

BEFORE THE INDIAN CLAIMS COMMISSION,

THE SKOKOMISH TRIBE OF INDIANS,)	
)	
Petitioner,)	
)	
v.)	Docket No. 296
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: May 24, 1963

Appearances:

Weissbrodt, Weissbrodt & Liftin,
with whom was Lyle Keith,
Attorneys for Petitioner.

Ralph A. Barney, with whom was
Mr. Assistant Attorney General
Ramsey Clark,
Attorneys for Defendant.

OPINION OF THE COMMISSION

Scott, Associate Commissioner, delivered the opinion of the Commission.

In 1855 the petitioner joined with the S'klallam Tribe and other tribes and bands of Indians in executing the Treaty of Point No Point with the United States, therein making cession of certain tribal lands situated generally on the Olympic Peninsula in the present State of Washington.

Petitioner based this claim upon unconscionable consideration for the lands it ceded and upon further grounds that defendant had not obtained the cession through fair and honorable dealings with petitioner.

An Interlocutory Order was entered in favor of the Skokomish Tribe

with respect to title to and the exclusive use and occupation of certain defined lands ceded by the petitioner in the Treaty of Point No Point, 1855, and the location and boundaries of same were determined. It was then ordered that this case should proceed with the further determination of the acreage of such lands, the value thereof, the consideration paid therefor, less the value of any lands reserved to petitioner as offsets.

A Second Interlocutory Order was entered thereafter, June 30, 1961, concluding as a matter of law that the acreage of subject tract of land consisted of 355,800 acres, with a fair market value on effective date of cession, March 8, 1859, of \$1.20 per acre average value and a total value of \$426,960. The case was then ordered to proceed with proof of the consideration paid for such ceded lands and a determination of whether same was an unconscionable sum or not, and proof of any offsets chargeable to petitioner.

The respective parties on April 18, 1963, filed herein their Joint Motion for Entry of Final Judgment, together with Stipulation and other supporting documents attached.

Thereafter, the defendant filed its Amended Answer asserting that it was entitled to offsets and other allowable deductions in the total amount of \$88,971.92, made up of (1) \$68,306.03 in payments under the Point No Point Treaty which are claimed to be chargeable against the tribe, and (2) \$20,665.89 in gratuitous expenditures claimed to be chargeable to the tribe. In arriving at these figures, due consideration was given to the relative populations of the four

tribal groups that participated in the treaty so that the figure would reflect the proportionate share of the Skokomish Tribe (see Exhibit J).

The proposed compromise now before the Commission involves the amount of offsets and other allowable deductions. This proposed settlement provides that a final judgment shall be entered in the case in the net amount of \$373,577.00 after all allowable deductions, credits and offsets, said judgment to be a final determination of the case by the Commission, the parties waiving any right to appeal from, or otherwise seek review of, such determination.

The effect of this compromise settlement is to permit the deduction of \$53,383.00 from the amount determined by the Commission to be the value of the lands ceded by the tribe to the United States. As has been noted, in its Amended Answer the government claimed offsets and other allowable deductions in the total amount of \$88,971.92.

In considering compromise settlements of Indian claims we have held at least two principal conditions must be met: (1) the settlement must be just and fair to both the parties; and (2) the claimant must be fully advised of the terms of the settlement proposed and must have given approval to same in accordance with the processes they themselves, the Bureau of Indian Affairs, and this Commission have adopted for such purposes. (See Quileute Tribe, et al., v. United States, Docket 155, 10 Ind. Cls. Comm. 411 at pp. 424-425).

The requirements prescribed by the Commission to be taken in cases

of compromise settlements have been followed in this case. The supplemental findings review these steps and the evidence establishes that the proposed settlement was carefully and fully presented to the officials and members of the tribe and that it was freely, voluntarily and formally approved by the governing body of the tribe and by the members of the tribe at meetings duly called and held.

This Commission concludes the compromise settlement is just and fair to the respective parties. We further conclude that every reasonable effort has been made to acquaint the Indian group, the membership of the Skokomish Indian Tribe, with the terms of the settlement and that an overwhelming majority approve of it. The requirements of this Commission have been met not only in form but in substance as previously laid down in prior decisions of the Commission. Accordingly, the Joint Motion for Entry of Final Judgment is granted and Judgment in the amount of the compromise sum will be entered.

T. Harold Scott
Associate Commissioner

We concur:

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner