

BEFORE THE INDIAN CLAIMS COMMISSION

THE WASHOE TRIBE,)	
)	
Plaintiff,)	
)	
v.)	Docket No. 288
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: December 2, 1970

ADDITIONAL FINDINGS OF FACT

The Commission makes the following findings of fact which are supplemental to the previously made findings numbered 1 through 17, herein at 7 Ind. Cl. Comm. ²⁶⁶226 (1959); numbered 18, herein at 7 Ind. Cl. Comm. 792 (1959); and numbered 19 through 57, herein at 21 Ind. Cl. Comm. 447 (1969).

58. Despite the requests from Washoe Indian chiefs and the recommendations of Indian agents in Utah with responsibility for the Washoes in 1865, the defendant did not provide land for the plaintiff following the uncompensated takings of plaintiff's land in 1853 and 1862. The evidence suggests that this was due to the passive and agreeable nature of the Washoe Indians, and their small number. Reports of the Commissioner of Indian Affairs and the Nevada superintendency in 1861, 1866 and 1867, describe the destitute and degraded conditions of the Washoes during the years following the uncompensated taking of their lands, and their desperate need of protection, food

and clothing.

59. Although government officials considered locating Washoe Indians on a reservation with the Paiute Indians, the Indian Superintendent in Nevada in 1861 rejected the idea as being impracticable since the two tribes were not friendly or compatible. In 1866 the Nevada Superintendent again dismissed the idea of placing the Washoe on a reservation. Accordingly, no reservation was provided for plaintiff.

60. The Commission finds that any land allotments made to Washoe Indians pursuant to Section 4 of the General Allotment Act of 1887, 24 Stat. 388, were by intent and effect of benefit to individual Washoe Indians and not the Washoe Tribe.

61. The first purchase of lands explicitly for Washoe Indians was authorized by the Act of May 18, 1916, 39 Stat. 123, 143. \$10,000 was authorized for the purpose. Accordingly, defendant purchased in January and February of 1917, two tracts, totaling 156.15 acres for a total price of \$3500. This was known as the Carson Indian Colony.

An additional forty acres was received by the defendant as a gift in the same year, and was known as the Dresslerville Colony,

The number of Washoe Indians living on the Carson or Dresslerville Colonies was not shown.

Defendant also purchased in June, 1917, 20 acres, and January, 1927, 8.38 acres for \$10,160. This was known as the Reno-Sparks Colony. Defendant claims as an offset \$5,080, representing half of the total sum expended, claiming that the colony was established on the basis that half of it was to be for the Washoes.

However, figures for 1940-1945 show that only about one-fifth of the 200 Indians at the Reno-Sparks Colony were Washoes.

These expenditures for land for Indian colonies were of benefit to individual Washoe Indians, and have not been shown to be of tribal benefit.

62. An additional \$11,516.33 of non-subsistence gratuities spent on the Carson, Dresslerville and Reno-Sparks Colonies is claimed as an offset. The major portion is approximately \$7,400 for water supply for the Dresslerville Colony. These expenditures were also of benefit to individual Washoe Indians, and have not been shown to be of tribal benefit.

63. In March, 1938, under Section 5 of the Indian Reorganization Act of 1934, 48 Stat. 984, a tract of 200 acres was purchased for \$34,000, and a second tract of approximately 404 acres was purchased for \$40,000. In May, 1940, an additional tract of approximately 192 acres was purchased for \$20,000. The land obtained through these purchases in trust for the Washoe Tribe of Indians was known as the Gardnerville Indian Colony. The course of dealings between the parties has been such that expenditures under the Reorganization Act of 1934 may be allowed.

64. Defendant listed gratuities spent on indigent Indians, as follows: board, 1941-1951, \$3,337.34; cash payments, 1945-1951, \$18,889.32; dwellings, 1934, \$37.06; fuel, 1949, \$22.00; subsistence, 1913-1951, \$3,950.55. In addition, \$129.46 in expenditures claimed for clothing, 1918-1951, are shown in the GAO report to have been spent

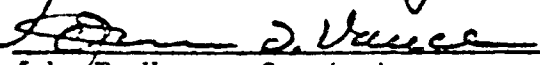
for indigent Indians. These expenditures for indigent Indians, totaling \$26,469.73, are of individual and not of tribal benefit.

65. Defendant listed gratuities spent on funeral expenses, 1930-1951, for indigent Indians totaling \$1,664.42. Funeral expenses for indigent Indians are of individual and not of tribal benefit.

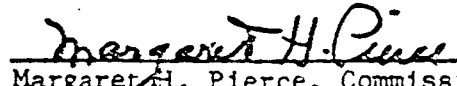
66. Additional offsets for gratuities are claimed as follows: clothing, 1867, \$277.76; hardware, glass, oils and paints, 1919, \$158.63; household equipment and supplies, 1867 and 1920, \$411.74; provisions, 1865, \$52.00. These expenditures totaling \$900.13, are of benefit to individual Indians, and not of the benefit to the Washoe Tribe.

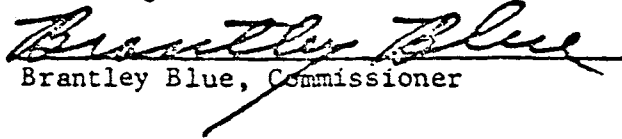
67. Defendant claims separately offsets for expenditures for the Dresslerville Colony, 1927-1944, totaling \$263.32. Of this total, the GAO report shows \$241.57 to have been spent on subsistence and fuel for indigent Indians. The remaining \$21.75 for provisions, in view of the amount involved and the absence of an explanation of what was covered, is not a tribal benefit.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarbrough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner