BEFORE THE INDIAN CLAIMS COMMISSION

THE CHEROKEE NATION OR TRIBE OF INDIANS, )
) Petitioner,
)v. ) Docket No. 173
THE UNITED STATES OF AMERICA, )
) Defendant.

Dated September 14, 1961

ADDITIONAL FINDINGS OF FACT

The Commission having heretofore made and entered its Findings of Fact, Opinion, and Interlocutory Order, in the above entitled docket, number 173, now makes these additional findings of fact:

47. Petitioner filed with the Commission on September 6, 1961, a motion for Final Judgment in the above entitled case, based upon a stipulation of the parties hereto agreeing that final judgment should be entered in behalf of the petitioners in the sum of $14,789,476.15. The said stipulation also provided that the amount of $1,432,084.17 of said judgment should not be subject to distribution from the Treasury of the United States until such time as the amount of offsets due the United States should be determined either by stipulation of the parties or through further litigation as the stipulation provides.

48. That said stipulation was made and entered into between the parties in this action on the 6th day of September, 1961, by and through Paul M. Niebell, Attorney of Record, for the Cherokee Nation or tribe of Indians in Oklahoma, petitioners, and for the United States by and through
The claim, Ramsey attorney 9 Ind. stipulation ment Indian Docket without whether with Cherokee either from cause date as amount \(2,121,928.74\) the shall in entered of 2,121,928.74 then shall be entered by the Indian Claims Commission in the above entitled cause in favor of the Cherokee Nation of Indians of the State of Oklahoma, petitioner, in the total amount of \$14,789,476.15\, in accordance with the Interlocutory Decree of the Commission entered on April 3, 1961, and that neither party will appeal from said judgment.

It is further agreed that counsel for the Cherokee Nation shall sever its claim for additional compensation for the 2,121,928.74 acres from Docket No. 173, and present said claim in a separate petition to be filed in the Indian Claims Commission and to be described as Docket No. 173-A.

It is further agreed that the amount of \$1,432,084.17\ of the \$14,789,476.15\ judgment shall not be subject to disbursement from the Treasury of the United States until such time as the amount of offsets due the United States shall be determined either by stipulation of the parties or through further litigation, as herein provided.

It is further agreed that in the event the amount of offsets due the United States in Docket No. 173 are not settled by agreement and stipulation between the parties within 90 days from the date hereof, then the amount of such offsets properly due to the United States in Docket No. 173 shall be determined by the Indian Claims Commission (or on appeal as provided by law) in Docket No. 173-A, as herein provided.

It is further agreed that offsets may be considered from the date they would have been allowable to the United States if case No. 173-A had not been severed from Docket No. 173, and without regard to whether there is or is not a recovery by the Cherokee Nation in Docket No. 173-A. The purpose of this provision is to retain to the United States all rights to offsets which it would have had if Docket No. 173-A had not been severed.

The amount of offsets in Dockets numbered 173 and 173-A, whether determined by stipulation or by litigation, together with the accrued interest thereon during the time said sum or sums were on deposit in the Treasury of the United States,
shall be deducted from the $1,432,084.17 withheld as aforesaid, and the amount or amounts of said offsets together with the interest accrued thereon at 4 percent per annum shall be returned to the credit of the United States immediately upon final determination of the amount or amounts of said offsets.

Dated this 6th day of September 1961.

THE CHEROKEE NATION OR TRIBE OF INDIANS
Petitioners,

Approved: September 7, 1961
By: Paul M. Niebell
Attorney of Record

John A. Carver, Jr.
Assistant Secretary of the Interior

THE UNITED STATES, defendant

By: Ramsey Clark
Assistant Attorney General

Approved:

Frank J. Barry
Solicitor, United States
Department of the Interior

Ralph A. Barney
Attorney

Clifford R. Stearns,
Attorney

49. That the said stipulation was approved for the Secretary of the Interior on September 7, 1961, by his duly authorized representative, John A. Carver, Jr., Assistant Secretary of the Interior, and Frank J. Barry, Solicitor of the Department of the Interior. That said approval was manifested by said officials through an endorsement of their names and signatures on the second page of said stipulation under the words "Approved September 7, 1961." That said approval by said Secretary of Interior was required by the terms of the contract of employment of the attorneys representing said petitioner (see Exhibit 2 herein), that said contract of employment was made and executed on the 7th day of July, 1958, with an expiration date five years thereafter; that on the date said stipulation was entered into said contract with said attorneys and said petitioner was in full force and effect.

50. That all the other contract attorneys to wit: Earl Boyd Pierce,
Dennis W. Bushyhead, and George E. Norvell (stipulation signed by Paul M. Niebell) approved of said stipulation (see Exhibit 7 herein).

51. That on July 1, 1948, a public notice was given to all duly enrolled Cherokee Indians by blood in Oklahoma of a meeting to be held to consider Cherokee Indian problems and their relations with the United States. That said public notice was in words and figures as follows to wit:

PUBLIC NOTICE
July 1, 1948

To All Duly Enrolled Cherokee Indians by Blood in Oklahoma.

Notice is hereby given to all duly enrolled Cherokee Indians by blood in Oklahoma that pursuant to authority and direction of the Commissioner of Indian Affairs, Washington, D. C., a meeting of all duly enrolled Cherokees by blood in Oklahoma will be held at the Auditorium, Northeastern State College, in the city of Tahlequah, Oklahoma on Friday, the 30th day of July, 1948, at 10:00 A.M.

The purposes of this meeting of the Cherokees will be:

1. TO DISCUSS, CONSIDER AND UNDERTAKE proper action to promote the general welfare of all Cherokees in Oklahoma; and, to discuss such other matters deemed appropriate by the convention.

2. To select a Standing Executive Committee to assist the tribal officials in all Cherokee matters.

3. To select an appropriate Attorney or Attorneys with whom the Cherokees by blood in Oklahoma will negotiate a contract to be approved by the Commissioner of Indian Affairs authorizing said Attorney or Attorneys to prepare, file and prosecute to a conclusion before the Indian Claims Commission, or other forum established by law, all legal claims of every kind, and character which the Cherokees by blood in Oklahoma have or claim to have against the Government of the United States.

J. B. Milam
Principal Chief
Of the Cherokee Nation

W. O. Roberts
Superintendent
Five Civilized Tribes
That the said W. O. Roberts, designated as Superintendent of the Five Civilized Tribes, was at that time Superintendent of the United States Indian Agency in the territory of Oklahoma, and the said W. O. Roberts had been duly authorized by his superiors in Washington to issue said call in conjunction with the representatives of the Cherokee Nation; that J. B. Milam was the duly and legally constituted principal chief of the Cherokee Nation at the time his signature was attached to said public notice and call for a meeting of the Cherokee Nation. That said notice was published in the county newspapers in each county represented in the old Cherokee Nation. Among these counties were Sequoyah, Adair, Mayes, Nowata, Rogers and Washington. News stories of the meeting were also carried in the papers of these counties as well as in the leading newspapers in the State of Oklahoma. These stories were published weeks before the meeting was to be held. In addition the meeting was also published by word of mouth from one Indian to another. The call of this meeting created great interest among the members of the Cherokee Nation. That pursuant to said call and notice a mass meeting or convention of said Cherokee Indians by blood in Oklahoma was held in the auditorium of the Northeastern State College in the city of Tahlequah, Oklahoma, on July 30, 1948, at 10:00 A.M. and continued thereafter until the business of said meeting or convention was completed. A large attendance of Cherokee Indians was reported to have been present at the meeting. At the said meeting a resolution was presented and duly adopted selecting a Standing Executive Committee to assist the Tribal Officials in all Cherokee matters. Members of the Executive Committee selected were: W. W. Keeler, Committeeman at large; C. C. Victory, Committeeman at large; Ben Smith representative
of the Delaware District; Miss Eldee Starr, representative of the
Tahlequah District; J. B. Sixkiller, representative of the Flint District;
Hill Stansill, representative of the Goingsnake District; William H. Peak,
representative of the Sequoyah District; C. D. Harnage, representative
of the Canadian District; Mrs. Amanda Bell, representative of the Saline
District; Daniel Ross Goody, representative of the Illinois District;
W. E. Sunday, representative of the Coo-wee-scoowee District, and O. H. P.
Brewer, Vice Chairman. That each of the above named parties accepted said
appointment and immediately began work as members of the said Committee.
That said Committee reported its action with respect to selecting appro-
priate attorneys to prepare, file, and prosecute to a conclusion before
the Indian Claims Commission or other forum established by law, all legal
claims of any kind or character which the Cherokees by blood of Oklahoma
have or claim to have against the Government of the United States. The
attorneys named were: Earl B. Pierce, Dennis W. Bushyhead and George E.
Norvell. A third resolution was presented to said meeting or convention
and adopted, providing the powers of the Executive Committee for its
future activities. The matter pertinent to the proceedings in behalf of
said Indian tribe before this Commission is as follows:

"Further, the said Executive Committee shall be and is
hereby empowered to exercise during recess any and all powers
that this or any other assembly of the duly-enrolled Cherokee
Indians by blood in Oklahoma, could rightfully do in regular
convention assembled. Such Committee is hereby directed to
adopt necessary by-laws, rules, and regulations which shall
provide for the filling of vacancies thereon by the remaining
members thereof, as such vacancies may, from time to time occur.

    It shall advise with the Principal Chief of the Cherokee
Nation, prepare and present suitable memorials and resolutions
to the Congress of the United States and to the President. It shall receive reports from the attorneys for the Cherokee people, and in the event of an offer of compromise and settlement of any claim now pending or hereafter to be filed on behalf of the Cherokees, it shall have the power to authorize such attorneys to accept or reject such offer or offers as the case may be."

52. That the said Executive Committee has continued in existence since its appointment in 1948 until the present time, and during said interim it has continued to carry out the duties and functions which were given it by said meeting or convention. That some of its members died during said period and others resigned, and the vacancies thus caused have been duly filled so that at all times there has been a majority of said committee available to carry out its duties and functions. That the members of said Executive Committee after said vacancies were filled consisted of the following named persons; Washie Mayes, Jesse Ballard, Andrew Wilcoxen, W. W. Keeler, Dr. Orange Starr, Mrs. T. L. Ballenger, Jesse Wofford, John Masters, Richard Chuculate, Judge J. B. Johnson, and C. C. Victory, Chairman. That said Executive Committee as named above was in existence and functioning at all times mentioned herein when negotiations were under way for the settlement by stipulation of the claims set forth in Docket No. 173, beginning immediately after this Commission made and entered its Order in said Docket No. 173, on April 3, 1961.

53. That Principal Chief J. B. Milam of the Cherokee Nation died prior to December 1, 1949, and that on December 1, William W. Keeler, sometimes known as W. W. Keeler, was appointed by President Truman to
served for a period of 4 years. That at the end of said period the Secretary of the Interior, acting under authority designated to him by the President, reappointed, on June 30, 1954, the said William W. Keeler to an indefinite term as Principal Chief of the said Cherokee Nation. That said William W. Keeler is now, and at all times mentioned since said date of December 1, 1949, has been the duly acting and qualified Principal Chief of the Cherokee Nation, and that the said William W. Keeler, sometimes known as W. W. Keeler, has been duly qualified and acting as a member of the Executive Committee of the Cherokee Nation at all times since his appointment in 1948.

54. That on the 22nd of July, 1961, the Executive Committee of the Cherokee Nation adopted the following resolution:

RESOLUTION OF THE EXECUTIVE COMMITTEE OF THE CHEROKEE NATION

BE IT HEREBY RESOLVED by the Executive Committee of the Cherokee Nation of Indians of Oklahoma, at its regularly called meeting pursuant to notice, held at Tahlequah, Oklahoma, on this 22nd day of July, 1961,

That the Cherokee Nation, acting through its duly authorized Executive Committee, hereby authorizes and directs its attorneys to accept on its behalf an offer in compromise to settle the matter of gratuity offsets claimed by the United States in the total amount of $1,938,026.99 against the Cherokee Nation, as set forth in the summary report of the General Accounting Office, in Cherokee Nation v. United States, Docket No. 173, before the Indian Claims Commission, for the total sum of $350,000.00 which amount shall be deducted from the judgment in that case in the amount of $14,789,476.15; said offsets thus claimed by the United States and to be thus settled for the amount of $350,000.00, cover all items disbursed by the United States which in any way relate to the Cherokee Indians during the period from March 3, 1893 to June 30, 1956, and includes the amount of $296,632.72 disbursed by the United States under the Oklahoma Indian Welfare Act of
June 26, 1936 (49 Stat. 1967), for the purchase of lands for rehabilitation purposes in the Cherokee Nation, and also includes all amounts disbursed under the soil and moisture conservation program of the United States.

Charles C. Victory
Chairman

Marie L. Wadley
Secretary

Dated: July 22, 1961

Approved:
W. W. Keeler
Principal Chief of the Cherokee Nation

That the Department of Justice, representing the defendant, refused to stipulate settlement as set forth in said resolution.

55. Principal Chief William W. Keeler of the Cherokee Nation called a mass meeting of the members of the Cherokee Nation to be held on July 22, 1961, at the Cherokee Baptist Assembly Grounds on Highway 62, six miles east of Tahlequah, Oklahoma. The said meeting was called for the purpose of discussing the Interlocutory Order of the Indian Claims Commission in Docket No. 173, dated April 3, 1961, and the efforts of the Executive Committee and the attorneys for said Cherokee Nation to settle said case by compromise. That there was a full discussion of the judgment or Order of the Indian Claims Commission and of the possibility of a compromise, and also as to whether or not there should be an appeal from said decision. It was announced at this meeting that the Executive Committee was against appeal from the said decision of the Indian Claims Commission, and wanted the attorneys to settle the matter of offsets and other related matters by compromise. All those who spoke at this meeting, including one of their attorneys and their Principal Chief urged that no appeal be taken from
the decision of the Indian Claims Commission but the case be settled by stipulation. It was estimated that approximately 1500 Cherokee Indians, approximately all full bloods, attended this mass meeting.

56. That another mass meeting of the members of the Cherokee Nation was held on September 2, 1961, at Tahlequah, Oklahoma. It was estimated that the attendance of the members of the Cherokee Nation at this meeting was about 3500. Again the matter of compromising the Cherokee claim as set forth in Docket No. 173, was fully discussed by several speakers, including their attorney, their Principal Chief, Governor Edmonson of Oklahoma, and Senator Mike Monroney of the same state. Again there was no objection to the proposal that the Cherokee Nation would not appeal from the decision of said Commission but were interested in having the matter settled by compromise.

57. That on the 6th day of September 1961, at a properly called meeting of the Executive Committee of the Cherokee Nation of Indians, a resolution was adopted by the Executive Committee with respect to a stipulation entered into on the 6th of September, 1961, in said Docket No. 173, which stipulation is now on file with said Commission and is being considered for approval at this time. The said resolution is as follows:

RESOLUTION

BE IT RESOLVED, that the Executive Committee of the Cherokee Nation or Tribe of Indians in Oklahoma, meeting in special session at Muskogee, Oklahoma, approve the terms of the stipulation entered into on the 6th day of September, 1961, in the Cherokee Outlet Case, Docket 173, pending before the Indian Claims Commission in Washington, D. C., which said stipulation was entered into by Paul M. Niebell, Attorney of Record for the Cherokee Nation or Tribe of Indians, petitioner, and the United States, Defendant, by Ramsay Clark, Assistant Attorney General, Ralph Barney, Attorney, and Clifford Stearns, Attorney, wherein the right of appeal was waived by both parties in said Docket 173.
BE IT FURTHER RESOLVED, That the act and deed of the said Paul M. Niebell in waiving the right of the Cherokee Nation or Tribe of Indians in Oklahoma to appeal from the judgment entered by the Indian Claims Commission in said Docket 173 is hereby approved as well as all other terms of said stipulation entered into by said parties.

Done at Muskogee, Oklahoma, this 6th day of September, 1961.

ATTEST:
Marie L. Wadley
Executive Secretary

C. C. Victory
C. C. Victory, Chairman
Executive Committee of Cherokee Nation or Tribe of Indians

At said meeting there was present a majority of said Executive Committee who thoroughly discussed said stipulation which they had under consideration. After the discussion the resolution was adopted unanimously, and this Commission was advised of the action of said Executive Committee. That the Principal Chief, William W. Keller was in Europe when this meeting was held.

58. That on the 7th day of July, 1958, a contract of employment was entered into between William W. Keeler, Principal Chief of the Cherokee Nation and Chairman of the Executive Committee of the Cherokee Nation or Tribe of Indians in Oklahoma, with attorneys Dennis W. Bushyhead, George E. Norvell, Earl Boyd Pierce, and Paul M. Niebell. This contract was for the employment of the said attorneys for the purpose of continuing the prosecution of the said Cherokee Nation's claim, Docket No. 173, against the United States, which is before the Indian Claims Commission. That said contract was duly approved by the Secretary of the Interior as required by law and the same is in full force and effect, and that said attorneys have been, since the date said contract was executed, acting as attorneys and counsel for the said Indian tribe before the Indian Claims Commission and are now the properly designated and authorized attorneys of contract for that nation.
59. Earl Boyd Pierce testified he is a 1/16 blood Cherokee and an enrolled tribal member; that he has served as Tribal Attorney for many years; that he attended a meeting at the Northeastern Teachers College in Tahlequah, Oklahoma, during 1948, which was called by the Commissioner of Indian Affairs to discuss the Cherokees filing claims against the United States; that the purpose of that meeting was explained in both Cherokee and English; that approximately 1,000 Cherokees attended; that an Executive Committee was selected and a resolution unanimously adopted defining that Committee's powers; and that he is one of the attorneys later employed by that Committee to present the Cherokee claims. He has over the years attended various Executive Committee and Cherokee Indian group or mass meetings.

He attended a meeting of the Executive Committee called by Principal Chief W. W. Keeler on July 22, 1961, at which time that Committee approved the attorneys' recommendation not to appeal from the award entered herein by this Commission; he attended a mass meeting of Cherokee Indians held immediately thereafter that same day at the Cherokee Baptist Assembly Grounds on Highway No. 62, six miles east of Tahlequah, Oklahoma, and he attended a second mass meeting of the Cherokees held at Tahlequah, Oklahoma, on September 2, 1961. Said meetings were called by the Principal Chief by means of public notices in the country and metropolitan papers; and Pierce personally sent 500 postcards urging tribal members to attend and bring others to the July 22, 1961, meeting.
He testified the July 22, 1961, mass meeting was attended by about 1,500 Cherokee Indians, approximately all full-bloods; that he talked 1½ hours and the Principal Chief talked 30 to 40 minutes explaining the Cherokee claim, the Commission's award, offset claims of the Government, and the advantages and disadvantages of a settlement were discussed. About 3,500 Cherokees attended the September 2, 1961, meeting, and he spoke about 45 minutes discussing the whole matter of this claim of the Cherokee Indians, and explaining that the Attorney General of the United States had determined not to appeal from the award of this Commission; that said meeting was also addressed by the Governor of Oklahoma whose wife is of Cherokee descent; that the Governor had previously been in touch with the Attorney General of the United States concerning the possibility of an appeal by the Government from this Commission's award; that United States Senator Mike Monroney also addressed the meeting and favored the acceptance of the Commission's award. Mr. Pierce testified: "I repeat, I vividly recall that no Cherokee at either of the two meetings that have been held, general meetings, has ever expressed any view that this judgment should be appealed."

Mr. Pierce related upon one occasion a man "who could have been joking" commented that Pierce had said ten years before he was suing for $80,000,000.00; that he had told this person he had probably said so, but he was not the judge; that the testimony "from our side of the table indicated the land was worth $10 an acre and there were 6,000,000 acres."
That would be $60,000,000. Had the Commission awarded us all of the money that our expert witness in his view, which was just his opinion, that we should have been awarded, had his view been followed and embraced by the Commission, we would have gotten an award of $6,000,000.00."

but that "that wasn't the result. The result has been published;" and the person had then said "Well, that's all" and walked away. He testified that he has never heard of an attack upon the Commission's "judgment" (award) made by a Cherokee Indian either publicly or privately; that the Cherokees understand the facts involved and favor the acceptance of that award; that there was no thought of an appeal expressed at the September 2, 1961 meeting.

60. Charles C. Victory, 71 years of age, of Tulsa, Oklahoma, testified he is an enrolled Cherokee Indian; that for about 37 years he was employed by the Texas Oil Company (now Texaco, Inc.) as an attorney in its land-lease department, but is now retired. He has served as Chairman of the Cherokee Executive Committee since 1948, is presently Vice Chief of the Cherokees and is also serving as Councilman or Delegate at Large, representing all Cherokees outside the original Cherokee Nation; that all members of the Executive Committee attended the Committee meeting of July 22, 1961, and a majority of the members were present at the subsequent meeting; that those meetings are occasionally attended by others; that this matter was thoroughly explained to the Committee and the Committee favors taking no appeal from this Commission's award; that he has never heard an objection thereto; that the Principal Chief is very positive there should be no appeal and has so expressed himself.
Mr. Victory identified the eleven members of the Executive Committee as (1) Washie Mayes, possibly a quarter-blood Cherokee, about Victory's age, who has an above average education, speaks English, has a stock farm, was formerly County Commissioner but is now retired and represents Saline District; (2) Jesse Ballard, about a quarter-blood Cherokee, who graduated from the Tennessee Law School at Lebanon, practiced law over 50 years and is now retired after 25 years with the Solicitor's office in the Department of the Interior; (3) Andrew Wilcoxen, a graduate of the University of Oklahoma School of Law, a former District Judge in Muskogee County, Oklahoma, and a very prominent attorney; (4) W. W. Keeler, possibly a quarter-blood Cherokee but not on the old Dawes Committee Rolls as finalized in 1907, presently representing the Texas Cherokees, serving as Delegate at Large and also as Principal Chief of the Cherokee Indians. He is a graduate of Kansas State University, is presently Executive Vice President of the Phillips Petroleum Company and was recently appointed by Secretary Udall as Chairman of the President's Task Force; (5) Dr. Orange Starr, a retired graduate Doctor of Medicine, formerly practicing at Drumright, Oklahoma, but now residing at Spavinaw, Oklahoma; (6) Mrs. T. L. Ballenger, a daughter of Judge J. T. Parks and possibly 1/8th-blood Cherokee, a graduate of Northeastern State College and a teacher for many years; (7) Jesse Wofford of Stilwell, Oklahoma, possibly a half-blood Cherokee who is presently Chairman of the Cherokee Trust Property Committee, speaks Cherokee and possibly knows more full-blood Cherokees than any other person; (8) John Masters, about
40 years of age, representative for Delaware County, an educated person who works for a Soil Conservation group, has a wide acquaintance among the Cherokees and was very active in fostering the National Public Health Sanitation program within the Cherokee area; (9) Richard Chuculate, possibly a half-blood Cherokee Indian who is from Sequoyah District, has a Masters Degree in welfare work and is employed by the State of Oklahoma in Child Welfare Department. Chuculate understands Cherokee but does not speak it fluently; (10) Judge J. B. Johnson, about a half-blood Cherokee, formerly Chief Justice of the Oklahoma Supreme Court and presently a member of that court whose judicial district covers practically all the Cherokee area; and (11) the witness, Mr. Victory.

61. Marie L. Hayes Wadley, over 1/8th-blood Cherokee, presently employed by the United States as Tribal Affairs Officer for the Muskogee Area, testified she was during 1948 secretary to the General Superintendent at the Muskogee Indian Bureau; that she served as secretary of the convention of enrolled Cherokees by blood which was held on July 30, 1948, at Tahlequah, Oklahoma; that one Myrtle Crane, a public stenographer of Oklahoma City, Oklahoma, recorded the proceedings of said meeting; that the convention adopted a resolution creating an Executive Committee empowered to select and retain legal counsel, and to prosecute, compromise or settle any claims of the Cherokee Indians against the United States, and that with the exception of a short period when she was ill, she has since that date served as Executive Secretary to the Executive Committee.

That she attended a meeting of the Executive Committee on July 22, 1961, when the questions of appealing the award made in Docket No. 173
by the Indian Claims Commission and of offsets were discussed by that Committee. That the Committee recommended no appeal be taken and that in the afternoon of July 22, 1961, she attended a general meeting of from 2,000 to 2,500 Cherokee Indians; that a loud-speaker system was used; that the Chaplain to the Executive Committee served as official interpreter; that it was announced by the Executive Committee through Mr. Keeler that it had decided to complete this case and settle the claim of offsets for $305,000; that to her knowledge none of those in attendance were unhappy about that decision. That she attended a meeting on September 2, 1961, when from 2,000 to 3,000 Cherokee Indians were present; that a loud-speaker system was used; that the speakers included Senator A. S. Mike Monroney, Governor J. Howard Edmonson, Hon. Philleo Nash, Commissioner of Indian Affairs, Chief Keeler and Attorney Pierce; that previously a report had been received that the Attorney General intended to appeal from the decision of the Indian Claims Commission in this docket, and that the Cherokees were now pleased to learn that he did not intend to appeal. That she has attended all but one of the Executive Committee meetings since they started, and that the only criticism she has heard concerning this case was with respect to investing the funds received. That she was notified by Attorney Pierce on September 6, 1961, that Mr. Niebell had telephoned a stipulation had been signed in Washington, D. C., and an emergency meeting of the Executive Committee was necessary; that such meeting was immediately called and a majority of the Committee voted in favor of a Resolution, a copy of which has been placed in the record.
62. That the following documentary exhibits have been received in this proceeding:

List of Exhibits
Docket No. 173 - Cherokees

Ex. 1 - Resolution of Cherokee Executive Committee approving stipulation of September 6, 1961

Ex. 2 - Attorney employment contract of 1958

Ex. 3 - Transcript of 1948 Cherokee Convention of all proceedings of said convention

Ex. 4 - Resolution of Cherokee Executive Committee, dated July 22, 1961

Ex. 5 - Telegram of W. W. Keeler, Principal Chief of the Cherokee Nation to Congressman Ed Edmondson

Ex. 6 - List of Original Executive Committee approved by Convention of Cherokees of July 30, 1948, and copy of confidential minutes of Executive Committee July 30, 1948

Ex. 7 - Telegram Sept. 6, 1961, Attorneys Earl Boyd Pierce, Dennis W. Bushyhead and George E. Norvell

Ex. 8 - Telegram Sept. 6, 1961, Justice N. B. Johnson, Executive Committee of Cherokee Nation

Ex. 9 - Telegram from Paul L. Flickinger, Area Director to the Commission

63. Based upon the foregoing Findings of Fact herein, and the Findings of Fact in the proceedings in said Docket No. 173 preceding the entry of the Interlocutory Order of April 3, 1961, and the opinion made and entered and the evidence received in the instant proceeding, the Commission finds and concludes that the settlement agreed upon in said stipulation is a fair and just settlement of the claim asserted in Docket No. 173.
We also find that the petitioner fully understands said stipulation and has approved it and authorized its counsel to present it to the Commission for approval. We find therefore, that the motion of petitioner should be granted, and judgment in favor of petitioner and against the defendant in accordance with said stipulation should be made and entered.

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner

T. Harold Scott
Associate Commissioner