

4. In 2/11:
S. hrg.
98-594

S. HRG. 98-594

**CONFERRING OF JURISDICTION ON THE U.S. COURT
OF CLAIMS WITH RESPECT TO CERTAIN CLAIMS
OF THE NAVAJO TRIBE**

UNIVERSITY OF MONTANA
LIBRARY

MAR 30 1984

DOCUMENTS DIVISION
DEPOSITORY COPY

HEARING
BEFORE THE
SELECT COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE
NINETY-EIGHTH CONGRESS

FIRST SESSION

ON

S. 1196

A BILL TO CONFER JURISDICTION ON THE U.S. COURT OF CLAIMS
WITH RESPECT TO CERTAIN CLAIMS OF THE NAVAJO TRIBE

NOVEMBER 2, 1983

WASHINGTON, D.C.



U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1984

30-416 O



CONFERRING OF JURISDICTION ON THE U.S. COURT OF CLAIMS WITH RESPECT TO CER- TAIN CLAIMS OF THE NAVAJO TRIBE

NOVEMBER 2, 1983

U.S. SENATE,
SELECT COMMITTEE ON INDIAN AFFAIRS,
Washington, D.C.

The committee met, pursuant to notice, at 10:06 a.m., in room SD-124, Senator Dennis DeConcini (acting chairman of the committee) presiding.

Present: Senator DeConcini.

Staff present: Peter S. Taylor, general counsel; June Tracey, professional staff member; and Elva Arquero, chief clerk.

Senator DECONCINI. The Select Committee on Indian Affairs will come to order.

Today the Senate committee will receive testimony from the administration, the Navajo Tribe, and other parties regarding S. 1196. This bill, if enacted, confers jurisdiction on the U.S. Court of Claims with respect to certain claims of the Navajo Indian Tribe.

S. 1196 will require the U.S. Court of Claims to hear the merits of a group of Navajo Indian claims against the United States which, although they were filed in 1950 pursuant to the Indian Claims Commission of 1946, were later dismissed on legal technical grounds.

The claims allege breaches by the United States of its legal and treaty obligations as well as its general responsibility to deal fairly and honorably with the Navajo Tribe in the management of tribal resources and fulfillment of treaty terms.

When the claims were filed in 1950, the Indian Claims Commission accepted jurisdiction and reaffirmed it in 1975. Then the claims were transferred to and accepted by the Court of Claims in 1978 pursuant to Public Law 95-69. But in May 1979, the claims were dismissed before they reached trial when the Court of Claims determined on technical grounds that it had no jurisdiction. So after more than 30 years of litigation, the Navajo claims have not been considered.

Because the decision of the Court of Claims was not on the merits and the intent of Congress, as expressed by the Indian Claims Commission Act of 1946, to have all Indian claims which have been denied a full and fair hearing on their merits due to legal technicalities be given their day in court remains unchanged, S. 1196 merely insures that these duly filed claims of the Navajo Tribe will be heard by the Court of Claims.

(1)

Before I call our first witness, without objection, I would like to insert in the record a copy of S. 1196 and a letter from Robert A. McConnell, Assistant Attorney General.

[The material follows. Testimony resumes on p. 9.]