

## BEFORE THE INDIAN CLAIMS COMMISSION

THE CONFEDERATED TRIBES OF THE	)	
COLVILLE RESERVATION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Docket No. 178-A
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

Decided: February 24, 1977

Appearances:

I. S. Weissbrodt, Attorney for  
the Plaintiff.

Craig A. Decker, with whom was  
Assistant Attorney General, Peter  
A. Taft, Attorneys for Defendant.

OPINION OF THE COMMISSION

Kuykendall, Chairman, delivered the opinion of the Commission.

On October 22, 1976, 39 Ind. Cl. Comm. 122, 126, the Commission ordered the plaintiff to show cause why its claim for an accounting by the defendant with respect to the administration of plaintiff's money and property for the period beginning July 1, 1951, should not be dismissed. Plaintiff responded to the show cause order on November 3, 1976, and defendant filed its reply thereto on November 12, 1976.

In its response plaintiff has referred the Commission to the accounting report in this docket (certified by the General Services Administration


on July 26, 1966, and hereinafter referred to as the "G.S.A. Report"). Plaintiff cites three examples of wrongdoing which are disclosed by the G.S.A. Report, all of which first occurred prior to August 13, 1946, and continued during the period August 14, 1946, through June 30, 1951. The alleged areas of wrongdoing involve: expenditure of plaintiff's tribal funds for governmental purposes, expenditure of funds from interest-bearing accounts while holding funds in non-interest-bearing accounts ("reverse spending"), and failure to make non-interest-bearing accounts productive in violation of the Act of May 25, 1918, 40 Stat. 591, as amended by the Act of June 24, 1938, 52 Stat. 1037.

Defendant does not attempt to refute any of plaintiff's allegations but renews its assertion that the Commission can have no jurisdiction over claims accruing after June 30, 1951. We have previously ruled that the Commission has jurisdiction over such claims where the plaintiff can show that the specific course of wrongdoings began prior to August 13, 1946, and continued thereafter until June 30, 1951. Yankton Sioux Tribe v. United States, Docket No. 332-D, 37 Ind. Cl. Comm. 64, 76 (1975).

The G.S.A. Report supports plaintiff's allegations. Defendant's motion to dismiss will be denied.

It is apparent to the Commission that it will not be able to completely adjudicate this case by September 30, 1978. Before further action can be taken, a post-1951 accounting report will be required, followed by the filing of plaintiff's exceptions and defendant's response, a trial, and a briefing period. In the experience of the Commission these procedures will require

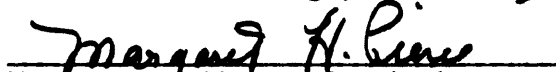
more than two years time. The Commission, therefore, will order this case certified to the Court of Claims pursuant to Public Law 94-465, approved October 8, 1976 (90 Stat. 1990).

  
Jerome K. Kuykendall, Chairman

We concur:

  
John T. Vance, Commissioner

  
Richard W. Yarborough, Commissioner

  
Margaret H. Pierce, Commissioner

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Brantley Blue, Commissioner