

BEFORE THE INDIAN CLAIMS COMMISSION

THE FORT SILL APACHE TRIBE OF	)	
THE STATE OF OKLAHOMA, et al.,	)	
	)	
Plaintiffs,	)	
v.	)	Docket No. 182
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

ORDER DENYING DEFENDANT'S MOTION FOR REHEARING

UPON CONSIDERATION of the defendant's motion filed on September 28, 1972, seeking a rehearing of the Commission's decision of September 13, 1973 (28 Ind. Cl. Comm. 433), granting the plaintiffs' motion to separate or sever claims, etc., on the grounds that the Commission erred as a matter of law in holding that the plaintiffs pleaded within their original petition a claim for accounting for other than the use of the plaintiffs' aboriginal lands by non-Indians prior to the extinguishment of the plaintiffs' aboriginal title thereto, and in granting the separation of the claims herein into "Group A claims" and "Group B claims", and upon consideration of the plaintiffs' response, filed on October 10, 1972, to said motion for rehearing, the Commission has concluded that the defendant has presented nothing that was not previously considered by the Commission and that the Commission's prior decision herein is in accord with applicable law.

IT IS THEREFORE ORDERED that the defendant's motion for rehearing be, and the same is hereby, denied.

Dated at Washington, D. C., this 18<sup>th</sup> day of October 1972.

Margaret H. Pierce  
Margaret H. Pierce, Commissioner

John T. Vance  
John T. Vance, Commissioner

Brantley Blue, Commissioner

Richard W. Yarborough  
Richard W. Yarborough, Commissioner

I dissent:

Jerome K. Kuykendall  
Jerome K. Kuykendall, Chairman