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HEARINGS  
before the  
UNITED STATES SENATE,  
COMMITTEE ON INDIAN AFFAIRS,

70th CONGRESS

United States  
Government Printing Office  
Washington

**SURVEY OF CONDITIONS OF THE INDIANS  
IN THE UNITED STATES**

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**HEARINGS**

BEFORE A

**SUBCOMMITTEE OF  
THE COMMITTEE ON INDIAN AFFAIRS  
UNITED STATES SENATE**

SEVENTY-SIXTH CONGRESS

PURSUANT TO

**S. Res. 79 (70th Cong.) and Subsequent Continuing Resolutions  
until the end of the Regular Session of the  
Seventy-sixth Congress**

**A RESOLUTION DIRECTING THE COMMITTEE ON INDIAN  
AFFAIRS OF THE UNITED STATES SENATE TO MAKE  
A GENERAL SURVEY OF THE CONDITION OF  
THE INDIANS OF THE UNITED STATES**

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**PART 37**

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Printed for the use of the Committee on Indian Affairs



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GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1940

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## FLATHEAD RESERVATION, MONTANA

## STATEMENT OF LORENA MARKLE BURGESS, PARADISE, MONT.

The CHAIRMAN. Give your full name to the reporter, please.

Mrs. BURGESS. Lorena Markle Burgess.

The CHAIRMAN. What is your post-office address?

Mrs. BURGESS. Paradise, Mont.

The CHAIRMAN. To what tribe of Indians, if any, do you belong?

Mrs. BURGESS. The Flatheads.

The CHAIRMAN. Are you a member of that tribe yourself?

Mrs. BURGESS. I am a member of that tribe.

The CHAIRMAN. What degree of blood have you?

Mrs. BURGESS. I don't know.

The CHAIRMAN. Are you an enrolled Indian?

Mrs. BURGESS. I am enrolled and allotted.

The CHAIRMAN. How many members do you have in your tribe?

Mrs. BURGESS. There are supposed to be 3,119, but I doubt it.

The CHAIRMAN. Do you have a reservation?

Mrs. BURGESS. Yes.

The CHAIRMAN. How much land is there in your reservation?

Mrs. BURGESS. The tribal lands comprise 373,256 acres; the allotted lands are 222,155 acres; the power reserves are 23,493 acres.

The CHAIRMAN. Did you have a statement there showing the statistics?

Mrs. BURGESS. I have here a statement showing that.

The CHAIRMAN. You may place that in the record. I think it is proper to lay a foundation for your testimony.

By what authority do you appear before the committee?

Mrs. BURGESS. By authority of the tribe.

The CHAIRMAN. Does the tribe have a regularly elected council?

Mrs. BURGESS. The tribe has a council, but I didn't come through the council; I came through the people in general.

The CHAIRMAN. You do not represent the council, then?

Mrs. BURGESS. I represent the people.

The CHAIRMAN. Whom do you mean by "the people"?

Mrs. BURGESS. The subjects of the reservation.

The CHAIRMAN. How many Indians do you speak for?

Mrs. BURGESS. I speak for the biggest majority.

The CHAIRMAN. For the majority of them?

Mrs. BURGESS. Yes.

The CHAIRMAN. In what capacity do you appear before the committee? To advocate the repeal of the Wheeler-Howard Act as it affects the Flathead Reservation?

Mrs. BURGESS. Yes, sir. The Wheeler-Howard Act is not satisfactory for our people.

The CHAIRMAN. Then, you may go ahead with your statement. We will have about 10 minutes before the Senate meets at 12 o'clock.

Mrs. BURGESS. I have here a petition signed by 555 adult signers, asking repeal of the Wheeler-Howard Act. The heading of this petition reads:



We, the undersigned Indians, being 21 or more years of age, do hereby endorse the bill, S. 1736, entitled, "To repeal the act entitled 'An act to conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes,' approved June 18, 1934, and the act of June 15, 1935, supplementary thereto," as introduced into the Senate of the United States on March 1, 1937, by Hon. Burton K. Wheeler and Hon. Lynn J. Frazier; and we do hereby respectfully petition the Congress of the United States to enact the said bill and the President of the United States to sign it.

Senator CHAVEZ. What proportion of the adults of the reservation are those 555?

Mrs. JEMISON. According to the Bureau figures, there are 1,250 adult Indians on the Flathead Indian Reservation. That was in 1934.

Mrs. BURGESS. I would like to have this petition placed in the record.

The CHAIRMAN. That may be filed with the committee; I am not sure whether it would be advisable to have it printed in the record.

(The petition containing 555 signatures is filed with the Senate Committee on Indian Affairs.)

The CHAIRMAN. You may proceed to make any statement you care to make or submit any document which you wish to submit.

Mrs. BURGESS. I have here another petition from the Flatheads for the removal of their agent. It has 378 signers.

The heading of this petition is as follows:

We, the Indians occupying lands on the Flathead Indian Reservation, and wards of the Government, hereby request that you use your best influence for the removal of L. W. Shotwell, Indian agent, Flathead Indian Agency, at Dixon, Mont., and as grounds for such removal, allege:

That said L. W. Shotwell is not working in the best interests of said Indians. That he is dictatorial in his manner, and does not keep his word. That he makes promises and makes no attempt whatsoever to carry such promises into effect. That he encourages gambling among the Indians for about 3 days each week, and has neglected the poor and the old, compelling them to go to the county for relief. That many of the Indians are destitute, without sufficient clothing to carry them through the winter, and many of the Indians will suffer unless some attention is given to their relief. That he has refused again and again to do anything for their relief. That he has told the Indians again and again that they will never receive any tribal money as long as he is in the office.

Conditions now are the worst that we have ever seen on the Flathead Indian Reservation.

The undersigned are ready to prove these allegations should you desire a hearing.

The CHAIRMAN. Of course, this committee has no power to remove agents. That petition should, I think, be filed with some other tribunal than this committee, because I do not think we would have any power to consider the transfer or discharge of any Indian agent.

Senator WHEELER. You would have to take that up with the Indian Office. They are really the only ones who have anything to say about whether or not a transfer can be made.

Mrs. JEMISON. I will say this: that following the Sioux hearings for the Rosebud Indians in South Dakota, following the things revealed before this committee, there were several employees trans-

ferred by the Indian Bureau, and I think that what Mrs. Burgess wants to call to your attention is the fact that this number of Indians is willing to go on record as to why they want this agent removed. She will make some statement as to why they want him removed.

The CHAIRMAN. I think you can go onto any Indian reservation in the United States and get a very large percentage of any tribe to sign a petition to remove any official who may be serving at that Indian agency, but there is nothing that this committee can do about it.

Senator WHEELER. Who is the superintendent at the present time?

Mrs. BURGESS. Mr. Shotwell.

Senator WHEELER. Mr. Shotwell, yes. Of course, the only thing the committee could do would be to make a recommendation. We could make a recommendation that the agent be transferred, but the Indian Office would not have to pay any attention to the recommendation unless it wanted to.

Senator CHAVEZ. That is probably what would happen.

Senator WHEELER. Yes; it probably would not pay any attention to it.

Mrs. BURGESS. Previous to the passage of the Wheeler-Howard Act, the Indians on the Flathead Reservation were in good circumstances, as Mr. Wheeler knows. They were independent, and there was very little if any, suffering. But since the Wheeler-Howard Act, they have lost their lands, they have lost their horses and their cattle—they have lost practically everything. The big majority of them are in destitute circumstances. I am very sure—and I have been told this many times—that there are many of them who have actually died from starvation and from freezing in the cold weather.

I know it to be a fact that many of the members of the Flathead Reservation have been forced to go to various towns—Missoula and Kalispell—and have existed from the garbage cans at times in the winter.

Senator CHAVEZ. Aren't they allowed to raise cattle or do farming within the reservation? What brings about the condition of destitution?

Mrs. BURGESS. What will they farm with?

Senator WHEELER. They have land.

Mrs. BURGESS. They have land, but then if a white man wants to lease that land, he can go to the agent and lease it, whether the Indians want it leased or not. There are just a certain few that will stand up and battle and keep from losing their lands.

Then, when it is leased, there are very few who get the full amount that their land is leased for. There is Joe Parker, whom I know of, who leased his land for \$16. Shotwell collected the money for it, and the boy got only \$10 out of it. Where did the other \$6 go?

Senator WHEELER. The Indians do not have to lease their land unless they want to.

Mrs. BURGESS. They do not have to, but they lease it right out from under them, whether they want to or not. There are just a few people who stand up for their rights.

Senator WHEELER. Do you mean that the Indian agent leases it regardless of whether or not the Indians want to lease it?

Mrs. BURGESS. Yes.

Senator WHEELER. I hardly believe that any Indian agent would dare to lease lands unless the Indians wanted it done.

Mrs. BURGESS. Mr. Wheeler, it is being done.

Senator WHEELER. Have you any affidavits to prove that?

Mrs. BURGESS. I haven't any, but I can submit them later.

Senator WHEELER. I would like to have some affidavits stating that Shotwell is leasing the lands of these Indians when they do not want it leased.

Mrs. BURGESS. Not all Indians.

Senator WHEELER. I would like to know when and where he has leased any lands of any Indians.

Mrs. BURGESS. Would it be all right if I went home and then sent you the affidavits?

Senator WHEELER. Of course. You can send them to me.

Mrs. BURGESS. I can do that.

Senator WHEELER. What else is Shotwell doing out there that you feel is wrong? So many times this committee has gone onto an Indian reservation to hold hearings and the Indians have come and complained to us, but then, when we asked the superintendent or the officers in charge of the reservation for an explanation, we found that the Indians many times were mistaken, not that they intentionally lied, or anything like that, but they did not understand the situation.

Mrs. BURGESS. That may be true in many cases, but not all.

Senator WHEELER. Not all; but it was true in many cases.

Mrs. BURGESS. It may be true in many cases, but not all.

Here is another instance. A boy got \$25 for his rent. He didn't want to lease his land, but nevertheless he let the lease go, and the rent was collected at the agency. He wanted the money; he needed it. He has a family, and the only way he could get that money was to drive to the agency for that money, and they would only issue it in \$5 payments. There were gas and oil for that distance. I presume it would be around 55 or 60 miles a round trip that he went to get that \$5. Why couldn't they have given him all that money so that he could have bought as he wanted to or whatever he wanted to and taken care of his own business?

Senator WHEELER. He should have got it, unless there was something that we do not know about. Was he a sober, industrious boy, or a man who went out and squandered his money for drinks?

Mrs. BURGESS. He drinks once in a while, but then he takes care of his family.

Senator WHEELER. What does he do for a living?

Mrs. BURGESS. He farms or works mostly for the white people. I believe now he is working on the road.

Senator WHEELER. I would like to have an affidavit from him sent to me. Of course, the Indian Office may not pay any attention to it and may forget it.

Mrs. BURGESS. As far as getting loans through the agent for the Indians is concerned, there are only a few that can get those loans, and those who can get a loan are usually those who cannot pay the loan back. There is no chance for them to pay it back. It is a rare thing for one who can pay the loan back to get a loan, unless they are of the tribal council or someone who works for Mr. Shotwell.

Senator WHEELER. I think I heard the same claim made at the Blackfoot Reservation—that the insiders and the head of the council made loans to the inside group but did not make them to people who, many times, needed them.

Mrs. BURGESS. That is true; but there are many people who would pay the loans back and could pay them back, if they could have made them; but the loans are made only to some incompetent persons. Then, of course, they will take whatever he has got.

If they want to buy a piece of land, they have to give a deed to that land back to the Interior Department. When the loan is paid—the obligation is paid—they can't get the deed back; they are refused the return of their deed.

Senator WHEELER. How do you mean?

Mrs. BURGESS. For instance, I was thinking of getting a loan, and I know others who were. I wanted to buy another place. If I had bought that place, I would have had to turn the deed in to the Department.

Senator WHEELER. If you had got the loan, what would you have had to do? Turn the deed in as security?

Mrs. BURGESS. Yes; as security. Then, when I had paid that obligation back, I couldn't get the deed back—a clear title; it would still remain in trust.

Senator WHEELER. Why do you say that?

Mrs. BURGESS. Why do I say that? Because it is a fact.

Senator WHEELER. Have you some evidence to show where that has been done?

Mrs. BURGESS. Yes; I hear the complaints of everybody.

Senator WHEELER. You hear the complaints, but that is just hearsay. Can you get for me some affidavits as to that fact?

Mrs. BURGESS. Yes.

Senator WHEELER. That is what I want. It is not much use for me to go down to the Bureau and say, "I hear that it is the situation generally." What I want are some specific instances of where that has been done.

Mrs. BURGESS. I came here on other business and was not really prepared. If I had known I was coming before this committee when I left home, I would have had affidavits to submit.

Senator WHEELER. Are all the officials of the tribal council out there on the Government pay roll?

Mrs. BURGESS. They tell me that they are on the Government pay roll, and not only holding the position of tribal councilmen, but most of them are holding two Government jobs.

Senator WHEELER. That same complaint has come to me. It was made to me on the Blackfoot Indian Reservation, and it was made to me on the Flathead and on other reservations.

What about that? I am asking one of you men representing the Indian Office.

Mr. McNICKLE. There are cases of individuals being on the Government payroll and being tribal officers. We have tried to establish the policy of preventing that, but whether or not there is an actual case in the Flathead, I do not know.

Senator WHEELER. There are actual cases on the Blackfoot. There aren't any "ifs" or "ands" about that, because I have gone in per-

sonally and talked with them. They were on the Indian council and were holding Government jobs.

Mrs. BURGESS. Mr. Dupuis is subagent and also tribal councilman. Senator WHEELER. Does he get paid for being on the tribal council?

Mrs. BURGESS. Yes; he gets paid for both jobs, as I understand it.

Senator WHEELER. I am not at all sure that this committee should not send a subcommittee out to some of these Indian reservations to make an investigation of these conditions. We have done it under other administrations. Frankly, I think the situation is becoming a racket on the part of a small group on some of these Indian reservations. They are just manipulating things for their own private benefit, and they are drawing down good salaries, while the rank and file of the Indians are getting no benefits.

If you people in the Indian Office do not correct that situation and look into it more often, you are going to be condemned up here in the Senate worse than any other administration has been.

Mr. McNICKLE. We have been aware of the problem ever since we started organizing tribes. We have realized that if the Government holds the purse strings of the tribe, it in effect controls the tribe. We don't want to do that.

On the other hand, there are reservations that have no tribal money; they cannot operate. So, to make a hard and fast rule would mean that we would be in some cases destroying any chance of the tribal government functioning at all unless it were possible for the councilmen to get some kind of pay.

There are not many people who will go out and do public service for their own government, for their own people, without somehow being able to live while doing it.

Senator WHEELER. But nobody ever condemned that practice of tribal councilmen being on the Government pay roll any more than the present Commissioner of Indian Affairs when he was at the head of an Indian organization, because he came before this committee time and time again contending that those fellows could not be believed because they were on the Government pay roll.

The same thing is going on today, in my judgment, to a greater extent than it ever went on any time before, and particularly under this so-called Wheeler-Howard Act.

Senator CHAVEZ. We had some testimony from Klamath on one occasion, when the members of the business council were employees of the Government.

Senator WHEELER. They are in almost every one of these reservations. Members of the business council are placed on the pay roll, and they absolutely control things and do whatever the superintendent tells them to do. It is just getting to be a racket. They run the show out there. They make loans to themselves. Here they are on the Government pay roll, as a matter of fact, making loans to themselves and loans to their relatives. It is just a bad situation which ought to be stopped and ought to be cleaned up.

Mrs. JEMISON. In a great many instances the money which they loan out to themselves is money that belongs to all the members of the tribe.

Senator WHEELER. That is right.

Mrs. BURGESS. The Flatheads would like to know where their tribal resources and the income from the tribal resources goes. We have income from grazing, timber, agricultural and mining leases, from the power site, from hot springs, and from reclamation. The superintendent will not tell us how much money comes in from these things nor how the money is spent. We have asked the council for this information and they have refused to give it to us. We would like the committee to secure an itemized accounting of our funds for the last 10 years from the Indian Bureau.

One of the reasons why the Flatheads are becoming poorer every year is because the superintendent tries to have everything done in "cooperatives" now. He does not want to make any per capita payments to the Indians but wants to hold the money in a fund which can be used for community projects. They had a cattle cooperative and the reservation was divided into grazing districts and the agency favorites were given cattle. But the cooperative fell through and some of the cattle were taken back by the agency. The trouble is that nobody is to own anything any more. The superintendent says he is buying land with the money from the power site, but what good is the land to the Indians when they can never own it by clear title. The council gives them an assignment of land, or the land is purchased with tribal funds and then if the council decides the Indian is not in favor of the Wheeler-Howard Act or some of them do not like him, they take his land away from him. I know that they built a colony or community of houses at St. Ignatius, either with Government money or tribal money, I am not sure which, and for a while some of the Indians were living in there and they thought that was to be their homes. But now some of the houses have been taken back by the agency and they are standing vacant and going to ruin. The superintendent is now urging the council to use the tribal funds to build a community cannery at Polson, Mont. The Flatheads do not want to spend their money in these cooperatives which are controlled by the Government because the Government owns everything and manages and operates everything. Such projects are for the good of the Bureau employees and not for the Indians. We will just be saddled with a lot of debts or lose all our tribal funds just to make more jobs for the Bureau.

The council has appropriated tribal funds for a lot of "deals" which we do not approve. We have asked for the full information but they will not give it to us. There was the matter of Bud Bruns' property. Bud Bruns was about to lose his property through tax sales and the whole things could have been bought in at the sale. Instead of that, before the tax sale was held, the superintendent had the Wheeler-Howard council agree that they would give Bud Bruns \$16,000 worth of good timber in exchange for the property. This was done in 1938. The place never was worth \$16,000. It is very poor land and nobody has ever been able to make a success living on the property. This is a good example of the kind of land the Bureau buys with Indian funds and the way in which tribal funds are wasted.

I want to call attention to the case of Mary Louise Bouchard Gauthier, of Ronan, Mont. She is an enrolled Flathead Indian, who married a French Canadian in 1916 and he has never taken out

complete citizenship papers in the United States. She had an allotment of land and the agency forced a patent in fee upon her over her objections. She and her husband always lived on the reservation and at least part of the time upon this allotment. She owed a bill to some white man and fell behind in her payments when the depression came along. Instead of helping her make arrangements for smaller payments or more time, the lawyer representing the Flatheads promised to help her so she would not lose her land. He did not keep his word.

Then the man who handles the naturalization affairs came and told her that she lost her citizenship when she married the French Canadian, and that she will have to take out citizenship papers.

I do not see what this has to do with her right to own property in the United States.

She refused to give up her deed when they took the place from her. They said, "The court will give us a deed." It is recorded in the county.

I believe that she has been defrauded out of this property, and this case should have been looked into by someone in authority.

I also wish to call the attention of the committee to the fact that Superintendent Shotwell does not correctly report the deaths on the Flathead Reservation. I have here a letter from Mr. Daiker, Assistant to the Commissioner, dated January 5, 1939, in which he states that during the years 1934 through 1937, 165 deaths were reported upon the Flathead Reservation. Now the reports of Father Taelman and the priest at Ronan show that in the two districts of St. Ignatius-Arlee and Ronan, there were a total of 208 deaths in the same period of time from 1934 through 1937. These are only 2 of the 6 or 7 districts on the reservations and their figures exceed that of the Indian Bureau for the total reservation by 43.

I wish also to tell you about the vast building programs on the reservation which we think has been a very wasteful expense in many instances. They have built a new hospital there and it is not used for a hospital but instead some of the employees live in it. Now they are talking of building another new hospital. Then they have built many beautiful homes for the Reclamation Service people, for the agency employees, and recently a house for the secretary of the tribal council. They built a new house for the superintendent. In building this one they tore out the basement or heating plant twice and completely remodeled it. I am informed that they built a swimming pool on the grounds and I know that they built a rock garden and had to haul the rocks for many miles to do this. None of these things are of any value to the Indians.

They have also built a large gymnasium at Flathead and I wish particularly to call the attention of the committee to the use being made of this gym. All winter long, 3 days a week, Friday, Saturday, and Sunday, many of the Flatheads use this gymnasium for gambling purposes with the approval and consent of the superintendent. Whenever any celebrations or dances are held in the gym, then the gambling goes on in the side rooms. In the summertime they have a regular gambling grounds out of doors within a mile of the agency, and the council has recently appropriated tribal lumber to put up toilets on this ground, the labor to be donated by Eneas

Barth, of Arlee. It is not alone the gambling which takes place at the gym or on the grounds that the Flatheads object to but also the immorality. As a direct result of this situation which is going on with the consent of the superintendent, some of our youth and even some children are being rapidly demoralized. During the past 3 or 4 years there has been a great increase in illegitimate births and many of these cases are among girls of school age.

I wish to quote from a letter written to me by Superintendent Shotwell early in 1939. The letter says:

Notwithstanding this large income in the hands of the Indians of this tribe, there has been a greater demand during the past few months for direct relief than ever before. This is no doubt due to the Indians' lack of frugality in his expenditures as well as his tendency to squander his money in drinking and carousing and other forms of dissipation.

Such a statement is direct slander to well over three-fourths of the Flatheads. The Flatheads will compare most favorably with any similar number of Americans in similar economic circumstances. Furthermore, any drinking, carousing, and dissipation of money on the Flathead reservation is not only being encouraged but is being promoted and taught to the children by the gambling den which the superintendent permits to operate within the Government owned and operated gymnasium at the agency, where many Flatheads spend 3 days out of every week.

There are many things on the Flathead Reservation which need immediate investigation. All of them are being done under authority of the so-called Wheeler-Howard Act. I wish to most earnestly urge that this committee visit the Flathead Reservation and to recommend that anyone who comes to do the investigating go out independently to make the investigations among the Indians instead of going to the agency, being entertained there and taken around and shown just what the superintendent wishes them to see. The place to find out the truth is among the Indians and after the truth is uncovered then it can be taken up with the agency officials.

In concluding my statement, I wish to place in the record a statement made by David Couture, who is 72 years old. Mr. Couture says that 50 years ago, when he was about 22, there was just a superintendent, a clerk, a blacksmith, a miller, and one boss farmer to take care of the entire Flathead Reservation, and "all the Indians were independent and self-supporting." Today, we have hundreds of employees on the Flathead Reservation and I wish the committee would ask the Indian Bureau to furnish an itemized statement for this record, showing the cost of administering the Flathead Agency for the past 10 years and how much was Government money and how much was tribal funds, including the money spent for rehabilitation and work relief. To show the conditions of the Flatheads today, I wish to place in the record this group of statements which were voluntarily given by merchants on the Flathead Reservation. All of them state that the Flatheads are in the very worst circumstances that they have ever been. I wish also to put into the record a letter from Mrs. Mary Blood which shows the manner in which the superintendent conducts business in regard to Indian funds held on deposit in the agency, and I would like permission to send some additional statements and affidavits for this record after I return home.



The Wheeler-Howard Act has been the very worst thing that has ever happened to the Flatheads and I am sure that all of you would agree if you could thoroughly investigate the matter. The Flatheads delegated me to come here and tell you these things and to urge you to amend the Wheeler-Howard Act to take the Indians of our reservation out of it. Thank you sincerely for granting me this hearing. I did not expect to have this opportunity for the local Bureau officials said that I would never get a hearing in Washington. I appreciate this very much, and I hope that this record will be printed very soon so that my people can know exactly what I have said here. Thank you.

EXHIBIT 1

FOREST AND RANGE<sup>1</sup>

The gross area of the reservation is 1,243,969 acres. It was opened to entry in 1910 and since that time 615,935 acres have been alienated; of the remaining 628,034 acres, 394,279 acres are owned by the tribe and 232,552 acres are in restricted allotments; 1,203 acres are in administrative sites. Practically all tribal lands are in high and rough mountains that form the border of the reservation on all sides except at the northeast corner. However, some tribal lands in the interior of the reservation are located on low short mountains or ridges that rise above the general level of the surrounding country. Restricted allotted lands are, for the most part, located on slopes and in the foothills of mountains; 17,500 acres are within irrigation districts. One hundred and eighty-one thousand, six hundred and two acres of tribal land contain an estimated 984,041,000 feet, board measure, of timber estimated to be worth \$2,730,837; 162,904 acres of trust allotted land contain 6,000,000 feet of timber worth \$88,880; 54,506 acres of timbered tribal land and 78,350 acres of allotted timber land have been cut over. At one time timber was the main source of individual and tribal income, but with the development of irrigated agriculture and the depletion of readily accessible timber it has ceased to be an important factor in reservation economy. During the fiscal year 1938 only 3,957,030 feet, board measure, were sold having a value of \$11,966.93. The timber consists of 75 percent ponderosa pine, 12 percent Douglas fir, 9 percent larch, and 4 percent spruce, lodgepole, and cedar. Much of the remaining uncut timber is not easily accessible, though there are some areas of excellent timber in the west and northwest parts of the reservation that are accessible. A woodland survey should be made in order to determine the amount and location of merchantable timber and to develop a management plan for its protection and orderly harvesting.

The range forage resource is of great importance. There are 195,486 acres of tribal and 108,261 acres of allotted range land having an estimated total carrying capacity of 37,561 cattle months. Present stocking of these lands is 27,384 cattle months. The range area is classified according to range types as follows:

	Acres
Open grassland.....	22, 595
Meadow.....	200
Weeds.....	5, 850
Sagebrush.....	60
Browse.....	152, 470
Range in coniferous timber.....	122, 572
<b>Total grazing land.....</b>	<b>303, 747</b>

One hundred and seventy-eight thousand, one hundred and ninety-two acres are classified as barren and waste land, due to the fact that they are either barren of vegative cover and excessively steep or covered with such a dense stand of timber as to be impenetrable to grazing animals.

<sup>1</sup>The above was taken from the Reconnaissance Survey, U. S. Department of Agriculture, Soil Conservation Service. April 1939.

## EXHIBIT 1-A

	<i>Acres</i>
Total area of reservation.....	1,249,150
Total area alienated lands.....	629,086
Homestead.....	575,106
Patented.....	12,143
Trust land sales.....	41,837
Total area Indian lands.....	620,064
Tribal lands.....	373,256
Allotted lands.....	222,155
Administrative sites.....	1,160
Power and reservoir.....	23,493
Type of Indian lands:	
Agricultural.....	49,544
Grazing.....	299,740
Forest.....	159,190
Barren and waste.....	111,590
Total.....	620,064
Agricultural.....	49,544
Irrigated Indian.....	1,872
Irrigated leased.....	4,000
Total under water.....	5,872
Irrigated but not under ditch.....	20,000
Dry land, Indian.....	5,443
Dry land, leased farming and grazing.....	18,230
Grazing, timber, and other.....	570,520
Open grass land.....	66,733
Weeds.....	36,920
Browse.....	68,127
Forest lands.....	331,998
Barren and waste.....	66,742

## EXHIBIT 2

## STATEMENT OF FACT

PERMA, MONT., June 18, 1939.

Superintendent Ronan, superintendent.

They were building road from Hot Springs to Ronan when he hired me.

For 6 weeks' time I got a harness, wagon, harrow, and grindstone for the work.

All of the Indians got paid by wagons, plows, harnesses, etc. In those days when an Indian got his harness, etc., he had to work for it.

A lot of these Indians are dead.

I was 25 years old at the time and now I am 75.

The agent at that time was Major Ronan.

The agency was at Arlee.

To take care of the people on this reservation there were: one agent, one clerk, one blacksmith, one miller, and one boss farmer.

All the Indians were independent and self-supporting. When the reservation was opened the superintendent got hold of them they quit farming and ranching and their land was leased to the whites.

DAVID COUTURE.

EXHIBIT 3

POLSON, MONT., *October 27, 1938.*

*To Whom It May Concern:*

I have been engaged in the same business here for 22 years. During the earlier part of that time the Indians on the Flathead Reservation had money, seemed fairly prosperous, and always traded with the local merchants. For the past 2 or 3 years the Indians generally seemed almost destitute, rarely have cash, and are not particularly happy. Business transacted in my store with the Indians used to be substantial, now it is little.

M. FRANK EMORY.

EXHIBIT 3-A

POLSON, MONT., *October 29, 1938.*

*To Whom It May Concern:*

Being a butcher, meat, or cattle buyer for the past 28 years, I find the decrease in Indian livestock to have decreased at least 90 percent and the meat producing animals owned by the Indians to be 95 percent more or less. The Indians seem to be in poorer circumstances than ever due to the lack of purchasing power.

C. A. DAVENPORT.

EXHIBIT 3-B

DIXON, MONT., *October 26, 1938.*

*To Whom It May Concern:*

Have been in business in Dixon for 20 years, our Indian business has dropped off at least 50 percent in the last 8 years.

C. E. MOLAUGHLIN.

EXHIBIT 3-C

PARADISE MERCHANTILE.  
*Paradise, Mont., October 25, 1938.*

*To whom it may concern:*

I have been in the general merchandise business here at Paradise, Mont., for the past 30 years and for years I had a very nice Indian trade, but in the last 3 years there business has dropped over 75 percent and it looks to me the Indians are in poorer circumstances right now then ever before during all the time I have been in business here.

Yours truly,

JOHN F. HAUGE, *Proprietor.*

EXHIBIT 3-D

THE QUALITY SHOP,  
*Polson, Mont. October 28, 1938.*

*To whom it may concern:*

We have been in business in the same location for the past 23 years and during that time we have had many Indian customers. During the past few years we have noted that their buying power has gone steadily down, and that they do not seem to have much of anything left.

J. BICKFORD.

EXHIBIT 3-E

DAVIS MERCANTILE Co.,  
*Polson, Mont., October 26, 1938.*

*To whom it may concern:*

This is to certify that our business with the Indians (Flatheads) is less by 40 to 50 percent from what it used to be and we attribute this to his decrease in buying power.

Yours very truly,

R. B. DAVIS.

EXHIBIT 3-F

BECKWITH BROS.,  
St. Ignatius, Mont.,

*To whom it may concern:*

In the 36 years that we have been dealing with the Flathead Indians our business with them has declined approximately 75 percent. We attribute this to their decreased purchasing power.

BECKWITH BROS., INC.

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EXHIBIT 3-G

GRINDE'S,  
Polson, Mont., October 26, 1938.

*To whom it may concern:*

We have been in Polson only 4 years and we find that the Indians do not receive pay to enable them to obtain the necessities of life.

We have been informed that the Indian business used to be 50 to 75 percent greater a few years back.

S. W. GRINDE.

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EXHIBIT 3-H

DIXON, MONT., October 26, 1938.

*To whom it may concern:*

We have been in business in the town of Dixon, Mont., for the past 29 years and we can state that in the past 4 years our automobile business, gas and oil, and general repair business with the Indians has decreased around 90 percent. We feel that the Indians must not be getting a fair deal.

DIXON MOTORS,  
By ISABEL M. SULLIVAN.

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EXHIBIT 3-I

JACOBS & JACOBS,  
PERMA, MONT., October 26, 1938.

*To Whom It May Concern:*

We have been in business in this reservation for nearly 8 years and find that the Indians are in poorer circumstances than we have ever known to be. There has been at least a 75-percent reduction.

E. R. JACOBS.

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EXHIBIT 3-J

POLSON, MONT., October 27, 1938.

*To Whom It May Concern:*

We have been in business in Polson for nearly 8 years, and we find that our Indian business has fallen off approximately 50 percent in the last 4 or 5 years.

SAFEWAY STORES, INC., No. 1849,  
R. HARD, Manager.

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EXHIBIT 4

ST. IGNATIUS, MONT., June 27, 1939.

DEAR LORENA: I am asked quite often to write to Senator B. K. Wheeler by Indians who have individual moneys at the agency office, saying that the clerk will not give them their money when they ask for it. They are in need of it for food and clothing and cannot get it.

Some are fee patent Indians. While the agent says he has nothing to do with he or she, he will hold on to his or her individual money from leases or other resources. The person asks, has the office authority to hold that money when he needs it. In this particular case, the husband gets a little pension of \$12 or \$15 per month. His wife is not old enough to receive a pension, but has individual money that is made out in her husband's name, and she cannot get it for her use. How do you think they should go about getting it.

Another person has money that was deposited at the office some 3 months ago. He has demanded it three or four times now. The answer he gets is this: The Interior has not yet released it. What do they mean and why should the office hold that money so long when the person and his family needs it for food and clothing? I know for a fact that the mother needs cooking utensils and they were out of wood and milk for an infant and other children. Who should we send this letter to, to get quick results?

Yours sincerely,

MARY IRVINE BLOOD.

AFFIDAVIT SENT TO COMMITTEE BY MRS. BURGESS TO SUBSTANTIATE STATEMENT

STATE OF MONTANA,

*County of Lake, ss:*

Louise Bouchard Gauthier, first being duly sworn, says: I am over 21 years of age, a member of the Flathead Indian Reservation, State of Montana, and I wish to state:

I was working at the Scaerce Store, Ronan, Mont., when my land patent was forced on me. I did not want this patent because I did not want to pay taxes and my wages was small.

When I married we farmed my land, I got a loan from Mrs. Cyr and that loan was transferred to the bank in Missoula. This bank went defunct and then they foreclosed on my loan. The Missoula Mercantile bought this mortgage from the bank, they demanded my deed, I refused to give up the deed and I still have it.

The lawyer that was working for the Flatheads promised to help me get this land back. He did not keep his word.

If I could have got a loan or an extension of time I could have saved my place.

Further affiant sayeth not.

LOUISE BOUCHARD GAUTHIER.

Subscribed and sworn to before me this 3d day of August 1939.

[SEAL]

MARGARET STERLING,

*Notary Public, County of Lake, State of Montana.*

My commission expires January 16, 1940.

AFFIDAVIT

STATE OF MONTANA,

*County of Sanders, ss:*

Joseph Stanislaw, first being duly sworn, says: I am a member of the Flathead Indian Reservation, a resident of Camas Prairie, county of Sanders, State of Montana, and I wish to say:

When my mother, Mary Susteel Silpah, died she left an allotment of 80 acres to myself and my sister, Mary Yostswee.

The agent leased this land without our consent, to a man by the name of Martin Sweet. We did not get a cent of this money. This year Mrs. Cross went to the agency and leased this same land for 3 years. I do not know what kind of a deal has been made.

I just have her word that she has a 3-year lease.

We want our lease money. If I could have this land I would farm it.

Two years ago my 80 acres of land was filled with cattle and horses. There was a good fence around the place and the gates were closed. I went to see if I could get some money for the pasturage of this land. Mr. McDonald told me.

"We can't make these guys pay for the use of your place." Mr. McDonald is a tribal councilman.

Further affiant sayeth not.

JOSEPH (his mark) STANISLOW (age 47).

Witness:

LOVENA M. BURGESS.

Subscribed and sworn to before me this 8th day of August 1939.

[SEAL]

MARGARET MULICK,

Notary Public, County of Sanders, State of Montana.

My commission expires August 29, 1939.

