

BEFORE THE INDIAN CLAIMS COMMISSION

THE ASSINIBOINE TRIBES OF INDIANS,	)	
	)	
Intervenors,	)	
	)	
v.	)	Docket No. 279-A
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

Decided: June 30, 1969

ADDITIONAL FINDINGS OF FACT

The Commission makes the following findings of fact which are supplementary to those findings numbered 1 through 48 heretofore entered in the case at bar.

49. For their interests in 3,885,633 acres having a fair market value of \$3,108,506.40 as of May 1, 1888, the defendant paid the plaintiffs an unconscionable consideration of \$1,242,796.18. In unrelated litigation between the same parties the defendant was authorized by Act of Congress and by the forum to set off the entire amount of consideration, namely, \$1,242,796.18, and did in fact set off that sum against the judgment in the litigation reported as Assiniboine Indian Tribe v. United States, 77 Ct. Cl. 347 (1933), cert. den. 292 U.S. 606 (1934).

50. The defendant is entitled to no existing credit in the form of consideration to be deducted from the gross award heretofore entered in the case at bar.

51. The Commission has considered the nature of the claim and the entire course of dealings and accounts between the United States and the plaintiffs, including data set out in detail in the Assiniboine litigation cited above, in Assiniboine Indian Tribe v. United States, 2 Ind. Cl. Comm. 272 (1952), aff'd. 128 Ct. Cl. 617 (1954), cert. den. 348 U.S. 863 (1954), in the decision which authorized the intervention resulting in the instant suit (Blackfeet, et al. v. United States, 162 Ct. Cl. 136 (1963)), and in the findings and opinion heretofore made in the case at bar (Blackfeet, et al. v. United States, 18 Ind. Cl. Comm. 241 (1967)), all of which data being available elsewhere is not repeated here. Upon such consideration the Commission finds that the course of dealings and accounts between the United States and the plaintiffs does not in good conscience warrant the allowance of any of the claimed offsets.

52. There being no outstanding consideration to be deducted from the gross award to the plaintiffs, and this Commission being unable in good conscience, as that term is used in the last paragraph of Section 2 of the Indian Claims Commission Act of 1946 (25 U.S.C. 70a), to permit the offset of any gratuities claimed by the defendant, the plaintiffs may have of and from the defendant a net judgment in the case at bar of \$3,108,506.40.

Margaret H. Pierce.  
Margaret H. Pierce, Commissioner

Brantley Blue  
Brantley Blue, Commissioner

Jerome K. Kuykendall  
Jerome K. Kuykendall, Chairman

John T. Vance  
John T. Vance, Commissioner

Richard W. Yarborough  
Richard W. Yarborough, Commissioner