

## BEFORE THE INDIAN CLAIMS COMMISSION

THE SIOUX NATION, ET AL.,	)	Docket No. 74
	)	
THE CHIPPEWA CREE TRIBE OF	)	Docket No. 221-A
ROCKY BOY RESERVATION,	)	
	)	
THE THREE AFFILIATED TRIBES OF	)	Docket Nos. 350-B
THE FORT BERTHOLD RESERVATION,	)	and 350-C
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
THE UNITED STATES OF AMERICA	)	
	)	
Defendant.	)	

Decided: August 26, 1970

FINDINGS OF FACT

1. The Sioux Tribe of Indians is an identifiable group of American Indians entitled to maintain an action under Section 2 of the Indian Claims Commission Act. Traditionally the Sioux were divided into seven major groups: (1) Medawakantons, (2) Wahpakootas, (3) Sissetons, (4) Wahpetons, (5) Yanktons, (6) Yanktonais, (7) Tetons. Each of the seven Sioux tribes was sub-divided into several bands, and these bands were in turn split into smaller groups.

Each of the plaintiffs, the Rosebud, Standing Rock, Pine-Ridge, Cheyenne River, Crow Creek, Lower Brule, Santee and Fort Peck Sioux is an organized tribe of American Indians, recognized by the Secretary of the Interior as authorized to represent each tribe respectively. Each is entitled to maintain an action under Section 2 of the Indian Claims Commission Act. Together these eight plaintiffs are the successors in

interest to the Sioux tribes or bands who were parties to the Treaty of April 29, 1868, 15 Stat. 635. The aboriginal title claim which is presently before the Commission is asserted on behalf of the Yanktonai and Teton Sioux. All plaintiffs except the Sioux of the Santee Reservation are comprised at least in part of Yanktonai or Teton descendants, or both. The Santee Sioux however, are descendants of Medawakanton and Wahpakoota Sioux.

2. The Three Affiliated Tribes of the Fort Berthold Reservation is an identifiable group of American Indians entitled to maintain an action under the Indian Claims Commission Act. It is the successor in interest of three Indian tribes, the Arikara, the Mandan, and the Hidatsa (also known as the Gros Ventre).

3. The Chippewa Cree Tribe of the Rocky Boy's Reservation, Montana is an identifiable group of American Indians entitled to maintain an action under the Indian Claims Commission Act.

4. In the middle of the seventeenth century, the Sioux were living at the headwaters of the Mississippi River. The pressure of other Indian tribes drove the Tetons and Yanktonais southward and westward. They entered the lands here at issue during the last part of the eighteenth century, inhabiting them along with the Arikara, Mandan and Hidatsa. Later, the Sioux came to exclusively occupy much of the land formerly occupied by the Arikara, Mandan and Hidatsa, as these three tribes were decimated by smallpox epidemics and became unable to withstand hostile attacks.

5. In 1792, D'Eglise, a trader, ascended the Missouri River to the Mandan villages. In describing D'Eglise's trip, Zenon Trudeau

wrote that the Mandan living in fortified villages were perpetually at war with the Sioux.

In 1794 and 1795, Jean Baptiste Truteau, a trader, gave detailed accounts of his travels in the Missouri valley. Above the mouth of the White River he encountered a group of Sioux. The spokesman said he was a Yankton Sioux "who lived on the Des Moines River". Truteau continued:

But they had hidden from me that there were only three lodges of their nation and that this band was largely composed of Teton Sioux, a ferocious people, little civilized, who wandered around constantly for food \*\*\* The vast prairies, which they crossed north of the Missouri, were presently stripped of wild animals and they were obliged to hunt the buffalo and wild cows on the banks of the Missouri, and even to cross over to the west bank for hunting \*\*\* (Def. Ex. 113, pp. 268-269).

Thus the Tetons were described as hunting in the area here in issue.

Truteau further indicated that Sioux hunted in the subject area and traded their catch with other Sioux farther east in present day

Minnesota:

The northern part of the Missouri is inhabited by the great Sioux nation, almost all of whom are enemies of the Mandans, the Gros Ventres and the Ricaras, and other nations also. The Sioux nation are of those who hunt beaver; and almost every spring they obtain great quantities from here, which they trade with those Sioux who frequent the St. Peter's River and that neighborhood. (Def. Ex. 113, p. 301).

Finally, Truteau was warned that the Tetons occupied the subject area as far as the Arikara villages:

Do you think, they said to me, you can escape the hands of the Sioux, who border the Missouri on both sides, even to the village of the Arikaras and even above that. They are warned, they will hunt for you \*\*\* for they said to me, the Tetons do not have a good disposition. (Def. Ex. 113, p. 273).

At this date the Arikaras were being driven north by the Sioux toward Knife River in North Dakota.

6. The first American explorers up the Missouri were Lewis and Clark in 1804. They reported on the location of the Sioux bands, placing the Tetons and Yanktonais in approximately the southern half of the claimed area. Their locations were given as follows:

"Yank-ton (of the north or plains) -- From the head of the river St. Peters and Red river of the Missouri, about the Great Bend."

"Te-ton, Bois brule -- On the east side of the Missouri, from the mouth of the White river to Teton river."

"Te-ton, O-kan-dan-das -- From the mouth of the Cheyenne river, on each side of the Missouri, as high as the Rickaras."

"Teton-sah-o-ne -- On each side of the Missouri, from the Rickaras, to the mouth of Wamconne river."

7. In 1805, Lieutenant Zebulon M. Pike explored the Upper Mississippi River. He stated that the Yanktonais and Tetons wandered in the area between the Lower Red River and the Missouri, with the Tetons dispersed on both sides of the Missouri, "on the north principally from the river Chienne up; and on the south, from the Mahas to the Minetares, or Gros Ventres." (Pl. Ex. 26, pp. 343-344).

In 1806, Alexander Henry, a British trader, placed the Sioux in the northern portion of the claimed area. He described the ridge adjoining Dog Den Butte as the Sioux frontier. Dog Den Butte was used as a lookout for enemies by the Sioux and by the Plains-Ojibwa. In 1824 or 1825, the Sioux drove the Plains-Ojibwa out of a stockaded















