

BEFORE THE INDIAN CLAIMS COMMISSION

THE BLACKFEET AND GROS VENTRE TRIBES)	
OF INDIANS, residing upon the Black-)	
feet and Fort Belknap Reservations)	
in the State of Montana,)	
)	
Plaintiffs,)	
v.)	Docket No. 279-C
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	
)	
THE FORT BELKNAP INDIAN COMMUNITY,)	
sometimes referred to as the Gros)	
Ventre Tribe and Assiniboine Tribe)	
of Fort Belknap Indians,)	
)	
Plaintiffs,)	
v.)	Docket No. 250-A
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER WITHDRAWING PART XI ON INTEREST
OF THE COMMISSION'S OPINION AND ORDER
DATED OCTOBER 18, 1973

On August 5, 1974, counsel for the Blackfeet and Gros Ventre Tribes of Indians in Docket 279-C, Jerry C. Straus and Patricia L. Brown, counsel for the Assiniboine Tribe in Docket 250-A, John M. Schiltz, and counsel for the defendant, Marvin E. Schneck, held an informal conference with Commissioner John T. Vance for the purpose of expediting processing of this litigation.

Counsel for the defendant noted that the United States may wish to file an interlocutory appeal under the provisions of 25 U.S.C. §70s from Part XI of the Commission's interlocutory opinion and its order dated October 18, 1973, 32 Ind. Cl. Comm. 132-143. Counsel for both parties acknowledged that the processing of such an appeal may take several years if review by the United States Supreme Court is sought by either party after determination by the United States Court of Claims.

Both parties were of the opinion that substantial questions involved in this portion of the Commission's decision have been presented to the United States Court of Claims in the cases of United States v. Mescalero Apache Tribe, Appeal No. 2-74; United States v. The Shoshone-Bannock Tribes of the Fort Hall Reservation, Appeal No. 10-74; and United States v. Te-Moak Bands of Western Shoshone Indians of Nevada, et al., Appeal No. 12-74. Further, the parties were of the opinion that the rights of neither would be compromised by raising, at a later stage of litigation, questions relating to interest on tribal funds raised in Part XI of the Commission's decision and not encompassed by the above-referenced appeals. In the interest of moving the instant case to a final conclusion, counsel for both parties requested that the portion of the decision of the Indian Claims Commission designated as Part XI and appearing at pages 132-143, entitled "Interest on IMPL and other Non-Interest-Bearing Funds; Compound Interest," the corresponding part of the interlocutory order at 32 Ind. Cl. Comm. 65, 150, 151 relating to interest and such portion of Part X of the decision entitled "Motions for Partial Summary Judgment" appearing at pages 115, 118, 119, 125, 126 and 128 which incorporate the rulings in Part XI by reference, be vacated and issues contained therein be held in abeyance pending the final decision of Appeals Nos. 2-74, 10-74 and 12-74 consolidated and now pending in the United States Court of Claims or until a final judgment is rendered in the instant case, whichever is sooner.

Counsel for defendant represented that if the interest portion covered by Part XI of the October 18, 1973, opinion was withdrawn, no interlocutory appeal would be taken at this time in the instant cases which would permit the cases to proceed expeditiously to trial and final judgment. It was understood by the parties that this would in no way affect or constitute any waiver of defendant's right to appeal any issue contained in the Commission's decision of October 18, 1973, including matters related to summary judgment at the conclusion of the Commission proceedings in these cases.

Based upon the informal conference and representations made by counsel for both parties, it is

ORDERED that the portion of the Commission's opinion dated October 18, 1973, 32 Ind. Cl. Comm. 65, 132-143, designated as Part XI and entitled "Interest on IMPL and Other Non-Interest-Bearing Funds; Compound Interest" and the above-mentioned portions of Part X entitled "Motion for Partial Summary Judgment" which refer to Part XI and the applicable portion of the accompanying interlocutory order, 32 Ind. Cl. Comm. 65, 150, 151, be, and same hereby are vacated.

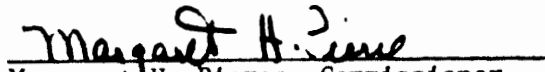
IT IS FURTHER ORDERED that nothing herein shall be construed as a waiver by either party of its right to appeal from any issues contained in the decision of October 18, 1973, on the final judgments to be rendered in these cases.

Dated at Washington, D. C., this 7th day of November 1974.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner