

BEFORE THE INDIAN CLAIMS COMMISSION

LEMHI TRIBE, REPRESENTED BY THE	)	
SHOSHONE-BANNOCK TRIBES, FORT HALL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant,	)	Docket No. 326-I
	)	
EDWARD QUEEP BOYER, JOSEPH THORPE, JR.,	)	
RUSSELL POKIBRO, ARTHUR TENDOY, UDALE S.	)	
TENDOY, MARY S. GALLOWAY and ZELTHIA	)	
P. TOWERSAP AS REPRESENTATIVES OF THE	)	
SHOSHONE-BANNOCK TRIBES,	)	
	)	
Applicants for	)	
Intervention.	)	

ORDER DISMISSING "PETITION IN INTERVENTION"

The Commission, in approving the compromise settlement of this docket and a stipulation for entry of final judgment, issued a final award on March 8, 1971. On March 10, 1971, the final award was reported to Congress, pursuant to Section 21 of the Indian Claims Commission Act of August 13, 1946 (60 Stat. 1049, 1055), and funds to satisfy the award were appropriated by the Act of May 25, 1971 (85 Stat. 40). On June 8, 1971, seven members of the Shoshone-Bannock Tribes filed a petition in intervention seeking to set aside the final award herein on the grounds that the proposed compromise settlement had not been validly approved by the Shoshone-Bannock Tribes, there having been fraud and collusion practiced by the Shoshone-Bannock Tribal Council. The applicants for intervention have also asked that they be designated

by the Commission to represent the Lemhi Tribe in the proceedings herein Responses to the petition were filed by the plaintiff on June 14, 1971, and by the defendant on June 24, 1971, challenging the Commission's jurisdiction to set aside the final award. Hearings were held before the Commission at Pocatello, Idaho, on June 29 and June 30, 1971.

UPON CONSIDERATION of the petition, the responses thereto, the evidence and arguments presented at the hearing on June 29 and 30, 1971; and further memoranda filed July 12, July 21 and July 22, 1971, and further

UPON CONSIDERATION of Section 22(a) of the Indian Claims Commission Act (60 Stat. 1049, 1055) which is as follows:

Sec. 22. (a) When the report of the Commission determining any claimant to be entitled to recover has been filed with Congress, such report shall have the effect of a final judgment of the Court of Claims, and there is hereby authorized to be appropriated such sums as are necessary to pay the final determination of the Commission.

The payment of any claim, after its determination in accordance with this Act, shall be a full discharge of the United States of all claims and demands touching any of the matters involved in the controversy.

the Commission concludes that:

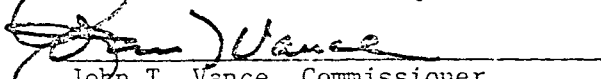
(1) the applicants for intervention have not, on the basis of the record herein, shown that the voting and quorum requirements specified in the Constitution and By-Laws of the Shoshone-Bannock Tribes were not followed or that there was fraud or collusion by the Shoshone-Bannock Tribal Council in securing approval of the compromise settlement herein by the members of the Tribes on January 30, 1971, or that there was error in the previous findings of the Commission; and

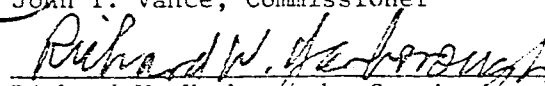
(2) the Commission, on the basis of Section 22(a) of the Indian Claims Commission Act, supra, no longer has jurisdiction of the subject matter of the claim herein.

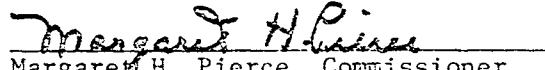
IT IS THEREFORE ORDERED that the above-described petition be, and the same is hereby, dismissed.

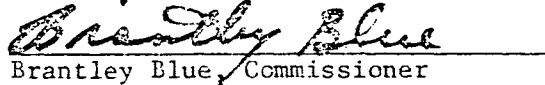
Dated at Washington, D. C., this *5<sup>th</sup>* day of August 1971.

  
Jerome K. Kuykendall, Chairman

  
John T. Vance, Commissioner

  
Richard W. Yarborough, Commissioner

  
Margaret H. Pierce, Commissioner

  
Brantley Blue, Commissioner