

BEFORE THE INDIAN CLAIMS COMMISSION

PAWNEE INDIAN TRIBE OF OKLAHOMA, )  
 consisting of the four confed- )  
 erated bands of Pawnee Indians, )  
 namely: Chaui or Grand Pawnee, )  
 Kitkehahki or Republican Pawnee, )  
 Pitahauerat or Tappage Pawnee, )  
 and Skidi, Loup or Wolf Pawnee, )  
 )  
 Claimant, )  
 )  
 v. )  
 )  
 UNITED STATES, )  
 )  
 Defendant. )

Docket No. 10

Decided: January 31, 1961

ADDITIONAL FINDINGS OF FACT

The Commission makes the following findings of fact which are supplemental to the findings numbered 1 through 162 heretofore made herein.

163. Offsets - The defendant filed its amended answer on August 1, 1960, setting forth the proposed offsets for expenditures alleged to have been gratuitously made by the United States out of public funds for the benefit of the Pawnee Indians, as shown in the report of the General Accounting Office which is in evidence as defendant's Exhibit 185. The claimant filed a reply thereto on August 16, 1960, alleging that none of the claimed offsets are properly allowable as offsets under the Indian Claims Commission Act.

164. On September 21, 1960, the parties herein filed with the Commission a stipulation agreeing to a compromise settlement on offsets

which stipulation was executed by John M. Wheeler, John Wheeler, Jr., and Robert L. Wheeler, attorneys for claimant; Perry W. Morton, Assistant Attorney General, and Ralph A. Barney, Attorneys for defendant. The stipulation was also signed on behalf of the Pawnee Nasharo Council by James Sun Eagle, Chairman, and Lawrence Good Fox, Secretary, and on behalf of the Pawnee Business Council by George H. Roberts, Chairman, and Albin Leading Fox, Secretary. That said stipulation reads as follows:

"STIPULATION

It is stipulated and agreed by and between Claimant and the United States that there shall be allowed to the United States as offsets in this cause the sum of \$10,000.00."

Attached to said stipulation were properly signed and executed resolutions adopted on September 3, 1960, by the Pawnee Business Council and Pawnee Nasharo Council authorizing and directing claimant's attorneys to enter into a stipulation to settle said offsets for \$10,000.00, and requesting the Indian Claims Commission to accept such stipulation for compromise. The signatures on said stipulation and resolutions of the Indian organizations were properly authenticated.

The approval of the compromise settlement of the offsets by the Secretary of the Interior is contained in a letter dated September 19, 1960, from George W. Abbott, Solicitor for the Department of Interior, acting for the Secretary of the Interior, and addressed to Perry W. Morton, Assistant Attorney General, Lands Division, Department of Justice, Washington, D. C. The letter reads as follows:

Dear Mr. Morton:

Reference is made to your letter of September 9, 1960, concerning the proposed settlement of offsets in the case of Pawnee Indian Tribe of Oklahoma v. United States, Docket No. 10, before the Indian Claims Commission (your reference: RAB-WCM 90-2-20-215).

The signed copies of the stipulation are returned herewith, with the recommendation that they be executed on behalf of the United States so the offsets claimed in this case will be settled for \$10,000.00. This recommendation is made on the basis of a report from the Bureau of Indian Affairs to the effect that the matter of the compromise of offsets has been explained in detail to the Pawnee Business Council and the Pawnee Nasharo Council and that they fully understand the matter. Further, on the basis of an explanation by counsel for the claimant of the offsets claimed by the Government and of our own examination of the report of the General Accounting Office "Re: Petition of the Pawnee Indian Tribe of Oklahoma, Indian Claims Commission No. 10", we have concluded that the proposed settlement of the offsets at \$10,000 is in the best interests of the Indians.

Sincerely yours,

GEORGE W. ABBOTT  
The Solicitor

/s/ By: Edmund T. Fritz  
Deputy Solicitor

165. The Commission finds that the compromise settlement of the offsets in the sum of \$10,000.00 is fair and just to the claimant and to the defendant and said settlement is approved and adopted.

Arthur V. Watkins  
Chief Commissioner

Wm. M. Holt  
Associate Commissioner

T. Harold Scott  
Associate Commissioner