

## BEFORE THE INDIAN CLAIMS COMMISSION

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

ORDER DENYING PLAINTIFFS' MOTION FOR REHEARING

On December 19, 1977, plaintiffs filed a motion for rehearing of the Commission's decision herein, entered October 6, 1977, 41 Ind. Cl. Comm. 37 (1977). In that motion plaintiffs sought reconsideration of the Commission's conclusion that the plaintiffs did not have recognized title to the lands of the Fort Sill Military Reservation and, in the alternative, reconsideration of the Commission's conclusion in that decision that the plaintiffs had Executive order title to only 27,800.37 acres of the Fort Sill Military Reservation rather than to the entire 77,800 acres thereof. In the case of both alternatives, plaintiffs assert that the Commission erred as a matter of law, in reaching the conclusions it did.

The defendant filed its response in opposition to said motion on January 16, 1978, asserting that plaintiffs have not presented any new arguments which were not presented to or considered by the Commission in rendering its prior decision.

The Commission having considered the plaintiffs' motion and brief filed in support thereof, and the defendant's response thereto, has concluded that (1) the plaintiffs have failed to state, under either of the alternative bases for rehearing asserted, any valid grounds under the Commission's Rules of Procedure, 25 C.F.R. § 503.33, upon which said motion should be granted, and (2) the Commission's findings of fact and conclusions of law with respect to both the absence of recognized title and the extent of Executive order title, are supported by a preponderance of the evidence and in accord with applicable law.

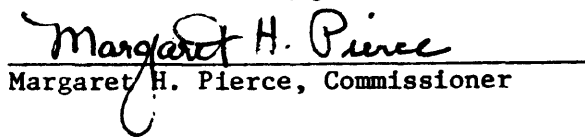
IT IS THEREFORE ORDERED that plaintiffs' motion for rehearing be, and the same hereby is, denied.

Dated at Washington, D. C., this 8th day of February 1978.

  
Jerome K. Kuykendall, Chairman

  
John T. Vance, Commissioner

  
Richard W. Yarborough, Commissioner

  
Margaret H. Pierce, Commissioner

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Brantley Blue, Commissioner