

THE 1868 FORT LARAMIE PEACE TREATY IS BROKEN

The Black Hills of Dakota are sacred to the Sioux Indians. In the 1868 treaty, signed at Ft. Laramie and other military posts in Sioux country, the United States recognized the Black Hills as part of the Great Sioux Reservation, set aside for exclusive use by the Sioux people. In 1874, however, Gen. George Armstrong Custer led an expedition into the Black Hills accompanied by miners who were seeking gold. Once gold was found in the Black Hills, miners were soon moving into the Sioux hunting grounds and demanding protection from the U.S. Army. Soon, the Army was ordered to move against wandering bands of Sioux hunting on the range in accordance with their treaty rights. In 1876, Custer, leading an army detachment, encountered the encampment of Sioux and Cheyenne at the Little Big Horn River. Custer's detachment was annihilated, but the United States would continue its battle against the Sioux in the Black Hills until the government confiscated the land in 1877.

In 1980, a payment award of *\$17.5 million, plus 5% interest per year since 1877, as determined by a U. S. Supreme Court 8-1 decision, was offered to the Sioux Nation for the loss of the Black Hills. The Sioux Nation has to this day refused the payment since they do not acknowledge the loss of the Black Hills. Ownership of the Black Hills remains the subject of legal dispute between the U.S. Government and the Sioux.

(American Originals, Stacey Bredhoff, Seattle, The University of Washington Press, 2001, pages, 56 -57.)

*The Court of Claims ruled in 1979 that the tribes would be awarded \$17,100,000 for the land itself; \$3,484 for rights-of-way; and \$450,000 for gold that miners had extracted prior to 1877. This is a total award of \$17,553,484, the largest monetary judgment ever entered against the U.S. in an Indian land claim. It was significant for a second reason as well: by invoking the Fifth Amendment, the ruling employed the same legal measure as a white complainant would have enjoyed when seeking compensation for property that the government had taken. The government appealed the ruling, and the case went to the U.S. Supreme Court. On June 30, 1980, the court ruled 8-1 affirming the Court of Claims's ruling: the award is \$17.5 million plus 5% interest, for a total of \$106 million.