

DISPOSING OF JUDGMENTS RECOVERED BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION, MONTANA

DECEMBER 1, 1971.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HALEY, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 3333]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 3333) to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in paragraphs 7 and 10, docket numbered 50233, U.S. Court of Claims, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

Page 1, line 8, after "expenses," insert "shall be used as follows: 90 percent thereof shall be distributed in equal per capita shares to each person who is enrolled or entitled to be enrolled on the date of this Act; the remainder".

Page 2, after line 5 insert a new section as follows:

SEC. 3. Sums payable under this Act to enrollees or their heirs or legatees who are less than eighteen years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

PURPOSE

The purpose of H.R. 3333, introduced by Mr. Shoup, and a similar bill introduced by Mr. Melcher, is to authorize the use of two judgments against the United States recovered in the Court of Claims by the Confederated Salish and Kootenai Tribes of the Flathead Reser-

vation in Montana. One of the judgments for \$6 million has been appropriated, and the other one for approximately \$20 million is contained in the pending supplemental appropriations bill.

After the judgments are appropriated, the money may not be used until specifically authorized by Act of Congress. That is the reason for this bill.

EXPLANATION

The bill as amended by the committee provides that 90 percent of the two judgments, after paying attorney fees and other litigation expenses, shall be distributed in equal per capita shares to each member of the tribe who is enrolled or entitled to be enrolled on the date the bill is enacted into law. The remaining 10 percent of the money will be used for program purposes on the Reservation.

The tribe contains approximately 5,600 members. About half of them live on or near the reservation, and half live elsewhere. Because the off-reservation members receive little benefit from reservation programs, there is an insistent demand that most of the judgment money be distributed per capita. At the hearing before the committee tribal representatives submitted a tribal council resolution proposing the 90 percent distribution, and the representatives of the Department of the Interior concurred.

The money retained for program purposes will be divided equally between a land purchase program, a credit program, and an educational program. The tribe is presently conducting these three programs with other tribal funds, and the additional capital proposed from the judgment fund should be adequate to supplement those funds.

COMMITTEE AMENDMENTS

The bill as introduced did not specify the portion of the judgment to be distributed per capita, and the portion to be programmed. The committee amendment specifies the 90/10 percent allocation, in accordance with the recommendation of the tribe and the Department.

The committee amendment also contains standard language for protection of the interests of minors.

COST

Enactment of the bill will involve no additional Federal cost.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends that the bill as amended be enacted.

DEPARTMENTAL REPORT

The departmental report is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 17, 1971.

HON. WAYNE N. ASPINALL,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of this Department on H.R. 3333, and an identical bill, H.R. 3830, both bills "To provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in paragraphs 7 and 10, docket numbered 50233, United States Court of Claims, and for other purposes."

We recommend the enactment of either of the bills if they are amended as suggested in this report.

The bills provide that after the payment of attorney fees and other litigation expenses, the funds appropriated to the credit of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in satisfaction of judgments awarded in paragraphs 7 and 10 in docket numbered 50233, United States Court of Claims, including interest thereon, may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior.

Section 2 of the bills provides that any of the funds distributed to the members of the tribes shall not be subject to Federal or State income tax.

In order to have the language of section 2 of these bills conform to the standard language used in most judgment fund disposition legislation, we recommend that the bills be amended by deleting all of section 2 as it now appears in the bills and by substituting in lieu thereof the following:

SEC. 2. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes.

While recommending the enactment of either one of these identical bills, we do point out the Committee the fact that this legislative situation is unusual in that the funds covered by the bills have not yet been appropriated by the Congress, whereas in the usual distribution legislation, the funds to be disbursed have been appropriated.

The Confederated Salish and Kootenai Tribes of the Flathead Reservation approved a compromised settlement of \$6,000,000 in paragraph 7 of Court of Claims case No. 50233, and the compromised settlement was approved by the Bureau of Indian Affairs on February 22, 1971. Now the settlement must be approved by the Court of Claims, in which the order of final judgment is pending. We anticipate that the Court will issue the order of final judgment on March 19, 1971, the next day of judgment. If it is not issued at that time, it will carry

over until April 16, the subsequent day of judgment. Paragraph 7 of Court of Claims case No. 50233 is a general accounting claim for all tribal land which the United States has handled.

In a decision of January 22, 1971, the Court of Claims settled the claim in paragraph 10 of case No. 50233 by awarding the Confederated Salish and Kootenai Tribes \$5,626,451.00 plus interest thereon, as part of just compensation, at the rate of 5 percent per annum from January 1, 1912 to January 1, 1934, and at a rate of 4 percent per annum thereafter until paid. It is a responsibility of the General Accounting Office to calculate the interest in this award, and the interest will run until covering funds are appropriated and the General Accounting Office issues a certificate of settlement. However, the estimated principal plus interest to date is about \$20 million. The 60-day appeal period in this case will not expire until March 23, and until that time either party may take an appeal.

The award in paragraph 10 represents recovery for damages resulting from the sale and other disposition of reservation land pursuant to the Act of April 23, 1904 (33 Stat. 302).

Attorneys' fees have not yet been determined by the Court of Claims with respect to either paragraph 7 or 10. Since covering funds have not been appropriated for either award, no interest warrants have accrued to the credit of the tribes.

The bills provide that the judgment funds, presently totaling approximately \$26 million, may be used for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior. We have not yet been advised of the uses to which the tribes plan to put these funds, but we have been notified by the Chairman of the Tribal Council that the governing body of the tribes wishes to take the initiative in this matter and that it does not want the Bureau of Indian Affairs to develop distribution plans independent of it. Bureau of Indian Affairs staff members presently are scheduled to meet with a delegation of the Tribal Council on March 15 through 17 for discussions of plans for use of the funds. We will be in a position to make comments and recommendations on these plans after that meeting.

There also is expected to be present at that meeting a tribal councilman and leading proponent of a current movement on the Flathead Reservation for the optional withdrawal of tribal members who desire their pro rata shares of tribal assets and a full per capita distribution of the judgment funds in paragraphs 7 and 10 of Court of Claims case No. 50233.

Disposition of a 1964 Court of Claims award to the Confederated Salish and Kootenai Tribes, in settlement of a claim in paragraph 11 of case No. 50233, was authorized by the Act of September 29, 1969 (83 Stat. 123). This award was in the amount of \$190,399.97, and the tribes planned to apply these funds to the tribal credit program to meet pending loan applications for which there were insufficient funds.

A previous judgment in the amount of \$4,431,622, in Indian Claims Commission docket No. 62, was disposed of under authority of the Act of April 22, 1967 (81 Stat. 13). Proposed use of this judgment was an investment of \$1 million and expenditure of \$3 million in per capita payments of \$550 to tribal members for use in family plan programs.

The Confederated Tribes have three claims pending in Court of Claims case No. 50233, paragraphs 8, 9, and 13.

The Confederated Tribes are organized under the Act of June 18, 1934. Their constitution was approved on October 28, 1935. The tribal governing body is a council of 10 members who elect a chairman and vice-chairman from within its membership. The council also is authorized to appoint other officers.

The tribal membership as of June 30, 1966, was 5,360. It is in the neighborhood of 5,500 today, with about half the members living on the reservation, and half living elsewhere in Montana or other parts of the United States.

A socio-economic report on the Confederated Salish and Kootenai Tribes was furnished in connection with the Act of April 22, 1967, *supra*. An updated report on the Confederated Tribes is enclosed.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary of the Interior.

Enclosure.

REPORT TO THE CONGRESS

MARCH 10, 1971.

Re Claims Legislation in behalf of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana.

A. NOMENCLATURE

1. The proper name of the Tribes is "The Confederated Salish and Kootenai Tribes".

2. The proper name of the Reservation is "The Flathead Reservation".

B. LAND

1. LOCATION

The Flathead Indian Reservation is located in Northwestern Montana on the western slope of the Continental Divide. Trade centers near the Reservation are Missoula and Kalispell. Missoula is approximately 60 miles to the south of the Flathead Agency, which is located at Ronan. Figure 1 shows the Reservation and surrounding area of influence. Missoula and its immediate environs includes about 45,000 people, has services usual in a city of this size, and is the home of the University of Montana. Kalispell with its environs has a population of approximately 20,000. Lumbering, wood products, aluminum processing and agriculture are the major supporting industries of the two cities.

2. CLIMATE

The climate of the valleys—where most of the reservation population lives—is typical of intermountain areas of the Pacific slopes.

Although temperatures as low as -36°F and as high as $+102^{\circ}$ have been recorded, below zero and above 90° readings are infrequent occurrences. Temperature extremes which do occur are usually of short duration. Seasonal mean temperatures are: winter, $+25.5^{\circ}$; spring, $+44.5^{\circ}$; summer, $+63.4^{\circ}$; autumn, $+45.0^{\circ}$. The annual mean temperature is $+44.6^{\circ}$.

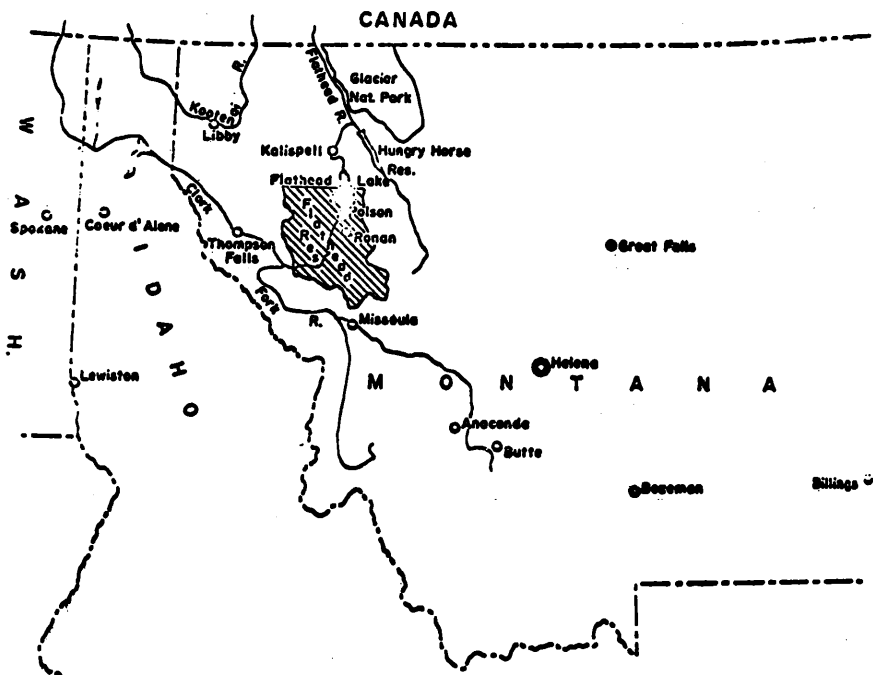


FIGURE 1. Regional orientation of the Flathead Indian Reservation. The area pictured encompasses the dominant economic and social influences on the Reservation and its resident population. Missoula, fewer than 20 miles from the Reservation boundary and the home of the University of Montana, is a major source of employment opportunity and the principal off-reservation trade center. Kalispell is 30 miles from the northern boundary of the Reservation and of considerable importance through nearby lumbering and aluminum processing industries. Major cities Spokane and Great Falls, each about 200 miles distant, and many smaller cities provide employment opportunities to tribal members.

Surface winds in the area are notably infrequent and light. Prevailing directions are west and southwest. The growing season averages 125 frost-free days, ranging from 116 to 136. Annual average precipitation varies from 10 to 20 inches west to east across the lower elevations; in the mountain areas it is much higher. Outdoor recreation is available and utilized by the resident population throughout the year. The tourist season is essentially from June 1 through Labor Day.

3. HISTORICAL

The Flathead Reservation was established by Treaty of July 16, 1855, for the Flathead Nation, consisting of the Confederated Tribes of Salish, Kootenai, upper Pend d'Orielle, and friendly tribes of Wash-

ington who wished to consolidate with them under the designation of the Flathead Nation.

Laws affecting the Flathead Tribes were enacted under the following dates:

June 5, 1872.—Amended June 22, 1874—Removed the Flatheads from Bitterroot Valley to Jocko Reservation.

July 4, 1884.—Ratifying agreement of September 2, 1882, for a right-of-way.

March 2, 1889.—Amended July 1, 1898—Approved sale of allotted lands in Bitterroot and moved allottees to Jocko Reservation.

April 23, 1904.—Amended March 3, 1905, June 21, 1906, May 29, 1908, March 3, 1909, April 12, 1910, and February 28, 1919—Provided allotment to tribal members and surplus lands opened for settlement.

May 23, 1908.—Amended March 4, 1909—Provided 20,000 acres for Bison Range.

April 4, 1910.—Provided for reimbursement of appropriation for irrigation system for allotted and unallotted irrigable lands.

February 12, 1912.—Executive Order—Reserved lands for town sites.

April 12, 1912.—Executive Order—Reserved other lands.

January 14, 1912.—Executive Order—Reserved lands for administrative purposes.

July 10, 1912.—Authorized sale of land to Ronan.

May 18, 1916.—Authorized opening timber lands for homesteading.

May 18, 1916.—Regulated payment of irrigation charges on allotted lands.

June 27, 1918.—Authorized Secretary to allot 120 acres in trust to an individual.

June 7, 1919.—Authorized sale of land to school districts.

February 14, 1920.—Authorized exchange of 200 acres with State of Montana.

February 25, 1920.—Amended June 16, 1950—Authorized allotments to unallotted living children.

May 21, 1924.—Authorized enrollment of certain descendants for per capita purposes.

March 13, 1924.—Amended February 3, 1931—Conferred jurisdiction on Court of Claims to hear Flathead Hellgate Treaty Claim.

May 10, 1926.—Required contracts for repayment of irrigation construction charges and required disposal in irrigation project of individual holdings in excess of 160 acres.

March 7, 1928.—Authorized Federal Power Commission to issue license for power developments on Reservation and rental paid to Flathead Tribes.

March 7, 1928.—Directed Federal Power Commission to waive fees for issuance of water power permits or licenses on Flathead Reservation.

April 4, 1938.—Authorized lease of lands for agriculture and grazing.

June 24, 1946.—Provided that tribal funds be made available for purposes designated by Tribal Council and approved by the Secretary.

July 30, 1946.—Conferred jurisdiction on Court of Claims to adjudicate claims of Flathead Tribes and judgment award placed in U.S. Treasury and subject to appropriation by Congress.

May 20, 1948.—Authorized conveyance of certain lands to St. Ignatius, Montana.

May 25, 1948.—Authorized appropriation to repay Flathead Tribes amounts due them under Act of May 18, 1916 (Homesteading).

May 18, 1949.—Authorized patent in fee of five (5) acres to Lake County, Montana.

August 19, 1949.—Authorized an appropriation to Polson, Montana, a city in the reservation, for repair, etc., for drainage system.

May 25, 1950.—Amended certain Act of May 25, 1948, to adjust irrigation charges on the Flathead Irrigation Project.

August 8, 1950.—Authorized the elimination of designated land from Flathead Irrigation Project.

June 16, 1950.—Amended Act of February 25, 1920—Provided for cutting and marketing on Flathead timber allotments but limiting to the tribe the first cutting.

April 1, 1952.—Authorized Secretary of Interior to issue a patent in fee to Ronan, Montana, of certain Indian lands.

October 1, 1966.—Increased appropriation for completion of construction of the irrigation and power systems of the Flathead Irrigation Project.

August 1, 1966.—An act to set aside certain lands for the Indians of the Confederated Salish and Kootenai Tribes of the Flathead Reservation.

April 22, 1967.—To provide for disposition of a judgment against the United States recovered by the Confederated Salish and Kootenai Tribes.

July 18, 1968.—To provide for sale or exchange of isolated tracts of tribal lands on the Flathead Reservation, and to purchase fee lands in trust for Tribal use or for resale to members in trust.

September 29, 1969.—To provide for disposition of a judgment against the United States recovered by the Confederated Salish and Kootenai Tribes.

The original land area of the Reservation was 1,248,000 acres. Present holdings in Trust of tribal and allotted lands is 615,418.4.

4. OWNERSHIP

(a) *Ownership as of June 30, 1970*

	Acres
Tribal -----	559, 238
Allotted -----	¹ 55, 163
Government -----	1, 017
Total -----	615, 418

¹ Individual Indians own trust mineral interests in an additional 7,663 acres of fee lands and 10,792 acres of Tribal lands (these lands were formerly allotments).

(b) *Characteristics of Ownership*

As used in this report, "Reservation" refers to the entire area within the exterior boundaries. Tribal lands are mainly in the mountains and foothills, inward from the perimeter of the Reservation. Allotted land still in Trust status is mostly adjacent along the foothills and interspersed in the valleys with fee-title lands. The Tribes also own several large blocks of land along the Flathead River, including power re-

erves, and some highlands west of and parallel to the river. The vast majority of valley land is in non-Indian ownership, due for the most part to the opening of the Reservation to homesteading.

Long-range management planning will be concerned mainly with tribal lands. Allotted-land ownership is decreasing at a fairly rapid rate. Tribal purchase of timbered allotments is occurring at a rate of approximately 1,000 acres per year and within the next 7 years the conversion of most timbered allotments into Tribal ownership is anticipated. The remaining allotted lands are likely to be retained in individual ownership in trust or fee status.

The characteristics of ownership will be improved by consolidation of Tribal lands through disposal of detached plats of land, acquisition of key lands through trade and purchase, and continued purchase of contiguous timber and range allotments. Legislation passed in 1968 allowed the Tribes to sell certain tracts of isolated lands and purchase other lands with the proceeds. The Tribal plan for land consolidation must take into account the importance of access to Tribal lands for purposes of management. Such access has become more of a problem in recent years. Particular emphasis is placed on large areas of timbered state lands, approximately 30,000 acres intermixed with Tribal lands, some of which have not been surveyed. Ownership of these unsurveyed tracts of timer land is still in contention. Once ownership has been definitely established the exchange of some of these lands as a part of the consolidation program would benefit both parties.

5. PRESENT LAND USE

Category	Percent of total	Ownership percent		Use Indian	Percent non-Indian
		Tribal	Individual		
Grazing, open.....	19.1	80.3	19.7	76.6	23.4
Commercial timber.....	66.7	99.6	.4	100.0	-----
Noncommercial timber.....	5.8	100.0	-----	100.0	-----
Dry farm.....	1.0	14.6	85.4	34.8	65.2
Irrigated.....	1.9	11.4	88.6	48.6	51.4
Wild lands.....	4.9	100.0	-----	-----	-----
Other uses nonagricultural.....	.6	99.4	.6	28.0	72.0
Dual use, timber and grazing ¹	57.8	94.0	6.0	92.7	7.3

¹ Duplicated in commercial timber category.

6. HEIRSHIP

(a) Number and percentage breakdown of allowed trust tracts:

Single owner (51 percent).....	499
Two owners ¹ (12 percent).....	115
3-5 owners (12 percent).....	119
6-10 owners (13 percent).....	126
11-12 owners (7 percent).....	71
Over 20 owners (5 percent).....	43
Total tracts.....	² 973

¹ Separated because of high frequency of husband-wife joint ownership with right of survivorship.

² Includes 92 tracts with surface rights in fee status and mineral rights in trust, and 81 tracts with surface rights in Tribal ownership and mineral rights in individual Indian ownership in trust.

(b) Cases probated during FY 1970:

Completed—34, including nine members of other tribes who had trust property on Flathead Reservation.

Pending—57, of which 37 have been reported to Examiner and 20 are still to be reported.

In addition there are pending 13 cases for nationality determination or non-Indian status. There are also 6 local probates pending as of 01/27/71.

Total acreage in heirship status about 26,900.

Multiple ownership of allotments is not as common on the Flathead as on most other reservations; however, it is certain to become more complicated, particularly in regard to mineral interests, unless solutions are forthcoming in the near future. There are presently a few tracts in which ownership is so complex as to prevent sale of the land.

7. POTENTIAL

Tribal land acquisition has concentrated on timber and range lands and will doubtless continue to do so. Potential maximum increase in this type of land base is in the neighborhood of 50,000 acres, with purchases aimed principally to consolidate and block out present holdings. The stated purpose of the land acquisition program is purchase and exchange of grazing and timbered lands which are needed by the Tribes and its members to facilitate the operation of the family sized ranch and farm units, to provide better management for range and timbered lands, to reduce the number of fractionated heirship lands, to provide ingress and egress to Tribal land, to provide sources of water for surrounding Tribal range lands, to help improve the economy of Tribal members, and to provide, in those cases where the heirship status is congested, an income to heirs far greater than they could expect during their lifetimes from leasing or permitting the lands.

From July 1, 1968 to July 1, 1970, the Tribes purchased 7,496 acres of land at a cost of \$324,668.

The economic feasibility of purchase by the Tribes of allotted lands is based mainly on probable appreciation in values. Returns from leasing and permitting of these lands for agricultural purposes are not sufficient, under present market conditions, to justify acquisition costs. Rental rates on range lands to Tribal members and associations are lower than can be secured by competitive bidding.

8. TRANSPORTATION

(a) *Major highways provide access to the Reservation.*—That portion of U.S. Highway 93 between Kalispell and Missoula traverses the Reservation from north to south and intersects U.S. Highway 10 on the south. U.S. Highway 10A leaves U.S. 10 west of Missoula and intersects U.S. 93 at Ravalli, Montana, within the Reservation and rejoins U.S. 10 east of Spokane, Washington.

Montana State Highway No. 35 connects with U.S. Highway No. 2 east of Kalispell, Montana, and follows the east shore of Flathead Lake connecting with U.S. Highway 93 at Polson, Montana.

Montana State Highway No. 28 connects with U.S. Highway No. 93 on the west shore of Flathead Lake near Elmo, Montana, with south-

westerly route to Plains, Montana, where it joins U.S. 10A. This system provides adequate access to national transportation routes.

(b) *Miles of Roads on the Reservation.*—There are 2,142.3 miles of roads within the boundaries of Flathead Reservation, maintained by several governmental units. Figure 3 shows the Reservation system in detail.

A breakdown by jurisdiction follows:

	<i>Miles</i>
1. Montana State Highway Department.....	203.6
2. Lake County, Montana.....	1144.5
3. Flathead County, Montana.....	8.5
4. Missoula County, Montana.....	8.7
5. Sanders County, Montana.....	384.0
6. Bureau of Indian Affairs (Contract to Private Indian Corporation).....	393.0

Except for lack of a direct primary road between Ronan and Hot Springs, the present Reservation highway system is reasonably adequate. Portions of the State-Federal system are not up to present use standards and improvement will doubtless be slow, due to the scarcity of State matching funds relative to statewide needs. The Bureau system largely traverses Tribal lands and is in need of improvement and alignment to present day standards. The same can be said for many of the county roads.

(c) With the foregoing exception, the transportation system is not a hindrance to economic development of the Reservation; however, additional access to timbered and mountainous areas would facilitate forest protection and increase use of the recreation potential.

(d) *Commercial Airports and Railroads.*—Airports handling scheduled service are at Missoula (Northwest and Frontier Airlines) and Kalispell (Air West). A Burlington Northern Railroad line runs through the Reservation towns of Perma, Dixon, Ravalli and Arlee. A spur line extends from Dixon into Polson.

C. POPULATION

1. RESIDENT TOTAL

(a) Total number of Indian residents on the Reservation—2833
(Includes an estimated 75 from other Tribes.)

Number of families (estimated).....	640
Average number persons per family.....	4.4

COMPOSITION OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES BY RESIDENCE, SEX, AND AGE (AS OF DEC. 31, 1970)

Age	Members resident on reservation				Members resident off reservation				All members	
	Males	Females	Total		Males	Females	Total		Num-ber	Per-cent
			Num-ber	Per-cent			Num-ber	Per-cent		
Under 16.....	500	508	1,008	36.5	330	338	668	24.0	1,676	30.3
16 to 19.....	167	145	312	11.3	84	90	174	6.3	486	8.8
20 to 24.....	164	153	317	11.5	146	153	299	10.8	616	11.1
25 to 34.....	195	162	357	13.0	217	290	507	18.2	864	15.6
35 to 44.....	122	124	246	8.9	192	222	414	14.9	660	11.9
46 to 64.....	191	165	356	12.9	264	326	590	21.2	946	17.1
65 and older.....	85	77	162	5.9	47	81	128	4.6	290	5.2
All ages.....	1,424	1,343	2,758	100	1,280	1,500	2,780	100	5,538	100

(b) Indians residing adjacent, 35.

(c) Population Trends: Total tribal membership, on and off-reservation, remained virtually static from February 11, 1970, to December 31, 1970, increasing by only 2/100 of one percent. Because of declining birth rates and progressive dilution of blood quantum to less than the minimum eligibility requirement, rate of new enrollment is expected to continue its present downward trend.

2. TRIBAL MEMBERSHIP

(a) Total membership was 5,538 on December 31, 1970, of which 2,758 resided on the reservation on the same date.

(b) The latest per capita roll is dated January 18, 1971.

D. TRIBAL ADMINISTRATION AND GOVERNMENT

1. GOVERNING BODY

The Confederated Salish and Kootenai Tribes are organized under the IRA. A tribal constitution was duly adopted, and approved by Secretary of Interior, October 28, 1935. Powers and Duties of the Council are prescribed in Article VI of the Constitution and Bylaws of the Tribe.

The governing body is composed of ten councilmen, elected from district designated in the Constitution. The Chairman and Vice Chairman are elected from within the Council. Appointive officers may include Secretary, Treasurer and Sergeant-at-Arms and other officers as the Council deems necessary.

2. BUDGET

Flathead Tribes: Tribal Funds (There are no other funds.)

	Fiscal year—	
	1969	1970
Income.....	3,620,497	2,880,116
Expenditures.....	2,627,792	3,035,350
Operating.....	503,342	608,600
Capital investment (land acquisition, credit).....	350,000	500,000
Dividends.....	1,774,450	1,926,750

3. MEMBER CIVIC PARTICIPATION

Resident members of the Confederated Salish and Kootenai Tribes comprise less than 19 percent of the total population within the Reservation boundaries. The resident members of the Tribes can be divided roughly into three groups characterized as follows:

(a) A group of approximately one-fourth of the total who are not recognized as Indians in the various communities on the Reservation. This group is socially integrated into overall community life in churches, service organizations, etc. It is roughly comparable in economic status to the overall population in this general area. Some of the group are in a high income category, and all are self-sufficient. Members of this group are not particularly interested in Tribal political

life but are interested in good management of the business enterprises of the Tribes. They are often critical of the present management of the Tribal affairs. Their participation in overall affairs of the communities on the Reservation is roughly comparable to other citizens of the same communities.

(b) A group of approximately one-half of the resident members who are socially and economically competent but are not genuinely integrated into the life of the communities. They do take part in such activities as attendance at athletic events and other public affairs but are not generally integrated in churches, civic organizations, clubs, etc. This group is generally more interested in Tribal government and Tribal political affairs than in overall community affairs. While most appear socially stable and well adjusted, their associations and their influence are mostly within their own group.

(c) A group of roughly one-fourth of the resident members who are more isolated socially and culturally than the other two groups mentioned are more interested in Tribal traditional affairs but not necessarily in political affairs of the Tribal government. This group takes only limited active part in overall community functions.

No records are available of voting participation of Tribal members in local and national elections, but it is believed to approximate that of the general public.

Five tribal members serve on local public school boards; one is minority leader of the Montana Senate; others teach, coach athletics or administer in the public schools; still others participate in leadership in local government and public affairs, including a member of a County ASC committee, a supervisor of a Soil Conservation District the incumbent mayor of the town of St. Ignatius and a candidate for the U.S. Senate in the most recent general election.

Traditional Indian celebrations are limited to a reservation-wide Pow Wow the week of July 4 and local community celebrations which are primarily Indian hand games. An attendance of about fifty members is customary at quarterly Tribal Council meetings.

4. INTER-GOVERNMENTAL RELATIONSHIP

(a) *Federal (Non-BIA or USPHS)*

(1) *HUD*.—The Council has chartered a Tribal Housing Authority pursuant to HAA regulations for low rent and Mutual-Help Housing. Most of a 40-unit Mutual-Help project is in occupancy. Development of additional Public Housing is proceeding.

(2) *Agricultural Stabilization and Conservation Practices*.—The Tribal Council is a cooperator under the Federal Agricultural Conservation Program. The 1970 ACP cost share payment on Indian lands was \$17,800 including lands in individual Indian ownership.

(3) *Office of Economic Opportunity*.—Head-Start and CAP programs have existed since 1965. Funding in FY 1970 was \$37,250 for Head-Start and \$179,748, for CAP.

(4) *Department of Commerce*.—The Tribal Council participated in the ARA program and received a technical assistance grant of \$65,000 for a forest inventory in 1962. In 1968 an EDA planning grant of \$35,280 was received. A local planning staff operates with a budget of about \$36,000.

(5) *Bureau of Sport Fisheries and Wildlife*.—A game management agreement between the Tribes and this Bureau covers the entire Reservation. The Tribes receive minor income from permits and incur the expenses of enforcement.

(6) *Department of Labor—Job Corps*.—The Tribes have contracted—independently of the BIA—with the Department of Labor to operate an all-Indian enrollee Job Corps camp of 200 trainees. The program has been in actual operation with enrollees for just over one month. The project operates with a tentative two-year budget of \$1,923,000.

b. State Relationships

(1) *State Forestry*.—Each year the Tribes purchase seedlings from the State Forest Nursery. Cost to the Tribes in 1970 was \$4,000.00.

(2) *State Department of Education*.—All schools on the reservation are public, with the exception of a Catholic Mission elementary school. The Tribal Council, in cooperation with the State Department, operates a hot lunch program for the Elmo grade school, which usually has an exclusively Kootenai enrollment.

(3) *State Department of Welfare*.—(See “H.—Welfare and Commodity Programs”.)

(4) *State Employment Service*.—The Tribal Council utilizes this Agency for State and Federal employment programs, such as MDTA.

(5) *State Fish and Game Division*.—The Tribes are directly involved with this Agency concerning regulations, violations, stocking of streams and lakes. The Tribes incur no costs and realize no income from the cooperative aspects of these operations; however, they do maintain a recreation permit system.

c. County Government

(1) The Tribes are directly involved in all phases of the county law an order program. (Refer to Section “D. 7”.)

(2) County Welfare. A tribal agreement with the counties on General Assistance to tribal members is administered by each county. The Tribes pay half the cost. (Refer to Section “H”.)

(3) County Roads. The Tribes frequently donate materials to county road departments, including gravel, bridge stringers and piling. Generally, this involves instances where roads cross tribal lands and serve tribal members.

(4) School Districts (located in counties). The Tribe has contributed free use of land adjacent to Ronan school for school use.

5. LEADERSHIP

Tribal leadership was altered by the Indian Reorganization Act. Only after 1935 were tribal members exposed to management needs of a membership corporation.

Tribal leaders and officials have learned mainly by trial and error. Such experience has been supplemented by an exchange of information at various conferences and by association with governmental managers and executives. The development and availability of tribal leaders, technicians and managers has been hindered by out-migration and by a lack of interest in tribal government on the part of many qualified

to become leaders. Elected leaders vary in experience. Often they have not had the advantage of formal leadership and management training. To fill this gap, management is hired or the Bureau of Indian Affairs is called upon. No adequate or continuous training programs have been developed for tribal employees or elected officials. Since some of the governmental functions have been assumed by the counties and the state, many of the decisions of the Tribal Council concern business matters. The Tribal Council is usually made up of individuals who are competent but the political nature of the body itself limits its capabilities in management of a business enterprise as complex and diversified as that owned by the Flathead Tribes. Impartial and objective leadership in business matters is difficult in the political setting, and conflicts with self-interest sometimes arise.

6. TRIBAL ATTORNEYS

A Washington-based law firm—Wilkinson, Cragun and Barker—is retained by the Confederated Salish and Kootenai Tribes as general counsel. The rapport between the two parties is very good and tribal officials call on the law firm for analysis and evaluation of proposals of every diverse nature.

7. LAW AND ORDER

On August 15, 1953, the Legislative Assembly of the State of Montana, enacted House Bill 55, an act to provide for the assumption of criminal and/or civil jurisdiction over the Confederated Salish and Kootenai Indians of the Flathead Reservation. This was done in accordance with Public Law 280, 83rd U.S. Congress, 1st Session. On the 15th day of May, 1964, the Flathead Tribal Council passed Tribal Ordinance 40-A, adopting the provisions of Montana House Bill No. 55. On May 5, 1965, Flathead Ordinance No. 40-A was revised and adopted.

At present, the State of Montana investigates and adjudicates all felony crimes committed within the exterior boundaries of the Flathead Reservation regardless of Indian or non-Indian involvement. The Federal Court, with authority redelegated to U.S. Commissioners, handles all violations of Section 1164, Title 18, U.S.C.A., entitled, "Destroying Boundary and Warning Signs", and Section 1165, Title 18, U.S.C.A. entitled, "Hunting, Trapping or Fishing on Indian Land". Violations of these two laws are misdemeanors.

Under provision of Montana House Bill No. 55 and Tribal Ordinance No. 40-A the Tribes retain concurrent jurisdiction over Tribal members on all matters appearing in its Law and Order Code. Under this arrangement Tribal police force and court continue to operate and cooperation has been generally good among enforcement personnel of the two jurisdictions.

E. DISPOSITION OF JUDGMENT AWARDS

The settlement awarded in Court of Claims Docket No. 61, known as the Aboriginal Lands Claim, of \$4,431,622.18 was managed as pro-

vided in Tribal Resolution No. 2160 and approved by the Commissioner of Indian Affairs, as follows:

One-million dollars was set aside as a reserve to be used to meet any future needs for development of the Reservation; \$3 million for distribution according to a modified Family Plan to the members of the Tribes; \$443,162 for attorney fees. Of the \$1 million held in reserve, \$679,911 has since been invested in the Tribal Credit Program, \$250,000 in the Tribes' land purchase program and nearly all the remainder in the Kerr Dam Recapture fund. Five hundred fifty dollars was distributed to each member under a modified Family Plan Program administered by the Tribal Council. Approval of plans submitted by individuals or family groups was by a committee established by the Tribal Council for this purpose. Approval by the Bureau of Indian Affairs was not necessary for expenditure in individual or family plans. In instances in which the Council's approval committee felt that proper use of minors' funds would not be secured if distributed to the parents, and at the committee's request, the Bureau assumed responsibility for supervision. Most were cases in which the Bureau of Indian Affairs had previously assumed some responsibility via boarding school or foster home care. The plan of operation for this program was approved by the Bureau of Indian Affairs.

An award of \$190,000 was adjudged to the Tribes in 1968 in settlement of the "Expenses of Survey Claim" (Court of Claims Docket 50233, Paragraph 11). The entire award, less attorney fees, was invested in the tribal credit program.

Current.—The Council has recently passed a resolution (Exhibit 1, appended) stating intent to distribute 90 percent of any net funds, per capita, to individual members. Plans are not yet final relative to the employment of the remaining 10 percent; however, a number of possibilities are being discussed, including expansion of land purchase, a scholarship program, and additional investment in the credit program.

F. ECONOMIC ACTIVITIES AND POTENTIALS

1. RESERVATION DEVELOPMENT

Forestry—Commercial forests provide the basic raw material for expansion of timber products industries. There are 412,000 acres of commercial forest and 36,000 acres of non-commercial forest lands on the Reservation in Indian ownership.

The forest land is about 75 percent of the total Indian-owned land.

An ARA-financed timber inventory furnished basic data for recalculation of the sustained yield cut for the Indian owned timber. This has resulted in the establishment of a forest management plan which provides for an annual allowable cut of 76 million board feet per year. The expected stumpage income at this level ranges between \$1,500,000 and \$4,000,000 depending on market conditions.

Principal industry in the area surrounding the reservation is related to forestry. Present milling operations on the Reservation are at an approximate annual rate of 120 MMBF. Full operating capacity is probably at least 15 MMBF higher with present plants.

Hydroelectric—The Tribes own valuable hydroelectric sites on the Flathead River. Kerr Dam is situated upon the sole developed site.

Buffalo Rapids No. 2 and No. 4 and Sloan's Bridge appear the most promising of the undeveloped sites.

Currently, the Tribes receive \$238,375 annual rental from Montana Power Company for the Kerr Dam site. Installed capacity of Kerr Dam is 168,000 kilowatts. In proceedings before the Federal Power Commission Hearing Examiner the Tribes requested an increase to \$1,350,000 annual rental. The Hearing Examiner granted an increase to \$950,000, retroactive to May 1959. This decision is still in litigation with the Montana Power Company.

The Tribes are also engaged in negotiation to expedite the amortization of Kerr Dam. The license for Kerr Dam will expire by 1980. The Tribes have negotiated with Montana Power Company for the development of Buffalo Rapids No. 2 and No. 4. A joint application with Montana Power Company was filed as Project No. 2509 with the Federal Power Commission, but the Tribes have requested delay in granting of a license for development until the Kerr Dam settlement is final.

Tourism and Recreation—Recreation, a major industry nationally, should provide investment opportunities on the Reservation in the not-too-distant future. The natural recreation attractions of the Reservation and its proximity to Glacier Park makes the entire Flathead Valley a potentially important tourist center.

Flathead Lake is the nation's largest fresh water lake west of the Mississippi River. The south half of the Lake belongs to the Tribes. A recent project sponsored by the Economic Development Administration reported:

Development of tourism and recreation will provide income and employment for the Tribes as well as create opportunity to improve the standard of living for both Indian and non-Indian living in the area.

There is a large flow of tourists traveling through the Reservation to more developed areas in the upper valley and points to the south and west of the valley. Development and adequate promotion of facilities should keep tourists in the area longer and stimulate additional capital investments to provide new commercial tourism facilities. Corollary benefits include opportunities for employment, income, and management training, but, due to the low wage rates and seasonality of recreation-based employment, such benefits may easily be overestimated. The Tribes own two enterprises dependent on recreation and tourism. The first is Hot Springs Corporate Enterprise, a commercially developed hot mineral spring. The second is the Blue Bay Resort which consists of marina, camp grounds, cabins, trailer park, and bar and cafe. Both have shown net operating losses in most recent years. They have, however, yielded about \$50,000 annually in employment income to Tribal members.

Agriculture.—A low and declining proportion of the Indian labor force receives earnings from ranch or farm operations, and still fewer derive a major portion of their incomes from this source. A majority of the Indian-operated farms are small to medium size, a situation typical of all of the Flathead Valley. Expansion of agriculture in the valley is possible through higher production, installation of feed lots, installation of meat and vegetable processing plants, and improved marketing facilities.

Manufacturing.—The urban centers to the north and south of the Reservation (Missoula, Kalispell, Columbia Falls) are achieving increasing stature as manufacturing and distribution centers. There are two large sawmills with associated stud mills and one plywood mill on the Reservation, with combined capacity of approximately 127 million board feet per year. Western Montana presently has greater installed sawmill capacity than the amount of timber available for cutting, a circumstance occasionally fortuitous to the Tribes' timber sales.

There is a potential in the secondary forest products industry, such as manufacture of building supplies, cut stock and related products. The potential for the development of manufacturing activities is relevant to community development.

Because the economic climate of the area is usually reasonably good and jobs of some sort are available to nearly all who want to work, no urgency is seen for forced-draft industrial development, particularly at the Tribes' expense. Nevertheless, a non-forest-products industry would be beneficial in reducing dependence on a single base. There is a deficiency in the kind of employment opportunities that interest the academically and technically trained; thus educated young people often either go elsewhere or accept less locally than their abilities and training warrant. More and more, in large part because of advantages of living conditions, smaller industries and businesses from elsewhere are showing interest in locating in the Reservation area. Although it is not the fastest route, dependence on private venture capital for development has solid positive values; chiefly, orderly growth and the unreserved commitment of an unsubsidized risk taker.

2. LABOR FORCE (ESTIMATED AS OF SEPTEMBER, 1970)

	Men	Women
(a) Resident Indians employed.....	465	135
1. Permanent.....	390	110
2. Temporary.....	75	25
(b) Unemployed.....	210	182
1. Actively seeking work.....	(110)	(20)
Total labor force.....	675	317

3. EMPLOYMENT OPPORTUNITIES

(a) Historically, Indian employment has been in timber-connected industry and to a lesser degree in livestock and farming. Many woods workers have operated small farms during the off-season and preferred a period of unemployment to care for farm and flock. Others who were unemployed seasonally, during the slack periods of the timber industry merely became idle. Development of three large timber using mills on the Reservation and a trend to year-round operation has reduced this cyclical unemployment. Other significant sources of employment have been the Federal and Tribal governments. The following table classifies employment of Tribal members on the Reservation as of September, 1970:

Type of Work :	<i>No. of employees</i>
Agriculture, forestry and recreation.....	340
Manufacturing (lumber).....	100
Government.....	90
Tribal administration.....	36
Other.....	34
Total	600

(b) Principal sources of livelihood of non-Indian residents include the forest-based industries, agriculture, small business enterprises, the trades and the professions. The following table, derived from a recent study of the upper Flathead Valley, shows the pattern of non-Indian employment in a reasonably comparable area adjacent to the reservation.

Type of Work :	<i>No. of employees</i>
Agriculture, forestry and fisheries.....	1,190
Construction.....	860
Manufacturing:	
Lumber.....	1,220
Aluminum.....	560
Other.....	320
Railroad.....	520
Utilities, transportation, communications.....	250
Wholesale and retail trade.....	3,160
Finance, insurance, real estate.....	240
Service.....	1,230
Government.....	770
Self-employed, domestic, other.....	1,480
Total	11,800

4. INCOME FROM RESERVATION RESOURCES (TRIBAL AND ALLOTTED LANDS)

(a) Income from surface leases (FY 1970) :

(1) Farm and pasture leases.....	\$139,173
(2) Business leases.....	¹ 251,359
(3) Homesite leases.....	9,224

¹ Kerr Dam income of \$238,375 included.

(b) Income from Grazing Permits (CY 1970) :

(1) Actual

User	Animal unit months	Income	Average per animal unit months
Indian.....	27,652	\$28,545	\$1.03
Non-Indian.....	1,830	4,643	2.54
Total	29,482	33,188	

Note: Allocated rate—Tribal lands—\$1 per animal unit months; minimum rate—allotted lands—\$2.50 per animal unit months.

(2) *Fair Market Value (Calculated)* (\$2.54/AUM) at the rental rate on the average for non-Indian use.

User	Animal unit months	Income
Indian.....	27,652	\$70,236
Non-Indian.....	1,830	4,643
Total.....	29,482	74,879

(c) *Timber* (CY 1970)—Gross income stumpage sold—\$1,357,000 (Preliminary) ; Estimated Value Free Use—\$2,000.

(d) *Minerals* (Including gravel) (FY 1970) \$10,558.

(e) *Commercial Recreation Enterprises* (CY 1969)—Hot Springs Corporate Enterprise—(Loss) (\$21,830).¹

(f) *Business Enterprises* (FY 1970) (Unaudited)—CF Loan Program—Operating Profits—\$155,837.²

5. INCOME FROM EMPLOYMENT FOR TRIBAL MEMBERS. (CY 1970)

(a) Self-employed—Agriculture (Approximately 82 so employed). Average annual income from all sources is \$4,800, estimated. Full-time self-employed Indian operators and part-time Indian operators whose income is supplemented by other employment are included.

(b) Self-employed—Other than agriculture (Approximately 40 so employed). Average annual income of self-employed resident Indians is estimated at \$7,000.

(c) Other than self-employed. \$6,200 estimated average annual income (from all sources) of Tribal members earning salaries and wages.

Major Employers

1. Dupuis Brothers Lumber Company, Inc.
2. Plum Creek Lumber Company.
3. Various Logging and Lumber Companies.
4. Flathead Agency, Bureau of Indian Affairs.
5. Flathead Irrigation Project.
6. U.S. Public Health Service.
7. Confederated Salish and Kootenai Tribes.
8. Kicking Horse Job Corps Centers.

Skills in these employment areas are varied within the mill industries. Related mill activities are trucking and timber falling. Other common skill areas include clerical.

6. INCOME FROM RESOURCES AND EMPLOYMENT

There are about 640 family units; approximately 100 of these are single person units.

The average number of persons per household is 4.4 with an estimated average per capita income of \$1,431. Families with incomes under \$3,000 are estimated at 30 percent of the total. This estimate does not include non-recurring income.

¹ Depreciation included.

² Administrative expenses and salaries approximating \$46,000 not charged to reported earnings.

G. HEALTH

1. U.S.P.H.S.

The Public Health Service operates an Indian Health location at St. Ignatius, with jurisdiction over the health needs of the Salish and Kootenai and other Indians on the Flathead Reservation. Only dental services are provided at the Indian Health location; outpatient and inpatient services are provided by physicians and hospitals under contract with the Public Health Service. These physicians and hospitals are located in St. Ignatius, Ronan, Polson and Hot Springs. Hospitals in Missoula are often used for special cases. There are also contracts with three dentists in the Polson area who provide care for the children in the Elmo and Dayton areas. There are 10 physicians practicing on the Reservation. The Public Health Service has a contract with each so that there is complete freedom of choice by the individual.

The Tribes actively participate with Public Health Service in an eyeglasses program. Persons needing eyeglasses are screened by the physician of their choice and appropriate referrals are made either to the ophthalmologist or an optometrist. The cost of the examinations are borne by UHS and the glasses are purchased by the Tribes.

The Tribal Council has a number of committees dealing with matters of special interest to the Tribes and the PHS. The community services committee includes matters concerning health as one of its primary areas of operation in close cooperation with the UHS. Matters such as immunizations, prenatal care, communicable diseases, and alcoholism are topics of discussion and joint planning.

2. ADEQUACY

Because of funds limitations, health needs of the Flathead people are not being fully met. It has been necessary to apply a means test, the result of which is that approximately 30 percent of the people are not receiving medical care from the Public Health Service. There is also a gap in the provision of preventive health measures and dental services. Because of limited resources, the PHS dental program is geared to preschool children. The Flathead Tribes are interested in providing certain dental services, such as prosthetic appliances to elderly people who presently have a low priority in the PHS dental program.

There is insufficient health knowledge to bring forth requests for health services and many do not recognize illness as being correctible. Some expectant mothers seek medical care late in pregnancy, often in the third trimester, with only one or two prenatal visits or no prenatal care prior to delivery. Postpartum care is minimal in such instances.

The health of some infants and young children (age 1-4) is poor, with major causes of morbidity and mortality related to poor environment; i.e., grossly unsanitary conditions in and about the home, poor and crowded housing, lack of water supplies, and inadequate health knowledge, including nutritional needs.

3. USE

The Service Unit issues over 12,000 authorizations for hospitalization, medical and dental services annually.

4. NEEDS

The major health needs are associated with people who are at a low socio-economic level. Adverse physical environment, poor housing and inadequate water supplies lead to frequent respiratory diseases ranging from colds and bronchitis to pneumonia. Poor sanitation leads to such diseases as gastroenteritis and other man, animal and insect-borne conditions. Chronic ear conditions which result from respiratory infections are not uncommon among this group of Indians.

The major health problems include: Health problems of infants and children, maternal health, accidents, mental health, oral health and nutritional problems.

5. WATER AND SANITATION

The Flathead Tribes have cooperated in the P. L. 86-121 program via monetary contributions to projects undertaken on the reservation. The tribal governing body has also established an annual fund under the direction of the reservation environmental health staff to take care of emergency situations that may arise throughout the reservation.

The Tribes have assisted in the establishment of two utility commissions to operate and maintain community systems built under P. L. 86-121.

From recent surveys, it is estimated by PHS improved facilities are used by 90 percent of eligible families. There is, however, a maintenance problem involved in most homes. The Indian Health Service has tried to instruct the individual home owners in the use and maintenance of these facilities. The time available for this was insufficient and the maintenance, in most instances, has been inadequate. Automatic washers have created a problem in maintenance because of the amount of water used when not properly operated. The over use of water creates a burden on the wells, causing them to be mudded in and eventually made completely inoperable. This, also, over burdens the septic tank to the extent that the drainfields become saturated.

In homes in which the Indian Health Service has installed facilities, these are adequate to meet the basic health needs of the Indian people, but could, in many instances, be up-graded considerably. This is because in some areas of the Reservation, the Public Law 86-121 Projects were carried out before any of the housing programs came into being, thus much of the plumbing and many waste disposal systems designed and installed for then-existing housing are now substandard.

6. NON-INDIAN COMPARISON

Generally, the individual water and sewage disposal facilities completed under P. L. 86-121 projects are superior to the facilities of rural non-Indian homes.

On the basis of dental examinations at the Elmo school, eligible Indian children receive more nearly adequate dental care than do the non-Indian children.

Indians have more medical services available to them since no financial barrier exists for the indigent Indian. In addition, the Division of Indian Health provides free the services of a Public Health Nurse, Sanitation Aide and Health Educator.

H. WELFARE (FY 1970)

1. GENERAL ASSISTANCE

The BIA does not at this Agency issue general assistance in the usually accepted sense. General Assistance is funded and administered by County Welfare Departments, with the Tribal Council repaying the counties one-half of cost for Indian recipients.

Flathead Agency classifies under BIA General Assistance, "nursing home care" and "adults in institutions", both of which are defined as custodial care. Homemaker or housekeeping services are also reported here, for convenience.

WELFARE, FLATHEAD RESERVATION, FISCAL YEAR 1970

	Number of cases ¹	Number of persons ¹	Amount
General assistance, nonBIA (50 percent county, 50 percent tribe).....	145	427	\$14,987.49
General assistance, BIA (year) ²	15	18	8,224.53
High month.....	(7)	(9)	(1,370.00)
Low month.....	(8)	(9)	(382.00)
Subtotal, GA.....	160	445	23,212.02
2. Other financial assistance:			
AFDC.....	147	523	116,988.00
OAA.....	64	64	20,155.00
AD.....	41	42	26,184.00
ANB.....	3	3	2,592.00
Subtotal, categorical assistance.....	255	632	175,919.00
3. Commodity program:			
Confederated Salish and Kootenai Tribes.....	470	1,840	18,099.38
Total welfare.....	885	2,917	217,230.40

¹ Unduplicated annual figure, except as noted in ³.

² The Flathead Bureau of Indian Affairs program is not one of general assistance in the usual sense. Funds allocated to general assistance are expended for homemaker services to adult Indians in need of such care and to supplement other resources for adults requiring care in rest/nursing homes.

³ 2 persons on OAA receive GA from BIA to supplement nursing home care. 1 person on ANB, 1 on AD received BIA GA to supplement rest home care.

4. ATTITUDE

The attitude of state and local officials generally is that the Indian is a "Ward" of the Federal Government and, therefore, a social, medical, and financial responsibility of Federal or Tribal Government.

I. EDUCATION

1. LEVEL

(a) Reliable statistics are not available from any data later than the 1960 Census; however, it is known that in the younger ages (up to about 28), the level of educational attainment is about the same for on-reservation Flathead tribal members as for the non-Indians. The principal reason for this situation has been an excellent, reservation-

wide, integrated public school system, available to all, resulting in a high percentage of 12th grade completion, following which a large number of Indian students have, particularly in recent years, gone on to higher education. In the latter, tribal members have been aided by the BIA grant program and an accessible and favorable tribal education loan program.

2. SCHOOL AGE POPULATION

Frequency distribution of younger tribal members is shown below: (Includes both resident and non-resident).

Age:	Number
1-5 years, inclusive.....	380
6-13 years, inclusive.....	826
14-18 years, inclusive.....	382
19-21 years, inclusive.....	119

3. DROPOUTS

(a) Number age 6-18 not attending school: 16.

(b) Incidence of dropout is highest in the communities of Elmo-Dayton and St. Ignatius. Youngsters in the former area attend elementary schools located in Elmo and Dayton, where the school populations are 100 percent and 75 percent Indian, respectively. After completion of elementary school they are enrolled in the high school in Polson, where they sometimes have difficulty adjusting to a predominantly non-Indian school situation. As a result, a greater number dropout of school in the 9th or 10th grades here than elsewhere on the reservation.

Nevertheless, the reservation dropout rate is only a fraction of the magnitude often reported from other sources. Much, though not all, of the exaggeration in popular figures comes from failure to account correctly for those who drop out of one school and subsequently enroll in another, on the reservation or elsewhere.

(c) At present, neither the State of Montana nor local school districts attempts to estimate high school dropout rates, for the reason stated in the preceding paragraph.

4. SCHOOL FACILITIES

System	Number of schools	Capacities	Grades	Enrollment			
				Indian		Non-Indian	
				Elementary	Secondary	Elementary	Secondary
Public:							
Secondary.....	7	1,323	9 to 12.....		217		1,106
Elementary.....	14	2,914	1 to 8.....	511		2,403	
Mission: Elementary.....	1	125	1 to 6.....	50		25	
Public Kindergarten ¹	1	(2)	Kindergarten.....	12			

¹ Special JOM contract for Indian children.

² 1 unit.

5. SPECIAL

(a) In some communities, such as Arlee and Dixon, Indian parents participate in school affairs such as P.T.A. In St. Ignatius and Ronan, the schools hold parent-teacher conferences in which parents participate actively. In nearly all communities the Indian adults attend the school activities, sports, plays, band concerts and graduation exercises. Five members of the Tribes serve on public school boards of trustees.

(b) Tribal Councils have been strong advocates of education, support schools in the local communities and have a positive interest in seeing young members go on to college and into vocational training. That segment of the population with social problems does not place a high valuation on education.

(c) All of the local high schools provide counseling services, but presently this type of service is limited in elementary schools. Some of the larger elementary schools have initiated or plan to start more comprehensive guidance programs. Adult education programs have been held by the local high schools, but the classes have been mainly vocational, such as typing, welding, farm taxes, veterinary and farm record keeping. No course offerings in any of the required high school subjects have been made available to adults who need credits for high school graduation.

6. PROGRESS

As described in Paragraph 1 of this section, educational opportunities and their utilization by tribal members cannot be considered a problem area on the Flathead Reservation. Presently, opportunities through the secondary level are about as available for them as for the non-Indian population, and at the higher education level, probably somewhat more available.

J. HOUSING

1. EXISTING CONDITIONS

(a) There are approximately 640 Indian-owned or occupied homes on the reservation, of which an estimated 160 are in need of repair or replacement.

(b) *Indian Homes—Estimated Percentage Having Specified Facilities:*

- (1) Electricity, 98 Percent
- (2) Telephones, 40 Percent
- (3) Sanitary Facilities, 84 Percent
- (4) Running Water, 87 Percent

(c) Homes of most Indian families now compare favorably with homes of non-Indian families of comparable economic status. Low-income Indian families are increasingly coming into possession of housing equal or superior to that of low-income non-Indians in the area.

During the most recent three years, considerable improvement was made in Indian Housing through BIA Housing Improvement Pro-

gram (HIP) grants, the Tribal Credit Program and various combinations of the two. The Tribal Credit Office has experienced a high level of demand for housing loans and HIP grants, largely because of the success of this program in its first year. The Tribal Council has made substantial additions to its capital investment in the credit program to meet this increased demand, and makes an important monetary contribution to the grant phase.

3. PLANNING

The Housing Authority is pursuing an additional 70 home-ownership and low-rent units under the HUD Turnkey III program. There is some prospect of approval within the fiscal year to proceed on construction of these.

For those members with higher repayment ability, tribal credit and HIP will probably continue to make possible the construction of new housing and remodeling of existing homes at about the recent historical rates of 30 and 35 units per year, respectively.

K. EMPLOYMENT ASSISTANCE PROGRAM

1. DIRECT EMPLOYMENT SERVICE

During FY 1970, 37 units, comprising 63 persons, were assisted in placement in direct employment.

2. ADULT VOCATIONAL TRAINING

Forty units, comprising 64 persons, were placed in AVT during FY 1970.

3. RETURNEES

Thirty six percent (28 units) of those placed in direct employment and AVT during FY 1970 have returned to the reservation. The vast majority of these (20 units, or 71 percent) quit voluntarily or were terminated prior to completion, principally for lack of progress or for disciplinary reasons.

Five units graduated from AVT courses and returned to the reservation. Two units of AVT terminated because of pregnancy of the principal and one unit was terminated by death.

L. READINESS OF INDIANS TO MANAGE THEIR OWN AFFAIRS

1. PROBLEM AREAS

Long-standing paternalism had for many years fostered among elected Tribal officials and many Tribal members a habit of dependency on BIA for critical management decisions; however, implementation at the field level during the last few years of the policy of self-determination, even to the point of insisting on management decisions by the Tribal Council, has contributed significantly to solution of this problem. More limiting to progress has been a deep and widespread apprehension that any assumption of a greater degree of self-determination is part of a scheme to hasten termination of the Federal trust

relationship. This apprehension is founded on the experience of the Tribes in 1954 with the introduction of legislation that proposed immediate Tribal termination. After lengthy hearings in which Tribal delegations and their friends fought with every weapon at their command to avert termination, the legislation was not passed. The memory, however, of that experience remains today the greatest deterrent to Tribal confidence in the consequences of increased self-determination. The latest expression of this feeling is found in Resolution No. 3036 of the Tribal Council, passed on September 23, 1970. This Resolution is in response to the announced policy and efforts of the Bureau to turn over to the various Tribes and Indian communities the control and operation of Federally funded and administered Indian programs. We quote from that Resolution:

Be it resolved by the Tribal Council of the Confederated Salish and Kootenai Tribes that we are opposed to any further takeover, by the Tribes or other groups, of any functions of the Indian Bureau until adequate time has elapsed to evaluate the merits of the present takeover and legislation is passed pledging that the United States will resume its trust responsibility when requested to do so by the Tribal governing body.

Much of the Tribal membership is reluctant to delegate further real authority to the Tribal Council without supervision by the Bureau of Indian Affairs. The off-Reservation membership is especially critical of the management of Tribal affairs by the Council. Recently this criticism has resulted in increasing demands for a change in the Council structure which would increase its efficiency as both a governmental and business management body. The Council recognizes that its structure, regardless of its suitability for governmental function, is not appropriate to management of a business of such diversity.

Over the last few years the Tribes have assumed much responsibility for management, decision making, and program operations. The Tribes have been willing to finance some of these operations themselves and have also been willing for some services traditionally provided by the Bureau of Indian Affairs to be shifted to other Agencies so long as the service is not diminished. They have also taken many actions to provide services to their people through cooperation with other agencies without benefit of assistance from the Bureau of Indian Affairs. A list of such accomplishments would be impressive. The Council would probably continue to assume more responsibility if assurance could be granted as requested in Resolution No. 3036. It should be stated, however, that further assumption by the Tribal Council of governmental service-type operations will not, of itself, assure competence or efficiency in business management. Some change in the organizational structure of the Tribes leading to a separation of the governmental function from the business functions or, alternatively, the employment of competent management isolated from political considerations, will be necessary to accomplish this end. The recent pressure from the membership of the Tribes will probably result in some such changes in the operation of the Tribal Council in the near future.

A recent move by a Reservation-based group of Tribal members is enlisting the support of other members in demanding, through peti-

tion, the creation of an "optional withdrawal" plan whereby each member of the Tribes who chooses may be paid for his pro-rata share of the appraised valuation of the Tribes' assets and withdraw from membership in the Tribes. This group has announced that it will present such a petition to the Secretary of Interior or his authorized representative, requesting a referendum vote of the membership on a constitutional amendment which would create and authorize such a program. The strength of this move remains to be seen, although it is significant to note that the Tribal Council has expressed its opposition to such a plan by a 9 to 1 vote.

The following factors have a significant bearing on future management of Tribal affairs, both governmental and business:

(a) The residency of the enrolled members of the Tribes. Only 2,758 members of the total of 5,538 enrolled reside on the Reservation. Of these, 48 percent were below the age of 20 years on December 31, 1970. This resident enrollment makes up less than 20 percent of the total population within the Reservation boundaries, the remainder being non-Indian.

(b) Employment opportunities on the Reservation. There have been sufficient jobs available in the Reservation area in the unskilled and semi-skilled categories for several years, and, consequently, no pressing need for investment of Tribal funds to create jobs of these types. The recent slump in the timber market and production of lumber and other forest products has altered this situation, at least temporarily.

(c) Tribal income in excess of \$2 million annually is anticipated in fiscal years 1971, 1972 and 1973. In addition to the current claims now being processed for distribution, a settlement of accumulated back rental from the Montana Power Company on the Kerr Dam electrical generating site, now being contested in the Federal courts, could provide from \$8 to \$14 million in extra income in the foreseeable future.

(d) Land ownership patterns on the Reservation. Of the trust lands on the Reservation, 90 percent are in Tribal ownership. Some seventy percent of these are in commercial timber stands. A high degree of professionalism and freedom from political considerations are prerequisite to profitable operation of this forest enterprise.

2. INDIVIDUAL APPLICATIONS

There were no applications for Certificate of Competency in fiscal year 1970; however, there was one order to remove restrictions from property inherited by a non-Indian.

Twelve applications for patents in fee were received during the year; three more were pending at the beginning. Of these 15, seven applications were approved, two disapproved, and six were pending at the end of the year.

At the beginning of FY 1970, there were 66 pending applications for sale of trust lands, and 171 new applications were received during the year. Of the total of 237, 168 were approved, 39 disapproved and 30 were pending at the close of the year.

3. PREVIOUS EVALUATIONS

The most significant and most dependable evaluations that have been submitted to the Bureau of Indian Affairs (and the BOB, OMB) have

been the Agency Program Memoranda for fiscal years 1972 and 1973. In these, substantial effort was put forth and considerable pains taken to present an accurate picture of the reservation status, statistically and analytically. Sources of information and techniques of data gathering and evaluation were developed and continuously improved to substantially greater dependability than the predecessor, uncoordinated branch and activity reports.

The most significant evaluations previously submitted to Congress have been the "Claims Legislation Report" of March, 1967, submitted in connection with the "Aboriginal Lands Claim" settlement described earlier, and the "Claims Legislation Report" of November, 1968, submitted in connection with settlement of the "Expenses of Survey Claim".

The present report necessarily differs from earlier reports by the changes that time has brought. Moreover, in some instances the data in this report is more detailed and more accurate than in any previous like report.

4. CULTURAL ISOLATION

Within the vastly more populous Salish component of the tribal Confederation, relatively little of the distinctively Indian culture remains, and this largely among the elders. While attendance is large at the single reservation-wide annual tribal event, a week-long Pow-wow, it does not seem to hold great ceremonial significance for most of the Salish participants. The Salish tongue is unknown to the majority of tribal members, but is used in the homes of those to whom it is familiar. There is, however, becoming apparent among the younger, well-educated members a resurgence of pride in the Indian portion of their ancestry. This seems to be true even of those of relatively low degree of Indian blood. At it is giving these young people an identity which had once almost been taken from many Indian people, and is stimulating rather than discouraging their desires for education and for successful participation in the nation's affairs, this development must be considered altogether healthy and promising for the future.

Among the minority Kootenai the ties to the historical culture are more important and widespread than is evident from casual observation. There is a greater degree of both geographical and social segregation, and the old ways, the old language and the old traditions are more vital than are their counterparts to the Salish. Their own tribal customs and ceremonials and their attendance at tribal gatherings, on and off-reservation, are of more significance than such are to most of the Salish.

5. NON-INDIAN COMMUNITY

Indian and non-Indian lands and people are intermingled throughout the central valley lands of the reservation. Thus Indian and non-Indian have lived and worked as neighbors for over 50 years. Except for some few in each population, relationships between the two are excellent. (In this context, it must be remembered that the Indian population is a minority on its own reservation.)

From time to time, however, dissatisfaction is expressed by various non-Indian residents at the tax-free status of tribal and individual trust lands. On the contrary, such critical attitudes are tempered by

the awareness of many non-Indians of the historical encroachment, sponsored by the United States, of white settlers upon Indian aboriginal and treaty lands.

All schools on the reservation except one are publicly supported, which in Montana means heavy dependence on a local property tax. The Federal Government contributes substantially to support of affected schools via Johnson-O'Malley and "Impact" funds—in lieu of taxes on trust real property. It is highly doubtful that the present level—in quality, at least—of school and other services could or would be maintained if the Federal contribution were to be terminated or substantially reduced.

6. BUREAU APPROPRIATIONS

FLATHEAD AGENCY FUNDING, SELECTED FISCAL YEARS

[Thousands of dollars]

Program element and activity	1970 (expended)	1971 (appropriated)	1972 (proposed)
Adult education and community development.....	36.6	36.6	36.8
(Contract to Montana State Extension Service).....	(20.5)	(20.5)	(20.5)
Agricultural extension.....	0	0	0
Job training and placement:			
Adult vocational training.....	79.7	134.6	136.3
Direct placement.....	5.6	10.0	6.3
Indian Business Development Fund.....	0	29.2	29.2
Credit and financing ¹	0	0	0
Real property management.....	53.0	51.4	61.8
Real estate appraisal.....	18.5	18.8	28.9
General trustee services.....	7.2	6.2	6.8
Commercial and industrial development.....	0	0	0
Outdoor recreation.....	0	0	0
Forestry ^{2,3}	265.1	224.9	286.0
(Contracts to tribes).....	(62.5)	(0)	(25.0)
Agricultural lands:			
Range lands.....	21.1	19.2	19.7
Soil and moisture conservation.....	56.3	57.2	45.5
(Contract to soil conservation districts).....		(21.3)	(21.3)
Irrigation O. & M.....	0	0	0
Maintaining law and order ²	42.1	43.5	50.5
(Contract to tribes).....	(4.0)	(4.0)	(4.0)
(Proposed contract to tribes).....			(7.0)
Housing assistance:			
Housing improvement.....	42.5	75.0	95.0
(Contract to tribes).....	(42.5)	(75.0)	(95.0)
Housing development.....	18.7	26.5	27.8
(Contract to tribes).....		(6.0)	(6.0)
Welfare and guidance.....	93.6	109.3	107.9
Transportation:			
Road construction.....	3.6	0.0	35.0
Road maintenance.....	48.5	62.5	63.1
(Contract to Elmo Road Corp.).....		(62.5)	(63.1)
Repair and maintenance, B and U:			
Repair and maintenance, education facilities.....	0	0	0
Repair and maintenance, other facilities.....	15.0	8.0	8.2
Reservation programs ⁴	15.5	21.1	26.2
Reservation management.....	66.4	73.6	74.1
Plant operation:			
Plant operation, education facilities.....	0	0	0
Plant operation, other facilities ⁵	(13.2)	(5.5)	(5.6)
Education.....	6.5	12.2	13.6
(Contract to tribes).....	(6.5)	(8.0)	(8.0)
Total.....	895.5	1019.8	1158.2
(Contract total).....	(136.0)	(197.3)	(249.9)

¹ The credit program is exclusively tribal; no Federal funds are involved.

² In addition to Federal funds there is substantial supplemental funding of forestry and law and order activities by the tribes.

³ Federal funds shown here do not represent actual net Federal costs. Due to a 10-percent administrative fee assessed to the tribes, most of the amount shown is returned to the Treasury in most years. In 1970, \$152,955 was returned to the Treasury, leaving a net Federal expenditure of \$112,100. In fiscal year 1969, the administrative fee exceeded the Federal appropriation by \$82,000.

⁴ Increase consists largely of gradual replacement by Federal appropriated moneys of tribal funding for 1 position partially involved in tribal credit. Involvement is declining proportionately.

⁵ These dollars are included in activity funding, pro-rata, so are shown here "non-add".

7. INDIAN COMPLAINTS

Principal sources of complaints are listed :

- (a) Slowness of Bureau procedures in regard to sale of trust lands.
- (b) Restrictions on freedom of management of trust lands.
- (c) Restrictions on access to monies in controlled accounts—particularly of minors' funds, by parents who desire control.
- (d) "Oversupervision" of personal affairs of participants in AVT programs.
- (e) "Inadequacy" of BIA educational grant allowances, and the BIA policy of reducing such grants by amounts of income from other sources (including personal earnings over \$300).
- (f) Inability of the BIA to take effective action to enforce contract stipulations in leases of individual and tribal trust property.
- (g) Inability of the BIA to enforce, promptly or effectively, violations of tribal ordinances by non-members.
- (h) Lack of protection of individual and tribal rights by the Flathead Irrigation Project, in rights-of-way, water rights, and water delivery, and by private parties in water rights.
- (i) Complaints from tribal members about tribally-funded and tribally-managed programs.

RESOLUTION OF THE GOVERNING BODY OF THE CONFEDERATED SALISH
AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION

AN INDIAN CHARTERED CORPORATION

No. 3097

RESOLUTION REQUESTING A DISTRIBUTION OF FUNDS TO BE APPROPRIATED TO THE CREDIT OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION, MONTANA, IN SATISFACTION OF JUDGMENTS TO BE ENTERED AGAINST THE UNITED STATES IN THE UNITED STATES COURT OF CLAIMS

Whereas the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, and the United States, through the Department of Justice, have agreed to compromise and settle the Tribes claim against the United States pending in the United States Court of Claims, Docket No. 50233—Paragraph 7—General Accounting—in the amount of \$6,000,000 subject to attorneys fees; and

Whereas the Confederated Salish and Kootenai Tribes received a favorable report from a commissioner of the Court of Claims on the Tribes claim against the United States in Docket No. 50233—Paragraph 10—Opening of the Reservation—which favorable report recommended that the Court enter a judgment in favor of the Tribes, and the United States appealed from the commissioner's recommendation, and on this date the case resulted in a judgment in favor of the Tribes of approximately \$20,000,000, subject to attorneys fees; and

Whereas the Tribal Council has reviewed the present economic situation of the Tribe and its members, the economic needs of the Tribe and its members, the resources and income of the Tribe and its members, both current and potential, and has reached the conclusion

that it would be in the Tribes' best interest to have a large per capita payment made from any monies appropriated to satisfy judgment in the two cases referred to herein; Now, therefore, be it

Resolved, That the Tribal Council hereby requests that 90% (percent) of any of the funds appropriated to satisfy the two cases herein be distributed on a per capita basis; and be it further

Resolved, That the tribal attorneys be directed to seek immediate introduction into Congress of the appropriate legislation necessary to accomplish the distribution requested by this resolution; and be it further

Resolved, That the necessary papers and documents supporting this resolution be prepared for presentation by the Tribal Council to the appropriate committees of Congress.

CERTIFICATION

The foregoing resolution was adopted by the Tribal Council of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, organized under a Constitution approved October 28, 1935, pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934, 48 Stat. 984, as amended, the authority for this resolution being found in Article VI, Section 1 (a), and (c) of the Constitution, by a vote of 9 for, 1 opposed, and 0 not voting, this 22nd day of January, 1971.

FRED WHITWORTH,
Chairman, Tribal Council.
HOWARD A. ROBINSON,
Superintendent.

Attest:

F. J. HAULE, Jr.,
Tribal Secretary.

RESOLUTION OF THE GOVERNING BODY OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION

RESOLUTION PROPOSING DISTRIBUTION OF JUDGMENT FUNDS TO BE APPROPRIATED TO THE CREDIT OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION, MONTANA, IN SATISFACTION OF JUDGMENTS TO BE ENTERED AGAINST THE UNITED STATES IN THE UNITED STATES COURT OF CLAIMS

Whereas the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, by Resolution 3097 adopted on January 22, 1971, resolved that the tribal attorneys be directed to seek immediate introduction into Congress of the appropriate legislation necessary to provide that 90% (percent) of funds appropriated to satisfy the tribes claim pending in the United States Court of Claims, Docket No. 50233—Paragraph 7—General Accounting—in the amount of \$6,000,000.00 and Paragraph 10—Opening of the Reservation in the amount of approximately \$20,000,000.00, subject to attorneys fees, and

Whereas by said resolution the Council further resolved that the necessary papers and documents supporting the resolution be prepared for presentation by the Tribal Council for the appropriate committees of Congress, and

Whereas legislation has been introduced in both houses of Congress to accomplish the distribution requested by said resolution, now, therefore, be it

Resolved, by the Tribal Council of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, That the following basic plan be presented for the distribution of judgment monies set forth herein:

1. That 90% (percent) of the funds, after attorneys fees, be allocated to each enrolled member of the tribes on the date the legislation is signed into law.

2. Each member of the tribes over the age of 18 years is to receive direct payout of his proportionate share unless said member is declared incompetent by the Secretary of Interior or his authorized representative.

3. The Secretary of the Interior, pursuant to the requirement of Title 25, CFR is requested to supervise the pro-rata share of minors and those adults determined incompetent in an appropriate trust account or in a programmed status.

4. The remaining funds are to be distributed as follows:

(a) One-third ($\frac{1}{3}$) to be invested in an appropriate trust fund, the interest of which is to be used to make scholarship awards to any member desiring to go on to post-high school education.

(b) One-third ($\frac{1}{3}$) to be used in the Tribal land acquisition program to consolidate the land in the Tribal estate.

(c) One-third ($\frac{1}{3}$) to be a capital investment in the Tribal Credit Program.

CERTIFICATION

The foregoing resolution was adopted by the Tribal Council of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, organized under a Constitution approved October 28, 1935, pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934, 48 Stat. 984, as amended, the authority for this resolution being found in Article VI, Section 1 (a), and (c) of the Constitution, by a vote of 5 for, 4 opposed, and 0 not voting, this 6th day of March, 1971.

FRED WHITWORTH,
Chairman, Tribal Council.

F. J. HAULE, JR.,
Tribal Secretary.

Attest:

