

BEFORE THE INDIAN CLAIMS COMMISSION

CHIPPEWA CREE TRIBE OF THE ROCKY)
 BOY'S RESERVATION, MONTANA, JOE)
 CORCORAN, on behalf of the CHIPPEWA)
 CREE TRIBE, BLANCHE PATENAUDE,)
 JOSEPH RICHARD, JOSEPH GOSELAIN,)
 JOHN B. SLAYTER, WM. JOHN DELORME,)
 WILLIAM TROTTIER, on behalf of the)
 LITTLE SHELL BAND OF INDIANS and)
 the CHIPPEWA CREE TRIBE,)
)
 Plaintiffs,)
 v.)
 THE UNITED STATES OF AMERICA,)
)
 Defendant.)

Docket No. 221-C

Decided: October 25, 1973

Appearances:

Lawrence C. Mills, Attorney
of Record for Plaintiff.

Roberta Swartzendruber, with
whom was Mr. Assistant Attorney
General
Attorneys for Defendant.

OPINION OF THE COMMISSION

Vance, Commissioner, delivered the opinion of the Commission.

On March 26, 1973, the plaintiffs moved for an order requiring the defendant to amend its accounting report or to file a supplemental report to bring its accounting up to date. Defendant responded to this motion on June 17, 1973, with a motion of its own requesting an order that would require the plaintiffs to file a more definite statement on the data requested in their motion. Our opinion disposes of both motions.

We deny the plaintiffs' motion for several reasons. Initially the plaintiffs allege that and, we quote:

Defendants Accounting Report, Part IV, on pages 124, 125, 126, 127 and 128, reveals that Defendant has withheld and continues to withhold Indian Moneys as Proceeds of Labor, and interest on said Indian Moneys as Proceeds of Labor, Rocky Boy Indians from December 31, 1917 through December 23, 1947, thus revealing a wrong prior to the date of the Indian Claims Commission Act of August 13, 1946, which wrong has not been righted.

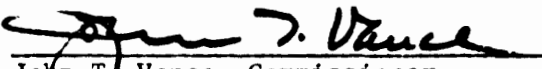
We carefully examined the cited pages and find nothing in their contents suggesting that defendant indeed withheld from the plaintiffs, and continues to withhold, IMPL funds or the interest paid thereon. What we find on pages 124-126 and the top half of page 127 is simply a list of the warrants used by defendant to credit or cover plaintiffs' incoming IMPL funds into Treasury accounts. Other warrants used by the defendant to cover into the Treasury interest credited plaintiffs on IMPL funds are the only items listed on the balance of page 127 and the top of page 128.

The plaintiffs further allege that the defendant has not properly accounted for or explained to the plaintiffs just what funds were due or paid to plaintiffs under a series of appropriation acts set forth in Part IV, pages 128 through 136 of defendant's accounting report. These funds apparently relate to appropriations by Congress for gratuitous expenditures for the benefit of certain Indians and are not moneys obligated to the plaintiffs under any treaty or statute. In any case, the plaintiffs are not entitled to have defendant explain about these funds at this stage of these proceedings. The matter will be handled at the offset stage of the case.


This opinion does not preclude plaintiffs from moving at some later date for a supplemental accounting. However, as the record now stands, the Commission must deny the plaintiffs' motion.

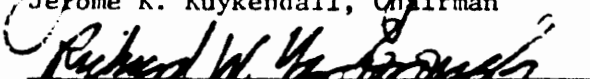
Our action in this regard renders academic any consideration of defendant's subsequent motion for a more definite statement. Accordingly, defendant's motion of June 17, 1973, is also denied.

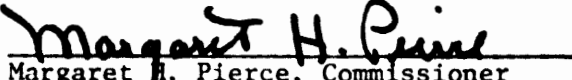
We note that plaintiffs have had on file since October 11, 1972, several exceptions relating to IMPL funds that have been answered. These exceptions are now ready for trial. We suggest that the parties take steps to arrange for pre-trial proceedings in this case, thereby narrowing issues and providing guidelines for possible further accounting herein or for production of evidence. (See rule 22(e), Commission Rules of Procedure, 25 CFR 503.22(e) (1973).)

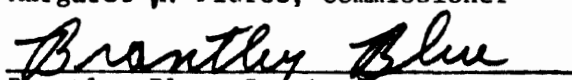

John T. Vance, Commissioner

We Concur:


Jerome K. Kuykendall, Chairman


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner