

BEFORE THE INDIAN CLAIMS COMMISSION

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| THE SIOUX TRIBE OF INDIANS OF THE |) | |
| LOWER BRULE RESERVATION, |) | |
| SOUTH DAKOTA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Docket No. 116 |
| |) | |
| THE UNITED STATES OF AMERICA, |) | |
| |) | |
| Defendant. |) | |

ORDER VACATING DETERMINATION OF COMMISSION CONCERNING EXPENDITURE OF TRIBAL FUNDS FOR EDUCATIONAL PURPOSES

The Commission determined in this accounting action, on November 22, 1974, 35 Ind. Cl. Comm. 175, that certain expenditures made by defendant for education of Indians were improperly charged against tribal funds and should be disallowed. These expenditures were challenged by plaintiff's exceptions 10, 11, 12 and 16 to defendant's GAO accounting report. On December 20, 1974, defendant filed a motion for a rehearing of the Commission's determination in this matter, and plaintiff filed a response.

On November 21, 1974, in Docket 119, Sioux Tribe of Standing Rock Reservation v. United States, the Commission granted a similar motion submitted by defendant for rehearing of the aforesaid issues and ordered the parties to file memoranda concerning the propriety of defendant expending tribal funds for educational assistance. In defendant's motion for rehearing in the instant docket and in plaintiff's response thereto the parties requested that the briefs in Standing Rock be considered in this case also. On February 19, 1975, the Commission ordered that the defendant be afforded an opportunity to present evidence concerning the aforesaid exceptions and ordered that the briefs of the parties filed in Standing Rock stand as the briefs of the parties in this case.

UPON CONSIDERATION of the filings of the parties, and being fully informed in the premises, and for the reasons expressed in an opinion issued this date in Standing Rock concerning the propriety of expending tribal funds for educational purposes,

IT IS ORDERED that our determination of November 22, 1974, concerning plaintiff's exceptions 10, 11, 12 and 16, that defendant's expenditures from tribal funds for education of Indians were improper, be, and it hereby is, vacated, and

IT IS FURTHER ORDERED that consideration of the issue of the propriety of educational expenditures from tribal funds be deferred pending a determination of that question in Docket 74-B, Sioux Nation v. United States.

Dated at Washington, D. C., this 11th day of December 1975


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner