

VETO MESSAGE RELATING TO THE ACT AUTHORIZING THE SHOSHONE TRIBE OF INDIANS OF THE WIND RIVER RESERVATION IN WYOMING TO SUBMIT CLAIMS TO THE COURT OF CLAIMS

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MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

RETURNING

WITHOUT APPROVAL THE BILL (2301) AUTHORIZING THE SHOSHONE TRIBE OF INDIANS OF THE WIND RIVER RESERVATION IN WYOMING TO SUBMIT CLAIMS TO THE COURT OF CLAIMS

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JANUARY 25 (calendar day, JANUARY 28), 1927.—Ordered to lie on the table and to be printed

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*To the Senate:*

I am returning herewith Senate bill 2301, "An act authorizing the Shoshone Tribe of Indians of the Wind River Reservation in Wyoming to submit claims to the Court of Claims," without my approval.

The Fort Bridger treaty of July 3, 1868 (15 Stat. 673), set aside a reservation for the Shoshone Indians and for such other tribes as the Shoshones might "admit amongst them," but also provided that no cession of any portion of the reservation should be valid unless a treaty for the purpose should be signed by a majority of the male adult Indians of the Shoshone Tribe. Afterwards the northern band of Arapaho Indians were located on the Shoshone Reservation.

The Shoshone Indians claim that a majority of the male adult Shoshones did not sign a treaty agreeing to the cession to the Arapahoes of a portion of the reservation; that the consent, if any, given by the Shoshones to the location of the Arapahoes on the reservation was for temporary occupancy only; and that the Shoshones have from time to time asserted that they should be compensated for the land occupied by the Arapahoes.

It might be fair to say that these contentions may be disposed of, it seems to me, by the fact that in 1896 and 1904 reservation lands

were ceded by agreements signed by both the Shoshones and the Arapahoes which provided that the moneys received therefor should be divided between the Shoshones and the Arapahoes. Congress ratified these agreements, and they were carried into effect. Still, this objection might not be fatal.

But aside from the question of the merit of the claim the enrolled bill is objectionable because of the provision for the payment of interest from the date of origin of the claim. It had never been Government policy, prior to the Crow Indian jurisdictional act of July 3, 1926, to provide for the payment of interest from the date of origin of a claim. I am now satisfied that further departure from our former policy would be unjustified. It seems to me unreasonable to expect that the Government should be charged with interest from the dates of origin of such ancient claims. The amount of the interest under the enrolled bill is several times greater than the amount of the principal. Such an interest policy would inevitably mean that issues supposed to have been placed in the way of fair determination by jurisdictional acts of the past will come forward again for additional interest settlements far exceeding the amounts of the original claims. Should the item of interest be eliminated, I can now see no reason why the bill should not be approved. But if interest is to be allowed on this claim, it will certainly result in an effort to reopen an endless number of claims which have already been settled.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 28, 1927.*

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[S. 2301. Sixty-ninth Congress of the United States of America; At the Second Session, begun and held at the City of Washington on Monday, the sixth day of December, one thousand nine hundred and twenty-six.]

*An act authorizing the Shoshone Tribe of Indians of the Wind River Reservation in Wyoming to submit claims to the Court of Claims.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction be, and is hereby, conferred upon the Court of Claims, with right of appeal to the Supreme Court of the United States by either party, notwithstanding the lapse of time or statutes of limitation, to hear, examine, adjudicate, and render judgment in any and all legal and equitable claims which the Shoshone Tribe of Indians of the Wind River Reservation in the State of Wyoming may have against the United States arising under or growing out of the treaty of July 3, 1868 (Fifteenth Statutes, page 673), or arising under or growing out of any subsequent treaty or agreement between said Shoshone Tribe of Indians and the United States or any subsequent Act of Congress affecting said tribe, which claims have not heretofore been determined and adjudicated upon their merits by the Court of Claims or the Supreme Court of the United States.*

SEC. 2. The claims of said tribe shall be presented by petition, subject, however, to amendment at any time. The suit under this Act shall be instituted or petition filed in the Court of Claims within three years from the date of approval of this Act. Such suit shall make the Shoshone Tribe of Indians of the Wind River Reservation in Wyoming party plaintiff and the United States party defendant. The petition shall be verified upon information and belief by the attorney or attorneys employed by said tribe to prosecute said claims under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior. Letters, papers, documents, and public records, or certified copies thereof, bearing upon the claims presented, may be used in evidence, and the departments of Government shall give the attorney of said tribe access to any such letters, papers, documents, or public records and shall furnish certified copies of such thereof as may be deemed material.

SEC. 3. In said suit the court shall also hear, examine, and adjudicate any claims which the United States may have against said tribe, but any payment including gratuities which the United States may have made to said tribe shall not operate as an estoppel, but may be pleaded as an offset in such suit: *Provided, however,* That the United States may interpose to such suit or action any and all pleas of defense, affirmative and negative, legal and equitable, which it may have thereto not herein specifically barred by the provisions of this Act.

SEC. 4. If it be determined by the court that the United States, in violation of the terms and provisions of any law, treaty, or agreement, has appropriated or disposed of any lands, money, or other property belonging to the Indians, damages therefor shall be confined to the value of the money, lands, or other property at the time of such appropriation or disposal, together with interest thereon at 5 per centum per annum from the date thereof; and with reference to all claims which may be the subject matter of the suits herein authorized, the decree of the court shall be in full settlement of all damages, if any, committed by the Government of the United States and shall annul and cancel all claim, right, and title of the said Shoshone Indians in and to such money, lands, or other property.

SEC. 5. 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, together with all necessary and proper expenses incurred in preparation and prosecution of the suit, to be paid to the attorneys employed by said Shoshone Tribe of Indians, and the same shall be included in the decree and shall be paid out of any sum or sums found to be due said tribe.

SEC. 6. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to said suit any or all persons deemed by it necessary or proper to the final determination of the matters in controversy.

SEC. 7. A copy of the petition in such suit shall be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States.

SEC. 8. All amounts which may be found due and recovered for said tribe under the provisions of this Act, less attorneys' fees and expenses, shall be deposited in the Treasury of the United States to the credit of said tribe and shall draw interest at the rate of 4 per centum per annum from the date of the judgment or decree.

NICHOLAS LONGWORTH,  
*Speaker of the House of Representatives.*

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

