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ICC

# Calendar No. 59

93D CONGRESS	}	SENATE	}	REPORT
1st Session				

## AUTHORIZING APPROPRIATIONS FOR THE INDIAN CLAIMS COMMISSION FOR FISCAL YEAR 1974

MARCH 2, 1973.—Ordered to be printed

Filed under authority of the order of the Senate of March 1, 1973

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

### REPORT

[To accompany S. 721]

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 721) to authorize appropriations for the Indian Claims Commission for fiscal year 1974, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

#### PURPOSE

The purpose of S. 721 is to authorize appropriations for the expenses of the Indian Claims Commission for fiscal year 1974. This is in accordance with the provisions of Public Law 92-265 which extended the life of the Indian Claims Commission until April 10, 1977, and stated that the Commission must seek annual authorizations for appropriations.

#### BACKGROUND

The Indian Claims Commission was established to provide a forum for the adjudication of all claims by Indian tribes against the United States that existed on the date of the act, August 13, 1946. 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 5 years in which to file them, and the Commission was given until April 10, 1957, to complete its work.



Because of the extremely large number of claims filed and the complexity of these claims, and also due to dilatory practice permitted by the former three-man Commission in its early years, it has proven necessary for Congress to extend the Commission's life for successive 5-year periods on four separate occasions. The act of July 24, 1956 (70 Stat. 624), extended the life of the Commission until April 10, 1962. This extension did not result in the Commission's completing its work and the life of the Commission was again extended for 5 years by the act of June 16, 1961 (75 Stat. 92) until April 10, 1967.

A third extension of the life of the Commission was approved by Congress in 1967. Under the provisions of the act of April 10, 1967 (81 Stat. 11), the Commission's termination date was extended until April 10, 1972. In an effort to accelerate completion of the Commission's work, that legislation authorized an expansion of the membership of the Commission from three to five Commissioners. Provision was also made for the Commission to prepare a trial calendar within 1 year to set a date no later than January 1, 1970, for the trial of each pending claim.

The fourth extension was the act of March 30, 1972, Public Law 92-265, which extended the life of the Commission until April 10, 1977. In addition, the act provided for dissolution of the Commission on April 10, 1977, and any cases still pending before it would be transferred to the U.S. Court of Claims which would be empowered to complete adjudication of such cases.

As stated previously, that act also provides that appropriations for fiscal years 1974, 1975, 1976, and 1977 must be authorized annually by Congress and also requires the Commission to submit a progress report to Congress at the beginning of each session.

#### COMMITTEE AMENDMENT

As submitted and recommended to Congress by the administration, S. 721 not only provided for an authorization for the 1974 fiscal year, but for fiscal years 1975, 1976, and 1977 as well. The committee amended the bill to limit the authorization to 1974 only, in accordance with the provisions of Public Law 92-265, and also limited the sum to be authorized to \$1,200,000.

#### COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs in executive session on February 28, 1973, unanimously ordered S. 721, as amended, reported favorably to the Senate.

#### DEPARTMENTAL REPORTS

The letter from the Indian Claims Commission submitting and recommending this legislation is set forth as follows. Also set forth is the progress report submitted to Congress in accordance with the provisions of Public Law 92-265 which contains the status and projected completion dates of all claims pending in the Indian Claims Commission as of December 31, 1972.

### INDIAN CLAIMS COMMISSION, Washington, D.C., January 29, 1973.

Hon. SPIRO T. AGNEW,  
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 1974, and for other purposes. 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 1974 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 years 1974 through 1977 program requirements, we propose that appropriations of such sums as may be necessary be authorized. There is immediate need for enactment of this authorization in order for work to proceed during the next fiscal year.

#### *Fiscal years 1975, 1976, and 1977*

The Commission is determined to continue its program toward completing all its work by April 10, 1977, a program approved by the Congress in extending the Indian Claims Commission last year. Public Law No. 92-265, 86 Stat. 114. In addition to the authorization for fiscal year 1974, we are also requesting authorization for the balance of the Commission's work life. Problems of recruitment and retention in an agency where only short tenure can be expected would be compounded by the uncertainties introduced by yearly authorizations. Full oversight by the appropriate committees of Congress will be assured by the required submission of progress reports as presently provided by law.

The Office of Management and Budget has advised that this proposed legislation is consistent with the administration's objectives.

Sincerely yours,

JEROME K. KUYKENDALL,  
Chairman.

Enclosure.

A BILL To authorize appropriations for the Indian Claims Commission for fiscal year 1974, 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 years 1974, 1975, 1976, and 1977 such sums as may be necessary to complete the program of the Indian Claims Commission.*

Summary of Indian claims cases on Dec. 31, 1972

	Number of dockets
Claims filed:	
Received through Aug. 13, 1951	370
Causes severed from original claims and redocketed as separate claims	241
<b>Total docketed</b>	<b>611</b>
Claims disposed of:	
By awards certified to the Treasury Department totaling \$423,926,883.92	208
By orders of dismissal	176
<b>Total disposed of</b>	<b>384</b>
<b>Pending claims cases</b>	<b>227</b>
Summary of the status of pending Indian claims:	
Final awards with appeal time running totaling \$6,854,526.04 in docket Nos. 175-B, 342-A, and 368-A	3
Final awards on remand from the Court of Claims totaling \$18,831,731.65 in docket Nos. 73 and 151; 158; 217, 15-K and 29-J; and 231	7
On appeal in the Court of Claims from—	
Final determinations and awards totaling \$30,759,756.15 in docket Nos. 30 and 48, 30-A and 48-A, 137, 173-A, 283 and 295, and 350-F	9
Interlocutory decisions in docket Nos. 73-A; 74 and 332-C; 87-A; 95; 113, 191, 221, 246, 350-B and 350-C; 228; 257; 272; 300; 301; and 343	17
Orders of dismissal in docket Nos. 49, 352, and 369	3
<b>Subtotal on appeal</b>	<b>29</b>
Cases ordered dismissed pending on motions to rehear in docket Nos. 204 and 247	2
Other cases before the Commission in various stages in litigation	186
<b>Total number of pending Indian claims</b>	<b>227</b>

PENDING INDIAN CLAIM CASES—DEC. 31, 1972

[Explanation of symbols: The letter "x" marks the phase or phases in which the case is pending. The letter "c" indicates that the case is consolidated with 1 or more other cases. The letter "b" indicates that the case is in the post-trial briefing stage. The letter "s" indicates that the case is submitted to the commission for its decision.]

Docket No. and plaintiff tribe, band or group, and comments	Liability or title	Value	Accounting	Offsets	Projected completion date
13-A: Chippewa, Saginaw. Involves claim identical to that in Docket 18-C. Dismissal possible.	x				June 1973.
13-E: Chippewa, Saginaw	x, s, c				September 1975.
13-F: Chippewa, Saginaw	x, s, c				December 1975.
13-G: Chippewa, Saginaw	x, s, c				September 1975.
13-K: Chippewa, Saginaw	x, s, c				September 1975.
15-C: Potawatomi, Prairie. Time within which to appeal from title decision is running.	x, c				March 1975.
15-D: Potawatomi, Prairie	x, s, c				December 1975.
15-E: Potawatomi, Prairie	x, s, c				September 1975.
15-I: Potawatomi, Prairie	x, s, c				September 1975.
15-K: Potawatomi, Prairie. Appeals from the Commission's final determinations and award of \$2,094,573.02 in this case and consolidated Docket Nos. 29-J and 217 were taken to the Court of Claims. The 3 consolidated dockets are pending on valuation issues remanded by the Court.	x, s, c				March 1973.
15-L: Potawatomi, Prairie	x, s, c				September 1975.
15-M: Potawatomi, Prairie. Offsets trial will be set in this docket and consolidated Docket Nos. 29-K and 146 when the issue of what Potawatomi groups defendant may claim offsets against is settled in connection with the disposition of the question of the political structure of the Potawatomi Indians.	x, c				September 1973.

See footnotes at end of table.

PENDING INDIAN CLAIM CASES—DEC. 31, 1972

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Docket No. and plaintiff tribe, band or group, and comments	Liability or title	Value	Accounting	Offsets	Projected completion date
15-N: Potawatomi, Prairie	x, s, c				March 1976.
15-O: Potawatomi, Prairie	x, s, c				March 1976.
15-P: Potawatomi, Prairie	x, s, c				December 1975.
15-Q: Potawatomi, Prairie	x, s, c				March 1976.
15-R: Potawatomi, Prairie	x, s, c				March 1976.
18-C: Chippewa, Minnesota on behalf of Mississippi and Lake Superior Bands.				x, s	March 1973.
18-D: Chippewa, Bois Forte		x, s			March 1974.
18-F: Chippewa, Bay Mills		x, b			June 1974.
18-J: Chippewa, Red Lake	x, s, c				June 1973.
18-K: Chippewa, Red Lake	x, s, c				June 1973.
18-L: Chippewa, Red Lake	x, s, c				March 1973.
18-M: Chippewa, Red Lake	x, s, c				September 1975.
18-P: Chippewa, Red Lake	x, s, c				September 1975.
18-R: Chippewa, Bay Mills		x, b			June 1974.
18-S: Chippewa, Minnesota on behalf of Mississippi and Lake Superior Bands.		x, s			March 1974.
18-U: Chippewa, Minnesota for Lake Superior Bands. After a forthcoming decision on a motion for rulings concerning the government's claim for offsets, further trial of some offset issues might be required.				x, b	September 1974
19: Chippewa, Minnesota. Consolidated for all purposes with Docket Nos. 189-A and 189-B. Some issues have been decided, others are being framed. Among other things, plaintiffs seek supplemental accountings.			x, c		April 1977.
22-C: Lipan Apache, et al., plaintiffs; Pueblo de San Antonio de la Ysleta del Sur, et al., and Tonkawa of Oklahoma, et al., plaintiffs by intervention.	x, s				January 1976.
22-G: Mescalero Apache, et al. Supplement to defendant's accounting awaited. Submitted for decision on issues in respect to defendant's liability to pay interest on Indian funds.			x		April 1977.
22-H: San Carlos Apache, et al. Issues in trespass and accounting claims are being framed. Among other things, plaintiffs seek a supplemental accounting.			x		April 1977.
22-K: Jicarilla Apache. Plaintiff seeks, among other things, a complete up to date accounting.			x		April 1977.
27: Delaware	x, s, c				December 1975.
27-B: Delaware	x, s, c				September 1975.
27-E: Delaware	x, s, c				September 1975.
28: Potawatomi, Hannahville. Held in abeyance pending disposition of the question of the political structure of the Potawatomi Indians.				x	April 1977.
29-A: Potawatomi, Hannahville. Time within which to appeal from title decision is running.	x, c				March 1975.
29-B: Potawatomi, Hannahville	x, s, c				December 1975.
29-C: Potawatomi, Hannahville	x, s, c				September 1975.
29-D: Potawatomi, Hannahville	x, s, c				September 1975.
29-E: Potawatomi, Hannahville	x, s, c				December 1975.
29-G: Potawatomi, Hannahville	x, s, c				December 1975.
29-I: Potawatomi, Hannahville	x, s, c				September 1975.
29-J: Potawatomi, Hannahville. See comments under Docket No. 15-K, above.					March 1973.
29-K: Potawatomi, Hannahville. Consolidated with Dockets 15-M and 146. See comments under Docket No. 15-M, above.				x, c	September 1973.
29-L: Potawatomi, Hannahville	x, s, c				March 1976.
29-M: Potawatomi, Hannahville	x, s, c				March 1976.
29-N: Potawatomi, Hannahville	x, s, c				December 1975.
29-O: Potawatomi, Hannahville	x, s, c				March 1976.
29-P: Potawatomi, Hannahville	x, s, c				March 1976.
30: Fort Sill Apache, et al. An appeal from a final judgment of \$521,796.00 entered in this case and consolidated Docket No. 48 on Aug. 25, 1971 is pending in the Court of Claims.					September 1974.
30-A: Fort Sill Apache, et al. An appeal from a final judgment of \$15,967,300.00 entered in this case and consolidated Docket No. 48-A on Aug. 25, 1971 is pending in the Court of Claims.					September 1974.
40-F: Ottawa	x, s, c				September 1975.
40-I: Ottawa	x, s, c				September 1975.
48: Apache, Chiricahua, Warm Springs, et al. On appeal in Court of Claims. See comments under Docket 30, above.					September 1974.

See footnotes at end of table.



## PENDING INDIAN CLAIM CASES—DEC. 31, 1972

[Explanation of symbols: The letter "x" marks the phase or phases in which the case is pending. The letter "c" indicates that the case is consolidated with 1 or more other cases. The letter "b" indicates that the case is in the post-trial briefing stage. The letter "s" indicates that the case is submitted to the commission for its decision.]

