

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: December 27, 1977

AMENDED FINDINGS OF FACT

The Commission makes the following findings of fact which replace the corresponding findings entered herein August 25, 1977, 40 Ind. Cl. Comm. 454, 476.

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 10, while traveling up the North Fork of the Platte, Colonel Kearny reported that a runner had been sent out to a band of Brules located north of the river. On June 11, Kearny's expedition observed a Sioux encampment of 20 or 25 lodges on the north bank of the North Platte. On June 16, Kearny reported that he met with about 250 Oglalas and Brule near Fort Laramie.

Colonel Philip Cooke, who accompanied Colonel Kearny, kept an account of his own experiences. On June 11, Cooke reported observing the lodges of a "great band" of Sioux north of the North Platte. On June 16, he

reported meeting with about 1,200 Sioux near Fort Laramie.

38. Table of D. D. Mitchell, 1842.^{*/} In 1842 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.

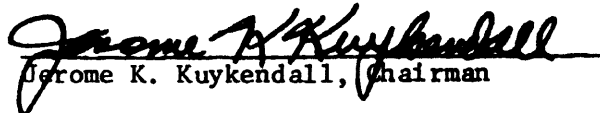
Mitchell's table placed the Yanktons completely outside of the Sioux-Fort Laramie lands, while the Tetons were placed mainly within the area.

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

^{*/} In its original finding the Commission reported Mitchell's observations as being in 1852. This was based on Yankton Exhibit 52-3. As the Tetons point out, there is also evidence (Yankton Exhibit 40-5) that this observation took place in 1842. Since we have previously found (24 Ind. Cl. Comm. 228) that Mitchell was reporting as of 1842, we shall use that date in these findings.

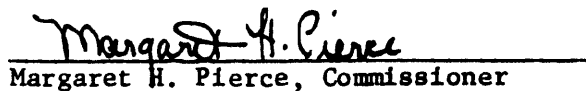
Redfield also remarked in his report that the Sioux were still wandering tribes except, perhaps, for the Yanktons whom he said were partially so.

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


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner