

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,)	Docket No. 18-B
)	
Plaintiffs,)	and
)	
v.)	Docket No. 18-N
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: July 27, 1965

Appearances:

Jay H. Hoag, with whom were
John White and Rodney Edwards,
Attorneys for Plaintiffs

Craig A. Decker, with whom was
Mr. Assistant Attorney General,
Edwin L. Weisl, Jr.,
Attorneys for Defendant

OPINION OF THE COMMISSION

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

These cases are now before the Commission for consideration of the joint motion of the parties for approval of a proposed compromise settlement of offsets claimed by defendant, and the entry of final judgment.

This Commission entered an interlocutory order on November 20, 1964, fixing the value of the lands involved 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 allowable gratuitous offsets, and on behalf of the Pillager and Lake Winnibigoshish Bands of Chippewa Indians the sum of \$2,314,525.15, less allowable gratuitous offsets. At the same time the Commission dismissed the petition filed in Docket No. 18-N. The plaintiffs appealed both the interlocutory order in Docket No. 18-B and the final judgment dismissing the petition in Docket No. 18-N to the Court of Claims.

The proposed compromise settlement which is now before the Commission for approval involves the amount of offsets to be allowed the United States. The proposed settlement provides that all claims or demands the plaintiffs in Docket Nos. 18-B and 18-N have, or could have asserted against the United States in said dockets, and all offsets, claims or demands which the United States has, or could have asserted against the plaintiffs in Docket No. 18-B for the period from February 22, 1855 through March 15, 1965, with the exception of its right to collect from proceeds of the sale of timber its expenses of managing, protecting and selling timber, as authorized by statute, are to be concluded by deducting \$322,406.27 from the interlocutory awards in Docket No. 18-B. The proportionate share of the \$322,406.27 in offsets chargeable to the Minnesota Chippewa Tribe on behalf of the Mississippi Bands is \$268,823.82, and the remaining \$53,582.25 of offsets is chargeable to the Minnesota Chippewa Tribe on behalf of the Pillager and Lake Winnibigoshish Bands. A final judgment against the defendant is to be entered in Docket No. 18-B

of \$1,671,262.18 in favor of the Minnesota Chippewa Tribe on behalf of the Mississippi Bands and for \$2,260,942.90 on behalf of the Pillager and Lake Winnibigoshish Bands. The appeals now pending in the Court of Claims from the judgments in Docket No. 18-B and Docket No. 18-N are to be dismissed by the appellants through their attorneys.

We have in our findings entered herein set forth in detail the procedures which plaintiffs have followed in entering into the proposed stipulation of settlement. The parties have complied with the basic requirements and steps which we have prescribed for such compromise settlements on offsets. The proposed settlement has also been approved by the authorized official of the Department of the Interior.

With respect to the merits of the proposed settlement, it should be noted that offsets are in effect claims of the United States against the Indians and must be thoroughly considered by counsel for plaintiffs who have knowledge of all relevant precedents regarding offsets. In the instant cases, counsel for plaintiffs advised the Commission at the hearing on the joint motion that the claimed offsets were in excess of \$3,800,000.00, which offsets had been carefully considered by them, item by item, with all precedents noted, and as a result they had concluded that \$322,406.07 was the amount of the probable allowable offsets and was a fair and reasonable settlement of defendant's claimed offsets. We note this amount is less than 10% of the total amount claimed.

We have carefully reviewed and considered all the evidence presented and have concluded that all of the procedures taken by plaintiffs in

approving and entering into the proposed compromise settlement were proper; that the proposed compromise was voluntarily approved by the plaintiffs after a full and complete presentation of the facts; and that the proposed settlement is fair and just to both the plaintiffs and the defendant, and, therefore, the compromise settlement should be approved and the joint motion of the parties granted.

A final judgment will accordingly be entered in Docket No. 18-B in conformity with our findings of fact, this opinion and the approved stipulation of the parties.

Wm. M. Holt
Associate Commissioner

We concur:

Arthur V. Watkins
Chief Commissioner

T. Harold Scott
Associate Commissioner