

BEFORE THE INDIAN CLAIMS COMMISSION

THE SEMINOLE INDIANS OF THE)	
STATE OF FLORIDA,)	
)	
Plaintiff,)	
)	
v.)	Docket No. 73-A
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: April 20, 1977

ADDITIONAL FINDINGS OF FACT ON COMPROMISE SETTLEMENT

The above captioned docket is now before the Commission for approval of a compromise settlement of plaintiff's claims and entry of final judgment in the amount of \$50,000, with a waiver of review or appeal by either party. Said judgment is also to dispose of all claims, demands, payments on the claim, counterclaims or offsets, which defendant has asserted or could have asserted in this docket up to October 22, 1970, under the provisions of Section 2 of the Indian Claims Commission Act, 60 Stat. 1049, 1050 (1946). Defendant has reserved the right to claim any offsets arising after October 22, 1970. A hearing, having been held before the Commission on February 3, 1977, at Fort Lauderdale, Florida, on the proposed compromise settlement, the Commission makes the following findings of fact:

22. History of Litigation. On August 14, 1950, plaintiff filed a petition in Docket 73 which included as cause 4 the claim in Docket 73-A. This claim was for the recovery of the difference in value in an exchange

of Indian lands in Florida. In 1936 the United States acquired from the State of Florida for inclusion in the then proposed Everglades National Park the state reservation of about 99,200 acres in Monroe County which was established in trust for plaintiff by the State of Florida in 1917. The State of Florida, at the request of the United States, transferred to the United States, about 104,800 acres in Broward and Palm Beach Counties in lieu of the Monroe County lands as a reservation in trust for plaintiff.

On January 22, 1953, the Commission ordered said cause 4 separated from Docket 73 and designated as Docket 73-A. On August 13, 1968, by order the third cause of action in Docket 73 was separated from said docket and that said third cause was made part of Docket 73-A.

The Commission held a hearing on expanded Docket 73-A on December 1, 1969. On March 24, 1971, the Commission entered an interlocutory order, opinion and findings of fact. This decision dismissed cause 1 (cause 3 in Docket 73). The Commission further determined in that decision, inter alia, that the United States actively participated in concert with the State of Florida in acquiring land, including plaintiff's reservation in Monroe County, for the proposed Everglades National Park. The Commission found that the United States, by so doing, assumed a special responsibility and duty to the Florida Seminoles to protect them from any unfair, improvident or unconscionable disposition of their Monroe County reservation lands. The Commission ordered a further hearing on all issues concerning the fairness and adequacy of the consideration involved in the exchange of the 99,200 acre tract in Monroe County for the 104,800 acres in Broward

and Monroe Counties, and all other matters that bore upon the extent, if any, of defendant's liability to plaintiff. (25 Ind. Cl. Comm 25-54).

On August 14, 1972, plaintiff appealed from the order of March 24, 1971, and defendant cross-appealed. On January 18, 1973, the Court of Claims dismissed the appeal because the order appealed from was not final, (Seminole Indians of the State of Florida v. United States, 200 Ct. Cl. 417 (1973)). On remand, the Commission entered a final order January 16, 1974, at 33 Ind. Cl. Comm. 70 dismissing Count 1 and severing it from Docket 73-A into Docket 73-B for purposes of appeal. The plaintiff appealed and the Court of Claims affirmed the dismissal at 206 Ct. Cl. 876 (1975).

After setting a trial date for January 8, 1976, and subsequent resettings thereof, the Commission on May 26, 1976, removed Docket 73-A from the trial calendar because the parties had agreed to compromise the claim.

23. Resolution of May 14, 1976 Authorizing Plaintiff's Counsel to Enter into a Settlement. On May 14, 1976, the tribal council of the Seminole Tribe of Florida passed a resolution which reads as follows:

RE: LAND CLAIM - DOCKET 73-A
PENDING BEFORE THE INDIAN CLAIMS COMMISSION

SEMINOLE TRIBE OF FLORIDA
RESOLUTION NO. C83-76 HOLLYWOOD, FLORIDA.

WHEREAS, the Seminole Tribe of Florida is an organized Tribe as defined in Section 16 of the Act of June 18, 1934, as amended:
and

WHEREAS, the Tribe has pending before the Indian Claims Commission the action for the recovery of the difference between the value

of certain lands taken by the United States in 1936 for the Everglades National Park, approximating 99,000 acres, and the so-called lieu lands transferred to the State of Florida, in trust for the Seminoles of Florida, approximating 104,000 acres, situate in Broward and Palm Beach Counties; and

WHEREAS, Roy L. Struble, Claims Attorney, reported to the Council that he has been unable to develop any evidence of sales, showing any disparity between the values of the two tracts and, consequently, is not in a position to prove any damages collectible against the United States in said Docket 73-A; and

WHEREAS, said Claim Attorney reported that he has negotiated from time to time with attorneys representing the United States and has agreed to a settlement of said claim for the sum of Fifty Thousand (\$50,000.00) Dollars (net), without any offsets, subject to the approval of the Tribal Council; and

WHEREAS, in view of the lack of evidence of sales to support said action in Docket 73-A, it appears in the best interest of the Seminole Tribe of Florida to accept said offer.

NOW THEREFORE, BE IT RESOLVED: That it is in the best interests of the Tribe to settle said Docket 73-A for the sum of Fifty Thousand (\$50,000.00) Dollars, and Roy L. Struble, Effie Knowles and Charles Bragman, as Claims Attorneys, are hereby authorized and directed to advise the attorneys for the United States, the Bureau of Indian Affairs, Department of the Interior, and the Indian Claims Commission of the approval of said settlement for the sum of Fifty Thousand (\$50,000.00) Dollars, and said Claims Attorneys are authorized to do all things appropriate or necessary to consummate said settlement.

DONE This 14th day of May, 1976, at a regular meeting of the Tribal Council, duly convened at Hollywood, Florida, a quorum being present, by a vote of five (5) for and none against, with no abstentions.

/s/ HOWARD E. TOMMIE
Chairman, TRIBAL COUNCIL

/s/ DOROTHY S. OSCEOLA
Secretary-Treasurer, Tribal Council

APPROVED

/s/ DUANE MOXIN
Duane Moxin, Superintendent, Seminole Agency BIA

Testimony given at the hearing of February 3, 1977, showed that the full council of five tribal officials met at the tribal headquarters on the Hollywood Tribal Reservation on May 14, 1976. Fourteen other members of the tribe, including the executive secretary, were also present. At that meeting, Mr. Roy L. Struble, principal attorney for the tribe, presented a comprehensive review of the facts and events that led to the proposed settlement and explained its terms to those present. The testimony shows that all of the Indians present understood the nature and terms of the proposed settlement and they approved it.

The members of the Seminole Tribe of Florida reside on three reservations which are a considerable distance apart. There are about 400-450 members on each reservation. There are two other groups of Seminole Indians, one consists of about 400 members of the Miccosukee Tribe of Indians of Florida on a state reservation in southern Florida and in and around Immokalee, Florida, and the other group, the Everglades Miccosukee Tribe of Seminole Indians, consisting of about 40 persons, is in and around Naples, Florida. The Commission has previously determined that all Florida Seminoles are represented in this claim in Docket 73-A. (19 Ind. Cl. Comm. 440 (1968); 25 Ind. Cl. Comm. 25, 39, Finding 1; 38 Ind. Cl. Comm. 62, 71, 72 (1976)).

The two other groups referred to above, which are not affiliated with the Seminole Tribe of Florida, are scattered in several Indian communities, principally in southern Florida. It would have been a hardship for individual members of these two groups and of the Seminole Tribe of Florida

to travel to a general membership meeting held at the one central location at Hollywood, and too costly to the tribe, in relation to the size of the compromise settlement now under consideration, to hold separate meetings on the three reservations of the Seminole Tribe of Florida and in the areas in which all of the Seminoles live. Consequently, a general meeting or meetings of all members of plaintiff were not called or held.

The Commissioner of Indian Affairs, in his letter of January 10, 1977, (infra), states as follows:

Roy L. Struble, Esquire
1160 Kane Concourse
Miami Beach, Florida 33154

Dear Mr. Struble:

You have requested our approval of a proposed compromise settlement to settle the claim of the Seminole Indians of the State of Florida v. United States, Docket No. 73-A, before the Indian Claims Commission by an award of a judgment in the sum of \$50,000. The claim in Docket 73-A is for recovery of the difference between the value of certain lands acquired by the United States in 1936 for the Everglades National Park comprised of about 99,000 acres situated in Monroe County, Florida. The lands transferred in lieu thereof to the State of Florida in trust for Seminole Indians approximate 104,000 acres situated in Broward and Palm Beach Counties, Florida.

Authority to prosecute the claim before the Indian Claims Commission identified as Docket 73-A is governed by the following contracts, extensions and amendments:

Contract No. I-1-ind. 42239 dated October 15, 1949, was entered into between the Seminole Indians of the State of Florida and Attorneys John O. Jackson and Roger J. Waybright. Subsequently, associations of several attorneys with Mr. Jackson were approved. An assignment of a ten percent interest in the contract to Attorney Effie Knowles was approved on October 8, 1959, which provided that Attorneys Bragman, Knowles, and Struble have an interest in the contract and that Attorney Struble would have control of the conduct of prosecution of Docket Nos. 73 and 73-A. Contract No. I-1-ind. 42239 expired of its own terms on January 5, 1965, and not subject to amendment.

On April 30, 1965, the Seminole Tribe of Florida executed a new and separate contract (Symbol 14-20-0650 No. 1292) with Attorneys Roy L. Struble, Effie Knowles, and Charles Bragman which was approved on June 3, 1965. It was later amended to provide for a term of ten years from January 5, 1965. On June 7, 1965, the contract was amended to cover services rendered by the attorneys from January 5, 1965, to June 3, 1965. The amendment was approved on June 29, 1965, by the Acting Associate Commissioner of Indian Affairs.

On November 22, 1974, the Seminole Tribe of Florida entered into a new contract (K51C14200921) with Attorneys Roy L. Struble, Effie Knowles, and Charles Bragman for the prosecution of claims before the Indian Claims Commission in Dockets 73, 73-A and 73-B. The contract is to run for a period of ten years beginning with the date of its approval on April 16, 1975, by Area Director Harry Rainbolt of the Eastern Area. The contract is in full force and effect.

The record shows that on June 8, 1976, Attorney Roy L. Struble sent a letter to the Honorable Peter R. Taft, Assistant Attorney General of the United States, advising that the claims attorneys were duly authorized by the Seminole Tribal Council to enter into a stipulation for the settlement of the claims in Docket 73-A for the net sum of \$50,000. This offer of a compromise settlement was accepted on July 1, 1976, by A. Donald Mileur, Chief, Indian Claims Section, Land and Natural Resources Division, Department of Justice, Washington, D. C., subject to the following conditions:

1. that the proposed settlement be approved by appropriate resolutions of the tribal membership and the governing body of the Seminole Indians of the State of Florida;
2. that approval of the settlement and the resolutions of the tribal membership and the tribal governing body be obtained from the Secretary of the Interior or his authorized representative, and
3. that a copy of both resolutions and the approval of the terms of settlement by the Department of the Interior be furnished to the Department of Justice.

This claim was initially discussed and explained fully by Attorney Struble at the joint meeting of the Seminole Tribal Council and the Seminole Board of Trustees held on July 18, 1975, the same session in which a compromise settlement of claims in Docket 73

for the sum of \$16,000,000 was deliberated. Attorney Struble explained that litigation to full conclusion rather than by compromise would ultimately cost more than the lands involved were worth. At this meeting, the claims attorneys were authorized to submit a proposal to the defendant for the settlement of the Docket 73-A claim. Superintendent Duane C. Moxon of the Seminole Agency attended this meeting.

On May 14, 1976, Attorney Struble again met with the Seminole Tribal Council and fully explained the history of the claim in Docket 73-A. Superintendent Moxon, who attended the meeting, states that Attorney Struble gave a thorough explanation of the claim and displayed maps showing the location of the lands involved in the claim. Mr. Moxon further reports that Attorney Struble explained what had transpired in making the Monroe County lands available as a portion of the Everglades National Park that resulted in the establishment of the Broward-Palm Beach reservation area. Superintendent Moxon advises that all the elected tribal representatives from the three Seminole reservations were present at the meeting and that each has discussed the proposed settlement with the residents of their respective reservations. Twelve other tribal members attended the meeting: eight from the Hollywood Reservation, three from the Brighton Reservation, and one from the Big Cypress Reservation.

Following a full discussion of the proposed settlement, Resolution C-83-76 was adopted by an unanimous vote of five to nothing. The resolution states that it is in the best interest of the Seminole Tribe to settle the claim in Docket 73-A for the sum of \$50,000 and authorized Attorneys Roy L. Struble, Effie Knowles and Charles Bragman to do all things appropriate or necessary to consummate the proposed settlement.

The Omaha decision (8 Ind. Cl. Comm. 392), which established procedures in the matter of the approval of compromise settlements, requires, in part, that documentary evidence will consist of resolutions from both the tribe and the tribal council approving the proposed compromise settlement and authorizing their chairman or other officials to sign and execute the compromise in their behalf. The decision further holds that unusual circumstances may exist which conceivably could cause undue hardships to the parties to a compromise agreement if these procedures were rigidly enforced.

The members of the Seminole Tribe of Florida reside on three reservations which are of considerable distance apart, and other Seminole Indians, not members of the organized tribal group, are

scattered in several Indian communities, principally in southern Florida. It would be a hardship to the individual tribal members to travel to a meeting of the general membership held at one central location, and too costly to the tribe, in relation to the size of the compromise settlement now under consideration, to hold separate meetings on the three reservations and in the areas in which they live. Consequently, a general tribal meeting or meetings were not called or held. It is felt that the Seminole people understand the nature of this land transaction since it took place in 1936 and is not the subject of a land taking pursuant to a treaty or other agreement, the history of which would have required extensive discussion and explanation.

We are satisfied that the tribal council meeting of May 14, 1976, was properly conducted with the voting held after the council members had the opportunity to weigh the proposed compromise. We find that Resolution C-83-76 was duly adopted, and it is hereby approved.

In light of the information which you have furnished to us, that which has been submitted by our field office, and that obtained from other sources, we are satisfied that the proposed settlement of the claim in Docket 73-A fair and just. The proposed settlement is hereby approved.

Sincerely yours,

/s/ BEN REIFEL

Commissioner of Indian Affairs

24. Plaintiff's Counsel's Offer to Compromise - June 8, 1976. On

June 8, 1976, counsel for plaintiff wrote the following letter to Honorable Peter R. Taft, Assistant Attorney General in charge of the Lands Division of the United States Department of Justice:

Attention: Donald A. Mileur, Esq.

RE: Seminole Indians of Florida v. United States Docket #73-A, Indian Claims Commission.

Dear General:

The Claims Attorneys have been duly authorized by the Tribal Council of the Seminole Indians of Florida to enter into a

Stipulation for the net sum of Fifty Thousand (\$50,000.00) Dollars.

Please advise me of your determination in the matter.

Very truly yours,

/s/ Roy L. Struble
Claims Attorney

25. Defendant's Conditional Acceptance of Offer to Compromise. On July 1, 1976, defendant wrote a letter to counsel for plaintiff, which accepted the offer to compromise subject to certain conditions. This letter's pertinent part reads as follows:

Dear Mr. Struble:

We have your letter of June 8, 1976, wherein your clients, the Seminole Indians of the State of Florida have offered to settle and compromise Docket No. 73-A before the Indian Claims Commission, for the sum of \$50,000. The offer is accepted subject to the following terms and conditions:

1. That the proposed settlement be approved by appropriate Resolutions of the membership and the governing body of the Seminole Indians of the State of Florida. Such approval must be given not later than October 1, 1976, unless such time is further extended by the Department of Justice.
2. That the approval of the settlement and the Resolutions of the tribal membership and the governing body be obtained from the Secretary of the Interior or his authorized representative.
3. That a copy of both Resolutions and the approval of the terms of settlement by the Department of Interior be furnished to this Department.
4. That responsible officials and representative members of the tribe be present and testify before the Indian Claims Commission concerning the proposed settlement.

5. That offsets which the defendant asserted or could have asserted under section 2 of the Act of August 13, 1946, 60 Stat. 1049, 1050, 25 U.S.C. §70(a) are to be settled up to October 22, 1970.

6. That the judgment shall finally dispose of all claims or demands which the parties have asserted or could have asserted in Docket No. 73-A, subject to the limitations of item 5, supra.

7. The final judgment to be entered herein 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 and other case. * * * In drawing the Stipulation and 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 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 settlement. Copies of these papers are to be furnished to the defendant.

Sincerely,

/s/ A. Donald Mileur

A. Donald Mileur
Chief, Indian Claims Section
Land and Natural Resources
Division

26. Letter of Seminole Counsel to Commissioner of Indian Affairs - August 2, 1976. On August 2, 1976, counsel for the Florida Seminoles addressed the following letter to the Honorable Morris Thompson, the then Commissioner of Indian Affairs:

"Dear Mr. Thompson:

We are submitting for your consideration and approval a proposed settlement for \$50,000.00 of the above referenced proceeding.

The Seminole Indians of the State of Florida filed this claim against the United States for the recovery of the difference between the value of certain lands acquired by the United States

in 1936 for the Everglades National Park, comprised of approximately 99,000 acres situate in Monroe County, Florida. The lands transferred in lieu thereof to the State of Florida in trust for the Seminoles approximates 104,000 acres situate in Broward and Palm Beach Counties, Florida.

The claim was filed under Clause 1 through 5 of Section 2 of the Indian Claims Commission Act.

On August 14, 1950 the Seminoles filed a claim before the Commission, Docket #73, consisting of four separate claims, the fourth of which is the subject of this proposed settlement.

After over twenty years of litigation, the Seminoles secured an interlocutory order holding that the United States may be liable under Clause 3, Section 2, of the Indian Claims Commission Act, if the exchange of lands was unconscionable or under Clause 5, Section 2 if the transaction did not comport with fair and honorable dealing. (25 Ind. Cl. Comm. 25 (1971)).

Thereafter, the claim was set for hearing on the question of adequacy of consideration.

Negotiations between counsel for the parties resulted in an agreement to settle the claim for the net sum of \$50,000.00 without any deductions for offsets or counterclaims of any nature whatsoever.

A formal letter was addressed to the Assistant Attorney General on June 9, 1976 by counsel for the Seminoles embodying this offer, together with a copy of the Resolution adopted by the Tribal Council of the Seminoles of Florida on May 14, 1976 authorizing the settlement. On July 1, 1976 A. Donald Mileur, Chief, Indian Claims Section, Land and Natural Resources Division of the United States Department of Justice, formally accepted the offer. Copies of said letters and the Seminole Resolution are attached hereto.

Counsel believe that the proposed settlement is fair and in the best interests of the Seminoles and that the acceptance thereof will avoid further litigation, expense and loss of interest upon the settlement amount.

Accordingly, we recommend the approval of that settlement by your office.

Sincerely,

/s/ Roy L. Struble
ROY L. STRUBLE

/s/ Charles Bragman
CHARLES BRAGMAN

Attorneys for the Seminole
Indians of Florida"

27. Approval by Commissioner of Indian Affairs of Proposed Settlement - January 10, 1977. In a letter of January 10, 1977, to Seminole counsel, the Honorable Ben Reffel, the Commissioner of Indian Affairs, who is the authorized representative of the Secretary of Interior, approved the tribal resolution of May 14, 1976, and the proposed settlement as hereinbefore set forth.

28. Stipulation of Parties for Entry of Final Judgment. A stipulation for entry of final judgment was agreed to by counsel for the parties and was filed on January 19, 1977. It reads as follows:

STIPULATION FOR ENTRY OF FINAL JUDGMENT

IT IS HEREBY stipulated and agreed between counsel for the parties that the above entitled case shall be settled and disposed of by the entry of a final judgment by the Indian Claims Commission in favor of the Seminole Indians of the State of Florida against the United States in the total net sum of \$50,000.00, and that no review thereof is to be sought by either of the parties.

"That no offset claims are to be asserted against said judgment so entered, and the United States hereby waives any and all claims for offsets which have been asserted, or could have been asserted, against the Plaintiff in this case under the provisions

of Section 2 of the Indian Claims Commission Act. However, the United States reserves and does not waive its right to assert offsets arising after October 22, 1970, if any, in any other Seminole case pending before the Commission.

"Nothing connected with this compromise may be construed as an admission of either of the parties as to any issues for the purpose of precedent in any other case.

/s/ Roy L. Struble
 Roy L. Struble
 Principal Claims Attorney for
 The Seminole Indians of the
 State of Florida * * *

/s/ A. Donald Mileur
 A. Donald Mileur, Chief,
 Indian Claims Section
 Land and Natural Resources Division
 United States Department of Justice

/s/ M. Edward Bander
 Edward Bander, Esq.
 Indian Claims Section, Department of Justice

29. Notice to Florida Seminoles of Hearing on February 3, 1977. The Seminole Tribe of Florida prepared the following notice of the hearing of February 3, 1977, before the Commission at Fort Lauderdale, Florida:

NOTICE

TO ALL SEMINOLE INDIANS OF THE STATE OF FLORIDA, RE SETTLEMENT OF LAND CLAIM PENDING BEFORE THE INDIAN CLAIMS COMMISSION, WASHINGTON, D. C. DOCKET #73A:

A hearing will be held at 301 N. Andrews Avenue, Ft. Lauderdale, Florida, Room 114 (Old Courthouse), on Thursday, February 3, 1977 at 10:00 A.M., before the Honorable Jerome K. Kuykendall, Chairman, Indian Claims Commission, to consider a motion to settle the Seminole claim to recover the difference between the value of the former State Reservation in Monroe County of 99,200 acres, formerly held in trust for the Seminoles, and the tract of approximately 104,000 acres in Broward and Palm Beach Counties given in exchange. The Monroe Reservation was taken for incorporation in the Everglades National Park.

The proposed settlement is for the sum of Fifty Thousand Dollars (\$50,000) net.

The Tribal Council of the Seminole Tribe of Florida has carefully considered and approved the proposed settlement.

All Seminole Indians having any opinion or interest in the matter are urged to attend the hearing and express their views in respect to the proposed settlement.

Dated the 24th day of January, 1977.

/s/ Howard E. Tommie
Howard E. Tommie, Chairman,
Tribal Council, Seminole
Tribe of Florida

/s/ Bill Osceola
Bill Osceola, Vice-Chairman,
Tribal Council Seminole
Tribe of Florida

/s/ Dorothy Osceola
Dorothy Osceola, Secretary-Treasurer

/s/ Duane C. Moxin
Duane C. Moxin, Superintendent
Seminole Agency, Bureau of
Indian Affairs

Duane C. Moxin, Superintendent of the Bureau of Indian Affairs Seminole Agency at Hollywood, Florida, helped to prepare the above notice and gave instructions to Bill Osceola, Vice Chairman of the Council of the Seminole Tribe of Florida and Dorothy Osceola, Secretary-Treasurer of the tribe on the mechanics of distribution to members of that tribe. He mailed copies of the notice of the hearing to the tribal office of the Miccosukee Tribe of Indians of Florida and to the Trail Indians (Everglades Miccosukee Tribe of Seminole Indians) in or near Naples on January 26, 1977, as evidenced by certified mail receipts in the record. Said copies

were received by representatives of both groups as evidenced by signed return mail receipts postmarked January 28, 1977. No representatives of these two groups appeared at the hearing. Mr. Moxin was assured by Bill Osceola that proper distribution had been made on three reservation of the Seminole Tribe of Florida. He stated that there was a discussion of the proposed settlement at the tribal building on the Hollywood reservation in Florida on January 28, 1977, and he believed that the Indians understood and approved it.

Howard E. Tommie, chairman of the Tribal Council of the Seminole Tribe of Florida testified that the notices of the hearing were distributed by delivery to the council member who represented the three reservations, James Billie, Hollywood Reservation, Paul Buster, Big Cypress Reservation and Stanlo Johns, Brighton Reservation, who arranged for the distribution to members on each reservation. He stated that the Indians on all three reservations were familiar with the proposed settlement, understood the nature of it, and approved it after discussion generally among the members of the tribe.

Joe L. Johns, real estate officer of the Bureau of Indian Affairs and a member of the tribe at the Hollywood Reservation, testified that James Billie made a distribution of the notice of the hearing on that reservation. He received his in his mailbox and he was of the opinion that most of the Indians there received the notice and were aware of the hearing. He explained it to some members on that reservation and he believed that the Indians generally understood it and approved it.

He thought some would like to have more money. He personally was familiar with values of both reservations and he approved the settlement as a fair one.

Stanlo Johns, council member from the Brighton Reservation, testified that he made some personal distribution of the notice of the hearing on the Brighton Reservation. He also arranged to have his secretary deliver them personally or to place them in mailboxes of Seminole members on that reservation. A special meeting was held on the Brighton Reservation on February 1, 1977. About 200 members were present. The proposed settlement was explained to them mostly in the Indian language. They were generally familiar with it, and understand and approve the proposed settlement.

Jesse Osceola, a full blooded Miccosukee Indian, residing on the Big Cypress Reservation, learned about the hearing through a notice at the community meeting on the reservation. He came to the hearing to get an understanding of the proposed settlement. After Counsel Struble explained it to him, he stated he would like the land or more money as a settlement.

L. Mike Osceola, a member of the Seminole Tribe of Florida who lives in Miami, about 29 miles from the Hollywood Reservation, testified that a number of Seminoles were notified of the hearing. He had heard rumors about it a couple of days prior to the hearing and then called the office of Superintendent Moxin which gave him information about the proposed settlement and the hearing. He regretted that the Indians did not have sufficient funds to hire an appraiser and for the necessary evidence to support the claim. He believed that these financial hardships placed the

problem on the backs of the Indians and he did not see why they had to settle under those circumstances


30. Conclusions of Law. Based upon the entire record in these proceedings, the testimony of the witnesses, the representations of counsel, and all other pertinent facts before us, the Commission concludes as follows:

(a) Notice of the hearing before the Commission on February 3, 1977, was disseminated among all political groups of Florida Seminoles, and in view of such dissemination, the Seminole Tribe of Florida, the Miccosukee Tribe of Florida, and the Everglades Miccosukee Tribe of Seminole Indians must have known that such hearing was to be held.


(b) The Seminole Indians of the State of Florida have freely entered into the settlement of the claim in Docket 73-A.


(c) The proposed compromise settlement is fair to all parties and has been approved by the duly authorized representative of the Secretary of the Interior.

The Commission hereby approves the proposed compromise settlement and will enter final judgment in Docket 73-A in the amount of \$50,000.00, in favor of the plaintiff therein, the Seminole Indians of the State of Florida, subject to the terms and provisions of the Stipulation for Entry of Final Judgment.


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Harbrough, Commissioner