

10-21-2016

## Affidavit from R. Hart

Richard Hart

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**DISTRICT COURT - CSRBA**  
**Fifth Judicial District**  
**County of Twin Falls - State of Idaho**

OCT 21 2016

By \_\_\_\_\_  
 \_\_\_\_\_ Clerk  
 \_\_\_\_\_ Deputy Clerk

*Counsel for the Coeur d'Alene Tribe*

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
 OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re CSRBA  Case No. 49576  _____	) ) ) ) ) ) ) ) ) ) )	Subcase Nos.: 91-7755 (and consolidated subcases)  AFFIDAVIT OF RICHARD HART
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State of Washington  
 ) ss.  
 County of Kanawon

COMES NOW, Richard Hart, after being duly sworn before an officer authorized to administer oaths, swears and declares as follows:

- (1) My name is Richard Hart. I am a professional historian. I am over the age of 18 and am competent to testify to matters herein. I have personal knowledge of the matters contained herein.
- (2) My curriculum vitae ("CV") is attached hereto as Exhibit 1. My CV sets forth my knowledge, skill, experience, training, and education in relation to historical matters

generally, and specifically in relation to the above-noted subcase. The information contained in my CV is true, accurate, and correct.

- (3) I have offered expert testimony in relation to historical matters in several other court cases over the course of the past several decades. To my knowledge, I have never been rejected by any court as an expert witness in relation to historical matters.
- (4) Attached hereto as Exhibit 2 is a true, accurate, and correct copy of Exhibit 313A to the report I prepared for the litigation in *United States v. Idaho*, CIV-94-0328-N-EJL. This exhibit is a copy of the 1873 Agreement between the United States and the Coeur d'Alene Tribe.
- (5) Attached hereto as Exhibit 3 is a true, accurate, and correct copy of Exhibit 275 to the report I prepared for the litigation in *United States v. Idaho*, CIV-94-0328-N-EJL. This exhibit is a copy of the 1873 Executive Order creating the Coeur d'Alene Reservation and appears at page 72 of the exhibit.
- (6) Attached hereto as Exhibit 4 is a true, accurate, and correct copy of Exhibit 215 to the report I prepared for the litigation in *United States v. Idaho*, CIV-94-0328-N-EJL. This exhibit contains the text of several pertinent documents: (1) is a copy of the transcripts of the negotiations leading to the 1887 Agreement between the United States and the Coeur d'Alene Tribe, which appears at pages 74-79 of the exhibit; (2) is a copy of the text of the 1887 Agreement between the United States and Coeur d'Alene Tribe, which appears at pages 67-70 of the exhibit; (3) is a copy of the transcripts of the negotiations leading to the 1889 Agreement between the United States and the Coeur d'Alene Tribe, which appears at pages 7-13 of the exhibit; and, (4) is a copy of the text of the 1889 Agreement between the United States and Coeur d'Alene Tribe, which appears at pages 13-14 of the

exhibit. Also contained in the exhibit are other Agreements between the United States and other Indian tribes, along with correspondence related to the documents above.

- (7) Attached hereto as Exhibit 5 is a true, accurate, and correct copy of Exhibit 207 to the report I prepared for the litigation in *United States v. Idaho*, CIV-94-0328-N-EJL. This exhibit is a copy of the 1894 Agreement between the United States and the Coeur d'Alene Tribe, which appears at pages 10-18 of the exhibit.
- (8) I have prepared an expert report as well as a rebuttal report in this case.
- (9) Attached hereto as Exhibit 6 is a true, accurate, and correct copy of the expert report I prepared for the Coeur d'Alene Tribe in this case.
- (10) Attached hereto as Exhibit 7 is a true, accurate, and correct copy of the expert rebuttal report I prepared for the Coeur d'Alene Tribe in this case.
- (11) My opinions set forth in Exhibits 6 and 7 noted above are held to a reasonable degree of probability and certainty in my respective field of expertise.

Further you affiant sayeth naught.

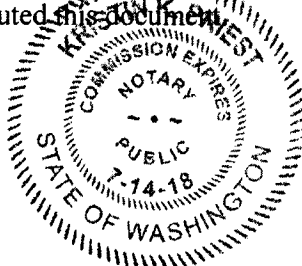
Respectfully submitted this 19<sup>th</sup> day of October, 2016.

Richard Hart  
Richard Hart

#### NOTARIAL ATTESTATION

That on the 19<sup>th</sup> day of October, 2016, and after being duly sworn, Richard Hart, personally known to me and ~~on whom~~ showing sufficient identification, appeared before me attested to and executed this document.

(SEAL)



Kristin K Priest  
Print: Kristin K Priest, Notary Public  
Residing at: Winthrop, WA

My commission expires: 07/14/2018

### Certificate of Service

I hereby certify that on the 20<sup>th</sup> day of October, 2016, I caused to be served a true and correct copy of the foregoing document upon the following individuals via email and/or by placing the document in the United States Mail, postage prepaid, addressed as follows:

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By: Marcella J. Harrison