

BEFORE THE INDIAN CLAIMS COMMISSION

CABAZON BAND OF MISSION INDIANS)	
OF CALIFORNIA,)	
)	
Plaintiff,)	
)	Docket No. 148
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: June 16, 1971

FINDINGS OF FACT ON COMPROMISE SETTLEMENT

This matter is now before the Commission for approval of a compromise final settlement of this case and entry of a final judgment in the amount of \$100,000.00, with a waiver of review or appeal, said judgment to dispose of all claims and demands which plaintiff has asserted or could have asserted against defendant in Docket No. 148 and said judgment also to dispose of all claims, demands, payments on the claim, counter-claims or offsets which defendant has asserted or could have asserted under the provisions of Section 2 of the Indian Claims Commission Act (25 U.S.C. §70a), for the period commencing December 11, 1914, and ending June 30, 1962.

The Commission has heretofore determined on June 18, 1969, in 21 Ind. Cl. Comm. 119 (Findings of Fact Nos. 1-13), that plaintiff, the Cabazon Band of Mission Indians of California, is an Indian tribe, band, or other identifiable group of American Indians within the contemplation of Section 2 of the Indian Claims Commission Act and as such, has the

statutory capacity to bring and maintain a suit before this Commission; that on May 15, 1876, the plaintiff had aboriginal title to Section 24, Township 5 South, Range 7 East, San Bernardino Meridian, and to Section 19, Township 5 South, Range 8 East, San Bernardino Meridian; and that by the Executive Order of May 15, 1876, said Sections were made a part of the Cabazon Indian Reservation; and that on December 11, 1914, the defendant took the said Section 24 and 5/8 of the said Section 19 without just compensation and alienated the said property for the exclusive benefit of the Torres-Martinez Mission Band. The plaintiff received no benefit from the transaction. The Commission ordered that the instant suit proceed to determination of the sum due to the plaintiff from the defendant as just compensation for the taking of said lands.

Thereafter, counsel commenced discussions concerning settlement of the Cabazon claim and ultimately agreed on a settlement in the net amount of \$100,000.00, which would dispose of all of plaintiff's claims in Docket No. 148 and all claims of offsets by the defendant.

The proposed settlement was conditioned upon approval by the Cabazon Band, the Secretary of the Interior or his authorized representative, and this Commission.

A hearing having been held in Los Angeles, California, on April 7, 1971, on the proposed offer to compromise and settle, the Commission makes the following findings of fact which are supplemental to the previous findings Nos. 1-13, inclusive, made herein:

