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### "We are Related to the Same Land" Grandpa Frank's World of Paper and the Lower Brule Sioux Tribe

by NICK ESTES (Lower Brule Sioux)

## Discussion Questions

- 1 How does Frank distinguish between Indigenous (the world of relations) and non-Indigenous (the world of paper) views on kinship and land?
- 2 How did allotment attempt to reconfigure Indigenous kinship and families by dividing up the earth? What did government officials hope to accomplish with the Dawes Act of 1887?

My grandfather Frank was born in the Lower Brule Indian Reservation just weeks after Franklin Delano Roosevelt first took the Oval Office. It was a time of great uncertainty and possibility. Mass unemployment and poverty devastated people throughout the land — and Indian Country was no different. Everyday despair drove demands for radical change. Parts of the "Old World" descended into fascism, drawing Europe into yet another bloody, civil war. In the United States, the New Deal aimed to save capitalism from its own excesses, providing federal jobs and expanding the social safety net for some. An Indian New Deal also lay on the horizon. It promised to radically overhaul Indian Affairs by halting a disastrous allotment policy that ate away millions of acres of Indigenous lands and by reversing laws that criminalized Indigenous cultures and languages. By no means was the Indian New Deal a cure-all. Lakotas and Dakotas, however, "had climbed from absolute deprivation to mere poverty," the Standing Rock scholar Vine Deloria Jr. once observed, "and it was the best time the reservation ever had."<sup>1</sup> It was, perhaps, this spirit of the times that inspired Frank's father, Ruben, to name his son Franklin Delano Estes for the progressive Democratic president most associated with New Deal reforms. Why? "Because that's what Indians do," Frank put it.<sup>2</sup>



PHOTO COURTESY OF NICK ESTES

Frank

He was born into a world of Indigenous kinship that had been increasingly disintegrated — like the land itself — by what he called "the paper world." A trained sociologist, Frank once used Emile Durkheim's theory of anomie in his 1963 book *Make Way for the Brules* to explain the process of Indigenous social alienation from the land itself. Frank's and Durkheim's interests aligned. They were both concerned with how societies had maintained integrity and coherence in an era when traditional social and religious ties are no longer presumed and new social institutions have come into being. Anomie, for Frank, however, described the way the rational world of the white man, which was personified in paper relations and transactions, was transposed onto the world of Indigenous relations, which were enacted through kinship and relation to the land. A world of order promising civilization and progress instead brought total disorder and social



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*Estes pictured with his grandfather*

fragmentation. According to Frank, the reservation system had introduced an impersonal social environment where abstractions inked on paper attempted to insulate and mediate the interactions, sentiments, and activities amongst relatives, fellow tribal members, outsiders, and the land itself.<sup>3</sup> A prime example of the paper world exists in allotment policy and its afterlives.

This was our topic of conversation when Frank and I met for the first and last time in February 2013 in Phoenix, Arizona, where he had retired for the last decades of his life. At his kitchen table, he rifled through thick stacks of paper from the Department of Interior on heirship and land interests. The federal courts had ruled on *Cobell v. Salazar* four years earlier in a landmark class action lawsuit spearheaded by Elouise Cobell, a Blackfeet banker. The courts found that the federal government had

mismanaged billions of dollars in assets for more than 300,000 Individual Indian Money accounts. Part of the \$3.5 billion settlement awarded \$1.9 billion to tribes to “buyback” individual interests in allotments to consolidate fractionated lands back into collective tribal ownership. Since by law American Indians are still wards of the government, the Department of Interior was awarded the money that was then allocated to the Bureau of Indian Affairs to pay tribes to fix a problem these federal agencies created in the first place. It was a small fraction of what was actually lost in monetary terms (not to mention the incalculable losses of homeland and culture), and the damages dated back at least a century. Cobell and her forensic accountants had originally calculated at least \$176 billion owed to individual Indian landowners.<sup>4</sup> Like thousands of Indigenous people, the Department of Interior mailed Frank a packet detailing the land interests he held, which were located not only in Lower Brule but across several different Sioux reservations.

To an outsider, the papers might seem arbitrary — a mass of numbers, names, dates, and maps. To us, they held great value and mystery. “I have land up there with people I don’t even know,” Frank remarked, scanning the long list of names. “We are related to the same land.” It seems like a paradox to be related to so many strangers, and even more confusing to be related through the land itself. At first glance, the phrase *we are related through the land* might appear like a cheap, mystical Native American daily affirmation postcard accompanied by hokey feathers, wolves, and dreamcatchers. But Frank’s interpretation was quite literal: his relatives had the same legal interests in allotted lands. While allotment had ended eight decades ago, what he held in his hands was an artifact of allotment policy — a list of heirs whose claims to land, if split into individual shares, in some instances, would amount to acreage the size of a postage stamp. The land was useless, but the paper itself was not. It showed a network of familial relations. After all, each original allotment had a single common ancestor or common family. In the absence of a family tree mapping out a genealogy, we possessed inheritance papers mapping out fractions of interests in fractionated land — and, in effect, fractionated families.

That was the catastrophic consequence of allotment’s two aims. The first goal, which was successful by all accounts, was a straightforward land grab. In the course of several decades, two-thirds of remaining Indigenous lands were carved up, an area about the size of what is currently the state of Montana. The second goal, which was by many accounts a failure, aimed to “assimilate” Native people by making them into small land holders responsible for agricultural production and self-sufficiency. That prospect became increasingly impossible as land became fractionated and therefore unusable.

When Congress passed the General Allotment or the Dawes Severalty Act in 1887, it represented a change in philosophy towards Indian administration. Instead of dealing with Native nations as political entities, it aimed to entirely by-pass Indigenous leadership and to ignore tribal groupings altogether by encouraging government officials to deal directly with individuals and individual families.

Allotment, or severalty (which means to separate and divide), aimed to sever Native tribes and families onto separate, individual plots of acreage without concern for traditional community life by breaking up communal land. The Board of Indian Commissioners referred to the day it became law as “Indian emancipation day.” The purpose was “to abrogate the Indian tribal organization, to abolish the reservation system, and to place the Indians on an equal footing with other citizens of the country.”<sup>5</sup>

The administration of trust land after “emancipation” was enigmatic in practice and disastrous in outcome. The attempt to indoctrinate Native people into the European concept of private ownership by “civilizing” them through tilling the soil failed. Millions of acres became alienated and unusable because of exponential fractionation that was a result of a complex system of heirship. To ease the transition into citizenship, the titles to allotments were held in trust by the United States for a period of twenty-five years. During this time, the land could not be taxed, mortgaged, or sold without federal authorization. If an individual allottee died during this probationary period, their estate was divided amongst their heirs. Although the tradition of Anglo-Saxon law resolved probating an estate by physically dividing land amongst heirs or by selling the property and dividing the proceeds, the sale or disposal of Indian trust land was initially prohibited and then was only possible through approval by the secretary of interior. Since Natives typically had large families and were deemed legally “incompetent” to manage their own affairs, government officials regarded the physical division of land as impractical. Instead of subdividing allotments into smaller plots, which would make them unsuitable for farming or ranching, land divisions happened on paper and was held in trust for the heirs. What was a highly theoretical calculation had real-world consequences. Put simply, it was an arithmetic of dispossession.



Lineage in the world of paper is usually defined according to the idealized, heteronuclear family. But allotment records and my family history tell a different history. One interest Frank held in an allotment north of Wanbli, in the Pine Ridge Indian Reservation, originally belonged to his mother, Cornelia Sawalla (or Narrow Strip). Her mother, Sarah Pure Woman, was the daughter of Bell Woman, one of three wives of an Oglala man named Ptesan Wakpa (or White Cow River). The probate records show Ptesan Wakpa married all three women according to “Indian custom” and only “divorced” Cetan (or Hawk) in the same manner prior to allotment in 1889, leaving only his children with Bell Woman and Never Full as heirs. Frank recalled visiting those relatives in Wanbli with his mother Cornelia. “Evidently, we had the same land because I have land up there,” he said. It was a convenient way of knowing one’s relatives, he thought; “That way when you go to visit some place you don’t have to ask [who you’re related to] because you’re from the same land.”

While the world of paper privileged the man as the “head of the household,” Frank spoke very little of his father Ruben. He instead traced our family history mainly through his mother Cornelia. Later in life Cornelia assumed our clan name, Sawalla — which means “Shawnee” in Lakotayapi, suggesting our eastern origins — and, as far as family history and records show, she never took her husband’s last name, Estes, which was the Christian custom. Ruben was the patriarch (and not in the domineering European way). It was his stories that I grew up hearing but never hers. Ruben was known as “Tongue” because he generously gave away his cattle to the hungry and poor, keeping only the tongues for himself. An iyeska — or a translator, he also led tribal efforts to adopt the Indian Reorganization Act of 1934, which ended allotment and allowed for the creation of modern tribal councils with written constitutions. This required reading and writing — skills, Frank revealed to me that afternoon, that his father Ruben didn’t possess. “He just went to third grade, and he couldn’t read or write,” Frank said of his father. So, Cornelia read and wrote for him.

Cornelia became literate like most Indigenous children of her era. She attended a Catholic boarding school in Rosebud, where she was beaten for speaking Lakota. “They would cry, but they didn’t care,”

Frank said, recalling his mother's stories of the Lakota girls and the beatings they received at the hands of their made-up siblings, the "sisters" of God, the nuns. "They'd spank their hands anyway," he said holding out his wrinkled fingers, imitating smashing a child's hand with a rod. The scars on Cornelia's knuckles were still visible until she died. The children's tongues were scrubbed with lye and soap, to wash away the sin of their ancestors' words. That's how my Grandmother Cornelia entered the world of paper, through pain and punishment — and the love of Jesus Christ.

In all the black-and-white photos I have of Cornelia, she's smiling. She was the matriarch of the family. I imagine how she read Ruben the letters from powerful white men — Congressmen, church "fathers," and Indian agents — by kerosene lantern in their tar paper cabin along Mni Sose, the Missouri River. So thoroughly enmeshed in the world of paper, I find it astonishing that so little is written about her. Maybe she wanted it that way. But what she wrote captures her intellect and influence by the way she shaped the history of her family and tribe.

I had discovered Cornelia's powerful words by mistake. While conducting archival research on the Fort Randall and Big Bend dams, I found letters written by Ruben to Congressmen. The batch of correspondence has been cited in several history books (including my own) as an example of the Lower Brule Sioux Tribe's assertion of sovereignty over the Missouri River.<sup>6</sup> States such as South Dakota had been clamoring for river development and hydroelectric dams, to increase their power and authority over the Missouri at the expense of Indigenous people and land. While Missouri River states excluded Indigenous nations from such plans, in May 1937 the Lower Brule Sioux Tribe lodged a formal protest against river development "without the consent of the people" in a letter to South Dakota Republican Congressman Francis Case.<sup>7</sup> The author of the letter was Ruben Estes, the first IRA chairman of the the Lower Brule Sioux Tribe. But the written words belonged to Cornelia. And Case agreed with the logic of the argument, that, indeed, the jurisdiction and sovereignty of the Lower Brule Sioux Tribe, or any Sioux tribe, over the river had not been extinguished or diminished and states had to respect tribal sovereignty. I imagine Cornelia smiling as she read this news to Ruben.



Allotment attempted to paper over other aspects of how Lakota history and culture are indelibly tied to the land. For example, Pte Sa Win, White Buffalo Calf Woman, the most significant prophet in living memory, taught Lakotas how to not only live in good relations with the human and animal worlds. She also emphasized the caretaking of plant life. In one of the earliest images of Sicangu historian Battiste Good's winter count, Pte Sa Win is depicted as a white buffalo in the center of the camp circle. From her utters spill corn kernels into water, representing the creation of life. Above her is an image of a corn stalk and a yucca plant next to a list of the animal nations — such as bears, buffalos, wolves, deer, elk, etc. In this sense, the winter count depicts the first recorded treaty among plant, animal, and human nations.<sup>8</sup> A woman consummated Wolakota (a peace agreement), with the aspiration to be good relatives of the earth.

Lakotas kept this first covenant in mind when they signed the 1868 Fort Laramie Treaty with the United States. While Lakota treaty-making sought harmony, balance, and inclusion among different parties, the world of paper was based on the exclusion of non-men and nonhumans. Unlike the original covenant, which was created by a woman and included everyone and everything, treaty-making in the white world barred women's leadership. Two provisions — the designation of hunting territory and farming plots in particular — entailed the quantification of space and thus changing the Lakota relationships to land and nonhumans. Article 11 retained a vast territory set aside for the Pte Oyate, the buffalo nation: "so long as the buffalo may range thereon in such numbers as to justify the chase." In turn, the military-sponsored annihilations of the buffalo herds granted white settlement to previously designated hunting territory. Often ignored Article III allowed for the allotment of 160 tillable acres of

land for every Oceti Sakowin citizen living inside the permanent reservation, an area encompassing half of the state of South Dakota west of the Missouri River. If land ran short, the treaty approved for the expansion of the reservation into adjacent or nearby territory. This was the first time individual Lakota citizenship had been so thoroughly defined on paper as fundamentally related to and measurable through the land.

Because the 1868 Fort Laramie Treaty already permitted individual allotments and farming provisions, the Dawes Act was seen as simply a land grab. Three years before the Fort Laramie Treaty, the Kul Wicasa (the Lower Brule) signed a treaty at Fort Sully establishing a “permanent reservation” at the mouth of the White River. By 1889 that reservation had been reduced in size to 446,500 acres. The opening of “surplus” reservation lands to white settlers nearly halved the reservation to 232,715 acres by 1907. By 1934 that acreage had been halved again to 122,000 acres because of the sale of individual allotments to whites. When Frank published *Make Way for the Brules*, the reservation had reached its current size of approximately 95,000 acres after the Fort Randall Dam flooded 7,997 acres in 1957 and the Big Bend Dam flooded 14,704 acres in 1963.<sup>9</sup>

The dams continued the project of dispossession that was set into motion by nineteenth century extermination and allotment policy. A mixed economy of wage labor and subsistence hunting, gathering, and farming was replaced by a near dependency on work and provisions from the outside forcing many off the reservation. The dams destroyed the prime river bottomlands that once provided sustenance, shelter, firewood, drinking water, medicines, food, and game. In numbers, the Pick-Sloan Plan, as it was known, destroyed 90 percent of commercial timber and 75 percent of wildlife and wild plants on impacted Sioux reservations. And nearly a third of the reservations’ inhabitants were forcefully removed.<sup>10</sup>

The land upon which Frank and my ancestors became human was submerged, taking with it our history and culture. Years later after Frank and I first met, my father Ben showed me a packet of land papers he received in the mail from the Department of Interior. They were satellite images of my grandma Cornelia’s original allotment, which is entirely under water, forever alienated from us so long as the dams remain, but nonetheless a square 160-acre section sitting at the bottom of a riverbed. It seemed bizarre the government kept this receipt even mapping it across a palimpsest of multiple dispossessions.

“Opposite the *gemeinschaft* life from which the [Indian] relocatees came,” Frank wrote in his book, taking an academic tone, “they were suddenly set into a social environment which was basically impersonal.”<sup>11</sup> His book’s basic thesis — the more alienated Indigenous people are from the land, the more alienated they are from their own relatives — is something that has always unsettled me. The day we first met, we were two estranged relatives in Tohono O’odham territory, land we didn’t belong to. But Frank’s goal wasn’t to prove alienation. It was to show that the Indigenous, and more specifically the Kul Wicasa, experience was one of migration, movement, and constant change. It was an observation that defied academic consensus at the time, of static and unchanging Indigenous societies. The new social institution of the paper world, however, introduced new social relations.

Frank was a scientist. In his book, the Indigenous origin story is one of movement. To his mind, American Indian migration from Asia, as purported by the Bering Strait theory, or the Siouan westward migration from the Atlantic Seaboard, didn’t diminish Lakota and Dakota origin stories but strengthened them because they added complexity, color, and texture to a vibrant, thriving and ever-changing culture that couldn’t be restricted in time and space. “One might even say in an over-all gesture that the underlying epitome of a great many of man’s migrations was vested in freedom,” he wrote in the opening lines of his book, “that is, the desire to not only have the ability to move, but to practice it also... and who knows, it may soon reach the height of [an] inter-planetary level.”<sup>12</sup>

The world of paper, however, brought confinement and restriction, but it couldn't halt movement, and for the Kul Wicasa, allotment, paradoxically, increased migration.

Frank found that after the creation of the Lower Brule Reservation in 1889, migration off-reservation increased. By 1963, those allottees who possessed the most land on the reservation more frequently migrated off-reservation. Those who migrated retained on average nearly twice as much land (112.41 acres) than those who stayed on-reservation (65.55 acres).<sup>13</sup> The reason for this paradox was that the total landholdings were of fractionated interests. Put differently, the more land one "owned" on the reservation the more likely that land was unusable because of fractionation. Frank argued the Kul Wicasa lacked a *terra firma* "upon which to practice their patterns of life (whatever they define it to be) and for them to even feel secure with it when they desired to leave. Their venture out into the world of paper would be more dignified and less threatening if they knew that they still have, and can return to, a place to be Indian. They need not be people without refuge."<sup>14</sup>

Allotment made simply living with the land mercurial and near impossible. It had also facilitated cultural assimilation and an attempted annihilation of our rightful relations with the land. "My parents didn't talk to me in Indian," he told me, reflecting on how the world of paper had helped shape his own relationship to his parents and siblings who all spoke fluent Lakota.

They didn't want me to talk in Indian. I think I know why. They thought that if I learned to talk Indian, it was going to interfere with my college or my schooling. I don't hold that against them. They thought that was the right thing to do. They would interpret for me. I didn't know that was going on until later I found out that they wanted it like that. Maybe that's why my English is so good. I can speak better English than some white people.

After Frank passed in 2015, I remembered his stories. He was never embarrassed about his upbringing or the losses he faced. His demeanor in his life and work was always forward-facing. At the end of our conversation, he told stories of his mother Cornelia. "Indians get relatives not by blood but by kinship," he said as he described the many relatives not listed on our allotment interests. He told the stories of the sick and elderly Cornelia had adopted as brothers and sisters, the many relations that existed outside the world of paper. "Take away the item of paper," Frank once wrote, "and the great complex, American, social super-structure perhaps would crumble."<sup>15</sup>

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## Author Biography

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The Red Nation Podcast features interviews, talks and short audio documentaries about politics, culture and history from an Indigenous left perspective. For more information about The Red Nation, visit [therednation.org](http://therednation.org).

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- 1 Vine Deloria Jr, "This Country Was a Lot Better Off When Indians Were Running It," *New York Times*, March 8, 1970.
- 2 Interview with Frank Estes, February 2, 2013. Frank's baptismal record lists him as "Franklin Delano Roosevelt." According to him, his mother, Cornelia Swalla, changed his middle name to "Chester" when Frank enrolled in college courses, which became his legal middle name.
- 3 Frank C. Estes, *Make Way for the Brules* (Lower Brule: The Lower Brule Sioux Tribe, 1963).
- 4 Julia Whitty, "Elouise Cobell's Accounting Coup," *Mother Jones*, September/October 2005, <https://www.motherjones.com/politics/2005/09/accounting-coup-0/>.
- 5 Quoted in S. Lyman Taylor, *A History of Indian Policy* (Washington, D.C.: United States Department of the Interior, the Bureau of Indian Affairs, 1973) 95-96.
- 6 See, for example, Nick Estes, *Our History is the Future: Standing Rock Versus the Dakota Access Pipeline, and the Long Tradition of Indigenous Resistance* (New York: Verso, 2019); Michael L. Lawson, *Dammed Indians Revisited: The Continuing History of the Pick-Sloan Plan and the Missouri River Sioux* (Pierre: South Dakota Historical Society Press, 2009); Rober Kelley Schneiders, *Unruly River: Two Centuries of Change Along the Missouri* (Lincoln: University of Nebraska Press, 2001).
- 7 Ruben Estes to Francis Case, May 16, 1937, folder 157, Francis Case papers, special collections, Dakota Wesleyan University, Mitchell, South Dakota.
- 8 Battiste Good (Brown Hat) Winter Count, Manuscript 2372: Box 12: F6, National Anthropological Archives, Smithsonian Institution, National Anthropological Archives, Smithsonian Museum Support Center, Suitland, Maryland.
- 9 Estes, *Make Way for the Brules*, 15-17
- 10 John Ferrell, "Developing the Missouri: South Dakota and the Pick-Sloan Plan," *South Dakota History* 19, 1989, 309-315; Lawson, *Dammed Indians*, 41-3.
- 11 Estes, *Make Way for the Brules*, 13.
- 12 Estes, *Make Way for the Brules*, 3.
- 13 Estes, *Make Way for the Brules*, 28.
- 14 21.
- 15 13.
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