

BEFORE THE INDIAN CLAIMS COMMISSION

CITIZEN BAND OF POTAWATOMI INDIANS)	
OF OKLAHOMA, et al.,)	
)	
Petitioners,)	
)	
v.)	Docket No. 312
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER DISMISSING PETITION WITH PREJUDICE

The petitioners filed a "General Petition" under Docket No. 312, to which petition the defendant filed its answer.

A hearing was held before the Commission on March 4, 1963, at which counsel for petitioners stated that the accounting report of the General Accounting Office (Claimants' Exhibit 1) submitted by defendant to petitioners complied with all requests made in said petition and suggested that since the accounting had supplied material for use in other cases filed by petitioners the petition in Docket 312 had served its purpose and should be dismissed. Counsel was directed to advise petitioners of the proposed dismissal, the reasons for doing so, and to obtain approval of said dismissal. At a second hearing before the Commission on January 17, 1966, counsel for petitioners stated that the proposed dismissal of the petition had been submitted to petitioners for approval and when approved by petitioners and the Commissioner of Indian Affairs, a motion to dismiss would be filed.

Thereafter, on December 6, 1966, the petitioners by their attorney of record filed a motion to dismiss the petition with prejudice, to which

the defendant filed its response stating it had no objection to said dismissal. Said motion states that the petition in Docket No. 312 makes allegations in general terms intended to cover any claim that might have been, by oversight or by lack of information, omitted from any of the other petitions filed on behalf of the same petitioners; that based upon their researches and upon the record of various proceedings which have since been held, petitioners and their counsel are satisfied that all their claims have been or will be litigated in other dockets in which the claims were alleged with more particularity.

In support of said motion are the following exhibits which are admitted in evidence, to-wit:

Exhibit 1. Copy of letter dated January 5, 1966, addressed to the Chairman and Secretary of the Business Committee of the Citizen Band of Potawatomi Indians of Oklahoma by Louis L. Rochmes, associate counsel, explaining the reason for the proposed dismissal of the petition and requesting its approval.

Exhibit 2 is a Xerox copy of the minutes of the annual council meeting of the Citizen Band held June 25, 1966, and signed by Bernard Heer, Secretary. It recites in pertinent part as follows:

* * *

Resolution Pott-66-5, authorizing the withdrawal of Docket 312, was explained and presented by Billy Jim Burch for the Council's vote. Motion seconded by Ruby Smith. The motion passed with 41 voting for and 1 voting against.

Exhibit 3 is a Xerox copy of the Resolution as adopted June 25, 1966, which reads as follows:

POTT-66-5

CITIZEN BAND OF POTAWATOMI INDIANS OF OKLAHOMA
SHAWNEE AGENCY
ANNUAL COUNCIL MEETING
June 25, 1966

RESOLUTION

A RESOLUTION AUTHORIZING THE WITHDRAWAL OF DOCKET 312

WHEREAS: Docket No. 312 was filed as a "catch all" claim to cover any claims which might have been overlooked when the time for filing ran out, and

WHEREAS: The claims attorneys are of the opinion that all valid claims for the Tribe are covered in one or another of the various petitions that have been filed, and

WHEREAS: There is no point in proceeding further or in incurring any expenses in connection with Docket No. 312.

NOW THEREFORE BE IT RESOLVED: That the Tribal Claims Attorneys are given authorization to have the Claims Commission withdraw Docket No. 312, filed as a "catch all" petition.

CERTIFICATION

We hereby certify that the foregoing Resolution was duly adopted by a vote of 41 for and 1 against, of the Council, there being a quorum present at the meeting.

/s/ A. B. Pecore
A. B. Pecore, Chairman

/s/ Bernard Heer
Bernard Heer, Secretary

Exhibit 4 is a copy of a letter under date of August 24, 1966, from Louis L. Rochmes, associate counsel, to the Commissioner of Indian Affairs enclosing copies of the aforesaid minutes of the annual council

meeting, the resolution adopted at said meeting and the reasons for the dismissal of the petition.

Exhibit 5 is a copy of a letter under date of September 12, 1966 from Acting Deputy Assistant Commissioner of Indian Affairs, Charles B. Rovin to attorney Louis L. Rochmes stating the Indian Bureau had no objection to withdrawal of the petition in Docket 312.

Whereas, after considering the pleadings and the evidence in Docket 312, it appears to the Commission that the defendant has made the accounting requested in the petition to the satisfaction of the petitioners and their counsel and that petitioners' motion to dismiss the petition with prejudice should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the petition in Docket No. 312 be, and the same is hereby dismissed with prejudice.

Dated at Washington, D. C., this 22nd day of December, 1966.

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner

T. Harold Scott
Associate Commissioner