

## BEFORE THE INDIAN CLAIMS COMMISSION

|                                       |   |                         |
|---------------------------------------|---|-------------------------|
| CLYDE F. THOMPSON, et al.,            | ) |                         |
|                                       | ) |                         |
| ERNEST RISLING, et al.,               | ) |                         |
|                                       | ) |                         |
| THE BARON LONG, et al., Bands of      | ) |                         |
| MISSION INDIANS OF CALIFORNIA,        | ) |                         |
|                                       | ) |                         |
| THE PITT RIVER INDIANS OF CALIFORNIA, | ) |                         |
|                                       | ) |                         |
| Petitioners,                          | ) |                         |
| v.                                    | ) | Docket Nos. 31, 37, 80, |
|                                       | ) | & 80-D, 347             |
| THE UNITED STATES OF AMERICA,         | ) |                         |
|                                       | ) |                         |
| Defendant.                            | ) |                         |

Decided: APR 14 1966

## Appearances:

Robert W. Barker and Donald C. Gormley  
for petitioners in Docket No. 31

Walter M. Gleason and A. Brooks Berlin,  
for petitioners in Docket No. 37

Charles E. Burch, Jr., for petitioners  
in Dockets 80 and 80-D

Glen A. Wilkinson and Ernest Wilkinson  
for petitioners in Dockets 31 and 37

Louis L. Phelps, for petitioners in  
Docket No. 347

Thurman Arnold, for petitioners in  
Docket No. 37

Sam Clammer, for petitioners in Docket  
No. 31

Desmond Kelly, for petitioners in Docket  
No. 347

Paul M. Niebell for petitioners in Docket  
12 (later joined with Docket 31)

Milton Fenton, for petitioners in Docket  
215 (later joined with Docket Nos. 31  
and 37)

Laurence A. Schroeder and Edwin L. Hubbard,  
for petitioners in former Docket 333  
(consolidated with Dockets 31 and 37)

Leo M. Cook, for petitioners in Docket 176  
(later joined with Docket Nos. 31 and 37)

Ralph A. Barney, with whom was Mr. Assistant  
Attorney General Edwin L. Weisl, Jr.,  
Attorneys for the Defendant.

OPINION OF THE COMMISSIONPER CURIAM:

We shall not attempt to summarize our findings with respect to the services the contract attorneys rendered in bringing the Indians of California claims litigation to a conclusion. Our findings speak for themselves. Suffice it to say that considering the large number of contending committees, federations, etc., organized for the express purpose of furthering the claims of the California Indians against the United States, a near miracle was accomplished when all these contending splinter organizations and their attorneys were brought together in approval of the compromise settlement. Such settlement could only have been brought about by a genuine desire of the parties and their attorneys to compromise the numerous differences separating them.

Thus the spirit of compromise finally prevailed; without it there could not have been a settlement. No doubt there were many disappointments among the Indians because over the years great expectations of a much larger settlement had been built up, largely by <sup>an</sup> uninformed public and private discussion of the wrongs suffered by the Indians. But in spite of such disappointments the large majority of the Indians wisely, we believe, voted to approve the compromise. Their attorneys rendered excellent service in the various stages of the contests, and when it became apparent that the litigation, if it ran its natural course, could last as many as 15 years more, and possibly in defeat of the Indians, succeeded finally in getting a fair and honorable compromise. In this they played the major role. Much credit also should be accorded Ralph

Barney, attorney for the United States and his associates in the Department of Justice. It would have been easy to let the litigation run its course but it took a positive course of action to aid in bringing about the settlement.

The award of \$2,619,000.00 attorneys fees in this case is the largest the Commission has ever awarded. It has been well earned.

Arthur V. Watkins  
Chief Commissioner

Wm M Hoet  
Associate Commissioner

J Harold Smith  
Associate Commissioner

Before the  
INDIAN CLAIMS COMMISSION

|  |   |                        |
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| THE PITT RIVER INDIANS OF CALIFORNIA,    | ) |                        |
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| Petitioners,                             | ) |                        |
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| v.                                       | ) | Docket Nos. 31, 37, 80 |
|  | ) | & 80-D, 347,           |
| THE UNITED STATES OF AMERICA,            | ) | Consolidated           |
|  | ) |                        |
| Defendant.                               | ) |                        |

FINAL ORDER ON ATTORNEYS' FEES

The Commission having on April 14, 1966, entered its Findings of Fact and Opinion on attorneys' fees herein that the attorneys should be awarded an aggregate of \$2,619,000 and entered its finding that the Commission would withhold entry of its final order a reasonable time to permit submittal of a stipulation providing for the division of the total award among the separate dockets concerned and the payment of the stipulated amounts to the respective Attorneys of Record, who shall be responsible to distribute said amounts among the various contract attorneys in accordance with their agreements and upon consideration of the stipulation of the contract attorneys subsequently filed herein, and certain disclaimers previously filed herein, and upon consideration of the motion of the Attorneys of Record for a final order consistent therewith,

IT IS HEREBY ORDERED AND ADJUDGED:

1. That Robert W. Barker and Walter M. Gleason are hereby awarded the sum of \$2,339,997.93, which sum shall be in full compensation for legal services rendered the claimants in the prosecution of the claims in Docket Nos. 31, 37, 176, 215, 333, and former Docket No. 12;

2. That Charles E. Burch, Jr., is hereby awarded the sum of \$143,992.62, which sum shall be in full compensation for legal services rendered the claimants in the prosecution of the claims in Docket Nos. 80 and 80-D;

3. That Louis L. Phelps is hereby awarded the sum of \$135,009.45, which sum shall be in full compensation for legal services rendered the claimants in the prosecution of the claims in Docket No. 347;

4. That said sums shall be in full compensation for all services of all attorneys rendering services to any of the claimants in Docket Nos. 31, 37, 80, 80-D, 176, 215, 333, 347, and former Docket No. 12, and shall be paid out of the appropriation which the Congress has made to satisfy the final award to the claimants in Docket Nos. 31, 37, 80 & 80-D and 347, Consolidated, made by this Commission on July 20, 1964.

Dated at Washington, D. C., this 21st day of April, 1966.

Arthur V. Watkins  
Chief Commissioner

Wm. M. Holt  
Associate Commissioner

T. Harold Scott  
Associate Commissioner