

BEFORE THE INDIAN CLAIMS COMMISSION

UTE INDIAN TRIBE OF THE UINTAH AND)
 OURAY RESERVATION, AN INDIAN REOR-)
 GANIZATION ACT CORPORATION, FOR)
 AND ON BEHALF OF THE UNCOMPAGHGRE)
 BAND OF UTE INDIANS,)
)
 Petitioner,)
)
 v.)
)
 THE UNITED STATES OF AMERICA,)
)
 Defendant.)

Docket No. 349

Decided: February 18, 1965

Appearances:

Robert W. Barker, with whom
 was:Claron C. Spencer, of the
 firm of Wilkinson, Cragun and
 Barker, Attorneys for Petitioner

W. Braxton Miller, 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.

This matter is now before the Commission for consideration of a proposed compromise settlement of the claim involved and the entry of a final judgment. A hearing on the proposal was had before this Commission on January 19, 1965.

Petitioner is an organized tribe located on the Uintah and Ouray Reservation, Utah. It consists of the Uncompahgre and White River Bands

of Ute Indians (formerly residents of Colorado) and the Uintah Band of Ute Indians (of Utah). The claim in Docket No. 349 is managed jointly by petitioner's Tribal Business Committee and the Ute Distribution Corporation which represents former members of the tribe over whom federal supervision has been terminated.

It is the purpose of the parties to conclude the claim asserted in the petition filed on August 11, 1951, as well as the offsets which defendant might be entitled to plead under the Indian Claims Commission Act in the event of a judgment favorable to petitioner under said claim.

For this purpose petitioner and defendant have entered jointly into a stipulation, the terms of which are set forth in Finding No. 4 made herewith, and now request the approval of this Commission for such stipulation of settlement as required by the terms of the Indian Claims Commission Act.

Briefly the terms of the settlement call for a final judgment in favor of petitioner, after all offsets, of \$300,000. This final judgment settles the entire claim as well as offsets through June 30, 1962. The stipulation also provides that such final judgment shall dispose of all claims or demands which petitioner has asserted or could have asserted against defendant in the case and that such claims or demands shall be barred in any future action between the parties. The same prohibition exists with regard to offsets, claims or demands under the Indian Claims Commission Act by defendant against the Uncompahgre Band of Ute Indians arising from transactions occurring between June 15, 1880 and June 30, 1962.

It is also stipulated that defendant shall not assert any claim against named Ute Indian Bands on account of or arising out of the entry of final judgment and payment in this case.

The exhibits introduced and testimony given at the hearing on January 19, 1965 indicates that counsel for the petitioner has made every effort to insure that the individual members of petitioner, including the Uncompahgre Band, were fully informed of the terms and conditions of the settlement agreement. Several meetings were held for this purpose after adequate notice to the tribal membership. After the approval by the Uncompahgre Band by a vote of 47 to 0 there was unanimous approval by the Board of Directors of the Ute Distribution Corporation and the Business Committee, Ute Indian Tribe, Uintah and Ouray Reservation, both of which groups managed the claim on behalf of the Uncompahgre Band. The approval by the Ute Indian Tribe of the Uintah and Ouray Reservation was had by a vote of 36 to 1. This single dissenting vote is probably explainable by certain language of the resolution of approval concerning distribution of the judgment, which distribution is not material to this proceeding.

It appears from the evidence and we are of the opinion that all meetings were properly called and conducted and that every effort was made to insure that everyone concerned understood the issues to be decided.

It appears also that all the formal requirements with regard to the safeguarding of the rights of the Indians as heretofore set forth

by this Commission have been substantially complied with and that this compliance is sufficient to insure a valid compromise settlement.

Finally, the settlement has been approved by the Secretary of the Interior through the Associate Commissioner of Indian Affairs by letter of January 18, 1965, as set forth in the Findings made herewith.

It is the opinion of this Commission that the compromise settlement of the claim and offsets herein, from which neither party may appeal, is fair, reasonable and just to both parties concerned and that the motion of petitioner for entry of final judgment, filed herein on January 14, 1965, should be granted.

Such final judgment will be entered in accordance with said motion.

T. Harold Scott
Associate Commissioner

We concur:

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner