

## BEFORE THE INDIAN CLAIMS COMMISSION

THE SIOUX NATION, et al.,	)	Docket No. 74
	)	
THE YANKTON SIOUX TRIBE OF INDIANS,	)	Docket No. 332-C
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

Decided: August 25, 1977

FINDINGS OF FACT

The Commission makes the following findings of fact which are supplemental to findings of fact 13 through 35 previously entered on December 2, 1970, 24 Ind. Cl. Comm. 147. Findings of fact 1 through 14, entered in Docket 332-C on December 14, 1970, 24 Ind. Cl. Comm. 208, are hereby incorporated by reference into these findings. For reasons of simplicity, we shall renumber findings in this consolidation beginning with number 1.

General Findings

1. Description of the Sioux-Fort Laramie Land. The area of land reserved to the Sioux under the 1851 Fort Laramie Treaty generally covered a region bordered by the Missouri River on the east, the North Fork of the Platte River on the south, the Powder River on the west, and the Heart River on the north.

This region presently includes portions of the following states: eastern Wyoming; northwestern Nebraska; South Dakota, west of the Missouri River; southwestern North Dakota; and extreme southeastern Montana.

2. Location of Fort Lookout. During the period 1838 to 1858 Fort Lookout referred to a location on the west bank of the Missouri River several miles north of the mouth of White River. This was inside the Sioux-Fort Laramie lands. In the vicinity of Fort Lookout, on the east side of the Missouri River, a trading post for the Yanktons was located.

3. Location of Fort Pierre. Fort Pierre was located on the west bank of the Missouri River, near the mouth of the Bad River, and inside the Sioux-Fort Laramie lands. It was on the periphery of the treaty's boundaries.

4. Location of Fort Laramie. Fort Laramie was situated on the Laramie River, approximately one mile upstream from its mouth, and outside the Sioux-Fort Laramie lands. Though on the Laramie River, it was often referred to as being on the North Fork of the Platte River which was only a mile away. During part of the period of time covered by this decision, Fort Laramie was known as Fort John.

5. Extent of the Upper Platte Indian Agency. The Upper Platte Agency included lands both inside and outside the Sioux-Fort Laramie area.

6. Observations of Edward Denig, 1833-1855. Denig, who spent approximately twenty years in the general area, wrote in 1855-56 of his experience and recollections covering that period. He included a description of the locations of the various Sioux bands. He did not, however, indicate the exact year or years in which the bands were found in the locations he describes.

Denig placed the Brules on the headwaters of the White River and the Niobrara River, reaching down those rivers to their middle and touching the Badlands and the Bad River on the west and north.

The Oglalas were said to inhabit the area from Fort Laramie on the Platte River (actually the Laramie River), extending northeast, including the Black Hills, the heads of the Bad River and reaching as low down as the forks of the Cheyenne. Continuing west, according to Denig, they were frequently found near the head of Grand River.

The Minneconjous were to be found from Cherry River on the Cheyenne to the Butte de Mince on the Grand River.

The Hunkpapas, Sans Arcs, and the Blackfoot Sioux were said to occupy similar areas. They would be found along the Moreau, Cannonball, Heart, and Grand Rivers. They seldom extended far up the Grand River but occasionally reached the Little Missouri River.

The Two Kettle Band was said to confine itself to the Moreau and Cheyenne Rivers.

The Yanktons were said to reside in territories east of the Missouri River between the Vermillion River and Fort Pierre, occasionally placing their village on the head and along the James River if game were to be had, but more often were situated on the west side of the Missouri River between the Niobrara River and the White River and at times along these rivers. Denig further remarked that, occasionally, the Yanktons were located at and around Fort Pierre and as far beyond as the Cheyenne River.

Denig placed the Tetons almost entirely within the Sioux-Fort Laramie area. The Yanktons, though found to reside principally in areas outside the Sioux-Fort Laramie lands, were located at certain times within the area.

Yankton and Teton Locations: 1838-1843

7. Observations of Colin Campbell, 1838-39. In a March 14, 1838, letter to P. D. Papin, trader Colin Campbell told him that should he send goods to the south fork of the White River (inside Sioux-Fort Laramie lands), the Yanktons would trade there. On April 28, 1839, Campbell again reported from the forks of the White River that the Yanktons had arrived with plenty of robes. This report did not mention where the Yanktons arrived from.

8. Sightings by John C. Fremont, 1838-1843. John Charles Fremont embarked on several journeys through the West, resulting in his frequent contact with various Indian tribes. In June 1839 he was at Fort Pierre, and noted that a large village of Yankton Sioux was on the prairie a few miles away. The location of this prairie was not given. A month later near the Sheyenne River, located east of the Missouri and outside of the Sioux-Fort Laramie lands, Fremont and his party encountered Yankton lodges as well as Yanktonais and Sissetons. This sighting placed Yanktons east of the Missouri and outside the Sioux-Fort Laramie lands. This sighting was not of the entire Yankton subtribe.

Fremont recounted that in August 1841, on the waters of the Snake River, the trader Frapp and his men fought the Cheyenne and the Sioux. The Frapp incident had angered the Indians and led to the uniting of 800 lodges of Gros Ventre, Oglalas, and Cheyennes. This group intended to attack the Shoshones and Crows and a party of about 100 whites in either the Green River Valley (west of the subject tract) or on the Sweetwater River (west of, or the southwest boundary of the Sioux-Fort Laramie lands). According to Fremont, these Indians were to hunt buffalo in the Medicine

Bow Mountains (southwest of the area), cross over to the Green River, and then return to the Laramie by way of the South Pass and the Sweetwater Valley. Fremont subsequently learned that the Indians had in fact overtaken the white party near Rock Independence in the valley of the Sweetwater in the southwest corner of the Sioux-Fort Laramie lands. The whites were led by Thomas "Broken Hand" Fitzpatrick, who convinced the Indians to permit them unmolested passage.

Later, in July 1842 Fremont encountered more Oglala Sioux, who advised Fremont that they were a part of a large village that was on its way home. The village, consisting of Arapahoes, Cheyennes, and Oglalas, had crossed the North Platte below the mouth of the Sweetwater, was now in the Black Hills of Wyoming, and would return to the North Platte by the way of Deer Creek. This occurred southwest of the Sioux-Fort Laramie lands.

On July 3, 1843, while in the valley of the South Fork of the Platte, near the mouth of Bijou Creek, Fremont encountered an Oglala from a nearby village. The Sioux of the village had lost all their animals in the severity of the preceding winter and were now on their way up the Bijou Fork to beg horses from the Arapahoes, who were hunting at the head of the river. These incidents occurred south of the Sioux-Fort Laramie lands.

Finally, on August 5, 1843, Fremont was journeying down the Arkansas River, within twenty miles of Bent's Fort, when he met a large village of Sioux and Cheyennes, who were returning from the crossing of the Arkansas where they had met the Kiowas and Comanches. This group of Sioux and Cheyennes had massacred fifteen Delawares whom they had discovered in a fort on the Smoky Hill River. These events took place south of the Sioux-Fort Laramie lands.

9. Observations of Stephen Riggs, 1840. Stephen Riggs, a missionary at Lac qui Parle, traveled to Fort Pierre in 1840 in an attempt to establish a mission among the Sioux of the Missouri. He described the locations of the various sub-tribes of the Sioux. He noted that the Yanktons, though still considered to be living east of the Missouri, hunted mostly west of the river. Riggs distinguished between where the Sioux bands "lived" and where these bands "hunted". Regarding the Tetons, Riggs placed them all west of the Missouri and located their hunting grounds as being from the Missouri River to the Black Hills and from the Mandan villages on the north to the Platte River on the south.

The Tetons were broken down into seven distinctive bands and Riggs outlined the range of each. The Brules were said to range chiefly on the heads of White River and as far south and west as the headwaters of the Platte. The Oglalas ranged near the Black Hills of South Dakota and sometimes as far south as the Platte. The Minneconjou's range was generally on the Cheyenne River. Riggs placed the Hunkpapas and Sans Arcs north of the Minneconjou and the Blackfeet along the Grand River. The Two Kettles were said to range north of the Blackfeet.

Riggs' locations of the Teton bands placed them throughout the Sioux-Fort Laramie lands and beyond. From Riggs' description, the overwhelming bulk of the Tetons were within the Sioux-Fort Laramie lands. From Riggs' discussion it was difficult to determine whether the Yanktons, who reportedly hunted primarily west of the Missouri River, hunted in areas inside or outside the Sioux-Fort Laramie lands.

Riggs' account also dealt with the buffalo hunt. At the outset of his journey from Lac qui Parle, Riggs accompanied a party of Sioux Indians starting out on their buffalo hunt. He stated that the "horses,

women and children, and dogs were all heavily laden with kettles, various articles of clothing, and corn for provisions until they reached the buffalo." Teton Sioux Exhibit No. 106, p. 330. Thus, it appears that the entire group accompanied the men on such hunts.

10. Logbook of Joseph LaBarge, 1840. Joseph LaBarge, the renowned riverboat captain who piloted steamboats up and down the Missouri River, maintained a logbook of his trips. On July 20, 1840, his logbook recounted a meeting with some Yanktons who had their lodges below the Little Cheyenne. The Little Cheyenne River was east of the Missouri River, outside of the Sioux-Fort Laramie lands. The sighting was of only a small group of Yanktons, not the entire sub-tribe.

11. Observations of Rufus Sage, 1841-1842. Rufus Sage, the mountain man, spent many months in the area occupied by the Sioux. In 1841, he located the Oglala and Brule bands in the vicinity of Fort Platte which was located on the North Fork of the Platte River, three-fourths of a mile above the mouth of the Laramie River and inside the Sioux-Fort Laramie lands. In describing the boundaries of the Sioux Nation, Sage stated that "the Sioux occupy a territory extending from the St. Peters of the Mississippi to the Missouri and from there to the forks of the Platte, and up that river to its headwaters." Yankton Sioux Exhibit No. 41, p. 2. Much of the described area, particularly the southwest and eastern portions, was outside the Sioux-Fort Laramie lands.

The following year, on July 4, 1842, Sage saw the Sioux along with other tribes encamped near Beaver Creek, which was south of the South Platte and outside of the Sioux-Fort Laramie lands. His account did not specify which band of Sioux or how many lodges of the 600 to 700 total

lodges were Sioux. Near the end of August of that year, Sage also reported a grand convocation of Indians, including a large number of Sioux, Comanches, Blackfeet, and Arickarees, in the vicinity of Fort Lancaster (South Fork of the Platte River). Sage did not disclose which band of Sioux and how many were involved.

Besides the aforementioned sightings, Sage observed that various Indian tribes were dependent solely upon the chase for subsistence and occupied no fixed residences. According to Sage, these tribes were required to rove from place to place in search of game.

12. Journal of Theodore Talbot, 1843. Theodore Talbot, who traveled with John Fremont, also compiled a journal of his expedition. On August 2, 1843, while separated from Fremont, Talbot passed an Oglala village of about 1,500 persons near Horse Creek. This sighting was south of the North Fork of the Platte and outside of the Sioux-Fort Laramie lands. On August 4, 1843, Talbot and others camped near Fort John, which was located one mile upstream on the Laramie River, and outside of the Sioux-Fort Laramie lands. Nearby, several lodges of Brules and Minneconjous were camped. A few days later while traveling along the Sweetwater River, Talbot encountered a group of Minneconjous. These Indians were allegedly on a war party against the Crows. The Sweetwater River flows through lands outside of the Sioux-Fort Laramie lands as well as forming the southwestern border of the treaty area.

13. Sightings of Johnson and Winter, 1843. Two other travelers, Johnson and Winter, mentioned in their narratives their coming upon a Sioux Indian on August 4, 1843. They were able to prevent his escape and



inquired about the whereabouts of his tribe. He informed them that he was from a village of 300 souls camped three miles away.

This Sioux village was located near the headwaters of the Sweetwater River, west of the Sioux-Fort Laramie lands.

Yankton and Teton Locations - 1844-1849

14. Reports of Agent Drips, 1844-1845. In the late fall of 1844, Agent Andrew Drips of the Upper Missouri Agency reported to the Superintendent of Indian Affairs that four men had arrived from Fort John with the news that two white hunters had been killed by the Sioux on the head of Laramie Fork, which was outside the Sioux-Fort Laramie lands. The Sioux involved in the incident were not further identified by Agent Drips.

In December 1844 the Oglalas received their supplies from Agent Drips at the Oglala camp on the Platte River. Other Oglalas received their supplies that month at the Oglala camp on Horse Creek. <sup>1/</sup> The latter camp was outside the Sioux-Fort Laramie lands. It is not clear whether the Platte River camp was located inside or outside the Sioux-Fort Laramie area.

The Hunkpapas and Brules received their supplies at their camp at Fort Pierre on October 4, and November 3, 1844, respectively. This occurred within the Sioux-Fort Laramie lands.

In his August 27, 1845, report to Superintendent Harvey, Drips stated that the Sioux of the Upper Missouri Agency were numerous and scattered over a large tract of country. According to Drips, they "lived entirely

1/ The Docket 332-C plaintiffs reported Drips' account as specifying the "Horn Creek"; however, upon close examination we have determined that "Horse Creek" was the correct reading of the report by Drips.

upon buffalo, and were found during the winter months principally on the Missouri or its tributaries. The remainder of the year they were on a large tract of country between the Missouri and the Platte in search of subsistence." Yankton Sioux Exhibit No. 45-7, p. 2.

15. McLeod's Letter - Tetons and Yanktons East of the Missouri River, 1845. In a letter dated April 12, 1845, a trader in the region east and north of the Missouri reported the arrival of over 600 lodges of Yanktons and Tetons along the northern James River area, with more coming in daily. According to this trader, named Martin McLeod, the Indians brought astounding reports that due to the extreme scarcity of buffalo not one Teton or Yankton remained west of the Missouri. McLeod's letter further mentioned many bands wandering about in a state of starvation all winter.

McLeod's letter stating that all Tetons and Yanktons were east of the Missouri referred only to those Indians normally found at that time along the Missouri and its tributaries. By 1845 many bands of the Sioux were no longer spending their winter along the Missouri but had expanded into areas further to the west. This fact, coupled with the extreme scarcity of buffalo along the Missouri that winter, caused those bands to avoid the Missouri River and to hunt for buffalo along the North Fork of the Platte.

16. Report of Agent Hamilton, 1844. In July of 1844 Agent Joseph Hamilton of the Council Bluffs Agency indicated to his superiors that the country in which Fort John was situated belonged to the Brules and Oglalas who numbered about 600 lodges. This location placed these bands of Tetons in the southwest portion of the Sioux-Fort Laramie lands and in lands located outside of the area.

17. Expedition of Colonels Kearny and Cooke, 1845. Colonel Philip Kearny, who visited the Sioux during the summer of 1845, maintained a journal or logbook of the events occurring during his expedition. On June 9, while continuing up the North Fork of the Platte, he reported seeing large herds of buffalo on both sides of the river. A week later, on June 16, Kearny observed some 250 Oglala and Brule Sioux near Fort Laramie. On his return trip, Kearny encountered 73 lodges of Oglalas on the south bank of the North Fork of the Platte.

On June 15, 1845, Colonel Philip Cooke, who accompanied Colonel Kearny and kept an account of his own experiences, met with 1,200 Sioux at the confluence of the North Fork of the Platte and the Laramie River. These sightings were outside of the Sioux-Fort Laramie lands.

18. The Journal of Joel Palmer,<sup>2/</sup> 1845. Joel Palmer also visited the region around Fort Laramie during the summer of 1845. Palmer's journal of travel over the Rocky Mountains reported a June 25, 1845, sighting of Sioux at Fort Laramie. Palmer estimated the number of Sioux living in this region at close to 1,500 lodges. This included more than just one band of Sioux. This report included Oglalas, Brules, and smaller amounts of other Teton bands and, perhaps, even some Cheyenne.

19. Trading Report of A. R. Bouis, 1845. In late August 1845, trader A. R. Bouis reported to his superiors on the locations of the tribes and the prospects for the coming trading season. He wrote that he expected

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<sup>2/</sup> Reben Gold Thwaites, Palmer's editor, noted that the usual habitat of the Sioux was along the Missouri River or eastward. According to Thwaites, the Teton Sioux were in the habit of wandering westward for summer hunts. Thwaites, as did Riggs, distinguished areas where Sioux lived and where they hunted.

a good winter season since at the time of his writing buffalo were plentiful in the Fort Platte area. He indicated that part of the Minneconjous would winter in the vicinity of Fort Platte. Other Minneconjous were presently at Bear Butte (inside the Sioux-Fort Laramie lands) while the rest had left for the Platte. The Hunkpapas along with some Blackfeet Sioux were said presently to be at Three Buttes (location unknown). The Sans Arcs<sup>3/</sup> were on the White River with a band of Brules. A group of Yanktons was at the James River, and another group of Yanktons was at their cornfield. Bouis did not indicate the location of the cornfield. The Yanktons had such fields both east and west of the Missouri River.

From Bouis's report it is found that in late August 1845 virtually all the Yanktons reported were east of the Missouri and virtually all the Tetons reported were west of the Missouri, with a majority of the reported bands being within the Sioux-Fort Laramie lands.

20. Sightings of Edwin Bryant, 1846. Edwin Bryant, a journeyer through the West between 1846 and 1847, recorded his experiences. On June 23, 1846, he reached Fort Laramie, where he reported over 3,000 Sioux Indians encamped on the plain surrounding the fort. This was outside of the Sioux-Fort Laramie lands. According to Bryant, the Sioux had collected there for the purpose of organizing a war party against the Shoshone and Crows. Bryant further disclosed that, in traveling with their women and children, the Sioux could cover 50 to 60 miles per day.

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<sup>3/</sup> Both parties cited this band as being "Sawons". Our examination of the script copy of Bouis' report in Yankton exhibit 45-8 clearly indicates that he was referring to the Sans Arcs.

On June 24, 1846, Bryant observed that the Sioux had broken camp and had conducted their women and children to a point on the Platte about 50 miles above Fort Laramie (within the Sioux-Fort Laramie lands), where the warriors left them in the care of the old men until the war party returned. The war parties were composed strictly of the warriors. The old men, women, and children stayed behind.

21. The Journals of Francis Parkman, 1846. Francis Parkman, the famous historian, maintained a journal of his western travels. Often, he spent time living with the various Indian tribes he encountered. The editor of his journals noted that Parkman spent a few weeks in the summer of 1846 hunting with a Sioux village beyond the Laramie Mountains in the Laramie Basin, and in the eastern foothills of the Medicine Bow Mountains (southwest of the Sioux-Fort Laramie lands).

On June 14, 1846, Parkman and his party forded Horse Creek (south of the Sioux-Fort Laramie lands) and sighted 20 lodges of Oglalas under Chief Smoke on the banks of the creek. A week later Parkman camped with the Oglala Chief, Man Afraid of His Horses, at the mouth of the Chugwater, (south of the Sioux-Fort Laramie lands). Parkman mentioned that the Sioux were massing for a large war party. The Minneconjous were expected on June 29, 1846. Oglalas under Chief Smoke were hunting across the Platte. Tunica, another Oglala chieftain, arrived and Parkman learned it was Tunica's intention to hunt in the vicinity of the Laramie Mountains and then go to war.

On July 15, 1846, Parkman headed south towards the headwaters of Laramie Creek (south of the Sioux-Fort Laramie lands). That night he reached the village of Big Crow, an Oglala. Parkman hunted with this village and moved with it up the Laramie Creek towards the eastern foothills of the Medicine Bow Mountains.

According to Parkman's journal, the Sioux hunted in bands and while hunting never really maintained a permanent site.

22. Report of Agent Moore, 1846. T. P. Moore succeeded Andrew Drips as agent for the Upper Missouri Agency. In his report of September 21, 1846, he indicated that the Yanktons were to receive their annuities at Fort Lookout or Campbell's trading house. Moore referred to Fort Lookout as being the headquarters of the Yankton and Santee bands of Sioux. Late in June or early in July, 1846, Agent Moore met a large number of Tetons at Fort Pierre. Members from the Brule Band were recognized as among them. Around July 19, 1846, Moore received notice from the Platte area that all the chiefs and braves of the Oglalas were on a war party against the Crows and would not be present if he decided to visit them. On August 23, 1846, 400 lodges of Yanktons were at Fort Lookout to receive their goods. This accounted for most of the Yanktons.

23. Report of Agent Fitzpatrick, 1847-1848. In 1847 Thomas "Broken Hand" Fitzpatrick was appointed agent for the Upper Platte Agency. In a letter to Fort Leavenworth dated January 17, 1847, Fitzpatrick reported that the Sioux were fast leaving the Missouri and moving back towards the Platte and Arkansas Rivers, where game was more abundant, and that the Sioux would in a few years abandon the Missouri River altogether. A year later, in February of 1848, he found Sioux along the South Fork of the Platte for 80 miles and for 20 miles down Lodgepole Creek, a tributary of the South Fork.

Fitzpatrick did not indicate which Sioux bands were located in the area, nor did he hint that these Sioux were bands normally found along the Missouri. Whichever bands were in this area, they were outside of the Sioux-Fort Laramie lands.

24. Sightings of Father Ravoux, 1847. Father Augustin Ravoux journeyed across the prairies adjacent to the Missouri River and the Vermillion River and reached Fort Pierre in late July of 1847. There he found large numbers of Hunkpapas, Brules, and Blackfeet Sioux encamped in the surrounding vicinity. This sighting placed these designated groups within the Sioux-Fort Laramie lands.

25. Yankton Attack Upon the Steamboat "Martha", 1848. In a report of June 16, 1848, Agent G. C. Matlock wrote to Superintendent Thomas Harvey of the attack by Yanktons upon the steamboat "Martha". The attack occurred on June 13, 1848, shortly after the Martha landed at the Yankton trading post just north of Crow Creek. This incident occurred east of the Sioux-Fort Laramie lands although in the vicinity of Fort Lookout.

The Yanktons had collected at the post to receive treaty goods from the Government. The record does not indicate where these Yanktons came from, or how long they remained in the Fort Lookout area.

26. The Travels of Father DeSmet, 1846-1848. Father Pierre-Jean DeSmet traveled throughout much of the Upper Missouri region during the mid 19th century. In 1846, Father DeSmet passed the mouth of the Niobrara River, which he reported rose at the foot of the Black Hills. At that time, it was the common belief that this was indeed the location of the headwaters of the Niobrara River. Two years later, in discussing the Bad Lands, DeSmet stated that this area gave rise to the Bad River, the White River, and the Niobrara River.

In a December 1848 letter to Superintendent Harvey, DeSmet disclosed that he had received reports from Indians, whites, and half-breeds telling of the hastening disappearance from the region of the buffalo, moose, and

elk. According to DeSmet, the Yanktons and Santees, who had sold and left the Des Moines and Sioux Rivers area, were trespassing on the hunting ground of the Brules, for he had encountered them in October 1848 at the headwaters of the Niobrara River and the White River. This was inside the Sioux-Fort Laramie lands.<sup>4/</sup>

27. Observations of Cross and Gibbs, 1849. Osborne Cross and George Gibbs were part of the first United States Military Expedition to travel the full length of the Oregon Trail from Fort Leavenworth to Fort Vancouver between May and October 1849. They reported, on June 11, 1849, meeting a party of Brules headed by Bull-Tail near the South Fork of the Platte. Gibbs estimated that this group contained 150 lodges. This was a war party which was returning from its encounters. This war party's activities were outside of the Sioux-Fort Laramie lands.

28. Report by Agent Hatton, 1849. In his October 1849 report, sub-agent William Hatton noted that in June 1849 he went up-river to deliver the Yankton and Santee annuities. He stopped first at Fort Vermillion (east of the Sioux-Fort Laramie lands) but, finding only 20 lodges there, did not distribute the annuities. When Hatton arrived at Fort Lookout, which he described as situated at the Yankton village, he deposited his goods, not being able to distribute them since the Yanktons were on their hunting grounds. Hatton's report did not indicate where the Yankton hunting grounds were.

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<sup>4/</sup> DeSmet placed these Indians in the hunting grounds of the Brules. Other travelers and government agents made similar distinctions between where the Indians lived and where they hunted.



29. Observations of David DeWolf, 1849. David DeWolf traveled through the Platte River area and while camped on the south bank of the North Fork of the Platte River on June 24, 1849, his group was visited by approximately 60 Sioux Indians. Two days later they met another group of Sioux approximated at 40 in number.

The location of DeWolf's camp was just outside the Sioux-Fort Laramie lands. DeWolf did not identify which band of Sioux he saw.

30. Diary of James Pritchard, 1849. James Pritchard, who traveled through the Platte River area, maintained a diary of his activities. On June 26, 1849, his diary disclosed that he was on the South Fork of the Platte River near where a village of 2,000 to 3,000 Sioux Indians were located. This was outside of the Sioux-Fort Laramie lands. Pritchard's diary did not specify which band of Sioux he saw.

31. Sightings by Howard Stansbury, 1849. On July 5, 1849, in the vicinity of the North Fork of the Platte River, Howard Stansbury of the Corps of Topographical Engineers encountered 10 lodges of Sioux that were driven by cholera from the South Fork of the Platte River to the emigrant road on the North Fork in the hope of obtaining medical aid from non-Indians. The following day, Stansbury paid a visit to another cholera-stricken village of 250 Indians that was camped further upstream along the North Fork of the Platte River. On September 27, 1849, while returning from his surveying assignment, Stansbury encountered on the Laramie River (outside of the Sioux-Fort Laramie lands) several hundred Oglalas led by Chief Buffalo Dung. His village consisted of nearly 100 lodges. Traveling the following day in a southeasterly direction from the Oglala village, Stansbury and his party observed 50 Indians involved in a buffalo hunt. Stansbury did not identify these Indians.

Stansbury's sightings placed some of the Oglalas clearly outside of the Sioux-Fort Laramie lands, although they were not far removed from its borders. Other sightings placed Indians on the North Fork of the Platte without distinguishing whether it was on the north or south bank. These sightings could have placed the Indians either in or out of the Sioux-Fort Laramie lands, but clearly placed them along its periphery.

32. Report by Governor Ramsey, 1849. Alexander Ramsey, Territorial Governor for the Minnesota Territory, included in his October 1849 report a description of the various habitats of the Sioux Nation. As to the Tetons, he reported they lived entirely beyond the Mississippi (actually meaning the Missouri) River, along it and the Bad River. Their territory, according to Ramsey, extended above the Cannonball River and south to the Niobrara River.

As to the Yanktons, Ramsey placed them "next beyond that of the Sissetons - commencing on the western side of Lake Traverse and extending west of the James River to the Missouri, above old Fort Lookout and to the lands of their scions, the [Yanktonais]." Yankton Sioux Exhibit 49-7.

Ramsey located the Tetons almost entirely within the Sioux-Fort Laramie lands. The Yankton territory he described was nearly all outside of the Sioux-Fort Laramie lands.

Yankton and Teton Locations: 1850-1854

33. Journal of Thaddeus Culbertson, 1850. Thaddeus Culbertson visited the Upper Missouri region in 1850 and kept an account of his travels, later published as a journal. In his journal, Culbertson noted, on April 12, 1850, about 25 Yankton lodges at the Vermillion post (east of the Sioux-Fort Laramie lands). None of the Indians were presently there but rather were out chasing buffalo. In early May, Culbertson arrived at the

Yankton Trading House which was located north of Crow Creek, east of the Sioux-Fort Laramie lands. Culbertson encountered Indians, presumably Yanktons, upon his arrival at the trading establishment.

Culbertson's journal also contained a chart depicting a tabular view of the Sioux Nation of the Upper Missouri as of 1850. This chart placed the Yanktons in the basin of the James River. It placed all the Tetons except for the Oglalas within the Sioux-Fort Laramie lands. The Oglalas were said to be at the North and South Forks of the Platte River and west of the Black Hills.

The chart also described the various sub-tribes' and bands' "country", not necessarily including where they hunted. Nonetheless, according to the chart, all the Yanktons were outside the Sioux-Fort Laramie lands while all the Tetons, save the Oglalas, were inside of the area.

34. Sightings by Bennett and Lampton, 1850. James Bennett, whose party left New Harmony in 1850 and crossed the plains, maintained a journal comprised of his daily activities and observations. On April 18, 1850, he spotted a group of Sioux Indians, approximately 20 in number, on the South Fork of the Platte River.

William Lampton's diary of his travels during his overland journey revealed a sighting of about 125 Sioux warriors in the vicinity of Ash Hollow Creek. This sighting occurred on June 6, 1850.

Both Bennett's account and Lampton's account placed these Sioux Indians in areas outside of the Sioux-Fort Laramie lands. Lampton's sighting at Ash Hollow Creek was adjacent to the North Fork of the Platte River, just barely south of the Sioux-Fort Laramie area. Neither observer identified the sub-tribe or band of the Indians they encountered.

35. The Fort Laramie Treaty Council, 1851. The Fort Laramie Treaty Council took place in September of 1851. The Republican, a St. Louis newspaper, dispatched its editor to Fort Laramie to cover events surrounding the treaty. Various Indians from several of the gathered tribes spoke expressing their feelings about the treaty's effect. One Oglala Indian objected to the North Fork of the Platte being designated the boundary between the Sioux and the Cheyennes and Arapahoes. The Indian asserted that his band hunted from the Platte to the Arkansas River and from there to Red Butte and the Sweetwater. This area was outside of the Sioux-Fort Laramie lands.

36. Reports of Governor Ramsey, 1852. On October 26, 1852, Territorial Governor Alexander Ramsey indicated in his report the tribes of Indians known during the year to inhabit lands in the Territory of Minnesota, which extended from the Missouri River eastward. Ramsey included Teton, Yankton, and Yanktonai Sioux as some of the tribes found there. However, Ramsey did not disclose which bands of the tribes were found there nor the times of the year when they were known to inhabit the territory.

37. Report of Agent Norwood, 1852. In his report of September 16, 1852, James Norwood, the agent for the Upper Missouri Agency, noted his awareness of the disorderly conduct of a band of about 60 Santees, with some Yanktons in amongst them, who inhabited the waters of the Big and Little Sioux Rivers. This area was east of the Sioux-Fort Laramie lands.

38. Table of D. D. Mitchell, 1852. In 1852, Superintendent D. D. Mitchell composed a table of the Upper Missouri tribes for that year. He placed the Yanktons near the Vermillion River. The lower band of Tetons,

predominantly Brules, was placed south of the Missouri, as was the Oglala band. The "Siounes" were placed on the Cheyenne River and the Platte River.

Mitchell's table placed the Yanktons completely outside of the Sioux-Fort Laramie lands, while the Tetons were placed mainly within the area.

39. Letter of Lieutenant Garnett, 1853. In a letter, dated June 30, 1853, from U.S. Army headquarters at Fort Laramie, Lieutenant R. B. Garnett reported to his superiors an encounter involving his troops and a band of Minneconjous who, according to the officer, had been rambling about the Platte country for the past two years. The encounter occurred on June 15, 1853. The Minneconjou village consisted of approximately 80 to 100 lodges. The Platte country included areas both inside and outside of the Sioux-Fort Laramie lands.

40. Report of Agent Vaughan, 1853. In his September 20, 1853, report to Superintendent Alfred Cumming, Agent Alfred Vaughan of the Upper Missouri Agency indicated the various Indians within his agency and where they lived. He placed the Indians at the following locations:

The Brules were said to occupy the country from the mouth of the South Fork of the White River, south down to the Niobrara River at approximately 100 miles from its mouth, from there to its headwaters taking all the country lying between the White River and the Niobrara River.

The Yanktons were found from the mouth of the White River up to Fort Pierre, both east and west of the Missouri, some 125 miles in length, and as far east as the James River.

The Two Kattles were said to be on the Bad River, from its mouth to its source, and north as far as the Cheyenne River.

The Hunkpapas and Blackfeet Sioux were found from the mouth of the Moreau River as high up the Missouri as the Cannonball River and southwest for 150 to 200 miles.

Finally, the Sans Arcs and the Minneconjous were in lands lying north of the Cheyenne River as far as the Moreau River, then southwest, south of the Black Hills and as far as the mouth of Beaver Creek (South Dakota Black Hills).

Vaughan also noted that the extreme severity of the weather during the winter of 1852-53 prevented these Indians from leaving their homes in quest of buffalo, their range being a long distance off.

Vaughan did not include the Oglalas in his report because they were assigned to the Upper Platte Agency. The Teton bands which Vaughan reported on were found predominantly within the Sioux-Fort Laramie lands.

41. Observations of Lieutenant Saxton, 1853. Lieutenant R. Saxton led an expedition into the area in 1853. In his report, Saxton noted that on October 18, 1853, the Yanktons, 2,500 of them, had left Fort Pierre for buffalo country. He mentioned that the Indians had come to Fort Pierre in order to receive their supplies from the Government. Saxton failed to mention where the Yankton buffalo country was.

42. Report of Agent Vaughan, 1854. In a report on March 6, 1854, Agent Vaughan stated that a war party of approximately 60 Hunkpapas and Blackfeet Sioux were in the vicinity of Fort Union. This sighting placed these warriors north of the Sioux-Fort Laramie lands. However, Vaughan's report did not indicate where the old men, women and children were located during the war party, nor did it indicate the length of time spent by these Indians in the Fort Union area.

43. Grattan's Massacre, 1854. In August 1854, there occurred the incident commonly known as "Grattan's massacre." It began with the killing by a Teton Sioux of an emigrant's cow which had fallen behind the rest of the group. The emigrant train was traveling along the south bank of the North Fork of the Platte River when the incident occurred. The killing of the cow was reported to the army and a group of soldiers under the command of Lieutenant John L. Grattan was sent to the Indian village to apprehend the wrongdoer. The killer of the cow was of the Minneconjou band, although the village was comprised largely of Oglalas and Brules. When the offender refused to surrender himself, Lieutenant Grattan ordered his men to fire upon the Indians. At first the Indians did not return the fire, but when Grattan's men fired their cannon at them, the Indians rushed the soldiers and quickly killed every soldier in Lieutenant Grattan's command.

44. Military Activity in Response to Grattan's Massacre, The Reports of General Winship and Colonel Hoffman, 1854. After Grattan's Massacre there was an increase in the presence of the military in the Fort Laramie area. The Army was sent into the area to gain information on the various bands of Sioux in order to conduct operations against those Indians believed to be responsible for the death of Lieutenant Grattan and his men.

In a report compiled on September 27, 1854, General O. F. Winship discussed the various bands of Sioux who habitually resided south of the Missouri. In the report, the Oglalas were said to occupy the North Fork of the Platte River. The Brules inhabited the country bordering the White River, while the Minneconjous were said to be found on the two forks of the Cheyenne. The Blackfeet Sioux were located on the Missouri at the

mouth of the Moreau River, not far above Fort Pierre. The Hunkpapas were placed in areas similar to the Blackfeet Sioux, while the Sans Arcs were placed on the headwaters of the Moreau River. The Yanktons were not mentioned. The bulk of the Teton locations was within the Sioux-Fort Laramie lands.

Colonel William Hoffman, pursuant to instructions, reported on November 27, 1854, on the various bands of Sioux and their relation to the country occupied by them. According to Hoffman, the Oglalas occupied the country from the headwaters of the Powder River, south to the South Fork of the Platte River, and between the two forks of the Platte River. They generally wintered on the Powder River or between it and the Platte River.

The Brules' country was reported to extend from the sources of the White River south across the Niobrara River to the Platte River, and as far east as the forks of the Platte River.

The Minneconjous, Hunkpapas, Blackfeet Sioux, and the Sans Arcs were said to occupy the country from the Missouri west to the sources of the two forks of the Cheyenne in the Black Hills (South Dakota), and from the Moreau River south to the White River. No mention was made of the Yankton Sioux.

According to Colonel Hoffman's report, the Minneconjous, Hunkpapas, Blackfeet Sioux, and the Sans Arcs were occupying areas completely within the Sioux-Fort Laramie lands. The Brules' country was predominately within the area, with a portion being outside of the Sioux-Fort Laramie lands. As to the Oglalas, the predominate portion of their country was outside of the Sioux-Fort Laramie lands with a small portion still within the area.



Yankton and Teton Locations: 1855-1858

45. Report of Colonel Hoffman and Lieutenant Heth, 1855. On January 1, 1855, Colonel William Hoffman reported that Red Plume and his Oglala village of 35 lodges were camped 15 miles up the Laramie River from Fort Laramie. The main village of Oglalas was still north of the North Fork of the Platte River (inside Sioux-Fort Laramie lands). The 35 lodges were later reported by Colonel Hoffman to have moved to the headwaters of Horse Creek (outside Sioux-Fort Laramie lands). Hoffman noted, however, that the report came from an Indian and may have been untrue.

An order existed at the time forbidding the Indians access to lands south of the North Fork of the Platte River. According to Hoffman, on January 2, three Oglala chiefs requested permission to hunt south of the Platte River. Four days later on January 6, 1855, three other Oglala chieftains, desiring to venture south for buffalo, complained that their fathers hunted there and that their hearts naturally turned there.

In a report to General O. F. Winship of January 24, 1855, Lieutenant Henry Heth cited a recent incident between some whites and some Oglalas near Fort Kearny to the southeast of the area. Lieutenant Heth also mentioned that back in September of 1854 a group of Yanktons stole some horses from the same post. Additionally, Heth remarked that members from Brule and Minneconjou bands were known to have participated in the massacre of Lieutenant Grattan and his men.

46. Trading Report of Charles Galpin, 1855. In a February 17, 1855, dispatch to Pierre Chouteau, Jr., trader Charles Galpin discussed the coming trading season. He reported that Teton groups representing all bands except the Brules were on the Little Missouri River. The Little

Missouri River travels through areas both inside and outside of the area. Galpin did not specify where on the Little Missouri these Indians were, nor did he indicate the numbers of each band that were present.

47. Report of Agent Vaughan, 1855. In a February 17, 1855, letter to Superintendent Cumming, Agent Alfred Vaughan reported that he had learned of a war party of 300 Blackfeet and Hunkpapa Sioux attacking the Assiniboines in the vicinity of Fort Union. This war party was operating to the north of the Sioux-Fort Laramie area.

48. Report of Colonel Hoffman, 1855. In a February 21, 1855, report from Colonel William Hoffman to General O. F. Winship, the Colonel disclosed that a group of Brules was presently on the White River having recently returned from Fort Laramie where they had returned horses stolen by some members of their band.

49. Reports of Superintendent Cumming and Agent Vaughan, 1855. In a report to Commissioner of Indian Affairs George Manypenny, Superintendent Alfred Cumming disclosed that, in April 1855, he had received a report from traders regarding their being attacked in the vicinity of the Yellowstone River (northwest of the Sioux-Fort Laramie lands) by a Hunkpapa war party. The number of Hunkpapas in this war party was not disclosed.

In his report dated June 27, 1855, Superintendent Cumming reported that Agent Vaughan had distributed annuities to the Yanktons at their village on the east bank of the Missouri, 55 miles above the mouth of the Niobrara River (this village was to the east of the Sioux-Fort Laramie lands.) The Yanktons were said to be cultivating corn, but Agent Vaughan noted that more than half of their number was on the Niobrara River smoking and drying meat and would return to the village as soon as they

had enough to sustain them for the summer. The report did not indicate the place on the Niobrara River where these Indians were located.

In Agent Vaughan's September 12, 1855, report he indicated what had been occurring in May and the summer of that year. In early May, the Hunkpapas and Blackfeet Sioux had attacked a group of traders between Fort Union and the Crow country, north of the subject area. He noted that on June 22 he arrived at the principal village of the Yanktons, 35 miles above the Niobrara River on the northeast side of the Missouri River (east of the Sioux-Fort Laramie lands). According to Vaughan, this was their permanent summer residence and the Indians there were raising corn, beans, pumpkins, and other crops at the time. He also reported that on August 23 a group of hunters was attacked on the Yellowstone River, northwest of the area, by Sioux Indians, believed to be Sans Arcs and Minneconjous. Finally, he mentioned that at the time of his report the Missouri Brules were believed to be somewhere in the vicinity of the Platte.

According to Vaughan's report, and Cumming's report, the Yanktons were outside of the Sioux-Fort Laramie area. The various bands of Tetons on war parties were also outside of the area.

50. Communication from General Scott to General Harney, 1855. In an August 17, 1855, report to General Thomas S. Harney, who was sent to punish the Sioux for the Grattan massacre and for other depredations along the Oregon Trail in Nebraska and Wyoming, General Winfield Scott noted that the Oglala band of Sioux occupied the country to the west and southwest of Fort Laramie. This placed the Oglalas in areas outside of the Sioux-Fort Laramie lands.

51. Actions by Agent Twiss in Response to the Presence of General Harney. Agent Thomas Twiss of the Upper Platte Agency was aware of General Harney's task and attempted to segregate the innocent bands of Sioux from those having had a hand in either Grattan's massacre or other depredations. In August of 1855, Twiss met with those bands of Brules and Oglalas whom he learned from whites, Indians, traders, and others had nothing to do with the recent hostilities. He informed these bands that the North Fork of the Platte River was to be the boundary between the friendly and hostile Sioux. The hostile Indians were forbidden to cross to the south side of the North Fork. Twiss made it clear that it was up to these Indians to keep the hostile ones away. Twiss placed one group of Brules on Cherry Creek and another group on the Laramie River, some 35 miles above Fort Laramie. A group of Oglalas that had come from the headwaters of the Niobrara River (inside the Sioux-Fort Laramie lands) was placed on the Laramie River, some 25 miles above Fort Laramie. All were now outside of the Sioux-Fort Laramie lands.

52. Journal of Lieutenant Warren, 1855. Lieutenant G. K. Warren, a topographical engineer, accompanied General Harney on his expedition of 1855-56. Part of Warren's tasks included maintaining a journal of the routes passed and observations encountered.

On August 7, 1855, Lieutenant Warren recorded his encounter with a band of Yanktons on the east bank of the Missouri, 40 to 50 miles above the Niobrara River. According to Warren, the Hunkpapas, Minneconjous, Sans Arcs, and Blackfeet Sioux were dispersed along the North Fork of the Cheyenne River and Powder River and on the headwaters of the Little Missouri River. (These Indians were not a part of the Upper Platte Agency

and were not included in Agent Twiss' restriction regarding the North Fork of the Platte River.) The Yanktons sighted by Lieutenant Warren were outside of the area, whereas the Teton bands mentioned were within the area.

Also, in the report, Lieutenant Warren stated that in the summer "the Sioux generally followed the Buffaloes in their ranges over the prairie, and in the winter fixed their lodges in the cluster or fringes of woods along the banks of lakes and streams." Yankton Sioux Exhibit No. 56-4.

53. Report of F. V. Hayden, 1855. F. V. Hayden, accompanying Lieutenant Warren during the expedition of 1855, was assigned the task of taking notes on the geological and physical features of the region of the upper Missouri River. Reporting on the White River valley (inside the Sioux-Fort Laramie lands) Hayden disclosed that this area was considered by the Indians one of their choice spots. According to Hayden, when the Indians were supplied with an abundance of meat, they would resort there and spend much of their time cultivating the area. He also remarked that the Brules and Yanktons were said to do quite well there.

54. Military Activities of General Harney, 1855. On September 2, 1855, General Thomas Harney found a large encampment of Brules on Blue Water Creek, a stream flowing into the North Fork of the Platte River from areas within the Sioux-Fort Laramie lands. These Brules were led by Little Thunder. On the following morning, in the valley of Blue Water Creek, Harney's command attacked the Brule encampment inflicting heavy losses upon the Indians. This battle was known as the Battle of Blue Water Creek or the Ash Hollow Massacre. It took place entirely within the Sioux-Fort Laramie lands.

A few days later, General Harney and his men were camped along the Platte River when they learned that there were 300 lodges of Oglalas and Brules on the Laramie River (outside the Sioux-Fort Laramie lands). These Indians were the bands assembled there by Agent Twiss. These Indians assured General Harney that they were not involved in the Grattan massacre. The head chiefs of the Oglalas and Brules met with General Harney who ordered them to remain south of the North Fork of the Platte.

55. Report of General Harney, 1855. In a November 10, 1855, letter written from Fort Pierre, General Thomas S. Harney identified the Sioux bands and their country. Harney reported the Yankton country to be on the east bank of the Missouri River, between Fort Pierre and the Big Sioux River. The country of the lower band of Brules' was said to be in the vicinity of the White River and the Niobrara River, beyond the Black Hills, and just below the forks of the Little Missouri River, approximately 300 miles above Fort Pierre. The Brules of the Platte were said to have their country on the Platte River, near Fort Laramie but were then on the Little Missouri River. The Minneconjous' country was reported to be around the White River, the Cheyenne River, the Black Hills, and the Little Missouri River, while the Sans Arcs were said to be along the Cheyenne, the Moreau, and the Cannonball Rivers. The Hunkpapas and the Blackfoot Sioux were placed along the Grand, the Moreau, and the Cannonball Rivers, and the Two Kettle Band was said to spend much of its time around Fort Pierre but at other times would be along the Little Missouri River. Finally, the Oglala country was reported to be around Laramie and Horse Creek and out to the Rocky Mountains, but the Oglalas at the time of the report were at the headwaters of the Laramie River and Medicine Bow River.

Harney's report placed almost all of the territory of the various bands, save the Oglalas, within the Sioux-Fort Laramie area. Most of the designations of the Little Missouri River were to areas within the Sioux-Fort Laramie lands. The Oglalas, however, were placed completely outside of the area. The Yanktons were also totally excluded from the area.

56. Report of Lieutenant Warren, 1856. In Lieutenant G. K. Warren's official report of his 1855 journey, compiled in March 1856, he also described the various locations of the Missouri Sioux. The Yanktons were said to be found at the mouth of the Big Sioux River, between it and the James River, and also on the opposite bank of the Missouri River. This description placed the Yanktons entirely outside of the Sioux-Fort Laramie area.

Warren also described the country of the Tetons and the areas of the individual bands. The Tetons were reported to live on the west side of the Missouri River, ranging in an area encompassing the Black Hills and lands between the forks of the Platte River and the Yellowstone River. This description included some area outside of the Sioux-Fort Laramie area, However, the bulk of the range of the Teton sub-tribe was within the area.

As for the individual bands, their ranges were placed at the following locations: The Hunkpapas and the Blackfeet Sioux were found to live on the Missouri River near the mouth of the Moreau River and to roam from the Cheyenne River up to the Yellowstone River and west to the Black Hills. The Minneconjous and Sans Arcs were reported by Warren to live on and between the forks of the Cheyenne and in the Black Hills. The Brules were said to claim the country along the White River and the lands contiguous to the river. The Oglala band was reported to live between the forks of the Platte River. Finally, the Two Kettle band was said to be scattered among several of the other bands.

Though Warren's report differed from Harney's, both placed the various Teton bands, except for the Oglalas, throughout the Sioux-Fort Laramie area. Both reports placed Oglala country outside of the area, though still quite close to its boundaries. According to both, the Yanktons were also found to occupy lands outside of the area.

57. Communications by Agent Twiss, 1855. In a December 15, 1855, report to Superintendent Alfred Cumming, Agent Thomas Twiss of the Upper Platte Agency included some 650 lodges of Oglalas and Brules in his census of the tribes making up his agency. These bands of Sioux conducted much of their activity in the Platte country. Often, their activities would take them outside of the Sioux-Fort Laramie area. However, they still managed to carry on activities within the subject area.

In a December 25, 1855, letter, Agent Twiss located some Oglalas at Deer Creek (south of the area) but most of them were said to be on the headwaters of the South Fork of the Cheyenne River (within the area). Additionally, Twiss noted that lower down the Cheyenne River, and near the White River, there were three villages of Brules, one on the Niobrara and two on Rawhide Creek. All were within the Sioux-Fort Laramie area.

58. Observations of General Harney, 1856. In a January 1856 letter from General Thomas S. Harney's expedition (see finding No. 51, supra) to Colonel S. Cooper, Adjutant-General of the United States Army, the corresponding officer reported General Harney's observations on the country in the vicinity of the Niobrara River and Ponca Island. The officer wrote that the area around the Big Sioux River, east of the Sioux-Fort Laramie area, was a favorite winter rendezvous of the Yanktons, Poncas, and the Santees. The officer also added that during the winter of 1855-56, he had sighted numerous lodges in this region.



This group mentioned by Harney in his report to Colonel Cooper was predominately that of the Yankton-Santee band known to be inhabiting areas outside of the Sioux-Fort Laramie area.

59. Sightings by Colonel William Hoffman, 1856. Colonel William Hoffman (see finding No. 45, supra) noted in a February 1856 report that Bad Wound and his Oglala village were camped at Deer Creek during the winter of 1855-56. This was south of the Sioux-Fort Laramie lands.

60. Report of Agent Vaughan, 1856. Agent Alfred Vaughan, in his September 10, 1856, report, mentioned his meeting with the Yanktons just below Fort Lookout. They had gathered there anticipating the arrival of their annuities. They were in poor condition and Vaughan attributed it to the scarcity of game in their country. For the greater portion of the year, according to Vaughan, they subsisted almost entirely upon various roots, corn, pumpkins, and beans. Vaughan further added that these Indians now saw the necessity of permanently locating themselves and cultivating the soil.

61. Report of Agent Twiss, 1856. In Agent Thomas Twiss' September 22, 1856, report, he presented a census of his agency. Both Oglalas and Brules were included. Twiss also stated that due to General Harney's expedition, the Oglalas and Brules agreed to their beginning agricultural pursuits at farms and trading posts established in the area. Twiss proposed the establishment of various farms and trading posts in areas both inside and outside of the Sioux-Fort Laramie lands. Some of these posts and farms were already in existence.

62. Report of Superintendent Cumming, 1856. Superintendent Alfred Cumming noted in his September 25, 1856, report that the country on the north side of the Missouri River from the region of the Gros Ventres to the mouth of the Big Sioux River was claimed by the Yanktonais and Yanktons. Additionally, he concluded that the Yanktons realized the necessity of relying to a greater extent upon cultivation, and that agriculture, in a short time, would be their only source of food. As to the Tetons, Superintendent Cumming said that the Hunkpapas, Sans Arcs, Two Kettles, and Blackfeet Sioux resided on the south side of the Missouri River. The Brules, Minneconjous, and Oglala bands were said to occasionally penetrate that region from the country adjacent to the Platte River. These conclusions were reiterated by Commissioner of Indian Affairs George Manypenny in his November 22, 1856, report.

These reports placed the Yanktons outside of the Sioux-Fort Laramie lands. The Sioux-Fort Laramie area was said to be occupied by Teton bands, even though some of them may have conducted some of their activities outside of the area. The Oglala band was still ranging into lands well outside of the area. Agent Twiss reported that the Pawnees had stolen some horses from an Oglala band camped on the Republican Fork of the Kansas River.

63. Observations of Samuel McElderry, 1857. Trader Samuel McElderry wrote from Fort Berthold to Pierre Chouteau, Jr., mentioning that he had not seen any Sioux during the winter of 1856 but had received a visit from some Hunkpapas and Blackfeet Sioux in the fall of 1856. Fort Berthold was to the north of the area. The report failed to mention how long the

Indians were there, how many there were, where they came from, and where they went upon departing from the vicinity of the fort.

64. Report of Agent Redfield, 1857. A. H. Redfield, agent for the Upper Missouri at Fort Union, reported to Superintendent Haverty (successor to Cumming) on September 9, 1857, that on June 13 he reached the mouth of the Big Sioux River and on June 14 found 100 lodges of Yanktons on the south bank of the Missouri (still outside the area). They were engaged in cultivating corn. Their principal village headed by The Man Struck by the Rees was reached the next day. This, too was on the south bank of the Missouri River and outside of the area. On June 18, 1857, Redfield arrived at Fort Randall (on the west bank of the Missouri but east of the area) and found another 20 lodges of Yanktons. On June 21, 1857, he arrived near Fort Lookout where another group of Yanktons of about 30 to 40 lodges was camped on the west bank of the Missouri. This group was within the Sioux-Fort Laramie area.

Redfield also remarked in his report that the Sioux were still wandering tribes except, perhaps, for the Yanktons whom he said were partially so.

Sometime prior to August 26, 1857, Redfield passed a war party of some 25 Sans Arcs who had admitted taking some horses from Fort William, which was north of the area.

65. Report of Superintendent Cumming, 1857. In a report written on August 20, 1857, prior to his being replaced by Superintendent John Haverty, Superintendent Alfred Cumming disclosed that the Yanktons claimed all the country lying between the Big Sioux River and a point upon the Missouri River opposite to Fort Pierre (east of the area). Cumming then suggested that a treaty be negotiated with the Yanktons for the purchase of this territory.

66. Report of Agent Redfield, 1857. In Agent A. H. Redfield's November 9, 1857, report to Superintendent John Haverty, he mentioned that on September 19, he reached Fort Clark (north of the area) and was astonished to find 600 lodges of Sioux comprised mostly of Blackfeet, Hunkpapas, San Arcs, and Minneconjous with some Yanktonais and Yanktons. Redfield believed this large number had gathered to plan winter war operations against the Assiniboines and Crows. On September 29, he found 50 lodges of Yankton at Fort Pierre, and on October 5 at Fort Randall he found another 40 lodges of Yanktons. Further downstream was the Yankton village of The Man Struck by the Rees.

67. Observations of Lieutenant Warren, 1857 In the year 1857 Lieutenant G. A. Warren accompanied another military expedition to the region of the Upper Missouri River. The eastern portion of the area covered by the expedition was outside of the Sioux-Fort Laramie area. In September 1857 Warren encountered a 40 lodge camp of Minneconjous in the Black Hills (within the area). Brules were later sighted on the portion of the Niobrara River lying within the area. Lieutenant Warren, in describing the various Indian bands and their country, repeated much of what he reported in his 1856 account. However, he specified that the latest report included additions. Thus, there were differences.

The Yanktons were said to be found at the mouth of the Big Sioux River and between it and the Missouri and as high up as Fort Lookout and on the opposite bank of the Missouri River (higher up than in the 1856 report).

The Tetons were said to live on the western side of the Missouri and extend west to the dividing ridge between the Little Missouri River and the Powder River, and then south on a line near the 106th meridian.

The Teton bands were also broken down and described by location.

The Hunkpapas, Blackfeet and Sans Arcs were said to roam from the Cheyenne River up to the Yellowstone River and west to the Black Hills.

The Minneconjous were reported to principally roam from the Black Hills south to the Platte River (expanded southward since the 1856 report).

The Brules were found to live on the Niobrara and White Rivers and range from the Platte River to the Cheyenne River.

The Oglalas were said to be generally found on or near the Platte River near Fort Laramie (not necessarily between the forks of the Platte as his 1856 account reports).

The Two Kettle Band was said to be scattered among other bands, but some of them were found in the neighborhood of Fort Pierre (Fort Pierre location had not been indicated in the 1856 report).

68. Sightings by Agent Vaughan, 1858. In late May or early June 1858 Agent Alfred Vaughan reported a war party of Minneconjous passing down the Missouri River between Fort Union and Fort Berthold. This sighting was north of the Sioux-Fort Laramie area.

69. Journal of Henry Boller, 1858. Henry Boller who spent eight years in the West maintained a journal during those years. In the summer of 1858, he met some Gros Ventres Indians who reported Hunkpapas and Blackfeet Sioux camped on the headwaters of the Knife River, north of the Sioux-Fort Laramie area.

#### Findings of Facts: MAPS

Besides the various reports and observations noted, several persons traveling through the area or living in the area during the 1838 to 1858 period prepared maps which often designated the general locations of the

Sioux sub-tribes or bands. Though not as specific or exact as verbal descriptions, these maps do present evidence of where their authors believed certain Indians were located.

70. Fur Trade Map, 1807-1843. In one map covering the fur trade period between 1807 and 1843, the term "Sioux Nation" was placed on an area encompassing both sides of the Missouri River.

71. Map Based on Information Gathered by Nicollet and Fremont, late 1830's. In an 1843 map, compiled from information gathered from the surveys of J. N. Nicollet and J. C. Fremont during the late 1830's, the term "Yankton country" was placed on the east side of the Missouri River in the Plateau du Coteau region. "Teton country" was placed on the west side of the Missouri within the Sioux-Fort Laramie lands. The map did not include the northwest, west, and southwest portions of the Sioux-Fort Laramie area.

72. Map Based Upon Fremont's Journal, 1846, An 1846 map based upon the journal of Fremont, and the notes and sketches of his assistant, was entitled the "Road From Missouri To Oregon". "War Ground of the Snake and Sioux Indians" was placed over areas outside the Sioux-Fort Laramie lands but adjacent to the southwest area. The term "Sioux Indians" was situated on the area south of the North Fork of the Platte River. This was outside of the Sioux-Fort Laramie lands.

73. Map by Rufus Sage, 1846. Rufus Sage drafted a map in 1846 of the territory westward from the Missouri. "Teton" was placed in an area within the Sioux-Fort Laramie lands. The term "Sioux" could be found in an area between the North Fork of the Platte River and Lodgepole Creek--outside of the area. There was no placement of "Yankton" on the map.

74. Map Prepared by J. Goldsborough Bruff. J. Goldsborough Bruff prepared a map depicting emigrant trail routes on the road to California as they existed in 1849. Between the North and South Forks of the Platte River the word "Sioux" was affixed.

75. Map by the Bureau of the Corps of Topographical Engineers, Circa 1850. One map prepared around 1850 by the Bureau of the Corps of Topographical Engineers covered an area from the Mississippi River to the Pacific Ocean. The term "Sioux" was found between the forks of the Platte River. "Yanktons" was placed east of the Missouri River. No other use of either term was found on the map although "Dakotahs" was placed on the east side of the Missouri River. There were no designations of any Indians within the Sioux-Fort Laramie area, this area being a virtual blank spot.

76. Map of Platte River Area, Circa 1850. In another map compiled around 1850 "Sioux" was placed in an area between the North Fork of the Platte River and Lodgepole Creek--outside of the area. "Yanktons" was placed east and north of the Missouri River, also outside of the area. No other designations were found.

77. Map by Father DeSmet, 1851. In the 1851 map presented to D. D. Mitchell by Father Pierre-Jean DeSmet, the term "Sioux or Dakotah Territory" was located over an area generally corresponding to the Sioux-Fort Laramie area.

78. Map of Platte River Area, 1854. Inscribed on an 1854 map was a note by Agent Vaughan asserting his examination of the map and finding it correct. "Sioux Indians" was placed in an area between the North Fork of the Platte River and Lodgepole Creek. Most of the Sioux-Fort Laramie area and areas east of the Missouri were excluded from this map.

79. Map of J. H. Coulton, 1855. In an 1855 map of Nebraska and Kansas compiled by J. H. Coulton, "Sioux" was affixed onto an area west of the Missouri River and within the Sioux-Fort Laramie area, and also placed between the forks of the Platte River which was outside of the area. There was no designation of "Yanktons". Both Nebraska and Kansas are west of the Missouri River. No lands east of the Missouri River were included.

80. Map by Lieutenant Warren, 1855. Lieutenant G. K. Warren's 1855 map compilation contained the geographic location of the Teton bands. All bands except the Oglalas were placed within the Sioux-Fort Laramie lands. The Oglalas were placed between the North Fork of the Platte River and Lodgepole Creek. The Yanktons were placed on the east side of the Missouri River wholly outside of the Sioux-Fort Laramie lands.

81. Map by Lieutenant Warren, 1857-1858. In a map compiled in 1857-58, based upon both of the expeditions he accompanied, Lieutenant Warren again affixed the various Teton bands and the Yanktons in areas where his observations and reliable information found them to be. Most of the Teton bands were placed in the Sioux-Fort Laramie area. The Oglalas, as in his previous map, were placed between the North Fork of the Platte River and Lodgepole Creek. A small portion of the area designated as the location of the Hunkpapas and Blackfeet Sioux was also outside of the area. The Yanktons were placed completely on the east side of the Missouri River, outside of the area,

Findings of Fact: Expert Witnesses

82. Docket 74 Plaintiffs. Dr. Helen Tanner, an ethnohistorian and historical cartographer, testified as an expert witness for the Docket 74 plaintiffs. Dr. Tanner prepared a written report which was admitted into




evidence. Dr. Tanner testified that from 1820 to 1855, the bulk of the Teton Sioux used and occupied the Sioux-Fort Laramie lands continuously throughout the year, and that every significant Teton group could be found inside that tract at some time during the year. As basic conclusions, the Docket 74 witness expressed her expert opinion that: (a) the area of limited Yankton use amounted to approximately 4-5% of the entire Sioux-Fort Laramie lands; (b) Yankton use occurred jointly with use by the Brule and Two Kettle bands of Teton Sioux, so that the proportionate Yankton interest did not exceed 2-1/2% of the total tract; and (c) the Yankton group which had shared use of the corner area became absorbed into the Brule band and is part of the Lower Brule plaintiff in Docket 74, not part of the Yankton plaintiff in Docket 332-C.

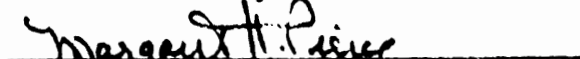
83. Docket 332-C Plaintiffs. Dr. Fred Nicklason, an assistant professor of history at the University of Maryland, and Dr. John L. Champe, Professor of Anthropology, Emeritus, at the University of Nebraska, testified as expert witnesses for the Docket 332-C plaintiffs. Drs. Nicklason and Champe co-authored a report which was admitted into evidence. Dr. Nicklason and Dr. Champe concluded, upon the basis of their research, that (a) the evidence established that the Tetons and Yanktons used the Sioux-Fort Laramie lands for their subsistence for the better part of any given year; (b) the evidence did not indicate with any certainty how many members of the two sub-tribes used lands inside or outside of the Sioux-Fort Laramie lands; and (c) they could not quantify the actual use and occupancy by both sub-tribes of the Sioux-Fort Laramie lands except by comparing their total

population. It was their opinion that to do so would require a speculation that the evidence would not support.

  
Jerome K. Kuykendall, Chairman

  
John T. Vance, Commissioner

  
Richard W. Yarborough, Commissioner

  
Margaret H. Pierce, Commissioner

  
Brantley Blue, Commissioner