

BEFORE THE INDIAN CLAIMS COMMISSION

THE CONFEDERATED TRIBES OF THE	)	
COLVILLE RESERVATION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Docket No. 178
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

Decided: September 17, 1970

Appearances:

Abe W. Weissbrodt, I. S. Weissbrodt, and  
Lyle Keith, Attorneys for Plaintiff.

John D. Sullivan, Attorney for Defendant.

Shiro Kashiwa, Assistant Attorney General  
of the United States was on the briefs.

OPINION OF THE COMMISSION

Chairman Kuykendall delivered the opinion of the Commission.

The petition in this case was filed before the Commission on July 31, 1951, by the Confederated Tribes of the Colville Reservation. The claims arise under section 2, clause 2 of the Indian Claims Commission Act (60 Stat. 1049, 1050) and are for a general accounting by the defendant of its administration and management of the funds and other property which the defendant held in trust for the plaintiff.

In 1966, the defendant filed its accounting in this case for the period up to and including June 30, 1951. Thereafter, the plaintiff filed its exceptions to the accounting to which the defendant filed a response.

Thereupon, counsel for the government and plaintiff entered into negotiations for the settlement of the accounting claims to June 30, 1951.

On September 2, 1970, the plaintiff and the defendant filed a joint motion in Docket No. 178 for approval of a proposed compromise settlement. A "Stipulation for Entry of Final Judgment" was attached to the motion and filed with the Commission at the same time. This stipulation sets forth the terms and conditions of the proposed settlement in the above docket.

The stipulation was executed on behalf of the plaintiff by its attorneys, I. S. Weissbrodt and Abe. W. Weissbrodt, and on behalf of the defendant by the Assistant Attorney General, Shiro Kashiwa, and trial attorney John D. Sullivan.

Under the stipulation it is proposed that a net final judgment against the defendant in the sum of \$5,540,598.00 be entered in Docket No. 178, with the reservation that the plaintiff's right to prosecute its claims from July 1, 1951, to the date of judgment be preserved and this claim be severed and designated as Docket No. 178-A.

The entry of the above net final judgment in the amount of \$5,540,598.00 disposes of all claims or demands which the plaintiff has asserted or could have asserted in this docket with respect to its accounting claims for the period extending up to and including June 30, 1951.

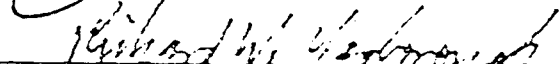
A hearing on the proposed compromise settlement was held before the Commission on September 8, 1970. During the course of the hearing exhibits were filed and testimony was heard concerning the circumstances surrounding the proposed settlement.

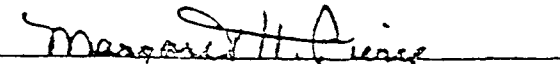
In reviewing the evidence in support of the proposed compromise settlement, the Commission concludes that the plaintiff has been fully advised by its counsel of all the circumstances surrounding the terms and conditions of the proposed settlement and that the plaintiff has given its voluntary approval to the settlement in the course of meetings convened for the purpose of giving this proposition due consideration.

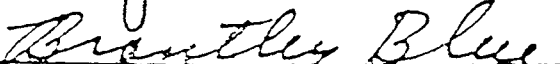
The proposed compromise settlement in Docket No. 178 has been approved by the Secretary of the Interior and from all the facts and circumstances surrounding the proposed compromise settlement we are satisfied that it is in the best interest of the parties and that it is a fair and equitable settlement for the plaintiff and the defendant. The parties herein have complied with the Commission's requirements with respect to obtaining valid approval of the proposed compromise settlement of the claims asserted in this docket.

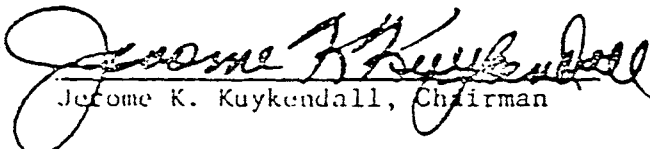
We concur:

  
John T. Vance, Commissioner

  
Richard W. Yarborough, Commissioner

  
Margaret H. Pierce, Commissioner

  
Brantley Blue, Commissioner

  
Jerome K. Kuykendall, Chairman