

BEFORE THE INDIAN CLAIMS COMMISSION

TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS,)	Docket No. 113
)	
PEMBINA BAND, AND KATHERINE CARL BARRETT,)	Docket No. 246
ET AL., EX REL., PEMBINA BAND,)	
)	
THE LITTLE SHELL BAND OF CHIPPEWA)	Docket No. 191
INDIANS, AND JOSEPH H. DUSSOME, ET AL.,)	
EX REL., SAID BAND,)	
)	
BLANCHE PATENAUDE, ET AL., EX REL., LITTLE)	Docket No. 221
SHELL BAND OF INDIANS AND CHIPPEWA CREE)	
TRIBE,)	
)	
THE THREE AFFILIATED TRIBES OF THE FORT)	Docket Nos. 350-B
BERTHOLD RESERVATION,)	and 350-C
)	
)	
Plaintiffs)	
)	
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER DENYING REQUEST FOR MODIFICATION OF THE RECORD

UPON CONSIDERATION of the defendant's request for further modification of the record on appeal, filed October 16, 1972, the opposition to that request filed by the Turtle Mountain plaintiffs on October 20, 1972, the further opposition filed by the Pembina plaintiffs on October 24, 1972, and the defendant's response, filed November 2, 1972, the Commission finds that:

1. Rule 172(f) of the Rules of the United States Court of Claims permits the Commission to correct or modify the record on appeal only if something material to the appeal has been omitted by error or accident, or has been misstated in the record;

2. Rule 172(f) of the Rules of the United States Court of Claims states that all other questions as to the content or form of the record on appeal shall be directed to the court, not to the Commission;

- 3. The Commission's decision from which appeal was noted by several of the plaintiffs and by the defendant was entered November 11, 1971;
- 4. The initial appeal in the dockets was noted February 4, 1972; and
- 5. All of the documents which defendant seeks to add to the record
 - a. are already part of the record on appeal, or
 - b. were not part of the record on which the Commission based its November 11, 1971, decision; are therefore not material to any question on appeal; and were not omitted from the record by error or accident.

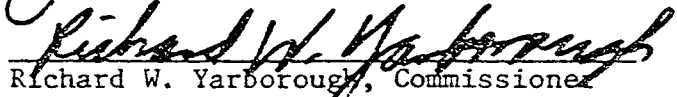
The Commission is therefore of the opinion that it is without authority under Rule 172(f) to correct or modify the record, and that a request for such relief must be addressed to the Court of Claims.

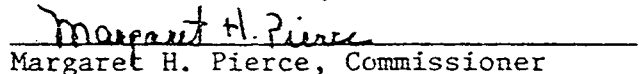
IT IS THEREFORE ORDERED that defendant's request for further modification of the record be, and the same is hereby, denied.

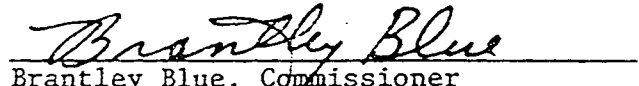
Dated at Washington, D. C., this 9th day of November 1972.


 Jerome K. Kuykendall, Chairman


 John T. Vance, Commissioner


 Richard W. Yarborough, Commissioner


 Margaret H. Pierce, Commissioner


 Brantley Blue, Commissioner