BEFORE THE INDIAN CLAIMS COMMISSION

CHEYENNE-ARAPAHO TRIBES OF INDIANS OF OKLAHOMA, suing on its own behalf and as representative of the
CONFEDERATED TRIBES OF CHEYENNE AND ARAHAO INDIANS OF THE UPPER ARKANSAS, also known as the SOUTHERN CHEYENNE AND ARAHAO TRIBES OF INDIANS, and on behalf of the CHEYENNE AND ARAHAO TRIBES OF INDIANS,

Petitioner, Docket No. 329-A

v. Docket No. 329-B

THE UNITED STATES OF AMERICA, Defendant.

FINDINGS OF FACT ON COMPROMISE SETTLEMENT OF OFFSETS AND ALL CLAIMS OF THE SOUTHERN CHEYENNE-ARAPAHO TRIBES IN CONSOLIDATED DOCKET NOS. 329-A AND 329-B

50. On August 10, 1951, the Cheyenne-Arapaho Tribes of Indians of Oklahoma (sometimes referred to by the Commission as Southern Cheyenne-Arapaho) together with the Northern Cheyenne Tribe of Indians of the Tongue River Reservation, Montana, and the Northern Arapaho Tribe of Indians of the Wind River Reservation, Wyoming, filed a petition with the Indian Claims Commission for recovery of the value of their proportionate interests in lands recognized as being owned by all three tribal entities by the Treaty of Fort Laramie of September 17, 1851 (11 Stat. 749). In the same petition the Cheyenne-Arapaho Tribes of Indians of Oklahoma asserted claims for other alleged wrongs committed by the defendant. The claims covered in the joint petition were assigned Docket No. 329.

51. By order of the Commission entered November 28, 1958, the Cheyenne-Arapaho Tribes of Oklahoma were permitted to sever from the
petition in Docket No. 329 those claims that belonged solely to the Cheyenne-Arapaho Tribes of Indians of Oklahoma and set said claims up in a separate petition, which petition was filed on that date and assigned Docket No. 329-A. Later, by order of the Commission entered July 28, 1961, the Cheyenne-Arapaho Tribes of Oklahoma were permitted to file an amended severed petition in Docket No. 329-A.

52. On November 1, 1955, this Commission held that petitioners in Docket No. 329 owned certain lands (later found to comprise 51,210,000 acres) in Colorado, Wyoming, Kansas, and Nebraska, by virtue of the aforesaid Fort Laramie Treaty of September 17, 1951.

53. On December 6, 1961, the Commission entered its Findings of Fact (Findings Nos. 1 through 49), Opinion and Interlocutory Order in Docket No. 329, holding that the tribes named as petitioners in Docket No. 329 were entitled to have their claim heard and determined by the Commission and that their Fort Laramie Treaty lands were worth $23,500,000 as of October 14, 1865.

54. On August 6, 1962, the Commission entered an amended interlocutory order in Docket 329 amending its findings of fact, opinion and interlocutory order which had been entered on December 6, 1961, to provide that the relative shares of the three petitioning tribes in said Fort Laramie Treaty lands would be determined on the basis of a stipulation agreed to by them and approved by the Secretary of the Interior and the Commission. That stipulation provided that the relative shares would be dependent upon the tribes' relative populations as of November 14, 1958, and fixed 50.61% as the share of the Southern Cheyenne-Arapaho tribes therein.
55. On November 13, 1962, the Commission entered an Order amending the Amended Interlocutory Order of August 6, 1962, which in pertinent part is as follows:

(b) That the lands described in Finding 1 had a fair market value as of October 14, 1865, at $23,500,000.00. [Fort Laramie Treaty lands].

(c) That recovery from the United States by any of the said petitioners herein will be divided upon the basis of the stipulation agreed to by petitioner tribes . . . that is Southern Cheyenne Arapaho at 50.61 percent . . .

(f) That the consideration paid to the Southern Cheyenne and Arapaho Tribes, petitioners above named, by the treaties of February 18, 1861, October 14, 1865, and October 28, 1867, for the cession of their undivided half-interest in subject tract was $1,434,131.38, and the fair market value of the lands set apart for said tribes (Finding 39) by executive order of the President of August 10, 1869; and that there is not sufficient evidence now before the Commission of the total consideration paid to said petitioners to determine whether the said consideration so paid was unconscionable.

IT IS THEREFORE ORDERED AND ADJUDGED:

(a) That the said Southern Cheyenne and Arapaho Tribes above named and the defendant may submit evidence of the value of the lands set apart by executive order of the President of August 10, 1869 . . .

(c) That each of said tribes . . . shall from this date proceed separately . . . and in all subsequent proceedings said tribes shall be assigned Docket Numbers as follows:

Southern Cheyenne and Arapaho Tribes,
Docket No. 329-B

Pursuant to aforesaid order the claim of the Southern Cheyenne and Arapaho Tribes was assigned Docket No. 329-B.

56. On May 24 to 27, 1965, a hearing was had before the Commission in Docket No. 329-A. The testimony at the hearing was directed towards the value of the Tribes' Executive Order Reservation in Oklahoma on
March 3, 1891, the date of the cession of some 4,608,878 acres to the United States for an alleged unconscionable consideration of $1,500,000.

57. After the trial of Docket 329-A in May, 1965, attorneys for the petitioner and for defendant entered into negotiations that resulted in an offer of settlement by petitioner to the Attorney General which he accepted subject to the approval of the Cheyenne-Arapaho Tribes of Indians of Oklahoma, the Secretary of the Interior and the Commission. The offer of settlement was for $15,000,000.00 in settlement of all claims pleaded in Docket 329, subsequently severed into Dockets 329-A and 329-B.

58. The offer of settlement was accepted by defendant by letter dated August 12, 1965, (Petitioners' Compromise Exhibit 1) which is as follows:

Assistant Attorney General
Lands Division

DEPARTMENT OF JUSTICE
Washington

August 12, 1965

William Howard Payne, Esq.
1086 National Press Building
Washington, D. C. 20004

Dear Mr. Payne:

Re: Cheyenne and Arapaho Tribes of Oklahoma v.
United States, Docket Nos. 329-A and 329-B,
before the Indian Claims Commission

We have your letter of June 23, 1965, offering to settle the above-entitled cases for the sum of $15,000,000.00 net to the tribe. Your offer is hereby accepted subject to the following conditions:

1. That the period for which the Government settles its gratuitous expenditures shall be limited to the period before June 30, 1956. Although your letter refers to the fact that the Comptroller General furnished a report of gratuitous expenditures from "1867 to date", the expenditures shown in
that report do not extend beyond June 30, 1956. We assume that this is what you had in mind, and hence have limited the acceptance accordingly.

2. That the settlement be approved by the Cheyenne and Arapaho Tribes of Oklahoma in writing and executed by the appropriate tribal officials.

3. That the Secretary of the Interior, or his authorized representative, indicate in writing his approval of the settlement.

4. That we be furnished with copies of the documents referred to above.

We will be happy to join with you in appropriate action before the Indian Claims Commission to effectuate this settlement when the conditions outlined above have been completed.

A copy of this letter is being sent to Mr. John M. Schiltz, 508 Electric Building, Billings, Montana.

Very truly yours,

s/ Edwin L. Weisl, Jr.

EDWIN L. WEISL, JR.
Assistant Attorney General

59. On September 18, 1965, attorneys for petitioners met with the members of the Cheyenne-Arapaho Tribes of Indians of Oklahoma at Watonga, Oklahoma, at a special meeting called pursuant to the following notice (Petitioners' Compromise Exhibit 2):

C&A Tribal Office
P.O. Box 38
Concho, Oklahoma 73022
August 11, 1965

TO ALL ENROLLED MEMBERS OF THE CHEYENNE AND ARAPAHO TRIBES OF OKLAHOMA.

A Special Meeting is to be held at the City Hall, Watonga, Oklahoma, on Saturday, September 18, 1965, at 1:00 P.M. Mr. John M. Schiltz and Mr. Wm. Howard Payne, C&A Tribal Claims Attorneys, will be here to discuss with you a compromise settlement of all claims, Fort Laramie Treaty and the Oklahoma Land Claims, in the amount of $15,000,000.00.
You will vote to accept or reject the compromise settlement. It is very important to attend this Special Meeting on our Tribal claims so that you can ask questions, present, recommend, suggest, or advise your views on the compromise settlement before a vote is taken.

There will be supper served at 5:30 P.M. and a regular powwow will follow.

s/ Willie Hail
Willie Hail, Chairman
Cheyenne and Arapaho Tribal Council of Oklahoma.

60. By the affidavit of Mr. Fred Bushyhead, Secretary of the Business Committee of the Cheyenne-Arapaho Tribes (Petitioner's Compromise Exhibit 3) and by Mr. Bushyhead's direct testimony, the notice of special meeting was mailed to 1542 enrolled members of the Tribes, they being all of the eligible voters; and the fact of the special meeting was publicized by the press, radio and television media both as a news item and as paid advertising.

61. On September 18, 1965, the tribal members present at the meeting adopted a resolution approving the proposed settlement by a vote of 338 in favor and 2 against; the resolution (Petitioner's Compromise Exhibit 4) is as follows:

RESOLUTION

WHEREAS, the Cheyenne-Arapaho Tribes of Indians of Oklahoma have been prosecuting the following claims before the Indian Claims Commission:

(a) A claim in Docket No. 329-B for compensation for their share of the lands recognized as belonging to them by the Treaty of Fort Laramie which were ceded for an unconscionably small consideration;
(b) A claim in Docket No. 329-A for compensation for 4,608,878 acres of their August 10, 1869 Executive Order Reservation ceded for an unconscionably small consideration;

(c) A claim in Docket No. 329-A for a general accounting; and

WHEREAS, the Indian Claims Commission did on November 13, 1962, render its decision and made findings of fact in Docket 329-B in favor of the Cheyenne-Arapaho Tribes of Indians of Oklahoma declaring that they were entitled to 50.61% of the Fort Laramie lands worth $11,893,350.00, less the consideration of $1,434,131.38 and the fair market value of the 1869 Executive Order Reservation, providing said consideration should prove unconscionable, and less allowable offsets; and

WHEREAS, beginning on May 24, 1965, a trial was had before the Indian Claims Commission in Docket 329-A on the question of the fair market value of the said Executive Order Reservation in 1891, the year it was ceded to the United States; and

WHEREAS, the United States has filed an amended answer claiming offsets against the Cheyenne-Arapaho Tribes of Indians of Oklahoma in the amount of $6,364,280.15; and

WHEREAS, following the trial of the issues in Docket 329-A in May, 1965, the attorneys for the Cheyenne-Arapaho Tribes of Indians of Oklahoma and the attorneys for the defendant United States entered into negotiations for the possible compromise and settlement of all the claims, and following successful negotiations have agreed, subject to the approval of the Cheyenne-Arapaho Tribes of Indians of Oklahoma, the Secretary of the Interior or his authorized representative, and the Indian Claims Commission, to settle and compromise all issues and all claims of the Cheyenne-Arapaho Tribes of Indians for the sum of $15,000,000.00, said amount to be net after all offsets to which the United States might have been entitled in Docket Nos. 329-A and 329-B; and

WHEREAS, the proposed settlement has been fully discussed by the attorneys for the Cheyenne-Arapaho Tribes of Indians of Oklahoma at a meeting of the Tribes duly and regularly called especially for that purpose and the members of the Tribes were given full opportunity to enter into said discussion and ask questions concerning all phases of the claim; and
WHEREAS, representatives of the Department of the Interior were present during the said meeting and observed the proceedings; and

WHEREAS, the members of the Cheyenne-Arapaho Tribes of Indians of Oklahoma are fully informed regarding the proposed settlement, and with the proposed stipulation for entry of final judgment, the same having been read at the meeting and explained by the attorneys;

NOW, THEREFORE, BE IT RESOLVED that the proposed final settlement of all claims and offsets in Docket Nos. 329-A and 329-B, in the amount of $15,000,000.00 be, and the same hereby is approved and the attorneys for the Cheyenne-Arapaho Tribes of Indians of Oklahoma are hereby authorized to execute said proposed Stipulation for Entry of Final Judgment; and

BE IT FURTHER RESOLVED that Willie Hail, Chairman of the Tribal Council of the Cheyenne-Arapaho Tribes of Indians of Oklahoma is hereby authorized to execute the proposed Stipulation on behalf of the Tribes; and

BE IT FINALLY RESOLVED that the Secretary of the Interior or a duly authorized representative, and the Indian Claims Commission are hereby requested to approve the proposed settlement and Stipulation for Entry of Final Judgment as described above.

CERTIFICATION

We hereby certify that the foregoing Resolution was duly adopted by the Cheyenne-Arapaho Tribes of Indians of Oklahoma at a special meeting sitting at Watonga, Oklahoma, this 18th day of September, 1965, by a vote of 338 for and 2 against.

/s/ Willie Hail
Willie Hail, Chairman
Cheyenne and Arapaho Tribal Council of Oklahoma

Attest:

/s/ Fred Bushyhead
Fred Bushyhead, Secretary
Cheyenne and Arapaho Tribal Council of Oklahoma
62. William Howard Payne, attorney of record for petitioners, testified at the hearing held before the Commission on October 11, 1965, concerning the conduct of the special tribal meeting on September 18, 1965. He testified that the procedure followed by him and Mr. Schiltz, associate attorney, was as follows: a Cheyenne interpreter and an Arapaho interpreter were appointed and each of them in his own tongue instructed the people present that explanation of the proposed compromise could be had in the native tongue upon request. The attorneys explained the proposed compromise by explaining the Tribe's history and the basis of the claims; the possible advantages of further litigation as opposed to the proposed compromise were gone into in detail. The attorneys read verbatim the proposed resolution and stipulation and thereafter a recess was had so the members might talk the matter over among themselves. After the recess questions were asked by the Indians and answered by the attorneys, and the proposed resolution and stipulation were again read paragraph-by-paragraph, and explained in detail. In the opinion of the attorneys the Indians understood the decision they were being asked to make and understood the various factors involved in the proposed compromise. The meeting lasted four hours.

At the conclusion of the explanation by the attorneys a motion was made and seconded to adopt the resolution approving compromise; at the conclusion of the question and answer period a vote was called for. A standing vote was taken, the Sergeant at Arms and several associates taking the count. Norman Holmes, Tribal Operations Officer, Anadarko,
Oklahoma Area Office, assisted in the count. The meeting was observed from beginning to end by Mr. Leslie P. Towle, Area Director, Anadarko Area Office, Bureau of Indian Affairs; Mr. Norman Holmes, and Mr. Paul Vance, Superintendent, Area Field Office, Concho, Oklahoma.

63. At the conclusion of the meeting the Chairman thereof, Willie Hail, pursuant to the authority vested in him by the resolution, signed the stipulation of settlement which reads as follows: (Compromise Exhibit 5)

BEFORE THE
INDIAN CLAIMS COMMISSION

CHEYENNE - ARAPAHO TRIBES OF INDIANS )
OF OKLAHOMA, suing on its own behalf )
and as representative of the )
CONFEDERATED TRIBES OF CHEYENNE AND )
ARAPAHO INDIANS OF THE UPPER )
ARKANSAS, also known as the SOUTHERN )
CHEYENNE AND ARAPAHO TRIBES OF INDIANS )
and on behalf of the CHEYENNE AND )
ARAPAHO TRIBES OF INDIANS, )

Docket Nos. 329-A and 329-B

Petitioner, )

v. )

THE UNITED STATES OF AMERICA, )

Defendant. )

STIPULATION FOR ENTRY OF FINAL JUDGMENT

It is hereby stipulated between counsel for the parties that the above entitled cases shall be consolidated for all purposes and shall be settled, compromised, and finally disposed of by entry of final judgment as follows:

1. There shall be entered in the consolidated case after all allowable deductions, credits and offsets, a net judgment for petitioner in the amount of $15,000,000.00.

2. Entry of final judgment in said amount shall finally dispose of all rights, claims or demands which the petitioner has asserted or could have asserted with respect to the subject
matter of these claims, and petitioner shall be barred thereby from asserting any such right, claim or demand against defendant in any future action.

3. Entry of final judgment in the aforesaid amount shall finally dispose of all rights, claims, demands, payments on the claim, counter-claims or offsets which the defendant has asserted or could have asserted against the petitioner under the provisions of Sec. 2 of the Indian Claims Commission Act of 1946 (60 Stat. 1049) and defendant shall be barred thereby from asserting against the petitioner in any future action, any such rights, demands, payments on claim, counter-claims, or offsets from the beginning of the relationship of the Cheyenne-Arapaho Tribes of Indians of Oklahoma with the government of the United States to and including June 30, 1956. It is agreed that defendant shall not be barred by this stipulation or by entry of judgment pursuant thereto from claiming in any future action offsets accruing subsequent to June 30, 1956.

4. The entry of final judgment pursuant hereto shall not operate to deprive the defendant of exercising its right to collect from the proceeds of timber sales, as authorized by statute, expenses of managing, protecting, and selling timber.

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, for the purposes of precedent or argument, in any other case.

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 cases, and shall become final on the day it is entered, all parties hereby waiving any and all rights to appeal from or otherwise seek review of such final determination.

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 order for the approval of the said Commission.

8. Attached to this stipulation and incorporated herein by reference is a resolution of the Cheyenne-Arapaho Tribes of Indians of Oklahoma, adopted at a meeting shown in the certification thereof, authorizing counsel for petitioner to enter into this stipulation on the basis set forth in paragraphs 1 through 7 hereof, and a copy of a letter approving the settlement of this litigation by the Secretary of the Interior or his authorized representative.

s/ William Howard Payne
William Howard Payne
Attorney of record for petitioner

Date: 10/1/65
Edwin L. Weisl, Jr.
Assistant Attorney General
of the United States

Date: 10/5/65

John D. Sullivan
Attorney for defendant

Date: 10/4/65

Rutton, Schiltz & Sheehy
By
John M. Schiltz, partner
Of Counsel for petitioner

Date: 9/18/65

Arthur P. Scibelli

Date: 9/30/65

s/ Arthur P. Scibelli
John H. Meyers
Executor of the estate of
John H. Brigleb, deceased

Date: 9/30/65

s/ Willie Hail
Willie Hail, Chairman
Cheyenne and Arapaho Tribal
Council of Oklahoma

Date: 9/18/65

Attest:
s/ Fred Bushyhead
Secty

AUTHENTICATION OF SIGNATURE

I hereby certify that Willie Hail, Chairman of the Cheyenne
and Arapaho Tribal Council of Oklahoma, subscribed his name to
the foregoing stipulation in my presence on the date indicated.

s/ Paul Vance
Paul Vance, Representative
Bureau of Indian Affairs
Department of the Interior

Subsequently the stipulation was also signed by all of the attorneys
of record and the attorneys having an interest in the litigation, including
the personal representative of John H. Brigleb, deceased.
The proposed compromise was approved by the Bureau of Indian Affairs by a letter dated September 30, 1965, and reads as follows:

(Compromise Exhibit 6)

UNITED STATES
DEPARTMENT OF THE INTERIOR Tribal Operations
BUREAU OF INDIAN AFFAIRS
Washington, D.C. 20242

Sep 30, 1965

Mr. William Howard Payne
Attorney at Law
1086 National Press Building
Washington, D. C.

Dear Mr. Payne:

You have requested our approval of a proposed compromise to settle claims of the Cheyenne-Arapaho Tribes of Oklahoma in Indian Claims Commission Dockets Nos. 329-A and 329-B for the net sum of $15,000,000.00.

Claims in the two dockets have been prosecuted under Contract No. I-1-ind. 42014, dated February 14, 1948, between the Cheyenne-Arapaho Tribes of Indians of the State of Oklahoma and Attorney William Howard Payne. The contract was approved on April 28, 1948, for a period of ten years from the date of approval and later extended for an additional period of five years from April 28, 1958. An assignment of a 25 percent interest in the contract to Attorney John H. Brigleb was approved on May 11, 1959. Mr. Brigleb subsequently died on January 3, 1961. The contract provided that the attorney is subject to supervision and direction of the Tribes and the Commissioner of Indian Affairs.

An agreement, identified as Contract 14-20-0650 No. 1133, dated June 16, 1961, between the Cheyenne-Arapaho Tribes of Oklahoma and Attorneys William Howard Payne and Arthur P. Scibelli was approved on April 4, 1962, for a period of ten years from the date of approval and is currently in effect. This contract provides that the attorneys shall work together in the fulfillment of the terms and conditions of Contract No. 42014.

The Department of Justice, in response to your offer of June 23, 1965, to settle the claims in Dockets Nos. 329-A and 329-B at $15,000,000.00 accepted the offer by letter dated August 12, 1965, upon certain conditions, including the conditions that the settlement be approved by the Cheyenne and Arapaho Tribes of Oklahoma.
in writing and executed by the appropriate tribal officials
and also that the Secretary of the Interior, or his authorized
representative, indicate in writing his approval of the
settlement.

