

BEFORE THE INDIAN CLAIMS COMMISSION

MINNESOTA CHIPPEWA TRIBE, WHITE	)	
EARTH BAND, LEECH LAKE BAND,	)	
MILLE LAC BAND, ED WILSON, JAMES	)	
DAVIS, JOHN CORBOW, WILLIAM MORELL,	)	
HAROLD EMERSON, JOSEPH MORRISON,	)	
OLE SAM, MONROE SKINAWAY, EUGENE	)	
REYNOLDS, FRANK LA ROSE, JOSEPH	)	
MONROE, ARCHIE LIBBY AND JOHN SQUIRREL,	)	
	)	
Plaintiffs,	)	Docket No. 18-B
	)	
v.	)	and
	)	
UNITED STATES OF AMERICA,	)	Docket No. 18-N
	)	
Defendant.	)	

Decided: July 27, 1965

ADDITIONAL FINDINGS OF FACT ON COMPROMISE SETTLEMENT  
OF OFFSETS AND ENTRY OF FINAL JUDGMENT  
IN DOCKET NOS. 18-B AND 18-N

The Commission makes the following findings of fact pertaining to the compromise settlement of offsets which are supplemental to the findings numbered 1 through 89, inclusive, heretofore made in this case.

90. On November 20, 1964, this Commission entered an interlocutory order fixing the value of the lands in Docket No. 18-B and awarded the Minnesota Chippewa Tribe on behalf of the Mississippi Bands of Chippewa Indians the sum of \$1,940,086.00, less any gratuitous offsets, and on behalf of the Pillager and Lake Winnibigoshish Bands of Chippewa Indians the sum of \$2,314,525.15, less any gratuitous offsets. In the same interlocutory order, the Commission dismissed the petition filed in Docket No. 18-N.

Thereafter, on February 19, 1965, the plaintiffs appealed both the interlocutory order in Docket No. 18-B and the final judgment in

Docket No. 18-N to the United States Court of Claims. Pursuant to a stipulation between the parties providing for the settlement of offsets, the dismissal of the appeals and the entry of final judgment, as herein-after more fully set forth, the appeals were voluntarily dismissed by plaintiffs on July 26, 1965.

91. On July 12, 1965, the parties filed with the Commission a "Joint Motion for Approval of Stipulation of Settlement of Offsets and Entry of Final Judgment" in Docket Nos. 18-B and 18-N, with the "Stipulation" and Exhibits S-1 through S-5, annexed. The stipulation provides as follows:

It is hereby stipulated by and between the parties, through their respective attorneys, as follows:

1. That the total amount of gratuitous expenditures deductible as offsets under Section 2 of the Indian Claims Commission Act (25 U.S.C. 70a) from the awards in Docket No. 18-B in favor of the Minnesota Chippewa Tribe on behalf of the Mississippi Bands and the Minnesota Chippewa Tribe on behalf of the Pillager and Lake Winnibigoshish Bands of Chippewa Indians is \$322,406.07.

2. That the proportionate share of the \$322,406.07 in offsets chargeable to the Minnesota Chippewa Tribe on behalf of the Mississippi Bands is \$268,823.82.

3. That the proportionate share of the \$322,406.07 in offsets chargeable to the Minnesota Chippewa Tribe on behalf of the Pillager and Lake Winnibigoshish Bands is \$53,582.25.

4. That subject to the approval of the Indian Claims Commission, final judgment in the amount of \$1,671,262.18 shall be entered in favor of the Minnesota Chippewa Tribe on behalf of the Mississippi Bands, representing the award of \$1,940,086.00 by the interlocutory order dated November 20, 1964 of the Indian Claims Commission less the sum of \$268,823.82 agreed to as offsets in Paragraph 2.

5. That, subject to approval of the Indian Claims Commission, final judgment in the amount of \$2,260,942.90 shall be entered in favor of the Minnesota Chippewa Tribe on behalf of the Pillager and Lake Winnibigoshish Bands representing the award of \$2,314,525.15 by the interlocutory order dated November 20, 1964 of the Indian Claims Commission less the sum of \$53,582.25 agreed to as offsets in Paragraph 3.

6. That the entry of final judgments as provided in Paragraphs 4 and 5 shall dispose of all claims or demands (a) which the plaintiffs in Docket No. 18-B have, or could have, asserted against the United States in Docket No. 18-B, or (b) which plaintiffs in Docket No. 18-N have, or could have, asserted against the United States in Docket No. 18-N. The plaintiffs in Docket No. 18-B and Docket No. 18-N and each of them shall be forever barred from asserting all or any such claims or demands in any future action.

7. That the entry of final judgments as provided in Paragraphs 4 and 5 shall dispose of and bar all offsets, claims or demands of the United States for the period from February 22, 1855 through March 15, 1965, which the United States has, or could have, asserted against the plaintiffs in Docket No. 18-B. It is further agreed that the United States shall not be barred by this stipulation, or by entry of judgment pursuant hereto, from claiming offsets not previously disposed of, arising prior to February 22, 1855 or accruing subsequent to March 15, 1965.

8. That the final judgments shall not deprive the United States of exercising its right to collect from the proceeds of the sale of timber, its expenses of managing, protecting and selling the timber, as authorized by statute.

9. That the appeals now pending in the Court of Claims from the judgments in Docket No. 18-B and Docket No. 18-N, shall be dismissed by the appellants through their attorneys.

10. That this stipulation is for the purpose of these cases only and nothing contained herein shall be construed as an admission by either party as to any issue in any other case or claim.

June 28, 1965

Date

/s/ Jay H. Hoag

Jay H. Hoag  
Attorney of Record for Plaintiffs  
in Docket No. 18-B and Docket  
No. 18-N

<u>July 9, 1965</u> Date	<u>/s/ Edwin L. Weisl, Jr.</u> Edwin L. Weisl, Jr. Assistant Attorney General
<u>July 9, 1965</u> Date	<u>/s/ Craig A. Decker</u> Craig A. Decker Attorney for Defendant in Docket No. 18-B and Docket No. 18-N

92. In addition to the stipulation, the supporting documents showing the proceedings leading to approval of the stipulation by the petitioners and the Department of the Interior are as follows:

Exhibit S-1 Letter dated July 8, 1965, from John O. Crow, Acting Commissioner of Indian Affairs, to Jay H. Hoag, Esquire, attorney of record for petitioners in Docket Nos. 18-B and 18-N, approving the settlement.

Exhibit S-2 Resolution No. 56-65 dated and adopted April 9, 1965, by the governing body of the Minnesota Chippewa Tribe, consisting of all the Chippewa Indians of Minnesota, except the Red Lake Band, approving the settlement. The resolution bears the approval of the Acting Commissioner of Indian Affairs on July 8, 1965.

Exhibit S-3 Certificate dated April 30, 1965, of publishing, posting and mailing notice of meeting of April 30, 1965, held at Bemidji, Minnesota, signed by Peter Dufault, President, Minnesota Chippewa Tribe and Pearl Fabre, Secretary, Minnesota Chippewa Tribe, with the following documents annexed:

"A" - Notice dated April 9, 1965 of a public meeting to be held on April 30, 1965 at 10:00 A.M. at Bemidji, Minnesota, with (a) statement of Jay H. Hoag, attorney of record for petitioners in Docket No. 18-B and (b) proposed stipulation, annexed.

"B" - Affidavit dated April 14, 1965 of publication of the notice of public meeting, with a copy of the published notice, statement of Jay H. Hoag and proposed stipulation, annexed (same as "A").

"C" - Affidavit dated April 30, 1965, of Howard LaVoy, Manager, Minnesota Chippewa Tribe, identifying places and period of posting of notice of public meeting and accompanying documents (same as "A").

"D" - Affidavit dated April 30, 1965, of Clorrene Wakeman, Minnesota Chippewa Tribal Clerk, for mailing notice of public meeting with accompanying documents (same as "A"), to individual petitioners named in Docket No. 18-B.

Exhibit S-4 Minutes of meeting of Mississippi Bands, Pillager and Lake Winnibigoshish Bands of Chippewa Indians, and all other interested persons in the award of the United States Indian Claims Commission in an action entitled Docket No. 18-B, held on April 30, 1965, at the National Guard Armory, Bemidji, Minnesota, kept under the direction and certified to by H. P. Mittelholtz, Superintendent, Minnesota Agency, Bureau of Indian Affairs.

Exhibit S-5 Minutes of general meeting held April 30, 1965, including a resolution authorizing and accepting the stipulation, and showing the action of the persons attending the general meeting, certified to and attested by the Chairman and Secretary of the Minnesota Chippewa Tribe.

93. By letter dated July 8, 1965, to Jay H. Hoag, attorney of record for petitioners in Docket Nos. 18-B and 18-N, John O. Crow, the Acting Commissioner of Indian Affairs, approved the settlement. (Ex. S-1).

94. By Resolution No. 56-65, adopted April 9, 1965, the Tribal Executive Committee of the Minnesota Chippewa Tribe, approved the settlement. The Tribal Executive Committee is the governing body of the Minnesota Chippewa Tribe and the Minnesota Chippewa Tribe is composed of all Chippewa Indians in Minnesota, except the Red Lake Band.

The Tribal Executive Committee is composed of twelve members - two each from the White Earth, Leech Lake, Mille Lac, Nett Lake, Grand Portage, and Fond du Lac Reservations. Membership on the Tribal Executive Committee is obtained by election as either president or secretary of the business committee of one of the six Minnesota Chippewa reservations. The Tribal Executive Committee elects its officers from its own membership. Thus, the twelve members of the Tribal Executive Committee are also the presidents and secretaries of the reservation business committees.

Resolution No. 56-65, adopted April 9, 1965 by the Tribal Executive Committee by a vote of eleven for and none against (the President not voting), provides as follows:

RESOLUTION NO. 56-65

WHEREAS, the Minnesota Chippewa Tribe, consisting of all the Chippewa Indians of Minnesota, except the Red Lake Band, is duly organized under Section 16 of the Act of June 18, 1934, (48 Stat. 984) with a constitution, by laws and charter duly approved by the Secretary of the Interior; and

WHEREAS, under Article II, Section I of the Constitution, the Constitution applies to White Earth, Leech Lake, Fond du Lac, Bois Forte (Nett Lake), and Grand Portage Reservations and the non-removal Mille Lac Band of Chippewa Indians; and

WHEREAS, under Article III of the Constitution, the governing body of the Tribe is the Tribal Executive Committee comprised of the representatives from each Reservation and band, representing the Reservations and bands named above and the members thereof; and

WHEREAS, under Article V, Section of the Constitution, the Tribal Executive Committee is empowered to "manage all the affairs of the Tribe", and under Article V, Section 3, "to negotiate with Federal \* \* \* Government, on behalf of the Tribe"; and

WHEREAS, in Docket No. 18-B, brought by the Minnesota Chippewa Tribe, the Indian Claims Commission had made awards, subject to legal offsets, as follows:

To Minnesota Chippewa Tribe on behalf of the Mississippi Bands of Chippewas .....\$1,940,085.00

To Minnesota Chippewa Tribe on behalf of the Pillager and Lake Winnibigoshish Bands of Chippewas .....\$2,314,525.15

and

WHEREAS, the Tribes' attorneys have advised with the Tribal Executive Committee and have reported that they have studied the General Accounting Office Report on gratuities, and the decisions of the Indian Claims Commission, with particular reference to the decision in the case of the Red Lake and Pembina Bands, Docket No. 18-A, and on the basis of such study and decisions agreed with the United States, subject to the approval of the Indian Claims Commission, that the amount of offsets which should be deducted from the awards, is the sum of \$268,823.82 from the award for the Mississippi Bands of Chippewas and the sum of \$53,582.25 from the award for the Pillager and Lake Winnibigoshish Bands, and have further agreed with the United States that upon the approval of the Indian Claims Commission, final judgment may be entered as follows:

Minnesota Chippewa Tribe for the use and benefit of the Mississippi Bands of Chippewas ... \$1,671,262.18

Minnesota Chippewa Tribe for the use and benefit of the Pillager and Lake Winnibigoshish Bands ..... \$2,260,942.90

WHEREAS, we are advised that a meeting of the Minnesota Chippewa Tribe, the Mississippi Bands, Pillager and Lake Winnibigoshish Bands, the White Earth, Leech Lake and Mille Lac Bands, and others who claim an interest in the awards, should be convened at Bemidji upon 15 days' notice published in local newspapers and posted in the vicinity of Bemidji, to consider the proposed stipulation for settlement of the offsets followed by a hearing before the Commission attended at least by two authorized representatives, and at the same meeting to consider the dismissal of appeal in Docket 18-B and 18-N.

WHEREAS, the people of the Tribe are destitute and the funds are needed now, but if the payment of the awards is not made in this session of Congress there would be no advantage to the Tribe in stipulating for judgment.

NOW, THEREFORE, BE IT RESOLVED, by the Tribal Executive Committee, a quorum being present:

1. The action taken by the Tribal Executive Committee on March 18, 1965, at Bemidji, is hereby ratified and affirmed;
2. The proposed stipulation with the United States is hereby approved and Jay H. Hoag, the Tribe's Attorney of record, is authorized and directed to sign the stipulation, and is directed, subject to Paragraph 3 below, to request the Indian Claims Commission to enter judgment accordingly, without further submission to this Committee or to the members of the Tribe;
3. Appropriate steps will be taken to call a meeting at Bemidji, Minnesota, on April 30, 1965, at 10:00 a. m. o'clock, at National Guard Armory, by publishing notice in local newspapers, and by posting notices in the vicinity of Bemidji, White Earth Reservation, Leech Lake, Mille Lac Reservation, Cass Lake, Bena, and Deer River, where the Indians reside, with announcements over local radio stations;
4. Upon approval at the duly convened meeting noted above and by the Secretary of the Interior or his authorized representative, the Appeal in Docket 18-B, Appeal 7-64, and the Appeal in Docket 18-N may be dismissed.

/s/ Peter Dufault  
President of Tribal Executive  
Committee

/s/ Pearl Fabre  
Secretary of Tribal Executive  
Committee

Dated: April 9, 1965



This is to certify that the foregoing Resolution was duly adopted at a regular meeting of the Tribal Executive Committee of the Minnesota Chippewa Tribe at Bois Forte (Nett Lake), Minnesota, April 9, 1965, a quorum being present by a vote of 11 for, and 0 against.

/s/ Pearl Fabre  
Secretary

Attest:

/s/ Peter Dufault  
Chairman

Authentication of Signatures

I hereby certify that the foregoing signatures of the Chairman and Secretary of the Tribal Executive Committee of the Minnesota Chippewa Tribe are genuine and that the Resolution was duly approved and certified in my presence, and that the meeting was held in my presence at Bois Forte (Nett Lake) on April 9, 1965.

/s/ Casmir L. LeBran  
Acting Superintendent Minnesota Agency  
Bureau of Indian Affairs

95. Pursuant to public notice, a general meeting was held on April 30, 1965, of the Minnesota Chippewa Tribe, at the National Guard Armory in Bemidji, Minnesota, and in particular the Mississippi Bands and the Pillager and Lake Winnibigoshish Bands of Chippewa Indians and the members of these bands, as well as other persons who had or claimed an interest in the award in Docket No. 18-B (Ex. S-3). The President of the Minnesota Chippewa Tribe, Mr. Peter Dufault, acted as the chairman of the general meeting, and Mrs. Pearl Fabre, Secretary of the Minnesota Chippewa Tribe, acted as secretary. A record of the resolution adopted at the general meeting was kept by them.

96. Minutes of the proceedings at the April 30, 1965 general meeting were also kept by the Superintendent, Minnesota Agency, Bureau of Indian Affairs, (Ex. S-4). These minutes show that the meeting was attended by 198 persons. Mr. Rodney Edwards, one of the attorneys for the petitioners, explained the terms of the settlement of offsets, the stipulation, the appeals in Docket Nos. 18-B and 18-N then pending in the Court of Claims, and recommended approval of the settlement and dismissal of the appeals if the settlement and stipulation were approved. The contents of the minutes are certified to by the Superintendent of the Minnesota Agency.

97. At the general meeting, the following resolution was presented (Ex. S-5):

WHEREAS, the Minnesota Tribal Executive Committee has called a general meeting of the Minnesota Chippewa Tribe, and the Mississippi Bands, Pillager and Lake Winnibigoshish Bands, and members of these bands, and other persons who have or claim an interest in the awards of the United States Indian Claims Commission in Docket 18-B to consider a proposed stipulation regarding offsets and gratuities, dismissal of appeals to the Court of Claims in Dockets 18-B and 18-N, and entry of final judgment in Docket 18-B; and

WHEREAS, Docket 18-B before the Indian Claims Commission was brought by the Minnesota Chippewa Tribe, the Mississippi Band, and the Pillager and Lake Winnibigoshish Bands of Chippewa Indians, and individuals as representatives of various bands and groups; and

WHEREAS, the Mississippi Bands include bands which have been called Sandy Lake, Gull Lake, Pokegoma Lake, White Oak Point and Mille Lac Bands of Chippewas, and members now residing on White Earth Reservations; and

WHEREAS, the Tribes' and Bands' attorneys have advised that they have reviewed with the attorney for the United States the decision of the Indian Claims Commission, and the Court of Claims respecting the allowance and disallowance of offsets for gratuities, with particular reference to the decision in Red Lake and Pembina Bands, Docket 18-A, and have agreed that the sum of \$322,406.07 would probably constitute the allowable offsets; and

WHEREAS, a proposed stipulation has been prepared fixing the amount of offsets to be deducted from the respective awards, and resulting in final judgment as follows:

Minnesota Chippewa Tribe, on behalf of the Mississippi Bands of Chippewas:

Award . . . . .	\$ 1,940,086.00
Deduct offsets . . . . .	<u>268,823.82</u>
Final Judgment . . . . .	\$ 1,671,262.18

Minnesota Chippewa Tribe, on behalf of the Pillager and Lake Winnibigoshish Bands of Chippewas:

Award . . . . .	\$ 2,314,525.15
Deduct offsets . . . . .	<u>53,582.25</u>
Final Judgment . . . . .	\$ 2,260,942.90, and

WHEREAS, many of our people are destitute and in need of funds; and

WHEREAS, the proposed stipulation appears reasonable and proper in-so-far as we are able to determine,

NOW, THEREFORE, BE IT RESOLVED:

1. That the proposed stipulation of offsets be approved and JAY H. HOAG, our attorney of record in Docket 18-B, before the Indian Claims Commission, be and he hereby is authorized and directed to sign the proposed stipulation and present the same to the Indian Claims Commission for approval, allowance of offsets, and the entry of final judgment, as follows:

Minnesota Chippewa Tribe, for the use  
and benefit of the Mississippi Bands  
of Chippewas . . . . . \$1,671,262.18

Minnesota Chippewa Tribe, for the use  
and benefit of the Pillager and Lake  
Winnibigoshish Bands of Chippewas . . . . \$2,260,942.90

2. That the Secretary of the Interior or his authorized  
representative be requested to approve the stipulation.

3. That when the stipulation is approved by the  
Secretary of the Interior or his representative, and duly  
signed, JAY H. HOAG, our attorney of record, is directed  
to dismiss the appeals taken to the Court of Claims in  
Dockets 18-B and 18-N.

4. The Tribal Executive Committee is directed to  
appoint one member from the Mississippi Bands and one  
member from the Pillager and Lake Winnibigoshish Bands  
to appear and testify before the Indian Claims Commission  
at a hearing upon the stipulation.

/s/ Peter Dufault  
Chairman of General Meeting

/s/ Pearl Fabre  
Secretary

CERTIFICATE

This is to certify that the foregoing resolution was duly  
adopted at a general meeting of the Mississippi Bands and  
Pillager and Lake Winnibigoshish Bands and members of these  
bands, and other persons who have or claim an interest in the  
award of the United States Indian Claims Commission in an  
action, Docket 18-B, entitled:

Minnesota Chippewa Tribe, White Earth Band  
and Leech Lake Band, Mille Lac Band, et al.

vs.

United States of America.

That notice of the meeting was duly published in local newspapers and posted in the vicinity of Bemidji, White Earth Reservation, Leech Lake, Mille Lac Reservation, Cass Lake, Bena and Deer River where the Indians reside, and by announcement over local radio stations.

That the foregoing resolution was duly adopted by a vote of 92 for and 5 against.

Dated April 30, 1965.

/s/ Peter Dufault  
Chairman General Meeting

Attest:

/s/ Pearl Fabre  
Secretary

CERTIFICATION OF SIGNATURES

I hereby certify that the foregoing signatures of Peter Dufault, Chairman, and Pearl Fabre, Secretary, are genuine and that the resolution was duly adopted at the meeting held in Bemidji, Minnesota, on April 30, 1965.

/s/ H. P. Mittelholtz  
Superintendent, Minnesota  
Agency, Bureau of Indian Affairs

April 30, 1965

The foregoing resolution was fully discussed as shown by the Superintendent's minutes, and adopted by a vote of 92 for and 5 against, as shown by the certifications of the chairman and secretary of the general meeting, and of the Superintendent, Minnesota Agency, Bureau of Indian Affairs (Ex. S-5).

98. The April 30, 1965, general meeting was held pursuant to the advance concurrence and agreement of the Commission and the attorneys for the parties as to the place of meeting and form of notice and period

of publication and posting. The notice of public meeting, with a statement of the purpose of the meeting by Jay H. Hoag, attorney of record for the petitioners in Docket Nos. 18-B and 18-N, and the proposed stipulation on offsets were published in The Bemidji Daily Pioneer and were posted at 10 places on the Leech Lake Reservation, 11 places on the White Earth Reservation, 5 on the Mille Lac Reservation, and 3 at Bemidji, the location of the Minnesota Chippewa Agency (Ex. S-3). All this advance notice was in accordance with the procedure agreed to by the Commission and the attorneys for the parties.

The notice was published as a news item in the Minneapolis Star, the Cass Lake Times, The Mahnomen Pioneer and the Detroit Lakes Times, and was broadcast as a news item over seven Minnesota and one North Dakota radio stations (Ex. S-3, pp. 1-2).

99. The resolution adopted at the April 30, 1965 general meeting accepting the settlement of offsets and approving the stipulation was fully discussed and understood by those persons who attended the meeting, and the action adopting the resolution represented the affirmative views of a majority of those persons voting at the meeting.

100. The plaintiffs called Mr. Bernard Martin as a witness at the hearing on approval of the settlement of offsets.

Mr. Martin testified he is 56 years old and lives at White Earth, Minnesota, on the White Earth Reservation. He is an enrolled member of the Minnesota Chippewa Tribe, and is a member of the Mississippi Bands of Chippewa Indians. Mr. Martin is the elected President of the White

Earth Reservation Business Council, and consequently a member of the Tribal Executive Committee of the Minnesota Chippewa Tribe. In addition, he holds the office of Treasurer of the Tribal Executive Committee.

Mr. Martin testified that the April 9, 1965 meeting was the regular quarterly meeting of the Tribal Executive Committee; that he was present at the meeting and the Tribal Executive Committee duly adopted Resolution No. 56-65, approving the settlement of offsets. He said the terms of the settlement were fully discussed, numerous questions concerning the award and the offsets were raised and answered by Mr. Rodney J. Edwards, one of the attorneys for the Chippewas in Docket Nos. 18-B and 18-N, at the April 9, 1965 meeting; and that he was satisfied that all members of the Tribal Executive Committee fully understood the nature of the settlement and the purpose and the contents of the Resolution No. 56-65. Mr. Martin was also at the April 30, 1965 general meeting. As to those individuals who attended that meeting, he testified that the terms of the settlement were fully presented and discussed, and that the adoption of the resolution at the April 30, 1965 meeting (Ex. S-5) was in accordance with the views of the majority of those persons present and voting at the general meeting.

The plaintiffs also called Mr. Allen Wilson, a member of the Pillager Band living at Ball Club, Minnesota, on the Leech Lake Reservation. Mr. Wilson is the president of the Leech Lake Reservation Business Committee, and as such is automatically a member of the Tribal Executive Board of the Minnesota Chippewa Tribe. Mr. Wilson is 37 years old, and served as President of the Tribal Executive Committee from 1961 to 1964.

Mr. Wilson testified that he also attended the regular quarterly meeting of the Tribal Executive Committee on April 9, 1965, and the general meeting on April 30, 1965; that the settlement of offsets was one of the regular items on the agenda for the April 9 meeting, and the terms of the settlement were fully explained and discussed at that meeting.

Mr. Wilson further testified that in discussions of the Docket No. 18-B award by the Leech Lake Business Committee since the April 9 and April 30, 1965 meetings, no opposition or dissatisfaction has been voiced as to the settlement of the offsets. In Mr. Wilson's view, there was ample notice of the general meeting and good understanding of the terms of the settlement of offsets by both the Tribal Executive Committee and those who attended the general meeting.

101. Counsel for plaintiffs, John White, advised the Commission at the hearing on the joint motion held July 12, 1965, that the offsets claimed by the defendant were carefully considered by plaintiffs' attorneys, item by item, and all relevant precedents noted; that the attorneys had available for inspection the General Accounting Office reports together with certain data of non-voucher expenditures which were made by defendant for the Chippewa Indians in Minnesota, which totaled in excess of \$3,800,000.00. As a result of this study plaintiffs' attorneys found a total of \$322,406.07 of probable allowable offsets, and this is the amount proposed for the compromise settlement of the issue of offsets.

Counsel for defendant, Craig A. Decker, advised the Commission at the hearing on the joint motion on July 12, 1965, that the attorneys in the



Department of Justice checked into said offsets very carefully and used the established precedents as a basis of their approach to settlement of offsets and concluded that the amount of \$322,406.07 is a settlement of offsets that is fair to the Indians and to the United States, and accordingly join in the joint motion for approval of the stipulation of settlement of offsets and entry of final judgment.

102. Based on the record as a whole, including the evidence submitted by the parties in support of the joint motion for approval of the stipulation of settlement of offsets the Commission finds that the proposed compromise settlement of offsets, and the entry of final judgment in Docket Nos. 18-B and 18-N in accordance with the stipulation of the parties, has been thoroughly and fairly presented and explained to the Tribal Executive Committee of the Minnesota Chippewa Tribe and to the petitioner Chippewas who attended the April 30, 1965 general meeting.

103. The Commission further finds that, based on the entire record in Docket Nos. 18-B and 18-N, the settlement on offsets is fair and just to the petitioner Chippewa bands and to the defendant, and the Commission approves and adopts the terms of the stipulation of settlement.

The joint motion of the parties for entry of final judgment in accordance with the stipulation, filed July 12, 1965, should be granted.

Arthur V. Watkins  
Chief Commissioner

Wm. M. Holt  
Associate Commissioner

T. Harold Scott  
Associate Commissioner