

Steve Brady

Co-Chair of Northern Cheyenne Sand Creek Massacre Site Committee and President of the Northern Cheyenne Sand Creek Massacre Descendants

Testimony

Before the Committee on Resources

United States House of Representatives

April 27, 2005

STATEMENT

Statement provided by Steve Brady, Co-Chair of Northern Cheyenne Sand Creek Massacre Site Committee and President of the Northern Cheyenne Sand Creek Massacre Descendants on April 27, 2005, before the United States House of Representatives, Committee on Resources.

I would to thank the Committee for allowing me to provide testimony and especially, the Honorable Richard Pombo, Chairman of the Committee for the invitation to testify on issues that remain profoundly significant, the Sand Creek Massacre of November 29th, 1864, as well as our treaties with the United States of America.

The Cheyenne signed a series of treaties during the 19th Century, beginning with the Cheyenne Treaty of 1825 and then Fort Laramie Treaty of 1851. Among the conditions in the Ft. Laramie Treaty of 1851, the Cheyenne and Arapaho agreed to the boundaries of their first reservation. The area of this reservation encompassed approximately 51 million acres from the Rocky Mountains in Colorado to the Plains in parts of Wyoming, Nebraska and Kansas.

While Western-Europeans had forced out the Cheyenne and Arapaho out of their treaty territory, apparently the boundaries of the 1851 Treaty remained in effect until the mid-twentieth century when the U. S. Indian Claims Commission offered to compensate the Cheyenne and Arapaho Tribes of their treaty territory.

In the early 1960's, the Northern Cheyenne Tribe of Montana, the Northern Arapaho Tribe of the Wind River Reservation of Wyoming and the Cheyenne & Arapaho Tribes of Oklahoma (sometimes referred to as Southern Cheyenne and Southern Arapaho), among other conditions to the treaty settlement, these Cheyenne and Arapaho Tribes agreed to the compensation settlement of the Claims Commission. The Treaty, however, does not distinguish between the Northern Cheyenne and the Southern Cheyenne nor does it distinguish between the Northern Arapaho or the Southern Arapaho, the Treaty merely says Cheyenne and Arapaho. Therefore all of the tribes had to agree to a settlement one could not opt out they were all legally intertwined, it was the settlement of the 1851 Treaty boundaries of the Cheyenne and Arapaho Tribes.

Apparently, during the 1851 Ft. Laramie Treaty settlement with the Indian Claims Commission, there was an attempt to include the Article 6 provision of the Cheyenne and Arapaho Treaty of Little Arkansas River of 1865, in which U.S. Congress admits responsibility to the atrocities committed at the Sand Creek Massacre of November 29th, 1864 by Col. Chivington and his troops and promises reparations. However, the Indian Claims Commission rejected this claim by the Cheyenne and Arapaho Tribes, due to the fact that the claim was a descendants claim not a tribal claim. The Indian Claims Commission said that the descendants of the Sand Creek Massacre would have to file the claim, not the tribes, because the Article 6 specifies "certain bands of Cheyenne and Arapaho," and not the entire tribe(s). Again, the Cheyenne and Arapaho Treaty of Little Arkansas River of 1865 does not distinguish between the northern or the southern tribes, it just says Cheyenne and Arapaho and for that matter there are descendants of the Sand Creek Massacre with the Cheyenne & Arapaho Tribes of Oklahoma, the Northern Cheyenne Tribe of Montana and the Northern Arapaho Tribe of Wind River Reservation of Wyoming.

The Northern Cheyenne Tribe rejected Steve Hilliard's (Counciltree) proposal for a casino in or near Denver in exchange for treaty lands the tribe may still have and for the atrocities committed the Sand Creek Massacre and for the tribe to view the proceeds from the casino as reparations. After a closer analysis, Hilliard stood to gain an enormous amount of profit while the tribe would be steeped in debt for quite sometime, there was a question of whether the tribe would ever get out of debt. At the conclusion of a non-disclosure agreement with Counciltree, the Northern Cheyenne Tribe refused to get involved in the shady arrangement. The Northern Arapaho Tribe apparently did not even entertain the idea from Counciltree, the Northern Arapaho had concerns elsewhere.

In the meantime, the C&A Tribes of Oklahoma apparently are continuing to entertain the notion of some business proposal with Counciltree entitled the "Homecoming Project." This proposal by Hilliard is extremely pernicious and divisive between all

of the tribes mentioned herein. The Hilliard proposal has the potential to undermine and erode any trust or relations that may exist between any or all of these tribes.

Moreover, while the Northern Cheyenne Tribal Council recently passed a resolution for the Secretary of the Interior to provide the file in its entirety of the Petition submitted by C&A Tribes of Oklahoma, for a land claim in exchange for a casino operation in Denver, the Northern Cheyenne Tribe have yet to file a formal request with the Secretary of Interior. Apparently, the Secretary of Interior, thus far has rejected the land claim filed by C&A Tribes of Oklahoma.

Again, thank you for allowing me to provide testimony today.

* * * * *