

BEFORE THE INDIAN CLAIMS COMMISSION

THE SIOUX NATION OF INDIANS,)	
consisting in part of the)	
SIOUX TRIBE OF THE ROSEBUD)	
INDIAN RESERVATION, SOUTH DAKOTA;)	
THE SIOUX TRIBE OF THE STANDING)	
ROCK INDIAN RESERVATION, NORTH AND)	
SOUTH DAKOTA; THE SIOUX TRIBE OF)	
THE PINE RIDGE INDIAN RESERVATION,)	
SOUTH DAKOTA; THE SIOUX TRIBE OF THE)	
CROW CREEK INDIAN RESERVATION, SOUTH)	Docket No. 74-B
DAKOTA; THE SIOUX TRIBE OF THE LOWER)	
BRULE INDIAN RESERVATION, SOUTH DAKOTA;)	
THE SIOUX TRIBE OF THE CHEYENNE RIVER)	
RESERVATION, SOUTH DAKOTA; THE SIOUX)	
TRIBE OF THE SANTEE INDIAN RESERVATION,)	
NEBRASKA; AND THE SIOUX TRIBE OF THE)	
FORT PECK INDIAN RESERVATION, MONTANA,)	
)	
Plaintiffs,)	
)	
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

INTERLOCUTORY ORDER

Upon the findings of fact and opinion this day entered herein, which are hereby made a part of this order, the Commission concludes as a matter of law that:

1. The plaintiffs herein are authorized to maintain this suit under the Indian Claims Commission Act, 25 U.S.C. § 70a (1970).
2. The fair market value of the lands acquired by the United States from the Sioux under the Act of February 28, 1877, 19 Stat. 254, was \$17,100,000.
3. The Act of February 28, 1877, supra, constituted a Fifth Amendment taking of plaintiffs' property by the defendant. Defendant is liable to plaintiffs only to the extent that plaintiffs have not received just compensation for their property.

4. The gold removed from the Great Sioux Reservation prior to February 28, 1877, was taken by the United States under the Fifth Amendment. Plaintiffs have not received any compensation for the taking. Defendant is liable to plaintiffs in the principal amount of \$450,000, plus 5 percent simple interest on that amount from November 17, 1875, until it is paid.

5. The right to construct three wagon roads through the Sioux reservation, created under Article 2 of the Act of February 28, 1877, supra, was a compensable property interest.


6. The defendant did not obtain from plaintiffs, under Article 2 of the Act of February 28, 1877, supra, the right to freely navigate the Missouri River.

This case shall proceed to a determination of the amount of compensation received by plaintiffs under the Act of February 28, 1877, supra, including the value of any property transferred to plaintiffs under the act; and to a determination of the value of the road rights of way acquired by the United States under the act.

Dated at Washington, D. C., this 15th day of February 1974.


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner