

BEFORE THE INDIAN CLAIMS COMMISSION

THE IOWA TRIBE OF THE IOWA RESERVATION	)	
IN KANSAS AND NEBRASKA, THE IOWA TRIBE	)	
OF THE IOWA RESERVATION IN OKLAHOMA, et al.,	)	
THE SAC AND FOX TRIBE OF INDIANS OF	)	
OKLAHOMA, THE SAC AND FOX TRIBE OF	)	
MISSOURI, THE SAC AND FOX TRIBE OF THE	)	
MISSISSIPPI IN IOWA, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Docket No. 135
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

ORDER ALLOWING REIMBURSEMENT OF EXPENSES  
OF THE ATTORNEYS FOR THE SAC AND FOX  
TRIBE OF THE MISSISSIPPI IN IOWA

Having considered the record in this case and more particularly the petition for allowance of reimbursable expenses filed in this docket on August 2, 1974, by the law firm of Mills and Garrett, attorneys for the Sac and Fox Tribe of Indians of the Mississippi in Iowa, one of the plaintiff tribes in this docket, together with supporting schedules, vouchers, and other documentation; the response to said petition filed on September 24, 1974, by the United States Department of Justice, and the contracts under which petitioners prosecuted this claim, the Commission finds as follows:

1. The claims of the Sac and Fox tribes in this docket, which include the Sac and Fox Tribe of Indians of the Mississippi in Iowa, were completed by the Commission with an entry of a final award in the amount of \$965,560.39 on May 7, 1965 (15 Ind. Cl. Comm. 263 (1965)). Several appeals were taken by plaintiffs in this docket with the Court of Claims ultimately affirming the Commission's conclusions. 195 Ct. Cl. 365 (1971). Funds to satisfy the award were appropriated by the Act of March 21, 1972 (86 Stat. 86).

2. Attorney fees in this docket were approved by order of the Commission dated July 12, 1972 (28 Ind. Cl. Comm. 234) for the attorneys for the three Sac and Fox plaintiff tribes.

3. The petitioners' currently valid contract numbered 14-20-0350-278, entered into with the Sac and Fox Tribe of Indians of the Mississippi in Iowa on March 12, 1965, was approved and extended until April 10, 1977 by the United States Department of Interior. The contract provides for the reimbursement of reasonable expenses incurred in the prosecution of this claim.

4. The petitioners request that reimbursable expenses due them be fixed at \$10,171.87, payable out of the final award entered in this docket. The Commission's examination of the supporting documentation disclosed an error of \$100.00 in the petitioners' calculations. The correct total of the petitioners' expenses for which reimbursement is sought is \$10,271.87 rather than \$10,171.87.

5. The expenses claimed herein include those directly related to the prosecution of this docket and those jointly related to a number of dockets involving the Sac and Fox plaintiffs. Joint expenses have been apportioned and allocated in accordance with procedures established in Docket 138 (25 Ind. Cl. Comm. 215 (1971)), Docket 143 (25 Ind. Cl. Comm. 218 (1971)), Docket 220 (25 Ind. Cl. Comm. 223 (1971)), and Docket 153 (31 Ind. Cl. Comm. 316 (1973)).

6. With regard to the claimed expenses, the Clerk of the Commission has timely notified the appropriate parties, including the petitioners' tribal client herein (Mississippi Sac and Fox), the United States Department of Justice, and the Bureau of Indian Affairs of the United States Department of the Interior. The tribal client has filed no response to date. On September 24, 1974, the Department of Justice filed a response which included a copy of an examination of the petition herein, made by the Bureau of Indian Affairs of the United States Department of the Interior on September 4, 1974. The Department of Justice has taken no position with reference to the amount claimed in this petition. The September 4, 1974 examination of the petition by the Bureau of Indian Affairs concluded as follows:

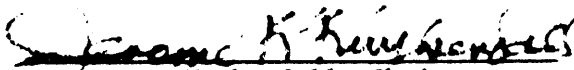
The items claimed in the subject petition have been, in general, supported by receipts, invoices, cancelled checks, and/or itemized statements. The amount claimed by the law firm is reasonable and the items generally fall into those categories of expenses proper for reimbursement.

7. Upon examination of the entire record, including the supporting documents filed with this petition, the Commission finds that Schedule A of the petition includes a claim for \$4.33 described as "auto repairs" (Item A-2), and a claim for \$7.71 described as "car repair and towing"

(Item A-6). Neither of these two items appear to relate to the prosecution of this claim. The Commission therefore concludes that the said expenses in the total amount of \$12.04 will not be allowed for reimbursement on the ground that they are not reasonable and proper expenses of litigation chargeable to the Indians.

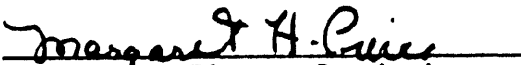
IT IS THEREFORE ORDERED that out of the funds appropriated to pay the final award of May 7, 1965 to the Sac and Fox Tribe of the Mississippi in Iowa, there shall be disbursed to petitioner, the law firm of Mills and Garrett, the sum of \$10,259.83 as reimbursement in full of their claim for reimbursable expenses in this docket.

Dated at Washington, D. C., this 9th day of October 1974.

  
Jerome K. Kuykendall, Chairman

  
John T. Vance, Commissioner

  
Richard W. Yarborough, Commissioner

  
Margaret H. Pierce, Commissioner

  
Brantley Blue, Commissioner