Docket No. and plaintiff tribe, band or group, and comments	Liability or title	Value	Accounting	Offsets	Projected completion date
48-A: Apache, Chiricahua, Warm Springs, et al. On appeal in Court of Claims. See comments under Docket 30-A, above.					September 1974.
49: Apache, Fort Sill, et al. On appeal in the Court of Claims from the Commission's order of dismissal.					September 1974.
57: Chippewa, Saginaw	x, s				March 1974.
59: Chippewa, Saginaw	x, s, c				December 1975.
60-A: Makah. Trial set for Jan. 15, 1973.		x			September 1974.
64: Shawnee	x, s, c				September 1975.
64-A: Shawnee	x, s, c				December 1975.
69: Navajo. Awaiting plaintiff's exceptions to defendant's accounting report. Plaintiff is without legal counsel.			x		April 1977.
71: Potawatomi, Citizen. Time within which to appeal from title decision is running.		x, c			March 1975.
73: Seminole Indians of Florida. Cross appeals from a final award of \$12,262,780.63 in this case and Docket No. 151 were taken to the Court of Claims. The Court remanded the case in Docket Nos. 73 and 151 to the Commission for more specific findings and reasoning as to valuation of the tracts involved and ordered this case consolidated with an overlapping Creek case in Docket No. 280 to the extent of the overlap.	x, b, c <sup>2</sup>				September 1976.
73-A: Seminole Indians of Florida. Pending before the Court of Claims on appeals from the Commission's title determinations.					December 1976.
74: Sioux Nation. On cross appeals with Docket No. 332-C before the Court of Claims from the Commission's determinations in respect to title and related issues. Docket 74 was being briefed on value when the appeals were taken.					December 1976.
74-B: Sioux Nation		x, s			July 1974.
80-A: Mission Indians of California, et al., and Soboba Band of Mission Indians. Soboba cause is proceeding separately from the other causes.	x, s				December 1976.
80-B: Mission Indians of California. Proceedings have been postponed pending outcome of Federal Court suit. No exceptions to defendant's accounting have been filed.			x		December 1975.
83: Sac and Fox Tribes		x, b			July 1974.
84: Six Nations, et al.				x, s, c	February 1973.
87-A: Northern Paiute Nation, et al. On appeal in the Court of Claims from Commission's determination that defendant is liable for resources removed from plaintiffs' lands prior to extinguishment of plaintiffs' aboriginal title.					January 1977.
89: Six Nations	x, s, c				December 1975.
95: Sac and Fox Tribes. Pending on cross appeals in the Court of Claims from the Commission's interlocutory decision and award on plaintiffs' accounting claim.					December 1974.
100-B: Klamath, Modoc, and Yahooskin. Set for trial on Sept. 11, 1973.		x			June 1975.
102: Papago. Awaiting supplement to defendant's accounting that defendant has been ordered to supply.		x			April 1977.
113: Chippewa, Turtle Mountain. On cross appeals in the Court of Claims with Docket Nos. 191, 221, 246, 350-B and 350-C from the Commission's determinations of title and related issues in respect to claims arising from the McCumber Agreement of 1892 involving North Dakota lands. 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 Docket Nos 18-A and 191.			x		December 1976.
115: Sioux of Crow Creek Reservation, S. Dak. Issues to be decided are being developed. Plaintiff requests, among other things, an accounting beyond June 30, 1951.			x		December 1976.
116: Sioux of Lower Brule Reservation, S. Dak. Same comment as under Docket No. 115, above.			x		December 1976.
117: Sioux of Pine Ridge Reservation, S. Dak. Same comment as under Docket No. 115, above.			x		December 1976.
118: Sioux of Rosebud Reservation, S. Dak. Same comment as under Docket No. 115, above.			x		December 1976.
119: Sioux of Standing Rock Reservation, S. Dak. Same comment as under Docket No. 115, above.			x		December 1976.
120: Wyandotte	x, s, c				September 1975.

See footnotes at end of table.

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Docket No. and plaintiff tribe, band or group, and comments	Liability or title	Value	Accounting	Offsets	Projected completion date
123: Cherokee Freedmen. Plaintiffs' cause is involved in the appeals to the Court of Claims mentioned under Docket No. 173-A, below.					July 1974.
124-B: Miami of Indiana	x, s, c				March 1976.
124-H: Miami of Indiana	x, s, c				December 1975.
128: Potawatomi, Citizen	x, s, c				March 1976.
130: Miami of Indiana	x, s, c				September 1975.
133-A: Ottawa	x, s, c				September 1975.
133-B: Ottawa	x, s, c				December 1975.
133-C: Ottawa	x, s, c				December 1975.
134: S'Klallam (Clallam). Awaiting plaintiff's reply to defendant's claim for offsets. Plaintiff's counsel is without authority to continue in the case as the tribe has allowed his contract to expire.					January 1974.
137: Pueblos of Zia, Jemez and Santa Ana. Pending before the Court of Claims on defendant's appeal from so much of the Commission's final judgment and award of \$766,936.08 as pertains to offsets.					March 1974.
139: Wyandotte	x, s, c				September 1975.
140: Wyandotte	x, s, c				December 1975.
141: Wyandotte	x, s, c				December 1975.
144: Chippewa, Pillager	x, s				April 1974.
146: Potawatomi, Citizen. See comments under Docket No. 15-M, above.					September 1973.
151: Seminole Indians of Oklahoma. See comments under Docket No. 73, above.	x, b, c				September 1976.
158: Sac and Fox Tribes. The Sac and Fox appealed to the Court of Claims from, among other things, final awards in Docket Nos. 158 and 231 in the respective amounts of \$3,530,578.21 and \$943,799.79, and the dismissal of the Sac and Fox claim in Docket No. 209. The Court's remand order of Nov. 12, 1971, requiring further proceedings to supply more specific findings and reasoning as to valuations adopted for the Sac and Fox tracts involved in Docket Nos. 158, 209 and 231 is being carried out. Claims of the Iowa Tribes in Docket Nos. 158, 209, and 231 have been completed with awards that have been reported to the Congress.		x, s, c <sup>1</sup>			September 1973.
169: Creek Nation. Trial set for Feb. 1, 1973.			x		April 1974.
173-A: Cherokee Nation, Plaintiff, and The Cherokee Freedmen, et al., Plaintiffs by intervention. Pending on cross appeals in the Court of Claims from the Commission's final determinations and award of \$4,266,309.00 in this case.					July 1974.
175-B: Nez Perce. As this case now stands appeal time from a final award of \$1,387,911.00 will expire on Feb. 28, 1973.					February 1973.
178-A: Confederated Tribes of Colville Reservation. Awaiting post-June 30, 1951 accounting from defendant.			x		April 1977.
179-A: Nez Perce. Awaiting post-June 30, 1951 accounting from defendant.			x		April 1977.
181-C: Confederated Tribes of Colville Reservation. Pending on defendant's motion for summary judgment or for determination of points of law.	x				September 1976.
182: Apache, Fort Sill, Chiricahua, and Warm Springs. Claims for removal and use of resources from aboriginal lands prior to Sept. 4, 1886 are being briefed. Issues in respect to claims for damages arising from defendant's alleged dealing with and disposition of plaintiffs' reservation lands and property, and for a general accounting are being framed. Plaintiffs request, among other things, an up to date accounting.	x, b		x		April 1977.
184: Fort Peck Indians. Set for trial of some accounting issues on Jan. 22, 1973. Awaiting defendant's supplemental accounting in respect to certain other issues. Also pending on motion to rehear certain accounting issues dealt with in decision of June 14, 1972.			x		April 1977.
186: Confederated Tribes of Colville Reservation for Nez Perce Joseph Band. The attorneys for the parties have reached agreement as to the value of the lands involved and a hearing on the agreement is anticipated. The final disposition of other issues will probably depend upon the outcome of certain appeals now before the Court of Claims.			x		September 1974.

