

BEFORE THE INDIAN CLAIMS COMMISSION

THE CAYUGA NATION OF INDIANS,)	
PETER BUCK AND STEWART JAMISON,)	
MEMBERS AND REPRESENTATIVES)	
THEREOF, THE SENECA-CAYUGA TRIBE)	
OF OKLAHOMA,)	
)	
Plaintiffs,)	
)	
v.)	Docket No. 343
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: May 11, 1978

FINDINGS OF FACT ON COMPROMISE SETTLEMENT

This case is now before the Commission for approval of a compromise settlement of all plaintiffs' claims or demands asserted or which could have been asserted in this docket and entry of a final judgment in the amount of \$70,000 in favor of the plaintiffs, with a waiver of review or appeal by either party. Said final judgment is to settle and finally dispose of all rights, claims or demands which the plaintiffs presented or could have presented pursuant to the Act of August 13, 1946, 60 Stat. 1049, 25 U.S.C. § 70 et seq., and bars the plaintiffs thereby from asserting any such rights, claims or demands against the United States in any future actions. The United States waives all claims for offsets, gratuities and/or payments on the claim arising prior to June 30, 1951, under the Indian Claims Commission Act, supra.

The petition in this case was filed on August 11, 1951, to recover additional compensation for lands acquired by the State of New York by means of three agreements in 1789, 1795 and 1807. The claim arising out of the 1789 transaction was dismissed by the Commission. 20 Ind. Cl. Comm. 70 (1968). On February 2, 1970, a trial was held on the issue of liability under the 1795 and 1807 agreements. In its decision of July 20, 1972, the Commission held that the United States would be liable under the Indian Claims Commission Act if the Cayuga Nation received less than conscionable consideration for the lands sold to New York in 1795 and 1807. 28 Ind. Cl. Comm. 239. On appeal, the Court of Claims reversed and remanded the case to the Commission to determine whether the United States had knowledge (scienter) of the applicable agreements between the Indians and New York. 202 Ct. Cl. 1101 (1973). On remand, the Commission found liability for the plaintiffs and ordered the case to proceed to a determination of the extent of the defendant's liability. 36 Ind. Cl. Comm. 75 (1975). Thereafter negotiations for the settlement of the claims asserted in this docket were commenced. An agreement was subsequently reached on a settlement in the amount of \$70,000.00.

A hearing having been held before the Commission (Commissioner Blue, presiding) in Miami, Oklahoma, on April 8, 1978, on the proposed offer to compromise and settle this claim, the Commission makes the following findings of fact which are supplemental to the previous findings 1 through 23, inclusive, entered herein:

24. Plaintiffs Offer to Compromise. On April 7, 1975, counsel for plaintiffs wrote the following letter to Mr. A. Donald Mileur, Chief, Indian Claims Section, Land and Natural Resources Division, United States Department of Justice:

Agreeable with our recent conversation with you and Mr. Bander we submit herewith a proposal for the prompt settlement of the claim in the above captioned docket.

1. That a final judgment be entered in favor of the Seneca-Cayuga tribe of Oklahoma for the sum of \$70,156.14 which is a 15% discount of the \$82,536.64 share claimed by us to be the one-third share of the Western Cayugas to the fair market value of the lands sold to the State of New York in 1795 and 1807.

2. The plaintiffs' [sic] waive any and all claims arising out of the transactions giving rise to this claim.

We trust that you will give this proposal your early consideration with a view to obtaining a prompt disposition of this case with an intent in saving of time and expense to all parties.

Sincerely yours,

/s/ Paul G. Reilly/nj

Thereafter, counsel for plaintiffs wrote the following letter to Mr. Mileur, dated September 23, 1975:

Further to our letter of April 7, 1975 and our conferences yesterday at your office, we submit herewith our proposal for the prompt settlement in the above-captioned docket:

1. That a final judgment be entered in favor of the Seneca-Cayuga Tribe of Oklahoma for the sum of \$70,000;

2. The plaintiffs waive any and all claims arising out of the transactions giving rise to this claim.

We trust that you will give this proposal your early consideration with a view to obtaining a prompt disposition of this case for the purpose expressed in our prior letter.

Sincerely yours,

/s/ Paul G. Reilly

25. Defendant's Acceptance. By letter dated October 15, 1975, to counsel for plaintiffs, the Acting Assistant Attorney General, Mr. Walter Kiechel, Jr., accepted plaintiffs' offer of settlement subject to certain terms and conditions. The letter states as follows:

We have your letter of September 23, 1975, wherein your client, the Seneca-Cayuga Tribe of Oklahoma, has offered to settle and compromise Docket No. 343 before the Indian Claims Commission for the sum of \$70,000. 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 Seneca-Cayuga Tribe of Oklahoma.
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 the 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 the judgment shall finally dispose of all claims or demands which the parties have asserted or could have asserted in Docket No. 343.

The Department of Justice will be happy to work out with you the terms of the stipulation and the appropriate motions and orders 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 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.

26. Tribal Resolutions. Following regular consultations with counsel herein with respect to the proposed settlement, the Business Committee of the Seneca-Cayuga Tribe of Oklahoma passed a resolution (No. 11) on November 1, 1975, authorizing counsel to accept the \$70,000 settlement. Thereafter, the General Council of the tribe ^{1/} convened a special meeting on February 1, 1977, at the Seneca Indian School at Wyandotte, Oklahoma, to consider the settlement. Affidavits of publications and copies of newspaper announcements submitted in evidence (Pl. Ex. No. 2) establish that this meeting was fully publicized to tribal members. Minutes of the meeting (Pl. Ex. No. 2) indicate, among other things, that 51 tribal members and 6 officers were in ^{2/} attendance and that the terms of the settlement were discussed openly. After the discussion, the proposed settlement was accepted by a vote of 28 for and 11 against. Consideration of the settlement by the tribal members was continued at a special meeting convened, on September 17, 1977,

^{1/} The General Council is the tribe's governing body and consists of all adult tribal members residing in Oklahoma.

^{2/} The tribe's By-Laws provide that 30 members constitute a quorum.

at which were also present counsel herein, and a representative of the United States Department of the Interior, Bureau of Indian Affairs.

At this second meeting, there was general agreement, according to the B.I.A. representative (Report of October 12, 1977) that since the proposed settlement was fully considered at the February 1, 1977, meeting and accepted by tribal members at that meeting it was unnecessary that all tribal members attend a second meeting to express their approval. After a second full explanation of the settlement and a question and answer period, a resolution accepting the proposed settlement in the sum of \$70,000.00 was adopted by a vote of 16 to 0.^{3/} The September 17, 1977, resolution reads as follows:

R E S O L U T I O N

WHEREAS, the Seneca-Cayuga Tribe of Oklahoma and the Cayuga Nation of Indians have been prosecuting a claim identified as Docket No. 343 before the Indian Claims Commission seeking an award for damages suffered by those members of the Cayuga Nation of Indians now resident in Oklahoma and members of the Seneca-Cayuga Tribe of Oklahoma for damages suffered because of the failure of the United States to properly protect the interest of those members of the Cayuga Nation in procuring for them their share of the monies paid by the State of New York in respect to the purchase of Cayuga lands in New York on the treaty dates of July 27, 1795 and May 30, 1807; and

WHEREAS, the case has been the subject of considerable research and in addition has been before the Indian Claims Commission on two occasions in which it has been determined that the United States would be liable to the Petitioners for their share of the fair value of the lands at the time of sale; and

^{3/} The Bureau of Indian Affairs observer stated that only 15 members were present and that the vote was 15 to 0. See finding of fact No. 28, infra. The Resolution, however, states that the vote was 16 to 0, and this we accept as authoritative.

WHEREAS, subsequent to 1913 the State of New York agreed that it would pay to the Cayuga Nation the sum of \$254,000 in addition to the amounts paid at the time of the sale to be invested in a 5% annuity; and

WHEREAS, the United States failed to assist the Cayugas in obtaining their share of the \$254,000 agreed to by New York in 1913 which would have been approximately \$81,000; and

WHEREAS, in order to expedite the settlement and disposition, the claims attorney for the Tribe believed it to be in the best interest of the Tribe to begin negotiations toward a possible settlement of the claim and did obtain from the Attorney General of the United States approval of a settlement of \$70,000, which settlement is conditioned upon formal approval of the General Council of the Seneca-Cayuga Tribe of Oklahoma; and

WHEREAS, Paul G. Reilly, the claims attorney representing the Tribe requested the authority of the Business Council to proceed with the proposed settlement by having it submitted to members of the Nation and the Business Council having authorized the submission to the members of the Tribe of the proposed \$70,000 settlement for the claim pending in Docket 343; and

WHEREAS, at a meeting of the Seneca-Cayuga Tribe of Oklahoma called for the purpose of considering the determination of the foregoing settlement, at which meeting the proposed settlement was fully discussed by the attorney for the Tribe and members of the 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 meetings and observed the proceedings; and

WHEREAS, the members of the Seneca-Cayuga Tribe of Oklahoma are fully informed regarding the proposed settlement

NOW, THEREFORE, BE IT RESOLVED that the proposed final settlement of all claims and offsets in Docket No. 343 in the amount of \$70,000 be and the same is hereby approved, it being understood that by this offer the attorney for the Seneca-Cayuga Tribe of Oklahoma is authorized to execute a Stipulation for Entry of Final Judgment; and

BE IT FURTHER RESOLVED that the Chief of the Seneca-Cayuga Tribe of Oklahoma or other authorized representative of the Tribe is hereby authorized, if required, to execute the proposed Stipulation and to appear and testify at any hearing before the Indian Claims Commission with respect to the proposed settlement; 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 aforementioned resolution was adopted at a special called General Council meeting on September 17, 1977 with a vote of 16 for, 0 against and 0 abstaining.

/s/ Carolyn Sue Nuckolls
Carolyn Sue Nuckolls
Secretary/Treasurer
Seneca-Cayuga Tribe of
Oklahoma

/s/ James H. Allen
James H. Allen, Chief
Seneca-Cayuga Tribe of
Oklahoma

27. Counsel's Request For Approval. After the February 1, 1977, meeting of the tribe, counsel for plaintiffs addressed the following letter dated May 2, 1977, to Honorable Ben Reifel, Commissioner, Bureau of Indian Affairs, Department of the Interior:

Honorable Ben Reifel
Commissioner, Bureau of Indian Affairs
1951 Constitution Avenue
Washington, D. C.

Attention: Ms. Louise Perkins
Office of Tribal Operations

Dear Ms. Perkins:

In connection with the letter of April 27th which I wrote to you, I now write requesting your approval of the proposed settlement in Docket 343 wherein the United States will pay to the Seneca Cayuga Tribe of Oklahoma the sum of \$70,000.

This claim has been founded upon the following set of facts. In 1797, the State of New York made a treaty with the Cayugas, who at that time had moved from the State of New York to Canada among the Senecas, and to the Senecas in Ohio for the sale of approximately 100 sq. mi. less a small reservation, which was the only land remaining to the Cayuga nation at that time. The purchase price was secured by an annuity, a portion of which the Ohio Cayugas have been receiving. In a very short period after the cession by the Cayugas, New York sold all of these lands and it realized a sum in the neighborhood of \$275,000. Many years later and in and around the period from 1909 to 1913, various negotiations were had with the legislature of New York relating to this matter and New York agreed that it would, after deducting certain expenses, pay to the Cayugas approximately \$254,000. Pursuant to agreements made between the Cayugas in New York and the Cayugas in Oklahoma during the years from 1826 through approximately 1870, it was finally agreed that one third of the annuities were to be paid to the Cayugas in Oklahoma, and New York proceeded to divide the \$254,000 on that basis. The payments were to be made in the form of an annuity at the rate of 5 percent on the principal sum and New York during the years 1914 to 1918 paid 5 percent on roughly \$81,000 to the Oklahoma Cayugas. In that last year, the Comptroller of the State of New York observed that the legislation authorizing this settlement only provided for payment to the Cayugas in New York and all payments stopped. Negotiations between the New York Cayugas and the State of New York continued for many years until the late 1950's when the State finally agreed to set aside the \$254,000 together with accumulated interest thereon into a fund on which it would pay the Cayugas in New York an annuity of 5 percent.

The Oklahoma Cayuga claim is against the United States for failing to assist the Cayugas in Oklahoma in obtaining their share of the \$254,000 when agreed to by New York in 1913. This would have been approximately \$81,000.

If this claim proceeds to trial, it will be necessary to present evidence and testimony as to the value of the lands in 1797. Comparable sales of land in the State of New York at that time have been determined by the Indian Claims Commission to have a value lower than that received by the State in its sale of these lands. In my judgment, the maximum value that the Commission would place on these lands at this time would probably be somewhat lower than the actual sales prices. It thus appears that delay in taking this settlement will involve considerable additional expense as well as a delay of two to three years or longer in procuring a final award depending upon the procedures that may be adopted by the Court of Claims.

If the claim is not approved, the Indian Claims Commission informs me that it will promptly transfer this case to the Court of Claims pursuant to the directions of Congress in this year's bill granting a brief extension for the life of the Commission. Whether the case is held in the Commission's jurisdiction or transferred to the Court of Claims, the Government will withdraw its offer of settlement and insist on proceeding to trial. The Government position in matters of this nature is that if the case is going to be set for trial, it will insist on a postponement for a year to a year and one half to enable it to secure expert testimony as to the value of the lands involved.

In my considered judgment, as will be seen from my previous correspondence, recommending the settlement to the tribal officers is in the best interest of the Seneca-Cayuga Tribe of Oklahoma.

I trust you or your duly authorized delegate will be able to recommend the approval of this settlement so that the matter may proceed before the Indian Claims Commission.

28. Approval of Settlement by Assistant Secretary of Indian Affairs, March 22, 1978. Assistant Secretary of Indian Affairs, Forrest J. Gerard sent the following letter dated March 22, 1978, to plaintiffs' counsel, Paul G. Reilly, Esquire:

Paul G. Reilly, Esquire
Reilly, Fleming & Reilly
1414 Avenue of the Americas
New York, N. Y. 10049

Dear Mr. Reilly:

On April 27 and May 2, 1977, you requested approval of a proposed final settlement for the sum of \$70,000 in Indian Claims Commission Docket 343. The Oklahoma Cayuga claim is against the United States for damages suffered by the Cayuga Nation of Indians and the Seneca-Cayuga Tribe of Oklahoma because of the failure of the United States to properly protect the interest of the Cayuga Nation in procuring for them their share of the monies paid by the State of New York in respect to the purchase of Cayuga lands in New York on the treaty dates of July 27, 1795, and May 30, 1807.

This claim has been prosecuted pursuant to an attorney's contract dated March 3, 1947, made between the law firm of Earle & Reilly and the plaintiffs. The contract bearing symbol number I-1-ind. 42018 was approved by William Zimmerman, Jr., Acting Commissioner of Indian Affairs, on May 10, 1948, for a period of 10 years beginning with the date of its approval. An assignment by the law firm of Earle & Reilly of a one-fourth interest in the contract to the law firm of Meighan and Necarsulmer was approved on February 16, 1956.

The record shows that the contract was amended to provide that it shall be of no force and effect unless the Joint Efforts Agreement became effective by October 1, 1948. As the Joint Efforts Agreement did not become effective by October 1, 1948, a new Joint Efforts Agreement was executed and approved by the Acting Commissioner on December 17, 1948. Since the Joint Efforts Agreement did not become effective by October 1, 1948, it was necessary to reinstate the contract. This was accomplished by the parties to the contract executing an Agreement which provides that the contract shall be of no force and effect unless the Joint Efforts Agreement be [sic] became effective by December 31, 1948. The Agreement was approved on December 24, 1948, by William Zimmerman, Jr., Acting Commissioner, reinstating the attorney contract between the Seneca-Cayuga Tribe of Oklahoma and Earle & Reilly.

At the request of the claims attorney on January 16, 1958, the contract was extended for a period of five years beginning May 10, 1958. Another five-year extension of the contract beginning May 10, 1963, was approved on April 18, 1963, by Virgil N. Harrington, Area Director of the Muskogee Area Office. On July 11, 1973, Roscoe V. Winburn, Acting Area Director of the Muskogee Area Office, approved a five-year extension of the contract from May 10, 1973. The contract is, thus, in full force and effect.

The record shows that you have been in close contact since April 9, 1975, with the Seneca-Cayuga Tribe with respect to a proposed settlement of the claims in Docket 343. On November 14, 1975, you advised James H. Allen, Chief of the tribe, that the defendant had confirmed an agreement for the settlement of the claim. On February 10, 1976, you provided the tribal chief with a full memorandum covering the proposed settlement, and on December 7, 1976, you also gave in writing to the tribe a full history of the claim and the pros and cons of the proposed settlement.

On the basis of your reports, a notice was published in The Tulsa Daily World, The Oklahoman and Times, and The Miami News Record over a five-day period The Grove Sun, and The Joplin Globe advising the Seneca-Cayuga tribal members that a special meeting was to be held at the Seneca Indian School, Wyandotte, Oklahoma, on February 1, 1977, for the purpose of accepting or rejecting a compromise settlement of the claim in Indian Claims Commission Docket 343. The minutes of that meeting list the names of 57 tribal members who were in attendance, among them were former chiefs of the tribe. Copies of your reports were distributed among those present. The reports were read and explained by Ms. Virginia Wood, a claims committee member, who had visited you for the purpose of gaining the most recent information concerning the claim and the proposed settlement.

The tribal minutes of that meeting indicate that after the claim and the proposed settlement were fully discussed among the tribal members, the proposed settlement was accepted by a vote of 28 for and 11 against. Consideration of the proposed settlement by the tribal members was continued at a special meeting on September 17, 1977, at which you were present, as

well as Ms. Josephine Schoonover, Tribal Operations Specialist of the Muskogee Area Office, who represented this Bureau as an observer. Ms. Schoonover reports that only 15 tribal members attended this meeting. There was general consensus that since the proposed settlement was fully considered at the February 1, 1977, meeting and accepted by the tribal members at that meeting it was not necessary that the tribal members attend another meeting and again express their approval of the proposed settlement. After you had given a full explanation of the proposed settlement and the tribal members had an opportunity to ask questions, a resolution accepting the proposed settlement in the sum of \$70,000 was adopted by a vote of 15 to nothing.^{4/}

The certification of the adoption of the resolution is signed by James H. Allen, Chief of the Seneca-Cayuga Tribe of Oklahoma, and by Carolyn Sue Nuckolls, Secretary Treasurer of the tribe. The signatures are the same as those which appear on other official tribal documents on file in this office; we, therefore, deem them to be genuine. The resolution is hereby approved.

We are satisfied that the tribal meetings of February 1, 1977, and September 17, 1977, were well publicized and that the tribal members had an opportunity to attend and to express their views. Both meetings were satisfactorily conducted with the voting held after the members had an opportunity to consider the proposed settlement. The record shows that the tribal leaders have through the years given close attention to the progress of the prosecution of the tribal claims and that the tribal members were from time to time fully informed by the tribal leaders through periodic reports from [sic] by you. The record also contains a copy of a resolution which was passed on June 1, 1976, by the general council establishing a claims committee and empowering the committee with full investigative and monitoring authority of tribal claims. The general council directed that "there shall be no accepting action on the part of the Business Committee or any other authority until the time such committee as [sic] reported back to the general council its findings and recommendations." This committee has been diligent in fulfilling its responsibilities to the tribal membership with respect to the prosecuting of tribal claims.

^{4/} See n.1, supra.

The vote taken by tribal members at the meetings of February 1, 1977, and September 17, 1977, in accepting the proposed settlement 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 is fair and just. The proposed settlement is hereby approved.

Sincerely,

/s/ Forrest J. Gerard
Assistant Secretary--Indian Affairs

29. Stipulation of Parties for Entry of Final Judgment. Upon conclusion of the preliminary proceedings discussed above and the approval by the U. S. Department of the Interior, a stipulation for entry of final judgment was entered into by counsel for the parties and filed March 29, 1978, as follows:

STIPULATION FOR ENTRY OF FINAL JUDGMENT

IT IS HEREBY STIPULATED AND AGREED by and between the attorneys for the respective parties that the above-entitled case shall be settled and disposed of by entry of a final judgment by the Indian Claims Commission in favor of the Cayuga Nation of Indians, Peter Buck and Stewart Jamison, Members and Representatives thereof and the Seneca-Cayuga Tribe of Oklahoma, as plaintiffs and against the United States as defendant, in the total net sum of \$70,000.00 and that no review thereof is to be sought by any of the parties.

Entry of final judgment in said motion shall finally dispose of all rights, claims or demands which the plaintiffs presented or could have presented to the Indian Claims Commission pursuant to the Act of August 13, 1946, 60 Stat. 1049, 25 U.S.C. §70 et seq., and the plaintiffs shall be barred thereby from asserting any such rights, claims or demands against the United States in any future actions.

The United States waives all claims for offsets, gratuities and/or payments on the claim arising prior to June 30, 1951 under the Indian Claims Commission Act as amended, 60 Stat. 1049, 25 U.S.C. §70a.

Nothing connected with this compromise is to be construed as an admission by any party as to any issues herein for the purpose of precedent in any other case.

The parties agree to execute and file with the Commission a joint motion for entry of final judgment pursuant to this stipulation.

Dated this 29 day of March 1978.

Respectfully submitted

JAMES W. MOORMAN
Assistant Attorney General

By: /s/ Sanford Sagalkin
SANFORD SAGALKIN
Deputy Assistant Attorney General

By: /s/ M. Edward Bander
M. EDWARD BANDER
Attorney, Indian Claims Section

PAUL G. REILLY, SR.
Attorney for Plaintiff
Seneca-Cayuga Tribe of Oklahoma

By: /s/ Paul G. Reilly, Jr.
PAUL G. REILLY, JR.
Associate Attorney

30. Hearing on Proposed Settlement. A hearing on the proposed settlement in the docket was held before the Commission sitting in Miami, Oklahoma, on April 8, 1978. In addition to the statement of counsel, the Commission heard the testimony of James Allen, Chief of the Seneca-Cayuga Tribe of Oklahoma, Vernon Crow, tribal member and former Chief, Ruby Diebold, a council member, Carolyn Sue Nuckolls, Secretary-Treasurer of the tribe, and Sid Whitecrow, recent business manager for the tribe.

Chief James Allen testified as to all preliminary matters leading up to the adoption of the proposed settlement, the manner in which the February 1, and September 17, 1977, meetings were conducted and to the fact that the Bureau of Indian Affairs representatives were in attendance at each said meeting. Chief Allen concluded his testimony with his statement and opinion that all members of the tribe had ample notice respecting the settlement and that all members of the tribe participating in the settlement negotiations and those present at the two meetings discussed above fully understood the terms of the settlement as it relates to this docket. It was his opinion that the proposed settlement was a fair one. The remaining witnesses testified briefly, supported and substantiated Chief Allen's appraisal of the negotiations, and concluded with a statement of their own approval of the settlement.

31. Commission's Conclusions. Based on the record of litigation to date, the testimony of the witnesses who appeared before the Commission

in this proceeding, representations of counsel for the parties, and the entire record submitted in connection with the settlement, the Commission finds:

(a) that the members of the plaintiff tribe were fully informed and advised of the proceedings of the tribe's Business Committee respecting the preliminary negotiations for the settlement of the claims that were or could have been asserted in Docket 343;

(b) that the tribal members were given full notice and ample opportunity to attend the general meetings of February 1 and September 17, 1977, scheduled for the purpose of explaining and discussing the proposed settlement;

(c) that members present at said meeting were fully informed of the terms of the settlement by counsel and given an opportunity to express their views on the proposed settlement; and

(d) that the proposed compromise settlement is fair to the plaintiffs and has been freely entered into by them and duly approved by the membership and by the authorized representative of the Secretary of the Interior.

32. Parties in Interest. Based on the record including the Commission's Order to Show Cause, dated April 23, 1975, and the resolution of the Cayuga Nation of Indians of New York, dated August 14, 1975, concerning this docket, the Commission finds that all the claims which are included in the compromise settlement herein, which is to

say all claims that were or could have been properly asserted in Docket 343, were and are the exclusive property of the Seneca-Cayuga Tribe of Oklahoma, plaintiffs herein, and no other tribe or group of Indians has any right, title or interest therein, including any present interest regarding the distribution of funds in this docket.

33. Approval and Final Judgment. On the basis of the foregoing findings, the Commission hereby approves the proposed compromise settlement and will enter a final judgment in this docket in favor of plaintiffs in the amount of \$70,000.00 in accordance with and subject to the terms and provisions set forth in ^{the} Stipulation for Entry of Final Judgment of March 29, 1978.

Dated at Washington, D. C., this 11th day of May 1978.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner