

BEFORE THE INDIAN CLAIMS COMMISSION

THE IOWA TRIBE OF THE IOWA RESERVATION )  
IN KANSAS AND NEBRASKA, THE IOWA TRIBE )  
OF THE IOWA RESERVATION IN OKLAHOMA, )  
ET AL., THE SAC AND FOX TRIBE OF INDIANS )  
OF OKLAHOMA, THE SAC AND FOX TRIBE OF )  
MISSOURI, AND SAC AND FOX TRIBE OF )  
MISSISSIPPI IN IOWA, ET AL., )

Petitioners, )

v. )

Docket No. 135

THE UNITED STATES OF AMERICA, )

Defendant. )

Decided: May 7, 1965

Appearances:

Brian Sullivan, Attorney for  
Iowa Tribe, Kansas and Nebraska

Stanford Clinton, Attorney for  
Sac and Fox Tribe, Missouri

Nicholas C. English, Attorney  
Iowa Tribe, Oklahoma

Lawrence C. Mills, Attorney for  
Sac and Fox of the Mississippi

George B. Pletsch, Attorney for  
Sac and Fox Tribe, Oklahoma

Walter J. Muir, with whom was  
J. Edward Williams, Acting Assistant  
Attorney General, Attorneys for the  
Defendant.

OPINION OF THE COMMISSION

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

On April 9, 1965, the several petitioning tribes herein filed a "Motion For Entry Of Final Judgment", in which they asked this Commission to enter a final judgment in favor of the Sac and Fox petitioners in the amount of \$965,560.39, and in favor of the Iowa petitioners in the amount of \$678,193.77, less \$45,000 to cover offsets claimed by the defendant.

On August 29, 1963, the Commission had entered an interlocutory award in this docket in favor of the Sac and Fox petitioners for the \$965,560.39, less offsets, and in favor of the Iowa petitioners for \$678,193.77 less offsets.

As of now all pending offsets that could be claimed by the defendant against the Sac and Fox petitioners in this docket, or in any other pending Sac and Fox docket, were settled for \$35,000 by a stipulation between the parties that was filed in Docket No. 83 on July 19, 1961. This stipulated amount was thereafter approved by the Commission, and credited to the defendant in the final award of March 2, 1965, in Docket No. 138, The Iowa Tribe of the Iowa Reservation in Kansas and Nebraska, et al., v. United States, 15 Ind. Cl. Comm. 42. There being no further offsets provable against the Sac and Fox petitioners in this docket, there is no reason to delay further the entering of a final award in favor of said Sac and Fox petitioners in the sum of \$965,560.39.

All offset claims against the Iowa petitioners have been settled for \$45,000 under a proposed stipulation between the Iowa petitioners and the defendant that was filed in this docket on February 5, 1965. Under the terms of this stipulation the \$45,000 is to be credited to the defendant in the final judgment to be entered in this case in favor of the Iowa petitioners. The Iowa petitioners now request the Commission's approval of this stipulation.

Prior to the filing of the stipulation on offsets in this docket, the Commission held a hearing on January 25, 1965, which dealt with the proposed settlement of all offset claims against the Iowa petitioner. At that hearing the Commission admitted many exhibits and heard extensive testimony relative to the merits of the proposed stipulation on offset claims. We have set forth in great detail in our Findings of Fact the matters presented at that hearing and considered by the Commission.

The Commission is satisfied that it is in the best interest of all parties concerned to compromise these offset claims in the manner proposed; that all the terms and provisions of this proposed stipulation have been carefully presented and explained to all the Iowa petitioners in open council by their respective attorneys of record; and, that said Iowa petitioners, after due consideration of the proposed stipulation, have given it their overwhelming approval.

Accordingly, the Commission has found the proposed stipulation of offsets to be a fair and equitable compromise of these matters to the parties concerned, and we therefore approve the stipulation.

An appropriate order will be entered granting petitioners' "Motion For Entry Of Final Judgment"; the defendant will be credited with the sum of \$45,000 in the final judgment to be entered herein in favor of the Iowa petitioners; and final judgment will be awarded to the Sac and Fox petitioners in the sum of \$965,560.39, and to the Iowa petitioners in the sum of \$633,193.77.

Arthur V. Watkins  
Chief Commissioner

We concur:

Wm. M. Holt  
Associate Commissioner

T. Harold Scott  
Associate Commissioner