

BEFORE THE INDIAN CLAIMS COMMISSION

THE NAVAJO TRIBE,)	
)	
Plaintiff,)	
)	
v.)	Docket Nos. 69, 299 and 353
)	(Accounting Claims)
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER SUSTAINING PLAINTIFF'S OBJECTIONS
TO DEFENDANT'S INTERROGATORIES

On August 23, 1974, the Commission issued an order that defendant supplement its accounting report in this docket (General Accounting Office Report of March 9, 1961), to include data showing the dates on which control over specific tribal organization funds or enterprises were transferred to plaintiff and the authority for such transfer. 34 Ind. Cl. Comm. 432, 438. Defendant has requested, and been granted, an extension of time to June 19, 1975, to render the required supplemental accounting. Plaintiff has conceded that, after such transfer, no further accounting of the funds or property so transferred is required of the defendant.

On January 3, 1975, defendant submitted interrogatories to plaintiff pursuant to the Commission's General Rules of Procedure, 25 C.F.R. §503.14. The interrogatories were directed toward obtaining information concerning 49 tribal funds or enterprises. Twenty of them are applicable to all funds or enterprises. The first 14 request detailed information as to actions of the Navajo Tribe or Tribal Council in approving or authorizing expenditures of tribal organization funds. Interrogatories numbered 15 through 20 ask what pertinent records plaintiff has in its possession concerning the 49 funds.

We now have before us plaintiff's objections of February 20, 1975, to defendant's interrogatories, and defendant's response thereto.

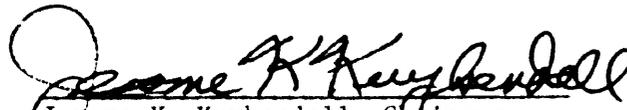
We have reviewed the record, and conclude that interrogatories 1 through 14 are, in effect, a request that plaintiff prepare a portion of the supplemental accounting that defendant was ordered to prepare by our order of July 25, 1973, 31 Ind. Cl. Comm. 43. Preparation of the accounting report is the responsibility of defendant, and these interrogatories are therefore improper. See Mescalero Apache Tribe

v. United States, Docket 22-G, 23 Ind. Cl. Comm. 181 (1970). We further conclude that interrogatories 15 through 20 are premature, pending defendant's filing of its supplemental accounting concerning the transfer of tribal organization funds or property to plaintiff.

Wherefore,

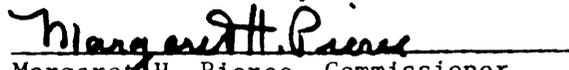
IT IS HEREBY ORDERED that plaintiff's objections to defendant's interrogatories are sustained, without prejudice to defendant's right to submit interrogatories 15 through 20 after defendant has filed the supplemental accounting ordered on August 23, 1974.

Dated at Washington, D. C., this 28th day of May 1975.


Jerome K. Kuykendall, Chairman


John L. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner