

BEFORE THE INDIAN CLAIMS COMMISSION

THE CONFEDERATED TRIBES OF THE )  
COLVILLE RESERVATION as the )  
representative of the JOSEPH BAND )  
OF THE NEZ PERCE TRIBE, )

CHARLES E. WILLIAMS, JOSEPH REDTHUNDER )  
AND HARRY OWHI, as the representatives )  
of the JOSEPH BAND OF THE NEZ PERCE )  
TRIBE, )

Docket No. 186

THE CONFEDERATED TRIBES OF THE )  
COLVILLE RESERVATION, as successor to )  
the claims of the JOSEPH BAND OF THE )  
NEZ PERCE TRIBE, )

Plaintiffs, )

v. )

THE UNITED STATES OF AMERICA, )

Defendant. )

Decided: March 26, 1971

Appearances:

I. S. Weissbrodt, with whom was  
Henry B. Taliaferro, Jr., Attorneys  
for Plaintiff, Weissbrodt & Weissbrodt,  
Abe W. Weissbrodt, Richmond F. Allan,  
and Ruth W. Duhl were on the Briefs.

John D. Sullivan, with whom was Mr.  
Assistant Attorney General Shiro Kashiwa,  
Attorneys for Defendant.

OPINION OF THE COMMISSION

Commissioner Yarborough delivered the opinion of the Commission.

The claims involved in this suit are asserted in behalf of the Joseph Band of the Nez Perce Tribe, by the Confederated Tribes of the Colville Reservation, and by Charles E. Williams, et al., as the representatives of the Joseph Band, under clauses (1) and (5) of section 2

of the Indian Claims Commission Act, 60 Stat. 1049, 1050. The plaintiffs allege a course of specific acts and dealings by the defendant which included the dislocation, imprisonment and dispersal of the Joseph Band with which the United States stood in a special relationship, and resulted in the band's ultimate destruction as a viable economic, social and political entity in breach of the "fair and honorable" dealings clause of the Act. It is also asserted that said acts and dealings by the defendant resulted in loss to the band of lands which were reserved to the band by virtue of the Executive Order of June 16, 1873, 1 Kapp. 894. For these injuries the plaintiffs contend defendant is liable in damages. Plaintiffs also originally asserted a claim based upon alleged false imprisonment of Joseph's Band.

The Nez Perce Tribe historically resided in what is now northwestern Idaho, northeastern Oregon and southeastern Washington. The tribe was made up of several bands, each with its own chief or chiefs, one of these bands being Joseph's Band which occupied the Wallowa-Imnaha area of northeastern Oregon and southeastern Washington. In 1855 a treaty was concluded between the United States and the Nez Perce Tribe, including Joseph's Band, whereby a reservation was established consisting of more than one-half of the lands claimed by the entire Nez Perce Tribe and including the Wallowa-Imnaha area claimed by Joseph's Band. In 1863 another treaty was signed with the Nez Perce Indians reducing the area of the reservation to a described area in what became the State of Idaho. Included in the land relinquished to the defendant by that treaty was the land claimed by Joseph's Band.



























































