
VETO MESSAGE AUTHORIZING INDIANS IN THE STATE OF WASHINGTON TO PRESENT CLAIMS TO THE COURT OF CLAIMS

M E S S A G E

FROM

THE PRESIDENT OF THE UNITED STATES

RETURNING WITHOUT APPROVAL THE BILL (S. 1480) ENTITLED
"AN ACT AUTHORIZING CERTAIN INDIAN TRIBES AND BANDS,
OR ANY OF THEM RESIDING IN THE STATE OF WASHINGTON,
TO PRESENT THEIR CLAIMS TO THE COURT OF CLAIMS"

MAY 3 (calendar day, May 18), 1928.—Read; ordered to lie on the table and to be printed

THE WHITE HOUSE, *May 18, 1928.*

To the Senate:

I am returning herewith Senate bill 1480, "An act authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims," without my approval.

These claims amount to approximately \$9,125,000, which represents the value of 6,500,000 acres of land, in the aboriginal possession of the Indians, at \$1.25 per acre, and includes hunting and fishing rights to the value of \$1,000,000. These claims are not based upon any treaty or agreement between the United States and these Indians, nor does it appear to me that they are predicated upon such other grounds as should obligate the Government at this late day to defend a suit of this character. The Government should not be required to adjudicate these claims of ancient origin unless there be such evidence of unmistakable merit in the claims as would create an obligation on the part of the Government to admit them to adjudication. It seems to me that such evidence is lacking.

I am constrained, therefore, to withhold my approval of this bill.

CALVIN COOLIDGE.

2 VETO MESSAGE REGARDING INDIANS IN STATE OF WASHINGTON

S. 1480. Seventieth Congress of the United States of America; at the first session, begun and held at the city of Washington on Monday, the fifth day of December, one thousand nine hundred and twenty-seven.]

An act authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims.

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That jurisdiction is hereby conferred on the Court of Claims, with the right to appeal to the Supreme Court of the United States by either party, as in other cases, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims of the Lower Spokane and the Lower Pend O'Reille or Lower Calispell Tribes or Bands of the State of Washington, or any of said tribes or bands, against the United States arising under or growing out of the original Indian title, claim, or rights of the said Indian tribes and bands, or any of said tribes or bands (with whom no treaty has been made), in, to, or upon the whole or any part of the lands and their appurtenances claimed by said Lower Spokane Tribe or Band of Indians, in the State of Washington, and embraced within the following general descriptions, to wit:

Commencing in the State of Washington on the east and west Government survey township line between townships 24 and 25 north at a point whose longitude is one hundred and nineteen degrees ten minutes west; thence east along said township line to the first draw leading and draining into Hawk Creek in Lincoln County, Washington; thence down the center of said draw to said Hawk Creek and down the center of said Hawk Creek to its conflux with the Columbia River; thence up and along the south and east bank of the Columbia River to the north bank of the Spokane River at its conflux with the Columbia River, which said boundary lines separate the lands of said Lower Spokane Tribe or Band of Indians from those, the several so-called Colville and Okanogan Tribes or Bands of Indians; thence easterly up and along the north bank of the said Spokane River to a north and south line whose longitude is one hundred and eighteen degrees west; thence south along said line to its intersection with the forty-seventh parallel of latitude; thence west along said forty-seventh parallel to a line whose longitude is one hundred and nineteen degrees and ten minutes west; thence north on said line to the point of beginning, which two latter lines of boundary separate the lands of the said Lower Spokane Tribe or Band of Indians from the lands of the confederated Yakima Indians as defined by the treaty between the United States and said Yakima Indians concluded at Camp Stevens, Walla Walla Valley, Washington Territory, June 9, 1855 (Twelfth United States Statutes at Large, pages 951, 956); lands in the States of Idaho, Montana, and Washington, claimed by said Lower Calispell or Lower Pend O'Reille Indian Tribe or Band of Indians and embraced within the following description to wit:

Commencing at a point in the State of Idaho at the forty-ninth parallel latitude on the divide between the waters of the Flat Bow or Kootenai River and those of the Clark Fork River and its tributaries; thence southerly and southeasterly along said summit of the divide, known as the Cabinet Mountain, to the headwaters of Thompsons River in Sanders County, Montana; thence southerly along the divide between Thompsons River and the tributaries of the Flathead River to the town of Plains, Montana, and continuing southwesterly on a line drawn through Saint Regis, Montana, to the summit of the Calispell or Coeur d'Alene Range of the Bitter Root Mountain (which said boundaries separate the original habitat and lands of said Lower Calispell or Lower Pend O'Reille Indians from those of the Cooteney, Upper Pend O'Reille, and Flathead Tribes or Bands of Indians as defined by the treaty between the United States and said last-named tribes or bands of Indians, executed July 16, 1855) (Twelfth Statutes at Large, pages 975-979); thence northwesterly along the summit of said Calispell or Coeur d'Alene Range and the divide between the waters of the said Clark Fork and those of the Coeur d'Alene River, and along said course extend to and across the Spokane Plains and continuing in a general northwesterly direction to the divide separating the waters of said Clark Fork River from the Spokane River and its tributaries to the main ridge of the Calispell Mountains in the State of Washington; and thence in a northerly direction, along the summit of main ridge of said Calispell Mountains, and said course extending to the international boundary line between the Province of British Columbia and the State of Washington; then east along said international boundary line to the point of beginning, which last-named boundaries separate the original habitat and land of said Lower

Calispell or Lower Pend O'Reille Indians from those of the Coeur d'Alene, Spokane, Colville, and Lake Tribes or Bands of Indians; which said lands or rights therein or thereto are claimed to have been taken away from said Indian tribes and bands, or some of them, by the United States, recovery therefor in no event to exceed \$1.25 per acre; together with all other claims of said tribes or bands of Indians, or any of said tribes or bands, arising under or growing out of fishing rights and privileges held and enjoyed by said tribes and bands, or any of them, in the waters of the Columbia River and its tributaries; or arising or growing out of hunting rights and privileges held and enjoyed by said tribes and bands, or any of them, in common with other Indians in the "common hunting grounds" east of the Rocky Mountains as reserved by and described in the treaty with Blackfoot Indians, October 17, 1855 (Eleventh Statutes at Large, pages 657 to 662), and which are claimed to have been taken away from said tribes and bands, or any of them, by the United States without any treaty or agreement with such Indian claimants therefor and without compensation to them.

SEC. 2. Any and all claims against the United States within the purview of this Act shall be forever barred unless suit or suits be instituted or petition, subject to amendment, be filed as herein provided in the Court of Claims within five years from the date of the approval of this Act, and such suit or suits shall make the said Lower Spokane and Lower Calispell or Lower Pend O'Reille Indian Tribes or Bands of Washington, or any of said tribes or bands, party or parties plaintiff and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the Indians approved in accordance with existing law; and said contract shall be executed in their behalf by a committee or committees selected by said Indians as provided by existing law. Official letters, papers, documents and records, maps, or certified copies thereof may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Indians to such treaties, papers, maps, correspondence, or reports as they may require in the prosecution of any suit or suits instituted under this Act.

SEC. 3. In said suit or suits the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against the said Indian tribes and bands, or any of them. Any payment or payments which have been made by the United States upon any such claim or claims shall not operate as an estoppel, but may be pleaded as an offset in such suit or suits, as may gratuities, if any, paid to or expended for said Indian tribes and bands or any of them.

SEC. 4. Any other tribes or bands of Indians the court may deem necessary to a final determination of any suit or suits brought hereunder may be joined therein as the court may order: *Provided*, That upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per centum of the recovery, by any one of said tribes or bands, and in no event to exceed the sum of \$25,000 for all of said tribes or bands of Indians, together with all necessary and proper expenses incurred in the preparation and prosecution of such suit or suits to be paid to the attorney or attorneys employed as herein provided by the said tribes or bands of Indians, or any of said tribes or bands, and the same shall be included in the degree, and shall be paid out of any sum or sums adjudged to be due said tribes or bands, or any of them, and the balance of such sum or sums shall be placed in the Treasury of the United States, where it shall draw interest at the rate of 4 per centum per annum, subject to appropriation by Congress for the health, education, and industrial advancement of said Indians, including the building of homes.

NICHOLAS LONGWORTH,
Speaker of the House of Representatives.

CHARLES G. DAWES,
Vice President of the United States and President of the Senate.

