

BEFORE THE INDIAN CLAIMS COMMISSION

OTOE AND MISSOURIA TRIBE OF INDIANS,)	
)	
Plaintiffs,)	
)	
v.)	Docket No. 11-A
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	
)	
THE IOWA TRIBE OF THE IOWA RESERVATION)	
IN KANSAS AND NEBRASKA, THE IOWA TRIBE)	
OF THE IOWA RESERVATION IN OKLAHOMA,)	
et al., OMAHA TRIBE OF NEBRASKA, et al.,)	
THE SAC AND FOX TRIBE OF INDIANS OF)	
OKLAHOMA, THE SAC AND FOX TRIBE OF)	
MISSOURI, THE SAC AND FOX TRIBE OF THE)	
MISSISSIPPI IN IOWA, et al.,)	
)	
Petitioners,)	
)	
v.)	Docket No. 138
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	
)	
THE SAC AND FOX TRIBE OF INDIANS OF)	
OKLAHOMA, THE SAC AND FOX TRIBE)	
OF MISSOURI, THE SAC AND FOX TRIBE)	
OF THE MISSISSIPPI IN IOWA, et al.,)	
)	
Petitioners,)	
)	
v.)	Docket No. 232
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: March 2, 1965

Appearances:

On behalf of the Petitioners:

George B. Pletsch, on behalf of the Sac
and Fox Indians of Oklahoma

Lawrence C. Mills, on behalf of the Sac and
Fox Indians of Mississippi in Iowa

Stanford Clinton, on behalf of the Sac and
Fox Indians of Missouri

On behalf of the Defendant:

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

OPINION OF THE COMMISSION

Watkins, Chief Commissioner, delivered the opinion of the Commission.

There is presently before the Commission for consideration in Docket No. 138 the joint motion of the plaintiffs, the Sac and Fox Tribe of Indians of Oklahoma, the Sac and Fox Tribe of Missouri, the Sac and Fox Tribe of the Mississippi in Iowa, and the defendant asking for approval of a proposed compromise settlement of all of plaintiffs' claims asserted herein and the entry of a final judgment. In consideration of the compromise of plaintiffs' claims in Docket No. 138, the parties herein are jointly requesting the dismissal with prejudice of plaintiffs' petition in Docket No. 232.

The three plaintiff tribes collectively are the successor in interest of the Confederated Sac and Fox Tribe or Nation, which entity concluded those treaties of cession under which arose the claims asserted by these plaintiffs in Docket No. 138. * On July 31, 1957, the Commission entered its Findings of Fact, Opinion, and Interlocutory Order in Docket Nos. 11-A and 138. On November 27, 1957, the Commission amended its Findings Nos.

* Sac and Fox Tribe of Indians of Oklahoma et al., v. United States,
Dkt. 135-A, 9 Ind. Cl. Comm. 301.

49 and 50 and its Interlocutory Order of July 31, 1957. Thereafter on November 25, 1959, the Commission amended its Finding No. 2 previously entered herein. In these earlier findings the Commission determined that the Sac and Fox Tribe, along with the Iowa Tribe, the Omaha Tribe and the Otoe and Missouri Tribe, each had an undivided one-quarter interest in that portion of Royce Area 151, located in what is now western Iowa and northwestern Missouri. The Commission further found that the Sac and Fox Tribe divested itself of all right, title, and interest to Royce Area 151 under the cession treaties of September 17, 1836 (7 Stat. 511), September 27, 1836 (7 Stat. 516), and the two treaties of October 21, 1837 (7 Stat. 540; 7 Stat. 543).

In May of 1961, hearings on the value phase of Docket Nos. 11-A and 138 were completed. Following this negotiations were started among the tribal petitioners and the defendant to compromise the several claims. On April 14, 1964, the Commission entered its Findings of Fact, Opinion and Final Judgment in Docket Nos. 138 and 11-A, approving the proposed compromise settlement of the respective claims of the Omaha Tribe and the Otoe and Missouri Tribe.

On November 10, 1964, the plaintiffs herein and the defendant filed a joint motion in Docket No. 138 for approval of a proposed compromise settlement of the Sac and Fox claims and the entry of a final judgment in that docket. Attached as Exhibit "A" to the joint motion is a "Stipulation For Entry Of Final Judgment" setting forth the terms and conditions of a proposed settlement of all Sac and Fox claims in Docket No. 138.

by Attorney George B. Pletsch, on behalf of the Sac and Fox Tribe of Mississippi by Attorney Lawrence C. Mills, and on behalf of the Sac and Fox Tribe of Missouri by Attorney Stanford Clinton. Assistant Attorney General, Ramsey Clark and Attorney Ralph A. Barney signed the stipulation on behalf of the defendant.

Under the stipulation it is proposed that a final net judgment be entered in Docket No. 138 in favor of the three Sac and Fox tribes collectively in the amount of \$1,131,533.42. From this \$1,131,533.42 there shall be withheld in the Treasury from disbursement the sum of \$150,000 together with any interest which may accrue on said amount, pending a final determination, including any appeal or review as provided by law, of the conflicting claims of the Yankton Sioux Tribe in Docket No. 332-A concerning Royce Area 151. If the Yankton Sioux prevail in their claim in Docket No. 332-A, then the \$150,000 would be returned to the credit of the United States. Identical provisions were incorporated in the compromise settlement of the Omaha Tribe and the Otoe and Missouri Tribes in Dockets Nos. 138 and 11-A. The purpose of withholding the several sums from the final awards in these dockets is to protect the United States against possible double liability on account of the Yankton Sioux claim to Royce Area 151 (see Commission's per curiam opinion of November 18, 1959, 13 Ind. Cl. Comm. 25, re Yankton Sioux claim).

It is further provided in the settlement stipulation that there shall be deducted from the final award in this case of \$1,131,533.42, offsets in the agreed amount of \$35,000 as set forth in the stipulation that was filed in Docket No. 83 on July 19, 1961. This agreed sum was made

filed in Docket No. 83 on July 19, 1961. This agreed sum was made applicable as an offset against all or any of these plaintiffs in a series of dockets including Docket No. 138.

It was further agreed under the terms of the settlement stipulation that as part of the consideration for compromising the Sac and Fox claims the plaintiffs' petition in Docket No. 232 shall be dismissed with prejudice by the Indian Claims Commission. Docket No. 232 incorporates all the claims filed by the Sac and Fox plaintiffs under separate docket numbers including the plaintiffs' claims in Docket No. 138. It is a catch-all docket and under the circumstances the claims asserted therein are duplicitous.

In reviewing the evidence in support of the proposed settlement, this Commission has found that the three plaintiff Sac and Fox tribes have been fully advised by their respective counsel of all the circumstances surrounding the terms and conditions of the proposed compromise settlement of the claims in Docket No. 138, as well as the reasons for dismissing their claims in Docket No. 232, and that each tribe has given its voluntary approval to both actions in the course of their meetings convened and conducted for the purpose of giving these propositions due consideration.

The Commission finds that the said proposed compromise settlement in Docket No. 138 and dismissal of the petition in Docket No. 232 have been approved by the Secretary of the Interior. The Commission has concluded from all the facts and circumstances that the proposed compromise settlement of the Sac and Fox tribal claims in Docket No. 138 is in the best interest of these three tribes, and it is a fair and equitable settlement

parties herein have substantially complied with this Commission's requirements with respect to obtaining valid approval of the proposed compromise settlement of the claims asserted in this docket.

Arthur V. Watkins
Chief Commissioner

We Concur:

Wm. M. Holt
Associate Commissioner

T. Harold Scott
Associate Commissioner