Wind River Indian Agency
Fort Washakie, Wyoming
March 16, 1940.

Commissioner of Indian Affairs,
Washington, D. C.

Dear Sir:

Referring to the Council Minutes transmitted under even date, held March 13, 1940, of the General Council of the Arapahoe Indians, the Office is advised that I have handed to Mr. Faris, certain office correspondence pertaining to the execution of a contract with the Arapahoe Indians and the firm of attorneys. Mr. Faris is fully advised on the matter, and was present at the meeting. With his consent, I would be very pleased to have his assistance to the Arapahoe Delegation in Washington, as to their conferences with their attorneys and the completion of the proposed contract.

Very respectfully,

Forrest R. Stone,
Superintendent.

Copies to
Mr. C. E. Faris, Field
Representative for the Commissioner.
Mr. Frank Goodwin, Attorney,
Mr. John G. Carter, Attorney.
Mr. Bruce Groesbeck, Delegate
Mrs. Nellie Scott, Delegate
Mr. Robert Friday, Delegate.

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
FIELD SERVICE

File: 005
064

Wind River Indian Agency
Fort Washakie, Wyoming

Rec'd April 14th 1941

April 9, 1941

Mr. John G. Carter
Attorney
3428 Ashley Terrace
Washington, D. C.

My dear Mr. Carter:

The Arapahoe Business Council and the Shoshone Business Council expect to arrive at Washington about the 30th of this month for a stay of about a week or ten days. They are coming with certain instructions from their General Councils which, as yet, have not been given although this is expected on April 21 and 22. The Arapahoe meeting is on the 22nd. Any message or advice you wish to give to the General Council on that date will be appreciated.

The Arapahoe Business Council further wished me to inform you that, for the purpose of explanation and clarification of certain things pertaining to the Shoshones, they have seen fit to invite Mr. George M. Tunison, Attorney for the Shoshones, to attend the General Council of the Arapahoes on April 22. The Business Council particularly wants it understood that this request is in no wise intended to supplant any service rendered by your firm and that you will be fully advised as to the nature of the discussions at the conclusion of the meeting.

The Business Council of the Arapahoes are looking forward to seeing you at Washington and are anticipating a conference on their Tribal affairs.

Very truly yours,

FORREST R. STONE
Superintendent

cc - Commissioner of Indian Affairs.

May 10, 1941.

The Arapaho Business Council,
Wind River Reservation, Wyoming.

To the Chairmen and Members of the Council:

The following report is made in response to inquiries of your Delegation in Washington:

1. The Arapaho Jurisdictional Bill.
Your Attorneys believe that due to the tense situation now existing in Washington because of the war in Europe, that Congress will not be inclined to favor such legislation as that proposed in the Arapaho Bill at this time. However, the Attorneys will continue to press this bill, and make every endeavor to obtain its passage. Until the present war situation clears up, it is believed that the bill in question has very little chance of being enacted into law.

2. The Black Hills claim.
The petition filed by Henderson in the Court of Claims, whereby the Arapaho intervened in the Sioux claim for the Black Hills was dismissed by the Court for non prosecution. Your Attorneys let this case drop because upon a careful examination of the Petition and the evidence at hand to make the Petition good before the Court of Claims, your Attorneys were satisfied that there was no chance whatsoever of making any recovery, or prosecuting to a successful conclusion the Black Hills claim on the Petition as filed.

3. The Fort Laramie Treaty claim.
The bill now pending in Congress proposes to give the Court of Claims jurisdiction to hear the claims of the Arapaho Indians arising out of the violation of their treaty with the United States, concluded at Fort Laramie in 1851. We have furnished Mr. Duran of your Washington Delegation with a copy of a hearing containing the De Smet Map of the boundaries set up in the Laramie Treaty. This Map shows the land set aside for the Arapaho and Cheyenne under that treaty. We believe we here have a case that can stand up in the Court of Claims, whever we get the necessary law enacted to get the case properly before that Court.

It is understood that Mr. F.M. Goodwin will be in Denver this summer, and if his present plan works out, he will make every effort to go from Denver to the Wind River Reservation and take up these questions with the Arapaho Council in person.

Respectfully,

F.M. Goodwin and John G. Carter,
Attorneys for Northern Arapaho.

UNITED STATES
DEPARTMENT OF THE INTERIOR
Office of Indian Affairs
Washington

May 24, 1941

Members of the Business Councils
of the Shoshone and Arapahoe Tribes,
Through the Superintendent of the
Wind River Indian Agency, Wyoming.

Dear Friends:

This will transmit to you in mimeographed form copies of the proceedings and conferences had with you during your recent official visit to Washington, D. C.

The reports include the minutes of several general meetings at which broad problems, such as the use of the reservation lands, were discussed, and reports covering the discussion of a number of more specialized and limited topics. Also included are minutes of an official meeting of the Joint Councils, on May 5, and an official meeting of the Arapahoe Business Council on May 9th.

Attached are data sheets showing the status of the Wind River land purchase program and giving certain factual information of interest in studying a possible future division of the reservation.

Sincerely yours,

John Herrick

John Herrick,
Assistant to the Commissioner.

Attachments.

MINUTES OF CONFERENCES WITH THE OFFICIAL DELEGATES OF THE SHOSHONE AND ARAPAHOE TRIBES OF THE WIND RIVER RESERVATION, WYOMING, HELD IN THE INDIAN OFFICE AT WASHINGTON, D. C., MAY 2nd to 9th, 1941.

All conferences were attended by the members of the Business Councils in their capacity as official delegates.

Shoshone Delegates	Arapahoe Delegates
Mr. Charles Driskell, Chairman.	Mr. Thomas J. Duran, Chairman.
Mr. Hunting Hill	Mr. Ben Friday
Mr. Gilbert Day	Mr. David Headly
Mr. Marshall Washakie	Mr. Orlando Antelope
Mr. Charles Washakie	Mr. John Blackman
Mrs. Maude Clairmont	Mrs. Nellie Scott

Messrs. George M. Tunison and Charles J. Kappler, Shoshone Attorneys, attended all general conferences, and Mr. John Carter, Arapahoe Attorney, was also present at various times.

The Wind River Indian Agency was represented by Superintendent Forrest R. Stone, Mr. F. Houston Smith, Extension Agent, and Mr. Carl W. Rawie, Forest Supervisor. Mr. Clyde W. Flinn, Land Field Agent, and Mr. Carl W. Pearson, Assistant Land Field Agent, attended all general conferences. Mr. Frank J. Smith, Manager of the Arapahoe Padlock Ranch, was present during the discussions concerning the Padlock Ranch.

Commissioner Collier welcomed the delegates to Washington, and also addressed them at their concluding session. The Commissioner presided over the conference on the Arapahoe Padlock Ranch. Assistant Commissioner Zimmerman attended a number of the conferences, and other representatives of the Washington Office who were present at the conferences were as follows:

Mr. John Herrick,
Assistant to the Commissioner.

Mr. Walter V. Woehlke,
Assistant to the Commissioner.

Mr. Fred H. Daiker,
Assistant to the Commissioner.

Mr. W. Barton Greenwood,
Finance Officer.

Mr. X. Vigeant,
Director of Rehabilitation.

Mr. A. C. Cooley,
Director of Extension.

Mr. James M. Stewart,
Director, Land Division.

Mr. L. D. Arnold,
Director of Forestry.

Mr. Clay H. Southworth,
Director, Irrigation Division.

Mr. F. W. LaRouche,
Field Representative.

Mr. Ralph S. Bristol,
Assistant Director of Extension.

Mr. S. J. Flickinger,
Assistant Chief Counsel.

Mr. R. A. Rudolph,
Indian Organization Division.

Mr. George D. Bixby,
CCC-ID.

Mrs. Lucy Adams,
Chief, Community Welfare Branch.

Mr. Harry M. Critchfield,
Director of Credit.

Mr. T. W. Wheat
Assistant Director, Land Division.

Mr. George Fox,
Indian Organization Division.

Mr. Alan Laflin,
Irrigation Division.

Mr. J. Donald Lamont,
Forestry Division.

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GENERAL CONFERENCES

GENERAL CONFERENCE WITH THE SHOSHONE AND ARAPAHOE DELEGATES, ON MAY 2, 1941

SUBJECT: Land purchase program.

Mr. Herrick opened the discussion by stating the purpose of the meeting:

"Discussion of land purchase program in general and to talkover some phases of the purchase program such as the approval of options, the proposal to purchase lands on the diminished portion of the reservation, and the related subject of what should be done about some of the permittees on the ceded portion as to the renewal or non-renewal of grazing permits."

Mr. Stewart gave the following description of the present status of the land purchase program:

"The lands covered by approved options on the ceded portion of the reservation represent a value of $402,455. Lands off the reservation (Padlock Ranch) represent a total of $124,941. The total options that have been approved, accepted by the Department, on and off the ceded portion of the reservation, represent a value of $527,396. Options which have been approved by the Councils and listed here as pending for approval by the Department total $27,668. Options that are pending on and off the ceded portion represents $642,432. Options approved by the Councils to date on the diminished portion involve a comparatively small amount of funds. We have options on the diminished portion covering property of Wilson, Countryman, and others, totaling about $90,861. The total of all lands optioned and approved by the Councils represents $621,530.85. Added to that would be lands optioned, but not approved by the Councils, plus exchanges proposed, which will represent a total value of $710,679. There remain to be optioned, exclusive of the reclamation withdrawal, lands on the ceded portion totaling in value $157,000."

Mr. Herrick asked the Councils concerning their attitude with regard to the options. Mr. Driskell stated that if the present Councils had been in office at the time the land acquisition program was started it would have done things differently by concentrating on the larger key tracts. Mr. Driskell stated further that the Councils feel that on the whole the appraisements have been fair, but there are some to which they object.

Mr. Thomas Duran spoke next saying he thought "Mr. Driskell had covered the sentiments of both Councils in regard to rejection of certain tracts that we thought we did not need now." He, too, expressed the feeling that in some cases the Arapahoe Council felt the appraisers were rather high.

Mr. Herrick: "Personally, I can't see that we are very far apart. If I understand the attitude of the Councils correctly there is no feeling on

their part that they want to shut down on the land purchase program." Mr. Driskell agreed that it was not an impossible situation.

Mr. Zimmerman asked the question: "Have the Councils considered these purchases in their relation to the land-use districts?" The answer to Mr. Zimmerman's question was "Yes". Such consideration has been given and as far as has been possible an attempt made to clean up each district as they go along. Following this was quite a lengthy discussion on some of the problems encountered in dealing with the individuals. Mr. Herrick stressed the point of dealing as fairly as possible with these individuals in all cases. "For instance," he said, "some of these people disposed of their livestock when they gave their options. In such instances if the Councils fail to accept the options the owner is put to a disadvantage."

It was brought out also that some difficulty had arisen in getting the people to vacate after the land was bought. The case of Mr. Johnson was then discussed. Later in the discussion it was stated that Mr. Johnson had recently been in the office and had said he would move within the required time.

Mr. Zimmerman: "Do the Councils want to make recommendations as to what should be done in the matter of land purchases?"

Mr. Driskell: "I believe the Councils would like to make some recommendations but not today."

Mr. Herrick stated that he had asked Mr. Flinn to prepare a list of priority purchases based on what he (Mr. Flinn) considered a scale according to importance. Mr. Herrick suggested that it would be a good idea for the Councils to take the list, study it, and see what lands they thought should be bought first. It was agreed that this would be done. Mr. Flinn stated that all individuals on this list had refused to sign an option. Mr. Woehlke made the suggestion that the list should include also those tracts on which an option has been taken but which the Councils have yet to approve. Mr. Herrick made the further suggestion that it would be helpful if the list contained the appraised price and alongside this the Councils could list the price they consider fair.

Mr. Flinn was asked to give a summary of what had been done as far as the diminished portion was concerned. He then gave a list of the various options and the acreages involved.

Mr. Driskell raised the question as to whether or not an Indian could sell his fee patented land back to the tribe. Mr. Herrick replied that the attitude of the tribes would have a great deal to do with it. The question to be considered is--"Would the tribes want their tribal money used to purchase land which is already in Indian ownership?"

Mr. Driskell stated that some objection had been raised by a few members who have trust allotments concerning the appraised price. In general

the attitude on the part of these people is that they feel they are not getting the same treatment as the individuals on non-Indian owned land. They feel that the price on non-Indian owned land is higher than on Indian-owned land.

Mrs. Clairmont expressed her views on the matter of whether or not there wasn't a need for a Congressional committee to select an appraiser in connection with the land purchase program. She stated that she would be very much in favor of a Congressional investigation.

Mr. Herrick asked whether or not any understanding had been reached concerning the extension or non-extension of grazing permits and how they would be handled in the case of individuals who were bought out. The answer made was that the matter of permits had been taken care of with the exception of those non-Indian operators who have not yet given option and who have not otherwise been taken care of, which narrows the cases down to the Bar Gee ranch. There followed a lengthy discussion on the Bar Gee situation.

Mr. Herrick: "How about the cases of non-Indian permittees who gave an option and the options were not approved? Are there any of them still running stock?" The answer was there was only one individual who was still running stock but his permit had been extended.

Mr. Woehlke stated that he would like the delegation to be thinking about the question of how to regulate the use of the purchased lands and the present tribal lands by the medium of a land code. Another question asked of the delegation members by Mr. Woehlke was: "How are you going to divide the range use privileges between the Arapahoes on the one hand and the Shoshones on the other hand?"

A question was asked about the difference between the appraised price of the options that the Councils have not accepted and the Council's evaluation. It was Mr. Flinn's opinion that the biggest difference is in the case of improvements that have been placed on the open ceded lands. Mr. Flinn stated: "We include those improvements in our appraisals because those were our instructions by the Secretary of the Interior." Mr. Herrick stated those instructions go back to the statute.

Mr. Tunison urged the Councils to complete the land purchase program and expressed the view that a great deal of consideration should be given to the program as a whole rather than to the minor variations. He said, "In order to complete this program, I think the Councils should take a pretty broad view."

Mrs. Clairmont directed the following question to Mr. Herrick: "Do you think the Interior Department would object to a Congressional investigation?" Mr. Herrick replied that only the Secretary of the Interior could answer for the Interior Department.

The meeting was adjourned until the following morning at 8:30 A.M.

GENERAL CONFERENCE WITH THE
SHOSHONE AND ARAPAHOE DELEGATES
ON MAY 3, 1941

SUBJECT: Land use program.

Mr. Woehlke opened the conference with the following statement:

"I would like to discuss with the members of the Councils the important question of what you are going to do with the lands which have been purchased. I have not been able to keep in touch with the discussions on the methods which you have been using. On a good part of the lands which you have bought there are very expensive improvements; a good many of the tracts are very productive. If the new lands are left without attendants, the improvements will deteriorate. You will have to make arrangements to see to it that the improved purchased lands are taken care of as soon as title passes to the tribe. You will possibly want to make temporary arrangements for having these places taken care of while you work out a permanent system, and you must have a permanent land code which the Council or land code board should work out. If you agree with me that it is necessary to regulate the use and disposition of the land, I would like to recommend certain principles to be used in making up such a set of rules.

"This land was bought so it could be put into use for the benefit of the tribe. There are two kinds of land, grazing land, and the improved, irrigated and some amount of sub-irrigated or dry farming land. The grazing land should be so handled that it will be included in grazing units upon which you can operate livestock in line with good management practices. The water bearing lands within grazing units should not be given to one particular individual, but should be distributed so that these watered lands will serve the whole unit. You want to handle the water holes and springs so you don't get into the kind of jam that you now are in with the Bar Gee. You don't want to give any one member the chance to take the land that has the water and use it to the exclusion of everyone else.

"In the disposition of the improved lands we suppose you will be faced with these questions: (1) Who is going to get these lands? (2) Upon what terms shall these lands be distributed? (3) To whom should be granted the privilege of occupying and operating these places you have bought, and which are now the property of the tribe? Who is going to determine who will get them? That decision is up to you. You can use several methods. You can leave it all to the Council or land board without any guidance; let them make an arbitrary decision. (In which case I believe the members of the Council or board would be full of arrows in about six months. All their actions would be subject to criticism and the charge of favoritism.)

"If you decide that you want a land board or committee to make the decision, you might as well set up some principles for its guidance in making these contracts. For instance, you will want to insist upon the applicants having certain qualifications. Preferences may be given to members who now have insufficient land, or applicants may have to provide evidence of their ability to take care of the land. Applicants must supply evidence that they are properly financed to take care of the operations of the place.

"You have a tough heirship porblem. You might use tribal possession of these improved lands to straighten out some of these heirship cases. It is probably legally possible to make a lease with a member of the tribe for an improved place, and take, as part of the compensation, some of his useless inherited interests, so that by and by the tribe would acquire another tract of land which could be improved and leased.

"In working out your rules for the disposal of these purchased areas, you would first decide who should have preference in the leasing of these places, whether you will give this preference on the basis of the needs of the individual in order to make a living; whether the applicant already has an allotment, original or inherited; whether the applicant is able to handle the place so that the improvements will not go to the devil and the irrigated land be rendered unproductive. I urge you to stipulate in any contract you give, that the individual getting the land keep the place up so the tribe will not lose.

"The next question that will be up to you for decision is upon what terms or conditions you would be willing to make these leases or assignments of these purchased properties. On that point I would suggest again that you certainly do not lease any of the lands with water improvements to any particular individual, but rather that that land should be for the benefit of all of the users in any particular unit. You must keep away from leasing land with water facilities to just one individual. The range should be handled by groups of users. You must realize that those who control the water, control the range also.

"In connection with the leasing or assigning of the improved lands and irrigated lands and agricultural lands, if you decide upon a system of preference as to whether you would give the needy person the first chance, or whether you wish to use another system, I urge you to include a clause to keep up the improvements and irrigated land so that the values for which the tribe has paid good money will not be destroyed.

"The next question for your decision is how much are you going to charge the person to whom you lease these properties? That is strictly up to you. But I would like to present some things for your consideration. In disposing of these properties and making leases on them, you have two objectives, (1) your lease will enable some family to make a better living, and (2) to keep that leased property in good condition and at the same time make it produce a certain amount of revenue for the tribe. The most important objective is to enable someone to make a good living. Tribal revenue is of less importance than to enable a family of your own people to make a good living.

"We all know it is difficult to get started in the livestock and farming business, particularly when you must start with your bare hands. It requires a lot of good management, but even with good management, a man may become discouraged if the cash charges placed upon his place are too high. It will require a large amount of cash capital and if the necessity to repay the money borrowed is enlarged by putting on that man a stiff payment for the use of the land itself, you may have another failure. You must make the burden for the lease payments for the first four or five years light, and help the man get started. That is why I suggested that in place of cash lease payments, you might work out a system whereby the lessee pays the tribe in part or in whole with some or all of his inherited interests.

"How fast and how far do the Councils or tribes wish to go in making these assets produce a revenue to the tribe, and how important a factor is that in your decision as to how much to charge for them? You must remember that you will make it difficult for a member to get started if you charge him too much in the beginning. When you get busy on the job of making your own rules for the disposal of these new assets, keep in mind these points, that in the disposal of range land you avoid a repetition of the problem of giving one man control of a large portion of tribal range by virtue of his control over watered land. Keep the use of your purchased lands in line with a sound range management plan in which the interests of the tribe are protected. Whether you give the Council any guidance in the selection of applicants or whether you let them make an arbitrary decision, you must stipulate, on whatever conditions you turn this land over to any of the applicants, that the lease will terminate when any person destroys or fails to keep up and operate the land.

"I suggest that this committee appoint a sub-committee while you are here so that you may arrange to set up an outline of a code for the use of these lands, and attend to details later. You should also decide your policy now. Is it to be production of revenue or permanent rehabilitation of as many needy persons as possible? Keep the question of grazing fees apart from conditions imposed upon improved property. In place of the grazing fees, you might accept inherited interests on grazing allotments."

Mr. Tunison suggested that Mr. Woehlke prepare a preliminary draft of his suggestions for the Indians to study over the weekend.

Mrs. Clairmont expressed her concern regarding the damages to the lands which have occurred since the options were paid for. She remarked that since this whole thing originated in the Indian Office that the Indians should be given a complete report of Mr. Woehlke's suggestions so they could know what they were supposed to do.

Mr. Driskell made the following statement:

"The Indian Office desires to keep this land in Indian control. In order to do this it has been suggested that we work out a land code. Our

proposition is this: We are willing to accept these options providing that the Department will agree that when that is done, the landless Indians will be given allotments on the ceded portion of the reservation. On the diminished portion of the reservation we have a number of lands in heirship status. Would it be possible for the tribe as a whole to purchase these lands on the diminished portion and allow the Council to turn them over to individual Indians and the individuals would reimburse the tribe?"

Mr. Herrick answered that he was not sure whether or not the above was possible. One of the things holding up the individual cases is the delinquent O & M charges, the amount of which, in some cases, exceeds the appraised value of the land. Mr. Driskell said that individuals wished to purchase the heirship lands and should be able to and that title problems could be worked out later. Mr. Herrick pointed out that the time consumed in doing it the way Mr. Driskell suggested would be just the same. Mr. Woehlke stated that land can be leased without the consent of the heirs in some cases, by authority of the Secretary of the Interior. Accordingly, the problem could be worked out by leasing these lands for the tribe. The procedure is simple and the passage of title could be worked out in due time. Mr. Driskell asked why the lands could not be leased with an option to buy. Mr. Woehlke replied that that can be done. Mr. Herrick suggested that pending the transaction individuals might get an agreement without any lease.

Regarding Mr. Driskell's proposal that allotments be made to landless Indians, Mr. Herrick stated that the making of further allotments is contrary to the policy of the Department. The heirship problem is the inevitable result of the allotment system. Mrs. Scott suggested that the Government buy up the heirship lands on an assignment basis.

Mr. Duran asked whether, if allotments could not be made, it would be possible to make assignments to landless Indians. He felt that the Councils would be willing to approve the options and go ahead with the land purchase program provided individual Indians could be taken care of through assignments. Mr. Herrick replied that the Indian Office would look with favor on such a proceeding. Mr. Duran brought out the fact that he had in mind an assignment system which would give preference to and assist the landless Indians, by giving the assignments without requiring compensation from them, or requiring only a nominal compensation. Mr. Herrick explained that it was within the authority of the tribes to fix the compensation or fee to be required of Indians who are assigned the use of the deeded lands now being purchased. He stated that the Business Councils might well wish to assist landless Indians to become self-supporting by giving them assignments on favorable terms.

Mr. Friday suggested that the heirship lands be bought up and reallotted or a man sent out to study and work out an exchange system. The lease system is unsatisfactory as Mr. Flinn is so busy. Mr. Herrick said that Mr. Friday's suggestion was a good one. Exchange is possible under present law, but it is a slow process. He hoped that once the purchase program is further along one of the land field agents will assist the land exchange program. Mr. Friday voiced his desire to do this right away.

MINUTES OF THE CONFERENCE AND FORMAL BUSINESS
COUNCIL MEETING WITH THE SHOSHONE AND ARAPAHOE
DELEGATES ON MAY 5, 1941

SUBJECT: Discussion regarding pending options, grazing permits and the proposed division of the Wind River Reservation. Action taken on options on Indian and white owned lands on the diminished portion of the reservation.

The conference was called to order at 10:10 a.m., by Mr. Herrick, and recessed at 12:05 p.m., to reconvene in formal session of the Shoshone and Arapahoe Business Councils at 1:30 p.m.

Mr. Driskell brought up the request made by the Council for the proposed Raft Lake Dam. Mr. Herrick stated that the Indian Office's attitude was not favorable.

There was a discussion of a list of pending options. Answering a question by Mr. Tunison, Mr. Flinn stated that approximately 50 per cent of the ceded tribal lands could be restored if the purchase district boundaries could be modified where the owners refuse to sell. Mr. Herrick suggested that modification should be asked for as a whole, rather than submitting a lot of small requests. Mr. Tunison felt that it should be done in small lots as they come up. The law, according to Mr. Tunison, says it should be done as rapidly as possible.

Mr. Herrick suggested that Mr. Rawie tell the conference something about the need for range and the grazing situation, and that a wise thing to do would be to designate some division of land use between the tribes, particularly on the ceded portion. He asked Mr. Rawie where he thought the dividing line should be drawn.

Mr. Rawie stated that outside of the reclamation project there are 110,900 cow months on the east side, and 90,815 cow months on the west side. East of the Wind River meridian there are 44,325 cow months of winter range, and west of the meridian only 15,270 cow months of winter range. There are approximately 40,000 cow months of summer range on each side of the meridian. On the east side there are 26,305 cow months of spring and fall range and on the east side 25,780. If combined, there are 51,000 cow months of winter and spring-fall range west of the meridian, and 70,000 cow months of winter and spring-fall range on the east side of the meridian.

A discussion was held concerning the renewal or nonrenewal of grazing permits held by permittees whose deeded lands are to be purchased. Mr. Rawie stated that on February 28, 1941, the Business Councils had adopted a resolution providing that any permittee who came in within 15 days and gave an option on his land would receive an extension on his grazing permit,

such extension to run until 30 days after the permittee had been paid for his deeded land, but in no case after September 30, 1941. Mr. Flinn explained that all the permittees except the Bar Gee ownership had given options and had received an extension of their grazing permits.

A discussion was held concerning the case of the Bar Gee Ranch, and that of Albert Johnson. No definite conclusions were reached, but these matters were again taken up May 7th, and the decisions reached in these matters appear in the record of that date.

The conference then considered the question of a possible division of the reservation between the Shoshones and the Arapahoes. Mr. Herrick stated that the grazing lands east of the Wind River meridian had a somewhat higher carrying capacity than the grazing lands west of the meridian and that the Arapahoe allotted lands had a somewhat higher value and productivity than the Shoshone lands. He explained that this difference in favor of the Arapahoes would be more than wiped out if the timber resources were to be taken into consideration, since the timber resources, in the ratio of approximately nine to one, are on the Shoshone end of the reservation. Mr. Herrick stated that by a little give-and-take a fair division of the reservation could be had on the basis of grazing resources and that this division would not vary a great deal from the meridian; but that if the value of the timber resources were included, the Shoshones would have to surrender to the Arapahoes a great deal of grazing and farming land.

Mr. Tunison argued that the reservation was the ancient home of the Shoshones and that they should be given favored treatment because of their treaty rights. He further stated that the line of division ought to be the Wind River meridian. Mr. Herrick pointed out certain administrative difficulties standing in the way of a division of the reservation. Mrs. Scott indicated that the Arapahoes would desire a separate agency, were the reservation to be divided.

Mr. Duran explained that in his opinion the Arapahoes were about equally divided upon the question of a partition of the reservation. Mr. Driskell pointed out that the delegates had promised the tribes that no definite action would be taken, but that the opinion of the Indian Office would be secured and a report made to the tribes upon the return of the delegation. Mr. Tunison agreed that the mineral resources should remain in joint ownership in case of a division. Mr. Herrick urged that in addition to the mineral resources, timber and wildlife and fishing resources should remain in joint ownership. Mr. Duran pointed out that the Arapahoes got timber from the Wind River mountains for house logs and other domestic purposes. Mr. Kappler introduced for discussion the following draft of a bill:

> "Providing for a division of the Wind River Indian Reservation in the state of Wyoming between the Shoshone Tribe of Indians and the Arapahoe Tribe of Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to make as far as practicable in equitable division of the lands, except lands containing mineral resources, embraced within the Wind River Indian Reservation in the State of Wyoming between the Shoshone Tribe of Indians and the Arapahoe Tribe of Indians, now joint owners and occupants of said reservation as decided by the Court of Claims (84 Ct. Cls., 641; 85 Court of Claims, 331) and confirmed by the Supreme Court of the United States (299 U.S., 476; 304 U.S., 110), by a line drawn due north and south across the center of said reservation, which line is the Wind River Meridian; and that the west half of said reservation so divided be set apart for the absolute and undisturbed use and occupation of the Shoshone Tribe of Indians, and the east half of said reservation so divided be set apart for the absolute use and occupation of the Arapahoe Tribe of Indians; Provided, That before such division shall become effective, the Shoshone Indians and the Arapahoe Indians in separate general council assembled, shall approve such division by a majority vote of the adult members of said tribes; And further provided, That any expense incurred in making such division shall be borne jointly by said tribes and payable out of their respective tribal funds.

Sec. 2. That oil, gas, coal and other minerals covered by the lands within the Wind River Indian Reservation as now constituted shall remain reserved for the joint benefit of the Shoshone and the Arapahoe Tribes of Indians.

Sec. 3. That the Wind River Indian Agency at Fort Washakie, Wyoming, shall remain the joint agency for the Shoshone and the Arapahoe Tribes of Indians."

The representatives of the Washington Office asked for time to study certain data which had been prepared concerning the reservation resources and promised to bring in a further report at the next day's meeting.

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THE MEETING RECESSED AT 12:05 P.M. UPON RECONVENING AT 1:30 P.M., THE DELEGATES RESOLVED THE MEETING INTO AN OFFICIAL MEETING OF THE SHOSHONE AND ARAPAHOE BUSINESS COUNCILS AND PROCEEDED TO DISCUSS CERTAIN PENDING OPTIONS AS FOLLOWS:

Mr. Driskell: I do not wish to be chairman of this meeting because I would not feel sufficiently free to make such statements as I wish to make in behalf of the Shoshones nor ask such questions as I wish to ask. Accordingly, I suggest that Mr. Herrick be made chairman.

Mr. Duran: I concur in Mr. Driskell's suggestion.

A vote was taken: all were in favor, none opposed. The meeting came to order.

Mr. Driskell: One question before we go into the matter of the schedule of options. As the delegates know, I have submitted my name on the schedule. After I make my position clear it will be up to you to do what you wish to do.

Mr. Herrick: Are there any more questions before Mr. Flinn presents the schedule of options?

Mrs. Clairmont: Due to the fact that I missed the meeting of the delegates at the hotel last night, I have not had an opportunity to express my opinion, and I would like to make a statement now. At one time we decided we did not want the Graboski place, but as it comes into the land use district and benefits the tribe I wish to record my consent that the Graboski place be included in the option schedule. However, the following places do not benefit the land program, and I wish to state that I am not in favor of their being included in the schedule:

Option Number	Name
79-D	Charles A. Driskell
82-R	Camille Mazet
68	Percy Nowlin

And my own place is also in the same class. These lands involve $28,000, and since this is particularly for the benefit of the tribe, I don't see why we should buy them. I would suggest that we leave out these places and that we buy the Graboski place. The Mazet place lies in the irrigation project and they don't want to sell now anyway.

Mr. Driskell: In the first place, Mrs. Clairmont declined to sign an option.

Mr. Flinn: That is right.

Mr. Driskell: I am interested in the Mazet place. I do not think any members of the Council have any objection. The mere fact that I have objections to certain persons has nothing to do with whether or not we should buy those persons' places. Anyway, we do not know whether or not all these proposed options will go through.

Mrs. Clairmont: I have no personal grievance against Mr. Driskell. I have just read a letter which states that the Indian Office does not wish to be partial. These places do not hold up the program. I wish to act in the interests of the tribe.

Mr. Driskell: I wish to ask Mrs. Clairmont if she discussed my place with the tribe.

Mrs. Clairmont: Yes I did.

Mr. Driskell: Did you call a General Council meeting?

Mrs. Clairmont: No. But I have discussed it with them.

Mr. Driskell: That is what I thought. Mrs. Clairmont has a right to her opinion.

Mr. Herrick: Any further questions? I suggest Mr. Flinn present the first options.

Mr. Flinn: I have before me the schedule of options on Indian and white owned lands on the diminished portion of the Wind River Reservation, numbers 67 to 83-D inclusive, to present to the Business Councils at this time. These options cover 10,407.60 acres at a total value of $180,879. But beforepresenting the schedule, I would like to understand the wishes of the Indians about the Graboski option. I understood from our previous discussion that it was to be eliminated. Is it to be in this schedule or not?

Mr. Herrick: I suggest that the Graboski option be left to the last.

Mr. Flinn: I will just present this without the Graboski option and if you wish to include it we can set it up separately later.

Mr. Driskell: I suggest that Mrs. Clairmont make a motion of her desires.

Mr. Flinn: If I take up each of the 20 tracts separately it will be possible to eliminate as we go along, but this would mean voting 20 times.

Mr. Herrick: There are four tracts about which there may be some question. Would it be agreeable to the members of the Councils to have a schedule presented with these four tracts eliminated?

Mr. Driskell: Leave them until the last.

Mr. Herrick: Suppose we take up the schedule with the exception of the four tracts in question, then take the four up separately?

Mr. Flinn: I will present the seventeen remaining options, but I will have to give you the figures on the full twenty.

Option No.	Name of Vendor	Acreage	Price
67	C. J. Granger	1,077.71	$14,400.00
69	John A. Winnegar	1,017.22	12,578.00
70	J. M. Teeters	1,759.87	11,000.00
71	Catherine Connell	198.58	3,800.00
72	Frank Joe Herbst	559.41	11,150.00
72-A	Frank Joe Herbst	568.29	1,500.00
73	Elmer W. Cooper	71.65	650.75
74	Wayne A. Cooper	500.73	7,849.25
75	John LaPayre	659.78	14,500.00
76	Robert W. Philburn, Jr.	280.00	5,600.00
77	Donald Gant	200.00	2,400.00
78	J. R. Bredenstein	143.81	500.00
80-D	Felix Wilson	520.00	15,296.00
80A-D	Felix Wilson	998.00	19,665.00
81-D	Mark Countryman	790.00	20,000.00
83-D	Stanley Blum	340.00	12,500.00

I hereby present the schedule of options which I have just read, for action by the Business Councils, for their approval or disapproval.

Mr. Herrick: You have heard the presentation made by Mr. Flinn. Are there any further questions?

Mr. Flinn: Mr. Chairman, there is one more thing I would like to bring up. We have an option on the Amelia Western place. She is a permittee. We have agreed to return Mrs. Westman's option, so I have not included her option in the schedule I have just read. She is a widow and has a large number of children and no place else to go. We do need a water gap on her land and she has agreed that if we would return her option, she would exchange this portion of her land for some dry grazing land.

Mr. Friday: I move that the schedule of options be approved as read.

Mr. Headly: I second the motion.

Mr. Driskell: I suggest that the nature of the motion be interpreted for Mr. Washakie.

This was done.

Mr. Herrick: All those in favor of the motion made by Mr. Friday raise their right hands. Let the record show that all members of the Shoshone Council and all the members of the Arapahoe Council raised their right hands. The motion is therefore unanimously adopted. Mr. Flinn, will you now present the next option, that of Mr. Percy Nowlin?

Mr. Flinn: I would like to present the next option, Number 68, of Mr. Percy Nowlin. The total acreage of this option is 170.98 acres and the price is $4,090. Eighty acres of this tract of land is in the name of Percy Nowlin and the balance is in the name of Esther Nowlin. This is taxable land and is not in trust status. This option is presented for the approval or disapproval of the Shoshone and Arapahoe Business Councils.

Mr. Driskell: Mr. Chairman, I think that before we take any action on this particular option I would like to ask Mr. Rawie how much land the Nowlins are now grazing.

Mr. Rawie: Mr. Nowlin has two permits. These permits were extended in 1935 in competition with other Indians. Prior to that time he had a permit only on winter range. In addition to Mr. Nowlin's permit, his wife has a permit under her Indian rights on which she runs 200 head of cattle which are her own property. They do not come under the free grazing privilege.

Mr. Driskell: Mr. Smith, do you remember Mrs. Nowlin's program? Has she programmed her minor children? Were any of her cattle purchased with Shoshone Judgment Funds?

Mr. Rawie: No, they were accumulated by the joint efforts of Mr. and Mrs. Nowlin. He cannot secure free grazing rights.

Mr. Driskell: If the council would agree to this presentation, then Mr. Nowlin will have to secure range off the reservation for his 175 head of cattle.

Mr. Rawie: There are petitions in that vicinity now which will more than take up this 175 head. It is on the summer range that we are going to feel the pinch the quickest.

Mr. Driskell: I move that the Nowlin options be accepted on condition that when Mr. Nowlin has been paid for his land, cattle in his name be not grazed on the reservation, in order that there will be room to graze the cattle being purchased with Shoshone Judgment funds in that area.

Mr. Flinn: I think that Mr. Driskell is right in tying strings to that proposal.

Mr. Herrick: What worries me is that I don't believe that you can tie up to that option a condition requiring Mrs. Nowlin and her children to forfeit their rights as Indians.

Mr. Driskell: My motion had no intention of tying up the rights of Mrs. Nowlin and her children. If these rights are in question, I withdraw my motion.

Mrs. Clairmont: Is there any assurance that Mr. Nowlin will not sell his cattle to his children and then run them just the same?

Mr. Driskell: Mr. Day and I can control that.

Mr. Stone: Why should he not sell them to the children?

Mrs. Clairmont: He could give them to the children.

Mr. Stone: They will invest those moneys with someone, to the advantage of themselves.

Mrs. Clairmont: I do not think it is fair for Mr. Nowlin to sell his cattle to his children and run them just the same.

Mr. Herrick: It is my understanding that a number of families are doing just that. And, as Superintendent Stone says, I do not think you can tie up the matter of tribal rights.

Mr. Huston Smith: There is a limit to the number of cattle a family can run.

Mrs. Scott: Just what does this place mean to the tribe if they do or do not buy it?

Mr. Rawie: The question as I see it is if we do not buy Percy Nowlin's land, can he continue with his permit? If we buy the land then we are through with Percy Nowlin, but his family retain their rights limited to 312 head per year.

Mr. Herrick: Is there any further discussion? You have heard Mr. Driskell's motion that the option be approved on condition that Mr. Nowlin be notified that he must get off the reservation with his cattle as soon as his land has been purchased. Do I hear a second to that motion?

Mr. Duran: I second the motion.

Mr. Herrick: As there is no further discussion, all those in favor so signify by raising their right hands. Let the record show that five members of the Shoshone Council and five members of the Arapahoe Council raised their right hands. One member of the Shoshoen Council voted in the negative, and one member of the Arapahoe Council did not vote.

Mr. Tunison: I suggest that the names of the members be recorded.

The voting was as follows:	In favor		In favor
	Mr. Driskell		Mr. Duran
	Mr. Charles Washakie,		Mr. Blackman
	Mr. Marshall Washakie		Mr. Headly
Shoshones:	Mr. Day	Arapahoes:	Mr. Friday
	Mr. Hill		Mr. Antelope
	Against		Did not vote
	Mrs. Clairmont		Mrs. Scott

Mr. Herrick: The motion is adopted and the option accepted. Mr. Flinn, will you now present the option of Camille Mazet?

Mr. Flinn: I would like to present option number 82-R belonging to Camille Mazet. This option covers 436.57 acres, the price for which is $15,500. This tract of land has 212 acres of the best agricultural lands on the reservation. It has 110 acres of bottom land and 104 acres of upland grazing land, and improvements worth $1059. May I present this option for the approval or disapproval of the Shoshone and Arapahoe Councils?

Mr. Herrick: You have heard Mr. Flinn present the option for the lands of Camille Mazet. Is there any discussion?

Mrs. Clairmont: I contend that this particular tract of land does not benefit the tribe, and I do not think we should buy it.

Mr. Herrick: Is there any further discussion of this option?

Mr. Duran: Mr. Flinn, what connection has this place with the range program?

Mr. Flinn: This tract of land of Mazet's was formerly used as a ranch headquarters for the grazing of sheep on the diminished and ceded portion. Mr. Mazet's permit expired, as did all other permits, last fall.

Mr. Rawie: I would like to present some more details on this tract. At the time Mr. Driskell owned that land he obtained a permit to run sheep on it. In 1937 he sold to Mr. Mazet and obtained the consent of the Office for the assignment to Mr. Mazet of the unexpired part of his (Mr. Driskell's) permit, and, therefore, at the end of 1940, Mr. Mazet had no more permit, and Mr. Driskell, not having stock, could not renew. But Mr. Mazet felt that he wished to continue in the stock business and as he bought the land prior to the permit loss, he now expects to compete with other Indians for his grazing privileges. He has been advised to take his stock off the range.

Mrs. Scott: I believe there was a resolution on this subject when I first came into the Council, and it was decided that Mr. Mazet would not be given a further extension.

Mr. Flinn: I do not remember the wording of that resolution, but there was such a resolution.

Mr. Driskell: Mr. Rawie, I would like to suggest that you explain that when this deal was finally approved I agreed to waive all my grazing privileges, and that is why I have not purchased any more stock.

Mr. Rawie: Yes, that is right.

Mr. Herrick: Is there any further discussion? If not, does the Chair hear a motion?

Mr. Hill: I move that the Camille Mazet option be accepted.

Mr. Herrick: Do I hear a second to the motion?

Mr. Antelope: I second the motion.

Mr. Driskell: I suggest that the nature of the motion be interpreted to Mr. Washakie.

This was done.

Mr. Herrick: If there is no further discussion, all those in favor of Mr. Hill's motion please signify by raising their right hands. Let the record show that the following voted in the affirmative:

Shoshone	Arapahoe
Mr. Driskell	Mr. Duran
Mr. Charles Washakie	Mr. Friday
Mr. Marshall Washakie	Mr. Antelope
Mr. Day	Mr. Blackman
Mr. Hill	Mr. Headly
	Mrs. Scott

All those opposed, please signify by raising their right hands. Let the record show that the following were opposed:

Shoshone

Mrs. Clairmont

The motion is therefore adopted and the option accepted.

Mr. Flinn: Mr. Chairman, at this time I would like to present to the Councils the option of John Graboski containing 132.42 acres at a total option price of $5,000. This tract of land contains 115 acres of crop land, 10.42 acres of bottom grazing land, 7 acres of upland grazing land, and has improvements of $1,895. At this time I would like to present this option to the Council for their approval or disapproval.

Mr. Herrick: Is there any discussion?

Mr. Driskell: We ought to go into a little discussion on this particular piece of land. The members thought that there would be a chance to purchase some of the McQueen land which would give them an outlet for some of the Padlock operations.

Mr. Flinn: Since the McQueen's heard about the possibility of a road, they have jumped the price to $60 per acre. Originally their price was $20 per acre.

Mr. Driskell: I would like to raise the point that since the people who own the McQueen Ranch refuse to sell, is it advisable to turn down the Graboski option? We must consider this.

Mr. Herrick: I might say that from the standpoint of the Padlock operations, the Graboski place is a desirable buy. At the present time, to get from the east side of the Padlock to the west side, they have to go off their own lands. From the standpoint of handling the Padlock cattle, it would be a desirable purchase.

Mr. Flinn: (Explained on the land status map the reasons for not getting the lease on state owned land.) I agree that it is necessary and desirable to have the Graboski land.

Mr. Driskell: If a motion is made to accept or reject this place, it ought to come from the Arapahoes, and I am sure that whatever the Arapahoes decide to do the Shoshones will join them.

Mr. Duran: In my statements in the past I said it was not desirable, but after hearing the arguments since, I now approve of its purchase, and I make a motion to accept the Graboski option.

Mr. Headly: I second the motion.

Mr. Herrick: Is there any further discussion? As there is no further discussion, will all those in favor of Mr. Duran's motion to approve the Graboski option raise their right hands. Let the record show that of the Shoshone Council, all members were unanimously in favor of the motion. Of the Arapahoe Council, the following voted in favor:

Mr. Duran
Mr. Friday
Mr. Antelope
Mr. Blackman
Mr. Headly

Mrs. Scott did not vote.

The motion is therefore carried, and the Graboski option approved. Will you present the next option Mr. Flinn?

Mr. Flinn: I would like to present the option of Mr. Charles A. Driskell, number 79-D which consists of 115 acres at a price of $7,900. This tract of land has 51 acres of crop land, 59 acres of irrigated pasture land, and 3 acres of native grazing land. There is a total value of $5,450 in improvements. This option is being presented at the request of Mr. Driskell for the Council's approval or disapproval.

Mr. Driskell: I feel that the Council would go ahead and accept this option, but when I go back to the reservation the members of the tribe might feel that I have put something over on them. In this case I make a request that my option be returned to me.

Mr. Herrick: I would like to step down from the chair. I wish to make the position of the Office entirely clear. With regard to your option, it is entirely up to the Councils, and the Office is not making any suggestions.

Mr. Driskell: I wish to have my option returned.

Mr. Herrick: At Mr. Driskell's request and without objection, his option will be returned to him. That concludes Council action on the options which were ready for presentation, all having been approved by the Council.

Mr. Stone: I notice that Mr. Flinn has not presented the exchanges.

Mr. Flinn: We have some exchanges and if the Councils request they be presented, we can do so at this time.

Mr. Driskell: I do not think that the Councils need take any action on the exchanges at this time. We would like to have an opportunity to go over the lands that are being exchanged.

Mr. Flinn: I believe that what Mr. Stone had in mind was an exchange that we have had a lot of difficulty in working out with Mr. O'Connor as he requested a meeting immediately before we came to Washington, and wished to take action then. The land in question is that upon which the Sun Dance takes place.

Mr. Driskell: Is that the only exchange to be presented at this time?

Mr. Flinn: Yes.

Mr. Duran: I request that Mr. Flinn list the exchange.

Mr. Flinn: I would like at this time to present an exchange which is shown here on the map. (Mr. Flinn explained what kind of land this exchange consisted of and the values involved and stated that he believed this to be a fair exchange and would be to the benefit of all concerned.) This exchange is presented to the Shoshone and Arapahoe Business Councils for their approval or disapproval.

Mr. Driskell: Mr. Rawie, what is the present status of Mr. O'Connor's stock? Are they in trespass status?

Mr. Rawie: There is some question as to whether the Resolution of February 28th would apply to Mr. O'Connor.

Mr. Driskell: Did you try to get an option on his land?

Mr. Flinn: Yes, we have worked out three different plans and submitted them to Mr. O'Connor, but this is the only one to which he has agreed.

Mr. Driskell: Do we understand Mr. Flinn, that the depot is on this particular tract of land?

Mr. Flinn: The title will be taken over by the tribe subject to an easement of the railroad company.

Mr. Herrick: It should be made clear that the tribe is not getting any railroad property.

Mr. Flinn: That is right. But if the railroad is ever abandoned the property would revert to the tribe.

Mr. Herrick: The giving of these tribal grazing lands in exchange will not jeopardize the livestock program on the reservation?

Mr. Rawie: No. The lands have been under permit to Mr. O'Connor because they are inaccessible and unuseable by the Indians.

Mrs. Scott: Would it not be a wise thing to see the easment before we do this?

Mr. Flinn: It is not necessary.

Mr. Herrick: Is there any further discussion? Mr. Day, do you wish to interpret to Mr. Washakie? (This was done) Does the Chair hear any motion?

Mr. Friday: I move that we table the matter until we get home so that the Shoshones may look over the ground.

Mrs. Scott: I second the motion.

Mr. Herrick: All in favor of Mr. Friday's motion please signify by raising their right hands. Will the contrary-minded please raise their right hands. Let the record show that the members of both Councils unanimously agreed with Mr. Friday's motion that the exchange option of Mr. O'Connor be tabled.

Mr. Driskell: I move that the meeting be terminated in order that the Arapahoes may get to the Treasury for their per diem.

The motion was approved.

Mr. Herrick: If there is no further business the meeting is adjourned.