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APPROVED
OCT 08 1976

*S 10/8
OK'd.*

THE WHITE HOUSE
WASHINGTON
October 4, 1976

ACTION

Last Day: October 12

MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON *JAC*

SUBJECT: S. 2981 - Appropriation Authorization for the Indian Claims Commission for fiscal year 1977

Attached for your consideration is S. 2981, sponsored by Senators Jackson and Fannin.

The enrolled bill authorizes appropriations of \$1,650,000 for the Indian Claims Commission for FY 77 and extends the life of the Commission through September 30, 1978.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Kilberg), Brad Patterson and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign S. 2981 at Tab B.

*Posted
10/9/76*

*Archives
10/12/76*





EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

OCT 1 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2981 - Appropriation authorization for the Indian Claims Commission for fiscal year 1977
Sponsors - Sen. Jackson (D) Washington and Sen. Fannin (R) Arizona

Last Day for Action

October 12, 1976 - Tuesday

Action on this enrolled bill is necessary as soon as possible so that a fiscal year 1977 contingent appropriation for this program can be apportioned.

Purpose

Authorizes appropriations in the amount of \$1,650,000 for the Indian Claims Commission for fiscal year 1977 and extends the life of the Commission through September 30, 1978.

Agency Recommendations

Office of Management and Budget	Approval
Indian Claims Commission	Approval

Discussion

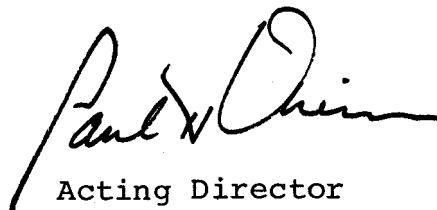
Under the Indian Claims Commission Act, the Commission was created in 1946 to adjudicate claims involving Native American Indian rights to land and compensation to Indians for the value of their aboriginal claims to land. Under current law, the Commission's life would terminate during fiscal year 1977, but earlier this year, the Administration proposed an extension through fiscal year 1978 to permit the Commission to complete most, if not all, of its remaining work.

S. 2981 would authorize appropriations of \$1,650,000 for the Indian Claims Commission for fiscal year 1977 and extend the life of the Commission through the end of fiscal year 1978, or at such earlier time as the Commission shall have made its final report to the Congress on all claims filed with it.

The enrolled bill would also require that upon dissolution, the Commission shall deliver to the Archivist of the United States all case records and files in which a final determination has been entered, and by December 31, 1976, transfer to the U.S. Court of Claims all cases which it has determined cannot be completely adjudicated by September 30, 1978. S. 2981 directs the Commission to file a report to the Congress on the first day of the next session on those cases which it transferred to the Archives and the Court of Claims and at six-month intervals thereafter on the status of its remaining work.

The Congress has already passed an appropriation of \$1.525 million for fiscal year 1977, contingent upon enactment of this authorizing legislation.

Other than certain technical provisions concerning reports to the Congress and the means for transferring cases to the Court of Claims, S. 2981 as enrolled represents the Administration's proposal submitted during 1976 to the Congress.



Acting Director

Enclosures



INDIAN CLAIMS COMMISSION

RIDDELL BUILDING, 6TH FLOOR
1730 K STREET NW.
WASHINGTON, D.C. 20006

September 30, 1976

Honorable James M. Frey
Assistant Director for Legislative Reference
Office of Management and Budget
Washington, D. C. 20503

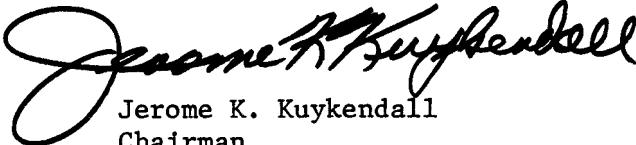
Re: Enrolled Bill S. 2981

Dear Mr. Frey:

This is in response to your request of this date regarding enrolled bill S. 2981, an act "To authorize appropriations for the Indian Claims Commission for fiscal year 1977."

The Indian Claims Commission recommends enrolled bill S. 2981 for the President's signature.

Sincerely yours,

A handwritten signature in cursive script that reads "Jerome K. Kuykendall".
Jerome K. Kuykendall
Chairman

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 2

Time: 400pm

FOR ACTION: Brad Patterson *on*
Max Friedersdorf *mf*
Bobbie Kilberg *au*

cc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 4

Time: 1100am

SUBJECT:

S.2981-Appropriation Authorization for Indian Claims
Commission for FY 77

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

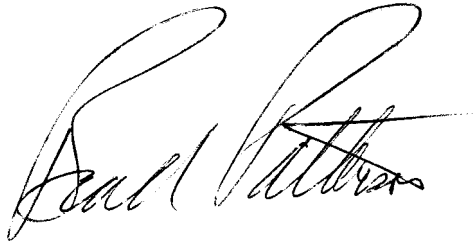
K. R. COLE, JR.
For the President

THE WHITE HOUSE
WASHINGTON

October 4, 1976

NOTE TO THE STAFF SECRETARY

I concur that S 2981 and
S 3651 should be signed by the President.

A handwritten signature in cursive script, appearing to read "Bradley H. Patterson, Jr.", written in dark ink.

Bradley H. Patterson, Jr.

Date: October 2

Time: 400pm

FOR ACTION: Brad Patterson
Max Friedersdorf *M.C.*
Bobbie Kilberg

cc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 4

Time: 1100am

SUBJECT:

S.2981-Appropriation Authorization for Indian Claims
Commission for FY 77

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

Recommend approval - JMF

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

Date: October 2

Time: 400pm

FOR ACTION: *Dick Parsons*
Brad Patterson
Max Friedersdorf
Bobbie Kilbergcc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 4

Time: 1100am

SUBJECT:

S.2981-Appropriation Authorization for Indian Claims
Commission for FY 77

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

Approve - RJP
please return to judy johnston, ground floor west wingPLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.If you have any questions or if you anticipate a
delay in submitting the required material, please
telephone the Staff Secretary immediately.James M. Cannon
For the President

Calendar No. 705

94TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ No. 94-737

AUTHORIZING APPROPRIATIONS FOR THE INDIAN CLAIMS COMMISSION FOR FISCAL YEAR 1977 AND TO EXTEND THE LIFE OF THE COMMISSION

APRIL 6, 1976.—Ordered to be printed

Mr. ABOUREZK, from the Committee on Interior and Insular
Affairs, submitted the following

REPORT

together with

MINORITY VIEWS

[To accompany S. 2981]

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 2981) to authorize appropriations for the Indian Claims Commission for fiscal year 1977, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

(1) Strike out all after the enacting clause and insert the following:

That there is authorized to be appropriated to carry out the provisions of the Indian Claims Commission Act (25 U.S.C. 70), during fiscal year 1977, not to exceed \$1,650,000.

SEC. 2. Section 23 of the Act entitled "An Act to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes", approved August 13, 1946 (60 Stat. 1049, 1055), as amended (86 Stat. 115; 25 U.S.C. 70v), is hereby amended by striking said section and inserting in lieu thereof the following:

"DISSOLUTION OF THE COMMISSION AND DISPOSITION OF PENDING CLAIMS

"SEC. 23. The existence of the Commission shall terminate at the end of fiscal year 1980 on September 30, 1980, or at such earlier time as the Commission shall have made its final report to the Congress on all claims filed with it. Upon its

dissolution the records and files of the Commission in all cases in which a final determination has been entered shall be delivered to the Archivist of the United States. When the Commission shall be of the opinion that any case pending before it can be handled more expeditiously by the United States Court of Claims, the Commission shall certify such case to the Court of Claims. The Court of Claims may thereupon, in its discretion, permit the transfer of the case, and jurisdiction is hereby conferred upon the Court of Claims to adjudicate all such cases under the provisions of section 2 of the Indian Claims Commission Act: *Provided*, That section 2 of said Act shall not apply to any case filed originally in the Court of Claims under section 1505 of title 28, United States Code. Upon dissolution of the Commission all pending cases including those on appeal shall be transferred to the Court of Claims for adjudication on the same basis as those permitted to be transferred by this section."

SEC. 3. Section 27 of such Act of August 13, 1946, as amended (25 U.S.C. 70v-1), is amended by adding the following:

"Sec. 27. (c) No trial or hearing shall be conducted nor shall any proceeding be initiated before the Commission in any phase of a claim on or after December 31, 1979: *Provided, however*, That the provisions of this subsection shall not apply to hearings or proceedings relating to a compromise settlement of a claim."

SEC. 4. Section 28 of such Act of August 13, 1946, as amended (25 U.S.C. 70v-2), is amended by striking said section and inserting in lieu thereof the following:

"STATUS REPORTS TO CONGRESS

"SEC. 28. The Commission shall, on the first day of each session of Congress and six months thereafter, submit to the Committees on Interior and Insular Affairs of the Senate and House of Representatives, a report showing the progress made and the work remaining to be completed by the Commission, as well as the status of each remaining case, along with a projected date for its completion."

Amend the title so as to read:

A bill to authorize appropriations for the Indian Claims Commission for fiscal year 1977, and for other purposes.

PURPOSE OF THE MEASURE

S. 2981, as amended, has two purposes. The first is to authorize an appropriation of \$1,650,000 for fiscal year 1977. The second is to extend the life of the Commission by three and one-half years to September 30, 1980 in order to provide a sufficient period of time to complete its work.

BACKGROUND AND NEED

The Indian Claims Commission was established pursuant to the Act of August 13, 1946 (60 Stat. 1049, 1055), as amended to provide a forum for the adjudication of the numerous unsettled tribal claims against the United States that existed on the date of the Act. Prior to the creation of the Commission such claims were heard by the Court of Claims under special jurisdictional acts. Tribes with pending claims were given five years to file them; and Congress anticipated that the Commission would complete its work and cease to exist within ten years.

Unfortunately, the Commission has failed to meet Congressional expectations, and Congress has found it necessary to enact legislation on four separate occasions in the past authorizing extensions to the life of the Commission. The most recent extension was granted through Public Law 92-265.

PL 92-265 extended the life of the Commission to April 10, 1977, mandated a dissolution of the Commission after that date, provided for an automatic transfer of any remaining dockets to the U.S. Court

of Claims, and required the Commission to obtain Congressional approval of an annual authorization for its appropriations for each ensuing fiscal year.

To assess the capacity of the Court of Claims to expeditiously adjudicate any remaining dockets following dissolution of the Commission, the Court was requested to testify at the Subcommittee hearing on April 18, 1975 on S. 876, the Commission's FY 1976 authorization. At that hearing, the witness from the Court of Claims testified as follows:

(1) That if the estimated 60 remaining accounting cases were transferred to the Court upon dissolution of the Commission on April 10, 1977, the Court would need five years to complete the final adjudication of such cases; and

(2) That the Court would pose no objection if Congress were to enact legislation to extend the life of the Commission beyond the scheduled dissolution on April 10, 1977.

At the same hearing, the Chairman of the Commission expressed the view that a three-year extension to the life of the Commission would provide a sufficient period of time to complete adjudication of all but a minor portion of the remaining cases, which could then be referred to the Court of Claims for completion.

Based on the Subcommittee hearing last year on the Commission's annual authorization bill, the Committee amended the House-passed bill (H.R. 3979) to provide for a three-year extension to the life of the Commission beyond April 10, 1977.

The House of Representatives disagreed with the Senate amendment to H.R. 3979 and requested a conference. The Senate/House conferees arrived at an impasse on the amendment, and, in the meantime, the Appropriations Committees reluctantly approved the Commission's appropriation request for fiscal year 1976.

Their action was tantamount to an authorization, and the need, therefore, for enactment of H.R. 3979 was nullified.

The Committee is aware of the Court of Claims continued reluctance to assume responsibility for the final adjudication of any remaining cases upon the scheduled dissolution of the Indian Claims Commission on April 10, 1977. In addition, the Committee has been informed of the Administration's decision to support a one-year extension to the life of the Commission beyond April 10, 1977, and that legislation for that purpose will be forthcoming to the Congress in the near future.

In enacting the most recent extension of the life of the Indian Claims Commission, Congress made it clear that it intended that extension to be the last. It was therefore provided that on April 10, 1977, the files of all cases then pending before the Commission would be transferred to the U.S. Court of Claims which would then adjudicate all such remaining cases under the terms of the jurisdictional section of the Indian Claims Commission Act.

This committee adheres to the original purpose of the Indian Claims Commission Act, that all Indian claims should be adjudicated as quickly as possible. However, because of the nature of the claims still pending at the Indian Claims Commission, and because of the present condition of the docket of the Court of Claims and the effect that the proposed transfer would have on that docket, this committee has been forced, once again, to address itself to the question of how the purpose of the Indian Claims Commission can best be carried out.

It is the committee's judgment that the proposed three and one-half years extension to the life of the Commission will serve the best interests of the Federal Government and the plaintiff tribes.

The total number of claims docketed pursuant to the Indian Claims Commission Act was 615. Of these, the total disposed of by the Commission has been 460, leaving 155 claims still pending. Of these 155 cases, 23 are before the Supreme Court on petition for certiorari and 8 are presently before the Court of Claims on appeal, leaving 124 in various stages of litigation before the Indian Claims Commission. Of the cases still pending, 48 involve claims for an accounting.¹ These claims promise to be among the most time consuming of any filed with the Indian Claims Commission and to require the exercise of the greatest degree of expertise in their disposition.

Under established law, the United States acts as a fiduciary in the administration of Indian tribal trust property. Therefore, each accounting claim requires the United States to prepare an accounting report detailing its performance as the administrator of the tribe's estate.

Some accounting reports involve transactions covering a period of 170 years. Understandably, preparation of such reports is a very time-consuming matter. These reports are prepared by a special Indian accounting group, originally located in the General Accounting Office but transferred to the General Services Administration in 1965, where it is now known as the Indian Trust Accounting Division. Because of administrative problems, this group was not sufficiently staffed until 1973. Therefore, in addition to the necessary time consumed in the preparation of extensive and complicated accounting reports there has been delay caused by administrative problems completely outside the control of the Indian Claims Commission.

After an accounting report is submitted by the United States to the claimant tribe, tribal attorneys may file exceptions to that report. Such exceptions are often quite detailed and extensive. Often, claimants allege that the accounting submitted is incomplete and ask the Commission to order that the United States supply more information.

Trial of accounting cases requires adjudications of literally hundreds of separate issues. Each expenditure of tribal funds is potentially the subject of challenge. Mismanagement of tribal resources, such as timber, grazing lands, oil and gas, is often alleged and becomes the subject of detailed and time-consuming proceedings. While the Commission and the Court of Claims have developed certain legal principles which, when applied in accounting cases, substantially shorten the time of trial, a number of important issues remain to be determined and are presently the subject of appeal.

In earlier years, the Indian Claims Commission was the subject of much criticism for its delays in processing claims. However, the committee is satisfied that throughout the period of its recent history, the Indian Claims Commission and its staff have worked diligently to move to completion all cases still pending before it. In so doing, there has developed an expertise which holds out the promise that the remaining Indian Claims cases may be disposed of within a relatively short period of time. We are told that the Commission does not foresee

¹ For more detailed summary see Indian Claims Commission Annual Report under Executive Communications.

need of coming back to Congress and asking for another extension after the one proposed herein expires.

In contrast, the pending transfer of undisposed cases to the Court of Claims, appears to raise the possibility of unnecessary delay. Pursuant to the transfer provision, the cases pending before the Indian Claims Commission in 1977 would become the responsibility of the Trial Division of the U.S. Court of Claims.

The trial judges of that division are called upon to conduct trials in 18 major categories of litigation in addition to Indian cases. Their expertise in the area of Indian Claims is necessarily limited. There is presently a backlog of cases pending before the Trial Division representing approximately 28 percent of the total cases pending in the Court of Claims. In addition it is foreseen that the impending transfer of jurisdiction may make it necessary that the Court of Claims increase the number of its trial judges and employ additional deputy clerks, secretaries, auditors, and law clerks.

Because of the backlog of cases at the Trial Division of the Court of Claims, the necessity that trial judges develop an expertise in the area of Indian Claims law, and necessary administrative adjustments that must be made by the Court, such as the promulgation of new rules and procedures, we are informed by the Court of Claims that it will take an estimated five years from the time of transfer for the Court to complete consideration of then pending Indian Claims Commission cases. In other words, transfer to the Court of Claims, which was to have expedited the disposition of these cases, instead will probably delay that disposition for at least two years.

In addition, it appears to the committee that all Indian tribes should have the benefit of a decision by the same tribunal. Tribes whose cases are transferred to the Court of Claims may get different treatment in many regards. They certainly would lose their present right to appeal to a higher tribunal from decisions by the trier of fact. If the Court of Claims is to decide claims in the first instance, review would have to be by the Supreme Court and this is not likely to be granted in many cases.

Finally, continued uncertainty as to how and where remaining claims are to be concluded is not conducive to settlement of these complex cases, the most desirable and expeditious way of concluding them. The committee is not satisfied that all that can be done in the settlement of these cases has been done. As part of its next annual report to Congress, the committee will expect the Commission to make a full report of its efforts to encourage settlement of these claims by the parties.

The Indian Claims Commission Act was promulgated with the promise and intention that Indian tribes would be able to obtain expeditious disposition of their claims against the United States. That promise remains, unchanged. However, because of circumstances beyond the control of either the tribal claimants or the body designated to hear their claims, disposition has been delayed. It is the responsibility of this committee and this Congress to assure that these cases be litigated as quickly as possible. Therefore, this committee recommends that the life of the Indian Claims Commission be extended for a period of three and one-half years beyond the date upon which it is now scheduled to expire.

LEGISLATIVE HISTORY

S. 2981 was introduced by Senators Jackson and Fannin on February 17, 1976, in response to an Executive Communication. Senator James Abourezk, Chairman, Subcommittee on Indian Affairs, recommended that S. 2981 be referred directly to full Committee for consideration in lieu of Subcommittee hearings.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Interior and Insular Affairs, in open business session on March 23, 1976, with a quorum present by voice vote recommended that the Senate adopt S. 2981 if amended as described herein.

COMMITTEE AMENDMENTS

The Committee amendments are designed to achieve the objective of the Indian Claims Commission Act, passed on August 13, 1946, to complete adjudication of all outstanding historical claims by Indian tribes, bands, or other identifiable groups against the United States.

While the Committee continues to express its disappointment that the Commission has failed to complete final adjudication of all land and accounting claims pending before that forum, the Committee was persuaded by two compelling arguments to support the amendment to extend the life of the Commission to September 30, 1980: (1) the Administration's recommendation that the life of the Commission be extended for one full year to April 10, 1978; and (2) the Court of Claims continued reluctance to assume the unfinished case-load on April 10, 1977, and their preference that Congress enact legislation to grant an extension to the life of the Commission. The Committee, therefore, determined that the interests of the plaintiff tribes and the public could best be served by authorizing a further extension to the life of the Commission.

Additionally, the Committee believes that the provision which sets a deadline for completion of hearings will serve as an added stimulus to both counsel for plaintiff tribes and the Commission to move expeditiously on all pending dockets.

Finally, the Committee expects the Commission to adhere to the statutory semi-annual reports to be submitted to Congress reflecting the progress and status of all remaining cases, along with a projected completion date for each case.

SECTION-BY-SECTION ANALYSIS

Section 1. This section authorizes appropriations not to exceed \$1,650,000 to fund the Indian Claims Commission's activities for fiscal year 1977. The Commission's approved budget for 1977 is \$1,530,000; an additional \$120,000 is a contingent amount to cover any unexpected items such as salary and cost of living increases.

Section 2. The amendment to Section 23 extends the life of the Indian Claims Commission for three and one-half additional years, until September 30, 1980. This will give the Commission the time which is required to adjudicate the 155 claims which are presently pending.

The amendment further provides that whenever the Commission is of the opinion that a pending case can be handled more expeditiously by the Court of Claims the Commission shall certify such case to the Court of Claims, subject to the approval of the court. Any case still pending on September 30, 1980, will be transferred to the Court of Claims.

Section 3. This section amends section 27 of the Indian Claims Commission Act by adding a new provision, section 27(c), which provides that during the last nine months of the Commission's existence no hearings will be conducted and no proceedings will be initiated in any phase of a claim. The parties are thereby put on notice that all hearings must be concluded prior to December 31, 1979. The Commission's rules provide for the filing of proposed findings, briefs, and replies during the 100 days following the closing of the record on the particular phase involved. This will allow the Commission approximately five and one-half months to complete its final action on the claim prior to the September 30, 1980, expiration date. An exception to this provision is made for hearings or proceedings leading to a compromise settlement of a claim. This will encourage and permit compromises at any time before September 30, 1980.

Section 4. The amendment to Section 28 provides that instead of annual reports to the Congress the Commission will semi-annually submit a report on the progress and status of all remaining cases, along with a projected completion date for each case.

It should be noted that the Indian Claims Commission will continue to be required to obtain yearly appropriation authorizations for each fiscal year until its termination.

COST AND BUDGETARY CONSIDERATIONS

The enactment of S. 2981, as amended, will result in an expenditure of approximately \$1.6 million of federal appropriations.

EXECUTIVE COMMUNICATION

Set forth below is the Executive Communication from the Chairman of the Indian Claims Commission submitting and recommending this legislation together with the Commission's annual report for 1975:

INDIAN CLAIMS COMMISSION,
Washington, D.C., May 6, 1975.

HON. NELSON A. ROCKEFELLER,
President of the U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a proposed bill "To authorize appropriations for the Indian Claims Commission for fiscal year 1977." We recommend that the proposed bill be introduced and referred to the appropriate committee for consideration, and we recommend that it be enacted.

Fiscal Year 1977 Appropriation Authorization

The legislation under which the Indian Claims Commission conducts its program, the Indian Claims Commission Act, as amended, 25 U.S.C. § 70e (1972), states "There are authorized to be appropriated for the necessary expenses of the Commission not to exceed \$1,500,000

for fiscal year 1973, and appropriations for succeeding fiscal years shall be made only to the extent hereafter authorized by Act of Congress." In order to meet fiscal year 1977 program requirements, we propose that such sums as may be necessary to continue the program of the Indian Claims Commission be authorized. There is need for enactment of this authorization in order for work to proceed during the next fiscal year.

This proposed legislation is being submitted in conformance with the Congressional Budget Act of 1974. The Office of Management and Budget has advised that it is consistent with the program of the President.

Sincerely,

JEROME K. KUYKENDALL,
Chairman.

A BILL To authorize appropriations for the Indian Claims Commission for fiscal year 1977

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to carry out the provisions of the Indian Claims Commission Act, 25 U.S.C. § 70, during fiscal year 1977, such sums as may be necessary to continue the program of the Indian Claims Commission.

INDIAN CLAIMS COMMISSION,
Washington, D.C., January 19, 1976.

HON. HENRY M. JACKSON,
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
Washington, D.C.*

DEAR MR. CHAIRMAN: Pursuant to Section 28 of the Indian Claims Commission Act, a section added by the Act of March 30, 1972, 86 Stat. 115, the Indian Claims Commission herewith submits to the Committee on Interior and Insular Affairs of the Senate its report on the progress made and the work remaining to be completed by the Commission, as well as the status of each remaining Indian claim case, along with a projected date for its completion.

Covering the report is an overall summary of the Indian claims cases filed with the Commission, those disposed of, and those remaining at December 31, 1975. The information required in respect to the pending cases is set out on the other 37 pages of the report in the order of the docket numbers of the cases. Except in those instances where the cases are on appeal, or where appeals are considered certain, the projected completion dates do not take into consideration time that might hereafter be required for adjudication of appeals from decisions by the Commission.

Sincerely yours,

JEROME K. KUYKENDALL,
Chairman.

Enclosure.

*Summary of Indian claims cases on March 18, 1976**

	<i>Number of dockets</i>
Claims filed:	
Received through August 13, 1951.....	370
Causes severed from original claims and redocketed as separate claims.....	245
Total docketed.....	<u>615</u>
Claims disposed of:	
By awards certified to the Treasury Department totaling \$576,300,372.50.....	265
By orders of dismissal.....	195
Total disposed of.....	<u>460</u>
Claims pending.....	<u>155</u>
Summary of the status of pending Indian claims:	
Pending before the Court of Claims on appeal from Commission decisions:	
Cases with final awards totaling \$96,821.21 (Dockets 197, 206, and 208).....	3
Cases with interlocutory decisions (Dockets 182-A, 196, 226, 229, and 326-K).....	5
Total before the Court of Claims.....	<u>8</u>
Pending before the Supreme Court on petitions for writs of certiorari to the Court of Claims or involved in such petitions:	
Cases with interlocutory decisions (Dockets 13-E, 13-F, 15-I, 22-G, 27, 27-E, 29-D, 29-G, 64-A, 133-A, 133-C, 139, 141, 202, 302, 308, 326-A, and 326-C).....	18
Cases with orders dismissing the plaintiffs' claims (Dockets 18-K, 18-L, 89, 341-C, and 341-D).....	5
Total before the Supreme Court.....	<u>23</u>
Pending under the Commission's jurisdiction:	
Consolidated cases with final award in the sum of \$12,262,780.63 remanded by the Court of Claims (Dockets 73 and 151).....	2
Case with final award of \$10,000,000.00 not as yet reportable because of outstanding appeal rights of dismissed intervenors (Docket 22-C).....	1
Other cases in various stages of litigation.....	121
Total under the Commission's jurisdiction.....	<u>124</u>

*This summary is substituted for that of December 31, 1975, referred to in the Executive Communication of January 19, 1976.

PENDING INDIAN CLAIM CASES

December 31, 1975]

[Key: Letter "x" marks the phase or phases in which the case is pending before the Commission. Letter "c" indicates the case is consolidated with one or more cases. Letter "b" indicates the case is in posttrial briefing stage. Letter "s" indicates the case is submitted to the Commission for its decision.]

Docket No.	Plaintiff tribe, band or group, and comments	Liability or title	Value	Accounting	Offsets	Projected completion date
13-E	Chippewa, Saginaw. Before the Court of Claims involved in appeals from decision on land title issues in this and 9 other consolidated cases.					May 1978.
13-F	Chippewa, Saginaw. Before the Court of Claims involved in appeals from decision on land title issues in this and 10 other consolidated cases.					May 1978.
13-G	Chippewa, Saginaw. On June 25, 1975, the Court of Claims affirmed the Commission's decision dismissing this case. Pending before the Supreme Court on petition for writ of certiorari to the Court of Claims. Land claim.					February 1976.
15-C	Potawatomi, Prairie, et al. Land claim.		x, c, s,			November 1976.
15-D	Potawatomi, Prairie, et al. Land claim.		do.			March 1977.
15-E	Potawatomi, Prairie, et al. Before the Supreme Court on petition for review of Court of Claims decision affirming decision on land title issues in this and 12 other consolidated cases.					March 1977.
15-I	Potawatomi, Prairie, et al. On appeal in the Court of Claims from decision on land title issues in this and 10 other consolidated cases.					May 1978.
15-L	Potawatomi, Prairie, et al. Land claim.		x, c, s,			March 1977.
15-N	Potawatomi, Prairie, et al. On Mar. 7, 1975, the Court of Claims affirmed the Commission's determination in this docket and dockets 128, 309, 310, 15-0, 15-0, 15-R, 29-L, 29-M, 29-O, and 29-P, consolidated with it, that it was the Potawatomi Tribe or Nation as a single land-owning entity that owned the lands involved in the consolidated dockets, which were ceded by the treaties of Oct. 16, 1826 (7 Stat. 295), Sept. 20, 1828 (7 Stat. 317), Oct. 26, 1832 (7 Stat. 394), and Oct. 27, 1832 (7 Stat. 399), rather than only the actual Potawatomi parties to those treaties. Jurisdiction over docket 15-N and the others in which the said determination was affirmed returned to the Commission in June of 1975. Issues in respect to the value of the ceded lands when they were acquired by the United States and the consideration paid for them are set for trial on June 21, 1976.		do.			Do. March 1977.
15-O	Potawatomi, Prairie, et al. See comments under docket 15-N, above.		x, c,			Do.
15-P	Potawatomi, Prairie, et al. On Dec. 18, 1974, the Court of Claims affirmed the Commission's determination in this case, and dockets 306 and 29-N consolidated with it, that it was the Potawatomi Tribe or Nation, rather than only the Potawatomi of the Prairie and Kankakee that owned the Potawatomi interest in the land (Royce area 177) ceded to the United States by the Treaty of Oct. 20, 1832 (7 Stat. 378). A motion for a rehearing was denied by the Court of Claims on June 21, 1976. Jurisdiction over dockets 15-P, 306 and 29-N returned to the Commission in May of 1975. Issues in respect to the value of the ceded land when it was acquired by the United States and the consideration paid for it are set for trial to commence immediately after the trial scheduled to begin on June 21, 1976, which is mentioned under docket 15-N, above.		do.			Do.
15-Q	Potawatomi, Prairie, et al. See comments under docket 15-N, above.		x, c,			November 1977.
15-R	Potawatomi, Prairie, et al. See comments under docket 15-N, above.		x, c,			November 1977.
18-D	Chippewa, Bois Forts Land claim.		x, c,			May 1976.
18-F	Chippewa, Bois Forts (Sault Ste. Marie Bands). On appeal in the Court of Claims from the Commission's dismissal order and related determinations. Land claim.			x, s,		June 1976.
18-J	Chippewa, Red Lake. Involved in appeals in the Court of Claims from a decision on land title and related issues in this and 4 other consolidated cases, which decision includes an order dismissing this case.					February 1976.
18-K	Chippewa, Red Lake. Involved in appeals in the Court of Claims from a decision on land title and related issues in this and 10 other consolidated cases, which decision includes an order dismissing this case.					Do.
18-L	Chippewa, Red Lake. Involved in appeals in the Court of Claims from a decision on land title and related issues in this and 9 other consolidated cases, which decision includes an order dismissing this case.					Do.
18-M	Chippewa, Red Lake. On June 25, 1975, the Court of Claims affirmed the Commission's decision dismissing this case. Pending before the Supreme Court on petition for writ of certiorari to the Court of Claims. Land claim.					Do.
18-S	Chippewa, Minnesota on behalf of Mississippi and Lake Superior Bands. Land claim.		x, s,			December 1976.
18-U	Chippewa, Minnesota on behalf of Lake Superior Bands. Land claim on which an interlocutory award of \$3,250,000.00 has been entered. Remaining issues involved in defendant's claim for offset credits on account of payments on the claim and gratuitous expenditures are set for trial on Jan. 27, 1976. Inter alia, the value of several reservation tracts is claimed as payment on the claim.			x,		Do.
19	Chippewa, Minnesota. Accounting case proceeding in consolidation with dockets 189-A and 189-B. Plaintiffs' acceptations to defendant's accounting in these cases assert, inter alia, what amount to claims for compensation for the taking of tribal real properties. The disposition of such claims might require land validation proceedings separate from the accounting claims. Under the Commission's orders of June 18, 1975, and Dec. 17, 1975, the plaintiffs in dockets 19 and 189-A are required to show cause by Feb. 1, 1976, why their claims in those dockets should not be dismissed insofar as they seek an accounting under the Nelson Act of 1889, or other relief, by reason of estoppel by judgment or collateral estoppel arising from judgments of the Court of Claims in Chippewa cases brought under the Special Jurisdictional Act of May 14, 1926 (44 Stat. 553), as amended by the Acts of Apr. 11, 1928 (44 Stat. 423), and June 18, 1934 (48 Stat. 979). An appeal from the Commission's determinations in the show-cause proceeding is considered likely regardless of how the Commission rules.			x, c, b (on show-cause order).		September 1979.
22-C	Lipan Apache, et al. Land case. Submitted to the Commission for its decisions on (1) a motion by Pueblo de San Antonio de la Ysleta del Sur for amendment of the Commission's decision of Jan. 15, 1975, dismissing the Pueblo's application to intervene, (2) a motion by the plaintiffs for rehearing in respect to a decision of Mar. 14, 1975, on remanded land-title and related issues, and (3) defendant's motion of Aug. 18, 1975, for admission of evidentiary exhibits. The parties have been engaged in extensive settlement negotiations and a compromise settlement of this case is considered likely. The projected completion date will apply if the case is not settled.					December 1978.
22-G	Mescalero Apache, et al. Accounting case on appeal in the Court of Claims from the Commission's decision of Oct. 4, 1973, on interest issues.					Do.
22-H	San Carlos Apache, et al. Accounting case. Issues arising from defendant's management of plaintiffs' funds are set for trial on May 17, 1976. Accounting issues relating to properties other than funds are being framed for trial.			x		Do.
27	Delaware. Before the Court of Claims involved in appeals from decision on land title issues in this and 10 other consolidated cases.					May 1978.
27-B	Delaware. Before the Supreme Court on petition for review of Court of Claims decision affirming Commission's determination of land title issues in this and 12 other consolidated cases.					March 1978.
27-E	Delaware. On appeal in the Court of Claims from decision on land title issues in this and 9 other consolidated dockets.					May 1978.

Docket No.	Plaintiff tribe, band or group, and comments	Liability or title	Value	Accounting	Offsets	Projected completion date
28	Potawatomi, Hannahville, et al. Accounting claim that had been held in abeyance pending outcome of appeals to the Court of Claims involving the Commission's decision on the question of the political structure of the Potawatomi Indians. The Court recently affirmed the Commission's decision on that question. Plaintiffs' exceptions to the defendant's accounting are awaited.		X			September 1978.
29-A	Potawatomi, Hannahville, et al. Land claim.		X, C, S.			November 1976.
29-B	do		X, C, S.			March 1977.
29-C	Potawatomi, Hannahville, et al. Before the Supreme Court on petition for review of the Court of Claims decision affirming the Commission's determination of land title issues in this and 12 other consolidated cases.		X, C, S.			March 1978.
29-D	Potawatomi, Hannahville, et al. Before the Court of Claims involved in appeals from the decision on land title issues in this and 9 other consolidated cases.					May 1978.
29-E	Potawatomi, Hannahville, et al. On appeal in the Court of Claims from decision on land title issues in this and 4 other consolidated cases.					Do.
29-G	Potawatomi, Hannahville, et al. Before the Courts of Claims involved in appeals from the decision on land title issues in this and 10 other consolidated cases.					May 1978.
29-I	Potawatomi, Hannahville, et al. Land claim.		X, C, S.			March 1977.
29-L	do		X, C.			November 1977.
29-M	do		do			Do.
29-N	do		do			Do.
29-O	do		do			Do.
29-P	do		do			Do.
40-F	Ottawa Land claim. On June 25, 1975, the Court of Claims affirmed the Commission's decision dismissing this case. Pending before the Supreme Court on petition for writ of certiorari to the Court of Claims.					February 1976.
59	Chippewa, Saginaw. On appeal in the Court of Claims from decision on land title issues in this and 4 other consolidated cases.					May 1978.
60-A	Makah. Submitted to the Commission for its decision on the question of the defendant's liability arising from an alleged promise to supply plaintiff with fishing gear and other equipment. The parties have agreed to the value of the land in suit.	X, S.				December 1978.
64	Shawnee. Before the Supreme Court on petition for review of the Court of Claims decision affirming the Commission's determination of land title issues in this and 12 other consolidated cases.					March 1978.
64-A	Shawnee. On appeal in the Court of Claims from decision on land title issues in this and 10 other consolidated cases.					May 1978.

69. Navajo. The 7th claim in this case, a claim for a general accounting, is proceeding in consolidation with other Navajo accounting claims in dockets 289 and 353. 7 other claims in docket 69 are proceeding separately from the general accounting claim. The other 7 claims involve, inter alia, allegations of loss of tribal lands, unauthorized use of tribal lands, unauthorized removal of oil, gas, and other land resources, failure of defendant to carry out certain obligations, and allegations in claim 8 of the violation of an alleged agreement of 1886 under which members of the Navajo Tribe served as scouts, guides, reserves and in other capacities, with defendant's armed services in various parts of the Apache Tribe of Indians. Issues to be tried in the accounting claims in docket 69, 229 and 353, and the other claims in dockets 69, 209 and 353 are, inter alia, plaintiff's motion for an up-to-date accounting of tribal funds expended in miscellaneous agency expenses; defendant's motion for partial summary judgment that it is not liable for transactions pertaining to 35 separate funds identified in its motion; defendant's motion to dismiss or to strike certain of plaintiff's exceptions to defendant's accounting or for more definite statements of those exceptions, which motion was submitted as a partial response to plaintiff's supplemental exceptions to defendant's accounting; and plaintiff's objections to defendant's interrogatories to the Navajo Tribe. In one of its supplemental exceptions to defendant's accounting the plaintiff alleges that defendant failed to disclose revenues, disbursements, and balances of Navajo funds which were maintained jointly with other tribes, including the Hopi Tribe. To protect itself against being held liable for the same funds in the Hopi case the defendant moved that proceedings on the accounting claims in dockets 69, 299 and 353 be stayed until such time as they can be consolidated with the accounting claim in count 9 of the Hopi case in docket 196, which is on appeal. The Commission's order of Oct. 30, 1975, denied without prejudice defendant's motion for such stay of proceedings and requires the plaintiff to submit all available information pertaining to revenues, disbursements and balances of Navajo funds which may have been commingled with the funds of other tribes, and after receipt of this information requires the defendant to file a full report concerning the alleged commingling of funds. Under the Commission's order of May 28, 1975, and Oct. 8, 1975, relating to claim 8 in docket 69, the Navajo Tribe has time through Jan. 30, 1976, within which to submit evidence tending to show that the 1886 agreement alleged in that claim was actually made, and that the agents of the defendant who made the agreement purported to act for and bind the defendant, and that they had authority to do so.

71. Potawatomi, citizen, land claim.

73. Seminole Indians of Florida. Before the Court of Claims involved in an appeal by the Creek Nation east of the Mississippi, plaintiff in docket 280. From the Commission's order of Sept. 13, 1974, dismissing the claims of the Creek Nation east in docket 280 and severing that docket from consolidation with Seminole dockets 73 and 151. These 3 dockets had been consolidated so that an overlap between the Creek and Seminole claims could be resolved. A remand directive by the Court of Claims in its decision on prior appeals from a final award of \$12,262,780.63 on the Seminole Florida land claim in consolidated dockets 73 and 151 requires the Commission to furnish more specific findings and reasoning as to its valuation of the lands in suit. A compromise settlement of the Seminole land claim in dockets 73 and 151 is considered likely after jurisdiction over these dockets returns to the Commission.

73-A. Seminole Indians of Florida. The claim designated as count 1 in the amended petition in this case was severed from this docket and assigned docket No. 73-B by the Commission's order of Jan. 16, 1974. The dismissal of the claim in docket 73-B was reported to the Congress on July 29, 1975. The remaining claim in docket 73-A, alleged as arising from exchange of a 99,200-acre reservation in Monroe County, Fla., for a 104,000-acre reservation in Broward County, Fla., is set for trial on Mar. 18, 1976, on issues concerning the fairness and adequacy of the consideration involved in such exchange.

September 1977.

PENDING INDIAN CLAIM CASES—Continued

[December 31, 1975]

[Key: Letter 'x' marks the phase or phases in which the case is pending before the Commission. Letter 'c' indicates the case is consolidated with one or more cases. Letter 'b' indicates the case is in posttrial briefing stage. Letter 's' indicates the case is submitted to the Commission for its decision.]

Docket No.	Plaintiff tribe, band or group, and comments	Liability or title	Value	Accounting	Offsets	Projected completion date
74	Sioux Nation. Submitted to the Commission for its decision on the value of the Teton Sioux's interest in the lands relinquished to the United States by the Treaty of Apr. 29, 1868 (15 Stat. 635), and set for trial on Jan. 20, 1976, on an issue remanded by the Court of Claims in respect to the apportionment between the Teton and Yankton Sioux divisions of the land recognized by the 1851 Treaty of Fort Laramie as being Sioux land.		x, s			July 1977.
74-B	Sioux Nation (Black Hills claim). Pending before the Supreme Court on petition for review of the decision by the Court of Claims on an appeal by the Government from the Commission's interlocutory decision of Feb. 15, 1974, on valuation and liability issues (appeal No. 16-74, United States versus Sioux Nation of Indians, with which the bill S. 2780, introduced by Senator Abourezk on Dec. 12, 1975, is concerned).					December 1976.
80-A	Mission Indians of California, et al. After submission to the Commission for its decision on liability issues, the record was reopened on plaintiffs' motion for receipt of additional evidence. Additional documentary evidence was adduced in behalf of the plaintiffs and is before the Commission for rulings on defendants' objections thereto. All of the additional evidence has been examined and the Commission's rulings on the defendant's objections will be issued after release of the Commission's forthcoming decision on the Soboba claim in this document, mentioned below, which involves some of the same issues presented in the defendant's objections. Water rights case.	x, s				April 1977.
80-B	Soboba Band of Mission Indians. The Soboba claims in docket 80-A are proceeding separately from those of the other claimant Mission Indians. Water rights case.	do		x		December 1976.
87-A	Mission Indians of California, et al. Claim for a general accounting. Plaintiffs' have filed, no exceptions to the defendant's accounting. Pending on defendant's motion of Apr. 15, 1975, for summary judgment dismissing the plaintiffs' petition.					December 1976.
87-A	Northern Paiute Nation, et al. During July, 1975, the causes in this case, a claim for damages suffered by the Pyramid Lake Paiute Tribe by reason of its not having received all of this state to which it was and is entitled under rights reserved for the benefit in connection with the establishment of the Pyramid Lake Indian Reservation in 1859, was severed from docket 87-A, assigned docket No. 87-B, and finally concluded by an award of \$8,000,000.00 entered in consonance with a compromise settlement agreement between the parties. The remaining claims under prosecution in docket 87-A are concerned with, inter alia, alleged unauthorized use and appropriations of resources and facilities of plaintiffs' aboriginal lands prior to extinguishment of their aboriginal title; particular wrongs to Pyramid Lake Reservation properties, other than those relating to water rights; particular wrongs to Walker River Reservation properties; failure to protect the water rights of the Walker River Paiute Tribe; destruction of tribal way of life and existence; and plaintiffs' funds and properties that have been under the control and management of the Government—a general accounting of these funds and properties is sought. The Commission is advised by counsel for the parties that a proposal by the plaintiffs for a compromise settlement of the remaining claims is under consideration by the Government. The projected completion date will apply if the parties are unable to agree upon a settlement of the remaining claims.	x		x		December 1979.
89	6 nations, et al. Land claim. On June 25, 1975, the Court of Claims affirmed the Commission's decision dismissing this case. Pending before the Supreme Court on petition for writ of certiorari to the Court of Claims.					June 1976.
100-B	Klamath and Modoc Tribes and Yahooskin Band of Snake Indians. General accounting case. There are 2 groups of accounting claims in this docket, which, pursuant to a 1972 pretrial order, are proceeding separately. 1. group, designated by the pretrial order as docket 100-B-2, consisting of claims arising from the alleged mismanagement of the claimants' forest and sawmill operations, has been tried on issues in respect to the Government's liability and is being briefed by the parties on those issues. The other group, designated by the pretrial order as docket 100-B-1, consisting of the claimants' accounting claims other than those relating to its forest and sawmill operations, have been the subject of extensive settlement negotiations. During October 1975 2 of the accounting claims in this group—a "grazing claim," arising from the Government's alleged mismanagement of Klamath grazing and agricultural lands and irrigation, and a "rights-of-way claim," arising from conveyance of rights-of-way through tribal lands for less than their market value—were severed from this case, assigned docket No. 100-C, and finally disposed of with a final award in the sum of \$785,000.00 entered in consonance with a settlement agreement between the parties. Settlement negotiations are understood to be continuing between the parties as to the remaining claims in the docket 100-B-1 group, which consist of a claim arising from mismanagement of claimants' funds involving improper disbursements, and a delayed deposits claim involving loss of interest.	x b (100-B-2 group),				December 1977.
102	Papago. Pursuant to the Commission's order defendant has supplemented its accounting in certain respects. Set for trial of accounting issues on Mar. 15, 1976.	x (100-B-1 group),				Do.
113	Chippewa, Turtle Mountain. This case and cases consolidated with it in dockets 191, 221 and 246 were tried in August 1975 on valuation issues in respect to claims arising from the McCumber Agreement of 1892 involving lands in North Dakota. A portion of docket 113 relating to land in the valley of the Red River of the North was completed with an award in consolidation with dockets 18-A and 191.					September 1977.
115	Sioux of Crow Creek Reservation, S.D. Accounting claim for the period following June 30, 1925. Accounting for an earlier period was adjudicated by the Court of Claims. Some issues have been decided, others are in process of being framed. Consideration of issues in respect to alleged improper expenditures of tribal funds for education purposes have been deferred to the Commission's order of Dec. 11, 1975, pending determination of the same issues in the Sioux case in docket 74-B. The Commission's order of Dec. 11, 1975, requires defendant to furnish supplementary accounting in respect to disbursements from plaintiffs' IMPLI funds and for a pretrial conference.	x				June 1978.
116	Sioux of Lower Brule Reservation, S.D. Same comments as under docket 115, above, except for the last sentence of those comments.	x				Do.
117	Sioux of Pine Ridge Reservation, S.D. Same comment as under docket 115, above, except for plaintiff's motion of Nov. 19, 1975, for summary judgment that defendant is liable for a taking pursuant to the 5th Amendment of lands belonging to the plaintiff disposed of after June 30, 1925 in accordance with the Act of May 27, 1910 (36 Stat. 440), for the value of those lands as of the dates on which the respective final certificates for such lands were issued, less appropriate offsets, and for a pretrial conference.	x				June 1978.
118	Sioux of Rosebud Reservation, S.D. Same comment as under docket 115, above, except for the last sentence of those comments. Pending on plaintiffs' motion of Nov. 13, 1975, for a summary judgment that defendant is liable for a taking under the 5th Amendment of tribal lands acquired after June 30, 1925, under the Acts of Apr. 23, 1904 (33 Stat. 254), Mar. 2, 1907 (34 Stat. 1230), and May 30, 1910 (36 Stat. 448), for the value of those lands as of the dates of the respective final certificates for such lands, less appropriate offsets, and for pretrial conference.	x				Do.

PENDING INDIAN CLAIM CASES—Continued

[December 31, 1975]

[Key: Letter "x" marks the phase or phases in which the case is pending before the Commission. Letter "c" indicates the case is consolidated with one or more cases. Letter "b" indicates the case is in posttrial briefing stage. Letter "s" indicates the case is submitted to the Commission for its decision.]

Docket No.	Plaintiff tribe, band or group, and comments	Liability or title	Value	Accounting	Offsets	Projected completion date
119	Sioux of Standing Rock Reservation, S.D. Same comment as under docket 115, above. Pending plaintiff's motion of Nov. 13, 1975, for a summary judgment that defendant is liable for a taking under the 5th Amendment of tribal lands disposed of after June 30, 1925, under the Acts of May 29, 1908 (35 Stat. 460), and Feb. 14, 1913 (37 Stat. 675), for the value of those lands as of the dates of the respective final certificates for them, less appropriate offsets, and for a pretrial conference.	x	Do.	x		Do.
120	Wyandotte. Before the Supreme Court on petition for review of Court of Claims decision affirming decision on land title issues in this and 12 other consolidated cases.		x, c.			March 1978.
124-B	Miami of Indiana. This case and an identical case of the Miamis of Oklahoma in docket 254 are to be tried on land valuation issues with some Potawatomi cases, which have been on appeal, during June of 1976. Substantial portions of the lands to be valued were jointly owned by Miamis and Potawatomis. Jurisdiction over the Potawatomi cases returned to the Commission in June of 1975.	do				November 1977.
128	Potawatomi, Citizen, et al. See comments under docket 15-N, above.					Do.
130	Miami of Indiana. Before the Supreme Court on petition for review of Court of Claims decision affirming decision on land title issues in this and 12 other consolidated cases.					March 1978.
133-A	Ottawa. On appeal in the Court of Claims from decision on land title issues in this and 9 other consolidated cases.					May 1978.
133-B	Ottawa. On appeal in the Court of Claims from decision on land title issues in this and 4 other consolidated cases.					Do.
133-C	Ottawa. On appeal in the Court of Claims from decision on land title issues in this and 10 other consolidated cases.					Do.
134	S'kiallam (Gallam). Submitted to the Commission for decisions on plaintiff's motion for rehearing and amendment of the Commission's determinations in respect to the consideration paid for the plaintiff's land, and the defendant's claim for offsets against an interlocutory award of \$400,020.00.			x, s.		May 1976.
139	Wyandotte, Wyandotte. On appeal in the Court of Claims from decision on land title issues in this and 9 other consolidated cases.					May 1978.
140	Wyandotte. On appeal in the Court of Claims from dismissal order and decision on land title issues in this and 4 other consolidated cases.					February 1976.
141	Wyandotte. On appeal in the Court of Claims from decision on land title issues in this and 10 other consolidated cases.					May 1978.
151	Seminole Indians of Oklahoma. Pending before the Court of Claims with dockets 73 and 280.					December 1976.
158	Second Fox Tribes. Pending before the Supreme Court on petition for review of Court of Claims decision affirming the Commission's final determinations and award of \$3,530,578.21 on the plaintiffs' land claim in this case.					February 1976.
169	Creek Nation. Claim for damages founded on allegations of wrongful enrollments and allotments.		x, b.			April 1977.
178-A	Confederated Tribes of Colville Reservation. Accounting claim for period beginning July 1, 1891. Awaiting information from plaintiff on accounting wrongs that commenced prior to Aug. 13, 1946, and continued beyond June 30, 1951.			x		December 1977.
179-A	Nez Percé. Same comment as under docket 178-A, above.		do.			Do.

181-C	Confederated tribes of Colville Reservation. Plaintiffs' petition asserts claims arising from the alleged (1) spoliation and depletion of their fisheries and fishing grounds, (2) loss of rights to common hunting grounds (dismissed by the Commission on June 13, 1975), (3) removal of resources from plaintiffs' lands prior to extinguishment of their title thereto, and (4) failure of the Government to protect plaintiffs' rights to compensation for the taking and use of their lands by railroad companies. Set for trial on liability and damage (valuation) issues to commence on June 1, 1976.	x				April 1977.
182	Apache, Fort Sill, Chiricahua, and Warm Springs. Claims for: (1) compensation for the taking of plaintiffs' interest in lands of the Fort Sill Military Reservation (liability issues involved in this claim are being briefed by the parties), and (2) damages arising from defendant's alleged wrongful actions in respect to plaintiffs' reservation products and properties, and funds belonging to plaintiffs—a general accounting is sought.	x, b.		x		March 1977.
182-A	Apache, Fort Sill, Chiricahua, and Warm Springs. On appeal before the Court of Claims from an interlocutory award of \$10,830,860.40 entered on May 10, 1974, on plaintiffs' claim founded on allegations that the United States acted unfairly and dishonorably toward the plaintiffs incident to the removal by third parties prior to Sept. 4, 1886, of minerals from the lands then held by plaintiffs under aboriginal title.					January 1977.
184	Fort Peck Indians. Accounting case before the Court of Claims on defendant's appeal from interlocutory decisions on issues raised by plaintiffs' exceptions to defendant's accounting. One of several points relied on in defendant's appeal is that: "The Commission erred in holding that a 5th Amendment taking of plaintiffs' reservation land may be raised for the first time by exception in a general accounting case after the statute of limitations has run."					April 1980.
188	Chippewa, Minnesota, et al. Proceeding in consolidation with docket 189-C (Red Lake Band). Claims are asserted in both of these dockets for a general accounting of all property and money under management and control of the defendant, except that received or expended pursuant to the Nelson Act of 1889, and claims for compensation for tribal property. Some issues have been decided, others are in process of being framed. Pending on plaintiffs' motion of Oct. 20, 1975, for determination of questions of the defendant's liability and payments on the claim covered by count 2 of the complaint, which count asserts a claim for compensation arising from the taking of reservation land in consequence of the construction and maintenance of dams and reservoirs at Lake Winnibigoshish and Leech Lake, Minnesota. The defendant has asked for an extension of time through Feb. 9, 1976, within which to file its response to the plaintiffs' motion.	x, c.		x, c.		November 1979.
189-A	Chippewa, Red Lake. Claim for an accounting of the proceeds from the sale of land and timber under the Nelson Act of Jan. 14, 1889. Proceeding in consolidation with dockets 19 and 189-B. See comments under docket 19, above.			x, c, b (on show-cause order).		September 1979.
189-B	Chippewa, Red Lake. Claim for recovery and accounting of proceeds of sale of land and timber in Royce area 706 made pursuant to the Nelson Act of 1869, which claim overlaps to some extent the accounting claims in dockets 19 and 189-A. Also a claim for an alleged 5th Amendment taking of Royce area 706 that the Commission dismissed in 1972. An eventual appeal from this dismissal is considered likely.			x, c.		Do.
189-A	Chippewa. See comments under docket 19, above.					
189-C	Chippewa, Red Lake. Accounting and damage claims. Proceeding in consolidation with docket 188. See comments under docket 188, above.			x, c.		November 1979.
191	Chippewa, Little Shell. This case and cases consolidated with it in dockets 113, 221 and 246 were tried in August 1975 on valuation issues in respect to claims arising from the McCumber Agreement of 1882 involving lands in North Dakota. A portion of this case relating to land in the valley of the Red River of the North was completed with an award in consolidation with dockets 18-A (Red Lake Band, et al.) and 113. Another part of this case relating to land in Montana was dismissed by the Commission's order of Apr. 5, 1974.		x, c, b.			March 1977.

PENDING INDIAN CLAIM CASES—Continued

[December 31, 1975]

[Key: Letter "x" marks the phase or phases in which the case is pending before the Commission. Letter "c" indicates the case is consolidated with one or more cases. Letter "b" indicates the case is in posttrial briefing stage. Letter "g," indicates the case is submitted to the Commission for its decision.]

Docket No.	Plaintiff tribe, band or group, and comments	Liability or title	Value	Accounting	Offsets	Projected completion date
196	Hopi. On appeal before the Court of Claims from the Commission's determinations of land title and related issues in this case and an overruling part of the Navajo land claim in docket 229. On June 20, 1975, the Court issued an order upon a motion by the Government requiring the Commission to start all proceedings relating to count 9 of the plaintiff's petition, a general accounting claim, until the present appeal is disposed of by the Court.					July 1979.
197	Nequally. In appeal before the Court of Claims from the Commission's final award of \$80,013.07. Land claim.					July 1976.
202	Delaware. Absentee. On appeal in the Court of Claims from decision on land title issues in this and 9 other consolidated cases.					May 1978.
203	Puyallup. Land claim. Plaintiff allowed its claim attorney's contract of employment to expire.		x			April 1977.
206	Squaxin. On appeal before the Court of Claims from the Commission's final award of \$7,661.82. Land claim.					July 1976.
208	Stellacoom. Land claim. On appeal before the Court of Claims from the Commission's final award of \$9,146.32.					Do.
209	Sac and Fox Tribes. Land claim. Pending before the Supreme Court on petition for review of Court of Claims decision affirming the Commission's final determinations and dismissal of this claim.					February 1976.
212	Wyandotte. Land and accounting claims.		x, s.	x		December 1977.
213	Potawatomi. Land claim.		do.			December 1976.
216	Chippewa Cree and Little Shell. This case and cases consolidated with it in dockets 113, 191 and 246 were tried in August 1975 on valuation issues in respect to claims arising from the McCumber Agreement of 1892 involving lands in North Dakota.		x, c, s.			March 1977.
221	Chippewa Cree, et al. Dismissal of this case appears likely as the claim involved is being determined in other cases. Land claim.		x, c, b.			Do.
221-A	Chippewa Cree, et al. Accounting claim. Plaintiffs' exceptions to defendant's accounting have been answered. An adjudication on the record after a coming pretrial conference is likely.		x			May 1976.
221-C	Caddo Tribe of Oklahoma, et al. In 1959, after an interlocutory decision on the value of the Caddo land had been entered in this case, the Commission vacated an earlier order dismissing counts II and IV of plaintiffs' petition asserting an aboriginal land claim not involved in the value decision. Thereafter, the Alabama-Coushatta Tribes of Texas and the Coushatta Indians of Louisiana, the Wichita Indian Tribe of Oklahoma, and the Tonkawa Tribe of Indians of Oklahoma were allowed to become parties plaintiff by intervention and trial was had of land title and related issues involved in the reinstated aboriginal land claim in counts II and IV. On Jan. 24, 1975, the Commission entered orders in dockets 226 dismissing all of the intervenors' complaints in intervention and counts II and IV of the plaintiffs' petition. Docket 226 is pending before the Court of Claims on appeals by the Alabama-Coushatta Tribes of Texas and the Tonkawa Tribe of Indians of Oklahoma from the order dismissing the complaints in intervention. If this dismissal order is affirmed, the defendant's claim for offsets will remain to be adjudicated when jurisdiction over docket 226 returns to the Commission, together with a general accounting claim.					September 1977.
226						December 1977.
228	Gila River Pima-Maricopa Indian Community, et al. Land claim. The Commission's determinations as to the date of extinguishment of plaintiffs' aboriginal title were affirmed by the Court of Claims on Apr. 17, 1974. Plaintiffs' petition for a writ of certiorari to the Court of Claims was denied by the Supreme Court on Nov. 13, 1974. Trial of valuation and consideration issues was set for Nov. 17, 1975, was reset for Monday, June 23, 1976, on plaintiffs' motion. After oral argument on said motion, the Commission concluded that irreparable harm to plaintiffs would result unless longer preparation for trial were allowed.					June 1978.
229	Navajo. Before the Court of Claims involved in the Hopi appeal mentioned under docket 196 above. Docket 229 is to be set for trial of land valuation issues after the appeal is decided.					February 1979.
231	Sac and Fox Tribes. Pending before the Supreme Court on petition for review of Court of Claims decision affirming the Commission's final determinations and award of \$945,795.79 on the plaintiffs' land claim in this case.					February 1976.
235	Indians of Maricopa-Ak Chin Reservation, et al. Of 6 causes of action alleged in plaintiffs' petition all except the 5th, a claim for a general accounting, have been dismissed. Submitted to the Commission for its decision on defendant's motion for partial summary judgment dismissing certain of the plaintiffs' exceptions to defendant's accounting report, defendant's motion to strike plaintiffs' more definite statement and accompanying exhibits, plaintiffs' motion for an order requiring defendant to supplement its accounting, and plaintiffs' motion for an order compelling discovery. 236-B are proceeding together since both Gila River Indian community; this docket and docket 236-B are proceeding together since both suits arise out of the placing of a relocation center for west coast evacuees during World War II on plaintiffs' reservation. The 2 cases are submitted to the Commission for its decision on the issue of the amount of damages sustained by plaintiffs and an issue remanded by the Court of Claims concerning a demand by defendant for on-set credit for certain road expenditures.		x, c, s.	x, s (on motions)		December 1976.
236-A						April 1980.
236-B	Gila River Indian community. See comments under docket 236-A, above.					Do.
236-C	Gila River Pima-Maricopa Indian community. Winters Doctrine water claim. Tried during August 1974 on the question of whether plaintiffs were deprived of the use of Gila River water they could have beneficially used, and if so, whether defendant is liable for that deprivation.		x, b.	do.		March 1979.
236-D	Gila River Pima-Maricopa Indian community, et al. Winters Doctrine claim case based on allegations of unlawful diversion of waters of the Salt River to which plaintiffs were entitled. Tried on liability issues in December 1974.		do.			Do.
236-E	Gila River Pima-Maricopa Indian community, et al. Action to recover alleged wrongfully imposed operation and maintenance charges for the San Carlos Irrigation project. Submitted to the Commission for its decisions on the amount of damages sustained by plaintiffs and on plaintiffs' motions for summary judgment and to enlarge and correct the record.					December 1976.
236-F	Gila River Pima-Maricopa Indian community, et al. Damage claim based on allegations that defendant failed in its duty to properly develop irrigation by percolating ground water on the Gila River Indian Reservation and to properly conduct a leasing program for plaintiffs' property. Tried on liability issues in December of 1972 in consolidation with docket 236-I. Plaintiffs' brief on those issues is awaited.		x, b, c.			April 1979.
236-I	Gila River Pima-Maricopa Indian community, et al. Claim for damages involving, inter alia, alleged wrongful use and taking of plaintiffs' reservation lands and failure of defendant to properly supervise and enforce provisions of leases of reservation land to third parties. Tried on liability issues in consolidation with docket 236-F. Plaintiffs' brief on those issues is awaited.		do.			Do.
236-N	Gila River Pima-Maricopa Indian community, et al. Claim for general accounting of defendant's management of funds and other property of the plaintiffs. Some issues have been decided, others are in process of being framed. After being ordered to do so, defendant filed a supplemental reporting on Aug. 18, 1975. A motion by plaintiffs of Nov. 17, 1975, for an order requiring defendant to file a supplemental accounting covering plaintiffs' interest in the Salt River project was denied as being not sufficiently specific for the Commission to determine exactly what information plaintiffs desire. Plaintiffs were allowed time through Jan. 12, 1976, within which to file a more specific request for supplemental accounting.			x		Do.

PENDING INDIAN CLAIM CASES—Continued

[December 31, 1975]

[Key: Letter "x" marks the phase or phases in which the case is pending before the Commission. Letter "c" indicates the case is consolidated with one or more cases. Letter "b" indicates the case is in posttrial briefing stage. Letter "s" indicates the case is submitted to the Commission for its decision.]

Docket No.	Plaintiff tribe, band or group, and comments	Liability or title	Value	Accounting	Offsets	Projected completion date
246	Chippewa, Pembina Band, et al. This case and cases consolidated with it in dockets 112, 191 and 221 were tried during August 1975 on valuation issues in respect to claims arising from the McCumber Agreement of 1892 involving lands in North Dakota.		x, c, b			March 1977.
247	Seminole Nation, Oklahoma. The Court of Claims affirmed in part the Commission's dismissal of this case, reversed the dismissal as to a part concerning railroad station reservations of Seminole land that were vested in municipalities by the Act of Apr. 25, 1905 (34 Stat. 137), and remanded this matter to the Commission for further proceedings to determine the number and location of such reservations and fair compensation to the Seminole Nation for them. The case is submitted to the Commission for its decision on plaintiff's motion for determination of the dates the railroad station reservations should be valued and the measurement of plaintiff's damages. Oral argument on this motion is set for Jan. 9, 1976.		x, s (on motion)			August 1977.
249	Choctaw Nation. 3 of 4 specific accounting claims in plaintiff's petition (the 1st, 2d and 4th) have been dismissed leaving for determination the 3d specific accounting claim and a general accounting claim. Currently pending on a motion by defendant for partial summary judgment dismissing a portion of plaintiff's petition and some of plaintiff's exceptions to defendant's accounting reports and on responses to an order by the Commission that defendant show cause why it should not be required to produce certain additional accounting data.		x, s			June 1978.
250-A	Fort Belknap Indian Community (Sometimes referred to as the Gros Ventre Tribe and the Assiniboine Tribe of Fort Belknap Indians). General accounting claim. A decision dated Oct. 18, 1973, in this case and an accounting case consolidated with it in Docket 279-C (Blackfeet and Gros Ventre) decided some accounting issues, disposed of some complex motions and required, inter alia, that defendant supplement its accounting in certain respects. A trial of accounting issues in dockets 250-A and 279-C that commenced on Sept. 30, 1975, was concluded on Nov. 3, 1975. The plaintiff's proposed findings of fact and brief on those issues will become due, under an order of Nov. 5, 1975, ninety days following completion of the trial mentioned under docket 279-D (Blackfeet), below. Defendant's proposed findings of fact and brief will become due 90 days after service of plaintiff's proposed findings and brief. Thereafter plaintiff's will have 20 days within which to file a reply brief.		x, s			March 1978.
252	Miami of Oklahoma. Before the Supreme Court on petition for review of Court of Claims decision affirming decision on land title issues in this and 12 other consolidated cases.		x, c			November 1977.
254	Miami of Oklahoma. See comments under docket 124-B, above.		x, s			November 1976.
272	Creek Nation, Oklahoma. After affirmation by the Court of Claims of the Commission's decision on land title and related issues, trial was had of valuation and consideration issues. Submitted to the Commission for its decision on these issues and motions by the defendant to preserve the issue of consideration for the trial on offsets and to admit an accounting report into evidence.		x			August 1977.
277	Creek Nation, Oklahoma. Similar case to that of the Seminoles in docket 247. Proceedings stayed pending the Commission's decision on the motion mentioned under docket 247 for determination of valuation dates and measure of damages.					August 1977.
279-C	Blackfeet and Gros Ventre. See comments under docket 250-A, above.			x, b, c		June 1979.
279-D	Blackfeet. Accounting claims. A trial of the issues involved in the claims in this case that commenced on Dec. 1, 1975, is still in progress.			x		December 1979.
280	Creek Nation East of the Mississippi. Before the Court of Claims on appeal from the Commission's order of Sept. 13, 1974, dismissing all claims of the Creek Nation east in docket 280 and severing docket 280 from consolidation with Seminole dockets 73 and 151. See comments under docket 73, above.					February 1976.
283-B	Mohave, et al. General accounting and trespass damage claims. The Commission's decision of July 10, 1975, on plaintiffs' motion to compel a proper accounting and for determination of points of law and defendant's motion to dismiss plaintiffs' claim for compensation for resources removed from plaintiffs' aboriginal lands by trespassers prior to extinguishment of aboriginal title ruled on several issues and requires, inter alia, that defendant supplement its accounting in certain respects. The Commission's decision of Aug. 28, 1975, on plaintiffs' motion for reconsideration and amendment of the decision of July 10, 1975, invites plaintiffs to allege their trespass claim by a more definite statement or by an amended petition and denied without prejudice defendant's motion to dismiss this claim. Pursuant to a pretrial order of Aug. 27, 1975, the parties are briefing the issue of whether the "Proceeds of Townsites" account represents the proceeds of sales of "Indian trust lands" within the meaning of the Act of Apr. 1, 1880 (21 Stat. 70).	x		x		November 1979.
291	Salt River Pima-Maricopa Indian Community, et al. General accounting claim relating to funds and other properties. Some accounting issues have been decided, others are in process of being framed. The Commission's decision of Aug. 13, 1975, denied a motion by defendant to dismiss plaintiff's exceptions to defendant's accounting numbered 8 and 9, which are concerned with obtaining information needed to determine the accuracy of computations of interest on plaintiffs' funds, and requires defendant to supply the needed information. The defendant's time for complying with this requirement has been extended through Apr. 12, 1976.					December 1979.
299	Navajo. The plaintiff's petition asserts accounting claims relating to: (1) royalties on coal removed from plaintiff's reservation under leases negotiated by defendant for production of coal, (2) lumber and lumber products from plaintiff's reservation sold under contracts negotiated by defendant, (3) royalties on vanadium removed from reservation land under leases negotiated by defendant for production of vanadium, and (4) stone, sand, and gravel from plaintiff's reservation sold under contracts negotiated by defendant. Proceeding in consolidation with dockets 69 and 353. See comments under docket 69, above.					April 1980.
300-A	Stockbridge and Muncie. Claim relating to lands sold to State of New York under 15 separate transactions. After an interlocutory decision on liability issues, proceedings were stayed pending outcome of an appeal to the Court of Claims in the Onida case in docket 301 involving identical issues. The decision on that appeal, handed down on May 11, 1973, made necessary a further trial of liability issues in docket 300-A. The case is submitted to the Commission for its decision on those issues.			x, c		June 1977.
301	Onida Nation of New York, et al. 8 claims arising from New York land sales are asserted in plaintiffs' petition. Claims 1 and 2 relating to land sales prior to enactment of the Trade and Intercourse Act of July 1790 are proceeding separately from claims 3 through 7 involving land sales after the 1790 Act. The 8th claim in plaintiffs' petition was dismissed on Jan. 16, 1974. Claims 1 and 2 are submitted to the Commission for its decision on liability issues. Claims 3 through 7 are submitted to the Commission for its decision on liability issues remanded by the Court of Claims that were the subject of a trial before the Commission during May of 1974.	do				April 1977.
302	Ottawa. On appeal in the Court of Claims from decision on land title issues in this and 9 other consolidated cases.					May 1978.
306	Potawatomi, Citizen, et al. See comments under docket 15-P, above.					May 1977.
308	Potawatomi, Citizen, et al. On appeal in the Court of Claims from decision on land title issues in this and 10 other consolidated cases.					May 1978.
309	Potawatomi, Citizen, et al. See comments under docket 15-N above.					November 1977.
310	Do.					Do.

PENDING INDIAN CLAIM CASES—Continued

[December 31, 1975]

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Docket No.	Plaintiff tribe, band or group, and comments	Liability or title	Value	Accounting	Offsets	Projected completion date
311.....	Potawatomi, Citizen, et al. Land claim.	.....	x, c, s.....	.....	.....	March 1977.
313.....	Peoria, Kaskaskia. A portion of this claim was dismissed by the Commission's decision on land title issues in this and 14 other consolidated cases. The remaining part of the case is submitted to the Commission with other consolidated cases for the Commission's decision on valuation and consideration issues.	.....	x, c, do.....	.....	.....	Do.
314-A.....	Peoria, Wea. Land claim.	.....	do.....	.....	.....	Do.
314-B.....	Peoria, Wea. Land claim. Set for trial of value and consideration issues with other consolidated cases on June 21, 1976.	.....	x, c.....	.....	.....	November 1977.
315.....	Kickapoo, Kans. Land claim.	.....	x, c, s.....	.....	.....	March 1977.
320.....	Quechan. After trial and briefing of land title issues, plaintiff moved for dismissal of its petition without prejudice on the ground that there was no perfected taking of the land involved. Defendant requests that the motion be denied unless dismissal be with prejudice. Further proceedings await administrative determinations by the Secretary of the Interior in respect to the plaintiff's claim of present ownership of the land.	.....	x.....	.....	.....	June 1976.
325-A.....	Te-Moak Bands of Western Shoshone of Nevada. General accounting case pending before the Court of Claims on cross appeals from the Commission's interlocutory decision of Oct. 4, 1973, on issues regarding defendant's liability for interest on certain of the plaintiffs' trust funds.	.....	.....	.....	.....	December 1979.
325-C.....	Shoshone-Bannock. General accounting case on appeal before the Court of Claims from the Commission's order of Jan. 16, 1974, in respect to defendant's liability for interest on certain trust funds of the plaintiff.	.....	.....	.....	.....	Do.
326-K.....	Western Shoshone identifiable group, represented by Te-Moak Bands of Western Shoshone Indians. Land claim. Pending before the Court of Claims on an appeal from the Commission's decision of Feb. 20, 1975, dismissing a petition for stay of proceedings and leave to present an amended claim by a group calling itself the Western Shoshone Legal Defense and Education Association and Frank Temoke. When the said petition was filed, the Commission was in the process of adjudicating the defendant's claim for offsets against an interlocutory award of \$26,154,600.00 on the Western Shoshone aboriginal land claim in this case.	.....	.....	.....	.....	September 1976.
332-C.....	Sinoux, Yankton. Being briefed by the parties on land valuation issues tried during April 1975. Set for trial on Jan. 20, 1976, with docket 74 (Sinoux Nation) on remanded issue of apportionment between the Teton and Yankton Sioux divisions of the Fort Laramie Treaty lands. Also set for trial on Mar. 9, 1976, on issues involved in defendant's claim for offsets against any award to the plaintiff.	x, c (On remanded issue).....	x, b.....	.....	.....	Do.
332-D.....	Sinoux, Yankton. Claims for an accounting for the period commencing July 1, 1951, and of the proceeds of sale of plaintiff's reservation lands under an 1892 agreement. Orders of the Commission in this case on Nov. 20, 1975, require the plaintiff to show cause why its claim for an accounting by the defendant with respect to its administration of plaintiff's money and property after June 30, 1951, should not be dismissed, and, in respect to plaintiff's administration of the proceeds paid to the plaintiff under the 1892 agreement, require the defendant to file with the Commission and serve on the plaintiff by Mar. 19, 1976, a full and complete supplemental accounting setting forth the purposes for which all disbursements were made in the Yankton Sioux fund during the period beginning Aug. 15, 1894, and ending Aug. 14, 1919, and reciting the authority under which said disbursements were made. The plaintiff has asked for an extension of time through Feb. 5, 1976, within which to respond to the show cause order.	.....	x.....	.....	.....	June 1978.
335.....	Shawnee. Before the Supreme Court on petition for review of Court of Claims decision affirming decision on land title issues in this and 12 other consolidated cases.	.....	.....	.....	.....	March 1978.
338.....	Delaware. Absentee et al. Before the Supreme Court on petition for review of Court of Claims decision on land title issues in this and 17 other consolidated cases.	.....	.....	.....	.....	Do.
341-C.....	Seneca-Cayuga. On appeal in the Court of Claims from interlocutory, dismissal order, and decision on land title issues in this and 9 other consolidated cases.	.....	.....	.....	.....	May 1977.
341-D.....	Seneca-Cayuga. On appeal in the Court of Claims from interlocutory, dismissal order, and decision on land title issues in this and 10 other consolidated cases.	.....	.....	.....	.....	Do.
342-G.....	Seneca Nation. Primarily a general accounting case relating to rents and profits accruing from a great many leases of Seneca lands to railroads and other private parties. The Commission understands that a settlement offer by the plaintiff is under consideration by the defendant.	.....	.....	.....	.....	December 1976.
343.....	Seneca-Cayuga. On a remanded question of whether the Federal Government had knowledge of the land cession treaties involved in this case between the Indians and the United States in New York the Commission determined, in its decision in this case dated Mar. 27, 1975, that the Federal Government had actual advance notice of the treaties. Negotiations between the parties for settlement of remaining issues are in progress.	.....	.....	.....	.....	June 1976.
345.....	Papago. Aboriginal land claim submitted to the Commission for its decision on valuation agreed upon by counsel for the parties has been submitted to the Attorney General for his approval.	.....	x, s.....	.....	.....	October 1976.
350-C.....	3 affiliated tribes of Fort Berthold Reservation. A hearing on a compromise settlement of this case and the case in docket 350-D is set for Jan. 30, 1976.	.....	x.....	.....	.....	February 1976.
350-D.....	3 affiliated tribes of Fort Berthold Reservation. Claim arising from exchange of reservation lands. A hearing on a compromise settlement of this case and the case in docket 350-C is set for Jan. 30, 1976.	.....	do.....	.....	.....	Do.
350-G.....	3 affiliated tribes of Fort Berthold Reservation. Claim for general accounting of funds and other properties. Some issues have been disposed of, others are in process of being framed. The Commission's opinion and interlocutory order of May 29, 1975, required defendant to supplement its accounting for funds and other properties in certain respects, granted plaintiff summary judgment for amounts claimed under certain of its exceptions to the defendant's accounting reports and for lost interest on balances of certain funds, dismissed plaintiff's exception arising from construction of the Garrison Dam Reservoir project in North Dakota and the related flooding of plaintiff's reservation, and required plaintiff to show cause why certain other of its exceptions or parts of exceptions to defendant's accounting should not be dismissed. The Commission's opinion and order of Dec. 18, 1975, on responses to the show cause order dismissed all of the plaintiff's exceptions and parts of exceptions to which the show cause order was directed except an exception concerned with labor allegedly required illegally of the plaintiff tribes.	.....	.....	.....	.....	September 1978.
352.....	Aleut community of St. Paul Island. In 1973 the Court of Claims affirmed the Commission's dismissal of all claims in this case and in another Aleut case in docket 369, except the plaintiffs' claims for breach of fair and honorable dealings, and remanded both dockets to the Commission for further proceedings on the latter claims. On July 18, 1975, the Commission, acting on plaintiffs' motion under docket 369, served a claim of the Aleut Community of St. George Island from docket 369 and consolidated that claim for trial in docket 352. Counsel for the parties are preparing for trial in both dockets on whether the United States breached its obligations and, if so, the damages thereby sustained by the plaintiffs. It is the present expectation of counsel for the parties that they will be prepared for a formal pretrial conference in March 1976 and for trial in docket 352 in May of 1976. The trial in docket 369 will be held after the trial in docket 352.	.....	x.....	.....	.....	September 1977.

PENDING INDIAN CLAIM CASES—Continued

[December 31, 1975]

[Key: Letter "x" marks the phase or phases in which the case is pending before the Commission. Letter "c" indicates the case is consolidated with one or more cases. Letter "b" indicates the case is in posttrial briefing stage. Letter "s" indicates the case is submitted to the Commission for its decision.]

Docket No.	Plaintiff tribe, band or group, and comments	Liability or title	Value	Accounting	Offsets	Projected completion date
353	Navajo. Claim for an accounting under oil and gas leases of reservation lands negotiated by the defendant prior to Aug. 13, 1946. Proceeding in consolidation with other Navajo accounting claims in dockets 69 and 299. See comments above under docket 69 regarding the three dockets.			x, c.		April 1980.
354	Pueblo of San Ildefonso. Land, interest and general accounting claims. The Commission's determinations in respect to lands held by aboriginal title and dates of extinguishment of such title were affirmed by the Court of Claims on Apr. 16, 1975. Pending on plaintiff's motion of Nov. 10, 1975, for a rehearing on the Commission's order of Feb. 10, 1971, denying plaintiff's motion for summary judgment on its claim for interest on certain money paid belatedly under the Pueblo Lands Act of 1924. Defendant's time for responding to this motion has been extended through Jan. 25, 1976. Plaintiff's exceptions to defendant's accounting are awaited. The parties expect to be able to agree upon a compromise settlement of all claims in this case after the appeals under docket 357-A involving interest issues are finally disposed of.	x (Interest Claim).	x (Land claim).	x.		July 1977.
355	Pueblo of Santo Domingo. Same comment as under docket 354, above. On Nov. 26, 1975, the Commission granted plaintiff's motion of July 25, 1975, for a rehearing in respect of the eastern boundary of the Santo Domingo aboriginal title area and ordered counsel for the parties to appear for a conference on Jan. 12, 1976, to discuss whether a trial will be necessary to determine the true eastern boundary of the aboriginal title area. On defendant's motion, which mentioned, inter alia, negotiations for settlement of this case, the conference setting of Jan. 12 was vacated by the Commission's order of Dec. 23, 1975, which order requires the attorneys for the parties to advise Commissioner Yarborough by Jan. 30, 1976, as to the outcome of further settlement negotiations referred to in defendant's motion.	do	do	do		Do.
356	Pueblo of Santa Clara. Same comment as under docket 354, above.	do	do	do		Do.
357	Pueblo of Taos. Land and general accounting claims. The parties expect to be able to agree upon a compromise settlement of this case after the appeals under docket 357-A are finally disposed of. To be tried on land valuation issues at same time as dockets 354, 355, 356, and 358 if the parties in those dockets and 357 are unable to reach compromise settlements of valuation issues. Plaintiff's exceptions to defendant's accounting are awaited.	do	do	do		Do.
357-A	Pueblo of Taos. Claim arising from an alleged 5th amendment taking of 926 acres of plaintiff's land in town of Taos, N. Mex. On cross appeals in the Court of Claims from the Commission's interlocutory award of \$287,684.67, plus interest thereon at 5 percent per annum from Mar. 17, 1977, until the date payment is made, and related determinations. The parties expect to be able to negotiate a compromise settlement of this case after the appeals are finally disposed of.	do	do	do		Do.
358	Pueblo of Nambé. Same comment as under docket 354, above. To be tried on land valuation issues at same time as dockets 354, 355, 356 and 357 if the parties in those dockets and 358 are unable to reach compromise settlements of valuation issues.	x (Interest Claim).	x (land claim).	x.		July 1977.
363	Lower Sioux Indian community, in Minnesota, et al. The 1st claim in plaintiffs' amended petition in this case, a claim for additional compensation for tribal land in Minnesota relinquished to the defendant under an 1858 treaty, was concluded with a final award of \$66,940.00 dated July 25, 1967. What amount to claims under 3 counts are asserted under the 2nd claim in the amended petition. Of these claims, the one in count 2, a claim for just compensation for Devils Lake Reservation lands of the Sisseton and Wahpeton bands, was concluded with a final award dated Feb. 27, 1974, which, with interest to date of payment as provided in the Commission's award order, amounted to \$8,473,221.26. Claims in 2 counts (of the 2nd claim in the amended petition) remain in docket 363, they are: Count 1, a claim for a general accounting of funds and properties of the plaintiffs that have been under the management and control of the defendant. An interlocutory decision of Aug. 22, 1975 (36 Ind. Cl. Comm. 295-414), disposed of some issues and simplified those remaining. Counsel for the parties and their accountants met in a conference before Commissioner Vance on Sept. 16, 1975, and discussed how best to expedite the final disposition of this count. Inter alia, they agreed upon priorities for completion of the additional accounting needed from the Government for completion of count 1. This accounting is being prepared in the Indian Trust Accounting Division of the General Services Administration. Count 3, claim of the Sisseton and Wahpeton Sioux Bands for additional compensation for their interest in certain lands in the eastern part of the present States of North and South Dakota ceded to the United States by the agreement of Sept. 20, 1872. The Commission's decision on land title and related issues in this claim was entered on Sept. 25, 1975. The Commission's order of that date directed that this claim proceed to a determination of the acreage and fair market value as of May 19, 1873, of the areas found to have been owned by the claimants, the consideration paid for them by the United States and all other issues bearing on the question of the defendant's liability. This claim is submitted to the Commission for its decision on (1) the defendant's motion of Oct. 24, 1975, for leave to file an amended answer to the plaintiffs' petition and for a rehearing of matters covered in the Commission's decision of Sept. 25, 1975, and (2) the plaintiffs' motion of Nov. 13, 1975, for clarification of certain portions of the Commission's decision of Sept. 25, 1975. Ottawa-Chippewa Tribe of Michigan. Accounting case. An interlocutory decision of Jan. 27, 1975, disposed of several issues and simplified some of those remaining. Submitted to the Commission for its decision on remaining accounting issues and the plaintiffs' motion of June 19, 1975, that the Commission reconsider its determination in the decision of Jan. 27, 1975, that plaintiff is not entitled to interest on any deficiencies discovered in defendant's payments under certain treaty provisions.	x, s (on motions).				Do.
364						Do.
369	Alut Tribe, et al. See comments under docket 352, above.	x.	x.	x, s.		July 1976.
						September 1977.

MINORITY VIEWS OF SENATORS FANNIN, HANSEN, AND
McCLURE

S. 2981 authorizes \$1,650,000 for fiscal year 1977 to carry out the work of the Indian Claims Commission. As amended in committee this bill also extends the life of the Commission 3 years. While we have no objections to authorizing funds for the Commission to continue its work until April 10, 1977, as currently provided, we do strongly object to extending the life of the Commission for an additional 3 years.

We must note that if the provision in this bill extending the life of the Commission beyond fiscal year 1977 is rejected as we urge, the funds authorized in the bill (\$1,650,000) would have to be adjusted downward. Under Public Law 92-265 the Commission is to be dissolved on April 10, 1977 which is half way into fiscal year 1977. It follows that only half of the funds requested in this bill would then be necessary. In the event an extension is not agreed to the authorizing figure would have to be appropriately adjusted. There, of course, would be no reason to authorize a full years funding for a bureaucracy which under current law is to be dissolved six months after the start of fiscal year 1977.

In 1946 Congress authorized the creation of the Indian Claims Commission to allow a settlement of long standing Indian claims—claims that had been voiced for decades. The original Act required all claims to be filed within five years of passage with the life of the Commission to expire on April of 1957. Congress has extended the life of the Commission four separate times since then. The most recent extension extended the life of the Commission to April 10th of next year (1977). We were all promised that this extension would be the last one and that after over thirty years a Commission which was intended to exist only a third of that time would be dissolved, and the remaining dockets would be transferred to the U.S. Court of Claims.

The Claims Commission asserts that with just a few more years they will be able to complete adjudication of all but a minor portion of the remaining cases. These kinds of assurances have been given time and time again yet now this authorizing bill calls for another three years. Promises can be made and not kept only for so long. There has to be a finality to this action. We say that not because we in any way want to minimize the justice of the claims of the Indian tribes who presented claims. They are entitled to justice, but it is the very Indian tribes we are attempting to help who will be hurt the most by the failure to come to a conclusion on these claims.

The long delays in resolving claims before the Commission arise in part from the complexity of the claims themselves but other factors must be examined. Suspicions have been voiced by some, of the tax advantages accrued by many of the lawyers surrounding the claims

as a result of delays in adjudication. A suspected willingness to stretch adjudication of claims by legal counsel for tax purposes is a factor to be recognized. Even more obvious is the Claims Commission's inherent self-interest in perpetuating itself. It is the nature of a bureaucracy to fight for its survival and perhaps procrastinate in order to keep breathing. The fair and speedy adjudication of these claims is what is important and we question the Commission's track record in accomplishing this. There has been a total of 615 docketed claims before the Commission; 446 of these dockets have been disposed of up to December 1975. After almost 30 years of existence 110 Dockets remain pending. Unless we take the painful step of ending the Commission as is provided under current law we can almost guarantee that three years from now the Commission will be pleading for just one more extension.

Congress acquiesced to this pleading when it passed Public Law 92-265, but it said "no more", and provided for the end of the Commission. Now we are asked to reverse that decision and extend again. The best way to protect the remaining claims is to transfer them to the U.S. Court of Claims as Congress provided. For those who are afraid that the Court of Claims will not get the job done either, then other alternatives should be explored. Perhaps the pending claims could be transferred to the appropriate Federal District Court where the claimants would be closer to the court thus providing for less tribal expense and time than is taken adjudicating these claims here in Washington. The Indian claims are our concern not the perpetuation of a bureaucracy that has not met the test of getting the job done.

We seriously question whether Congress would really be helping the Indian claimants by extending the life of this Commission and thus we urge that the three year extension as provided in S. 2981 be rejected.

PAUL J. FANNIN.
CLIFFORD P. HANSEN.
JAMES A. McCLURE.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF AUGUST 13, 1946

(60 Stat. 1049, 1055; 25 U.S.C. 70)

* * * * *

DISSOLUTION OF THE COMMISSION AND DISPOSITION OF PENDING CLAIMS

[SEC. 23. The existence of the Commission shall terminate at the end of fifteen years from and after April 10, 1962, or at such earlier time as the Commission shall have made its final report to the Congress on all claims filed with it. Upon its dissolution the records and files of the Commission in all cases in which a final determination has been entered shall be delivered to the Archivist of the United States. The records and files in all other pending cases, if any, includ-

ing those on appeal shall be transferred to the United States Court of Claims, and jurisdiction is hereby conferred upon the United States Court of Claims to adjudicate all such cases under the provisions of section 2 of the Indian Claims Commission Act: *Provided*, That section 2 of said Act shall not apply to any case filed originally in the Court of Claims under section 1505 of title 28, United States Code.]

DISSOLUTION OF THE COMMISSION AND DISPOSITION OF PENDING CLAIMS

SEC. 23. *The existence of the Commission shall terminate at the end of fiscal year 1980 on September 30, 1980, or at such earlier time as the Commission shall have made its final report to the Congress on all claims filed with it. Upon its dissolution the records and files of the Commission in all cases in which a final determination has been entered shall be delivered to the Archivist of the United States. When the Commission shall be of the opinion that any case pending before it can be handled more expeditiously by the United States Court of Claims, the Commission shall certify such case to the Court of Claims. The Court of Claims may thereupon, in its discretion, permit the transfer of the case, and jurisdiction is hereby conferred upon the Court of Claims to adjudicate all such cases under the provisions of section 2 of the Indian Claims Commission Act: Provided, That section 2 of said Act shall not apply to any case filed originally in the Court of Claims under section 1505 of title 28, United States Code. Upon dissolution of the Commission all pending cases including those on appeal shall be transferred to the Court of Claims for adjudication on the same basis as those permitted to be transferred by this section.*

TRIAL CALENDAR

SEC. 27. (a) The Commission from time to time shall prepare a trial calendar which shall set a date for the trial of the next phase of each claim as soon as practical after a decision of the Commission or the United States Court of Claims or the Supreme Court of the United States makes such setting possible, but such date shall not be later than one year from the date of such decision except on a clear showing by a party that irreparable harm would result unless longer preparation were allowed.

(b) If a claimant fails to proceed with the trial of its claim on the date set for that purpose, the Commission may enter an order dismissing the claim with prejudice or it may reset such trial at the end of the calendar.

(c) *No trial or hearing shall be conducted nor shall any proceeding be initiated before the Commission in any phase of a claim on or after December 31, 1979; Provided, however, That the provisions of this subsection shall not apply to hearings or proceedings relating to a compromise settlement of a claim.*

STATUS REPORTS TO CONGRESS

SEC. 28. *The Commission shall, on the first day of each session of Congress and six months thereafter, submit to the Committees on Interior and Insular Affairs of the Senate and House of Representatives, a report showing the progress made and the work remaining to be completed by the Commission, as well as the status of each remaining case, along with a projected date for its completion.*

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To authorize appropriations for the Indian Claims Commission for fiscal year 1977, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to carry out the provisions of the Indian Claims Commission Act (25 U.S.C. 70), during fiscal year 1977, not to exceed \$1,650,000.

SEC. 2. Section 23 of the Act entitled "An Act to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes", approved August 13, 1946 (60 Stat. 1049, 1055), as amended (86 Stat. 115; 25 U.S.C. 70v), is hereby amended by striking said section and inserting in lieu thereof the following:

"DISSOLUTION OF THE COMMISSION AND DISPOSITION OF PENDING CLAIMS

"SEC. 23. The existence of the Commission shall terminate at the end of fiscal year 1978 on September 30, 1978, or at such earlier time as the Commission shall have made its final report to the Congress on all claims filed with it. Upon its dissolution, the records and files of the Commission in all cases in which a final determination has been entered shall be delivered to the Archivist of the United States. No later than December 31, 1976, the Indian Claims Commission may certify and transfer to the Court of Claims all cases which the Commission determines it cannot completely adjudicate by September 30, 1978. In addition, the Commission may, at any time prior to September 30, 1978, certify and transfer to the Court of Claims any case which it determines cannot be completely adjudicated prior to the dissolution of the Commission. Jurisdiction is hereby conferred upon the Court of Claims to adjudicate all such cases under the provisions of section 2 of the Indian Claims Commission Act: *Provided*, That section 2 of said Act shall not apply to any cases filed originally in the Court of Claims under section 1505 of title 28, United States Code. Upon dissolution of the Commission, all pending cases including those on appeal shall be transferred to the Court of Claims for adjudication on the same basis as those authorized to be transferred by this section."

SEC. 3. Section 28 of such Act of August 13, 1946, as amended (25 U.S.C. 70v-2), is amended by striking said section and inserting in lieu thereof the following:

"STATUS REPORT TO CONGRESS

"Sec. 28. The Commission shall, on the first day of the 95th Congress, submit a report to the Committees on Interior and Insular Affairs of the Senate and House of Representatives on those cases which it has transferred pursuant to section 23 of this Act, as amended. In addition, the Commission shall submit a report to said Committees at six month intervals thereafter showing the progress made and the work remaining to be completed by the Commission, as well as the status of each remaining case, along with the projected date for its completion."

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*