

BEFORE THE INDIAN CLAIMS COMMISSION

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|---------------------------------------|---|--------------------------|
| THE EASTERN BAND OF CHEROKEE INDIANS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Docket Nos. 282-A |
| |) | through 282-L, inclusive |
| THE UNITED STATES OF AMERICA, |) | |
| |) | |
| Defendant. |) | |

Decided: September 11, 1972

FINDINGS OF FACT ON COMPROMISE SETTLEMENT

These cases are now before the Commission for approval of a final compromise settlement in the amount of \$1,855,254.50, with a waiver of review or appeal. Final judgment will settle and dispose of the above-entitled claims and all counterclaims or offsets which the defendant has asserted or could have asserted in these dockets under the provisions of Section 2 of the Indian Claims Commission Act, 25 U.S.C. §70a (1970).

In its original petition the plaintiff claimed a 1/15th interest in compensation due under revisions of several treaties entered into by the United States and the Cherokee Nation East of the Mississippi between the years 1785 and 1835. The Commission ordered the matter severed into twelve separate dockets, 7 Ind. Cl. Comm. 140 (1959). After appropriate pleadings were filed, the Commission ordered all dockets, 282-A through 282-L, to trial on the issue of liability. The parties compromised this issue by joint stipulation filed in each docket on February 27, 1970. The matter was then ordered to trial on value. Before trial could take place the parties reached the present agreement proposing a compromise settlement of the entire case.

The Commission held a hearing on September 1, 1972, on this proposed compromise settlement and makes the following findings of fact:

1. Counsel for the plaintiff personally appeared before the Tribal Council of the plaintiff, its governing body, on April 6 and May 17, 1972, and before a General Council of the plaintiff band on June 5, 1972, to explain the proposed settlement to those present. (Ex. S-4) On June 5, 1972, the General Council approved the settlement by an overwhelming voice vote. (Ex. S-3, with its attachments of minutes of the General Council meeting.) After the acceptance of the proposed settlement by the General Council, the Tribal Council of the plaintiff met on June 15, 1972, and unanimously passed the following resolution:

Cherokee Council House
Cherokee, North Carolina
June 15, 1972

RESOLUTION NO. 172 (1972)

Whereas, the Eastern Band of Cherokee Indians has employed Paul M. Niebell as claims attorney for the purpose of representing the Band in its pending cases before the Indian Claims Commission, such cases being Docket Nos. 282-A through 282-L, inclusive, and

Whereas, Mr. Niebell has now negotiated a proposed settlement of the Eastern Band's claims and recommended acceptance of such settlement in a letter to Principal Chief Noah Powell dated May 10, 1972, and in a personal appearance before the Tribal Council on May 17, 1972, and

Whereas, the Tribal Council directed Mr. Niebell to prepare a written report to be distributed to members of the Eastern Band of Cherokee Indians and also called for a General Council meeting of all Cherokee Tribal members to receive a report on the matter and give it their consideration, and

