

BEFORE THE INDIAN CLAIMS COMMISSION

| | | |
|-----------------------------------|---|-----------------|
| RED LAKE, PEMBINA AND WHITE |) | |
| EARTH BANDS, ET AL., |) | |
| |) | |
| Petitioners, |) | |
| |) | |
| v. |) | Docket No. 18-A |
| |) | |
| THE UNITED STATES, |) | |
| |) | |
| Defendant. |) | |
| |) | |
| TURTLE MOUNTAIN BAND OF CHIPPEWA |) | |
| INDIANS, |) | |
| |) | |
| Petitioners, |) | |
| |) | |
| v. |) | Docket No. 113 |
| |) | |
| THE UNITED STATES, |) | |
| |) | |
| Defendant. |) | |
| |) | |
| THE LITTLE SHELL BAND OF CHIPPEWA |) | |
| INDIANS, ET AL., |) | |
| |) | |
| Petitioners, |) | |
| |) | |
| v. |) | Docket No. 191 |
| |) | |
| THE UNITED STATES, |) | |
| |) | |
| Defendant. |) | |

4-24-64

ORDER ADDING FINDING OF FACT

In compliance with the decision of the Court of Claims in the matter of the subject cases, Red Lake, Pembina and White Earth Bands, et al. v. The United States, Appeal No. 7-62, decided January 24, 1964,

IT IS ORDERED that the following Finding of Fact Number 69 be added to the Findings of Fact Numbers 1 through 68 heretofore entered by the Commission:

69. The award will be divided between the Pembina and Red Lake Bands in the proportions of two-thirds for the Red Lake Band and one-third for the Pembina Band. Allowed offsets attributable specifically to one band or the other will be deducted from the band's share of the award. Allowed offsets that relate to expenditures made for the benefit of both bands will be deducted before the division is made.

In summary the allowed offsets will be charged as follows:

| <u>Finding</u> | <u>Sum Allowed</u> | <u>Charged to both</u> | <u>Charged to Red Lake</u> | <u>Charged to Pembina</u> |
|------------------|--------------------|------------------------|----------------------------|---------------------------|
| 58 | \$1,200.00 | \$1,200.00 | -- | -- |
| 59 | 5,226.50 | 5,226.50 | -- | -- |
| 60 ^{1/} | 21,562.14 | 15,443.43 | \$6,118.71 | -- |
| 61 | 6,260.52 | 6,260.52 | -- | -- |
| 62 | 11,614.28 | -- | -- | \$11,614.28 |
| 63 | 597,647.42 | -- | -- | 597,647.42 |
| 64 | 28,528.44 | -- | -- | 28,528.44 |
| 65 | 27,022.27 | -- | -- | 27,022.27 |
| | | <u>\$28,130.45</u> | <u>\$6,118.71</u> | <u>\$664,812.41</u> |

The resulting computations are as follows:

\$3,369,726.00 -- gross award
- 635,774.87 -- payments on claim
 \$2,733,951.13
- 28,130.45 -- offsets chargeable to both bands
 \$2,705,820.68

$1/3 \times \$2,705,820.68 = \$901,940.23$ (Pembina Band)

\$ 901,940.23
- 664,812.41 -- offsets chargeable to Pembina Band
\$ 237,127.82 -- judgment for benefit of Pembina Band

$2/3 \times \$2,705,820.68 = \$1,803,880.45$ (Red Lake Band)

\$1,803,880.45
- 6,118.71 -- offsets chargeable to Red Lake Band
\$1,797,761.74 -- judgment for benefit of Red Lake Band

^{1/} The Commission's Finding of Fact No. 60 related to offsets chargeable against both bands. However, the Court of Claims referred to one item in this category (Finding of Fact No. 60(n) \$6,118.71 -- Purchase of land within the Red Lake Reservation). The Court stated "Claimants concede that \$6,118.71 representing the purchase of land for the Red Lake Band can properly be offset against the Red Lake Band share of an award." Red Lake, Pembina and White Earth Bands, et al. v. The United States, Appeal No. 7-62, decided January 24, 1964, slip op. 7. Accordingly, we will charge this one item against the Red Lake Band's share.

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In compliance with the Court of Claims decision in this case the award will be made to the tribal entities rather than the descendants of the bands. All our previous findings and statements with reference to the "members and descendants of members" of the two bands should be disregarded in compliance with the Court of Claims decision.

Dated at Washington, D. C., this 24th day of April, 1964.

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner

T. Harold Scott
Associate Commissioner