The proposed settlement provides among other things for issuance
of a net judgment of $15,000,000.00 which will be a final dis-
position of all rights, claims, or demands which the petitioner
has asserted or could have asserted with respect to the subject
matter of the claims in Dockets Nos. 392-A and 329-B; dispose
of all rights, claims, demands, payments on the claims, counter-
claims or offsets which the United States has asserted or could
have asserted under the Indian Claims Commission Act covering
the period beginning with the first relationship of the Cheyenne-
Arapaho Tribes of Oklahoma with the United States to and in-
cluding June 30, 1956; and that all parties waive any and all
rights to appeal from or otherwise seek review of such final
determination.

A meeting of the members of the Cheyenne-Arapaho Tribes was
called and held at the City Hall Watonga, Oklahoma, on September 18,
1965, at which they considered the proposed settlement. Repre-
sentatives of the Bureau attending the meeting were the Area
Director of our Anadarko Area Office, the Area Field Representative
of our Concho Agency, and the Area Tribal Operations Officer.

Our Area Tribal Operations Officer submitted a report, in which
the Area Director of our Anadarko Area Office concurred, on the
calling and conduct of the meeting. Mr. Fred H. Bushyhead, Tribal
Secretary, submitted an affidavit that notices calling the meeting
and stating the purpose of the meeting were mailed to the 1,542
eligible voters of the Tribes on August 12, 1965. Copies of the
notice were published in the El Reno Daily Tribune, the Daily
Oklahoman of Oklahoma City, the Watonga Republican, the Riverton
Ranger of Riverton, Wyoming, and the Dewey County News of Taloga,
Oklahoma.

Mr. William Howard Payne, claims contract attorney for the Tribes,
issued a press release for the Press, Radio, and Television that
the meeting was scheduled for September 18, 1965, and giving the
purpose for which it was to be held.

Claims attorneys for the Tribes, Messrs. William Howard Payne
and John M. Schiltz, prepared a multi-paged report on the pro-
posed settlement which were distributed to the Indians attending
the meeting. Both attorneys were present and Mr. Payne read the
report to those present. He explained the proposed compromise
after which a question and answer period continued for about two
hours. The attorneys answered the questions asked and an Arapaho
Chief and a Cheyenne Chief discussed the proposed settlement
in their native languages.
A recess was called to permit the Indians to discuss the proposed compromise among themselves after which another question and answer period was held prior to the voting by the Indians regarding acceptance or rejection of the proposed settlement. The voting was done by the members standing and being counted which resulted in adoption of a resolution accepting the proposed settlement by a vote of 338 for and two against.

The resolution authorized the Chairman of the Tribal Council of the Cheyenne-Arapaho Tribes of Oklahoma to execute the proposed stipulation on behalf of the Tribes. The resolution adopted is hereby approved.

Our Area Tribal Operations Officer also reported that, in his opinion, the provisions of the proposed settlement were fully explained to the members present at the meeting and that the members who voted understood what they were voting on. He also reported that many members were outside the building but did not come inside to participate in the voting. The Secretary of the Tribal Council later advised that nearly 1,500 persons were served lunch immediately after the meeting.

We believe that the meeting of September 18, 1965, was adequately noticed, that the members of the Cheyenne-Arapaho Tribes were afforded the opportunity to participate, that persons eligible who desired to vote did so, that those voting were representative of the Tribes, and that the results of the voting reasonably expressed the views of the membership of the Tribes.

In the light of the information which you have supplied us, that submitted by our field offices, and that which has been obtained from other sources, we believe that the proposed settlement of claims of the Cheyenne-Arapaho Tribes of Oklahoma in Indian Claims Commission Dockets Nos. 329-A and 329-B is fair and just to the Indians. The proposed settlement is hereby approved pursuant to the authority granted by Section 11, Secretarial Order 2508 (27 F. R. 11560).

Sincerely yours,

/s/ James E. Officer

Associate Commissioner
65. Willie Hail, an Arapaho, testified at the hearing before the Commission on the compromise settlement that he is the Chairman of the Cheyenne-Arapaho Business Committee; that the Business Committee is made up of seven Arapahoes and seven Cheyennes and that it conducts the business affairs of the tribes; that he attended the trial before the Commission in May, 1965 and that he is well acquainted with the claims case. Mr. Hail testified: that he presided at general meetings of the tribes in February and April of 1965 when general discussion of the claims cases was the only order of business.

