

GENERAL CONFERENCES WITH THE SHOSHONE
AND ARAPAHOE DELEGATES, MAY 7, 1941.

- SUBJECT: (1) The proposed division of the Wind River Reservation.
- (2) The Arapahoe Padlock Ranch, the land purchase program, and Indian fishing rights.

(1) Mr. Herrick opened the conference at 9 A. M. with the following statement:

"I stated yesterday that some of us would get together to see what we could work out in the way of a method of dividing the reservation both for temporary use and for a possible legal division in the future. In anticipation of such a discussion, we had correspondence with Superintendent Stone, asking him to organize a committee to study the various matters in question. It was suggested that he set up the committee as follows:

Superintendent Stone, Chairman
Mr. Jack E. Stenberg, CCC-ID Project Manager
Mr. F. Huston Smith, Extension Agent
Mr. Carl D. Rawie, Forest Supervisor
Mr. Clyde Flinn, Land Field Agent
Mr. Carl Pearson, Assistant Land Field Agent
Mr. Gerharz, Irrigation Project Manager.

"The report of the Committee was to include the following:

- (1) A general map of the reservation.
- (2) Such supplemental maps as the committee deems necessary to show any features in greater detail.
- (3) A table showing allotted Indian lands, exclusive of allotted Indian lands to be purchased as part of the tribal land purchase program, but inclusive of lands being purchased or exchanged by Indians through the use of individual shares of the Shoshone Judgment money; this table to show Shoshone and Arapahoe lands by acres, with a breakdown by types of land and a further breakdown by class of land within each type.
- (4) A table showing tribal grazing lands, including both lands now tribally owned, and ceded lands which will be restored as a result of the land purchase program.
- (5) A series of six tables, showing lands on the ceded portion to be acquired or exchanged under the tribal land purchase program, the six tables to conform to the following subheadings:

- (a) Indian owned lands acquired, or to be acquired, without regard to the status of the purchase negotiations.
- (b) Non-Indian lands acquired, or to be acquired, where the purchase procedure has progressed to the point where an option has been approved by the Business Councils and accepted by the Department.
- (c) Non-Indian lands on which an option has been given by the owner, but has not been approved by the Business Councils and accepted by the Department.
- (d) Non-Indian lands which have not been optioned, but which have been appraised, and which are expected to be purchased.
- (e) Non-Indian lands which should be purchased, but which are not now available, such as lands within the reclamation withdrawal area.
- (f) Non-Indian lands to be acquired by exchange, and tribal lands to be given in exchange, so that any net gain by exchange will be shown.
- (6) A series of tables under similar subheadings as in (5) above, covering lands on the diminished portion of the reservation.
- (7) A table or statement covering waste lands and designating those lands on each side of the Wind River meridian which are not covered in any of the other tables because they have no value for agricultural, grazing or timber supply. There should be indicated, however, their value as a source of wildlife, or any recreational value.
- (8) A statement covering lands under oil and gas leases and indicating such lands, if any, not available for Indian surface use.

"The one thing on which we lack recent accurate figures is the timber resources. We have used Mr. Rawie's annual report and have broken down the figures to show how they lie on the east and west sides of the meridian. (Mr. Herrick explained the series of maps and tables accompanying them which had been provided by the committee.) In estimating the value of lands in the purchase program, a cow month was figured in at \$5. On the Arapahoe end of the reservation, the winter range value is \$276,400, while on the Shoshone end it is only \$78,100. This represents a difference in favor of the east half of \$198,300. Computing the carrying capacity of the summer range in dollars it comes out almost even, or \$201,350 for the east half and \$198,325 on the west half, a difference of \$2,525. Spring and fall range on the east half has a value of \$131,525, and on the west half \$178,900 or a balance in favor of the Shoshone half of \$47,375.

"I forgot to mention that through the process of exchange there are going to be acquired certain grazing rights on the National Forest Service area. (Mr. Herrick gave the names of these areas and pointed them out on the map.)

The Forest Service has agreed that the grazing rights go with the land. That will give an additional 2,000 cow months with a value of \$10,000 of summer range to the Shoshone half.

"In simple terms, it means that if the lands within the reclamation withdrawal are to be considered or included as being permanently for Indian use, and are to be put in at full value to balance up the carrying capacity of grazing lands, the Arapahoes owe the Shoshones 14,345 cow months of grazing lands. They have 28,690 cow months more, and would have to give up 14,345 cow months in order to balance up. By class of range, the Arapahoes should give the Shoshones about 20,000 cow months of winter range and should get back approximately 5,500 cow months of summer and spring-fall range.

"The allotted lands were broken down by the committee as Shoshone or Arapahoe allotments. The lands were classified as we have been classifying them for purchase. (Alfalfa, irrigated, sub-irrigated, pasture, dry grazing, etc.) And within each classification, according to the productivity of the lands, they were listed as "good", "fair" and "poor". We took these figures and applied to them the same dollar values that had been used in making appraisals. A list of the allotted Arapahoe lands under the Indian Irrigation Service project shows 39,052.40 acres at value of \$464,481. Shoshone allotments amount to 27,487 acres at a value of \$323,744, or a greater value of Arapahoe lands of \$140,737.

"But there are also lands under private ditch. There are 14,102.44 acres of Shoshone allotted land and only 2,018.90 acres of Arapahoe lands under private ditch. Most of the Arapahoe lands are either grazing or sub-irrigated. The Arapahoe allotted lands under private ditch have a value of \$13,683, while the Shoshone allotted lands under private ditch have an estimated value of \$105,543. This gives the Shoshone lands a value of \$91,860 above the value of the Arapahoe lands.

"Next we went into a study of the lands which have been purchased and which are scheduled for purchase, and the schedules show that if the program is carried out as now contemplated, including tracts like the Winniger tract, in the reclamation withdrawal, there will be purchased east of the meridian \$546,434 worth of lands and west of the meridian there will be purchased \$517,986 worth of land or a balance of \$28,448 in favor of the Arapahoes. You will notice that there is no great preponderance on one side or the other.

"In regard to the value of the timber, the recent study on timber resources is not yet completed, but the total value of the timber on the Wind River Reservation, as shown in Mr. Rawie's annual report, is \$1,604,420. We checked Mr. Rawie's estimate as to how the timber should be divided between the eastern and western halves against the Fuller report and found that the reports were very much the same. There is a ratio of about 9 to 1 in favor of the Shoshones. The eastern half has \$163,462 worth of timber and the western half \$1,440,958. Thus, to compensate for this large preponderance of the value of the timber on the Shoshone side of the reservation, the Shoshones would have to give to the Arapahoes virtually all of their grazing land. Now that is not possible. It brings me back to my earlier proposal, that the timber remain in joint ownership, and that if any division is effected, that division provide that the Arapahoes shall have a perpetual easement allowing them to go on and use the timbered areas. Also, if the timber were ever commercially exploited, that the proceeds be divided equally between the two tribes.

"One other resource that is impossible to measure in dollars and cents is hunting and fishing. The bulk of the hunting is on the Shoshone end of the reservation. Along with that is the question of license fees. There is also the question of the possible development of dude ranching and guiding. These things having to do with the recreational use of the reservation cannot be measured in dollars and cents. It has always been my thought that these resources should continue in joint ownership.

"There has been some question in our minds as to whether or not we should continue to include in our estimates the reclamation withdrawal. There is a question whether it would be wise to propose any of these lands for purchase until we had some assurance from the Reclamation Division that there will be range lands given to balance. If these lands were not purchased, that would bring the value of the purchases east of the meridian down to \$521,000 as compared to \$517,000 on the west half, or only \$4,000 apart.

"We think it sound to treat the reclamation withdrawal area as common ground and available to both tribes for grazing. If this is done, the Arapahoe or east half will have 29,055 more cow months of winter range than the Shoshones. The Shoshones will have 1,495 more cow months of summer range and 9,475 more cow months of spring and fall range."

Mr. Herrick and Mr. Rawie then proceeded to explain how a line could be drawn following natural range boundaries in the general vicinity of the Wind River meridian, which would give to each tribe range with equal carrying capacity, and, furthermore, a range which would be well balanced as to winter, summer and spring-fall grazing. It was pointed out that an equitable division of the range would require the Arapahoes to give up one half of their 29,055 cow months excess of winter range, or 14,528 cow months, and the Shoshones to give up to the Arapahoes one half of their 10,970 cow month excess of spring-fall and summer range, or 5,485 cow months, making a net transfer from the Arapahoes to the Shoshones of 9,043 cow months. Mr. Rawie demonstrated on the map and with figures, how the proposed division of grazing areas of the reservation outside the reclamation withdrawal would provide the Shoshones with approximately 6,000 cow months out of the required 9,043. Mr. Rawie explained that the remaining cow months due to the Shoshones could be covered by giving to the Shoshones a larger share of the grazing within the reclamation withdrawal which, as was stated, would be a common grazing area. The proposed boundary line between the range areas was indicated on the grazing map which had been prepared by Mr. Rawie.

Mr. Herrick continued his statement as follows:

"It all boils down to this, that I should like to recommend a temporary use division of the range along the line described, whereby the reclamation withdrawal would be treated as a range area available for both tribes, and the range outside would be divided as I have indicated, thereby giving to each approximately the same amount of range and a balanced range as between

the seasons. And I should further like to recommend that as a basis of any further negotiations looking toward the division of the reservation, the approximate line of the range use boundaries be considered as the starting point; that the allotments be confirmed in the present ownership, but with a provision for exchanges back and forth as necessary in order to straighten the line out; and, in addition, that the mineral, wildlife and recreational resources remain in joint ownership and that the timber on the west half go to the Shoshones, but with a proviso that the Arapahoes would always have the right to use the timber for household purposes, and that if the timber were commercially exploited, the proceeds from that exploitation would be divided between the two tribes."

Mr. Driskell stated that he realized that Mr. Herrick had gone to a lot of trouble to give the Councils the picture, and he thanked him on the part of the Councils, but stated that on behalf of the Shoshones he did not see any reason for further division of the reservation for range use at present because the ranges were already distributed. Mr. Herrick stated that he wished to have it clearly understood that neither he nor the Indian Office was advocating or opposing a legal division of the reservation, but that he was trying to find out what the result would be of a proposal which has come from one of the tribes. Mrs. Scott questioned whether any permanent line of division would be approved by the Arapahoes and both Mr. Herrick and Mr. Kappler assured her that should there be any action it would be submitted for their approval. Mr. Duran stated that the delegates had come to Washington to get the facts on this matter as the Washington officials see them. He felt that the described plan of range use appeared to be a very fair one and that this appeared to be a logical time to make some decision on the range use problems.

Mr. Herrick stated that the Shoshones have more money than the Arapahoes have, even though an allotment of Rehabilitation funds has been given the Arapahoes. The expansion of the Shoshones' livestock industry will probably be more rapid than that of the Arapahoes. The result will be that the Shoshones with their livestock and permits will expand over onto the east side of the Wind River meridian, and then when the time comes that the Arapahoes need range they will find that the Shoshones are already in possession of it, even if they are not using it to its full carrying capacity. So it is necessary to look ahead now. All would like to see the land on the ceded portion of the reservation restored to full tribal ownership. The right to allocate the range on the ceded portion now lies with the Secretary of the Interior, and he has a right to know that the Indians will deal fairly with one another before he relinquishes that right. As a practical matter, if the Secretary is to relinquish his control over the ceded area by restoring the land to tribal ownership, he should first receive assurance that there will be an equitable and fair division of the land.

Mr. Blackman stated that it was not necessary for the delegates to commit themselves, but that he wished to take back to the Arapahoe General Council the opinion of the Washington Officials.

Mr. Tunison discussed at length with Mr. Herrick and Mr. Rawie the values upon which Mr. Herrick's suggestions were based, with the thought in mind that the Shoshones should be fully informed as to what the original treaty gave them. He stated that although the Shoshones finally got a judgment for one half of the reservation that could never compensate for the injustice perpetrated by the Department, and that in a division of the reservation, the Shoshones should be favored. Mr. Herrick stated that a mistake had been made by the Department in approving a cession of part of the reservation, but attempts were now being made to rectify that through the purchase program; that the Arapahoes were there and had to be considered and treated as fairly as the Shoshones, even though they have no treaty; that the Shoshones had an undivided half of the reservation and the Government was holding the other half because we have a moral obligation to hold this for the Arapahoes.

After further discussion it was generally agreed by the delegates that they did not come to the conference prepared to commit themselves, and no final decisions were reached. The conference recessed at 11:30 a.m., to reconvene at 1:30 p.m. to discuss the Arapahoe Padlock Ranch.

(2) THE CONFERENCE WAS CALLED TO ORDER AT 1:30 P.M., WITH COMMISSIONER COLLIER PRESIDING DURING THE ARAPAHOE PADLOCK RANCH DISCUSSION.

Mrs. Scott expressed her concern because she had not seen a report from Mr. Gerharz on the Padlock Ranch. It was explained to her that Mr. Gerharz had not made a report, but that the reports made by Mr. Howell had been given the members of the Business Councils.

Mr. Antelope asked whether the Council members had authority to go over to the Padlock to help the manager. Mr. Frank J. Smith replied that the Indians were most welcome and that he would be glad of, and needed, their assistance.

Commissioner Collier expressed a very great interest in the opinions of the delegates in the past, present and future of the Padlock Ranch. He stated that the Office was very much interested in the project and was cognizant of the criticisms and disaffection of some of the Indians and wished to know what these criticisms were. At Mr. Duran's request, Mr. Frank Smith, manager of the Padlock Ranch, stated that the ranch was in better condition than it has ever been since he has worked on it. The recent stormy weather has been advantageous even though it has put the ranch a little behind in the farming operations, and regardless of the severity of the storms, only 14 calves were lost. He stated that even in the worst drought years the Padlock never had to move any cattle off the ranch. Regardless of the necessity of branding the cattle recently, the ranch is assured of a better than 80 per cent calf crop. He further stated that the ranch books have been kept on the basis of an arbitrary deduction of an annual death loss of 2 per cent, but when the cattle were rounded up to sell to the Government it was apparent that this was higher than the actual death loss. Mr. Herrick asked whether Mr. Smith had contracted for the sale of bulls this year and Mr. Smith replied that he had already selected the bulls, and would secure them for \$200 each.

Mr. Friday reviewed the events leading up to the relinquishment by the Arapahoe Council of its authority of trusteeship and stated that he had come to Washington to request that he be given back this authority. He further stated that he knew the Arapahoes would benefit by the Padlock Ranch enterprise and that they wished to have a voice in its operations. Mr. Herrick, at Mr. Collier's request, detailed the history of the trusteeship and explained that the Council members had relinquished their authority to the Commissioner. Mr. Collier stated that he would give back that authority whenever the tribe wanted it. Mrs. Scott insisted that she did not want the authority vested in her because she protested the manager's salary and the fact that she had had no voice in the selection of a manager.

Mr. Herrick reminded Mrs. Scott that her name had led the rest of the signatures on the Trust Agreement and Program which had been signed on November 27th. Mrs. Scott said she had not signed the amendment, however, because she could not be reconciled to paying Mr. Smith's salary or his traveling expenses, as they were too high. Mr. Smith explained that the budget figure for traveling expenses was based upon last year's budget and gave Mrs. Scott an itemization of the money spent to date for this expense and explained that the unused portion was not charged to the Indians.

Mr. Tunison requested Mr. Herrick to explain just what the relationship of the Shoshone Tribe was to the Arapahoe Padlock Ranch. Mr. Herrick explained that the real property of the Padlock was being purchased out of the Judgment Fund as part of the tribal land purchase program, and this title would be in the United States in trust for both tribes. The range in the ceded area also will be in the United States in trust for both tribes. Mr. Tunison asked what became of the proceeds of the range if it was the property of both tribes. Mr. Herrick answered that the proceeds would go to both tribes in equal shares, but that the question of range fees had not yet been settled by the Business Councils, nor has the question of fees for the use of purchased lands. Mr. Herrick stated that the Padlock Ranch ought to be treated on a parity with the livestock association; if the one was charged a grazing fee, the other should be treated likewise. Mr. Tunison explained that he was in no opposition to the Padlock enterprise. Mr. Herrick stated on behalf of the Office that Mr. Tunison had been very fair and cooperative.

Mrs. Scott stated that she had seen a letter which said that after one year the position of manager would be put under Civil Service. It was explained to her that the manager was paid from tribal funds and that the position was not eligible for civil service classification.

Mr. Headly stated that the Arapahoes objected to the management of the Padlock because they felt that the manager's wages were too high, but that they now wished to have their authority to carry on the operations of the Padlock as they saw fit, and to change the manager when and as they wished. Mr. Collier reminded Mr. Headly that the management of such a large enterprise was a very important matter and that the salary paid Mr. Smith

represented a very small percentage of the operating expenses. Mr. Herrick told the delegates that the salary Mr. Smith is now receiving is the same that he was getting from Padlock Ranch, Inc., that it was in line with salaries paid on other large ranches, and that when the Padlock was built up it would be one of the large ranches of the West.

Mr. Tunison expressed his concern as to any loss that might be taken by the Shoshones should the Padlock not be successful. Mr. Herrick explained that under the present arrangements the only loss that the Shoshones could suffer would be a deferment of grazing fees.

Mr. Duran stated that the Arapahoe Tribe had instructed the Arapahoe delegates to request that they resume their authority as trustees of the Padlock enterprise, as they felt that if the ranch were managed right it would better the economic condition of the Arapahoes. They asked that they be allowed to have some say in the choice of a manager. Mr. Collier told the Arapahoe delegates that the Washington Office wishes to give as much power to the Arapahoes as possible, but that a great deal depends upon the success of the enterprise during its early years; that the Indian Office would give authority to the Indians, but must always be assured that the business was conducted on a sound basis. Mr. Duran stated that at the end of a year of operation, after the Arapahoes had seen Mr. Smith's financial statement, they might want to keep Mr. Smith on. He said that he knew that the enterprise was a very large one and that the Indians were not experienced enough to carry on alone, but would need an experienced manager. He again stated that the Arapahoes had asked the delegates to request their authority back as trustees. Mr. Herrick answered that he was happy that the leaders wished to restore to themselves this authority, and he hoped that they would take back that part of the Program which provides that they have the authority to confirm the manager next year. In the meantime, Mr. Smith will be glad to have the benefit of the advice and help of the trustees. Mr. Collier commended the spirit of the delegates and assured them that the Arapahoe Padlock Ranch appeared to him to be a prosperous enterprise. He stated that it was the largest concentrated cattle enterprise in the Indian Service.

Mr. Collier then retired and Assistant Commissioner Zimmerman took the chair. The conference then discussed the question of the Bar Gee. Lengthy consideration was given by members of the conference to the Bar Gee, Johnson and Brown cases. It was decided that Mr. Brown should be notified to round up his cattle and pay up his grazing fees and get off the land in 15 days. It was agreed that unless Mr. Stone and Mr. Rawie could work out some other scheme, Mr. Johnson was to be notified that he must get off not later than July 1. The delegates agreed definitely that they were unwilling to extend any further leniency to the Bar Gee, despite the various suggestions made by Washington officials. The question was brought up as to whether the Councils would stand by the appraised price of the present Bar Gee option should a decision be reached as to a solution of this problem. The Councils agreed that the appraised price was fair. The Councils holding to their previous resolution, the decision was put up to the Washington Office.

The conference then took up the question of the Indian fishing ordinances. Mr. Zimmerman stated that he had talked at great length with Mr. Bagley, State Director of Fish and Game, who protested the establishment of these ordinances. Mr. Zimmerman told Mr. Bagley that he could not give him an answer until the Department had studied the matter.

Mr. Flickinger was requested to give his opinion of the legality of the Councils' action. Mr. Flickinger stated that so far as he had been able to determine, the Councils had the same authority over Bull Lake and Ray Lake that they had over other portions of the diminished reservation, provided they did not infringe upon the rights granted to the Reclamation Service through the easement enjoyed by the Service for reclamation purposes. He stated that inasmuch as Ocean Lake was on the ceded portion of the reservation, and was, moreover, within the reclamation withdrawal, the case of Ocean Lake was different. In his opinion the Councils had exceeded their authority in attempting to charge a license fee for fishing in Ocean Lake. He stated that authority to regulate the use of lands on the ceded portion of the reservation was vested in the Secretary of the Interior and not in the Business Councils. He believed that the Secretary might have authority to make a charge for fishing on Ocean Lake or for the use of the waters and riparian lands of the lake, and stated that any income so derived would be credited to the tribes, but he doubted whether even the Secretary would have the right to require fishing licenses of non-Indians seeking to fish in Ocean Lake.

It was decided that it would be necessary to submit the tribal ordinances which require license fees on Ray, Bull and Ocean Lakes, to the Solicitor for an opinion.

Mr. Zimmerman added that in his opinion, regardless of the legal issues involved, it was probably unwise for the Councils to attempt to pass such ordinances, particularly as to lands on the ceded portion, until the whole matter of the land purchase program and the restoration of ceded lands had been settled, and the status of the lands determined.

The meeting adjourned at 5:00 p.m.

FINAL GENERAL CONFERENCE OF THE
SHOSHONE AND ARAPAHOE DELEGATES
MAY 9, 1941

Commissioner Collier appeared before the delegates at their final session on the morning of May 9th. He complimented the delegates upon the intelligent and faithful manner in which they had conducted their business. He stated that the Indian Office had two parallel policies. One policy was to assure the efficient conduct of tribal business and the other to turn over to the tribes, as fast as possible, the authority to supervise the tribal business. He explained that the two policies must be carried out at an equal pace, and that authority would be vested in the Indians as fast as possible, but never so fast as to jeopardize the effective administration of their tribal affairs.

Mr. Herrick also remarked upon the efficient manner in which the delegates had conducted themselves. He stated that the delegates had worked, not only during the daytime, in the Washington Office, but had held frequent meetings in the evenings and had come before the Washington officials with well considered proposals; that there had been little evidence of dissension among the delegates, and that he was most appreciative of their cooperation.

Mr. Tunison presented to the Office the resolutions appearing hereafter:

RESOLUTION OF THE JOINT BUSINESS COUNCILS OF THE SHOSHONE
AND ARAPAHOE TRIBES OF THE WIND RIVER RESERVATION, WYOMING,
AT WASHINGTON, D.C., MAY 8, 1941.

BE IT RESOLVED, That we request at this time a per capita payment of \$12.00 per head to the Indians of the Shoshone and Arapahoe Tribes of the Wind River Reservation in Wyoming, same to be made out of the available balance of \$41,742.09, and interest thereon \$1,339.07, "Proceeds of Labor, Shoshone and Arapahoe Indians, Wyoming", and

BE IT FURTHER RESOLVED, That the Shoshone Tribe hereby defers the application, to reimbursement of the Shoshone Judgment Fund, of the amount required to make the above per capita payment.

SHOSHONE BUSINESS COUNCIL

Charles A. Driskell (s)
Gilbert Day (s)
Hunting Hill (s)
Marshall Washakie (s)
Charles Washakie (s)
Maude L. Clairmont (s)

ARAPAHOE BUSINESS COUNCIL

Thomas J. Duran (s)
Ben Friday (s)
Nellie F. Scott (s)
Dave Headly (s)
Orlando Antelope (s)
John Blackman (s)

RESOLUTION BY THE BUSINESS COUNCIL OF THE
SHOSHONE TRIBE OF INDIANS OF THE WIND RIVER
RESERVATION, WYOMING, AT WASHINGTON, D.C.,
MAY 8, 1941.

BE IT RESOLVED, That we request the Office of Indian Affairs and the Secretary of the Interior to secure an amendment to the Shoshone Judgment Fund Act of July 27, 1939, so that the Shoshones shall not be required to repay their half of the million dollars mentioned in Section 6 of said act, and so that the accruals into said repayment fund from time to time may be distributed to the members of the Shoshone Tribe entitled to participate in said Judgment Fund.

Charles A. Driskell (s)	Gilbert Day (s)
Marshall Washakie (s)	Charles Washakie (s)
Maude L. Clairmont (s)	Hunting Hill (s)

RESOLUTION BY THE BUSINESS COUNCIL OF THE
SHOSHONE TRIBE OF INDIANS OF THE WIND RIVER
RESERVATION, WYOMING, AT WASHINGTON, D.C.,
MAY 8, 1941.

BE IT RESOLVED, That the Shoshone Tribe of Indians of the Wind River Reservation, Wyoming, hereby requests with respect to the following items, viz.,

Proceeds of Wind River Reservation, Wyoming.....	\$38,734.58
Interest on Proceeds of Wind River Reserva- tion, Wyoming.....	6,382.84
Proceeds of Oil and Gas, Wind River Reserva- tion, Wyoming.....	87,675.11
Interest on Proceeds of Oil and Gas, Wind River Reservation, Wyoming.....	17,133.78

that the Arapahoe half of said items be applied to reimburse the Arapahoe half of the loan from the Shoshone Judgment Fund, and that the Shoshone half of said items be made available for distribution to the persons entitled to participate in the Shoshone Judgment Fund roll.

Charles A. Driskell (s)	Gilbert Day (s)
Marshall Washakie (s)	Charles Washakie (s)
Maude L. Clairmont (s)	Hunting Hill (s)

RESOLUTION BY THE BUSINESS COUNCIL
OF THE SHOSHONE TRIBE OF INDIANS OF
THE WIND RIVER RESERVATION, WYOMING,
AT WASHINGTON, D.C., MAY 8, 1941.

BE IT RESOLVED, That we request an investigation of the performance of the contract dated July 1, 1940, between the United States of America and the Episcopal Bishop of Wyoming, approved July 13, 1940, respecting the Shoshone Indian Mission School at Wind River, Wyoming.

Charles A. Driskell (s)	Gilbert Day (s)
Marshall Washakie (s)	Charles Washakie (s)
Maude L. Clairmont (s)	Hunting Hill (s)

MINUTES OF A MEETING OF THE ARAPAHOE BUSINESS
COUNCIL, IN THEIR CAPACITY AS COUNCIL MEMBERS
AND AS TRUSTEES OF THE ARAPAHOE PADLOCK RANCH,
HELD IN WASHINGTON, D.C., MAY 9, 1941.

MINUTES OF A MEETING OF THE ARAPAHOE BUSINESS COUNCIL, IN THEIR CAPACITY AS COUNCIL MEMBERS AND AS TRUSTEES OF THE ARAPAHOE PADLOCK RANCH, HELD IN WASHINGTON, D. C., MAY 9, 1941.

SUBJECT: The Arapahoe Padlock Trusteeship.

The meeting convened at 11:35 a.m., in the office of Mr. Herrick, Mr. Duran in the chair.

Mr. Herrick: Upon the request of the Chairman, I have prepared a draft of a resolution as follows:

"WHEREAS, on February 4, 1941, the Business Council of the Arapahoe Tribe of the Wind River Reservation, Wyoming, acting as such Business Council and as the Trustees of the Arapahoe 1941 Fiscal Year Rehabilitation Trust Fund did adopt the following Resolution:

"It is moved that we, both as trustees and business council representatives, hereby decline to accept any responsibility at present for the expenditures on the Arapahoe Padlock Ranch operation and hereby pass the exercise of such authority to such rights as the Commissioner enjoys in over-ruling our authorized positions as trustees. Providing that our full rights may be resumed upon notice by us to the Commissioner, subject to taking immediate effect.", and

WHEREAS, said Business Council acting in their capacity as the Business Council of the said Arapahoe Tribe and as Trustees of the said trust fund now desire to resume their responsibilities and obligations as Trustees of the Arapahoe 1941 Fiscal Year Rehabilitation Trust Fund, as provided for and dealt with in the Trust Agreement and Program executed by the Trustees of such fund on November 27, 1940, and approved by the Commissioner of Indian Affairs on December 12, 1940, and the amended Program executed by the Trustees on December 30, 1940, and approved by the Acting Commissioner on January 25, 1941:

NOW, THEREFORE, be it resolved, this 9th day of May, 1941, by the Arapahoe Business Council in their capacity as the Arapahoe Business Council and as Trustees of the Arapahoe 1941 Fiscal Year Rehabilitation Trust Fund, that they do hereby give notice to the Commissioner of Indian Affairs that the said Arapahoe Business Council, acting in that capacity and in the capacity of Trustees of the Arapahoe 1941 Fiscal Year Rehabilitation Trust Fund, do hereby rescind said Resolution of February 4, 1941, and give further notice that they are willing and do hereby resume the full responsibilities and obligations imposed upon the Trustees by the said Arapahoe 1941 Fiscal Year Rehabilitation Trust Fund Agreement and Program, as amended.

Signed this day and year above written by the said Trustees of the Arapahoe 1941 Fiscal Year Rehabilitation Trust Fund: -- "

Mr. Duran: Members of the Council, we have before us the draft of a resolution I asked Mr. Herrick to prepare regarding our authority as trustees of the Arapahoe 1941 Rehabilitation Trust Fund. In one of my statements at Fort Washakie I said there would be a time when the Indians would realize the importance of exercising authority over the Padlock Ranch, and since then the Arapahoe Indians on the Reservation have asked us to take over the duties of trustees of the Padlock. I believe, therefore, that most of you will agree with me that this resolution should be adopted.

Mrs. Scott: I have talked this over with the Indians on the Reservation, but it was not interpreted to me that authority should be accepted. When I last talked to them they were not in agreement and I am not in agreement. I have stated that if the Indians wished me to sign I would do so, but they have never instructed me to, so I cannot sign. This does not mean, however, that I will not cooperate with the Padlock trustees. I personally have nothing against Mr. Smith, but I do not approve of paying him such high wages, nor do I approve of other things about the Padlock. The other members of this delegation have had expressions from the Arapahoe Tribe, but I have not, and I cannot sign.

Mr. Herrick: It is up to each member to exercise his or her own judgment. We shall be most happy to have the members sign this resolution restoring to them their authority as trustees of the Arapahoe 1941 Rehabilitation Trust Fund, but we leave it up to the members to decide what they shall do.

Mr. Antelope: The night before we left we had a meeting, and the men and women interested in the livestock business asked us to try to get our authority back, and our final instructions were to get this authority back by drawing up this resolution. I have these instructions here in writing. So I move that we adopt the resolution.

Mr. Blackman: I second the motion.

Mr. Duran: You have heard Mr. Antelope's motion and Mr. Blackman's second. Are there any questions?

Mrs. Scott: You understand that I did not say I would not cooperate. But I cannot do this until I am instructed. I do not feel that I have been instructed. But I will cooperate with the trustees.

Mr. Duran: Any further discussion?

Mr. Headly: I have already expressed myself in meeting. We have been instructed to reclaim our rights as trustees. So we can vote.

Mr. Duran: All those in favor please signify by raising their right hands. Let the record show that the following members voted in the affirmative:

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

Mrs. Scott did not vote.

The motion is carried.

All members voting in the affirmative please sign the resolution.

The resolution was signed by the above members and by the Chairman.

Mr. Herrick: Now I want to see whether you trustees really mean business. Your first act should be to sign Mr. Smith's contract and the second to receipt for the personal property, including the livestock and so forth, purchased from the Padlock Ranch, Inc. If you wish to assume authority as trustees you should sign these two documents now.

Superintendent Stone: I understand about the property, but I thought that approval had already been given with regard to Mr. Smith's contract.

Mr. Herrick: Yes, Mr. Smith's contract is already approved, but if the trustees wish to take back their authority, they don't want in that one respect to appear to be holding back. They have asked for authority to have a voice in the selection of a manager for next year, and I think that in fairness to Mr. Smith, he ought to know whether or not the trustees are back of him. There are matters of policy to be decided during the coming year which Mr. Smith has talked over with us, and I know that he will want to talk them over with the trustees. For example, shall he sell the steer calves this fall, or hold them over until next year when they will be yearlings? He can tell you what the problems are, the prices, the market, etc., and you ought to help your manager to make these decisions. Give him your help and support. I think he deserves it. I will leave it up to you to reach a decision.

Mr. Duran: Are there any comments from the members?

Mr. Headly: Is the manager's contract for only one year?

Mr. Herrick: Yes, it runs until January 31, 1942.

Mrs. Scott: Is there any way the trustees can have the rules and regulations amended as to the manager?

Mr. Herrick: Amendment of the Program is possible. It requires the consent of the Commissioner.

Mrs. Scott: I think the new trustees should have the right to amend the regulations.

Mr. Duran: Members of the Business Council and trustees of the Arapahoe Padlock Ranch, I think that you have already completed most of the business for which we came here. My primary purpose was to get better acquainted with the people and methods of the Indian Office. I think we have all noticed that

the Indian Office with its different divisions and its regular staff, does not make a mistake. You have found out how they handle their business in the interest of the Indians. For instance, this matter of per capita payment. It is a simple thing to ask for, but we run up against Federal law here and Federal law there. But in the matter of amendments and in the matter of contracts, I recommend that we sign any documents connected with the Padlock enterprise.

Mr. Antelope: According to the instructions of the people whom we represent there is no reason why we should fail to come through with the whole thing and adjust all matters while we are here. But regarding the building up of the \$100,000 fund. Do we have to make it all at once?

Mr. Herrick: It should be built up gradually. We know that in the cattle business sometime there will be a bad year, and the sound business man knows that he should set up a reserve to see him through the bad days. The firms which had built up reserves got through the depression, but those who did not failed. This \$100,000 fund should be built up gradually over a period of years, and when the limit of the reserve is reached you will not have to take any more out for the reserve.

It is kind of Mr. Duran to say that we don't make mistakes. We do. But we do give these matters much thought, and we use the services of people of long experience and we have tried to put the best thought that was in the Department into these regulations. I am glad to hear you and Mr. Antelope speak as you did. I will be glad if you can go back and tell your people that you are going to help in the running of their enterprise.

Mr. Duran: Are there any further comments?

Mr. Blackman: I know you are helping us. We respect each other. We will be glad to tell our people what we have done here. We have cleaned up everything here and I am glad there has been no trouble.

Mr. Herrick: The respect is mutual. All of us here in the Office feel this way. When you go back tell your people that you carry with you the respect of the Washington office for the way you have conducted yourselves.

Mr. Friday: Would any amendments of the rules and regulations be approved by the Commissioner?

Mr. Herrick: I could not say until I knew what the amendments were.

Mr. Friday: The Padlock Ranch has already been taken over, and we will have to go along with it as it is. The only amendment we want now, is to be able to select our own manager. If Mr. Smith is good, we may keep him, but we wish to be free to select the manager ourselves. I think we should adopt these things now.

Mr. Headly: Have you copies of the inventories of the property we bought?

Mr. Herrick: Yes.

Mr. Headly: May the Arapahoe Council and the trustees have copies?

Mr. Herrick: Yes, indeed.

Mr. Friday: Do we have an inventory at the end of every fiscal year?

Mr. Herrick: Yes, it is provided in the program that the manager must account to the trustees for all losses and give a complete report on all transactions at the end of every business year, and so you will have a complete record.

Mr. Friday: I am glad to be in full cooperation and to be able to go home and tell the tribe that we have cooperated with you. I don't see why Mr. Herrick cannot support us to the extent of giving us a per capita payment.

Mr. Duran: Now that we have taken back our authority, will the Council have to secure a permit or lease on the Padlock property?

Mr. Herrick: Yes, there is going to be a real need for someone to stand up for the Padlock to see that they have adequate range. At present the Secretary has authority to see that the Padlock and the individual Arapahoes are dealt with fairly. Once the ceded land is restored to tribal ownership it will be up to the Arapahoes to stand up for themselves. And that is why I am glad you have come back into power because you will have to see that the use of the range is fairly divided between the Arapahoes and the Shoshones. With their money the Shoshones will expand faster than you will. It is only human nature to want the range. You will have to take care of yourselves and protect your rights.

Mr. Duran: Are we ready to sign?

The contract of Mr. Frank J. Smith as manager of Arapahoe Padlock Ranch, signed by Mr. Smith on January 31, 1941, and by the Acting Commissioner of Indian Affairs on this same date, was confirmed by the following trustees:

Mr. Thomas J. Duran
Mr. Dave Headly
Mr. John Blackman

Mr. Orlando Antelope
Mr. Ben Friday

The receipt to transfer certain livestock and other personal property purchased from Padlock Ranch, Inc., on bill of sale dated December 13, 1940, was signed by the following trustees:

Mr. Thomas J. Duran
Mr. Orlando Antelope
Mr. Dave Headly

Mr. Ben Friday
Mr. John Blackman

The meeting adjourned at 12:20 p.m., to break into an informal discussion regarding re-payment cattle.

Mr. Antelope lead a discussion for the delegates with regard to re-payment cattle contracts now in existence on the Wind River Reservation. His remarks in substance indicated that the Indians felt that present contracts were too limited in time to allow the Indians to build up reserves enough to make payments at the time they are due.

Mr. Bristol informed him that the Indian Office was of the opinion that the present contracts were not entirely satisfactory, and that a plan to change these contracts was now under consideration, and it was hoped that instructions would be sent to the field within the next few months. Briefly, the contemplated change will require re-payment within five years if mature breeding cows are issued; if yearling heifers are issued, it is planned to extend these contracts to a seven year period.

Mr. Antelope and the other delegates indicated that such a change would be satisfactory to them, and would meet their objection to the present contract.