

BEFORE THE INDIAN CLAIMS COMMISSION

THE S'KLALLAM TRIBE OF INDIANS,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Docket No. 134
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

ORDER REOPENING THE RECORD

On October 23, 1967, petitioner filed a motion to reopen the taking of evidence, and on May 3, 1968, a statement in support of said motion was filed. Defendant replied thereto on November 29, 1967, and filed a further statement on May 8, 1968. Oral argument was held on May 15, 1968.

It is the Commission's opinion that the statements made by petitioner's counsel have merit. And we have also considered our previous statements made in The Nooksack Tribe of Indians et al. v. The United States, 6 Ind. Cl. Comm. 578, 599-602, affirmed 162 Ct. Cls. 712 (1963), cert. denied 375 U. S. 993 (1964) and in The Muckleshoot Tribe of Indians et al. v. The United States, 6 Ind. Cl. Comm. 608, 627-631, affirmed 174 Ct. Cls. 1283 (1966), cert. denied 385 U. S. 847 (1966). We have concluded that the record in support of petitioner's claim in the valuation phase of this case is wholly inadequate.

And further, it is the opinion of the Commission that while the disposition of all pending Indian claims must be expedited, we must at the same time be constrained by the necessity of deciding such claims on the fullest possible record and in justice to the Indian claimants. In this regard we have considered the action of the Court of Claims in the matter of The Sioux Tribe of Indians et al. v. The United States, Docket No. 74, in which case the judgment of this Commission was vacated and the case remanded (by order on November 6, 1958, App. No. 4-55) and the proof in the case reopened for reasons similar to those presented herein. We, therefore, cannot allow a desire for expedition in effect to deny a petitioning Indian tribe its day in court.


IN VIEW OF THE FOREGOING IT IS HEREBY ORDERED that the record be and it is hereby reopened for the purpose of permitting the petitioner to present evidence pertaining to the fair market value of the lands involved, and

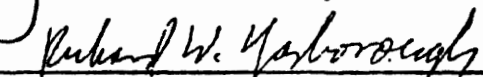
IT IS FURTHER ORDERED that hearings on this matter are scheduled to commence on May 19, 1969.

Dated at Washington, D. C., this 15th day of May, 1968.

  
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Wm. M. Holt, Commissioner

  
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T. Harold Scott, Commissioner

  
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Jerome K. Kuykendall, Commissioner

  
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Richard W. Yarborough, Commissioner