

BEFORE THE INDIAN CLAIMS COMMISSION

THE SISSETON AND WAHPETON BANDS)	
OR TRIBES, ET AL.,)	Docket No. 142
)	
THE LOWER SIOUX INDIAN COMMUNITY, ET AL.,)	Docket Nos. 359, 360, 361,
)	362 and 363
Petitioners,)	
)	
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: Jul 25 1967

Appearances:

Marvin J. Sonosky, Attorney, with Emerson Hopp, Louis L. Rochmes, and Mack V. Traynor of counsel, Attorneys for the Petitioners.

John D. Sullivan, with whom was Mr. Assistant Attorney General Edwin L. Weisl, Jr., Attorneys for the Defendant.

OPINION

Commissioner Watkins delivered the opinion of the Commission.

The compromise settlement approved, and the award of \$12,250,000 thereby made possible in this proceeding, involves six claims filed against the defendant by seven tribal groups or bands of Indians, known generally as the Mississippi Sioux. This settlement disposes of all the claims of these Indian groups except an accounting claim which could not be settled for the reason that the General Services Administration had not finished its audit of the dealings of the United States with these Indians.

The Commission has made a part of its findings a joint communication from attorney Douglas Hunt of Montevideo, Minnesota, and three Mississippi Sioux Indians, Lillie Ross, Attorney in fact, Alexander Ross, and Josephine Cook, all of Minnesota, relative to the compromise settlement of claims stated in Dockets 142, 359-363 and 332-A (See letter in full in Finding 107). It appears that Docket 332-A is not a part of this compromise settlement. The above named persons petitioned the Commission to eliminate from consideration in these compromise settlement proceedings the strip of land referred to in the treaties of 1851, 1854, and 1858 with the United States, which awarded to the Medawakanton and Wahpakoota Indians a strip of land 10 miles wide south of the Minnesota River, bounded on the west by the Tchaytam-bay and the Yellow Medicine Rivers and on the east by the Little Rock River and a line running due south from its mouth to the Waraju River. This area is better known as Royce 440, State of Minnesota.

This area had been the subject of consideration during the earlier stages of the hearings on the Mississippi Sioux claims. We have set forth in full these proceedings in Finding No. 108 giving the history of the action with respect to the Royce 440 area. It is not involved in these compromise settlement proceedings, and none of the \$12,250,000 awarded the Mississippi Indians will be made in payment of this area. We desire to make this matter clear so that the Indians will be fully informed on its status.

One further matter we think we should clarify is the situation with respect to three longhand "inserts" in the typed pages of the original stipulation, entitled;

"STIPULATION FOR SETTLEMENT AND
STIPULATION FOR ENTRY OF FINAL JUDGMENT,
DOCKET NOS. 142, 359-363"

which was filed with the Commission on June 28, 1967. The inserts referred to above are as follows:

Page 3, paragraph 9, line 3 following the words "those dockets" the following insert was made: "including the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation, Montana."

Page 4, line 2, after the words, "each of those dockets" the following insert was made: "including the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation, Montana."

Page 5, paragraph 12, line 4, after the words, "in each of said dockets" the following insert was made: "including the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation, Montana."

In the original document after each of the above inserts are the words, "Approved, John D. Sullivan, Marvin J. Sonosky" written in longhand. These inserts were approved by the attorney for the defendant, John D. Sullivan, and Attorney of Record for the Indians, Marvin J. Sonosky, to correct an oversight in drafting the stipulation.

In other findings, referring to the Indians involved in the compromise, resolutions of approval make it clear that the inserted words were

intended to be in the stipulation of compromise settlement which was signed and executed by the parties as of May 17, 1967. These inserts were made before the Stipulation was copied into the Commission's Finding No. 61. In this finding it is set forth as corrected and as it was intended to be by the parties thereto.

Taking into consideration the record in all stages of litigation in the dockets involved, the oral and documentary evidence presented, the statements of counsel, the Commission has found that the proposed settlement is fair and just to the Indian petitioners and to the United States; that it has been carefully and fully explained to the members of the Indian groups involved; that the members of these groups have approved the settlement by a large majority, after having an opportunity to examine it and learn of its provisions; that approval of the settlement will eliminate the need for much additional litigation and necessary expenses which would be incurred in these cases.

Therefore in conformity with our Findings of Fact and this Opinion entered today a Final Judgment will be entered.

/s/ Arthur V. Watkins
Arthur V. Watkins
Commissioner

We concur:

/s/ Wm. M. Holt
Wm. M. Holt
Commissioner

/s/ T. Harold Scott
T. Harold Scott
Commissioner