Mr. Hail testified that he presided at the general meeting on September 18, 1965. The meeting began promptly at 1:00 p.m. and lasted until 5:00 p.m. Mr. Payne and Mr. Schiltz distributed a written analysis of the compromise to the Indians present and Mr. Payne gave an analysis of the issues involved. The proposed resolution favoring the compromise and the stipulation for entry of final judgment were read and explained by Mr. Schiltz twice. The meeting was recessed for private discussion and reconvened for questions by the Indians and answers and explanations by the attorneys. The question and answer period lasted two hours. According to Mr. Hail all of the Indians present understood English but nevertheless they were told in the Cheyenne language and the Arapaho language that interpreters were available. No one asked for interpretation into the native tongue. A vote was taken on the motion to adopt the resolution for compromise by standing vote. Members of the Business Committee assisted the
Sergeant at Arms in tallying the vote and the tally was overseen and audited by the Anadarko Area Tribal Operations Officer. The vote was 338 for the compromise and two against.

In the opinion of Mr. Hail the Indian people who attended the meeting at Watonga, Oklahoma, on September 18, 1965, understood the settlement and their vote of 338 to 2 in favor of the compromise settlement represents the sentiment of all the Cheyenne and Arapaho people. Mr. Hail testified that there was no attempt by Bureau of Indian Affairs personnel, tribal leaders, or attorneys to influence the tribes' decisions in the matter of the compromise.

66. Fred Bushyhead, a Cheyenne, testified that he is the Secretary of the Cheyenne-Arapaho Business Committee, and that in that capacity on August 12, 1965, he caused the notice (Petitioner's Compromise Exhibit 2) of special meeting to accept or reject the compromise settlement to be mailed to 1542 enrolled, eligible voters of the Cheyenne-Arapaho Tribes of Oklahoma; that in addition he caused the notice to be published in the El Reno (Oklahoma) Daily Tribune, the Daily Oklahoman of Oklahoma City, the Watonga Republican of Watonga, Oklahoma, the Riverton Ranger of Riverton, Wyoming, and the Dewey County News of Taloga, Oklahoma, all newspapers likely to come to the attention of members of the tribes. Mr. Bushyhead testified further that he attended the trial of the claims case in Washington in May, 1965, and that he is familiar with the case; that from his knowledge of the people he is satisfied that they understood the compromise settlement and that their vote accurately reflects the sentiment of
all the Cheyenne and Arapaho people. Finally, Mr. Bushyhead testified that although 340 tribal members voted on the question of compromise there were many more present who did not vote. It was his opinion that their failure to vote constituted agreement with the compromise.

67. Mr. Fred Hoffman, a Cheyenne, testified that he is Sergeant at Arms for the Cheyenne-Arapaho Tribes of Oklahoma, and that he acted as such at the September 18, 1965, meeting of the tribes at Watonga, Oklahoma. In his opinion the meeting was well attended. As Sergeant at Arms it was his job to count the vote on the motion to adopt the resolution favoring compromise; he testified that he was assisted by the other members of the Business Committee and that the vote of 338 for and 2 against is an accurate count. Mr. Hoffman testified that in his opinion the Indians at the meeting understood the proposed compromise and that their vote accurately reflects the sentiment of all the Cheyenne and Arapaho people.

68. Herman Haury, John Sleeper, Ralph Little Raven, Eugene Woolworth, Clarence Tallbull, Wendell Whiteman, Albert Hamilton, William Albert Hamilton, Guy Hicks, Harry White Horse, and Woodrow Wilson, the remaining members of the Cheyenne-Arapaho Business Committee, all testified to the effect that they were councilmen for the tribes, elected from various districts in Oklahoma; that they attended the meeting at Watonga, Oklahoma, on September 18, 1965; that they were well acquainted with the people in their various districts; that the people understood the compromise and were overwhelmingly in favor
of the compromise; that so far as they knew there was no pressure to accept the compromise by Bureau of Indian Affairs personnel, tribal leaders, or attorneys.

69. Chief Jesse Rowledge testified that he is past eighty years of age and that he has been active in tribal affairs since 1910; that he has been a member of the governing body of the tribes, and Chairman thereof, at various times and that he has made 47 trips to Washington, D.C. over the years on tribal business. He testified to anthropological studies and work at the University of Oklahoma, University of Chicago and the Smithsonian Institution. He attended the meeting at Watonga, Oklahoma, on September 18, 1965, actively participated in the proceedings and testified that in his opinion the compromise was explained fully, that the Cheyenne-Arapaho people understood it and overwhelmingly approved it.

70. Mr. Paul Vance, Area Field Representative, Bureau of Indian Affairs, with offices at the Cheyenne-Arapaho Agency, testified that he attended the meeting at Watonga, Oklahoma, on September 18, 1965, in company with Leslie P. Towle and Norman Holmes, Area Director and Tribal Operations Officer, respectively, Bureau of Indian Affairs, and that in his judgment there was full and free discussion of the compromise; that the Cheyenne-Arapaho people understood the consequences of it, favored it and voted for it.

71. All of the fifteen Indian witnesses testified concerning their education and experience in tribal affairs and the Commission is satisfied
that they are competent to testify concerning the attitude of the people as to the compromise. They all testified that the compromise was favorably regarded by the people, including those not present at the September 18, 1965, meeting.

72. The proposed compromise was approved by resolution adopted by all fourteen members of the Business Committee on October 11, 1965, signed by all of them and certified by Paul Vance, Area Representative, Cheyenne-Arapaho Indian Agency, and reads as follows: (Compromise Exhibit 7)

CHEYENNE-ARAPAHO TRIBES OF OKLAHOMA

Concho, Oklahoma

RESOLUTION NO.

RESOLVED: That the Resolution, here in Compromise Exhibit No. 4, duly adopted by a vote of 338 for and 2 opposed at a general meeting of the Cheyenne-Arapaho Tribes of Oklahoma, held at Watonga, Oklahoma, on September 18, 1965, be and the same hereby is adopted, ratified and confirmed. Done at Washington, D. C. this 11th day of October, A. D. 1965.

CHEYENNE-ARAPAHO BUSINESS COMMITTEE
FOR CHEYENNE-ARAPAHO TRIBES OF OKLAHOMA

by/s/ Willie Hail (SEAL)
Willie Hail, Chairman and Member

by/s/ Woodrow Wilson (SEAL)
Woodrow Wilson, Vice Chairman and Member

by/s/ Fred Bushyhead (SEAL)
Fred Bushyhead, Secretary and Member

by/s/ Clarence Tallbull (SEAL)
Clarence Tallbull, Treasurer and Member
CERTIFICATE AS TO SIGNATURES

I hereby certify that I have witnessed the affixing of the foregoing and within signatures and that same are the genuine signatures of the foregoing persons for the purposes therein represented.

by/s/ Paul Vance (SEAL)
Paul Vance, Area Representative
Cheyenne-Arapaho Indian Agency

73. Counsel for the United States and the Indian petitioners are experienced in Indian claims litigation. William Howard Payne and John M. Schiltz, attorneys for petitioners, and John D. Sullivan, attorney
for defendant, advised the Commission at the hearing on approval of the compromise settlement that they were confident the settlement was fair and that no further concessions would be made by either side.

74. Based upon the record in the case, the testimony of the witnesses, approval of the proposed compromise by the Associate Commissioner of Indian Affairs, and representations by counsel that the settlement is fair to the tribes and the government, the Commission finds that the settlement is fair to both parties, and that approval of the settlement will eliminate the necessity for considerable additional litigation and expenses for all parties and the Commission incident thereto; and that the motion of the parties for entry of Final Judgment should be granted. Said motion is as follows:

JOINT MOTION FOR ENTRY OF FINAL JUDGMENT

 Come now the parties in the above entitled cases, by their attorneys of record, and move the Commission for entry of final judgment, pursuant to stipulation filed contemporaneously herewith, said final judgment to be in favor of the petitioning Cheyenne-Arapaho Tribes of Indians of Oklahoma, an identifiable group of American Indians, in the amount of Fifteen Million Dollars ($15,000,000.00).

The parties hereto respectfully move the Commission to enter an order of final judgment herein based upon said stipulation.

/s/ William Howard Payne       /s/ Edwin L. Weisl, Jr.
William Howard Payne           Edwin L. Weisl, Jr.
Attorney of record for          Assistant Attorney General
petitioner                      of the United States

/s/ John D. Sullivan
John D. Sullivan
Attorney for defendant
A final judgment will be entered in accordance with said motion.

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner

T. Harold Scott
Associate Commissioner