

BEFORE THE INDIAN CLAIMS COMMISSION

MINNESOTA CHIPPEWA TRIBE, et al.,)	Docket No. 188
)	
RED LAKE BAND, et al.,)	Docket No. 189-C
)	
Plaintiffs,)	
)	
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER

UPON CONSIDERATION of plaintiffs' motion for oral argument and determination of legal issues, filed on April 19, 1971, and defendant's opposition thereto; plaintiffs' memorandum of legal issues filed December 10, 1969, defendant's memorandum of legal issues filed in response thereto on January 7, 1971, and plaintiffs' replies thereto; plaintiffs' exceptions to defendant's accounting report, defendant's responses thereto, and plaintiffs' replies; the arguments made at the oral argument held on December 14, 1971; and for the reasons set forth in the opinion of the Commission filed herein and which is hereby made a part of this order;

The Commission concludes as a matter of law, that:

Docket 188, Exceptions 15 and 16. Plaintiffs have alleged a basis for a taking of tribal property, and they may proceed with their proof on these exceptions.

Docket 189-C, Exception 8: The claim asserted under this exception is unfounded. The actions of defendant, as alleged, did not constitute a Fifth Amendment taking of plaintiffs' tribal lands.

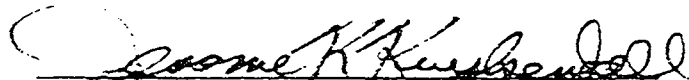
IT IS ORDERED that Dockets 188 and 189-C be consolidated for all purposes.

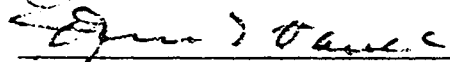
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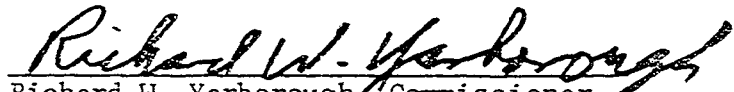
IT IS FURTHER ORDERED that the claim under exception 8, Docket No. 189-C be, and the same is hereby, dismissed.

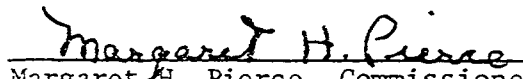
IT IS FURTHER ORDERED that the remaining claims proceed for determination of all issues.

Dated at Washington, D. C., this 29th day of November, 1972.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner