

BEFORE THE INDIAN CLAIMS COMMISSION

CONFEDERATED TRIBES OF THE )  
 UMATILLA INDIAN RESERVATION, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 THE UNITED STATES OF AMERICA, )  
 )  
 Defendant. )

Docket Nos. 264, 264A and 264B

OPINION OF THE COMMISSION

Commissioner Watkins delivered the opinion for the Commission.

Four separate claims are involved in this compromise settlement. These claims were contained in a petition filed by the Confederated Tribes of the Umatilla Indian Reservation with the Indian Claims Commission on August 9, 1951. Subsequently, these claims were assigned three docket numbers by the Commission. Claims one and four were designated by the Commission as Docket No. 264 and involved the claim of petitioner for additional compensation for lands ceded to the United States by the Treaty of June 9, 1855, reatified March 8, 1859 (12 Stat. 945), and for additional lands outside that cession alleged to have been owned by Indian title and to have been taken by defendant without compensation. These two claims were tried on the merits before the Commission in March 1958 and the interlocutory decision of the Commission was entered June 10, 1960. After petitioner's motion for a Re-hearing and Amendment of the Findings with respect to that decision, the Commission vacated the 1960 decision and entered new findings of fact, opinion and interlocutory order on September 28, 1964. Petitioner

then appealed this decision to the Court of Claims and said appeal was pending at the time of the hearing of January 20, 1966, concerning the compromise settlement.

The other two claims, assigned to Docket Nos. 264A and 264B by the Commission, involved the alleged responsibility of the United States for the depreciation in value of petitioner's fishing rights reserved in the Treaty of June 9, 1855, and the loss of certain lands of petitioner, reserved in the same treaty, as the result of an erroneous survey of the Umatilla Indian Reservation in 1871. Neither of these two claims have been adjudicated.

In January 1966, after more than a year of negotiation petitioner and defendant filed a joint motion and stipulation with the Commission requesting the entry of final judgment in accordance with the stipulation of the parties for the compromise and settlement of all petitioner's claims, including Docket Nos. 264A and 264B, and defendant's offsets. The stipulation called for a single final net judgment against the defendant and in favor of the petitioner in the amount of \$2,450,000. The stipulation was conditional upon the dismissal of Appeal 1-65 by the Court of Claims and the remand of the case to the Indian Claims Commission. The stipulation was also subject to the approval of the Confederated Tribes of the Umatilla Indian Reservation through appropriate resolutions and to the approval of the Secretary of Interior or his authorized representative.

In accordance with the required procedure in such compromise settlement cases before this Commission, detailed explanations of the

compromise settlement, both orally and in writing, were made to the members of the tribe by their counsel. Counsel for petitioner met several times with the Board of Trustees of the tribe at which the compromise was discussed. A vote on the proposed settlement was taken on December 17, 1965 at a special General Council meeting of the tribe called for that very purpose. The General Council consists of all enrolled tribal members 18 years of age or more. The vote taken at the General Council meeting was overwhelmingly in favor of the compromise settlement proposed in the joint stipulation.

The evidence clearly shows that adequate notice of the General Council meeting of December 17, 1965 and its purpose was given to all council members; that the attendance at this meeting was larger than at the regular General Council meetings; and that the compromise settlement was explained in detail and was understood by all those present. Witnesses called by petitioner, including representatives of the Bureau of Indian Affairs, were unanimous in their testimony that the voting procedures were regular and that no coercion, economic or otherwise, was practiced on any members of the tribe to influence their vote one way or another. The proposed settlement was approved by the authorized representative of the Secretary of Interior and Commissioner of Indian Affairs in a letter dated January 11, 1966. On January 21, 1966, the Court of Claims entered an order dismissing Appeal No. 1-65 and remanding said case to the Indian Claims Commission.

It appears that the parties have complied with the procedures previously outlined by the Commission for consideration of compromise settlement. Representatives of the tribe, the Secretary of Interior, and the defendant all agree that the settlement is fair and just to both parties and the Commission concurs in this belief. It is ordered that the joint motion of the parties for entry of final judgment in accordance with the Stipulation for Entry of Final Judgment will be granted and Final Judgment will be so entered.

/s/ Arthur V. Watkins  
Chief Commissioner

/s/ Wm. M. Holt  
Associate Commissioner

/s/ T. Harold Scott  
Associate Commissioner