

BEFORE THE INDIAN CLAIMS COMMISSION

THE CONFEDERATED TRIBES OF THE COLVILLE RESERVATION, )  
 as the representative of the COLVILLE, LAKE, )  
 SAN POEILS, NESPELEM, OKANOGAN, AND METHOW )  
 TRIBES. )  
 LOUIE CAMILLE AND PETER J. GUNN, as the represent- )  
 atives of the COLVILLE TRIBE, )  
 PETE LEMERY AND FLORENCE QUILL, as the represent- )  
 atives of the LAKE TRIBE, )  
 ALEX L. COVINGTON AND LEWIS H. RUNNELS, as the repre- )  
 sentatives of the SAN POEILS TRIBE, )  
 EDDIE YERACOSTCHIN AND ED HILAKAHN, as the represent- )  
 atives of the NESPELEM TRIBE, )  
 ALEX NICHOLSON AND NARCISSE BROOKS, as the represent- )  
 atives of the OKANOGAN TRIBE, )  
 SAM MILLER AND MICHEL CHARLEY, as the representatives )  
 of the METHOW TRIBE, )  
 THE CONFEDERATED TRIBES OF THE COLVILLE RESERVATION, )  
 as successor to the claims of the COLVILLE, )  
 LAKE, SAN POEILS, NESPELEM, OKANOGAN, AND )  
 METHOW TRIBE, )

Docket No. 181

Petitioners, )

v. )

THE UNITED STATES OF AMERICA )

Defendant. )

Decided: March 1, 1960

FINDINGS OF FACT AS TO PROPOSED COMPROMISE SETTLE-  
MENT OF OFFSETS, AND AWARD OF ATTORNEYS' FEES.

The Commission has previously in this docket made and entered Findings of Fact No. 1 to 42 inclusive on February 29, 1956 (4 Ind. Cl. Comm. 151) and No. 43 to 73 inclusive on March 5, 1959 (7 Ind. Cl. Comm. 187), and now makes the following additional findings of fact:

74. On January 19, 1960 the parties herein filed with the Commission a Joint Motion for Entry of Final Judgment, based upon a Stipulation for Entry of Final Judgment made and executed by I. S. Weissbrodt, Attorney of Record for Petitioners, Perry W. Morton, Assistant Attorney General, and John D. Sullivan, Attorney for Defendant, which provides as follows:

It is hereby stipulated between counsel for the parties that the above-entitled case shall be settled and finally disposed of by entry of final judgment, as follows:

1. There shall be set off against the interlocutory judgment entered by the Commission on March 5, 1959, offsets in the aggregate sum of \$61,000.00, said \$61,000.00 to be allocated as hereinafter set forth, and final judgment shall be entered in favor of the tribes of the Colville Reservation hereinafter named, in the following net sums:

Colville Tribe, \$111,000.00 less the offset of \$6,400.00, that is, the net sum of \$104,600.00;

San Poil-Nespelem Tribe, \$436,000.00 less the offset of \$25,100.00, that is, the net sum of \$410,900.00;

Okanogan Tribe, \$237,000.00 less the offset of \$13,600.00, that is, the net sum of \$223,400.00;

Methow Tribe, \$152,000.00 less the offset of \$8,700.00, that is, the net sum of \$143,300.00;

Lake Tribe, \$125,000.00, less the offset of \$7,200.00, that is, the net sum of \$117,800.00

2. Entry of final judgment on this basis shall finally dispose of all rights, claims or demands which petitioners have asserted, or could have asserted, with respect to the subject matter of this case, and petitioners shall be barred thereby from asserting any such right, claim or demand against defendant in any future action.

3. Entry of final judgment on this basis shall finally dispose of all rights, claims, demands, payments on the claim,

counterclaims or offsets which the defendant has asserted or could have asserted, against petitioners under the provisions of Section 2 of the Indian Claims Commission Act (c. 949, 60 Stat. 1049) for the period July 2, 1872 to June 30, 1957, inclusive, and defendant shall be barred thereby from asserting any such rights, claims, demands, payments on the claim, counterclaims or offsets against petitioners in any future action. The offsets referred to specifically include those for the period July 2, 1872 to June 30, 1957, which are directly chargeable to the above listed tribes and also those portions of disbursements made for the benefit of Indians of the Colville Agency or of the Colville Reservation which are allocable to the above listed tribes. The bar against future claims by the United States for offsets, gratuities and counterclaims allowable under Section 2 of the Indian Claims Commission Act shall not apply to those which may have occurred prior to July 2, 1872, or to those which may accrue subsequent to June 30, 1957.

The final judgment, entered pursuant to this stipulation shall be by way of compromise and settlement and shall not be construed as an admission of either party, for purposes of precedent or argument, in any other case.

5. The final judgment of the Indian Claims Commission pursuant to this stipulation shall constitute a final determination of the case by the Commission, and shall become final on the day it is entered, the parties hereto hereby waiving any right to appeal from or otherwise seek review of, such determination.

6. Counsel for the parties shall execute and file with the Commission a joint motion for entry of final judgment pursuant to this stipulation, submitting a proposed form of order of final judgment for approval by the Commission.

75. At an open hearing before the Commission on February 12, 1960, oral and documentary evidence was received showing approval of the stipulation and proposed settlement by the petitioners and by the Commissioner of Indian Affairs.

Resolutions of the Colville Business Council of the Confederated Tribes of the Colville Reservation, shown by the Constitution and By-laws (Exhibit E) to be the governing body of said Confederated Tribes, are in evidence as Exhibits F, G and H, which approve the proposed

settlement of offsets and authorize the Chairman of the Colville Business Council to execute the stipulation on behalf of the Confederated Tribes of the Colville Reservation. A duplicate copy of the stipulation signed by the Chairman is Exhibit F (3). The action of the Business Council appears to have been unanimous. Their action was authorized by a unanimous vote of the tribal members present at a general meeting of the tribes held at the town of Nespelem, Washington on November 7, 1959.

Exhibits M and N certify as to the death of individual petitioners Peter J. Gunn, Eddie Yeracostchin, Alex Nicholson, Narcisse Brooks and Sam Miller. Surviving individual petitioners who have signed duplicate copies of the stipulation are: Louie Camille, as a representative of and in behalf of all the members of the Colville Tribe (Exhibit O); Alex L. Covington, Lewis N. Runnels and Ed Hilakahn, each as a representative of and in behalf of all the members of the Sanpoil-Nespelem Tribe (Exhibit P); Pete Lemery and Florence Quill, each as a representative of and in behalf of all the members of the Lake Tribe (Exhibit R); and Michel Charley, as a representative of and in behalf of all the members of the Methow Tribe (Exhibit S). Willie Nicholson, son of Alex Nicholson, deceased, and Dick Simon Brooks, son of Narcisse Brooks, deceased, sign as representatives of and in behalf of all the members of the Okanogan Tribe (Exhibit Q).

All the attorneys for the petitioners who have or have had some interest in the litigation, as shown by the Attorneys' Contract with amendments (Exhibit T), have either signed the original stipulation or duplicate copies thereof. The signed copies are now on file with the

Commission as Exhibits J, K and L.

The exhibits have been satisfactorily certified and authenticated.

76. The Attorneys' Contract of the petitioners' attorneys provides that said attorneys in the performance of their duties shall be subject to the supervision and direction of the Commissioner of Indian Affairs and the tribes, and shall not make any compromise, settlement, or other adjustment of the matters in controversy unless with the approval of the Commissioner of Indian Affairs and the tribes. Such approval of the proposed settlement herein is contained in a letter (Exhibit D) dated January 5, 1960 from Glenn L. Emmons, Commissioner, Bureau of Indian Affairs, United States Department of the Interior, to Cobb and Weissbrodt.

The letter reviews the efforts to effect a settlement of offsets in the total sum of \$61,000 so as to leave a net judgment of \$1,000,000 for the tribes, and concludes as follows:

We have carefully reviewed and considered your statements contained in your report of September 16, 1959, to the Confederated Tribes and the resolutions adopted by the Colville Business Council on November 20, 1959 and November 27, 1959, after the matter was fully discussed in a mass meeting on November 7, 1959. In view of the statements contained in your comprehensive report to the tribes and the action of the tribes in approving the proposed compromise settlement, we hereby give approval to your entering into a stipulation with the Department of Justice to compromise the offsets in Docket No. 181 upon the conditions outlined in your letter of September 11, 1959, to that Department.

77. Harvey Moses, Chairman of the Colville Business Council, and Nellie Rima, Secretary, testified at the hearing.

Harvey Moses testified that he is a full blooded Indian, is 39 years of age, and resides within the Colville reservation at Nespelem, Washington. He has a high school education and, in addition to English,







