

BEFORE THE INDIAN CLAIMS COMMISSION

THE SAC AND FOX TRIBE OF INDIANS OF)
 OKLAHOMA, et al., THE SAC AND FOX)
 TRIBE OF MISSOURI, et al., THE SAC)
 AND FOX TRIBE OF THE MISSISSIPPI)
 IN IOWA, et al.,)
)
 Plaintiffs,)
)
 v.) Docket No. 83
)
 THE UNITED STATES OF AMERICA,)
)
 Defendant.)

ORDER ALLOWING ATTORNEY EXPENSES

HAVING CONSIDERED the application to fix attorney expenses filed August 6, 1976, by Schiff Hardin & Waite, attorneys of record for the Sac and Fox Tribe of Oklahoma, one of the plaintiffs in this docket, pursuant to Section 15 of our act; the response from the Department of Justice; and the entire record relating to expenses in this docket, the Commission finds:

1. The Award. On December 26, 1973, the Commission entered an award in favor of the plaintiffs in this docket for \$1,969,585.00. 32 Ind. Cl. Comm. 320, 398. Congress appropriated funds in payment of the award by the act of December 18, 1975, 89 Stat. 826, which funds were deposited in the United States Treasury.

2. The Attorney Contracts. This case has been prosecuted under the contracts described in the application for reimbursement of expenses. The current contract of the Sac and Fox Tribe of Oklahoma with the applicant was approved by the Bureau of Indian Affairs, and identified with Contract Symbol No. 14-20-0200-1879. This contract has been extended with the approval of the Bureau of Indian Affairs to September 27, 1978. The contract provides that the applicant is entitled to reimbursement of reasonable expenses incurred in the prosecution of this claim as provided in Section 15 of the Indian Claims Commission act.

3. The Application. In the application the applicant requested that we fix a total of \$42,648.56 as reimbursable expenses in this docket. The total requested represents expenses incurred in the prosecution of the claim in this docket between 1949 and the date of final award.

4. Notice to Parties. Notices of the filing of the application, with copies of the petition attached, were mailed by the Clerk of the Commission on August 9, 1976, to the tribal client through its principal chief, the Department of Interior, and the Department of Justice.


5. Responses. No response has been received from the tribal client. The Department of Justice filed a response December 20, 1976, wherein it took no position on the reimbursement of the expenses. The department enclosed a copy of a December 9, 1976 letter, from the Department of the Interior, with copies of a memorandum dated December 6, 1976, from the Bureau of Indian Affairs, showing that the Department of the Interior had no objection to the expenses.

6. Determination of Reimbursable Expenses. The Commission, after an examination of the petition, schedules, and supporting vouchers and documents constituting the application to fix expenses, determined that the applicant is entitled to reimbursable expenses in the amount alleged except for \$28.54 in expenses withdrawn by applicant.

7. Conclusion. For the reasons stated above, the Commission concludes that expenses, in the sum of \$42,620.02, meet the requirements of the Commission, and are therefore reasonable and proper for reimbursement.

IT IS THEREFORE ORDERED that reimbursable expenses for the firm of Schiff Hardin & Waite be and the same are fixed in the sum of \$42,620.02, and that funds in that amount be disbursed to Schiff Hardin & Waite from the funds appropriated to pay the final award as reimbursement in full for expenses incurred in prosecuting Docket 83.

Dated at Washington, D. C., this 30th day of June 1977


Jerome K. Kuykendall, Chairman


John F. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner