

BEFORE THE INDIAN CLAIMS COMMISSION

SWINOMISH TRIBAL COMMUNITY,)	
)	
Plaintiff,)	
)	Docket No. 293
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: June 25, 1971

OPINION OF THE COMMISSION

Yarborough, Commissioner, delivered the opinion of the Commission.

This case is before the Commission after a review by the Commission's Investigation Division which was undertaken at the Commission's order, pursuant to section 13(b) of the Indian Claims Commission Act (25 U.S.C. §701), owing to plaintiff's lack of representation by counsel, and in response to a motion by defendant to dismiss the case for failure to prosecute.

The plaintiff in this case represents Indians from several tribes who settled on the Swinomish Reservation which was established for them following conclusion of the Treaty of Point Elliott of 1855, 12 Stat. 927. The Swinomish Tribal Community is a recognized corporation with authority to represent the Indians on the Reservation.

Plaintiff's sole remaining claim* in this docket concerns whether the reservation received by the Indians from defendant under the 1855 Point Elliot Treaty was as promised by defendant during the treaty negotiations. In order to expedite a final determination of this matter, the Commission referred this particular claim to its Investigation Division for an investigation and report.

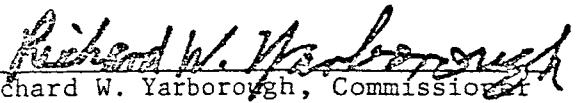
The aforesaid Investigation Division report was prepared for the Commission by Dr. Herbert C. Taylor, Jr., Professor of Anthropology at Western Washington State College, and a qualified and experienced ethnologist who has appeared before the Commission as an expert witness in several cases on behalf of northwest Indian tribes. Dr. Taylor not only interviewed several of the older and more knowledgeable members of the Swinomish Tribal Community, but conducted an extensive search of pertinent records for evidence in support of the claim. He spent many hours at the Everett office of the Bureau of Indian Affairs, the University of Washington library and the National Archives. Dr. Taylor was unable to find any evidence in support of the claim.

The Commission thereupon had proposed Findings of Fact prepared based on Dr. Taylor's report, which proposed Findings of Fact were forwarded to the parties by the Commission's order of May 20, 1971,

*Other claims asserted by the plaintiff tribe were dismissed by the Commission's order of May 19, 1955.

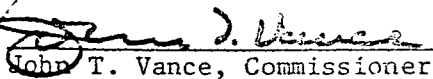
for any objections or amendments. In addition, the parties were advised that a final judgment would be entered within 15 days from the date of the order, failing a request from either part to stay the proceedings for good cause shown.


The parties not having filed any objections or amendments or requests within the time specified in the Commission's order, and, on the basis of the Findings of Fact herein contained in this docket, the Commission will this day enter an order dismissing the claim asserted herein with prejudice.

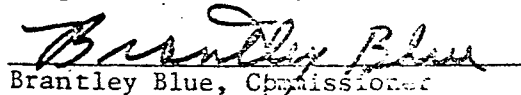

Richard W. Yarborough, Commissioner

We Concur:


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner