

BEFORE THE INDIAN CLAIMS COMMISSION

THE HAVASUPAI TRIBE OF THE)	
HAVASUPAI RESERVATION, ARIZONA,)	
)	
Plaintiff,)	
)	
v.)	Docket No. 91
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: AUG 3 1969

ADDITIONAL FINDINGS OF FACT

The Commission entered an opinion, findings of fact and interlocutory order herein on December 30, 1968 (20 Ind. Cl. Comm. 210) holding that the defendant had extinguished the plaintiff's title to lands described in Finding of Fact No. 11, which are located in the northern and north-eastern part of the State of Arizona, without payment of any compensation. The Navajo Tribe of Indians, plaintiff in Docket No. 229, also claimed aboriginal title to these lands, and because of these conflicting claims the Commission had granted the defendant's Motion for Consolidation for Purposes of Trial on April 25, 1960. The Commission stated in its opinion filed with the initial findings of fact that "sparse or uncertain evidence of Navajo presence in other parts of the overlap does not convince us that as of the date of the taking the Havasupai should not be considered still the exclusive aboriginal owners of that area". (20 Ind. Cl. Comm. 210, 219) The Commission directed the parties to proceed with the case for the purpose of determining the acreage actually taken by the defendant and

the value of the land at the date of taking. The parties determined that 2,257,728 acres of land were appropriated for use by the defendant without payment of compensation. This figure was used to determine the value of land used in the compromise settlement which is presently before the Commission for approval.

The Commission herewith makes the following findings of fact which are supplemental and additional to the Commission's Findings of Fact numbered 1 through 13 entered herein on December 30, 1968.

14. The Havasupai Tribal Council by Resolution dated February 25, 1969 authorized counsel for the plaintiff to enter into negotiations with counsel for the defendant to determine whether a compromise settlement of the claims set forth herein in Docket No. 91 was possible.

15. Following discussions with counsel for the defendant, counsel for the plaintiff by letter dated February 10, 1969 submitted a settlement offer, subsequently amended by letter dated February 28, 1969, to the Attorney General, as follows:

"LAW OFFICES
MARKS AND MARKS
TITLE & TRUST BUILDING
114 WEST ADAMS STREET
PHOENIX, ARIZONA 85003

February 28, 1969

"The Honorable John N. Mitchell
Attorney General of the United States
U. S. Department of Justice
Washington, D. C.

Attention: Ralph A. Barney, Esq.

Re: Havasupai Tribe of Arizona vs. United
States, Indian Claims Commission,
Docket No. 91

"Dear Sir:

"Pursuant to our letter of February 10, 1969, to Acting Assistant Attorney General Glen E. Taylor, and in accordance with subsequent discussions between Arthur Lazarus, Jr., our associate counsel, and Messrs. Ralph A. Barney, Howard G. Campbell and Walter Rochow of your staff, we offer to compromise and settle the above-entitled case on the following terms and conditions:

"1. The case shall be compromised and settled by stipulation and entry of final judgment in the Indian Claims Commission, with no review to be sought or appeal to be taken by either party. The amount of the judgment so entered against defendant in Docket No. 91 shall be One Million, Two Hundred and Forty Thousand Dollars (\$1,240,000).

"2. The stipulation and entry of final judgment shall finally dispose of all claims and demands which the Havasupai Tribe has asserted or could have asserted against defendant in Docket No. 91, and all claims, demands, payments on the claim, counterclaims, or offsets which the defendant has asserted or could have asserted against the petitioner under the provisions of Section 2 of the Indian Claims Commission Act (60 Stat. 1049). The claims, demands, payments on the claim, counterclaims and offsets referred to above shall specifically include all of those for the period from June 8, 1880, to June 30, 1951, inclusive.

"3. The judgment shall not affect one way or the other such right as the United States may have to collect from the proceeds of timber sales, any expenses of managing, protecting and selling timber as authorized by the Act of February 14, 1920, as amended (25 U.S.C., Sec. 413), nor shall it affect the right of the Havasupai Tribe to have credited to its trust funds all or a portion of such administrative deductions by reason of such trust funds having borne expenses of management, protection and the sale of timber to the extent provided by 25 U.S.C., Sec. 413.

"4. The Stipulation and entry of final judgment shall not be construed as an admission of either party as to any issue for purposes of precedent in any other case.

"This offer, in the event it is acceptable to your Department, shall be subject to approval by the Havasupai Tribe and the Secretary of the Interior or his authorized representative.

"This offer shall remain open until April 15, 1969. If not acceptable by that date, the offer shall automatically stand withdrawn, unless extended in writing by the undersigned. Should you accept the foregoing offer, we agree to make all reasonable efforts to obtain the approval of the Havasupai Tribe and the Secretary of the Interior or his authorized representative. In the event of such approval, we will be pleased to cooperate with the appropriate representatives of your Department in preparing and submitting stipulations, joint motions and any other documents necessary to accomplish the settlement.

"Respectfully submitted,

MARKS & MARKS

By /s/ Royal D. Marks
Royal D. Marks
Attorney for the Havasupai
Tribe, Docket No. 91

RDM:kl"

16. On April 23, 1969 the Acting Assistant Attorney General, on behalf of the defendant, accepted the settlement offer, subject to certain conditions. The acceptance letter states:

"DEPARTMENT OF JUSTICE
WASHINGTON

April 23, 1969

AIR MAIL

"Royal D. Marks, Esquire
Title & Trust Building
Phoenix, Arizona 85003

"Dear Mr. Marks:

"As you have already been informally advised, the offer to settle the claim of the Havasupai Indians involved in The Havasupai Tribe of The Havasupai Reservation, Arizona and The Navajo Tribe of Indians v. The United States, Docket Nos. 91 and 229, before the Indian Claims Commission for the sum of \$1,240,000, as outlined in your letter of February 28, 1969 is accepted, subject to the following conditions:

"1. That the proposed settlement be approved by appropriate Resolution of the governing body of the Havasupai Tribe.

"2. That approval of the settlement, as well as the Resolution of the Tribe, be secured from the Secretary of the Interior, or his authorized representative.

"3. That one or more responsible officials of the Tribe-- e.g., Chairman of the Business Council, etc.--be present to testify at the hearing before the Indian Claims Commission.

"The Department of Justice will be happy to work out with you the terms of the stipulation and the appropriate motion and order necessary to carry into effect the offer of settlement subject to the conditions specified herein.

"In drawing the Joint Motion for entry of judgment please list the documents which will be introduced in support of the settlement, such as (1) the stipulation, (2) the tribal resolution or resolutions, (3) the letter of approval of the settlement by the Department of the Interior, and (4) such other papers as will be offered in evidence at the hearing on the settlement. Copies of these papers should also be furnished to the defendant, xeroxed if you so desire.

"Sincerely,

/s/ Glen E. Taylor
Glen E. Taylor
Acting Assistant Attorney General"

17. In accordance with the resolution passed by the Havasupai Tribal Council, any settlement reached by counsel would have to be referred to the Tribal Council and, if then agreed upon, would have to be voted on by the eligible voters of the Havasupai Tribe. On May 13, 1969 at a duly convened meeting of the Havasupai Tribal Council, plaintiff's attorneys presented to the Havasupai Tribal Council the background of the case, Docket No. 91, and by Resolution No. 12-69 the Havasupai Tribal Council approved the settlement of \$1,240,000 and authorized the attorneys for the

plaintiff to execute the "Stipulation For Entry of Final Judgment" and any other papers necessary to effect the settlement, providing the said settlement has been approved by a vote of a majority of the adult members of the Havasupai Tribe at a General Tribal Meeting called for the purpose of voting on the proposed settlement.

On May 29, 1969 a copy of the following "Notice of Meeting on Final Settlement of Claim of the Havasupai Tribe of Indians before the Indian Claims Commission" was mailed, postage prepaid, to the last known address of all adult members of the Havasupai Tribe:

"NOTICE OF MEETING ON FINAL SETTLEMENT OF CLAIM
OF THE HAVASUPAI TRIBE OF INDIANS
BEFORE THE INDIAN CLAIMS COMMISSION

"TO ALL MEMBERS OF THE HAVASUPAI TRIBE OF INDIANS:

"You are hereby notified that there will be a meeting of the enrolled members of the Havasupai Tribe of Indians on Saturday, June 14, 1969, at 9:00 o'clock A. M., at the Community Center in Supai, Arizona, to consider approval of a proposed final settlement for the sum of ONE MILLION TWO HUNDRED FORTY THOUSAND DOLLARS (\$1,240,000) of the claim filed on behalf of the Havasupai Tribe against the United States still pending before the Indian Claims Commission. The claim included within the proposed settlement is Docket No. 91.

"A complete explanation of the proposed final settlement will be given by the Claims Attorney at the meeting, followed by a question and answer session in which members of the Havasupai Tribe will be encouraged to participate. At the end of the meeting, a vote will be taken on the question of whether to accept an award of \$1,240,000. To be effective, the proposed settlement also must be approved by the Havasupai Tribal Council.

"THE ABOVE MEETING AND SUBSTANTIAL ATTENDANCE BY TRIBAL MEMBERS ARE REQUIRED BY RULES OF THE INDIAN CLAIMS COMMISSION. THE APPROVAL OF THE COMMISSION IS ESSENTIAL BEFORE THE SETTLEMENT

CAN BE EFFECTIVE. ALL ADULT MEMBERS OF THE HAVASUPAI TRIBE, THEREFORE, ARE STRONGLY URGED TO ATTEND AND VOTE AT THE MEETING.

/s/ Royal D. Marks

Royal D. Marks
Attorney of Record, Docket No. 91
819 Title & Trust Building
114 West Adams
Phoenix, Arizona 85003"

The most recent census of the Havasupai Tribe was completed in May 1969 and shows a total of 171 eligible voters.

Most members of the Havasupai Tribe live on the Supai Reservation in Arizona. Nonetheless, in order to assure the attendance of as many tribal members as possible at the meeting on June 14, 1969, a press release entitled "Havasupai Indians to Vote on Settlement" was distributed by representatives of the Bureau of Indian Affairs to seven newspapers of general circulation, four television stations and ten radio stations in the States of Arizona and Nevada. A notice of the meeting was also posted in the United States Post Offices in Peach Springs, Valentine, Seligman, Prescott and Kingman, Arizona--all communities near the Havasupai Reservation--and at each Bureau of Indian Affairs office in the Phoenix area.

18. Beginning at 10:00 a.m. on Saturday, June 14, 1969, in the Community Center in Supai, Arizona, on the Supai Reservation, a meeting of the Havasupai Indians was held for the purpose of considering and voting upon the proposed settlement in Docket No. 91. The meeting was attended by over 100 tribal members, including at least 85 adults, by Royal D. Marks,

one of the attorneys for the plaintiff, and by representatives of the Bureau of Indian Affairs. Daniel Kaska, Chairman of the Havasupai Tribal Council, served as chairman of the meeting. A transcript of the proceedings has been made a part of the record before the Commission.

At the beginning of the June 14 meeting each tribal member was given a copy of a proposed stipulation for entry of final judgment in Docket No. 91 and also a copy of the statement which was made by the plaintiff's attorney, Royal D. Marks.

After opening remarks by Chairman Kaska in English and the Havasupai language, Juan Sinyella, Vice Chairman of the Tribal Council, also spoke in English and the Havasupai language and urged people to ask questions. Mr. Marks gave a detailed presentation on the scope and history of the Havasupai claim, the length of time and effort necessary to prosecute the case to judgment, the possible results of continued litigation and the background, terms, consequences and merits of the proposed settlement. The meeting was then opened to questions from the audience, all of which were fully answered. When it appeared that the tribal members had no further questions, balloting on the resolution approving the settlement began.

After the last adult Havasupai voter desiring to vote had done so, the ballots were counted, and this tally showed 52 in favor of the settlement and 10 against. These figures were entered on the resolution, which was then executed by the Chairman of the meeting and authenticated by the Phoenix Area Office Representative, Bureau of Indian Affairs. The resolution adopted states as follows:

"RESOLUTION

"WHEREAS, the Havasupai Tribe of the Havasupai Reservation, Arizona, has been prosecuting a case before the Indian Claims Commission to obtain compensation for land in the present State of Arizona originally owned and occupied in Indian fashion by the Havasupai Tribe and taken by the United States on June 8, 1880 and March 3, 1882, without payment therefor, which case is identified as Docket No. 91; and

"WHEREAS, the Commission on December 30, 1968, entered an Interlocutory Order in Docket No. 91 declaring that the Havasupai Tribe has proven Indian title to a net acreage of 2,257,728 acres; and

"WHEREAS, the Indian Claims Commission has ordered that the case proceed to a determination of the value of said lands as of June 8, 1880 and March 3, 1882; and

"WHEREAS, in connection with determining the value of the lands so taken it will be necessary to employ appraisers, involving many thousand dollars in expenses as well as further delays in arriving at a final judgment; and

"WHEREAS, the Havasupai Tribal Council authorized the Tribal Claims Attorneys to enter into negotiations toward a possible settlement of the claims case, Docket No. 91, and following successful negotiations said attorneys have agreed, subject to the approval of the Havasupai Tribe, the Secretary of the Interior or his authorized representative, and the Indian Claims Commission, to settle and compromise the claim of the Havasupai Tribe for the sum of \$1,240,000, said amount to be net after all offsets to which the United States might have been entitled in Docket No. 91 for the period from June 8, 1880 and March 3, 1882 to and including January 22, 1951; and

"WHEREAS, at a meeting of the Havasupai Tribe of Indians called for the purpose of considering the terms of the foregoing settlement and at which the proposed final settlement was fully discussed by the attorneys for the Havasupai Tribe, and members of the Havasupai Tribe were given full opportunity to enter into said discussions and ask questions concerning all phases of the claim; and

"WHEREAS, a representative of the Department of the Interior was present during said meeting and observed the proceedings; and

"WHEREAS, the members of the Havasupai Tribe are fully informed regarding the proposed settlement, and with the proposed Stipulation for Entry of Final Judgment, the same having been distributed to the members and read in the aforementioned meeting and explained by the attorneys for the Havasupai Tribe;

"NOW, THEREFORE, BE IT RESOLVED, that the proposed final settlement of all claims and offsets in Docket No. 91 in the amount of \$1,240,000 be, and the same is, hereby approved; it being understood that by this approval the attorneys for the Havasupai Tribe are authorized to execute said proposed Stipulation for Entry of Final Judgment; and

"BE IT FURTHER RESOLVED, that the Chairman of the aforementioned meeting is hereby authorized to execute the proposed Stipulation, and the Chairman of the Havasupai Tribe, or such other tribal representative as the Council may designate, is authorized to appear and testify at a hearing before the Indian Claims Commission with respect to the proposed settlement and the action taken by the Havasupai Tribe with respect thereto; and

"BE IT FURTHER RESOLVED, that the Secretary of the Interior or his 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.

* * * *"

19. Calvin N. Brice attended the tribal meeting as the representative of the Area Director, Bureau of Indian Affairs, and reported to the Washington office of the Bureau concerning the meeting. On the basis of this report and other information available to the Department of Interior, Bureau of Indian Affairs, in a letter to plaintiff's counsel dated July 7, 1969, from J. L. Norwood, Acting Deputy Commissioner, the compromise settlement was approved. The letter reads as follows:

"UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

July 7, 1969

"Mr. Royal D. Marks
819 Title and Trust Building
114 West Adams
Phoenix, Arizona 85003

"Dear Mr. Marks:

"You have requested our approval of a proposed compromise to settle Indian Claims Commission docket numbered 91 for a final net judgment of \$1,240,000.00 in favor of the petitioner, the Havasupai Tribe of the Havasupai Reservation, Arizona.

"Prosecution of the case is governed by one contract. Contract numbered I-1-ind. 42184, dated April 13, 1949, between the Havasupai Tribe and Attorneys Barnett E. Marks and Royal D. Marks (law firm of Marks and Marks), was approved on July 5, 1949, for a term of five years beginning January 1, 1949. Approval was granted on November 17, 1950, to an assignment by the law firm of a twenty-five percent (25%) interest in any fee received under the contract by Marks and Marks to the Joint Efforts Group which was represented by the law firm of Riegelman, Strasser, Schwartz and Spiegelberg (now Strasser, Spiegelberg, Fried, Frank and Kampelman).

"The contract has been extended twice. It was extended for a period of ten years beginning January 1, 1955, by agreement numbered 14-20-0650-544, dated March 8, 1958, which was approved on June 6, 1958. An extension of the contract for a period of five years beginning January 1, 1965, was approved on February 5, 1965.

"You made an offer to the Attorney General on February 28, 1969, to settle docket numbered 91 for a net final judgment in the amount of \$1,240,000.00. The offer was accepted on April 23, 1969, with conditions. Two of the conditions were that the proposed settlement be approved by the Havasupai Tribe and that the settlement, as well as the resolution of the tribe, be approved by the Secretary of the Interior or his authorized representative.

"Entry of final judgment to the petitioner in the amount of \$1,240,000.00 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 docket numbered 91. It shall also finally dispose of all rights, claims, demands, payments on the claim, counterclaims of offsets which the defendant has asserted or could have asserted against the petitioner under Section 2 of the Act of August 13, 1946 (60 Stat. 1049) for the period from June 8, 1880, to and including January 22, 1951. The parties waive any and all rights to appeal from or otherwise seek review of such final judgment.

"You presented the proposed settlement to the Havasupai Indians at a special General Council held on June 14, 1969, in the Community Center in Supai, Arizona.

"The meeting was well publicized. Notices setting out the purpose of the meeting were mailed on May 29, 1969, to more than 170 adult Havasupais at their last known addresses. None were returned undelivered. Notices of the meeting were mailed to seven newspapers, ten radio stations, and four TV stations that serve the area in which most of the Havasupais live. Also, notices were posted at all of the agencies of the Bureau of Indian Affairs in the Phoenix area. Since the meeting was well publicized we are satisfied that all of the Havasupai Indians were given an opportunity to attend the meeting.

"A representative of the Bureau attended the meeting and reported on it. The meeting was well attended by the Indians with 85 adults present. You had prepared a statement of ten pages explaining the proposed settlement. A copy of this statement was given to each adult Havasupai who attended the meeting and it was interpreted in the Havasupai language. After your explanation of the proposed settlement, a question and answer session was held. You answered all of the questions asked. Time was then given during which the Indians discussed the matter among themselves in their native language. A vote was then taken by written ballot as to whether the Indians desired to accept or reject the proposed settlement. The settlement was then accepted by the Havasupai Tribe by adoption of a resolution by a vote of 52 for and 10 against, with 1 ballot spoiled and not counted.

"A representative of the Bureau certified the resolution as true and correct, and in accordance with the action and vote of the members of the Havasupai Tribe. He also certified that the Chairman affixed his signature to the resolution in his presence.

"We are satisfied that the Indians present and voting at the meeting reasonably understood the terms of the proposed settlement, that they were representative of the tribe, and that the views expressed by the voting were representative of the membership of the tribe. The resolution adopted is hereby approved.

"The Havasupai Tribal Council composed of seven members had previously met during May of 1969, and with a quorum present, adopted Resolution numbered 12-69 by the affirmative vote of four members accepting the proposed settlement.

"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 Indian Claims Commission docket numbered 91 in favor of the petitioner, the Havasupai Tribe of the Havasupai Reservation, Arizona, is hereby approved.

"Sincerely yours,

/s/ J. L. Norwood
Acting Deputy Commissioner"

20. Pursuant to the resolutions adopted by the Havasupai Tribe, Chairman Daniel Kaska and the attorneys for plaintiff executed a Stipulation for Entry of Final Judgment in Docket No. 91. After approval of the proposed settlement by the Secretary of the Interior, counsel for the defendant, in compliance with its conditional acceptance of the terms of the compromise, also executed such stipulation, and it was filed with the Commission on July 9, 1969. The stipulation reads as follows:

"BEFORE THE INDIAN CLAIMS COMMISSION

"THE HAVASUPAI TRIBE OF THE)	
HAVASUPAI RESERVATION, ARIZONA,)	
)	
Petitioner,)	
)	Docket No. 91
v.)	
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

"STIPULATION FOR ENTRY OF FINAL JUDGMENT

"Counsel for the parties hereby stipulate that the above-entitled claim shall be settled, compromised and finally disposed of by entry of final judgment as follows:

"1. There shall be entered in the case after all allowable deductions, credits and offsets, a net judgment for petitioner in the amount of ONE MILLION TWO HUNDRED FORTY THOUSAND DOLLARS (\$1,240,000).

"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 Docket No. 91, 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, counterclaims or offsets which the defendant has asserted or could have asserted against the petitioner under the provisions of Section 2 of the Indian Claims Commission Act (c.949, 60 Stat. 1049) for the period from June 8, 1880 and March 3, 1882, to and including January 22, 1951, and defendant shall be barred thereby from asserting against petitioner in any future action, any such rights, demands, payments on the claim, counterclaims or offsets attributable to such period. 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 before June 8, 1880 or after January 22, 1951.

"4. 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.

"5. The final judgment of the Indian Claims Commission pursuant to this stipulation shall constitute a final determination by the Commission of the above-captioned case, 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.

"6. 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 Commission.

"7. Attached to this stipulation and incorporated herein by reference is a resolution approving the settlement adopted by the Havasupai Tribal Council, petitioner's governing body, a resolution adopted at a meeting of the members of the Havasupai

Tribe of Indians, held at Supai, Arizona, on June 14, 1969, both authorizing counsel for petitioner to enter into this stipulation on the basis set forth in paragraphs 1 through 6 hereof, and a copy of a letter approving the settlement of this litigation by the Secretary of the Interior or his authorized representative.

/s/ Shiro Kashiwa
Shiro Kashiwa
Assistant Attorney General
of the United States

/s/ Royal D. Marks
Royal D. Marks
Attorney of Record
for Petitioner in Docket No. 91

/s/ Howard G. Campbell
Howard G. Campbell
Attorney for Defendant

"Approval of other attorneys and petitioner follows:

APPROVED:

MARKS & MARKS

By /s/ Royal D. Marks
Royal D. Marks
Partner

/s/ Daniel Kaska
Chairman, Havasupai Tribe of the
Havasupai Reservation, Arizona

"ATTEST:

/s/ Lloyd Hanna
Secretary, Havasupai Tribe of the
Havasupai Reservation, Arizona

/s/ Daniel Kaska
Chairman, Meeting of Members of
the Havasupai Tribe held at
Supai, Arizona

"Authentication of Havasupai Signatures

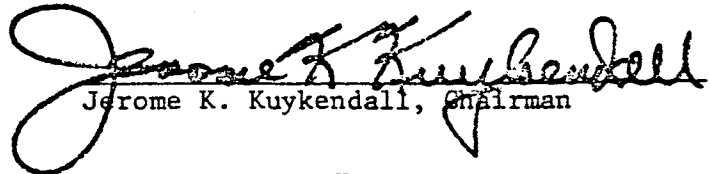
"I hereby certify that DANIEL KASKA, LLOYD HANNA, and _____ who are personally known to me, subscribed their names to the foregoing stipulation in my presence on the 14 day of June, 1969.

/s/ Calvin N. Brice
Representative, Bureau of Indian
Affairs, Department of the
Interior"

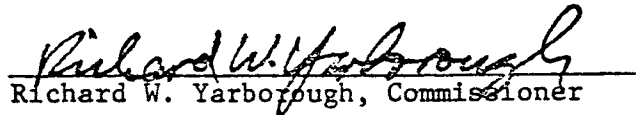
21. On July 22, 1969 the Commission held a hearing on the proposed settlement of Docket No. 91. After a full statement by counsel for the plaintiff setting forth the background of the settlement and the identification of exhibits pertinent thereto, Mr. Daniel Kaska, Chairman of the Havasupai Tribe and of the General Meeting held on June 14, 1969, took the stand. Mr. Kaska testified, among other matters, that the meeting of adult Havasupai voters held on June 14, 1969 was well attended and that the terms of the proposed settlement were understood and fully approved by those persons present and that the vote taken at the meeting was a fair and representative reflection of the views of the Havasupai Tribe.

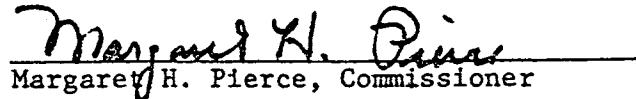
22. Based upon the entire record in these proceedings, including the prior findings and decisions of the Commission in Docket No. 91, the approval of the settlement by counsel for both parties, the Secretary of the Interior and the Havasupai Tribe of Indians, by vote at a general meeting of the adult members of the Tribe and by resolution of the Havasupai Tribal Council, the Commission finds that the proposed compromised settlement of all Havasupai claims asserted in Docket No. 91 is fair and just to both parties, that it has been reasonably explained to the members of the Havasupai Tribe, and was understood and agreed to by them, and that approval of the settlement will eliminate the need for

considerable additional litigation expenses as well as delay in payment of any final award, hence the joint motion for entry of final judgment will be granted.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner