

BEFORE THE INDIAN CLAIMS COMMISSION

THE CHEMEHUEVI TRIBE OF INDIANS,)	
THE CHEMEHUEVI TRIBE OF INDIANS)	
BY DAN EDDY,)	
)	
Petitioners,)	
)	
v.)	Docket Nos. 351 and 351-A
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: January 18, 1965

FINDINGS OF FACT

The Commission makes the following findings of fact:

On December 17, 1964, the Commission held a consolidated hearing on a joint settlement of the Chemehuevi (Docket Nos. 351 and 351-A) and Southern Paiute (Docket Nos. 88, 330, and 330-A) claims. The following findings of fact pertain to the Chemehuevi compromise.

1. The petitioner herein is an identifiable group of American Indians residing within the territorial limits of the United States within the meaning of Section 2 of the Indian Claims Commission Act, known and designated as the Chemehuevi Tribe of Indians. Petitioner Dan Eddy, Sr., is a member of the Chemehuevi Tribe, and appeared herein in a representative capacity on behalf of the Chemehuevi Indians.

2. This suit was instituted on August 11, 1951, by the filing of a petition seeking, in the first cause of action, damages for the taking by the United States of land in the present States of California, Arizona and Nevada to which the Chemehuevi Tribe claimed original Indian title, and, in the second cause of action, an accounting and other relief.

On August 10, 1951, a separate petition was filed, and assigned Docket No. 283, which, inter alia, also asserted a land claim by and on behalf of the Chemehuevi Tribe of Indians. On September 23, 1954, the petitioners herein and the petitioners in Docket No. 283 entered into a stipulation by which the claims set forth in Docket No. 283 on behalf of the Chemehuevi Indians were withdrawn. On August 8, 1958, in order to clarify the rights of the several parties, this Commission directed the dismissal of the claim of the Chemehuevi Indians in the petition in Docket No. 283. The petitioners in Docket No. 351, therefore, have the sole and exclusive right to present the claims of the Chemehuevi Indians before this Commission.

By order of the Commission dated January 11, 1955, the second cause of action of petitioners in Docket No. 351, seeking an accounting and other relief, was severed from Docket No. 351, and assigned a new docket, No. 351-A. Docket Nos. 351 and 351-A have been reconsolidated for all purposes in connection with the settlement of the Chemehuevi claims.

In an order dated October 6, 1958, this Commission ruled that petitioners herein are separate and distinct from the so-called Indians of California, and, accordingly, distinguished between the rights and claims set forth in Docket No. 351 and the claims put forward in Docket Nos. 31 and 37. In a decision dated July 31, 1959, 8 Ind. Cl. Comm. 1, the Commission again rejected any claim of interest by the Indians of California in and to the lands in the State of California to which petitioners herein assert original Indian title, and members of the Chemehuevi Tribe

were excluded from participation in the judgment awarded the Indians of California under the decision of this Commission entered on July 20, 1964, 13 Ind. Cl. Comm. 369, 515.

The trial in Docket No. 351 commenced on July 12, 1955. The taking of testimony terminated, and proof was closed, on September 13, 1961. Thereafter, petitioners submitted proposed findings of fact and a brief on the issue of liability. The defendant has not responded to the petitioners' findings of fact and brief and the Commission has not rendered a decision thereon.

3. In Paragraph 4 of the petition filed herein on August 11, 1951, petitioners asserted that the Chemehuevi Tribe exclusively owned and occupied in customary Indian manner certain lands specifically described therein. Upon hearing and trial of this case, petitioners amended this claim to conform to the proof. As so amended, the lands to which petitioners claimed original Indian title are as follows:

Beginning at a point in southern Nevada six miles west of a place on the Colorado River where said river encloses a small island in the latitude of Mount Davis (this starting point being east northeast from Searchlight and slightly east of south from Nelson); thence southerly to the summit of the mountain called Avi-Kwame by the Mohave and Yuman tribes, and Agai by the Chemehuevi Indians; thence southerly along the crest of the Dead Mountain-Manchester Mountain range in California, generally paralleling the Colorado River; thence southerly along the ridge of the Sacramento Mountains to the middle of Township 23 E. 7N; thence southeast to the middle of Township 24 E, 6N, along a line dividing the Chemehuevi Mountains; thence east across the Colorado River at a place known as Blankenship Bend; thence north of east in the State of Arizona to the Mohave Mountains; thence south southeast over a peak known as Akoke-Humi, for approximately 12 miles; thence west southwest across the Colorado River to the southwestern corner of Township 26E, 4N, in the State of California; thence southwest along a line paralleling the Colorado River to the summit of the Whipple Mountains; thence southwest to the

summit of the West Riverside Mountains; thence southerly to the beginning of a gap in the Big Maria Mountains separating the main eastern mass of these mountains from a spur projecting westward toward the Little Maria Mountains; thence north west to the crest of the Iron Mountains; thence northwest on a line between the Bristol Mountains and the Cady Mountains; thence north, northeast, east, and again north, on a curving line passing north of the Bristol Mountains and first south and then east of Soda Lake to a point about the middle of Devil's Playground at the western edge of Township 10W, 13N; thence east, northeasterly through Townships 10 to 14E, 13N, to Cima; thence northeast to a place on the California-Nevada State Line about three miles east of Nipton; thence easterly to the point and place of beginning. (Pet. Fdg. 3)

4. After the filing of Petitioners' Proposed Findings of Fact and Brief, the attorneys for petitioners, the Southern Paiute Nation, and the defendant entered into negotiations for a consolidated compromise settlement of the Chemehuevi (Docket Nos. 351 and 351-A) and Southern Paiute (Docket Nos. 88, 330, and 330-A) claims. After discussion among themselves and then with counsel for defendant, counsel for claimants by letter of July 6, 1964, submitted to the United States a joing settlement offer. Following further negotiations, this offer was amended by letter of September 8, 1964, pursuant to which it was proposed that all claims in the four Southern Paiute-Chemehuevi Dockets, including the claims for a general accounting, be settled by compromise, and that judgment be entered against defendant in the total net amount of \$8,250,000, with \$7,253,165.19 being paid to the Southern Paiute Nation and \$996,834.81 to the Chemehuevi Tribe. As so revised, the offer was conditionally accepted on October 9, 1964, as follows:

Assistant Attorney General
Lands Division

Department of Justice
Washington

October 9, 1964

John W. Cragun, Esquire
Wilkinson, Cragun & Barker
1616 H Street, N.W.
Washington, D. C. 20006

Dear Mr. Cragun:

Re: Southern Paiute Nation v. United States,
Docket Nos. 88, 330 and 330-A; Chemehuevi
Tribe of Indians v. United States, Docket
Nos. 351 and 351-A, before the Indian
Claims Commission.

The offer of settlement in the above-styled cases which was made by you and by Messrs. John S. Boyden and Arthur Lazarus, Jr., in your letter of July 6; as modified by your letters of September 8 and September 10, 1964, is accepted subject to the following conditions:

1. That appropriate resolutions of approval be obtained from all of the tribal petitioners referred to in any of the several petitions;
2. That approval of the settlement as well as of all resolutions be secured from the Secretary of the Interior or his authorized representative;
3. That a copy of such resolutions and of the approval by the Department of the Interior be furnished to this Department.

Copies of this letter are being sent to Messrs. Boyden, Lazarus and Weissbrodt.

Sincerely,

/s/ Ramsey Clark
Ramsey Clark

5. To establish a proper procedure for submitting the settlement agreement for the approval of the Chemehuevi Indians (including the drafting of various documents relevant thereto), a series of four meetings were held in Washington, D. C. Specifically, counsel for petitioners met

on October 14 and 29, 1964, for informal discussions with members of this Commission, and on October 15 and 27 with representatives of the Bureau of Indian Affairs.

In accordance with these discussions, agreement was reached among counsel for both parties and the Bureau of Indian Affairs as to the form and manner of the use of the following documents which had been submitted to members of this Commission:

1. the notice of meeting to vote on the settlement to be sent to all members of the Chemehuevi Tribe, posted in places where Chemehuevi Indians could be expected to gather, and distributed to the press for publication;
2. the certificate of mailing and distribution evidencing distribution and dissemination of the said notice;
3. the stipulation for entry of final judgment to be submitted to the members of the Chemehuevi Tribe at the meeting and filed with the Commission, in the event of tribal approval; and
4. the resolution authorizing counsel for petitioner upon approval of the Chemehuevi Tribe to enter into this stipulation.

On November 4, 1964, a final meeting was held by counsel for petitioner with the field representatives of the Bureau of Indian Affairs at the Bureau of Indian Affairs Area Office in Phoenix, Arizona to decide upon the place and number of meetings which would be required in order to obtain the maximum vote of the members of the Chemehuevi Tribe. Since some 351 of a total Chemehuevi population of 574 (based upon the current Bureau of Indian Affairs tribal roll) were residents of the Colorado River Indian Reservation, it was decided that a meeting held on the Reservation would assure the greatest attendance of Chemehuevi Indians. Because the non-reservation Chemehuevi Indians were scattered throughout the United States,

nowhere in significant concentration, it was determined that no other meeting could be justified in terms of the Chemehuevi attendance that could reasonably be expected. Accordingly, the meeting of the members of the Chemehuevi Tribe to vote upon the proposed settlement compromise was scheduled to be held at the Parker High School Auditorium, Parker, Arizona, on November 28, 1964, at 9:00 A.M.

6. On November 10, 1964, a copy of the following Notice of Meeting on Final Settlement of Claims of the Chemehuevi Tribe of Indians before the Indian Claims Commission was mailed, postage prepaid, to the last known address of all Chemehuevi Indians over the age of twenty-one years, determined according to the most recent tribal census compiled by the Bureau of Indian Affairs and furnished counsel for petitioners by the Superintendent of the Colorado River Indian Reservation:

November 10, 1964 ..

**NOTICE OF MEETING ON FINAL SETTLEMENT OF CLAIMS
OF THE CHEMEHUEVI TRIBE OF INDIANS
BEFORE THE INDIAN CLAIMS COMMISSION**

TO ALL MEMBERS OF THE CHEMEHUEVI TRIBE OF INDIANS:

You are hereby notified that there will be a meeting of the members of the Chemehuevi Tribe of Indians on Saturday, November 28, 1964, at 9:00 o'clock, A.M., at the PARKER HIGH SCHOOL AUDITORIUM, IN PARKER, ARIZONA, to consider approval of a proposed final settlement for the sum of \$996,834.81 of the claims filed on behalf of the Chemehuevi Tribe against the United States before the Indian Claims Commission. The claims included within the proposed settlement are Docket No. 351 (land) and Docket No. 351-A (accounting).

A complete explanation of the proposed final settlement will be given by the undersigned attorneys at the meeting, followed by a question and answer session in which members of the Chemehuevi Tribe will be encouraged to participate. The proposed settlement is part of, and depends upon an overall final settlement of the claims of the Southern Paiute Nation (Docket Nos. 88, 330 and 330-A) as well as the claims of the Chemehuevi Tribe. The proposed settlement does not include any interest members of the

Chemehuevi Tribe may have in the claims before the Commission on behalf of the Colorado River Indian Tribes.

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 CHEMEHUEVI TRIBE, THEREFORE, ARE STRONGLY URGED TO ATTEND AND VOTE AT THE MEETING.

/s/ Dan Eddy
Dan Eddy, Representative
Petitioner

/s/ ROYAL D. MARKS
Royal D. Marks
Of Counsel
Docket Nos. 351 and 351-A
819 Title & Trust Building
Phoenix, Arizona 85003
(Pat. Ex. S-2)

/s/ ARTHUR LAZARUS, JR.
Arthur Lazarus, Jr.
Attorney of Record
Docket Nos. 351 and 351-A
1700 K Street, Northwest
Washington, D. C. 20006

In addition, fifty copies of this notice were mailed, postage prepaid, to Mr. Dan Eddy, Sr., Chairman of the Chemehuevi Business Committee, and the sole individual petitioner, for distribution by him to adult members of the Chemehuevi Tribe residing on or near the Colorado River Indian Reservation.

To assure the attendance of as many members of the Chemehuevi Tribe as possible, further dissemination was made by posting this notice at all usual places of notice and gathering of members of the Chemehuevi Tribe of Indians (including some 19 post offices located in Arizona, California and Nevada) and by delivering copies for broadcast to radio and television stations and for publication to the newspapers covering the areas in which Chemehuevis live. In addition copies of the following press release and the notice of meeting were sent on November 13, 1964, by Mr. Homer M. Gilliland, Superintendent of the Colorado River Indian Reservation, to newspapers, radio and TV stations, serving the areas in which Chemehuevi Indians could be found.

CHEMEHUEVI INDIANS TO VOTE ON SETTLEMENT

Chemehuevi Indians will meet in Parker, Arizona, on Saturday morning, November 28, to vote on whether to accept a \$996,834 settlement of a 13-year old law suit against the Federal Government.

In 1951, the Chemehuevis filed a petition with the Indian Claims Commission seeking compensation for land in California, Arizona and Nevada taken by the United States in 1853, without any payment to the tribe. Although the case was tried several years ago, no decision as yet has been handed down.

The proposed settlement was worked out by attorneys for the Chemehuevi Tribe, Arthur Lazarus, Jr. of Washington, D. C., and Royal D. Marks of Phoenix, Arizona, and was accepted last month by Assistant Attorney General Ramsey Clark. The Chemehuevi suit is only the second case pending before the Commission which the Government has agreed to settle in advance of a court decision holding it liable for taking the land claimed.

A meeting of tribal members to vote upon the settlement is required under the rules of the Commission. The commission also requires that a substantial number of tribal members attend the meeting, and that a majority of the adults present vote in favor of the proposal. In addition to acceptance by the Chemehuevi Tribe, approval by the Commission and the Secretary of the Interior is essential before the settlement can be effective.

The Chemehuevis will meet in the Parker High School Auditorium beginning at nine o'clock in the morning. Attorneys Lazarus and Marks will be present to explain the settlement and answer questions from the audience. It is expected that a vote will be taken immediately after the close of the question and answer period.

The records of the Bureau of Indian Affairs indicate that there are between 500 and 600 Chemehuevi Indians, most of whom live on the Colorado River Indian reservation. Other tribal members live scattered throughout California, Arizona, Nevada and Utah. The Chemehuevis are related to the Southern Paiute Indians, and the proposed settlement is part of an overall settlement of all the claims against the United States of both groups. (Pet. Ex. S-5b)

This press release, or portions thereof, was published in a number of local newspapers at various times prior to the meeting.

7. On November 28, 1964, at the Parker High School Auditorium, Parker, Arizona, a meeting of the Chemehuevi Indians was held for the purpose of considering and voting upon the proposed settlement. The meeting was attended by some 200 Chemehuevi Indians, including at least 131 adults, the attorneys for petitioners, Mr. Donald Gormley, counsel for the petitioners in Docket Nos. 88, 330, and 330-A, and representatives of the Bureau of Indian Affairs.

The first order of business was the election of a chairman to conduct the meeting and appear before this Commission with respect to the Chemehuevi settlement. Mr. Dan Eddy, Sr., was nominated and elected permanent Chairman of the meeting. The Chairman then selected two tellers to check the eligibility of the voters. These tellers were chosen for their knowledge of and familiarity with Chemehuevi Indians.

Mr. Eddy next called upon Mr. Royal D. Marks, co-counsel for petitioners, who presented the history of the Chemehuevi claim. Mr. Marks discussed the background of the claim in detail and explained the length of time required to prosecute the case to judgment, first on liability, then as to value and offsets and the risks involved therein. He then introduced Mr. Arthur Lazarus, Jr., of Washington, D. C., attorney of record for petitioners, to elucidate the terms of the proposed settlement and to explain the voting procedure.

Copies of a map showing the areas claimed by the Chemehuevi Tribe and Southern Paiute Nation, and the stipulation for entry of final judgment were distributed to all persons present. In addition, copies of the following tribal resolution approving the settlement under consideration and authorizing counsel for the Chemehuevi Tribe to execute the said stipulation were made available to each member of the group.

RESOLUTION

WHEREAS, the Chemehuevi Tribe of Indians, in its own right and also through Dan Eddy, as an individual representative thereof, has been prosecuting a case before the Indian Claims Commission to obtain compensation for land originally owned and occupied in Indian Fashion by the Chemehuevi Tribe and taken by the United States without payment therefor, and also a suit for a general accounting, identified as Docket Nos. 351 and 351-A, respectively; and

WHEREAS, the claim in Docket No. 351 was consolidated for trial with the claims of the Southern Paiute Nation in Docket Nos. 88 and 330, and the issues of original Indian title were tried before the Indian Claims Commission; and

WHEREAS, following the filing of Proposed Findings of Fact and Briefs by the attorneys for the petitioners, they and the attorneys for the Government agreed to enter into negotiations for the possible settlement of the claims, and following successful negotiations said attorneys have agreed, subject to the approval of the Chemehuevi Tribe, the Southern Paiute Nation, the Secretary of the Interior or his authorized representative, and the Indian Claims Commission, to settle and compromise jointly all issues in all claims of the Chemehuevi Tribe and the Southern Paiute Nation for the sum of \$8,250,000, the share of the Chemehuevi Tribe of Indians being in the total amount of \$996,834.81, said amount to be net after all offsets to which the United States might have been entitled in Docket Nos. 351 and 351-A; and

WHEREAS, at a meeting of the Chemehuevi Tribe of Indians, called for the purpose of considering the terms of the settlement, and at which the proposed final settlement was fully discussed by the attorneys for the Chemehuevi Tribe and the members of the Chemehuevi Tribe were given full opportunity to enter into said discussion and ask questions concerning all phases of the claims; 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 Chemehuevi 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, read in the aforementioned meeting, and explained by the attorneys for the Chemehuevi Tribe;

NOW, THEREFORE, BE IT RESOLVED, that the proposed final settlement of all claims and offsets, in Docket Nos. 351 and 351-A, in the amount of \$996,834.81, be, and the same is, hereby approved; it being understood that by this approval the attorneys for the

Chemehuevi 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 to appear and testify at a hearing before the Indian Claims Commission with respect to the proposed settlement and the action taken by the Chemehuevi 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.

CERTIFICATION

The foregoing Resolution was duly adopted by a vote of the adult members of the Chemehuevi Tribe as follows:

<u>Date</u>	<u>Place of Meeting</u>	<u>Vote</u>	
		<u>Yes</u>	<u>No</u>
November 28, 1964	Parker, Arizona		

Chairman

CERTIFICATE AND AUTHENTICATION

The foregoing resolution is hereby certified as being true and correct, and in accordance with the action and vote taken at said meeting of members of the Chemehuevi Tribe, and the signature of the Chairman was subscribed by said Chairman, who is personally known to me, in my presence.

(Pet. Ex. S-7)

Phoenix Area Office Representative,
Bureau of Indian Affairs.

Mr. Lazarus then explained in detail the background, terms consequences and merits of the settlement, after which questions from the group were solicited. All questions were fully answered and when it appeared that no further interrogatories were forthcoming, the balloting was begun.

Mr. Lazarus had earlier informed the tribal members present that different colored ballots would be used in the election - white ballots for voters whose identity as Chemehuevi Indians was unquestioned and the pink ballots for persons whose membership was challenged. The ballots, identical in all other respects, were as follows:

BALLOT

I AM A MEMBER OF THE CHEMEHUEVI TRIBE AND VOTE

Yes No ON THE PROPOSED SETTLEMENT OF THE

(Please mark one)

CHEMEHUEVI CLAIMS AGAINST THE UNITED STATES FOR THE

SUM OF \$996,834.81.

(Please print name)

(Pet. Ex. S-10a)

(Please sign name)

After the last adult Chemehuevi voter desiring to vote had done so, the ballots were counted by one of the tellers and recorded by Mr. Lazarus. The settlement was approved by a vote of 128 to 1, which may be broken down by ballots as follows:

	Yes	No	Disqualified (signed but unmarked) as to vote
White	119	1	2
Pink	<u>9</u>	<u>1</u>	<u>2</u>
Total	128	1	2
Total votes cast			131

These figures were entered on the foregoing resolution, which was then executed by the Chairman of the meeting and authenticated by the Phoenix Area Office representative, Bureau of Indian Affairs.

8. On December 8, 1964, counsel for petitioners wrote to the Commissioner of Indian Affairs requesting approval of the settlement compromise, transmitting therewith all relevant documents pertaining to the negotiations of the compromise agreement, its presentation of the Chemehuevi Indians and their approval. After consideration, the Department of the Interior, through Associate Commissioner James E. Officer, approved the compromise settlement, by letter of December 16, 1964, as follows:

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Indian Affairs
Washington, D. C. 20240

Dec. 16, 1964

Strasser, Spiegelberg, Fried, Frank & Kampelman
1200 K Street, NW
Washington, D. C., 20006

Gentlemen:

You submitted to this Bureau for approval a proposed compromise to settle claims of the Chemehuevi Tribe of Indians in Indian Claims Commission Dockets 351 and 351-A.

Claims on behalf of the Chemehuevi Tribe were prosecuted under Contract No. I-1-Ind. 42531, dated July 13, 1951, with Attorneys Barnett E. Marks and Royal D. Marks, a co-partnership, with whom were associated Arthur Lazarus, Jr., Marvin J. Sonosky, and Louis L. Rochmes. The contract was approved on August 2, 1951. It provided for a term of ten years beginning with the date of approval.

The Chemehuevi Tribe entered into an amended contract, Symbol 14-20-650 No. 691, executed during the period November 14, 1958, to January 12, 1959, with Marks and Marks, Louis L. Rochmes, Marvin J. Sonosky, and Strasser, Spiegelberg, Fried, and Frank (now Strasser, Spiegelberg, Fried, Frank and Kampelman). It was approved on January 18, 1959, and provides for a term of ten years beginning with the date of approval.

You submitted an offer to the Attorney General by letter dated July 6, 1964, as amended by letter dated September 8, 1964, for compromise and settlement of claims of the Chemehuevi Tribe in Indian Claims Commission Dockets 351 and 351-A for a final judgment in the amount of \$996,834.81.

By response dated October 9, 1964, your offer was accepted by the Attorney General provided appropriate resolutions be obtained from the tribal petitioners and that the resolutions and settlement be approved by the Secretary of the Interior or his authorized representative.

Notices dated November 10, 1964, were timely sent to all persons known to be Chemehuevi Indians at their last known address and publicity was given through news media that a meeting was to be held on November 28, 1964, at Parker, Arizona, at which the Indians' claims attorneys would explain the terms of a proposed compromise settlement of the tribe's claims against the United States and then obtain the members' views on acceptance or rejection. The opportunity was given to all Chemehuevi to attend the meeting and express their views. About 200 Indians were present at the meeting. Among them were some husbands and wives who were not Chemehuevi Indians. The Superintendent of the Colorado River Indian Agency and the Bureau's Tribal Operations Officer stationed at that Agency also attended. Our representatives report that the claims attorney explained the terms of the proposed compromise settlement pro and con, answered questions asked by the Indians, that the Indians discussed the proposed compromise among themselves, and that the Indians then expressed their views by secret ballot.

Persons who were known to be Chemehuevi were given white ballots and those whose identity as Chemehuevi was questionable were given pink ballots. A total of 131 ballots were cast of which 128 (119 white and 9 pink) were for, 1 (white) against acceptance of the proposed compromise, and 2 (white) void.

The resolution adopted by the above vote by which the Chemehuevi Indians accepted the proposed compromise was signed by their Chairman. The resolution was certified by the Bureau's representative as being true and correct and that the signature of the Chairman was subscribed in his presence. The resolution is hereby approved.

Our representatives report that the Chemehuevi are highly acculturated through close association with non-Indians and have a good understanding of English. Those Chemehuevi who attended the November 28 meeting are considered representative of the Chemehuevi Tribe, that they appeared to understand the terms of the proposed compromise, and that the vote expressed the views of the membership of the Chemehuevi Tribe.

The proposed stipulation with a net judgment in the amount of \$996,834.81 for the petitioners will dispose of all rights, claims or demands which the petitioners have or could have asserted with respect to the subject matter of claims in Dockets 351 and 351-A, and dispose of all rights, claims or demands, counterclaims, offsets,

etc., which the defendant has or could have asserted against the petitioners up to and including the date of entry of final judgment. It also provides that no appeal by either party will be taken from the final determination by the Indian Claims Commission and as the stipulation is a part of a joint settlement and compromise of all issues in all claims of the Chemehuevi Tribe and the Southern Paiute Nation for the sum of \$8,250,000.00 the final judgment shall not be entered unless a like stipulation for final judgment is filed with the Indian Claims Commission relative to claims of the Southern Paiute Nation.

In the light of the information which you have supplied us, that submitted by our field offices, and that which has been obtained from other sources, we believe that the proposed settlement of claims of the Chemehuevi Tribe of Indians in Dockets 351 and 351-A is fair and just to the Indians. The proposed settlement is hereby approved pursuant to the authority granted by Section 11, Secretarial Order 2508 (27 F.R. 11560).

Sincerely yours,

/s/ James E. Officer
Associate Commissioner

(Pet. Ex. S-11)

Following the approval of the authorized representative of the Secretary of the Interior, counsel for defendant, in compliance with its conditional acceptance of the terms of the settlement compromise, as set forth in its letter of October 9, 1964, executed the following Stipulation for Entry of Final Judgment:

BEFORE THE INDIAN CLAIMS COMMISSION	
THE CHEMEHUEVI TRIBE OF INDIANS,)
THE CHEMEHUEVI TRIBE OF INDIANS)
BY DAN EDDY,)
Petitioners,)
)
v.)
)
THE UNITED STATES OF AMERICA,)
)
Defendant.)

Docket Nos. 351 and 351-A

STIPULATION FOR ENTRY OF FINAL JUDGMENT

Counsel for the parties hereby stipulate that the above-entitled claims shall be consolidated for all purposes, and

shall be settled, compromised and finally disposed of by entry of final judgment as follows:

1. There shall be entered in the consolidated case after all allowable deductions, credits and offsets, a net judgment for petitioners in the amount of \$996,834.81.

2. Entry of final judgment in said amount shall finally dispose of all rights, claims or demands which the petitioners have asserted or could have asserted with respect to the subject matter of these claims, and petitioners 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 petitioners under the provisions of Section 2 of the Indian Claims Commission Act (c. 949 60 Stat. 1049), and defendant shall be barred thereby from asserting against petitioners in any future action, any such rights, demands, payments on the claim, counterclaims or offsets from the beginning of the relationship of the Chemehuevi Tribe of Indians with the Government of the United States to and including the date of entry of final judgment herein. It is agreed that defendant shall not be barred by this stipulation or by entry of judgment pursuant thereto from claiming in any future action offsets accruing subsequent to the date of final judgment herein.

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

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. This stipulation is part of a joint settlement and compromise of all issues in all claims of the Chemehuevi

Tribe of Indians and the Southern Paiute Nation for the sum of \$8,250,000, and final judgment shall not be entered for petitioners herein unless a like stipulation for final judgment is filed with the Commission relative to the claims of the Southern Paiute Nation.

8. Attached to this stipulation and incorporated herein by reference is a resolution adopted at a meeting of the members of the Chemehuevi Tribe of Indians, held at Parker, Arizona, on November 28, 1964, authorizing counsel for petitioners to enter into this stipulation on the basis set forth in paragraphs 1 through 7 hereof, and a copy of a letter approving the settlement of this litigation by the Secretary of the Interior or his authorized representative.

/s/ Ramsey Clark, 12/17/64
 Ramsey Clark
 Assistant Attorney General of
 the United States

/s/ Arthur Lazarus, Jr.
 Arthur Lazarus, Jr.
 Attorney of Record for Petitioners
 in Docket Nos. 351 and 351-A

/s/ Bernard M. Newburg
 Bernard Newburg
 Attorney for defendant

Approval of other attorneys and petitioners follows:

APPROVED

STRASSER, SPIEGELBERG, FRIED,
 FRANK & KAMPELMAN

By Arthur Lazarus, Jr.
 Partner

/s/ Daniel Eddy, Sr.
 Dan Eddy, Representative
 Petitioner

/s/ Royal D. Marks
 Royal D. Marks

/s/ Daniel Eddy, Sr.
 Chairman, Meeting of Members of
 the Chemehuevi Tribe held at
 Parker Arizona

MARKS & MARKS

By Royal D. Marks
 Partner

Louis L. Rocimas

/s/ Marvin J. Sonosky
Marvin J. Sonosky

SONOSKY & WHITE

By Marvin J. Sonosky
Partner

AUTHENTICATION OF CHEMEHUEVI SIGNATURES

I hereby certify that Daniel Eddy, Sr., who is personally known to me, subscribed his name to the foregoing stipulation in my presence on the 28th day of November, 1964.

Homer M. Gilliland
Representative, Bureau of Indian
Affairs, Department of Interior

(Pet. Ex. S-8)

The resolution referred to in the Stipulation above is fully set forth in Finding No. 7 herein.

9. Filed with the Stipulation for Final Judgment was the Joint Motion of the parties hereto for Entry of Final Judgment. Said motion is as follows:

JOINT MOTION FOR ENTRY OF FINAL JUDGMENT

Pursuant to the Stipulation For Entry Of Final Judgment, filed herein on December 17, 1964, the parties in the above-captioned cases hereby move this Commission for entry of final judgment, in accordance with said stipulation, in favor of petitioner, the Chemehuevi Tribe of Indians, in the total amount of \$996,834.81.

In support of said motion, the parties rely upon the exhibits and testimony received by the Commission in an open hearing held on December 17, 1964, the transcript of which is now on file with the Commission.

Respectfully submitted,

/s/ Arthur Lazarus, Jr.
Arthur Lazarus, Jr.
Attorney of Record for Petitioners
in Docket Nos. 351 and 351-A

/s/ Ramsey Clark
Ramsey Clark
Assistant Attorney General
of the United States

/s/ Bernard Newburg
Bernard Newburg
Attorney for Defendant

10. As stated in Finding No. 1, the claim herein was filed in a representative capacity by Dan Eddy, indicating that this identifiable group of Indians was also an unorganized group which could file its claim only through one of its members. It was claimed at one time by the group that a committee known as the Business Committee had been recognized by the Secretary of the Interior as an organization which could represent the group. This apparently was later denied by the Secretary of the Interior. Under the circumstances, in order to make the record clear, and in accord with the preponderance of the evidence, we find that the petitioners at all times mentioned herein, were and now are an unorganized identifiable group of American Indians within the meaning of the Indian Claims Commission Act of 1946, and are known and generally referred to as the Chemehuevi Tribe of Indians.

11. On December 17, 1964, hearings were held before this Commission on the joint Chemehuevi and Southern Paiute settlement compromise. After a full statement setting forth the background of the settlement, its submission to the members of the Chemehuevi Tribe, and the approval of the Tribe, the Bureau of Indian Affairs, and the defendant, and the introduction of exhibits pertinent thereto, Mr. Dan Eddy, Sr., Chairman of the Chemehuevi Business Council and the meeting of November 28, 1964, as well as the sole representative petitioner took the stand.

Mr. Eddy testified that he is 56 years old and has been a tribal leader for more than 13 years. He then testified that he personally had distributed copies of the notice of the meeting to be held in Parker, Arizona on November 28, 1964, among his people in Parker; that everyone to whom he had spoken about the meeting had received a copy of same,

and that he had seen notices of the meeting in the Parker and tribal newspapers. Mr. Eddy further stated that the procedure followed at the meeting of November 28 was as described in Finding No. 6, that to his knowledge, this meeting of the members of the Chemehuevi Tribe was better attended than any other meeting of the Chemehuevi Indians and that, based on his discussions with the Indians present the terms of the settlement were well understood and fully approved. Finally, Mr. Eddy testified that the vote taken at the meeting was a fair and representative reflection of the wishes of the Chemehuevi Indians.

12. With respect to the fairness of the settlement the Commission has before it the pleadings, the evidence received at the hearings on title and on the settlement, and matters of which it can take judicial notice, all of which furnish some information which will help determine this issue. From these sources we learn that the subject area is semi-arid to arid; that it has one large stream, the Colorado River running through a small portion of it; that it is mountainous with a few valleys and other semi-level places that are susceptible to growing crops with the aid of irrigation; and that the Indians found that in its natural state it would not support intensive agriculture. The Indians' use of the area was limited largely to bare subsistence activities which consisted principally of gathering edible plants, hunting game native to the area, and some subsistence farming in small areas where the very limited water supply would sustain an agricultural activity. We also could conclude it had potential uses that could be enlarged if necessary financial resources were available to its development.

Taking all of these items into account, together with the statements of counsel, the testimony of Mr. Eddy, and the approval of the Secretary of the Interior, and members of the Chemehuevi Tribe of Indians, the Commission finds that the proposed settlement is fair and just to the Indian litigants concerned and to the United States; that it has been reasonably explained to the members of the Chemehuevi Tribe; that bona fide members of the said Indian tribe have approved the settlement by a nearly unanimous vote of those voting after a reasonable opportunity to examine it, understand its terms, and vote upon its approval or disapproval; that the vote properly reflects the wishes of the members of the Chemehuevi Tribe; and that approval of the settlement will eliminate the need for considerable additional litigation expenses. The Commission concludes that the said motion should be granted.

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner

T. Harold Scott
Associate Commissioner