See footnotes at end of table.

## PENDING INDIAN CLAIM CASES—DEC. 31, 1972

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Docket No. and plaintiff tribe, band or group, and comments	Liability or title	Value	Accounting	Offsets	Projected completion date
188: Chippewa, Minn., et al. Consolidated for all purposes with Docket No. 189-C. Some issues have been decided, others are being framed. Among other things, plaintiffs seek supplemental accountings.			x, c		April 1977.
189: Chippewa, Red Lake.		x, s			October 1973.
189-A: Chippewa, Red Lake. Consolidated for all purposes with Docket Nos. 19 and 189-B. See comments under Docket No. 19, above.			x, c		April 1977.
189-B: Chippewa, Red Lake. Consolidated for all purposes with Docket Nos. 19 and 189-A. See comments under Docket No. 19, above.			x, c		April 1977.
189-C: Chippewa, Red Lake. Consolidated for all purposes with Docket No. 188. See comments under Docket No. 188, above.			x, c		April 1977.
191: Chippewa, Little Shell. On cross appeals in the Court of Claims with Docket Nos. 113, 221, 246, 350-B and 350-C from the Commission's determinations of title and related issues in respect to claims arising from the McCumber Agreement of 1892 involving North Dakota lands. 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 Docket Nos. 18-A and 113. Another part of this case relating to land in Montana was tried on land title issues consolidated with Docket No. 221-B and is submitted to the Commission for a decision on those issues.	x, s, c				December 1976.
196: Hopi. Tried on land title issues in consolidation with the overlapping part of the Navajo case in Docket No. 229. To be set for trial of value after disposition of pending Hopi motion for amendment of the Commission's determinations as to land boundaries and dates of taking in the consolidated case. Accounting issues are being framed.	x	x			December 1976.
197: Nisqually			x, s		November 1973.
198: Confederated Tribes of Warm Springs Reservation, Oregon. Time is running within which defendant may submit its claim, if any, for offsets against an interlocutory award of \$1,336,317.30.				x	September 1973.
202: Delaware, Absentee			x, s, c		September 1975.
203: Puyallup. Plaintiff is without legal counsel. Remaining questions in the case are under study by the Commission's investigation division.			x		March 1974.
204: Seminole Nation. Dismissed by the Commission on May 31, 1972. Plaintiff's motion for rehearing set for argument before the Commission on Jan. 9, 1973.					June 1973.
206: Squaxin. Time is running within which defendant may submit its claim, if any, for offsets against an interlocutory award of \$7,847.47.					September 1973.
208: Steilcoom			x, s		December 1973.
209: Sac and Fox Tribes. See comments under Docket No. 158, above.			x, s, c		September 1973.
212: Wyandotte. Concerned with reservation tracts within aboriginally claimed areas involved in other cases of same plaintiff. Valuation proceedings are held in abeyance pending outcome of aboriginal land cases.			x		April 1976.
213: Wyandotte. Same comment as under Docket No. 212, above.			x		April 1976.
216: Potawatomi, Citizen	x, s, c				September 1975.
217: Potawatomi, Citizen, See comments under Docket No. 15-K, above.			x, s, c		March 1973.
218: Cowlitz. Commission's determinations regarding extinguishment of aboriginal title affirmed by Court of claims on Oct. 13, 1972. A settlement agreement is being negotiated by the parties. The projected completion date applies if the case must be fully litigated.			x		January 1975.
221: Chippewa Cree and Little Shell. On cross appeals in the Court of Claims with Docket Nos. 113, 246, 350-B and 350-C from the Commission's determinations of title and related issues in respect to claims arising from the McCumber Agreement of 1892 involving North Dakota lands.					December 1975.
221-A: Chippewa Cree, et al. Dismissal possible. Issues involved are being determined in other cases.	x				June 1974
221-B: Chippewa Cree, et al. See last sentence of comments under Docket No. 191, above.	x, s, c				December 1976.

See footnotes at end of table.

## PENDING INDIAN CLAIM CASES—DEC. 31, 1972

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Docket No. and plaintiff tribe, band or group, and comments	Liability or title	Value	Accounting	Offsets	Projected completion date
221-C: Chippewa Cree, et al. Plaintiff's exceptions to defendant's accounting were accepted for filing by order of Nov. 15, 1972. Defendant has 60 days from that date in which to answer the exceptions. Among other things, plaintiffs seek a supplemental accounting.			x		December 1976.
226: Caddo Tribe of Oklahoma, et al., plaintiffs; Alabama-Coushatta Indians of Texas and Coushatta Indians of Louisiana, Wichita Tribe of Oklahoma and others, and Tonkawa Tribe of Indians of Oklahoma are parties plaintiff by intervention. After decision on value, a 1969 order vacated an earlier order dismissing counts II and IV of plaintiffs' petition asserting an aboriginal land claim and allowed plaintiffs to amend their petition setting out the extent of the lands in that claim. Thereafter the above-named intervenors became parties to the case and trial was had of land title and related issues involved in the reinstated aboriginal land claim. The parties are now briefing those issues. The lands involved are in Texas and Louisiana.	x, b				September 1975.
228: Gila River Pima-Maricopa Indian Community, et al. On cross appeals in the Court of Claims from the Commission's determinations concerning extinguishment of plaintiffs' aboriginal title.					December 1975.
229: Navajo. Part of the trial on land title issues was in consolidation with an overlapping Hopi claim in Docket No. 196. To be set for trial of value after disposition of pending Hopi motion for amendment of the Commission's determinations as to land boundaries and dates of taking in the consolidated case.	x				July 1975.
231: Sac and Fox Tribes. See comments under Docket No. 158, above.			x, s, c		September 1973.
235: Indians of Maricopa-Ak Chin Reservation, et al. Submitted for the Commission's decision on the issue of the defendant's liability for failure to develop water resources. Issues in the accounting claim are being framed—plaintiffs seek, among other things, supplemental accountings.	x, s		x		December 1976.
236-A: Gila River Indian Community. This docket and Docket No. 236-B were consolidated for proceedings in the liability phase since both suits arose out of the placing of a relocation center for west coast evacuees on the plaintiff's reservation. Cross appeals from the Commission's determinations as to defendant's liability were taken to the Court of Claims. On Oct. 13, 1972, the Court affirmed the Commission's determinations, except with respect to defendant's demand for credit for certain road expenditures and remanded the cases for, among other things, further consideration of that demand. Docket Nos. 236-A and 236-B are set for trial of value, that is, the amount of damages sustained by the plaintiff, on July 16, 1973.			x		October 1974.
236-B: Gila River Indian Community. See note under Docket No. 236-A, above.			x		October 1974.
236-C: Gila River Pima-Maricopa Indian Community, et al. Set for trial on Nov. 16, 1973, on the issue whether plaintiff was deprived of the use of Gila River water it could have beneficially used, and if so whether defendant is liable for that deprivation.	x				January 1976.
236-D: Gila River Pima-Maricopa Indian Community, et al. Held in abeyance pending decision on similar issues in 236-C.	x				December 1976.
236-E: Gila River Pima-Maricopa Indian Community, et al.	x, s				September 1975.
236-F: Gila River Pima-Maricopa Indian Community, et al.	x, b				November 1975.
236-G: Gila River Pima-Maricopa Indian Community, et al. Held in abeyance pending issuance of decision on similar issues in Docket No. 236-E.	x				September 1975.
236-I: Gila River Pima-Maricopa Indian Community, et al.	x, b				November 1975.

See footnotes at end of table.

## PENDING INDIAN CLAIM CASES—DEC. 31, 1972

[Explanation of symbols: The letter "x" marks the phase or phases in which the case is pending. The letter "c" indicates that the case is consolidated with 1 or more other cases. The letter "b" indicates that the case is in the post-trial briefing stage. The letter "s" indicates that the case is submitted to the commission for its decision.]

Docket No. and plaintiff tribe, band or group, and comments	Liability or title	Value	Accounting	Offsets	Projected completion date
236-N: Gila River Pima-Maricopa Indian Community, et al. Time is running within which the defendant may answer the plaintiffs' exceptions to defendant's accounting. Among other things, plaintiffs seek accountings to present time.	x				December 1976.
246: Chippewa, Pembina, et al. On cross appeals in the Court of Claims with Docket Nos. 113, 191, 221, 350-B and 350-C from the Commission's determinations of title and related issues.					December 1975.
247: Seminole Nation, Oklahoma. A final order of dismissal has been entered in this case. Argument on plaintiff's motion for a rehearing is set for Jan. 9, 1973.					July 1974.
249: Choctaw Nation. Submitted for decision on several complex motions that will be disposed of by a forthcoming decision. Plaintiff has filed no exceptions to defendant's accounting.	x				December 1976.
250-A: Fort Belknap Indian Community. Submitted for decision on complex motions that will be disposed of by a forthcoming decision. Among other things, plaintiffs seek supplemental accountings. Proceeding in consolidation with Docket No. 279-C.	x, c				April 1977.
252: Miami of Oklahoma.	x, s, c				September 1975.
254: Miami of Oklahoma.	x, s, c				March 1976.
257: Kiowa, Comanche and Apache Tribes, plaintiffs, and Wichita Indian Tribe of Oklahoma, et al., plaintiffs by Intervention. On appeal in the Court of Claims from the Commission's decision on title and related issues.					December 1975.
259-A: Kiowa, Comanche and Apache Tribes. Submitted for decision on value of certain lands. Plaintiffs seek, among other things, a supplemental accounting.	x, s		x		December 1976.
272: Creek Nation, Oklahoma. On appeal in the Court of Claims from the Commission's decision on the issue of defendant's liability.					September 1975.
273: Creek Nation, Oklahoma. Trial of the issue of legal consideration paid on the claim is set for Jan. 11, 1973.	x				March 1974.
277: Creek Nation, Oklahoma. Proceedings stayed pending outcome of similar case in Docket No. 247.	x		x		July 1975.
278-B: Tlingit and Haida of Alaska. Damages sought for naval shelling. Set for trial in Jan. 8, 1973.	x				March 1974.
279-C: Blackfeet and Gros Ventre. See comments under Docket No. 250-A, above.			x, c		April 1977.
280: Creek Nation East of the Mississippi. Trial of land title issues was in consolidation with the Seminole claim in Docket Nos. 73 and 151 to the extent of the overlap between the Creek and Seminole Florida claims. See comments under Docket No. 73, above.	x, b, c				September 1976.
283: Mohave Indians of Colorado River Tribes. On appeal in the Court of Claims in consolidation with Mohave case in Docket No. 295 from the Commission's final determinations and award of \$428,358.07 in Docket Nos. 283 and 295.					December 1974.
283-B: Mohave, et al. Submitted for decision on some accounting issues. Plaintiff is seeking supplemental accounting.	x, s				December 1976.
291: Salt River Pima-Maricopa. Part of this case has been dismissed. Issues to be decided in the remaining accounting claim are being framed. Among other things, plaintiffs seek supplemental accountings.	x				December 1975.
295: Mohave Tribe of Indians of Arizona, California, and Nevada. On appeal in the Court of Claims. See comments under Docket No. 283.					December 1974.
295-A: Mohave Tribe of Indians of Arizona, California, and Nevada. Parker Dam flood damage case. Value trial set to resume on Jan. 3, 1973.	x				June 1974.
299: Navajo. Pending on, among other things, plaintiff's motion for partial summary judgment and for a complete accounting and defendant's motion to dismiss. Plaintiff is without legal counsel.	x				December 1976.
300: Stockbridge and Munsee. On appeal in the Court of Claims from the Commission's interlocutory award on plaintiffs' claim.					September 1974.

See footnotes at end of table.

## PENDING INDIAN CLAIM CASES—DEC. 31, 1972

[Explanation of symbols: The letter "x" marks the phase or phases in which the case is pending. The letter "c" indicates that the case is consolidated with 1 or more other cases. The letter "b" indicates that the case is in the post-trial briefing stage. The letter "s" indicates that the case is submitted to the commission for its decision.]

Docket No. and plaintiff tribe, band or group, and comments	Liability or title	Value	Accounting	Offsets	Projected completion date
300-A: Stockbridge and Munsee. Proceedings stayed pending disposition of the appeal mentioned below under Docket No. 301, which was taken from a decision on liability issues identical to those involved in this case.	x				March 1975.
300-B: Stockbridge and Munsee.				x, s, c	February 1973.
301: Oneida Nation of New York, et al. On appeal in the Court of Claims from the Commission's determinations as to defendant's liability.					March 1975.
302: Ottawa.	x, s, c				September 1975.
304: Ottawa. Offsets set for trial on Mar. 15, 1973.				x	December 1973.
305: Ottawa. Offsets set for trial on Mar. 15, 1973.				x	December 1973.
306: Potawatomi, Citizen.	x, s, c				December 1975.
308: Potawatomi, Citizen.	x, s, c				December 1975.
309: Potawatomi, Citizen.	x, s, c				March 1976.
310: Potawatomi, Citizen.	x, s, c				March 1976.
311: Potawatomi, Citizen.	x, s, c				December 1975.
313: Peoria, Kaskaskia.	x, s, c				December 1975.
314-A: Peoria, Wea.	x, s, c				December 1975.
314-B: Peoria, Wea.	x, s, c				March 1976.
315: Kickapoo, Kansas.	x, s, c				December 1975.
320: Quechan. After trial and briefing of land title issues, plaintiff has 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.	x, s, c				December 1974.
321: Tuscarora. Time is running within which defendant may submit a claim for offsets against an interlocutory award.				x	December 1973.
326-A: Te-Moak Bands of Western Shoshone of Nevada. Supplement to defendant's accounting awaited. Submitted for decision on issues in respect to the government's liability to pay interest on Indian funds.			x		April 1977.
326-B: Confederated Tribes of Goshute Reservation. It is possible that this case will be settled in conjunction with offsets in Docket No. 326-K. Plaintiffs' exceptions to defendant's accounting awaited.			x		March 1974.
326-C: Shoshone-Bannock. Defendant's supplemental accounting awaited.			x		April 1977.
326-J: Goshute Tribe, et al.	x, s				March 1974.
326-K: Shoshone, Te-Moak. Defendant has moved for rehearing on the Commission's interlocutory decision on value. Time is running within which the plaintiff may respond to the motion.	x				March 1974.
332-C: Sioux, Yankton. On cross appeals with Docket No. 74 in the Court of Claims from the Commission's determinations in respect to title and related issues. Because of the appeals, a setting for trial of value in Docket No. 332-C had to be stricken from the calendar.					March 1976.
332-D: Sioux, Yankton. Claims for an accounting for the period commencing July 1, 1951, and claims arising from the sale of plaintiff's reservation lands under an 1892 agreement permitted to be severed from Docket No. 332-B and assigned Docket No. 332-D pursuant to an approved compromise settlement of other claims in Docket No. 332-B and an order of Nov. 9, 1972. Time is running within which the defendant may answer the amended petition in this case.	x		x		April 1977.
335: Shawnee.	x, s, c				September 1975.
338: Delaware, Absentee, et al.	x, s, c				September 1975.
341-A: Seneca-Cayuga. Proceeding in consolidation with Docket No. 341-B. An interlocutory award has been entered on an accounting part of the consolidated case. The other part is set for trial of value in 1973.	x, c				October 1974.
341-B: Seneca-Cayuga. See comments under Docket No. 341-A, above.				x, c	October 1974.
341-C: Seneca-Cayuga.	x, s, c				September 1975.
341-D: Seneca-Cayuga.	x, s, c				December 1975.
342-A: Seneca Nation. Appeal time from a final award of \$5,466,615.04 in this case and consolidated Docket No. 368-A expires in the month shown on the right.					February 1973.

See footnotes at end of table.



## PENDING INDIAN CLAIM CASES—DEC. 31, 1972

[Explanation of symbols: The letter "x" marks the phase or phases in which the case is pending. The letter "c" indicates that the case is consolidated with 1 or more other cases. The letter "b" indicates that the case is in the post-trial briefing stage. The letter "s" indicates that the case is submitted to the commission for its decision.]

Docket No. and plaintiff tribe, band or group, and comments	Liability or title	Value	Accounting	Offsets	Projected completion date
342-B: Seneca Nation. An interlocutory award has been entered in this case and consolidated Docket Nos. 342-C and 368. Under an approved agreement between the parties, final awards are not to be entered on the claims Docket Nos. 342-B and 342-C until the decision of the Court of Claims on the appeal in the Oneida case, mentioned above under Docket No. 301, has become final. Set for trial of offsets on Feb. 15, 1973.				x, c.	December 1973.
342-C: Seneca Nation. Set for trial of offsets on Feb. 15, 1973. See comments under Docket No. 342-B, above.				x, c.	December 1973.
342-F: Seneca Nation. Set for trial of offsets on Feb. 15, 1973.				x	August 1973.
342-G: Seneca Nation. Awaiting documented motion from plaintiff in respect to issue of defendant's liability to account, and defendant's accounting report.	x		x		December 1976.
342-I: Seneca Nation. Set for trial of offsets on Feb. 15, 1973.				x	December 1973.
343: Seneca-Cayuga. On appeal in the Court of Claims from the Commission's determinations as to defendant's liability.					January 1976.
345: Papago.		x, b			March 1974.
350-B: Three Affiliated Tribes of Fort Berthold Reservation. The expiration of appeal time from an order dismissing this case was stayed by its involvement in the cross appeals to the Court of Claims mentioned under Docket No. 113, above.					December 1973.
350-C: Three Affiliated Tribes of Fort Berthold Reservation. On cross appeals in the Court of Claims with Docket Nos. 113, 191, 221, 246, and 350-B from the Commission's determinations of title and related issues.					December 1975.
350-D: Three Affiliated Tribes of Fort Berthold Reservation. Decision on value deferred pending decision of the Court of Claims in the appeals mentioned under Docket No. 350-C.		x, s.			June 1974.
350-F: Three Affiliated Tribes of Fort Berthold Reservation. On cross appeals in the Court of Claims from the Commission's final determinations and award of \$8,809,057.00 plus certain additional damages measured by simple interest rates.					July 1974.
350-G: Three Affiliated Tribes of Fort Berthold Reservation. Among other things, plaintiffs seek supplemental accountings.			x		December 1976.
352: Aleut Community of St. Paul Island. On appeal in the Court of Claims from the Commission's order of dismissal. The projected completion date assumes affirmance of the dismissal order by the Court.					March 1974.
353: Navajo. Same comments as under Docket No. 299, above.				x	December 1976.
354: Pueblo of San Ildefonso. Plaintiff has right to move for rehearing of Commission's decision disallowing interest on the claim until 30 days after the Commission's decision on order to show cause in Docket No. 357-A.	x, s.				October 1975.
355: Pueblo of Santo Domingo. Same comment as under Docket No. 354, above.	x, s.				October 1975.
356: Pueblo of Santa Clara. Same comment as under Docket No. 354, above.	x, s.				October 1975.
357: Pueblo of Taos. To be tried on value at same time as Docket Nos. 354, 355, and 356.			x		October 1975.
357-A: Pueblo of Taos. Submitted for decision on issues involved in an order-to-show-cause why an interlocutory award on the claim should not be vacated. Same further comment as under Docket No. 354, above.	x, s.				October 1975.
357-B: Pueblo of Taos. Blue Lake aboriginal claim. In view of provisions in Public Law 91-550, approved Dec. 15, 1970, destined for dismissal after the directive to the Commission in Section 4(d) of that Act is satisfied.			x		October 1975.
358: Pueblo of Nambe. Removed from calendar for trial of value as settlement of valuation issues appeared likely. Plaintiff has right to move for rehearing of Commission's decision disallowing interest on the claim until 30 days after the Commission's decision on order to show cause in Docket No. 357-A.			x		October 1975.

See footnotes at end of table.

## PENDING INDIAN CLAIM CASES—DEC. 31, 1972

[Explanation of symbols: The letter "x" marks the phase or phases in which the case is pending. The letter "c" indicates that the case is consolidated with 1 or more other cases. The letter "b" indicates that the case is in the post-trial briefing stage. The letter "s" indicates that the case is submitted to the commission for its decision.]

Docket No. and plaintiff tribe, band or group, and comments	Liability or title	Value	Accounting	Offsets	Projected completion date
363: Lower Siou Indian Community in Minnesota, et al. Submitted on issue of defendant's liability under aboriginal land claims asserted as arising from an 1867 treaty and an 1872 agreement and on valuation issues on a claim relating to reservation lands. Among other things, plaintiffs seek a supplemental accounting under an accounting claim.	x, s.	x, s.	x		April 1977.
364: Ottawa and Chippewa. Under study by Commission's Investigational Division as plaintiffs are without legal counsel.			x		December 1976.
368: Seneca, Tonawanda. Set for trial of offsets on Feb. 15, 1973, with Docket Nos. 342-B and 342-C. Estimated completion date is the same as that for Docket Nos. 342-B and 342-C with which this case is consolidated. See comments under Docket No. 342-B, above.				x, c.	December 1973.
368-A: Seneca, Tonawanda. Appeal time from a final award of \$5,466,615.04 in this case and consolidated Docket No. 342-A expires in the month shown on the right.					February 1973.
369: Aleut Tribe, et al. On appeal in the Court of Claims from Commission's order of dismissal. The projected completion date assumes affirmance of the dismissal order by the Court.					December 1973.

<sup>1</sup> Remand.

<sup>2</sup> As to overlap area.



APR 16 1976

## Money awarded for past wrongs

# State tribes among top suit winners

By BILL SAMPSON

Oklahoma Indians are among the leading tribes in winning monetary claims against the federal government for various wrongs of the past.

Last fiscal year, a combined claim of Kiowa, Comanche and Apache tribes of southwest Oklahoma won the largest claim to date before the U.S. Indian Claims Commission, \$35,060,000.

This year, about 4,500 Cherokees have collected \$100 each in per capita payments from the \$3.5 million award in the second part of the Cherokee Outlet case decided by the commission in 1972. The tribe collected \$14 million for the first part of the case decided in 1961.

THESE CLAIMS, like others before the commission, pertain to tribal lands and sometimes water rights ceded, sold or lost to the federal government in the 19th century, usually under terms which amounted to duress and for prices the commission considers "unconscionable."

Most of the cases are difficult to prove because of scanty Indian records and evidence, and take years to litigate. The Cherokee Outlet case, for ex-

ample, was filed in 1948 and concluded in two parts, in 1961 and 1972.

In the federal courts, the Cherokees, Choctaws and Chickasaws won a 1970 U.S. Supreme Court decision awarding them title to the Arkansas River bed between Muskogee and Fort Smith, Ark. Earlier this year government appraisers said it is worth \$177 million, and the tribes are negotiating with Congress for payment.

BUT MOST MAJOR Indian cases since creation of the Indian Claims Commission in 1946 are decided before that body.

The most recent annual report of the commission shows that through fiscal 1975, the cumulative total of awards has amounted to \$561,113,637 since 1946.

The total amount for these awards appropriated by Congress has been \$35,944,264. Some award payments are pending and others were settled by the various tribes and Congress for smaller amounts than recommended by the Indian Claims Commission.

There are still 175 cases pending before the commission. In 1972, Congress extended the authority of the commission through April 10, 1977, with a pro-

vision that cases still pending at that time be transferred to the U.S. Court of Claims.

THAT COURT has advised Congress it does not welcome the proposed responsibility and is not adequately staffed or budgeted at present to take on the commission's work.

Following is a list of Oklahoma tribes which have won claims before the commission, their amount, and the year in which they were won:

Choctaws, \$2.5 million and Chickasaws, \$902,000, both in 1951; Loyal Creeks, \$600,000 and Kaws, \$2.3 million, both in 1952; Quapaws, \$927,668, 1954; Osages, \$864,107, 1955; Otoe-Missouria, \$1.1 million, 1956; Kiowa, Comanche and Apache, \$2 million, 1958 (a different claim than the \$35 million award mentioned earlier).

Seminoles, \$34,000, 1958; Chickasaws, \$190,934, 1960; Absentee Shawnee, \$1.2 million, Miami of Oklahoma, \$349,193, and Cherokees, \$14 million, all 1961.

PAWNEE, \$7.3 million and Creek Nation (as constituted in 1814), \$3.9 million in 1963.

Peoria (Wea band), \$876,477; Delawares (1818 treaty), \$1.6 million; Otoe-Missouria, \$1.7 million, all 1964.

Seminole, \$63,680; Ottawa of Oklahoma, \$406,166; Iowa, \$1.3 million; Sac and Fox, \$3.6 million (three claims), all 1965.

Ponca, \$2,458; Cheyenne-Arapaho, \$15 million; Iowa, \$11,394, all 1966.

Creek, \$1 million; Sac and Fox, \$692,000, both 1967.

Peoria (Wea band), \$33,262; Kiowa, Comanche and Apache, \$6 million; Kickapoo, \$540,000, all 1968.

MIAMI OF Oklahoma, per capita share of \$1.3 to Miami Indians in Oklahoma and Indiana, 1969.

Delawares and Absentee Delawares, \$9.1 million; Miami, \$3.8 million; Peoria (Wea band), \$1.5 million; Iowa, \$2.7 million; Sac and Fox, \$10.6 million; Peoria (Piankeshaw band), \$3.2 million, all in 1970.

Osage, \$13.2 million; Seminole, \$12.2 million; Delaware, \$1.4 million; Creek, \$50,000; Fort Sill Apaches, \$521,726; Ponca, \$1.8 million; Delawares, \$435,873; Cherokees, \$3.5 million, all 1972.

Ponca, \$1 million; Creek, \$1.7 million; Seneca, \$5.4 million; Creek, \$400,000, all 1973.

Sac and Fox, \$1.9 million; Seneca, \$182,000; Potawatomi, Oklahoma members shared in a total tribal award of \$2.2 million, all in 1974.

Kiowa, Comanche and Apache, \$35 million; Seneca-Cayuga, \$42,000 in 1975.



APR 14 1976



Staff photo by JAMES VINCENT

**SUPPORTERS CHEER** — Supporters of Dennis Banks, American Indian Movement leader, surround him Tuesday as Banks (arm upraised) arrives at U.S. Courthouse in Portland for his arraignment on federal firearms charges. To right of Banks is his wife, KaMook, who carries one of their children. Banks pleaded not guilty.

*Contd.*

## INDIAN CLAIMS COMMISSION AUTHORIZATION, 1977

SEPTEMBER 27, 1976.—Ordered to be printed

Mr. MEEDS, from the committee of conference,  
submitted the following

### CONFERENCE REPORT

[To accompany S. 2981]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2981) to authorize appropriations for the Indian Claims Commission for fiscal year 1977, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with the following amendment:

In lieu of the matter proposed to be stricken by the House amendment, 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 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 Com-*

mission 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. 701-2), 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 of 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."

And the House agree to the same.

ROY A. TAYLOR,  
LLOYD MEEDS,  
ROBERT G. STEPHENS, JR.,  
THEODORE M. RISENHOOVER,  
JAMES P. JOHNSON,  
*Managers on the Part of the House.*

HENRY M. JACKSON,  
LEE METCALF,  
J. BENNETT JOHNSTON,  
JAMES ABOUREZK,  
PAUL J. FANNIN,  
DEWEY F. BARTLETT,  
*Managers on the Part of the Senate.*

JOINT EXPLANATORY STATEMENT OF THE  
COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2981) authorizing appropriations for fiscal year 1977 for the Indian Claims Commission and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all those provisions after the authorizing section which extended the life of the Indian Claims Commission to September 30, 1980, and the Senate disagreed to the House amendment.

The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House and agree to such amendment with an amendment. The differences between the Senate bill, the House amendment thereto, and the amendment to the House amendment agreed to in conference are noted below except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

S. 2981 as passed by the Senate on April 9, 1976, had 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. The Commission still has some 140 cases pending final adjudication, most of which could be completed by 1980.

The House Interior and Insular Affairs Committee added an amendment to the House authorization bill (H.R. 11909) which would have extended the life of the Indian Claims Commission to September 30, 1980. The House Committee amendments also included procedures for an orderly transfer of unfinished cases to the Court of Claims. However, the full House voted in favor of an amendment offered by Mr. Meeds to strike the extension language. Thus, H.R. 11909 as passed on August 3, 1976, is a simple authorization bill.

The conferees agreed to accept a compromise that would extend the life of the Commission for one and one half years until September 30, 1978. Additionally, the conferees agreed to the following provisions:

(1) All cases which the Commission determined it could not complete by September 30, 1978, would be transferred to the Commission no later than December 31, 1976.

(2) All cases remaining under the jurisdiction of the Commission, but which are incomplete on September 30, 1978, would



be transferred on that date to the Court of Claims for completion, pursuant to the existing language of the Act.

(3) The Commission is required to report to the Committees on Interior and Insular Affairs of the Senate and House of Representatives on the first day of the 95th Congress those cases which it transferred to the Court of Claims by December 31, 1976. It is further required to make semi-annual reports thereafter on its progress on remaining cases.

The committee of conference firmly intends that the Indian Claims Commission shall transfer by December 31, 1976, all cases of an accounting nature in which no proceedings have been initiated. Additionally, it firmly expects that all other cases which the Commission determines that it cannot completely adjudicate by September 30, 1978 shall also be transferred by December 31, 1976.

The Committee of Conference is adamantly opposed to any further extensions of the Commission beyond the September 30, 1978 dissolution date. Therefore, all those cases which cannot be completed by that date should be transferred by the Indian Claims Commission to the Court of Claims.

ROY A. TAYLOR,  
LLOYD MEEDS,  
ROBERT G. STEPHENS, Jr.,  
THEODORE M. RISENHOOVER,  
JAMES P. JOHNSON,

*Managers on the Part of the House.*

HENRY M. JACKSON,  
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J. BENNETT JOHNSTON,  
JAMES ABOUREZK,  
PAUL J. FANNIN,  
DEWEY F. BARTLETT,

*Managers on the Part of the Senate.*



Date: October 2

Time: 400pm

FOR ACTION: 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:

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.James M. Cannon  
For the President



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 authori-  
zation 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.

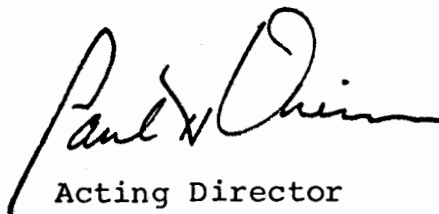


S. 2981 would authorize appropriations of \$1,650,000 for the Indian Claims Commission for fiscal year 1977 and extend the life of the Commission through the end of fiscal year 1978, or at such earlier time as the Commission shall have made its final report to the Congress on all claims filed with it.

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

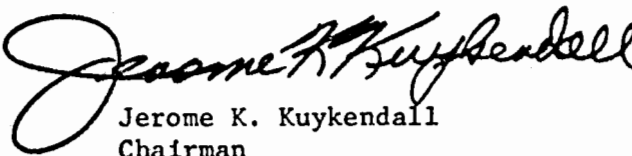
Re: Enrolled Bill S. 2981

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,

  
Jerome K. Kuykendall  
Chairman

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.



Bradley H. Patterson, Jr.

