

BEFORE THE INDIAN CLAIMS COMMISSION

THE SIOUX TRIBE, ET AL.,)
)
 Plaintiffs,)
)
 v.)
)
 THE UNITED STATES OF AMERICA,)
)
 Defendant.)

Docket No. 74

Decided: September 10, 1969

Appearances:

Marvin J. Sonosky, Attorney of record for
 the Rosebud Sioux Tribe, Standing Rock Sioux
 Tribe, Crow Creek Sioux Tribe, Lower Brule
 Sioux Tribe and Santee Sioux Tribe.

Arthur Lazarus, Jr., Attorney of record for
 the Pine Ridge Sioux Tribe

William Howard Payne, Attorney of record for
 the Cheyenne River Sioux Tribe and the Sioux
 Tribe of the Fort Peck Reservation, Montana

Walter A. Rochow, with whom was Mr. Assistant
 Attorney General Edwin L. Weisl, Jr., Attorneys
 for Defendant

OPINION OF THE COMMISSION

Vance, Commissioner, delivered the opinion of the Commission.

On August 27, 1965, the Commission determined that plaintiffs
 had recognized title to the territory described as follows in the Fort
 Laramie Treaty of September 16, 1851:

The territory of the Sioux or Dahcotah Nation, com-
 mencing the mouth of the White Earth River, on the
 Missouri River; thence in a southwesterly direction
 to the forks of the Platte River; thence up the north

fork of the Platte River to a point known as the Red Bute, or where the road leaves the river; thence along the range of mountains known as the Black Hills, to the headwaters of Heart River; thence down Heart River to its mouth; and thence down the Missouri River to the place of beginning." (11 Stat. 749)

The Commission concluded:

...that the proper location of the Sioux western boundary between the "Red Bute" on the south and the headwaters of Heart River on the north follows the drainage divide between the rivers flowing east into the Missouri and those flowing north into the Missouri. At the point where such line joins the line of the Gros Ventre, Mandan and Arricara Indians along the 'range of mountains known as the Black Hills' it continues to follow said line to the headwaters of the Heart River forming a contiguous boundary with said Gros Ventre, Mandan and Arricara line to that point and from there continues as a contiguous boundary with said Gros Ventre, Mandan and Arricara line to the mouth of Heart River. The Sioux Tribe of Indians, et al., v. United States, 15 Ind. Cl. Comm. 577, 597 (1965)

This determination by the Commission of the Sioux western boundary created several million acres of undefined and unrecognized land in the middle of the territory covered by the Fort Laramie Treaty.

On December 10, 1968, plaintiffs filed a "Motion to Modify Paragraph No. 2 of Order Defining Boundary entered August 27, 1965, to strike or modify findings and to admit Exhibit in Evidence." Defendant filed a response to this motion January 24, 1969, and plaintiffs replied to this response January 29, 1969.

Plaintiffs' motion requested the Commission to modify Paragraph No. 2 of the order entered August 27, 1965, so as "...to conform the western boundary of Sioux country to the language, purpose and intent

