BEFORE THE INDIAN CLAIMS COMMISSION

THE SISSETON AND WAHPETON BANDS
OR TRIBES, ET AL.,

Docket No. 142

THE LOWER SIOUX INDIAN COMMUNITY, ET AL.,

Petitioners,

Docket Nos. 359, 360, 361, 362 and 363

v.

THE UNITED STATES OF AMERICA,

Defendant.

Decided: July 25, 1967

FINDINGS OF FACT ON COMPROMISE SETTLEMENT

Preliminary Statement

This matter came before the Commission on June 28, 1967, for the approval of a joint motion for a final settlement in compromise of the claims in Docket Nos. 142, 359 through 363, excluding the general accounting claim denominated "Second Claim" in the first amended petition in Docket No. 363.

The Commission heretofore has made a determination of the respective areas of land owned by the Sisseton and Wahpeton and Medawakanton and Wahpakoota Tribes at the times of the respective treaties involved in this case and has made a determination of certain legal questions concerning a definition of area ceded and payments on the claims in Docket Nos. 142 and 362 (10 Ind. Cl. Comm. 137, 163 C. Cls. 329; order amending the Commission's interlocutory order of January 12, 1962 entered June 11, 1964; order entered April 22, 1966 concerning a determination of questions of law with respect to the Treaties of 1851 in Docket Nos. 142 and 362;
order entered April 22, 1966, amending the Commission's order of January 12, 1962). Pursuant to the Commission's direction that the cases proceed with a determination of the acreages, the values thereof and the considerations paid by the defendant, the issues of acreage and value were presented to the Commission. The Commission has not entered any order or judgment concerning those issues.

Thereafter prolonged negotiations followed for the settlement of all claims contained in Docket Nos. 142, 359 through 363, except the general accounting claim denominated "Second Claim" in the first amended petition of Docket No. 363. Counsel for the parties ultimately agreed to a proposed settlement providing for the entry of final judgments against the United States totaling the sum of $12,250,000 allocated as hereinafter set forth in these findings.

A hearing was held in Washington, D. C., on June 28, 1967, on the proposed settlement. Evidence, both documentary and oral, was received and the Commission being duly advised in the premises makes the following findings of fact supplemental to the previous findings of fact Nos. 1 through 58, as amended, made in these dockets:

59. The petitioners in Docket Nos. 142, 359 through 363 by letter dated February 21, 1967 from their attorney of record, Marvin J. Sonosky, to Assistant Attorney General Edwin L. Weisl, Jr., offered to settle all claims in the six dockets, except the accounting claim in Docket No. 363, for $12,250,000, subject to certain conditions.

60. By letter dated May 12, 1967, from Assistant Attorney General Edwin L. Weisl, Jr., to Marvin J. Sonosky, Esq., the defendant accepted the offer subject to certain conditions.
61. The compromise settlement and all the terms and conditions thereof are incorporated in a stipulation executed as of May 17, 1967 by all contract attorneys for the petitioners, except the Upper Sioux Indian Community in Minnesota, and has been approved by the Sisseton and Wahpeton Sioux Indians of the Fort Peck Indian Reservation, Montana, joined as parties petitioner in Docket Nos. 142 and 359 pursuant to the settlement. The stipulation and the approvals of the stipulation are a part of the record and read as follows:

"STIPULATION FOR SETTLEMENT AND STIPULATION FOR ENTRY OF FINAL JUDGMENT
DOCKET NOS. 142, 359 THROUGH 363"

"It is hereby stipulated by and between counsel for the parties in the above captioned dockets as follows:

"1. There shall be entered in Docket No. 142, after all allowable deductions, credits and offsets, a final judgment in the net amount of $5,097,575.00 in favor of the Sisseton and Wahpeton Tribes of Sioux Indians.

"2. There shall be entered in Docket No. 359, after all allowable deductions, credits and offsets, a final judgment in the net amount of $11,552,929.00, to be allocated $776,464.50 in favor of the Sisseton and Wahpeton Tribes of Sioux Indians and $776,464.50 in favor of the Medawakanton and Wahpakoota Tribes of Sioux Indians.

"3. There shall be entered in Docket No. 360, after all allowable deductions, credits and offsets, a final judgment in the net amount of $1,129,359.00 in favor of the Medawakanton Tribe of Sioux Indians.

"4. There shall be entered in Docket No. 361, after all allowable deductions, credits and offsets, a final judgment in the net amount of $64,680.00 in favor of the Medawakanton Tribe of Sioux Indians.

"5. There shall be entered in Docket No. 362, after all allowable deductions, credits and offsets, a final judgment in the net amount of $4,338,517.00 in favor of the Medawakanton and Wahpakoota Tribes of Sioux Indians."
"6. There shall be entered in Docket No. 363, after all allowable deductions, credits and offsets, a final judgment in the net amount of $66,940.00 in favor of the Medawakanton and Wahpakoota Tribes of Sioux Indians.

"7. The Sisseton and Wahpeton Tribes of Sioux Indians named in Paragraphs Nos. 1 and 2 hereof, the Medawakanton and Wahpakoota Tribes of Sioux Indians named in Paragraphs Nos. 2, 5 and 6 hereof, and the Medawakanton Tribe of Sioux Indians named in Paragraphs Nos. 3 and 4 hereof, are the land-owning tribal entities which ceded to the United States the lands which are the subject of the docket referred to in the above mentioned Paragraphs Nos. 1 through 6 of this stipulation.

"8. The Sisseton and Wahpeton Sioux Indians of the Fort Peck Indian Reservation are joined as parties petitioner in Docket Nos. 142 and 359, with the understanding that nothing in this stipulation shall be construed as agreement by the Sisseton and Wahpeton Sioux Tribe of North Dakota or the Sisseton and Wahpeton Sioux Tribe of South Dakota as to whether the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation are or are not, entitled to share in any award in Docket Nos. 142 and 359, but that question shall be left for final determination by the Secretary of the Interior and Congress.

"9. Entry of the final judgments as aforesaid in Docket Nos. 142, 359, 360, 361, 362 and 363 shall finally dispose of all rights, claims or demands, which the plaintiffs in those docket including the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation, Montana, have asserted, or could have asserted, with respect to the subject matter of the cases and the plaintiffs in each of those docket including the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation, Montana, shall be barred thereby from asserting any such rights, claims, or demands against the defendant in any other, or future, action or actions, except as to the general accounting claim in Docket No. 363, as identified in Paragraph No. 13 of this stipulation.

"10. Entry of final judgments as aforesaid in Docket Nos. 142, 359, 360, 361, 362, and 363 shall finally dispose of all rights, claims, demands, payment on the claim, counterclaims, or offsets, which the defendant has asserted, or could have asserted, against the plaintiffs under the provisions of Section 2 of the Indian Claims Commission Act (25 U.S.C. 70a), and the defendant shall be barred by the entry of the final judgments from asserting any such rights, claims, demands, payments on the claim, counterclaims, or offsets, against the plaintiffs for the period from April 16, 1808 through June 30, 1951 in any other, or future, action.
"It is agreed that the defendant shall not be barred by this stipulation, or by the entry of judgments pursuant hereto, from claiming in any other, or future, action offsets arising prior to April 16, 1808, or accruing subsequent to June 30, 1951.

"It is further agreed that the defendant shall not be barred by this stipulation, or the entry of judgments pursuant hereto, from claiming in any other, or future, action offsets arising from expenditures for the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation, Montana.

"11. The appeal filed October 6, 1966 by the United States from the decision of the Commission entered April 22, 1966 in Docket Nos. 142 and 362 reported in 16 Ind. Cl. Comm. 678, and pending in the Court of Claims as Appeal No. 8-66, shall be dismissed with prejudice and the judgments in Docket Nos. 142 and 362 entered pursuant to this stipulation shall become final and conclusive upon the dismissal of Appeal No. 8-66 with prejudice.

"12. The final judgments of the Indian Claims Commission in Docket Nos. 142, 359, 360, 361, 362 and 363, pursuant to this stipulation, shall constitute final determinations of the claims of the plaintiffs in each of said dockets, including the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation, Montana, except as to the general accounting claim in Docket No. 363 identified in Paragraph No. 13 of this stipulation. Subject to the provisions of Paragraph No. 11 of this stipulation, such judgments shall become final on the day the judgments are entered, the parties to the stipulation waiving any right to appeal from, or otherwise seek review of, such determinations.

"13. There shall be entered in Docket No. 363 a final consent order dismissing, with prejudice, the claim of the Sisseton and Wahpeton Tribes of Sioux Indians relating to Royce Cession 440. It is stipulated and expressly understood and agreed that, upon the entry of such final consent order, the only remaining claim in Docket No. 363 will be the claim denominated "Second Claim" in the first amended petition in Docket No. 363 for an accounting and report by the defendant as to the claimants' property and funds.

"14. This stipulation of settlement shall not affect the right which the United States may have to collect from the proceeds of sales of timber, as authorized by statute, expenses of managing, protecting and selling timber.

"15. The final judgment in each of the aforesaid dockets, the final consent order of dismissal in Docket No. 363 and the dismissal of Appeal No. 8-66 entered pursuant to this stipulation of settlement, shall be by way of compromise and settlement
and shall not be construed as an admission for the purpose of precedent or argument in these or any other cases.

"This stipulation executed in counterpart as of May 17, 1967.

/s/ Marvin J. Sonosky
Marvin J. Sonosky
1225 19th Street, N. W.
Washington, D. C. 20036

/s/ Edwin L. Weisl, Jr.
Edwin L. Weisl, Jr.
Assistant Attorney General
Department of Justice
Washington, D. C.

/s/ Emerson Hopp
Emerson Hopp
1712 First National Bank Bldg.
Minneapolis, Minnesota

/s/ John D. Sullivan
John D. Sullivan
Department of Justice
Washington, D. C.

Attorneys for defendant

/s/ Louis L. Rochmes
Louis Rochmes
1300 Connecticut Ave., N.W.
Washington, D. C.

Attorneys for petitioners in
Docket Nos. 142, 359 through 363

Traynor and Traynor
By /s/ Mack V. Traynor
Mack V. Traynor
Mann Building
Devils Lake, North Dakota

One of the attorneys for petitioners
in Docket No. 142

APPROVAL OF STIPULATION FOR SETTLEMENT
AND STIPULATION FOR ENTRY OF FINAL JUDGMENT

The foregoing Stipulation for Settlement and Stipulation for Entry of Final Judgment in Docket Nos. 142, 359-363 is hereby approved by the undersigned, pursuant to Resolution of the Tribal Council, the governing body of the Sisseton and Wahpeton Sioux Tribe of North Dakota, duly adopted on the 2d day of June, 1967 a copy of which is hereto annexed.

Dated: June 2, 1967

/s/ Lewis Goodhouse
Chairman, Lewis Goodhouse

ATTEST:
/s/ Mary Hill
Secretary, Mary Hill
The foregoing Stipulation for Settlement and Stipulation for Entry of Final Judgment in Docket Nos. 142, 359-363 is hereby approved by the undersigned, pursuant to Resolution of the Tribal Council, the governing body of the Sisseton and Wahpeton Sioux Tribe of South Dakota, duly adopted on the 3rd day of June, 1967 a copy of which is hereto annexed.

Dated: June 3, 1967

/s/ Willard La Fromboise
Chairman, Willard LaFromboise

ATTEST:

/s/ Christopher R. Johnson
Secretary, Christopher R. Johnson

The foregoing Stipulation for Settlement and Stipulation for Entry of Final Judgment in Docket Nos. 142, 359-363 is hereby approved by the undersigned, pursuant to Resolution of the Executive Committee, the governing body of the Flandreau Santee Sioux Tribe, duly adopted on the 4th day of June, 1967 a copy of which is hereto annexed.

Dated: June 4, 1967

/s/ Richard K. Wakeman
President, Richard K. Wakeman

ATTEST:

/s/ Carolyn J. Sorenson
Secretary, Mrs. Carolyn Sorenson

The foregoing Stipulation for Settlement and Stipulation for Entry of Final Judgment in Docket Nos. 142, 359-363 is hereby approved by the undersigned, pursuant to Resolution of the Tribal Council, the governing body of the Santee Sioux Tribe of Nebraska, duly adopted on the 5th day of June, 1967 a copy of which is hereto annexed.

Dated: June 5, 1967

/s/ David Frazier
Chairman, David Frazier

ATTEST:

/s/ Lloyd James
Secretary, Lloyd James
The foregoing Stipulation for Settlement and Stipulation for Entry of Final Judgment in Docket Nos. 142, 359-363 is hereby approved by the undersigned, pursuant to Resolution of the Tribal Council, the governing body of the Prairie Island Indian Community, duly adopted on the 11th day of June, 1967 a copy of which is hereto annexed.

Dated: June 11, 1967

/s/ Charlotte Wells
Chairman, Charlotte Wells

ATTEST:

/s/ Yvonne Baker
Secretary, Yvonne Baker

The foregoing Stipulation for Settlement and Stipulation for Entry of Final Judgment in Docket Nos. 142, 359-363 is hereby approved by the undersigned, pursuant to Resolution of the Tribal Council, the governing body of the Lower Sioux Indian Community, duly adopted on the 11th day of June, 1967 a copy of which is hereto annexed.

Dated: June 11, 1967

/s/ Albert Prescott
Chairman, Albert Prescott

ATTEST:

/s/ Pearl Blue
Secretary, Pearl Blue

The foregoing Stipulation for Settlement and Stipulation for Entry of Final Judgment in Docket Nos. 142, 359-363 is hereby approved by the undersigned, pursuant to Resolution duly adopted by the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation, Montana at a general meeting held on June 9, 1967, a copy of which is hereto annexed.

Dated: June 9, 1967

/s/ Edwin Reddoor
Chairman, Edwin Reddoor

ATTEST:

/s/ Norman Hollow
Secretary, Norman Hollow
62. There are seven tribes or bands named as petitioners in these dockets and five individual representative petitioners. The Sisseton and Wahpeton Sioux of the Fort Peck Indian Reservation, Montana, are joined as a party petitioner under the terms of the stipulation.

The petitioners are listed as follows:

1. Sisseton and Wahpeton Sioux Tribe of North Dakota (Fort Totten);
2. Sisseton and Wahpeton Sioux Tribe of South Dakota (Sisseton);
3. Santee Sioux Tribe of Nebraska (Niobrara);
4. Flandreau Santee Sioux Tribe of South Dakota (Flandreau);
5. Lower Sioux Indian Community in Minnesota (Morton);
6. Prairie Island Indian Community in Minnesota;
7. Upper Sioux Indian Community in Minnesota (Granite Falls); and
8. Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation, Montana.

The individual representatives for the Lower Sioux Indian Communities, petitioners in Docket Nos. 359 through 363, who signed the original petitions were: Sam Wells, Samuel Bluestone, Reuben Kitto, Agnes Campbell Lawrence and Minnie Otherday Weldon, on behalf of the Sioux of the Mississippi and the Medawakanton Band of Sioux, and Henry St. Claire and Lena Whipple Campbell, on behalf of the Sioux of the Mississippi and the Wahpakoota Band of Sioux Indians.

Since the original petitions were signed some of the original signers have died and others have been appointed to take their places. Individual representatives for the Lower Sioux Indian Communities in the above docket numbers now are Rose Whipple, Lucas Blower, Thomas D. Bluestone, Agnes Campbell Lawrence, and Lena Whipple Campbell.
Sisseton and Wahpeton Sioux Tribe of North Dakota

63. On May 17, 1967, Lewis J. Goodhouse, Chairman of the Tribal Council of the Sisseton and Wahpeton Sioux Tribes of North Dakota, issued a notice of meeting to all members of that Tribe to be held on June 2, 1967 at 1:00 p.m. at the Fort Totten Community School, Fort Totten, North Dakota, for the purpose of considering and voting upon acceptance or rejection of the proposed settlement.

64. The notice was published on May 18, 1967 in the Devils Lake Daily Journal and was posted on May 17, 1967 in 13 different places on the reservation and its vicinity. In addition, five hundred copies of the notice were transmitted to parents through the schools attended by the Indian children. News accounts concerning the proposed settlement and the meeting were announced over the radio and TV stations in Devils Lake, North Dakota, serving the reservation, and were printed in the Benson County Farmers Press, Minnewaukan, North Dakota, June 1, 1967, in the Devils Lake Journal, Devils Lake, North Dakota, May 13, 1967, May 18, 1967, June 1, 1967 and in other newspapers.

65. On June 2, 1967, the scheduled general meeting of the Sisseton and Wahpeton Sioux Tribe was held at the Fort Totten Community school, Fort Totten, North Dakota, on the reservation. Each adult who was a

* Mr. Louis J. Goodhouse testified to most of the facts stated in Findings 63, 64, 65, 66, 67 and 68 (Tr. pp. 9 through 29), and Peter J. Belgrade, Sr., member of the Sisseton and Wahpeton Sioux Tribe of Fort Totten, North Dakota, testified in support of Chairman Goodhouse's testimony (Tr. pp. 29 through 40)
member of the Tribe was registered as he entered the meeting place and received a written ballot. The meeting was attended by at least 160 registered members of the Tribe, which is a substantial attendance for that Tribe. At the meeting a copy of a detailed report of the Claims Attorneys was furnished to each registered member of the Tribe. The report, containing 18 pages, set forth an explanation of the proposed settlement and the reasons of the Claims Attorneys for recommending acceptance of the settlement. The report has been examined by the Commission but because of its confidential nature, is not included in the record. The attorney of record read the report aloud at the meeting and each registered voter followed the reading in his own copy of the report. Marvin J. Sonosky, the attorney of record, Emerson Hopp and Mack V. Traynor, contract attorneys, were present. The attorney of record read aloud the offer of settlement contained in the letter of February 21, 1967 to Assistant Attorney General Edwin L. Weisl, Jr., and the letter of acceptance dated May 12, 1967 from Assistant Attorney General Edwin L. Weisl, Jr., to Marvin J. Sonosky, Esq. All proceedings, including the report and statements of the attorney of record, were interpreted into the Sioux language. The meeting was then opened for questions concerning the settlement. The questions were answered by the attorney of record. The questions and answers were interpreted into the Sioux language. When there were no more questions, the attorneys for the petitioners left the meeting room. Thereafter, and in the absence of the attorneys, there was further discussion, following which
a vote was taken by secret ballot. The result of the vote was 140 for approval of the settlement and 1 against approval. The meeting lasted about 3½ hours.

66. Following the general meeting of the Tribe, the Sisseton and Wahpeton Sioux Tribal Council, the governing body of the Tribe, met on June 2, 1967. A quorum was present. The attorney of record read aloud the stipulation of settlement. The Tribal Council adopted a resolution to accept the proposed settlement by a vote of four in favor, none opposed. The resolution adopted June 2, 1967 reads as follows:

BE IT RESOLVED:

That the terms of the offer of settlement in Docket Nos. 142, 359-363 before the Indian Claims Commission, as set forth in a letter dated February 21, 1967, from Marvin J. Sonosky to Assistant Attorney General Edwin L. Weisl, Jr., and as accepted by the letter dated May 12, 1967 from Assistant Attorney General Edwin L. Weisl, Jr., are hereby approved, confirmed and ratified;

That approval and consent is hereby given to a stipulation of settlement and stipulation for entry of final judgment embodying the terms of the offer as accepted; and

That either Marvin J. Sonosky, Esquire, Claims Attorney, or the Chairman, or Acting Chairman of the Tribal Council, is hereby authorized to sign and execute an approval of the stipulation on behalf of the Tribe and to sign and execute any other writing which may be appropriate or required to carry such stipulation into effect.

67. The Bureau of Indian Affairs was represented both at the general tribal meeting and the Tribal Council meeting by Allen C. Quetone, Tribal Relations Officer, Aberdeen Area Office, Louis Holman, Administrative Officer, Fort Totten Indian Agency and David C. Fisher, Reservation Principal.
68. By Resolution No. 66-21, adopted April 26, 1966, the Sisseton and Wahpeton Sioux Tribe of Fort Totten, North Dakota, consented to the joinder of the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation as parties petitioner to Docket Nos. 142, 359-363, as their interests may appear, and consented to the representation of the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation by Marvin J. Sonosky, attorney. Resolution No. 66-21 reads as follows:

BE IT RESOLVED, That the Sisseton and Wahpeton Sioux Tribe of Fort Totten, North Dakota does hereby consent to the intervention of the Sisseton and Wahpeton Sioux of the Fort Peck Reservation in Docket Nos. 142, 359-363, before the Indian Claims Commission, as their interests may appear, if such intervention is deemed appropriate, and do hereby consent to the representation of the Sisseton and Wahpeton Sioux of the Fort Peck Reservation by Marvin J. Sonosky, attorney, 1225 - 19th Street, N. W., Washington, D. C.

BE IT FURTHER RESOLVED, That nothing in this resolution shall be construed:

1. As agreement by the Sisseton and Wahpeton Sioux Tribe of Fort Totten, North Dakota on the question of whether the Sisseton and Wahpeton Sioux of Fort Peck are, or are not, entitled to share in any award in Docket Nos. 142, 359-363, but that question shall be left for final determination by the Secretary of the Interior and Congress;

2. As agreement or promise that any persons, not otherwise so entitled, may or will be included on the base rolls or enrollment rolls of the Sisseton and Wahpeton Sioux Tribe of Fort Totten, North Dakota, or as in any way opening or enlarging the base or enrollment rolls of the Sisseton and Wahpeton Sioux Tribe of Sisseton, South Dakota;

BE IT FURTHER RESOLVED, That in particular, the consents as expressed in this resolution do relate only to the Sisseton and Wahpeton Sioux of the Fort Peck Reservation and to no other Indians of that Reservation.
Sisseton and Wahpeton Sioux Tribe of South Dakota

69. On or about May 17, 1967, Willard La Fromboise, Chairman of the Tribal Council of the Sisseton and Wahpeton Sioux Tribes of South Dakota, issued a notice of meeting to all members of that Tribe to be held on June 3, 1967 at 1:00 p.m. at the Old Agency, Sisseton, South Dakota, for the purpose of considering and voting upon acceptance or rejection of the proposed settlement.

70. The notice was published on May 17, 1967 in the Watertown Public Opinion, Watertown, South Dakota, and on May 18, 1967 in The Sisseton Courier, Sisseton, South Dakota, and was posted on May 18, 1967 in 16 different places on the reservation and its vicinity, including the Sisseton Indian Agency, the OEO-Community Action Programs office and 14 different post offices. News accounts concerning the proposed settlement and the meeting were announced over four television stations and one radio station covering most of South Dakota and part of Minnesota, including the reservation, and were given publicity in the Sioux City Journal, May 9, 1967, the Aberdeen American News, May 17, 1967, the Rapid City Journal, May 18, 1967 and other newspapers.

71. On June 3, 1967, the scheduled general meeting of the Sisseton and Wahpeton Sioux Tribe of South Dakota was held at the Old Agency,

* Willard LaFromboise, Chairman, and Christopher R. Johnson, Secretary of the Tribal Council of said Indian Tribes of South Dakota were witnesses at the Commission hearing on said compromise settlement and testified to most of the facts found in Findings Nos. 69, 70, 71, 72, 73 and 74. See Transcript of Hearing on Compromise Settlement pages 41 through 80.
Sisseton, South Dakota, on the reservation. Each adult who was a member of the Tribe was registered as he entered and received a written ballot. The meeting was attended by at least 249 registered members of the Tribe, which is a substantial attendance for that Tribe. At the meeting a copy of a detailed report of the Claims Attorneys was furnished to each registered member of the Tribe. The report, containing 18 pages, set forth an explanation of the proposed settlement and the reasons of the Claims Attorneys for recommending acceptance of the settlement.

The report has been examined by the Commission but because of its confidential nature, is not included in the record. The attorney of record read the report aloud at the meeting and each registered voter followed the reading in his own copy of the report. Marvin J. Sonosky, the attorney of record, and Emerson Hopp, one of the contract attorneys, were present. The attorney of record read aloud the offer of settlement contained in the letter of February 21, 1967 to Assistant Attorney General Edwin L. Weisl, Jr., and the letter of acceptance dated May 12, 1967 from Assistant Attorney General Edwin L. Weisl, Jr., to Marvin J. Sonosky, Esq. The meeting was then opened for questions concerning the settlement. The questions were answered by the attorney of record. When there were no more questions, the attorneys for the petitioners left the meeting room. Thereafter, and in the absence of the attorneys, there was further discussion, following which a vote was taken by secret ballot. The result of the vote was 181 for approval of the settlement and 50 against approval. The meeting lasted about 4 hours.
72. Following the general meeting of the tribe, the Sisseton and Wahpeton Sioux Tribal Council, the governing body of the tribe, met on June 3, 1967. A quorum was present. Emerson Hopp, one of the contract attorneys, read aloud the stipulation of settlement. The Tribal Council adopted a resolution accepting the proposed settlement by a vote of 6 in favor, none opposed, the Chairman not voting. The resolution so adopted is substantively identical to the resolution set out in Finding 66, herein.

73. The Bureau of Indian Affairs was represented both at the general tribal meeting and at the Tribal Council meeting by Allen C. Quetone, Tribal Relations Officer, Aberdeen Area Office, O. K. Walking Stock, Tribal Relations Officer, Aberdeen Area Office, and Wray Hughes, Superintendent, Sisseton Indian Agency.

74. By resolution adopted April 16, 1966 the Sisseton and Wahpeton Sioux Tribe of the Lake Traverse Reservation in South Dakota consented to the joinder of the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation as parties petitioner to Docket Nos. 142, 359-363, as their interests may appear, and consented to the representation of the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation by Marvin J. Sonosky, attorney. The resolution so adopted April 16, 1966 reads as follows:

BE IT RESOLVED, That the Sisseton and Wahpeton Sioux Tribe of the Lake Traverse Reservation does hereby consent to the intervention of the Sisseton and Wahpeton Sioux of the Fort Peck Reservation in Docket Nos. 142, 359-363, before the Indian Claims Commission, as their interests may appear, if such intervention is deemed appropriate, and do hereby consent to the representation of the Sisseton and Wahpeton Sioux of the Fort Peck Reservation by Marvin J. Sonosky, Attorney, 1225 - 19th Street, N. W., Washington, D. C.;
BE IT FURTHER RESOLVED, That nothing in this Resolution shall be construed:

1. As agreement by the Sisseton and Wahpeton Sioux Tribe of the Lake Traverse Reservation on the question of whether the Sisseton and Wahpeton Sioux of Fort Peck are, or are not, entitled to share in any award in Docket Nos. 142, 359-363, but that question shall be left for final determination by the Secretary of the Interior and Congress;

2. As agreement or promise that any persons, not otherwise so entitled, may or will be included on the base rolls or enrollment rolls of the Sisseton and Wahpeton Sioux Tribe of the Lake Traverse Reservation, or as in any way opening or enlarging the base or enrollment rolls of the Sisseton and Wahpeton Sioux Tribe of the Lake Traverse Reservation;

BE IT FURTHER RESOLVED, That in particular, the consents as expressed in this Resolution do relate only to the Sisseton and Wahpeton Sioux of the Fort Peck Reservation and to no other Indians of that Reservation, and to no other Indians of any other reservation.

Flandreau Santee Sioux Tribe of South Dakota

75. On May 29, 1967, Richard K. Wakeman, * Chairman of the Tribal Council of the Flandreau Santee Sioux Tribe of South Dakota, issued a notice of meeting to all members of that Tribe to be held on June 4, 1967 at 1:00 p.m., at the Flandreau Indian School, Flandreau, South Dakota, for the purpose of considering and voting upon acceptance or rejection of the proposed settlement.

* Richard K. Wakeman, Chairman of the Tribal Council of the Flandreau Santee Sioux Tribe of South Dakota, and Reuben Robertson, member of the Tribal Council, both testified for the Santee Sioux Tribe of Indians regarding the compromise settlement. Mr. Wakeman's testimony is recorded on pages 80 through 91 of the Transcript and Mr. Robertson's testimony is found on pages 92 through 95 of the Transcript. Both testimonies substantiate the material covered in Findings 75 through 80.
76. The notice was published on May 31, 1967 in the Moody County Enterprise, Moody County, South Dakota, and was posted on May 29, 1967 in at least 12 different places in Flandreau. News accounts concerning the proposed settlement and the meeting were given over TV and radio stations serving Flandreau, South Dakota, and vicinity, and were published in the newspapers serving the area, including the Rapid City Journal, May 10, 1967, Moody County Enterprise, May 31, 1967 and other newspapers.

77. On June 4, 1967, the scheduled general meeting of the Flandreau Santee Sioux Tribe was held at the Flandreau Indian School, Flandreau, South Dakota. Each adult who was a member of the Tribe was registered as he entered and received a written ballot. The meeting was attended by at least 57 registered members of the Tribe, which exceeded a quorum for the entire tribe and was the first time in four years that a quorum of the Tribe had assembled. At the meeting a copy of a detailed report of the Claims Attorneys was furnished to each registered member of the Tribe. The report, containing 18 pages, set forth an explanation of the proposed settlement and the reasons of the Claims Attorneys for recommending acceptance of the settlement. The report has been examined by the Commission but because of its confidential nature is not included in the record. The attorney of record read the report aloud at the meeting and each registered voter followed the reading in his own copy of the report. Marvin J. Sonosky, the attorney of record, and Emerson Hopp, one of the contract attorneys, were present. The attorney of record read aloud the offer of settlement contained in the letter of February 21,
1967 to Assistant Attorney General Edwin L. Weisl, Jr., the letter of acceptance dated May 12, 1967 from Assistant Attorney General Edwin L. Weisl, Jr., to Marvin J. Sonosky, Esq., and the proposed stipulation for settlement. The meeting was then opened for questions concerning the settlement. The questions were answered by the attorney of record. When there were no more questions, the attorneys for the petitioners left the meeting room. Thereafter, and in the absence of the attorneys, there was further discussion, following which a vote was taken by secret ballot on the settlement and on authorizing the Executive Committee, the governing body of the Tribe, to take all appropriate action to carry out the settlement. The result of the vote was 56 for and 1 against approval of the settlement and authorizing the Executive Committee to take all appropriate steps to carry out the settlement. The meeting lasted about 4 hours.

78. Following the general meeting of the Tribe, the Flandreau Santee Executive Committee, the governing body of the Tribe, met on June 4, 1967. A quorum was present. The Executive Committee, pursuant to the direction and authorization of the Tribal meeting, adopted a resolution to accept the proposed settlement and adopted a resolution consenting to the joinder of the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation, Montana, as patr es petitioner. Each of the two resolutions was adopted by vote of four in favor, none opposed, the President of the Executive Committee, not voting.
79. The resolution, adopted June 4, 1967 approving the settlement, is substantively identical to the resolution set out in Finding 66, herein.

80. The resolution adopted June 4, 1967 consenting to the joinder of the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation as parties petitioner, reads as follows:

WHEREAS, Paragraph No. 3 of the letter dated May 12, 1967 from Assistant Attorney General Edwin L. Weisl, Jr., to Marvin J. Sonosky accepting the offer in settlement of Docket Nos. 142, 359 through 363, before the Indian Claims Commission reads as follows:

... 3. That the right of the Sisseton-Wahpeton Indians of the Fort Peck Reservation to be made parties plaintiff be approved by the Secretary of the Interior, or his authorized representative, and by Resolution of the Present petitioners.

WHEREAS, although the interest of the Sisseton and Wahpeton Indians of the Fort Peck Reservation is limited to the interests of the Sisseton and Wahpeton Tribes under the settlement and does not relate or affect the interests of the Medawakanton and Wahpakoota Tribes under the settlement, this resolution is enacted in the interest of complying with the requirement of the Department of Justice quoted above;

NOW THEREFORE BE IT RESOLVED, That the Flandreau Santee Sioux Tribe does hereby consent to the joinder of the Sisseton and Wahpeton Sioux of the Fort Peck Reservation as parties plaintiff in Docket Nos. 142, 359-363, before the Indian Claims Commission, as their interests may appear, and does hereby consent to the representation of the Sisseton and Wahpeton Sioux of the Fort Peck Reservation by Marvin J. Sonosky, Attorney, 1225 - 19th Street, N.W., Washington, D.C.;

BE IT FURTHER RESOLVED, That nothing in this Resolution shall be construed:

1. As agreement on the question of whether the Sisseton and Wahpeton Sioux of Fort Peck are, or are not, entitled to share in any award in Docket Nos. 142, 359-363, but that question shall be left for final determination by the Secretary of the Interior and Congress;
2. As agreement or promise that any persons, not otherwise so entitled, may or will be included on the base rolls, or enrollment rolls of this Tribe, or as in any way opening or enlarging the base or enrollment rolls of this Tribe;

BE IT FURTHER RESOLVED, That in particular, the consent expressed in this resolution relates only to the Sisseton and Wahpeton Sioux of the Fort Peck Reservation and to no other Indians of that Reservation, and to no other Indians of any other reservation.

81. The Bureau of Indian Affairs was represented both at the general tribal meeting and at the Executive Committee meeting by Allen C. Quetone, Tribal Relations Officer, Aberdeen Area Office, and Douglas J. McDowell, Acting Superintendent, Flandreau Indian School.

Santee Sioux Tribe of Nebraska

82. Prior to May 19, 1967, David Frazier,* Chairman of the Tribal Council of the Santee Sioux Tribe of Nebraska, issued a notice of meeting to all members of that Tribe to be held on June 5, 1967 at 1:00 p.m., at the Center High School Auditorium, Center, Nebraska, for the purpose of considering and voting upon acceptance or rejection of the proposed settlement.

83. The notice was published on May 19, 1967, in the Norfolk Daily News, Norfolk, Nebraska, on May 19, 1967 and May 20, 1967 in the Yankton Daily Press and Dakotan, Yankton, South Dakota, on May 21, 1967 in the

* David Frazier, Tribal Chairman of the Santee Sioux Tribe of Nebraska, and Fred Frazier, Chairman of the Claims Committee of the Santee Sioux Tribe of Nebraska, both testified before the Commission and in favor of the compromise settlement. David Frazier's testimony is found on pages 106 through 110 of the Transcript and Fred Frazier's testimony is found on pages 110 through 113 of the Transcript. These two testimonies substantiate the information given in Findings 82 through 87.
Omaha Evening World-Herald, Omaha, Nebraska, on May 21, 1967 in the Sioux City Sunday Journal, Sioux City, Iowa, on May 25, 1967 in The Walthill Citizen, Walthill, Nebraska, and on May 25, 1967 in The Dakota County Star, South Sioux City, Nebraska, and was posted on or about May 19, 1967 in 12 places on the Santee Sioux Reservation, and its vicinity and at locations in Nebraska and Iowa where members of the Tribe were known to gather. News accounts concerning the proposed settlement and the meeting were given over television and radio stations serving the reservation and its vicinity, including WJAG, Norfolk Nebraska, and WMAX, Yankton, South Dakota, and news accounts were published in Nebraska, Iowa and South Dakota newspapers.

84. On June 5, 1967, the scheduled general meeting of the Santee Sioux Tribe was held at the Center High School Auditorium, Center Nebraska. Each adult who was a member of the Tribe was registered as he entered and received a written ballot. The meeting was attended by at least 233 registered members of the Tribe, which was a substantial and possibly a record attendance for that Tribe. At the meeting a copy of a detailed report of the Claims Attorneys was furnished to each registered member of the Tribe. The report, containing 18 pages, set forth an explanation of the proposed settlement and the reasons of the Claims attorneys for recommending acceptance of the settlement. The report has been examined by the Commission but because of its confidential nature, is not included in the record. The attorney of record read the report aloud at the meeting and each registered voter followed the reading in his own copy of
the report. Marvin J. Sonosky, the attorney of record, and Emerson Hopp, one of the contract attorneys, were present. The attorney of record read aloud the offer of settlement contained in the letter of February 21, 1967 to Assistant Attorney General Edwin L. Weisbl, Jr., and the letter of acceptance dated May 12, 1967 from Assistant Attorney General Edwin L. Weisbl, Jr., to Marvin J. Sonosky, Esq. The meeting was then opened for questions concerning the settlement. The questions were answered by the attorney of record. When there were no more questions, the attorneys for the petitioners left the meeting room. Thereafter, and in the absence of the attorneys, there was further discussion, following which a vote was taken by secret ballot. The result of the vote was 219 for approval of the settlement and 4 against approval. The meeting lasted about 3½ hours.

85. Following the general meeting of the Tribe, the Santee Sioux Tribal Council, the governing body of the Tribe, met on June 5, 1967. A quorum was present. Mr. Emerson Hopp, one of the contract attorneys, read aloud the stipulation of settlement. The Tribal Council adopted a resolution to accept the proposed settlement and adopted a resolution consenting to the joinder of the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation, Montana, as parties petitioner. Each of the two resolutions was adopted by a vote of 8 for, none opposed, the Chairman not voting.

86. The resolution adopted June 6, 1967 by the Santee Sioux Tribal Council, approving the settlement, is substantively identical to the resolution set out in Finding 66 herein.
87. The resolution adopted June 5, 1967 by the Santee Sioux Tribal Council consenting to the joinder of the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation, Montana, is substantively identical to the resolution set out in Finding 80 herein.

88. The Bureau of Indian Affairs was represented both at the general tribal meeting and at the Tribal Council meeting by Allen C. Quetone, Tribal Relations Officer, Aberdeen Area Office, and Alfred DuBray, Superintendent, Winnebago Indian Agency.

Lower Sioux Indian Community in Minnesota
Prairie Island Indian Community in Minnesota
Upper Sioux Indian Community in Minnesota

89. The Lower Sioux Indian Community, the Prairie Island Indian Community and the Upper Sioux Indian Community are small communities of Indians in Minnesota.* On or about May 15, and May 17, 1967, the respective chairmen of the governing bodies issued a joint notice to all members of the three communities of a joint meeting to be held on June 11, 1967 at 1:00 p.m., at the Village Hall in Morton, Minnesota, for the purpose of considering and voting upon acceptance or rejection of the proposed settlement.


*Mr. Albert Prescott, Chairman of the Community Council of Morton, Minnesota, Thomas Bluestone, representative of the Medawakanton Tribe, and Charlotte Welch, Acting Chairman of the Prairie Island Community testified before the Commission in favor of the compromise settlement. Their testimonies follow consecutively on pages 113 through 137 in the Transcript and all three testimonies support the facts stated in Findings 89 through 100.
Minnesota, and on May 25, 1967 in the *Granite Falls Tribune*, Granite Falls, Minnesota. News accounts concerning the proposed settlement and the meeting were given over Minneapolis and St. Paul television and radio stations covering a widespread area, as well as Minneapolis newspapers and local papers such as the *Granite Falls Tribune*, Granite Falls, Minnesota, the *Morton Reminder* and others.

91. On June 11, 1967, the scheduled general meeting of the three Communities was held at the Village Hall, Morton, Minnesota. Three registration lists were maintained, one for each Community. Each adult who was a member of a Community was registered with his Community as he entered the Village Hall and received a written ballot. The meeting was attended by at least 105 registered members of the Lower Sioux Community, 22 registered members of the Prairie Island Community, and 7 registered members of the Upper Sioux Community. At the meeting a copy of a detailed report of the Claims Attorneys was furnished to each registered member of each Community. The report, containing 18 pages, set forth an explanation of the proposed settlement and the reasons of the Claims Attorneys for recommending acceptance of the settlement. The report has been examined by the Commission but because of its confidential nature, is not included in the record. The attorney of record read the report aloud at the meeting and each registered voter followed the reading in his own copy of the report. Marvin J. Sonosky, the attorney of record, and Emerson Hopp, one of the contract attorneys, were present. The attorney of record read aloud the offer of settlement contained in
the letter of February 21, 1967 to Assistant Attorney General Edwin L. Weisl, Jr., and the letter of acceptance dated May 12, 1967 from Assistant Attorney General Edwin L. Weisl, Jr., to Marvin J. Sonosky, Esq., Mr. Emerson Hopp read aloud the stipulation for settlement. The meeting was then opened for questions concerning the settlement. The questions were answered by the attorney of record. When there were no more questions, the attorneys for the petitioners left the meeting room. Thereafter, and in the absence of the attorneys, there was further discussion, following which a vote was taken by secret ballot. The votes for each Community were placed in separate ballot boxes. The results of the voting were as follows:

- **Lower Sioux Indian Community** - For settlement - 93; Against - 2
- **Prairie Island Indian Community** - For settlement - 18; Against - 3
- **Upper Sioux Indian Community** - For settlement - 2; Against 5

The meeting lasted about 4 hours.

92. Following the June 11, 1967 general meeting, the Lower Sioux Community Council, the governing body of the Community, met on June 11, 1967. A quorum was present. The Community Council adopted a resolution to accept the proposed settlement and adopted a resolution consenting to the joinder of the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation, Montana as parties petitioner. Each of the two resolutions was adopted by a vote of 3 for, none opposed.

93. The resolution adopted June 11, 1967 by the Lower Sioux Community Council, approving the settlement, is substantively identical to the resolution set out in Finding 66 herein.
94. The resolution adopted June 11, 1967 by the Lower Sioux Community Council consenting to the joinder of the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation, Montana, is substantively identical to the resolution set out in Finding 80 herein.

95. Following the June 11, 1967 general meeting, the Prairie Island Community Council, the governing body of the Community met on June 11, 1967. A quorum was present. The Community Council adopted a resolution to accept the proposed settlement and adopted a resolution consenting to the joinder of the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation, Montana, as parties petitioner. Each of the two resolutions was adopted by a vote of 3 for, none opposed.

96. The resolution adopted June 11, 1967 by the Prairie Island Community Council, approving the settlement, is substantively identical to the resolution set out in Finding 66 herein.

97. The resolution adopted June 11, 1967 by the Prairie Island Community Council consenting to the joinder of the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation, Montana, is substantively identical to the resolution set out in Finding 80 herein.

98. The Bureau of Indian Affairs was represented both at the general Community meeting, at the Lower Sioux Community Council meeting and at the Prairie Island Community Council meeting, by Hans Walker, Tribal Relations Officer, Minneapolis Area Office, and Allen C. Quetone, Tribal Relations Officer, Aberdeen Area Office.
99. Eight members of the Upper Sioux Indian Community were present at the general Community meeting held June 11, 1967. They rejected the settlement by a vote of two for the settlement and six against. The Upper Sioux Indian Community has no governing body.

100. There are five individual representative petitioners, as listed in Finding 62 herein. Two of the individuals, Reuben Kitto and Agnes Campbell Lawrence, whose correct name is Agnes Fraizer Lawrence, are both deceased. The other three, Rose Whipple Lucas Blower, Thomas D. Bluestone and Lena Whipple Campbell, approved the settlement in writing.

Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation, Montana

101. On or about May 20, 1967, Edwin Reddoor, * Chairman, Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation, Montana, issued a notice to all members of the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation of a meeting to be held June 9, 1967 at 1:00 p.m., at the Tribal Office Building, Poplar, Montana, for the purpose of considering and voting upon acceptance or rejection of the proposed settlement.

102. The notice was published on May 18, 1967 in the Glasgow Courier, May 21, 1967 in the Great Falls Tribune, June 2, 1967 in the

*Edwin John Reddoor, Chairman of the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation, Montana, and Norman Hollow, Secretary of the Council, both testified before the Commission in behalf of the compromise settlement. Mr. Hollow's testimony is found on pages 140 through 153 of the Transcript and Mr. Reddoor's testimony is found on pages 154 through 163. Both testimonies substantiate the information given in Findings 101 through 104.
Poplar Standard, May 25, 1967 in the Wolf Point Herald, May 25, 1967 in the Culbertson Searchlight and May 25, 1967 in the Great Falls Tribune and was posted on May 16, 1967 in seven post offices covering each district of the reservation and its vicinity and at the Tribal Office and the Fort Peck Indian Agency. Notice of the meeting was announced over Radio Station KGCX in Sydney, Montana. Publicity concerning the proposed settlement and the meeting was given over the radio station in Wolf Point on the reservation and over various television and radio stations in Montana. News accounts appeared in each of the newspapers listed above and in others.

103. On June 9, 1967, the scheduled general meeting of the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation was held at the Tribal Office Building, Poplar, Montana, on the reservation. Each adult who claimed Sisseton and Wahpeton blood and whose name appeared on the 1909 annuity roll, or who was a descendant of a person named on that roll, was registered as he entered and received a written ballot. The meeting was attended by at least 69 such persons. At the meeting a copy of a detailed report of the Claims Attorneys was furnished to each registered adult. The report, containing 18 pages, set forth an explanation of the proposed settlement and the reasons of the Claims Attorneys for recommending acceptance of the settlement. The report has been examined by the Commission but because of its confidential nature, is not included in the record. The attorney of record read the report aloud at the meeting and each registered voter followed the reading in his own copy of the report. The attorney of record read aloud the offer of
settlement contained in the letter of February 21, 1967 to Assistant Attorney General Edwin L. Weisl, Jr., the letter of acceptance dated May 12, 1967 from Assistant Attorney General Edwin L. Weisl, Jr., to Marvin J. Sonosky, Esq., and the proposed stipulation for settlement. The meeting was then opened for questions concerning the settlement. The questions were answered by the attorney of record. When there were no more questions, the attorney of record left the meeting room. Thereafter, and in the absence of the attorney, there was further discussion, following which a vote was taken by secret ballot on a resolution to accept the settlement. The result of the vote was 54 for approval of the settlement and 5 against approval, 10 not voting. The meeting lasted about 4 hours.

104. The resolution adopted by the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation, Montana, on June 9, 1967 to accept the settlement reads as follows:

BE IT RESOLVED by the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation, Montana in open meeting assembled this 9th day of June 1967 in Poplar, Montana:

That the terms of the offer of settlement in Docket Nos. 142, 359-363 before the Indian Claims Commission, as set forth in a letter dated February 21, 1967, from Marvin J. Sonosky to Assistant Attorney General Edwin L. Weisl, Jr., and as accepted by the letter dated May 12, 1967 from Assistant Attorney General Edwin L. Weisl, Jr., and as expressed in the proposed stipulation for settlement and entry of judgment between the Claimants and the United States, are hereby approved, confirmed and ratified;

That approval and consent is hereby given to a stipulation of settlement and stipulation for entry of final judgment embodying the terms of the offer as accepted; and
That either Marvin J. Sonosky, Esquire, Claims Attorney, or the Chairman, or Secretary of the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation, Montana, is hereby authorized to sign and execute an approval of the stipulation on behalf of the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation and to sign and execute any other writing which may be appropriate or required to carry such stipulation into effect.

CERTIFICATION

The foregoing resolution was duly enacted and adopted on June 9, 1967 by the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation at a duly called meeting by a vote of 54 for, 5 against and 10 not voting.

/s/ Norman Hollow 
Secretary, Norman Hollow

ATTEST:

/s/ Edwin Reddoor 
Chairman, Edwin Reddoor

105. The Bureau of Indian Affairs was represented at the general tribal meeting by Allen C. Quetone, Tribal Relations Officer, Aberdeen Area Officer, Jake Ahtone, Tribal Relations Officer, Billings Area Office, and Anson A. Baker, Superintendent, Fort Peck Indian Agency.

106. Irving Johnson Campbell of Prairie Island Minnesota testified that he opposed the settlement. He was at the meeting on June 11th to consider the settlement and voted against it. He said, "According to our treaties we would have been better if we had stayed better by our selves." He wanted the old treaties enforced because, "our treaties are forever."

A brother of the Witness, Delmar Campbell, from Minneapolis, a member of the Sioux tribe of Indians also testified he wanted to get
out from under the rule of the United States. He did not express any
definite opposition to the settlement. (Tr. pp. 155 through 177) No
other Indians appeared in opposition to the settlement.

107. On June 28, 1967 the Commission received the following letter:

"DOUGLAS P. HUNT
Judge of Probate
Juvenile Judge
Chippewa County
Montevideo, Minnesota

June 23, 1967

TO THE INDIAN CLAIMS COMMISSION,
WASHINGTON, D. C.

Gentlemen,

RE Docket # 142
Docket # 359-363
Docket # 332-A
Sisseton and Wahpeton Bands or Tribes, etc.,
Medewakanton and Wahpakoota Bands or Tribes, et
vs (Mississippi Sioux)
The United States of America.

We, the undersigned members of Tribes above named and law-
ful representatives thereof, are informed that a proposed settle-
ment of claims for ceded lands of said Indians which were in-
adequately compensated for is to be considered on June 28, 1967.
The compensation was grossly inadequate and additional compensa-
tion is forthcoming and should be paid.

The undersigned petitioners are members of the Medewakanton
and Wahpakoota Tribes which were the heaviest owners of the
ceded lands. The Wahpakoota exclusively owned the lands in
Northern Iowa. The Wahpakoota also owned heavily of the Wisconsin
lands. The Medewakanton were the heavy owners of the southern
Minnesota lands involved in these proceedings. We do feel that
a more adequate division be made to the Medewakanton and Wah-
pakoota. The representatives from Morton and Granite Falls were
all Sissetons and no Wahpakoota or Medewakanton were sent.
These representatives were members of a community and could not
speak for the tribe or assert rights under treaties hereinbefore
made.

Our concern however is under claim # 6 which embraces a 10
mile strip of land South of the Minnesota River from near Granite
Falls Southeasterly to near New Ulm. This was taken supposedly under act of 1863 by Bill of Attainder and Congress has no power to take land under Article V of our constitution and we claim title to the land is still in the Medewakanton and Wahpakootas tribes, combines as one tribe by the treaty of 1851. The title to this land we will try in Federal Court as your Commission has no jurisdiction over titles to land. I see that in Claim 6 zero net settlement is awarded. Therefore we respectfully petition you Commission to eliminate consideration of this proceedings from the strip of land referred to in the treaty of 1851, again in 1854, 1858 and confirmed in 1860, awarded to the Medewakanton and Wahpakootas and comprising a strip of land 10 miles wide south of the Minnesota River, bounded on the west by the Tchaytam-bay and the Yellow Medicine Rivers and on the East by the Little Rock River and a line running due south from its mouth to the Waraju River.

We do not want to upset or object to the settlement except we ask the two considerations above set forth.

WE do want your honorable body to understand more fully our position with relation to the 10 mile strip in question by enclosing the letter and brief sent our congressman from this area in question. We realize you are extremely busy, but the statement might be of interest to you.

Respectfully Submitted,

/s/ Lillie Ross
Attorney in fact.

/s/ Alexander Ross
Full blooded Medewakanton and Wahpakoota.

/s/ Josephine Cook
Medewakanton and Wahpakoota

/s/ Douglas P. Hunt
Douglas P. Hunt, Attorney at Law, Montevideo, Minnesota, Attorney for the above members who are acting for themselves and for and on behalf of other members of tribe."
Attached to the above letter were copies of letters written by Douglas P. Hunt, which had been sent to Senator Eugene J. McCarthy, Senator Walter F. Mondale, Congressman Albert Quie, and Congressman John M. Zwach of Minnesota. The Commission received the letter with its attachments in evidence as Commission Exhibit "A".

108. In Dockets 142, 359 through 363 the Commission previously found (Finding Nos. 48 and 49, 10 Ind. Cl. Comm. 137, 168-169) that following the treaties of 1858 the Mississippi Sioux resided on the remainder of their reservation, consisting of a 10-mile tract on the south side of the Minnesota River, identified and referred to herein as Royce Area 440, and that following the New Ulm Outbreak in 1862, Congress, by the Act of February 16, 1863, 12 Stat. 652, declared Royce Area 440 forfeited to the United States.

By the Act of March 3, 1863, 12 Stat. 819, Congress directed the Secretary of the Interior to survey and appraise the Royce Area 440 and to sell the lands and improvements, at not less than the appraised value if sold before January 1, 1865, and at not less than $1.25 per acre if sold thereafter, and to use the proceeds for the benefit of the Mississippi Sioux. The Act of July 18, 1870, c. 296, sec. 7, 16 Stat. 335, 361, amendatory of the Act of March 3, 1863, directed that the proceeds from such sales be paid to the Mississippi Sioux in proportion to their numbers.

Under the Jurisdictional Act of June 3, 1920, 41 Stat. 738, suit was brought for the benefit of the Medawakanton and Wahpekoota Bands to
recover their proportionate share of the proceeds from the sales of the lands in Royce Area 440. The Court of Claims found that the total proceeds derived from the sales amounted to $950,063.71 and that it was properly disbursed for the benefit of the claimants before the Court of Claims. **Sioux Tribe v. United States**, 95 C. Cls. 603 (1942)

Under the Jurisdictional Act of April 11, 1916, 39 Stat. 47, suit was brought by the Sisseton and Wahpeton Indians and the Court of Claims found that the Sisseton-Wahpeton share of the proceeds from the sale of the lands had been properly distributed. **Sisseton & Wahpeton Indians v. United States**, 58 C. Cls. 302, 311, Finding IX (1923), aff'd 27 U.S. 424.

The total acreage in Royce Area 440 is 742,397.76 acres. (GAO Report in Docket No. 74, Vol. 8, pp. 4291-2, 4294, 4316-7, 4365.) The total proceeds received by the Mississippi Sioux from the sale of the land and improvements in Royce Area 440 was $950,063.71, or an average of about $1.26 per acre.

By order entered June 21, 1965, accompanied by an opinion, the Commission ruled that no claim had been filed for the 10-mile strip on the south side of the Minnesota River, identified as Royce Area 440. No part of the settlement of $12,250,000 is allocated to payment for any part of Royce Area 440. The opinion in part reads as follows:

"In the above motion the Mdewakanton and Wahpakoota petitioners are asking the Commission to make certain findings of fact,

"... on the claim asserted in Docket No. 363 with respect to Royce Area 440 in accordance with their proposed Finding 2, item 6, and Finding 16-A."
These petitioners further contend that they have a claim,

"... for their share of Royce Area 440 amounting to approximately 370,000 acres located on the south side of the Minnesota River."

The proposed findings, as suggested above, were considered by the Commission during the preparation of the Commission's findings of fact and opinion in this docket, and those consolidated with it, which findings and opinion were released on January 12, 1962. We rejected them at that time, and we reject them now for the same reason; namely, that no claim or cause of action for Royce Area 440 has ever been timely filed before this Commission by these petitioners or any other tribal petitioner in any docket.1/ Certainly no such claim has been set forth in the original or amended petitions in Docket No. 363.2/

The record also shows that at the time of the initial hearings on the title phase of this consolidated docket in October of 1958, the petitioners made no attempt to present or prosecute any such claim for Royce Area 440. In fact, if we read the remarks of petitioners' counsel during that hearing, the existence of any such claim for Royce Area 440 is specifically negated. The following colloquy from the transcript of the October 20, 1958 hearing is worth noting:

Mr. Sonosky: When the United States took a cession from these Indians in the area in red, Royce 289, there was a provision in that treaty setting aside this area of land, which is roughly ten miles on each side of the Minnesota River. This is the Minnesota River and the reservation ran roughly like this.

Chief Commissioner Witt: That is a total width of twenty miles there?

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1/ 18 USC § 70k. Limitation of time for presenting claims

The Commission shall receive claims for a period of five years after August 13, 1946, and no claim existing before such date but not presented within such period may thereafter be submitted to any court or administrative agency for consideration, nor will such claim thereafter be entertained by the Congress.

2/ Petitioners' original and amended petitions in Docket No. 363 are identical. The original typed petition was filed on August 11, 1951, and the printed amended petition was filed on March 3, 1952.
Mr. Sonosky: Yes, sir. Ten miles on each side of the river. The river splits the western boundary, and the reservation was roughly like this. This blue and this gray went to the Medewakanton and Wahpekutas. This yellow and this blue went to the Sisseton and Wahpeton. Then there were various events because of the way the Senate took that provision out of the treaty and gave certain discretion to the President, as to where he should put these Indians, but finally by subsequent Act of Congress in 1854 they were permitted to move on to this reservation, and in 1858 it was decided that the Indians did not need all of this land and it was too much for them. So the United States took a cession in 1858, and it took this gray (Royce Area 413) on the north side of the Minnesota River. It took the gray from the Medawankanton and the Wahpekuta, and took back the yellow (Royce Area 414) from the Sisseton and Wahpeton, and leaving them with a reservation on the south side of the river in blue (Royce Area 440).

Then in 1862, as a result of the outbreak and massacre which occurred in 1862, by Act of Congress these Indians and all their lands in Minnesota were forfeited, and they were moved out of the State of Minnesota. Then these lands in blue (Royce Area 440) were then sold under the public land laws and the proceeds of the sale were paid over to the Indians.

In these cases which are before Your Honor now there is no claim for this land in blue (Royce Area 440). So far as I know, there is no claim pending for this land in yellow (Royce Area 414). There is a claim pending for this land in gray (Royce Area 413) on the ground that in 1858, when the Indians ceded this land in gray, the consideration paid to them was unconscionable.3/ (Parenthetical matter and emphasis supplied)

109. On June 28, 1967 a hearing was held by the Commission on a proposed settlement. The Commission received the statements of counsel and exhibits in support of the joint motion for entry of final judgment and heard the testimony of representatives of each of the claimants except the Upper Sioux Indian Community, which had no representative present.

110. The testimony of the witnesses and the attendance at the meetings confirms that there was advance notice and publicity concerning the settlement and the dates and purpose of the general meetings on the settlement; that the proposed settlement, the recommendations of the Claims Attorneys and the reasons in support of the recommendations were carefully explained in writing and orally at the general meetings; that there was full and free discussion at the meetings; that the officials and members of each tribe, community and group at the meetings understood the settlement, understood that the entry of final judgments would constitute a final determination of the claims and understood that the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation were to be joined as parties petitioner in Docket Nos. 142 and 359, but that any right of the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation to share in the awards was to be left for the determination of the Secretary of the Interior and Congress.

111. Marvin J. Sonosky, the attorney of record in these dockets, recommended in writing, in the report of the Claims Attorneys, that, in all the circumstances, the settlement of $12,250,000 was fair and reasonable and recommended acceptance. Mr. Sonosky, who is experienced
in Indian claims litigation, advised the Commission that he had so recommended to the petitioners and to the Commissioner of Indian Affairs. Emerson Hopp, one of the contract attorneys, similarly informed the Commission. All contract attorneys signed the stipulation for settlement.

112. Based on the record in these dockets, the tribal officials and members of the Sisseton and Wahpeton Sioux Tribe of North Dakota, the Sisseton and Wahpeton Sioux Tribe of South Dakota, the Flandreau Santee Tribe of South Dakota, the Santee Sioux Tribe of Nebraska, the Lower Sioux Indian Community in Minnesota, the Prairie Island Indian Community in Minnesota, the Upper Sioux Indian Community in Minnesota, and the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation, Montana, understood the settlement and all voluntarily and freely approved it, except the Upper Sioux Indian Community in Minnesota.

113. By letter dated June 23, 1967 the Commissioner of Indian Affairs approved the settlement. That letter reads as follows:

"UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
Washington, D.C. 20242
In reply refer to Tribal Operations

Mr. Marvin J. Sonosky
Attorney at Law
Jefferson Building
1275 19th Street N. W.
Washington, D. C. 20036

Dear Mr. Sonosky:

You requested our approval of a proposed compromise to settle the claims of various tribes or bands of Eastern or Mississippi Sioux Indians in Indian Claims Commission Dockets Nos. 142, 359, 360, 361, 362, and 363, except for the general accounting claim in Docket No. 363, for net final judgments totaling $12,250,000.00."
The claims are being prosecuted under seven approved contracts which are currently in effect.

Contract, 14-20-0650 No. 10, dated August 5, 1952, between the Sisseton-Wahpeton Sioux Tribe of South Dakota and Attorneys Emerson Hopp and Marvin Sonosky was approved on December 31, 1952, for a period of ten years from the date of approval. The association of Attorney Louis L. Rochmes under the contract was approved on October 25, 1957. An extension of the contract for a period of ten years beginning on January 1, 1963, was approved on May 3, 1963.

Contract, 14-20-0650 No. 11, dated December 1, 1952, between the Sisseton and Wahpeton Band of Sioux Indians of North Dakota and Attorneys Emerson Hopp and Marvin J. Sonosky and the law firm of Traynor and Traynor, was approved on December 31, 1952, for a period of ten years from the date of approval. The association of Attorney Louis L. Rochmes under the contract was approved on October 25, 1957. An extension of this contract for a period of ten years beginning on January 1, 1963, was approved on May 1, 1963.

Contract, 14-20-0650 No. 12, executed October 21 to 29, 1952, between the Upper Sioux Indian Community of Granite Falls, Minnesota, and Attorneys Emerson Hopp and Marvin J. Sonosky, was approved on February 2, 1953, for a period of ten years from the date of approval. The association of Attorney Louis L. Rochmes under the contract was approved on October 23, 1957. An extension of this contract for an additional period of ten years from February 2, 1963, was approved on January 11, 1963.

Contract, 14-20-0650 No. 13, dated October 4, 1952, between the Flandreau Santee Sioux of South Dakota and Attorneys Emerson Hopp and Marvin J. Sonosky, was approved on February 10, 1953, for a period of ten years from the date of approval. The association of Attorney Louis L. Rochmes under this contract was approved on October 23, 1957. An extension of the contract for a period of ten years beginning on January 1, 1963, was approved on June 18, 1963.

Attorney Sonosky became a partner in the law firm of Strasser, Spiegelberg, Fried, Frank and Kappelman as of January 1, 1962, as to the above claims contracts Nos. 10, 11 and 13.

Contract, 14-20-0650 No. 450, executed May 10 to 23, 1957, between the Santee Sioux Tribe of the Santee Indian Reservation in Nebraska and Attorney Marvin J. Sonosky was approved on August 26, 1957, for a period of ten years beginning with the date of approval.
Contract, 14-20-0250 No. 3439, executed January 27, to March 8, 1965, between the Sisseton-Wahpeton Sioux of the Fort Peck Reservation, Montana, and Attorney Marvin J. Sonosky, was approved on July 21, 1965, for a period of five years beginning with the date of approval.

Contract No. I-1-ind. 42526, dated May 21, 1951, between the Prairie Island Indian Community in Minnesota and the Lower Sioux Indian Community in Minnesota and Attorney Emerson Hopp, was approved on July 6, 1951, for a period of ten years beginning with the date of approval. An assignment of an interest in the contract to Attorney Marvin J. Sonosky was approved on December 7, 1951. An extension of this contract for a period of ten years beginning on July 6, 1961, was approved on August 9, 1962.

Contracts Nos. 10, 11, 13, 3439 and 42526 provide that the attorneys shall not make any compromise of the matters in litigation unless with the approval of the Commissioner of Indian Affairs.

You made an offer to the Assistant Attorney General on February 21, 1967, to settle all claims in Dockets Nos. 142, and 359 through 363, except for the general accounting claim (Claim No. 2) in Docket No. 363, for the net amount of $12,250,000.00. The Assistant Attorney General accepted your offer on May 12, 1967, subject to nine conditions.

Condition No. 2 is that the approval of the settlement, as well as the resolution of the tribes, be secured from the Secretary of the Interior, or his authorized representative.

Condition No. 3 is that the right of the Sisseton-Wahpeton Indians of the Fort Peck Reservation to be made parties plaintiff be approved by the Secretary of the Interior, or his authorized representative. The copy of the stipulation for settlement and stipulation for entry of final judgment which you sent to us on May 26, 1967, provides that the Sisseton and Wahpeton Sioux Indians of the Fort Peck Indian Reservation are joined as parties petitioner in Dockets Nos. 142 and 359, with the understanding that nothing in the stipulation shall be construed as agreement by the Sisseton and Wahpeton Sioux Tribe of North Dakota or the Sisseton and Wahpeton Sioux Tribe of South Dakota as to whether the Sisseton and Wahpeton Sioux Indians of the Fort Peck Reservation are or are not entitled to share in any award in Dockets Nos. 142 and 359, but that question shall be left for final determination by the Secretary of the Interior and
Congress. With consideration of the understanding set out in
the stipulation, we approve the right of the Sisseton-Wahpeton
Indians of the Fort Peck Reservation to be made parties plain-
tiff.

The proposed settlement provides for entry of net final judg-
ments in each of the six dockets to designated groups of Sioux
Indians. The amounts, we note, are subject to adjustment if
further study warrants change. The proposed judgments are:

<table>
<thead>
<tr>
<th>Docket No.</th>
<th>Sisseton-Wahpeton</th>
<th>Medawakanton-Wahpakoota</th>
</tr>
</thead>
<tbody>
<tr>
<td>142</td>
<td>$5,097,575.00</td>
<td></td>
</tr>
<tr>
<td>359</td>
<td>776,464.50</td>
<td>$776,464.50</td>
</tr>
<tr>
<td>360</td>
<td></td>
<td>1,129,359.00</td>
</tr>
<tr>
<td>361</td>
<td></td>
<td>64,680.00</td>
</tr>
<tr>
<td>362</td>
<td></td>
<td>4,338,517.00</td>
</tr>
<tr>
<td>363</td>
<td></td>
<td>66,940.00</td>
</tr>
</tbody>
</table>

The proposed settlement provides for dismissal of Appeal No.
8-66 and also for dismissal of the claim of the Sisseton and
Wahpeton Tribe relating to Royce Cession No. 440.

The entry of the final judgments shall dispose of all allow-
able deductions, credits and offsets which the United States
could have asserted for the period from April 16, 1808, through
June 30, 1951, except that the United States will not be barred
from claiming in any other, or future, action offsets arising
from expenditures for the Sisseton and Wahpeton Sioux of the
Fort Peck Reservation. Entry of final judgments will also dis-
pose of all rights, claims, or demands which the claimants have
asserted, or could have asserted, with respect to the subject
matter of the cases, except as to the general accounting claim
in Docket No. 363.

The parties to the stipulation waive the right of appeal from
the final judgments, when entered.

You took the terms of the proposed settlement to the Indians
in six meetings held from June 2 to 11, 1967, at locations
selected for the convenience of the Indians. Meetings were
held as follows:
<table>
<thead>
<tr>
<th>Date</th>
<th>Place</th>
<th>Sioux</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 2</td>
<td>Fort Totten, North Dakota</td>
<td>Sisseton and Wahpeton of Devils Lake</td>
</tr>
<tr>
<td>June 3</td>
<td>Sisseton, South Dakota</td>
<td>Sisseton and Wahpeton of Sisseton, South Dakota</td>
</tr>
<tr>
<td>June 4</td>
<td>Flandreau, South Dakota</td>
<td>Flandreau Santee Sioux of South Dakota</td>
</tr>
<tr>
<td>June 5</td>
<td>Center, Nebraska</td>
<td>Santee Sioux of Nebraska</td>
</tr>
<tr>
<td>June 9</td>
<td>Poplar, Montana</td>
<td>Sisseton and Wahpeton Sioux of the Fort Peck Reservation</td>
</tr>
<tr>
<td>June 11</td>
<td>Morton, Minnesota</td>
<td>Lower Sioux, Morton, Minnesota; Prairie Island, Eg lleston, Minnesota; and Upper Sioux, Granite Falls, Minnesota</td>
</tr>
</tbody>
</table>

Leaders of each group sent out timely notices addressed to all members that a meeting was to be held for the purpose of considering the proposed settlement and for acceptance or rejection of it by the Sioux. Notices were posted in public places in areas where the Sioux lived. Notices of the meetings appeared in local newspapers and were announced on radio stations serving the areas. We are satisfied that each meeting was timely noticed and publicized, that reasonable efforts were made to inform all eligible Sioux, and that each Sioux was given the opportunity to attend a meeting.

All of the meetings were conducted in a similar manner. The chairman opened the meeting, stated its purpose, asked for interpreters where necessary, and introduced the claims attorneys. A copy of a prepared statement setting out the terms of the proposed settlement, the claims involved, and the pros and cons were distributed to each eligible Sioux. The statement also stated that acceptance of the proposed settlement by the Indians and issuance of judgments by the Indian Claims Commission would be a final disposition of the claims.

Your offer to settle the claims, its acceptance by the Assistant Attorney General, and your statement to the Sioux were read at each meeting. This was followed by a period during which the Indians asked questions which the claims
counsel answered. The claims counsel then excused themselves and left the meeting permitting the Indians to discuss the proposed settlement among themselves and, when ready, vote by secret ballot to accept or reject it.

Eligibility of Indians to vote at the first four meetings was determined from a list of eligibles previously prepared for that purpose. Eligibility of the Sioux of the Fort Peck Reservation at the June 9 meeting was based on the 1909 annuity roll. Community census rolls were used for the Prairie Island and Lower Sioux at the June 11 meeting. Registers were kept of the Sioux attending each meeting. This eliminated the possibility of duplicate votes. Judges and clerks to record and tally the votes were selected by tribal officials and, in some instances, Bureau personnel were selected.

The three groups of Sioux in Minnesota attended one meeting but voted separately.

A recapitulation of the voting at the six meetings shows:

<table>
<thead>
<tr>
<th>Sioux Group</th>
<th>Number Registered</th>
<th>Votes</th>
<th>Total Votes Cast</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>For</td>
<td>Against</td>
</tr>
<tr>
<td>Devils Lake</td>
<td>160</td>
<td>140</td>
<td>1</td>
</tr>
<tr>
<td>Sisseton</td>
<td>249</td>
<td>181</td>
<td>50</td>
</tr>
<tr>
<td>Flandreau</td>
<td>57</td>
<td>56</td>
<td>1</td>
</tr>
<tr>
<td>Santee</td>
<td>233</td>
<td>219</td>
<td>4</td>
</tr>
<tr>
<td>Fort Peck</td>
<td>69</td>
<td>54</td>
<td>5</td>
</tr>
<tr>
<td>Upper Sioux</td>
<td>7</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Lower Sioux</td>
<td>105</td>
<td>93</td>
<td>2</td>
</tr>
<tr>
<td>Prairie Island</td>
<td>22</td>
<td>18</td>
<td>3</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>902</strong></td>
<td><strong>763</strong></td>
<td><strong>71</strong></td>
</tr>
</tbody>
</table>

The Prairie Island Indian Community Council held a special meeting of its own at Prairie Island on May 15, 1967, on the proposed compromise. At this meeting the members cast twenty votes to accept the proposed compromise. These ballots were brought to the June 11 meeting to be cast with other ballots.
However, it was determined that the twenty ballots could not be counted at the June 11 meeting. Eight of the persons participating at the May 15 meeting then cast their votes at the June 11 meeting.

One voting group, the Upper Sioux (Granite Falls, Minnesota), rejected the proposed settlement by a vote of five to reject and two to accept the proposed settlement. However, all of the other voting groups accepted it. Each of the groups accepting the proposed settlement adopted resolution accepting the proposed settlement, the provisions pertaining to the Sisseton and Wahpeton Sioux of the Fort Peck Reservation, the stipulation for entry of final judgment, and authorizing representatives to sign and execute an appeal of the stipulation and any other document appropriate or required to carry the stipulation into effect.

We are satisfied that the meetings were properly conducted, that the Sioux who attended the meetings and voted understood the terms of the proposed settlement, that a sufficiently large number voted to be representative of the Sioux involved, and that the total vote of 763 for acceptance of the proposed settlement against 71 to reject it expressed the views of the membership of the participating groups of Sioux as a whole.

As the Upper Sioux of Minnesota rejected the proposed settlement, that group did not adopt a resolution. However, the resolutions adopted by the others were signed and attested over the signatures of the tribal officials of the respective groups and the signatures of the tribal officials were certified to be genuine by a representative of this Bureau who attended each of the six meetings. The resolutions adopted are hereby approved.

In light of the information which you have sent to us, that submitted by our field offices, and that obtained from other sources, the proposed settlement of the claims of the Sisseton, Wahpeton, Medawakanton, and Wahpakoota Sioux in Indian Claims Commission Dockets Nos. 142, 359, 360, 361, 362 and 363, except for the general accounting claim (Claim No. 2) in Docket No. 363, for net final judgments totaling $12,250,000.00 is hereby approved.

Sincerely yours,

/s/ Robert L. Bennett
Commissioner
114. Documentary evidence consisting of 84 exhibits in support of the joint motion for approval of the settlement in compromise and for the entry of final judgments was received in evidence by the Commission. These exhibits were combined in a bound volume entitled,

MISSISSIPPI SIOUX DOCKETS 142, 359-363
EXHIBITS IN SUPPORT OF JOINT MOTION FOR SETTLEMENT IN COMPROMISE AND FOR ENTRY OF FINAL JUDGMENTS

This evidence was complete and conclusive and clearly established the facts relating to the compromise settlement. These exhibits are, by this reference, hereby made a part of this finding the same as if they were copied herein.

115. The Commission finds that the settlement in compromise is fair and just to the petitioners and to the defendant and approves the settlement and the terms and conditions of the stipulation for settlement and the stipulation for entry of final judgments in Docket Nos. 142, 359 through 363.

/s/ Arthur V. Watkins
Arthur V. Watkins, Commissioner

/s/ Wm. M. Holt
Wm. M. Holt, Commissioner

/s/ T. Harold Scott
T. Harold Scott, Commissioner