

# United States v. Sioux Nation of Indians

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**PETITIONER**

United States

**RESPONDENT**

Sioux Nation of Indians

**LOCATION**

[Great Sioux Indian Reservation](#)

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**DOCKET NO.**

79-639

**DECIDED BY**

[Burger Court \(/courts?court=BurgerCourt\)](#)

**CITATION**

[448 US 371 \(1980\) \(https://supreme.justia.com/cases/federal/us/448/371\)](#)

**ADVOCATES**

[Louis F. Claiborne \(advocates/louis\\_f\\_claiborne\)](#)

*Deputy Solicitor General, Department of Justice, argued the cause for the United States*

**ARGUED**

Mar 24, 1980

[Arthur Lazarus, Jr. \(advocates/arthur\\_lazarus\\_jr\)](#)

*argued the cause for the respondent*

**DECIDED**

Jun 30, 1980

## Facts of the case

In the Fort Laramie Treaty of 1868, the United States granted the Sioux Indian Nation the Great Sioux Reservation, including the Black Hills of South Dakota. Congress reneged in 1877, passing an act that reclaimed the Black Hills. The Sioux Nation requested compensation in 1920. The United States Court of Claims ruled against the Sioux Nation in 1942. Congress then established the Indian Claims Commission in 1946. The Commission ruled that the Sioux Nation was not barred by the Court of Claims decision and ruled that Congress used its powers of eminent domain in 1877 and the Sioux were therefore entitled to compensation. The Court of Claims maintained that the Sioux were barred by their first case. Congress amended the Indian Claims Commission Act in 1978, removing the judicial bar. The Court of Claims then held that the Sioux were entitled to \$17.1 million.

## Question

- (1) Was Congress' 1978 amendment a violation of separation of powers?
- (2) Was the reclamation of land in 1877 a taking of property requiring compensation under the Just Compensation Clause of the Fifth Amendment?

## Conclusion

Sort: [by seniority](#) [by ideology](#)

8-1 DECISION

MAJORITY OPINION BY HARRY A. BLACKMUN

*William J. Brennan Jr., Harry A. Blackmun, William H. Rehnquist, John Paul Stevens, Byron White, Warren E. Burger, Chief Justice, Lewis F. Powell Jr., Thurgood Marshall, Sandra Day O'Connor, Antonin Scalia, Clarence Thomas, Stephen G. Breyer, Elena Kagan, Neil M. Gorsuch, Amy Coney Barrett, Brett Kavanaugh, Ketanji L. Jackson*



*John Paul Stevens, Byron White, Warren E. Burger, Chief Justice, Lewis F. Powell Jr., Thurgood Marshall, Sandra Day O'Connor, Antonin Scalia, Clarence Thomas, Stephen G. Breyer, Elena Kagan, Neil M. Gorsuch, Amy Coney Barrett, Brett Kavanaugh, Ketanji L. Jackson*

No and yes. In an 8-1 decision, the Court held that Congress did not violate the doctrine of separation of powers and affirmed the Court of Claims decision. Writing for the majority, Justice Harry A. Blackmun noted a similar situation in *Nock v. United States*, where a congressional exemption from a judicial bar was ruled not to be in violation of separation of powers and upheld by the Court. Additionally, since Congress "had not made a good-faith effort to give the Sioux the full value of the

Black Hills," Congress' 1877 action qualified as use of its eminent domain power under *Three Tribes of Fort Berthold Reservation v. United States*. Therefore, the Sioux were entitled to compensation under the Just Compensation Clause of the Fifth Amendment. Justice Byron R. White wrote an opinion concurring in part and in the judgment.

Cite this page

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