

Indian Claims Commission, 11-11-1976b, Stipulation for Entry of Final Judgment.
Docket 196, The Hopi Tribe vs. the United States of America. Arnold and Porter
Hopi Archive Box 336.

BEFORE THE INDIAN CLAIMS COMMISSION

THE HOPI TRIBE

Plaintiff,

vs.

THE UNITED STATES OF AMERICA,

Defendant.

DOCKET NO. 196

STIPULATION FOR ENTRY OF FINAL JUDGMENT

WHEREAS, the above-entitled action was commenced before the Indian Claims Commission, and certain of the issues presented for determination were tried and decision rendered, which decision was affirmed by the United States Court of Claims, and is now before the Supreme Court of the United States on Petition for a Writ of Certiorari; and

WHEREAS, the Hopi Tribe claims aboriginal possession and Indian title to the lands described in its Petition before said Indian Claims Commission as reduced to conform with Petitioner's proof at the time of trial, and as requested in Plaintiff's Request for Finding No. 20, which land is described in general as follows, to wit:

Beginning at the juncture of the Colorado and Little Colorado Rivers; thence in a southeasterly direction along the Little Colorado River to a point at the mouth or entrance of the Zuni River into said Little Colorado River; thence in a northerly direction along the boundary line of the Navajo country as fixed by the Merriwether Treaty of 1855 to a point where said Merriwether line intersects the San Juan River;

EXHIBIT 1

thence along the San Juan in a generally westerly direction to its juncture with the Colorado River; thence in a southwesterly direction along said Colorado River to point of beginning.

and

WHEREAS, Plaintiff desires to settle this action and the claims alleged therein to the extent, in the manner and upon the terms and conditions hereinafter set forth, and deems such settlement desirable and to the best interests of the Hopi Tribe and its members; and

WHEREAS, the Defendant, the United States of America, denies all liability with respect to any and all of the facts or claims alleged in the Petition but considers it desirable and in its best interest to settle this action and the claims alleged therein to the extent, in the manner and upon the terms and conditions hereinafter set forth to avoid the further expense, inconvenience and distraction of burdensome and protracted litigation and to put to rest the claims to be settled; and

WHEREAS, settlement negotiations have taken place between the parties and a settlement agreement has been reached.

NOW, THEREFORE, it is hereby stipulated and agreed, by and among the undersigned, subject to such approvals or required by law that the above-entitled action shall be settled and compromised to the extent, in the manner and upon the terms and conditions hereinafter set forth.

1. All claims of and on behalf of the Hopi Tribe before the Indian Claims Commission pursuant to the Indian Claims Commission Act of August 13, 1946, ch. 949, 60 Stat. 1049, 25 U.S.C. §70 et seq., shall be compromised and settled by entry of a single final judgment for Plaintiff in the amount of FIVE MILLION DOLLARS (\$5,000,000.00).

2. Entry of final judgment in said amount shall finally dispose of all rights, claims or demands which the plaintiff presented or could have presented to the Indian Claims Commission pursuant to the Act of August 13, 1946, ch. 949, 60 Stat. 1049, 25 U.S.C. §70 et seq., and the plaintiff shall be barred thereby from asserting any such rights, claims or demands against the United States in any future actions.

3. Entry of final judgment in the aforesaid amount shall finally dispose of all rights, claims, demands, payments on the claim, counterclaims or offsets which the United States has or could have asserted against the Plaintiff under the provisions of Section 2 of the Indian Claims Commission Act of August 13, 1946, ch. 949, 60 Stat. 1049, 25 U.S.C. §70a, from the beginning of time through June 30, 1951, and the United States shall be barred thereby from asserting against the Plaintiff in any future action, any such rights, demands, payments on the claim, counterclaims, or offsets attributable to such period.

4. Notwithstanding anything in this Stipulation to the contrary, this settlement shall not affect any right or cause of action the Hopi Tribe may have under and by virtue of the Act of December 22, 1974 (88 Stat. 1712), provided,

however, that the United States does not hereby waive its right to contend that the Hopi Tribe has no right or cause of action against the United States, under and by virtue of said Act of December 22, 1974.

5. The final judgment entered pursuant to this Stipulation shall be by way of compromise and settlement and shall not be construed as an admission by either party as to any issue for purpose of precedent in any other case or otherwise.

6. The final judgment of the Indian Claims Commission pursuant to this Stipulation shall constitute a final determination by the Commission of the above-captioned case, and shall become final on the day it is entered, all parties waiving any and all rights to appeal from or otherwise seek review of such final judgment.

7. The parties agree to execute and file with the Commission a joint motion for entry of final judgment pursuant to this Stipulation, submitting a proposed form of final judgment for the approval of the Commission.

DATED this _____ day of _____, 1976.

Peter R. Taft
Assistant Attorney General
of the United States

John S. Boyden
Attorney of Record for
Plaintiff

A. Donald Mileur.

Dean K. Dunsmore
Attorneys for Defendant

Samuel Shing

Roger Honahni

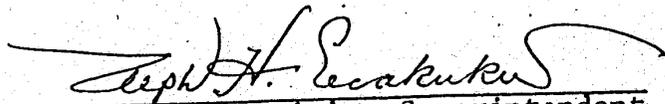
Abbott Sekaquaptewa

Logan Koopee

AUTHENTICATION OF SIGNATURES

I certify that the foregoing signatures of the Chairman and Secretary of the Hopi Tribal Council of the Hopi Indian Tribe are genuine, and that the Resolution was adopted in my presence in accordance with the recitals therein.

DATED this 15th day of October, 1976.



Alph H. Secakuku, Superintendent
Hopi Indian Agency
Keams Canyon, Arizona