify by a slightly different title from the others. Some societies might not have any members in one band but would have enough for an effective unit in another. Beyond that, there were known instances when the members of a society were called by their herald to gather for police work, such as for a large raid or a battle. By no accident, the various and socially minded bands frequently crossed paths as they moved and would spend a few days together in happy celebration before

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continuing. These were always prime opportunities for the society members to be gathered in the fellowship they so richly enjoyed. Besides, winter always brought a period of close assembly, and the members of the organizations were then near enough for frequent contact.

SOCIETIES AS MILITARY UNITS

Chapter 12.

A major purpose of the societies was to foster a military spirit among themselves and the rest of the tribe, since war was a matter of survival. The societies were the war force of the tribe. Every man whose age made him eligible for the responsibility of being a defender of his tribe and land was expected to make his choice among the available orders in the non-graded tribal scheme or to start up the ladder at the appropriate point in the age-graded complex.

Military functions and practices of societies were virtually the same across the Plains. Within the units themselves the ceremonial and organizational structures provided the basic impetus toward a military spirit. The ceremonies by their very nature called upon the members to reverently act out their traditional roles and to treat their regalia with the solemnity due the "power" it brought forth. Officers were selected according to their victories upon the field of battle and by their proven leadership there. The course of rising to power was firmly established, the man who wished to reach the available heights within the tribe knew how it must be done. Not surprisingly, the society members drew upon the "powers" of their order with every fiber of their being so as to obtain the utmost benefit from it. These were not considered selfish actions, for in the end the camp and the tribe always benefited more from such achievements than did the man himself.

To advance the military spirit still further, the orders became natural rivals in achieving the common good, plus the rewards such efforts brought. To the greatest defenders went the highest honors and the richest spoils. It was the acknowledged front-runner who was called upon to perform the prominent duties in connection with the great Sun Dance and other tribal celebrations. The members recounted their coups before the rest. It was the leading unit that provided the new civil chiefs when the important positions had to be filled. It was the number-one society of the day whose meeting lodge gained the most prominent place at the center of the camp. These were the men whose counsel was sought in peace and war. Association with them brought attendant status. Their celebrations were always the biggest and the best. Candidates flocked to them before the others. The system led to greater effort from the other societies; and in the end, fortunes always changed to provide a new champion for a time.

The tenuous nature of the home country, and the maintenance of a territory sufficient to survive was essential. The phrase "this is our land" became dear to an extraordinary degree to the Plains nations. And, when a sash-wearer drove his lance through the sash and into the ground to anchor himself there in the midst of a tumultuous encounter with the enemy, that spot represented his precious land. From there he was forbidden to retreat until released by the traditional rules of his tribe.

When a society officer or member strode or rode around the camp in his regalia, he spread pride, determination and hope wherever he went. As a sign of these feelings, the gifts of food and other goods he sometimes demanded from camp members were furnished without hesitation. Most of all, his presence had a telling effect upon the boys, and from their accounts they literally burned within to be old enough to join one of the societies. At night during the fair-weather periods of the year, the less-secret ceremonials of an order were conducted with the tipi sides rolled up just enough to let the mesmerized boys who crowded about outside see the blazing fires, the splendidly costumed and painted members and most of all the power-filled regalia placed about the lodge.

During the winter months, when the bands were camped in close proximity to one another along the rivers and lakes, the societies continued to promote the military spirit. During this season their most renowned officers would gather the young men of the tribe into their lodges to teach them by oral tradition of the beginnings of each society and of its proud history down through the years. These were quieter nights than those of the summer months, and they engendered a different attitude, which offered a more complete picture to the attentive listeners. At such times, lessons were also taught about the society role as camp police, what it meant and why it was so important, and

(discussions followed to cement the instructions in receptive minds.

SOCIETIES AS SOCIAL UNITS

Chapter 13.

Under the continuous tension of maintaining status, the societies became one of the major outlets for pure fun. During the peaceful times, which grew rarer with each passing day after 1850, the societies performed as many ceremonial rites as possible outdoors. On such occasions the entire camp became the audience, either collecting around the dancers or following along behind them as the members paraded about the camp. Before the Whites came, the outdoor rites always culminated in feasts so long as sufficient supplies were still available, and everyone contributed to the festivities. A standard part of many of these public ceremonies was the inclusion of events that permitted the audiences to participate in the activities.

Along with the activities mentioned, the societies served the usual club purposes of providing the members with a place to find companionship, a place to manufacture and restore weapons by exercising a combination of talents and a place to which to retreat when the burdens of family life became such that an exodus from conflict seemed wise.

It appears that whenever possible, society members rode together, hunted together, fought the enemy together and celebrated together. Understandably, unusual bonds of friendship were often formed between warriors under such circumstances. It is clear that the warrior societies evolved as the hubs of the life-way of the Plains people. They provided a source of control, fostered

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and answered the need for a military spirit and became
the social centers during the historic period when they
ascended to prominence.

APACHE

Chapter 14.

The Jicarilla, Lipan and Kiowa Apache are three branches of the Apache which lived on the Plains. Each of these branches was independent of the others and, in time, developed characteristics that made it different from the rest in some ways.

Jicarilla Apache: The Jicarilla range in 1540 covered southeastern Colorado, the central and eastern parts of northern New Mexico, and the Texas Panhandle. The Jicarilla hunted, gathered plant foods, and travelled throughout this territory, but confined their homes to an area no farther east than Springer, New Mexico, and no farther west than Tierra Amarilla, New Mexico. The Jicarilla tribe is divided into two bands. The primary unit around which social and economic life revolved was the extended domestic family with matrilineal residence. Since they hunted buffalo and other large animals on the Plains and were in regular contact with certain Plains tribes, early Jicarilla material life was strongly oriented toward Plains culture. Much of the Plains-like appearance, however, was superficial in their late history. Though most Jicarilla were using the tipi at the time of American occupation of the region, it is possible that the more common dwelling before that time was a dome-shaped frame covered with thatched leaves or bark. When the Jicarilla went to the Plains to hunt buffalo, they felt uneasy; they lost no time in finding the buffalo, securing the meat, and hastening back to the protection of their mountain

territory. There was good cause for this, for in the open and level stretches of the east they were indeed vulnerable to the numerous Plains tribes. The need for horses forced them to go to the Plains on raids, but such expeditions were considered so dangerous that participation in them became as much a proof of bravery as a practical venture. Psychologically the Jicarilla have always been anything but a Plains people, and like the other Apache groups have always felt most secure in or near a country of mountains, forest and streams.

Apache populations were dispersed in separated and independent local groups over a large range, and as such centralized leadership was never required. No single man ever rose to a position where he was recognized and followed by all. Therefore an Apache leader, was simply a respected man with a carefully circumscribed position within a local group. Since leaders were the contact point between groups, it was important that they fulfill their role well, for they gave the group its identity; the leader was a symbol of what they were. When a task required greater numbers, as in the case of buffalo hunts and some war or raiding parties, local groups joined together to carry it out. In such instances, a local leader who had had prior successes with the job in question might be offered overall command but on a temporary basis; but usually each local leader directed his own people. In most instances a local group

was identified with a specific locality from which the group ventured out to hunt and to gather food. Most of these centers were in the mountains, and were originally selected because they provided either essential supplies, a natural defense, or ready access to the same things nearby. Local group membership was not hereditary and, could be terminated at will. The leader's role within the local group was to appraise the constant needs and wishes of his families, and then help them to formulate wise decisions. A primary responsibility was to soothe friction in the group by acting as a peacemaker. By this he kept the group intact and working together, preserving at the same time his own position. Leaders were usually chosen for their maturity, experience and common sense. The office was not hereditary, although in practice the son of a leader often succeeded his father, having benefited by the close association as the older man carried out his many duties.

Lipan Apache: The Lipan dwelt in New Mexico and Colorado and later moved on to the Texas and Oklahoma Plains. The Lipan Apache were an offshoot of the Jicarilla Apache. They were separated from the Jicarilla in the seventeenth century and moved on to the Oklahoma and Texas Plains where they warred against the Comanche. Wars and disease in Texas caused them to be almost annihilated. Currently they number about one hundred and fifty and are merged with the Kiowa Apache at Fort Sill.

Kiowa Apache: The Kiowa Apache ceremonial organization was a reflection of the Kiowas and was probably borrowed wholesale from them. The Kiowa Apaches had four ceremonial groups - a children's society, two adult warrior or military societies and a society for older women.

The Kiowa Apache became an integral part of the Kiowa tribe, and their history and customs parallel the latter since they migrated to the south with the Kiowa. Although linguistically related to the Apaches of the Southwest, there was no intercourse between the two groups.

Every Kiowa Apache was related by blood or marriage to every other Kiowa Apache. These people have been closely associated with the Kiowa, another Plains tribe speaking an entirely different and unrelated language. During the time of the annual Kiowa Sun Dance, the Kiowa Apache functioned as a "band" of the Kiowa occupying a fixed place on the north side of the camp. During this dance the Kiowa Apache were under the jurisdiction of the Kiowa chief who was leader of the dance and owner of the Sun Dance fetish. At the completion of the Sun Dance the two tribes broke up into smaller groups, each following some favorite leader. On some occasions there was intermarriage between the two tribes, but each tribe remained distinct.

About the time that a man was married, particularly if he promised to be outstanding in tribal affairs, he was taken into a dancing group or society. The two such adult groups among the Kiowa Apache were the Manatidie and the Klintidie.

Manatidie - This group was composed of twenty to fifty male members, usually an even number since the members were paired, each having a special partner who was supposed to be his best "friend". These partners sat together, fought together, danced together, painted themselves alike, and helped each other in every way; their children were as brother and sister. The important policing functions were performed by this group. When the camp was moving, this group kept order, allowing no one to break ranks to hunt. During the communal hunts of buffalo, antelope and deer, they enforced the tribal rules. If anyone disobeyed, they could whip him, kill his horse, or destroy his property. No one could object, for if he did, he was punished even more. If he took his punishment well, the society might later give a dance in his honor or give him presents. The Manatidie also seemed to have acted as a charitable organization, to whom poor people could come for aid. They never raided, fought, or hunted as a group.

Klintidie - Only the oldest and bravest men belonged to this group, which was small, usually having ten to sixteen

members. Members were paired, being as "blood brothers". They were expected to take the greatest risks in the thick of battle on behalf of the tribe.

ARAPAHO

Chapter 15.

The oldest traditions among the Arapaho place their original home somewhere east of the headwaters of the Mississippi River, where they lived in stationary villages and tilled the soil, raising large crops of corn. They eventually migrated to the headwaters of the Missouri River and from there onto the Plains. At this juncture they ceased to farm and became nomadic buffalo hunters.

Arapaho tribal government was in the hands of four chiefs, and the Sun Dance ceremony was central to tribal existence. The men and youths of the entire Arapaho tribe were organized into eight age-graded societies. These groups were both military and religious in spirit, and the two societies composed of the oldest men were almost totally religious. Following the usual Plains custom, in most of the orders selected individuals were expected to evidence special heroism in defense of the tribe.

Actual membership in the first and lowest society could not be purchased until the age of fifteen or sixteen had been attained, when a youth was expected to begin his climb through the eight orders, and he would continue to do so until he was killed in battle or reached the venerable age of seventy or so, at which point he could retire.

The fourth order was called Lance Men. They served as police while in camp, when the village moved and went on the hunt. In general, they enforced the orders of the camp chief,

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making certain they were obeyed by every member of the tribe. Their punishments for violations were typical. If any person violated the unwritten but strict tribal code, by such actions as failing to attend a general ceremony or council, a delegation of Lance Men was sent to kill his dogs, destroy his tipi and in extreme cases to shoot his ponies so as to render him nearly helpless. On large hunting expeditions, it was their duty to restrain the party until the proper religious ceremonies had been performed and the order was given by the civil chief to proceed with the hunt. The police were regarded as the guarantors of law, order and fairness and could not be resisted as they performed their duty or inflicted punishment.

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In battle, if the enemy took shelter behind a log or rock defenses, it was the Lance Men's duty to lead the charge. It is not surprising that the Lance Men held a special respect of the tribe.

ARIKARA

Chapter 16.

The Arikara, with their neighbors, the Mandan and Hidatsa, formed a unique culture on the Northern Plains. The Arikara lived in the midst of a highly developed culture. Their villages were fortified by stockade fences and trenches, which prevented any attack from raiding tribes. They were divided into twelve villages, which were represented by four men in councils, each man being elected to represent three of the villages.

Arikara societies were age-graded, and their main activities were religious and military. Indeed, most of the thirteen age groups were known more for their religious practices than they were for their military actions. Only three of the thirteen had military activity as their main function.

In Arikara government, the tribal chief, or leader, was always a member of the "abandoned" band. Each of the other nine bands had a head chief and three subordinate chiefs who together formed a council for the nation. The commands of the council and the individual chiefs were always enforced by the Black-mouth society, which had a chapter in each band.

ASSINIBOINE

Chapter 17.

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The Assiniboiné migrated to the Plains from the Ohio River region in late prehistoric times. They were a Siouan people. Early traders estimated their number at more than ten thousand and found them spread over an enormous territory in the north middle Plains and an area of Canada just above that. They were constantly at war with the Sioux and Blackfeet and invaded the territories of other tribes as well. More than anything else, the diseases of the White man brought them down. In one siege alone, more than four thousand lives were lost. The killing of the buffalo finished the job, in 1900 less than three thousand Assiniboines were left.

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There was no system of age societies among the Assiniboiné. However, there was a specific fraternity of young warriors or soldiers that stood apart from the other societies and cults. This group consisted of young men who had proven their courage and recklessness on the battlefield and in raids, and their lodge stood in the center of each tribal camp. They had to be unmarried, and they spent practically all their indoor hours in the society lodge. They were the camp police, and it was their duty to maintain order. It was said that if anyone resisted their efforts to do so, that they had the right to kill him and cut him to pieces. It is also said that each soldier would eat a small piece of the victim's flesh, but a broader understanding of Indian attitudes suggests that the society probably did nothing

more than cultivate fear, hence obedience.

At tribal buffalo hunts, leaders of various warrior societies controlled the actions of the hunting party.

According to Mails, there were more than a dozen societies and cults. No-flight obligations were practiced by military societies.

The Assiniboine were originally estimated at being comprised of thirty-three bands which roamed the Plains freely, following a buffalo oriented life. They received horses in the mid-1700's. They lived in the midst of two other strong tribes, the Ojibwa and Cree, and were on friendly terms with them.

BLACKFEET

Chapter 18.

The Blackfeet Confederacy, which occupied parts of Montana and Alberta, Canada were divided into three independent tribes which spoke the same language - the Siksika, or Blackfeet proper, the Piegan and Blood Indians. The Confederacy also included the Gros Ventre, or Atsina, once part of the Arapaho, and the Sarsi, a small tribe in Canada.

The Blackfeet already had horses when the first White man met them in 1750. At that time their population was estimated at 15,000.

In the 1830's, the Blackfeet engaged in direct fur trade with Americans. The period 1830-1850 found the Blackfeet at their height, despite epidemics of smallpox in 1837 and 1845. They made a treaty with the United States Government in 1855.

According to Grinnell, the following were the crimes which the Blackfeet considered sufficiently serious to merit punishment, and the penalties which were attached to them.

Murder: a life for a life, or a heavy payment by the murderer or his relatives at the option of the murdered man's relatives. This payment was often so heavy as absolutely to strip the murderer of all property.

Theft: restoration of the property.

Adultery: for the first offense the husband generally cut off the offending wife's nose or ears; for the second offense she was killed by the tribal police.

Treachery: (that is, when a member of the tribe went over to the enemy or gave them any aid whatever): death at sight.

One of the forms which the high spirits of young men took was to lead or push a young colt up to the door of a lodge, after the people were asleep, and then, lifting the door, shove the animal inside and close the door again. Of course the colt, in its efforts to get out to its mother, would run around and around the lodge, trampling over the sleepers and roughly awakening them, knocking things down and creating the utmost confusion.

The Braves (tribal police) would punish the young men who did such things, if they could catch them, tearing up their blankets, taking away their property, and sometimes whipping them severely.

An errant husband could bestow his favors where he wished, but an unfaithful wife, if found out, was in for trouble. Even though her husband might forgive her, he knew he could not retain the respect of other men unless he took revenge upon her lover, either by killing him or taking his horses, weapons and other valuables. More often the husband wreaked his revenge upon his wife, cutting off the end of her nose to mark her for the rest of her life as an unfaithful wife.

Yellow Bird Woman, the young and pretty wife of old Looking Back, had run away with a youth named Two Stars. It was thought that they had gone north to the Bloods, and the husband had started in pursuit of them.

We had our breakfast when the camp-crier was again heard: "All women! All women!" he shouted. "You are to assemble at once at the lodge of our chief, where a punishment is about to take place. You are to witness what happens to a woman who disgraces her husband, relatives, and herself".

I imagine that few women wanted to go, but following the camp-crier were the Crazy Dog band of the All Friends Society, camp police, who went from lodge to lodge and ordered the women out.

Suddenly we heard again those piercing shrieks; then again all was silence until our chief began to talk.

You all here standing, have witnessed what befalls one who proves untrue to her husband. It is a great crime, unfaithfulness. In the long ago our father's counselled together as to what should be the punishment of a woman who brought sorrow and shame to the lodge of her man and her parents. And as they decided should be done, so has been done to this woman today that all of you witnessing it may take warning. She is marked with a mark she will bear as long as she lives. Wherever she goes people will look and laugh and say: "ha, a cut nosed woman! there goes a woman of loose character; isn't she pretty"?

Then, one after another, several men made little speeches, each one to the same effect, and when they had finished the chief told the people to disburse.

The youth had hurried away to his own camp and lodge as soon as the woman was caught. Nothing was said or done to him.

According to Grinnell, Blackfeet Warrior Societies were age-graded. The All Comrades Military Societies were the dominating factor in the tribal confederation. Even the power

of a tribal head chief depended largely on his cooperation with them. When a tribal council was called by the head chief, not only the lesser civil chiefs and head men of the bands, but also the chiefs of the societies were summoned. The general function of the societies was the preservation of order in all circumstances and to punish offenders against the public welfare whenever necessary. They protected the camp by guarding against possible surprise by an enemy. When a band was moving to a new campsite, the members of the warrior's societies rode ahead, at the sides and in the rear to protect the others. The societies took turns checking on the movements of the buffalo herds so as to know where they could be found for tribal hunts. A spirited rivalry among the orders re-enforced the military spirit so essential on the Plains, and their feasts and dances provided both their members and the rest of the people an additional form of social recreation. All these services were most actively performed by the groups composed of warriors in the full vigor of youth or middle age, but the activities of those orders made up of more elderly men, were centered in religious ceremonies.

When the various bands of each tribe left their winter quarters to assemble for the great tribal encampment in the spring, the head chief invited band chiefs and the leaders of the societies to a feast at which they discussed the general

route of the coming summer's travel as they followed or intercepted the buffalo. Theoretically, the societies chosen to preserve order were subject to the dictates of the tribal chief, yet their duties were so clearly defined and understood that they were mainly their own masters. Usually the societies served in annual rotation, although an order experiencing particular success in war or horse raids sometimes served for successive years.

CHEYENNE

Chapter 19.

Originally, the Cheyenne lived together as one tribe. They were first seen by White men in Minnesota about 1640. In the Great Lakes region they lived in earth lodges and raised corn, squash and beans, like their Arapaho neighbors. In the latter part of the seventeenth century they began their migration to the Western Plains, where they became closely associated with the agricultural Mandan, Arikara, and Hidatsa in the Upper Missouri River area. They obtained horses in about 1760 and by 1830 were full fledged nomadic Indians, living in tipis and pursuing the buffalo.

The tribe was composed of elementary families, extended households, bands, and societies. The tribe, operated as a unit only during the summer; it was at this time that the tribal ceremonies were performed and the annual hunt carried out. During the period that the tribe was assembled the ten bands were organized in the camp circle, and society organization came into operation. Cheyenne ceremonies involved the presence and co-operation of the whole tribe and were largely concerned with tribal welfare and growth. The most sacred of the ceremonies concerned the Medicine Arrows on whose condition the welfare of the Cheyenne tribe depends. A murder, for example, stained the Arrows. Until they were ceremonially cleansed and "renewed," the tribe as a whole suffered. Usually this ceremony was performed annually by the Keeper of the Arrows, who was the ritual

head of the Cheyenne tribe. During the ceremony every family had to be represented in the camp circle. After "renewal" all the males of the tribe assembled to inspect the Arrows which were hung outside the Medicine Lodge.

Cheyenne governmental organization divided into civil and military. The Council of Forty-Four were explicitly appointed to chieftainship with a definite ten year tenure. Among the forty-four were five priest-chiefs, ceremonial officers, who stood above the rest. Among them was the Keeper of the Sacred Arrows who was supreme priest-chief, the Sweet Medicine Man, who represented Sweet Medicine, the Cheyenne culture hero and innovator.

The character of a Cheyenne tribal chief was expected to be exemplary. "In the Cheyenne view," wrote Grinnell, "the first duty of a chief ... was that he should care for the widows and orphans; and the second that he should be a peace maker - should act as a mediator between any in the camp who quarreled. The dignity of a chief did not permit him to take part in any quarrel; he might not take personal vengeance for an offense committed against himself; to do so would result in loss of influence." Powers of the council were both executive and judicial. It alone had the peace-making authority, and it imposed the sentence of banishment on murderers. Likewise, it commuted the sentence when in its judgment the murderer had expiated his offense. Individual chiefs served as mediators in

the settlement of adultery cases. They also directed the movements of the camp.

The other branch of Cheyenne government, was the Soldiers' Societies, or military associations. Together their membership embraced all the fighting men of the tribe. They were not age graded, and except for the Dog Soldiers, the members of each society were drawn from any or all of the bands. This meant that like the Council of Chiefs, the members of the various societies met together as a unit only during the summer months. The Dog Soldiers were an exception, for they were constituted of the various warriors of one band and none but the members of the Dog band could join the Dog Soldiers Society.

Curtis states that the warrior societies were originally four in number. Dorsey and Densmore list the society names as being five. Hoebel and Llewellyn insist that there were six military societies of the Cheyenne. The situation becomes quite confusing when one discovers that Grinnell reports that there were seven military societies.

Whatever their number, the Cheyenne military associations, certainly in the era between 1820 to 1880, present the most dynamic aspect of the governmental and regulatory, and indeed of the social, order of the tribe. Except under the most unusual circumstances, the military societies functioned as units only during the summer months when the whole of the Cheyenne tribe was

camped together to observe the ceremonial season of the Sun Dance, Animal Dance, or renewal of the Medicine Arrows. None of these ceremonies was annual, but one or another, or even several, were given each year, each ceremony being followed by a great communal hunt, or in extraordinary times, by a tribal movement against an enemy.

The occasions when some particular military society acted with explicitly delegated police authority fell at the times of great tribal ceremonies, communal hunts, and at such times as the tribe was on the march as a body. On ceremonial occasions, such as the renewal of the Arrows, the Sun Dance and Animal Dance, the military association of the pledger of a ceremony automatically assumed charge of the camp policing for the duration of the ritual. On hunting and marching occasions the authority for police control was vested in one of the societies by pronouncement of the Council of Forty-Four.

The following was related by Wooden Leg:

The next morning, as all were preparing for the move, the Fox warriors were assembled out forward in the direction of the intended movement. The old man herald instructed them: "You are the leaders today. Make all the people obey you. Make them stay in their proper places. If any of them disobey our ordinary rules of travel you may pony-whip them, you may shoot their horses, you may kill their dogs, you may break their guns or their bows, you may punish them in any way that seems to you best, except you are not allowed to kill any Cheyenne."

We were traveling up the Tongue River, far up, above the present Sheridan, and were about to go over the divide to the upper Powder River. Two other youths and myself forgot the rules. We rode forward from our proper place in the procession and went on out to a hilltop, there to have a look over the country, as every Indian naturally likes to do.

Four warriors were right after us. They were riding fast. The other two boys got away, but my pony played out on me. I had to stop and dismount. I was frightened to distraction, but my mind was made up to take bravely whatever punishment they might inflict. Nevertheless, I became mentally upset when four determined-looking Fox warrior policemen dashed up to me.

"Do not whip me," I begged. "Kill my horse. You may have all my clothing. Here, take my gun and break it into pieces."

But after a talk among themselves they decided not to do any of these penal acts. They scolded me and said I was a foolish little boy. They asked my name, and I told them. That was the last time I ever flagrantly violated any of the laws of travel or the hunt.

Two characteristics of Cheyenne law run through case after case. First, the rehabilitation of the miscreant. The usual form indicates severe punishment in which the law was sustained. Then, when the offender showed no willful defiance, when it was clear that he had learned his lesson, he was immediately rehabilitated by the very law-enforcers who had destroyed his property, and possibly given him a bodily whipping. Cheyenne law was not vindictive. It could be harsh and swift, but its aim was conformance to essential rules, not social vengeance. The second point is that dereliction of duty by any of the police was also punished. It was essential that all

of the troop carry their full share of the responsibility to see that things were done right. The fact that the offender was able, at times to fend off a beating for himself by offering a blanket or other property was not mere bribery. It was an act of contrition, and open confession of error, and an expression of humility.

The police also acted as a tribal bureau of investigation when surreptitious hunters were reported or suspected. Then they exercised the right to search. If, as they approached the suspect's lodge, he rushed out holding up his hands, they made a careful search for fresh meat. If they found none, they retired. If they did find any, however, they slashed his lodge to shreds.

Cheyenne laws as to personal property are captured in this history of Wolf Lies Down, owner of horses.

While Wolf Lies Down was away, a friend took one of his horses to ride to war. This man had brought his bow and arrow and left them in the lodge of the horse's owner. When Wolf Lies Down returned, he knew by this token security who had his horse, so he said nothing.

A year passed without the horse's return, and then Wolf Lies Down invited the Elk Soldier chiefs to his lodge, because he was in their society. "There is this thing", he told them. "My friend borrowed my horse, leaving his bow and arrow; there they are yet. Now I want to know what to do. I want you to tell me the right thing. Will you go over and ask him his intentions?"

The borrower was in another camp well distant, yet the chiefs agreed. "We'll send a man to bring him in, get his word, or receive his presents," they promised.

The camp moved while the messenger was gone, but he knew of course where it would be on his return. The soldier returned with the borrower, who was leading two horses, "one spotted, one ear-tipped". He called for the four Elk chiefs on his arrival. The chiefs laid before him the story told by Wolf Lies Down.

"That is true," the man assented. "My friend is right. I left my bow and arrow here. I intended to return his horse, but I was gone longer than I expected. I have had good luck with that horse, though. I have treated it better than my own. However, when I got back to camp I found my folks there. Our camp was far apart and I just could not get away. I was waiting for his camp and mine to come together. Now, I always intended to do the right thing. I have brought two good horses with me. My friend can have his choice. In addition I give his own horse back, and further, I am leaving my bow and arrow.

Then up spoke Wolf Lies Down, "I am glad to hear my friend say these things. Now I feel better. I shall have one of those horses, but I am giving him the one he borrowed to keep. From now on we shall be bosom friends."

The chiefs declared, "now we have settled this thing. Our man is a bosom friend of this man. Let it be that way among all of us. Our society and his shall be comrades. Whenever one of us has a present to give, we shall give it to the member of his soldier society."

"Now we shall make a new rule. There shall be no more borrowing of horses without asking. If any man takes another's goods without asking, we will go over and get them back for him. More than that, if a taker tries to keep them, we will give him a whipping."

Here we have the formulation of a law making it a crime henceforth to borrow an owner's horse without his expressed permission. The old custom of free utilization of another's goods, providing one left an identifying "security," was apparently creating friction as it came to be applied to horses. The Elk Soldier chiefs on this occasion took the opportunity to resolve a condition that was becoming troublesome. After declaring the case at hand settled, they moved into general policy.

The homicide record of the Cheyennes - sixteen recorded killings within the tribe in two generations (1835-1879), or an annual rate of almost one killing to a theoretical 10,000 of population - is another evidence of the conflict between the aggressive personal ego of the individual male and the patterns of restraint which were also ideally demanded by the culture.

The killing of one Cheyenne by another Cheyenne was a sin which bloodied the Sacred Arrows, endangering thereby the well-being of the people. As such it was treated as a crime against the nation. Fear of supra-social consequences and the resultant efforts of the Cheyenne community to purify itself from the stain of Cheyenne blood on Cheyenne hands are most probably what brought homicide under the public law. Killing became a crime; its criminal aspect came then to dwarf its aspect as sin, though by no means to displace the latter; and

the criminal aspect had in law gone far to actively displace the private wrong concerned: homicide had ceased to be legally a matter for blood-revenge.

There is a branding synonym for "murder" in Cheyenne, putrid. Such was the murderer's stigma. With murder a man began his internal corruption, a disintegration of his bodily self which perhaps contrition could stay, but never cure. About the killer clung the murderer's smell, an evil mantle eternally objectionable to fellow men and animals of the Plains. Though the tribe, after ridding itself of the murderer's presence through banishment, could purify itself by the sacred ritual of renewing the Medicine Arrows, the murderer was tainted beyond salvation. Hence, the immediate consequence of murder was a conference of the tribal chiefs - such as were in the population of the band at the moment. By them a decree of exile was given.

For the banished Cheyenne, circumstances were relatively kind. The friendly Dakota and Arapaho would seemingly receive him with open hospitality and no questions asked. Among these well-disposed foreigners his stink did not disturb the delicate sensitivities of the herds!

The ceremony of purifying the arrows is in itself of no direct legal significance; the compulsion to perform the ceremony is. For the murderer's transgression the tribe paid the penalty, until the ceremony was performed. The control significance of

such a penalty must not be overlooked.

So, for the Cheyenne one notes the significance of the Arrow - renewal as a social binder. But the more direct importance of the Medicine Arrow complex for law lies not in the ceremonies, but in the associated notions. These notions brought forth not only measures punitive and measures absolvent; they engendered preventive measures as well. When violent emotions were brewing, "the thought of the Arrows kept lots of people back."

Cheyenne marriage was distinctly a contractual arrangement and was, as such, of legal interest. Whether accomplished in the formal way or reached through elopement, the marriage union was validated by exchange of gifts.

The position of the Cheyenne woman in the marriage bond had considerable strength. A wife displeased with her husband's conduct went "home to mother." Her parents would remind her of her agreement to live with the man but had no authority to force her to another try at the marriage. Fraternal authority still held, however, though the brother took no notice of his sister's presence unless the husband sent over a horse. This signaled a request for the return of the wife. It was the prerogative of the brother and any of his "brothers" who had been in the gift exchange at the marriage to decide the woman's fate. When a husband left his wife, there was no privilege accorded her to

send a horse to get him back. However, a legal disclaimer was published by the deserted wife's brother, closing the ex-husband's interest in the wife.

COMANCHE

Chapter 20.

The Comanche did not develop soldier or military societies. Most of their warrior groups appear to have been informal organizations resulting from mutual friendships and interests, and they were not continuous or permanent. Although not formally organized into an association, the wearers of full-feathered warbonnets formed a special class of war leaders. The bonnet could be worn by any warrior who felt worthy of it and desired to accept the responsibility it imposed. A Comanche war leader could retreat only under certain conditions and then only when the other warriors were safe. The feathered warbonnet was to be protected at all costs, and the war leader became a rallying point for all other fighters. Should a war chief fail to measure up to his responsibilities, any other war chief who observed his disloyalty could publicly denounce him, causing him to lose his position and right to wear the warbonnet if he were judged guilty. If a warbonnet wearer lost or cast off his bonnet and fled from the field of battle, he forfeited his right to wear it, and all other men would address him thereafter as "elder sister." This was an opportunity for any warrior who wished to become a war leader, for he could do so by simply dashing in and recovering the bonnet. He then hung it by custom on a bush and defended it there all day if necessary in the face of the enemy. If after this he charged the enemy four times at sundown the bonnet and all its

honors and obligations became his.

How soon the Shoshoneans (including Wind River Shoshone, Comanche and Ute) turned into Plains Indians remains uncertain. According to Lowie, the earliest unquestionable reference to these people goes back to 1701 and places them near the head-waters of the Arkansas (Colorado); in 1705 they were found in New Mexico. Since Comanche and Shoshone differ only dialectically, their separation cannot date back many centuries. That they or the parent tribe had adopted buffalo hunting as their main subsistence basis by approximately 1700 may be accepted as certain.

Custom impelled men to violate the marital rights of other men. The culture also provided a legal remedy for the wronged man. Except in a few rare and extreme cases, the wrongdoer fully expected to pay the legal price - and did so without forcing the injured husband to a violent bodily attack. He knew that he would have to pay a price, but he also knew if he was steadfast and could outface the other man, the price would be light. In that case he would come out of the affair with greater public respect than the husband and he might get the woman as well. So he took the risk.

Comanche practice saw to it that if a husband were man-to-man on the short end of the power stick, he could marshal his brothers or friends to go with or for him. The

plaintiff who called to his brothers for help naturally lost prestige to some degree, and in addition he had to turn over all that he received in damages to those assisting him. In the event of an orphan, or if the victim of aggression had no kin to back him, he could turn to some great warrior to press his cause for him. This brave, well-known warrior simply took over the case on behalf of the injured party and prosecuted it as his own. The warrior champion received no compensation nor any share in the damages collected. Thus vanity and social altruism were wedded in one act and both exploited for the social good.

The intervening warrior acted as a legal champion. He entered with the aim of forcing the defendant to pay damages exactly as the injured party would have forced him, if he could. If damages could not be squeezed out, he personally assaulted the defendant with all the violence he could muster. The ultimate sanction was his to use, if need be.

The Comanche law of murder was simple. For a Comanche husband to kill his wife, with or without good cause, was not murder. It was an absolute right, which not even her family would move to challenge. On the other hand, for one Comanche male to kill another was never a privilege, even when applying force to an over-stubborn defendant. Any willful killing required a revenge killing of the slayer. Comanche kinsmen

took revenge on the prosecutor regardless of the rightness of his original grievance. Blood-revenge killing was only of the first killer and retaliation did not lead to feud. The killer, and the killer alone, had to die. There it stopped. No religious sanction, no tribal authority, was necessary to suppress the feuding tendency. Custom was sufficient restraint.

Willful killing of a man's favorite horse was an act akin to murder, especially if the horse had been bequeathed to him by a best friend. Retaliation was taken not in killing the favorite horse of the transgressor but in slaying the transgressor himself. A favorite horse had a legal personality and was equated with a human being. Consequently, no further blood revenge followed, for things were already equal: a man for a horse.

CREE

Chapter 21.

The Plains Cree, Algonkian speakers, originally were a Woodland tribe. Originally, the Cree lived in bark wigwams, both conical and dome-shaped, and shared a culture with other Woodland tribes. As they became more adventurous, moving out onto the Plains in search of buffalo, they increasingly adopted Plains traits. By the late sixteen hundred's they were outfitted with guns and ammunition by Hudson's Bay traders making them a terror to their enemies. They drove the Sioux out of the Great Lakes region onto the Plains. After the Cree obtained horses, their forays took them as far West as the Rocky Mountains, where they allied with the Assiniboine against the Blackfeet Confederacy.

Large Cree camps were policed by a fraternity corresponding to the Soldiers of the Plains Indians. Men who had performed any one of certain valorous deeds were called Strong-hearted men. These were greatly esteemed and occupied positions of honor at all ceremonies and public gatherings. On such occasions they recited their warlike accomplishments, after having frequently given away valuable possessions in order to demonstrate their greatness and their superiority to ordinary men.

CROW

Chapter 22.

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Between 1730 and 1760 the Comanches, and their cousins the Shoshones, furnished the Crows with their first mounts. This set in motion a trade which found the Crows driving herds obtained from western transmontane tribes into present-day North Dakota. At the Mandan and Hidatsa villages they obtained twice the horses original value in such European-made articles as knives, axes, kettles, gunpowder, and Northwest Company flintlocks. Also they changed articles of their own manufacture - dried meat, buffalo robes, and tepee covers - for squash, pumpkins, smoking tobacco and corn.

The Crow warrior societies structure was a non-graded type. In the old days virtually every Crow man belonged to a warrior society. Since these were not age-graded, each society took it's own initiative in securing new members. Societies were social and military.

There was only one Crow language, but not one Crow nation, being divided into three local subdivisions which were politically distinct. The body of social leaders was comprised of men that had achieved military status. Possibly at one time, only men attaining or approaching a chief's record (military accomplishment) made up the band council. At all events one member of this military aristocracy, without acquiring a special title, became the head of the camp. He was neither a ruler nor a judge and in general had no power over life and death. He decided when and

where his followers were to pitch and to move their lodges. Further, every spring he appointed one of the military clubs to act as police, sometimes reappointing the same society several times since there was no fixed rule of rotation. The foremost duty of the police was to regulate the communal buffalo hunt. They severely whipped anyone who prematurely attacked the herd, broke his weapons, and confiscated the game he had illegally killed. They also stopped war parties setting out at inauspicious times, directed the movements of the camp, tried to settle amicably any disputes within the band, and in general maintained order.

As related by Plenty-coups;

"I had just joined the Foxes and was very anxious to distinguish myself as a member. This day the society was policing the village, and I had been sent to a high hill, not only to watch the enemy, but also to prevent young men from slipping out to go to war by themselves. I had been obliged to dodge the Foxes or the War-clubs in order to get out myself, and I did not intend to let any young man get past me, now that I was a Fox-man on duty. I had a telescope and a good gun, the air was very clear, and I could see a long way; so that everything was as it should be to help me keep my watch".

GROS VENTRE

Chapter 23.

The Gros Ventre were also known as the Atsina, or Gros Ventre of the Prairie, to distinguish them from the Hidatsa of the Missouri River who were also known as the Gros Ventre. They were a small tribe who, out of need for protection, affiliated with the Blackfeet Confederacy. Their population was estimated at 3,000 in 1780, but a smallpox epidemic of the mid 1830's reduced their number by three quarters. They are considered one of the oldest residents of the Plains and are a Northern offshoot of the Arapaho, a dialect of whose language they speak.

The ceremonial life of the Gros Ventre found its main expression in its system of age-graded societies.

The Soldier society was reorganized each spring when the bands assembled for the great tribal encampment after the usual winter's separation. Those who had been members during the previous year and who wished to join again met together with new volunteers, and elected four leaders. The group served the civil chiefs and had the usual power to punish offenses against the public welfare. Their meeting place was a double lodge in the center of the camp. It served as a meeting place of the members and was the center of community activities. The two youngest members of the society acted as servants, whose main duty was to recruit the women of the tribe to provide and cook the meat for the Soldiers' meals. The

most influential members of the Soldiers frequently pitched their own painted tipis near the double lodge at the center of the camp to emphasize their position of authority.

HIDATSA

Chapter 24.

Members of the Siouan language stock and linguistically related to the Crow, with whom they formed a single tribe at one time, the Hidatsa lived on the Upper Missouri River, along with their Mandan and Arikara neighbors.

The Mandan called them Minitarees, which referred to their crossing the Missouri River from their original home in the East. The Crow called them Amashi, meaning earth lodges. Now, along with the Atsina, they are known as Gros Ventre.

The Hidatsa lived much like the Mandan and Arikara, dwelling in earth lodges and raising corn, squash, beans, pumpkins, and tobacco. In the middle of the eighteenth century their villages were the headquarters of the great horse trade.

The society lists of Curtis and Maximilian differ considerably. Lowie's list is different still. While Curtis gives only a summary account of the Hidatsan societies, we are again indebted to Robert H. Lowie for his extensive details concerning the individual orders.

The Black Mouth Society

The Hidatsa Black Mouths consisted of middle-aged men who alone exercised police control in their villages. Two officers carried lances and two headmen known as rattlers had rattles. The officers' emblems were known as raven-lances. Normally, these were carried pointing upward. In battle, if the enemy pursued the Hidatsa, a raven-lance carrier was expected to sing his death or war song, invert his lance emblem and plant it in the ground. Until someone pulled the lance

out for him, he could not retreat. If the rescuer was not a member of the society, he removed all decoration from the emblem and returned only the bare shaft with the lance head. The officer was then required to go to the man from whom he had purchased the lance and have him decorate it once more. If the seller had died, another member of the former group was approached for the same purpose.

If a man's father happened to have a raven-lance, the buyer automatically became an officer through purchasing an officer's membership. The lance carriers were not elected.

Each of two other officers carried a flat-stemmed pipe, red on one side and black on the other, decorated with quillwork and dyed horse-tail. These men were expected to mediate quarrels and preserve peace in the tribe. The black and red colors represented night and day, bad will and good will, respectively. All the spirits were represented in the pipe. The members prayed through the pipe, asking that their children should live to grow up and that there should be plenty of buffalo.

In addition to acting as a camp police force, the Black Mouths tried to effect reconciliation whenever some difficulty arose in the tribe or between friendly tribes.

The rattlers' rattles were made of rawhide. One informant mentioned two "death-men," one of whom wore a red bonnet and the other a white one. During a battle each one led half the Soldiers, who in turn were followed by the Fox Society. The death-men could retreat only when wounded in the chest or back. Each of the rank and file members carried a club consisting of a knifeblad set in a wooden handle.

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 Their public parade was led by one of the raven-lance officers, the other bringing up the rear. Directly behind the first lancer and just in front of the second marched the two rattlers. The pipe bearers occupied the center of the line, separated or immediately followed by the herald of the organization.

 Other men's military societies included the Lumpwood Society, Stone Hammer Society, Notched Stick Society, Dog Society, Crazy Dogs, Raven Society, Hot Dance Society, Kit-Fox Society, Crow Society, Little Dogs Society, and Buffalo Bulls Society which also had no-flight obligations in battle.

KIOWA

Chapter 25.

One of the largest and most popular tribes of the Southern Plains, the Kiowa, like their neighbors, the Comanche, originally migrated to the Southern Plains from western Montana where they were located at the source of the Yellowstone and Missouri Rivers. In their original homeland they made an alliance with the Crow Indians which is still cherished. Crow and Kiowa make frequent trips to each others homes today. The name "Kiowa" comes from their own tribal designation meaning "the people".

After receiving horses, the Kiowa moved to the Black Hills of South Dakota until driven off by the Sioux and Cheyenne. They left the Black Hills at the turn of the nineteenth century and moved to western Kansas and eastern Colorado, and eventually to Oklahoma.

The Kiowa were typical Plains dwellers, living in tipis and hunting buffalo on horseback. They participated in the Sun Dance, the last of which was held in 1891.

The Kiowa appear to have had six warrior organizations, each with its own dances, songs and ceremonial dress. These were ranked in prestige order but not age-graded.

The Kiowa societies met only during the period between a Sun Dance announcement and the Sun Dance itself. Lowie points out that this interval varied greatly in length, the announcement sometimes being made very soon after the consummation of the

preceding Sun ceremony and at other times only immediately before the performance was to take place.

The military fraternities of the Kiowa policed the Sun Dance camp and communal hunt, and they intervened in certain private disputes to prevent outbreaks of fighting.

The unique aspect of Kiowa law is the use of the ceremonial pipes that went with their ten special medicine bundles known as The Grandmothers.

The Keeper of a Ten Medicine Bundle had a most important legal function because he was the one who presented a peace pipe in a quarrel. The procedure was as follows:

It was possible for the relative of any defendant, fearing for his life, to seek a Bundle Keeper and ask him to offer a pipe to the plaintiff. The pipe was offered and almost never refused. Smoking constituted an oath that there would be no further action. Compensation might be stipulated by the plaintiff at that time and could not be refused. Refusing the pipe four times, or violation of the injunctions after smoking, called down on the offender's head immediate ill luck, and ultimately, death. There was also a curse of the Ten Medicines that might be invoked by a Keeper against anyone flouting the pipe.

Today, nine of the Bundles are still in existence, most of which are in the hands of their hereditary Keepers or descendants of the Keepers either male or female. One was destroyed in 1939 by fire. The older conservative Kiowas say that this is what caused World War II.

The Kiowa had a definite system of chieftainship, but did not distinguish war chiefs from peace chiefs.

A system of horizontal rating unique for the Plains was used to arrange for the status identification of the different personality types. This gave rise to the Kiowa system of four social classes.

The top social rank was called Onde. These men were all top-flight warriors with records of great achievement. These were the Kiowa men of distinction who had proven themselves by all tests. In normal circumstances their individual status was beyond challenge. They were ideally immune to personal affront, and they were rarely involved in litigation.

Next came the extremely rivalrous group of lesser warriors whose out-facing activities generated trouble case after trouble case. Kiowa law was mostly concerned with their obstreperous activities. This rank included able artisans medicine men, hunters, and horse owners.

The third rank consisted of common men. They were honest and decent, but poor and undistinguished. They rarely raised legal difficulties inasmuch as they were not in a position to challenge the status ranking of others.

Lastly were the dregs of Kiowa society. They were shiftless and lazy, without ambition and with little self-respect. They stole within the camp. Virtually disowned by their own

relatives, they made out as parasitic hangers-on to those outstanding men of higher rank. They were utterly without status and in effect without the law. They were so far beneath contempt and attention that their thefts went unpunished. Nor were they driven from the group; they were simply suffered and scorned.

MANDAN

Chapter 26.

The Mandan lived in two fortified villages in the present state of North Dakota. Their dwellings were of earth lodge type, ranging from forty to sixty feet in diameter. They were agriculturalists and raised corn, beans, squash and tobacco.

Because they were not warlike people, much of their time was spent in recreational and religious pursuits. In the center of each village they erected a large earth medicine lodge and a mysterious circular shrine made of six-foot-high panels of wood, which contained a single cedar post, said to represent the mythological spirit One Man, the brother of First Man, who in Mandan folklore was the first human being to be created.

The Mandan form of the Sun Dance, called Okipa, was similar to the same ceremony of other tribes. But instead of being held outside, it was conducted in the central medicine lodge where the ceremony lasted for four days. Major participants in the ceremony were men preparing to lead a war party or who had made special vows.

The Mandans say they migrated from the Great Lakes region to the headwaters of the Mississippi, then overland to the Missouri before the beginning of the historical period, finally establishing themselves at the mouth of Heart River, North Dakota. Though they numbered 3,600 in 1780, diseases brought

by the Whites decimated the Mandans. In 1880, only thirty-one were still living.

The warrior society system of the Mandans consisted of seven age-graded orders through which a man passed successively. The Curtis and Lowie Mandan lists conflict.

Maximilian states that the Black Mouths were "soldiers" who alone exercised police control among both the Mandans and the Hidatsa.

To become a member of the Mandan age-system, one first had to join with others of his own age-group in purchasing the rights of the lowest order before he could pass successively through the others by the same means. Each society had its own lodge for a meeting place - to which only members and past members were admitted. It also had its own songs, which were considered its most valued possession. Indeed, it was the songs that were purchased by the new members. In the Mandan view they were not buying membership so much as they were purchasing the songs; that is the right to sing what belonged exclusively to the society. Each society also had its own dances and regalia.

OJIBWAY

Chapter 27.

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Like the Plains Cree, the Plains Ojibway (Chippewa) were once part of the Woodland Chippewa, living in Wisconsin, Minnesota, Michigan, and Ontario. They moved onto the Plains in the late eighteenth century, establishing themselves as full-fledged members of the Plains tribes. The Plains Ojibway then forsook their Woodland traits and held the Sun Dance, which they had learned from their friends the Plains Cree.

The Plains Ojibway were friendly with the Plains Cree and Assiniboine but warred with the Cheyenne, Mandan, Hidatsa, Arikara and occasionally the Blackfeet and Sioux. They did not fight against the White men, for there were no White settlements in their hunting land. Like the Cree, they were armed with guns and ammunition in the latter part of the sixteenth hundreds.

Their customs resemble those of the Cree - a blend between the Woodland traits and the Plains traditions.

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Its general council was composed of proven warriors who in turn selected a single chief. The proven warriors, called Strong-hearted men, also maintained order in the camp and policed the buffalo hunts. Age was not a factor of membership. These also constituted the main warrior force of the tribe.

OMAHA

Chapter 28.

According to tradition the Omaha lived at one time in northern Kentucky and southern Indiana. About 1500 A.D., they began to migrate westward with the Ponca, the Osage, the Kansa and Quapaw. They built stationary earth lodge villages and raised agricultural crops, but also ventured on to the Plains in quest of buffalo and other game. By 1650, the pressure from the Sioux proved too much to take and they moved westward. In South Dakota the tribes separated, the Omaha settling on Bow Creek, Nebraska.

There were two classes of societies among the Omaha; social and secret (or mystery).

The authority of the chiefs and social order were safeguarded by the following punishment:

Within the Tent Sacred to War, was kept a staff of ironwood, one end of which was rough, as if broken. On this splintered end poison was put when the staff was to be used officially for punishment. In the pack kept in this tent was poison. As men's bodies were usually naked, it was not difficult when near a person in a crowd to prod him with the staff, making a wound and introducing the deadly poison, which is said always to have resulted in death. This form of punishment was applied to a man who made light of the authority of the chief's or governing council. Such a person was a disturber of the peace and order of the tribe. Punishment was decided on by the council of seven chiefs, which designated a trustworthy man to apply the staff to the offender. Sometimes the man was given a chance for his life by having his horses struck or poisoned. If however he did not take this warning, he paid the forfeit of his life, for he would be struck by the poisoned staff and killed.

Thieving was uncommon. Restitution was the only punishment. Assaults were not frequent. When they occurred they were settled privately between the parties and the relatives. In all offenses the relatives stood as one. Each could be held responsible for the acts of another - a custom that sometimes worked injustice, but on the whole was conducive to social order.

The same term was used in reference to murder, or to any act which caused personal injury to another, even if it was unpremeditated. In the latter case the act would be condoned by gifts made to the injured party or his relatives. Deliberate murder was punished by banishment. When the knowledge of such a deed was brought to the notice of the chiefs, banishment was ordered. The offender was told of the decision and he obeyed. Banishment was four years, unless the man was forgiven sooner by the relatives of the murdered man. During this period the man had to camp outside the village and could hold no communication with anyone except his nearest kindred. His wife could carry him food but he was obliged to live apart from his family and to be entirely alone during the period of his exile.

The offense of scaring off game while the tribe was on the buffalo hunt could take place only by a man slipping away and hunting for himself. By this act, while he might secure

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food for his own use, he imperiled the food supply of the entire tribe by frightening away the herd. Such a deed was punished by flogging. Soldiers were appointed by the chiefs to go to the offenders tent and administer this punishment. Should the man dare to resist their authority he was doubly flogged because of his second offense. Such a flogging sometimes caused death. Besides this flogging, the man's tent was destroyed, his horses and other property were confiscated, and his tent poles burned; in short, he was reduced to destitution.

PAWNEE

Chapter 29.

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At one time, the Pawnees consisted of three bands or tribes, federated under a single head chief. After the northern migration of the tribes, and their settlement in northern Kansas and Nebraska, and probably prior to white contact, the group became allied with the Skidi or Pawnee Loups to constitute the Pawnee Nation.

The Pawnee had a complex scheme of religiously oriented societies. Each had its own regalia and war duties.

In summer they selected their Hunt Police from the military societies, during the winter the societies were suspended and they would simply choose the police from among the braves present without benefit of the symbolic lances and belt of the societies.

A special group of military police was set up to make sure that no hunter went out individually and disturbed the herd, and that absolute quiet was maintained in the camp itself among the women and children as well as the men. Children must be soothed and prevented from crying, dogs muzzled and wood chopping done only when the herd was not within hearing distance. The individual hunter who violated these rules and went among the herd was beaten over the head with a heavy club and sometimes severely injured.

Camp police would patrol through the encampment wearing

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a crow belt and carrying their quirt:

The police had to remain until after midnight to see that there were no infractions of the anti-noise rules. Every now and then one of their number was sent out to see that no one happened to forget and was laughing too loud. The policeman put on his belt with the sleigh bells and taking his stick walked cautiously through the camp. One could hear the snow cracking under his feet. As he arrived where the noise was, he tapped the tent with his stick. The noise would stop. He had been holding his sleigh bells so that they would not sound, but now he released them so that everyone would know that he was passing through.

The next day the anti-noise injunction continued. Some women went out toward evening to cut wood and although they were supposed to chop very gently, the echo could be heard by the police in the council tent. Two officers were sent out to punish them. They made each woman forfeit one of her mocassins and whatever else the policemen could get. He carried the forfeits up to the council tent and waited there for the women to come and redeem them. It was very cold and each woman had to wrap something around the foot from which the mocassin had been taken. Then she came limping into camp and when she got home, she made some bread and coffee and took it over to the council tent to the police. "All right" said War Cry, "give her her mocassin" other women would bring calico or a little tobacco to redeem their things. "Give them to her", said War Cry, "but next time watch out!"

PONCA

Chapter 30.

The Ponca were an exceedingly small tribe of 800 or so persons who during an ancient migration drew apart from the Omaha, the Osage, the Kansa and the Quapaw. When the group reached the Mississippi, the Ponca went downstream to the Arkansas River. For a long period after that, the Ponca were separated from the Omaha and were at war with the Sioux. During this time they had moved again and settled in several permanent villages in earth-lodges in the Dakotas.

The Ponca were primarily farmers but engaged in seasonal buffalo hunts.

The Ponca never completely converted from farming into pure hunters.

The Ponca had a number of rival warrior societies which performed tribal police functions, a number of Ponca women's societies, and religious cults. It is interesting to note, at this point that by legal opinion rendered on May 12, 1879, by Judge Elmer Dundy of the United States District Court for Nebraska in the case popularly known as Standing Bear vs Crook, for the first time Indians were established as persons under the terms of the Fourteenth Amendment of the Constitution.

A list of ancient religious commandments provides insight both as to the interrelationship of religious and secular life as well as legal precepts and values:

Have one God.
Do not kill one another.
Do not steal from one another.
Be kind to one another.
Do not talk about each other.
Do not be stingy.
Have respect for the Sacred Pipe.

SARSI

Chapter 31.

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The Sarsi were Athabascan speakers. They were an extremely small tribe, whose population in 1670 was estimated at 700, and in 1924 at 160. Because of their sparse number, they allied themselves with the Blackfeet Confederacy.

The Sarsi tribe was divided into four bands. Their customs were similar to those of the Blackfeet. They participated in an annual Sun Dance and planted tobacco, which they used ceremonially, as their single crop.

Along with other phases of Plains culture, the Sarsi acquired certain societies, the functions of which were partly social, partly religious and partly military.

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Each society had one, two or four leaders who wore distinctive regalia. Membership was obtained by purchase. Having sold his membership, a man proceeded to join another society. Sarsi societies are not properly described as age-graded societies, but for most men the Mosquitoes was their first.

Military and camp duties were shared by tribal societies which preserved order in large encampments, especially during the Sun Dance, and had the right to destroy the tipis and clothing of those who resisted or disobeyed them. The Reckless Dogs were pledged never to retreat from an enemy while a companion was in danger, demonstrating no-flight obligations of other Plains societies.

SHOSHONE

Chapter 32.

The Shoshone are of Uto-Aztecan origin. In addition to the Wind River Shoshone, the Comanche and Ute belong to the Shoshonean branch of the family. Since by far a majority of Shoshonean tribes lived in the Basin Area and southern California, the three groups probably came into the Plains as relative new comers from the west. They had adopted buffalo hunting as their main subsistence by approximately 1700.

The territory belonging to the Shoshonean linguistic stock once stretched from the Cascades and Sierra Nevadas to the northern Plains, then southward almost to Mexico. For subsistence, they pried roots and native vegetables from the ground. Besides gathering seeds and digging roots, they made intricate snares and fiber nets for trapping rodents, birds, and fish. Procuring food in sufficient quantity was a continuous problem until they came into possession of horses in the early 1700's.

The first White men to penetrate their country were Meriwether Lewis and William Clark, whose famous expedition spent the winter of 1804-1805 near what is now Bismark, North Dakota. White contact following immediately thereafter brought prosperous fur-trade which began to terminate in 1840, which marked tribal transition from fur-trade era to the migration period.

On the whole, they passively took on Plains features,

absorbing essentially material rather than social and religious traits.

The society system was borrowed from the Plains in order to serve political as well as social functions. Whenever the tribe was on the march or taking part in a communal hunt, the duties of such societies were routine. Specifically, the Logs society were supposed to protect the women and children and instruct them as to where they should place their lodges. They were also expected to keep order at the end of the line and repair or replace broken lodge poles. The Yellow Noses society was typical of Plains contrary warrior societies.

The Shoshones were not medicine bundle oriented. They did not adopt Plains Indian religion. They did not possess a tribal bundle and personal medicine bundles resulting from Plains oriented vision quest were kept on the Plains.

SIoux

Chapter 33.

The Sioux or Dakota, were the largest of the Plains nations, numbering some twenty-five thousand in 1780. The word Dakota means "allies". In the Teton dialect, it is Lakota, but signifies the same thing. There were seven main divisions called Seven Council Fires. Several of the main divisions were further divided into bands. These have been designated as:

- (1) Mdewkanton
- (2) Wahpeton
- (3) Wahpekute
- (4) Sisseton
- (5) Yankton
- (6) Yanktoni
 - a. Upper Yanktoni
 - b. Lower Yanktoni or Hunkpatina
- (7) Teton
 - a. Brule-Upper and Lower
 - b. Hunkpapa
 - c. Miniconjou
 - d. Oglala
 - e. Oahenonpa or Two Kettle
 - f. Sans Arcs
 - g. Sihasapa

The earliest known home of the Sioux was in what is now known as southern Minnesota, northeastern Iowa, and northwestern Wisconsin. Archaeologists think there is even evidence to suggest that they began on the Atlantic coast and then moved slowly west before the pressures of other tribes. The exact date of their first move on to the Plains is now known, but several authorities feel certain that they were latecomers to the area, making an astonishingly swift transformation in the space of fifty years or so from a farming and woodlands hunting people to a thorough-going nomadic buffalo culture.

Once they had arrived, the Sioux quickly dominated an enormous territory, reaching from Canada to the Platte River and from Minnesota to the Yellowstone River, including the Black Hills and the Powder River country.

The seven divisions grew even stronger on the Plains, meeting in regular council together, sharing festivals and religious ceremonies and acting in concert against the other Indian nations.

Because of their comprehensive society and cult structures, the Sioux provide excellent examples of the non-graded orders of the Plains nations.

Two classes of non-graded societies existed among the Sioux - dream societies and military societies.

The dream societies (or cults) were composed of men who, in their dreams or fasting visions, had seen the same animal. The animal that appeared to a man in a vision during his religious fasting always determined the group to which he must belong.

Among the Teton Sioux, some societies having a cultic origin in dreams of a name-animal evolved over the years into military groups.

Lewis and Clark made what is probably the first recorded mention of societies among the men of the Sioux tribe by entry in their journal dated August 30, 1804.

The police or guard societies were those whose members acted as guards in the village when the tribe was moving and, most importantly, on the buffalo hunt, during which time they saw to it that no one disregarded the laws of the chase. They also played central roles in large war parties.

Lewis and Clark refer to these men as follows:

Those people have Some brave men
which they make use of as Soldiers
those men attend to the police of the
Village Correct all errors I saw one of
them today whip 2 squars, who appeared
to have fallen out, when he approach.
all about appeared to flee with great
terror. at night they keep two, 3, 4, 5,
men at different distances walking around
Camp Singing the accurrences of the night.

The manner of selecting the camp police was as follows:
the camp or civil chiefs chose the four leaders from one society,

who in turn engaged the rest of the members of their society. The selection was usually made at the beginning of the summer hunt, and service continued to the close of the season. It seems to have been customary, but not obligatory, for the chiefs to choose from the societies in rotation.

The organization of Sioux societies was surprisingly uniform in its details. All had from four to six lance bearers, who were the most important personages in the society. They were usually grouped in pairs, as were nearly all the other officers. After the two leaders was another pair: among the Strong Hearts and White-horse Riders they were known as bonnet bearers and among the others as pipe bearers, but their functions were much the same. The two ranking pairs were sometimes spoken of as the four chiefs in charge of the organization. There were two whip bearers in all the societies except the Crow Owners. As to food passers, drummers and singers, there was general uniformity throughout. Evidently, then, whatever the origin of the societies, they all came eventually to be of one type.

The Police of each village had two leaders, each called Soldier Chiefs, through whom all commands of the camp or civil chiefs were transmitted to the other members of whichever society were on police duty. If scouts were sent out to look for buffalo, the police saw that only those authorized left the village. When the scouts returned to report where the buffalo were, the

police assumed charge of the preparations for the hunt and saw that all hunters and their families left the camp together. A few of the Police remained at home on such occasions, guarding the village both against unauthorized departures and enemy attacks, while the rest accompanied the huntsmen and kept them together until they came to the herd. Any man who began to hunt before the proper ceremonies were completed or before the signal was given to begin was severely beaten by the Police. His horse might be killed, his clothing cut to pieces and his weapons broken, as well. After all, any premature action on the part of a hunter showed selfishness and might well stampede the herd. Thus if someone evidenced even the slightest resentment when he was disciplined, he was likely to be killed. The same treatment was accorded a man who stole away from a band while it was on the march and killed a lone buffalo, even if he hadn't alarmed the herd.

Each autumn, several of the Sioux bands united to form a single large buffalo hunting party. On such occasions the Soldiers were charged with keeping the entire party together, and once they had joined together, no band was permitted to leave the others until the hunting grounds were reached. Then scouts were sent out, and when the buffalo were located, the bands hunted together until every one present had been supplied with enough meat to last the winter.

The Police headquarters was always a large lodge pitched near the tipi of the head chief, and it was the general rendezvous and lounging place for the society members. If there were a shortage of food in the lodge, a member was sent to distribute a hundred red sticks throughout the camp. Each of these emblems was a plain sign that the recipient must quickly furnish meat to the Police lodge. If one Police member kept the others waiting after a meeting had been called, he was treated somewhat roughly on his arrival, but the injuries inflicted were not serious, consisting principally of the cutting up of his robe and other clothing.

New Police candidates were appointed by the Police chiefs, "who donned their war-bonnets and rode from tipi to tipi, shaking the hand of each man chosen." To be selected as a Soldier was a distinct honor, open only to men who had successful vision quest and counted at least one undisputed coup.

UTE

Chapter 34.

The Ute Dog Company was the only institution comparable to the Plains societies. It consisted of a number of men and one woman. Like dogs, they were to give the alarm to the people whenever enemies approached. They scouted and patrolled at night. When the camp moved, the Dogs brought up the rear.

WICHITA

Chapter 35.

The Wichita, members of the Caddoan linguistic family and closely related to the Pawnee, originally lived on the Arkansas River in Oklahoma and the Red and Brazos Rivers in Texas. They were agriculturists, raising corn, squash, melons, pumpkins and tobacco, and also hunted.

The Wichita had fourteen known dance societies, but much information regarding them was lost in the transition of the tribe from their early state, so that while some of their ceremonies survived, little or nothing is now known of others.