**“Cheyenne Law”**

*By Wooden Leg*

Fighting between Cheyennes, either men or women, was forbidden by the tribal laws. In case of a fight some chief near at hand would call out: “Warriors, separate these fighters and whip them.” The warrior policemen then on duty would respond to the call. A band of them would give such punishment as seemed fitting. If the fighters renewed their strife they might have punishment added, might have their tepees torn down, their horses killed, property damage done to them in some other way, any suitable and sufficient punishment – except, no policeman warrior nor anyone else lawfully could kill a Cheyenne.

Pony whips, either lashes or the heavy stick handles, were the customary attacking weapons in a personal fight. Cheyennes did not use fists as the white people do. Not often did any two women fight. If they did, they merely scratched and pulled hair. It was more of a comic show than an alarming sight to see two women clawing each other. I never heard of any Cheyenne woman killing another nor maliciously killing a man. Nor did the men kill women. I used to hear old people talk about a Cheyenne named Wounded Elk who had beaten his wife and then shot her, killing her. I never heard of any other like the case. That incident happened before I was born.

The killing of any Cheyenne was the most serious offense against our tribal laws. The punishment was prompt. A council of the big chiefs and the warrior chiefs was called at once. The case was inquired into. If guilt was evident, the offender began without delay the payment of his penalty. Sometimes action was taken without the council being assembled, the situation being clear that unanimity of feeling was expressed either for or against the person charged with the crim. The defendant was not permitted to be present at the trial council. When the decision was rendered he was notified at his lodge by the warrior policemen. If found guilty they proceeded at once to put into effect the regular fixed and standard punishment.

“Get ready to go,” they ordered him.

Banishment for four years was the main penalty. It had to be entered upon that same day. If the offender protested or dallied, he might suffer the additional infliction of being whipped, of having his horses killed or his tepee destroyed. If he ***acceded*** willingly, he was allowed to take along his possessions. In any case, he had to go. His wife or children might go with him or remain with the tribe, as they might choose. If he had a medicine pipe, that sacred object regularly possessed by every adult male Cheyenne, his very first act of entrance upon banishment was the smashing to fragments of this most revered ***talisman****.* Everything else he owned he might take along with him. But he must not have the devotional medicine pipe.

Two or three miles from the main camp was considered a sufficient distance for the banished one. Relatives might visit him there or take food to him, but it was not allowable for them to remain long, and in no case should they remain after sundown. The chief spiritual guide or medicine man of the tribe with drew the sacred protection, so the outlawed one was altogether out of touch with the Great Medicine. He kept watch of the camp movements, and he could follow at a distance with his lone tepee and set it up at a distance within sight of but out of convenient hearing of the new camp location. He hunted alone. If in the course of his hunting he accidentally came close to other Cheyennes, it was expected he should hasten away from them. The warrior policemen would whip him, or they might kill him, if he should offer to intrude himself. It was not permissible for anyone to speak to him nor in any other manner extend to him a friendly recognition. He was entirely avoided – or, it was required of him that he entirely avoid all other Cheyennes. Day after day, month after month, summer and winter, fair or foul weather, for four complete years he lived altogether the life of a scorned hermit. He was conceded the right to join some other tribe, but he did not do this. The great obstacle was, the people of the other tribe surely would ask: “Whence came you, and why?”

When the four years ended, the ***absolved*** man came back and took temporary abode in the lodge of relatives. Soon he set up his own lodge. He was admitted then to the principal rights, privileges, and immunities of a recognized member of the tribe. But to this rehabilitation there were some important exceptions. For one, he never thereafter was allowed to have a medicine pipe nor take part in any smoking circle. He was tolerated in personal presence there, if he chose thus to place himself, but as the pipe was being moved along from one to another it always went on past him, just as if he were not there at all. Nobody abused him. They simply ignored him. Hence, he ordinarily kept entirely away from such gatherings.

An insignificant little pipe having a short stem was conceded to him as an individual comfort. Such little pipes were made of stone or of the leg bone of a deer or of some other material not used for making the venerated pipe used in formal smoking. When I was a little boy I used to see one certain very old man who smoked one of these little short-stemmed pipes. I did not understand why he should do this. I asked my father about it. He told me: “He killed a Cheyenne.”

Social ***ostracism*** in various ways haunted the subsequent life of the murderer otherwise cleansed from this stain. If he came hungry to any lodge he was fed. But when he was gone, the spoon or dish he had used was destroyed. If he sat upon a robe, nobody else ever afterward would sit upon it. If he became needy, gifts were taken to his lodge, but this was done by way of pity rather than by way of friendly feeling. By ***exemplary*** conduct he might partly restore his standing, but it was never fully restored.

If a killing was accidental, the survivor might be compelled to give horses and other presents to the relatives of the deceased, or he voluntarily and promptly might do his best to make amends to them in that manner. If no blame whatsoever rested upon him, he need pay nothing. Yet, it was customary for him to show in some such way his sadness of heart because of the occurrence. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*From “Wooden Leg, A Warrior Who Fought Custer” (Lincoln: University of Nebraska Press, 1931).*