AFFIDAVIT

STATE OF MONTANA,  
County of Sanders, ss:

Philamine Tesco, first being duly sworn, says: I am 66 years of age, a member of the Flathead Indian Reservation, county of Sanders, State of Montana, and I live on Camas Prairie.

I wish to state: I heard my brother Louie Quinta say that when he had \$50 at the agency they would only let him have \$5 at a time and that it took a lot of his money for gas and oil to go to the agency to get the \$5 each time he got it.

Louie Quinta (Toweepee) is my brother and at present he is at Libby, Mont., way up in the mountains picking berries now.

Further affiant sayeth not.

PHILAMINE (her mark) TESCO (age 66).

Witness:

L. M. BURGESS.

Subscribed and sworn to before me this 8th day of August, 1939.

[SEAL]

MARGARET MULICK,

Notary Public, County of Sanders, State of Montana.

My commission expires August 29, 1939.

AFFIDAVIT

STATE OF MONTANA,  
County of Montana, ss:

Pierre Chooloollee, a resident of the Flathead Indian Reservation, Camas Prairie, county of Sanders, State of Montana. I am over 21 years of age and I wish to state:

I have my P. W. A. at the agency. Mr. Shotwell will not let me have or handle any of this money. There are eight of us in our family and we need my money.

Last week I asked for some money to get some groceries and a clerk went with me and O. K.'d a \$15 purchase order. I wanted 25 pounds of sugar and they made me take 25 cents worth. We are forced to buy 25 cents or 50 cents worth of the different articles at a time.

Two years ago the agent leased my land and I had \$500 out of my crop share. Last year it was the same amount.

I wanted enough \$140 to buy a wood saw they refused to let me have the money for a saw both last year and the year before.

If I had a saw I would be independent and not have to depend on purchase orders and exist on W. P. A. wages.

I want my money and not purchase orders.

Further affiant sayeth not.

PIERRE CHOOLOOLEE.

Witness:

L. M. BURGESS, Paradise, Mont.

Subscribed and sworn to before me this 8th day of August, 1939.

[SEAL]

MARGARET MULICK,

Notary Public, County of Sanders, State of Montana.

My commission expires August 29, 1939.

AFFIDAVIT

STATE OF MONTANA,  
County of Lake, ss:

Oliver Gebeau, first being duly sworn, says: I am 71 years old, a member of the Flathead Indians, Flathead Indian Reservation, State of Montana. My home is at Ronan, Mont.

I wish to state that the State of Montana gives me a pension of \$12 each month, which is not enough for a comfortable living. By the time I buy my wood at \$2.50 per rick in winter and \$2 in summer, my lights at \$1.50 up, and \$1 a month for water, there is not much left for food and clothing.

I need bedding and clothing. I have asthma very severely and must be very careful about what I eat.

I went to subagent for necessities, clothing, bedding, and a little food, which was refused. He said: "I have orders not to give you anything or they will take your pension away from you."

Further affiant sayeth not.

(Signed) OLIVER GEBEAU.

Subscribed and sworn to before me this 3d of August 1939.

[SEAL]

MARGARET STERLING,

Notary Public, County of Lake, State of Montana.

My commission expires January 16, 1940.

AFFIDAVIT

STATE OF MONTANA,  
County of Lake, ss:

Thomas Bergevin, Jr., first being duly sworn, says: I am 37 years of age, a member of the Flathead Indian Reservation, a resident of Ronan, county of Lake, State of Montana, and I wish to state that 4 years ago I leased my land to Perry Hewett and made arrangements with the Government to let my share of the crop apply on the loan at the agency.

This barley was taken off the place without my consent and stored in Mr. Hewett's grainery. I sold this barley for \$1.35 per 100 pounds and went and told Mr. Farmer, the farm agent, of my sale, which he ignored, and sold this grain to Mr. Hewett for \$1 per 100 pounds, which amounted to \$37.

This deal cheated me out of some money which would have been applied on my loan. I've learned a lesson and will not lease through the agent again.

I asked for work at the Kerr Dam but they kept putting me off. Two years ago I signed up on P. W. A. but never got a chance to work so I signed for work with the Reclamation but was never called on any of this work.

Further affiant saith not.

THOMAS BERGEVIN, JR.,

Witness:

NEVA BERGEVIN ARCHER.

I, Lorena M. Burgess, first being duly sworn, stat that I am 50 years of age and a resident of Paradise, Mont. And I wish to state that I have witnessed all of the above signatures.

LORENA M. BURGESS.

Subscribed and sworn to this 14th day of August 1939.

[SEAL]

MARGARET MULICK.

Notary Public, County of Sanders, State of Montana.

My commission expires August 29, 1939.

AFFIDAVIT

STATE OF MONTANA,  
County of Lake, ss:

Lucey Josecum, first being duly sworn, says: I am about 80 years of age, a member of the Flathead Indian Reservation, a resident of St. Ignatius, county of Lake, State of Montana, and I wish to say that in 1937 my allotment was leased to Pat McCullum for a period of 3 years at the rate of \$150 a year. I got \$150 for the year 1937 but have not got a cent since.

My deceased husband's land was leased to the same man for a term of 5 years. He was to farm this land and build a house, chicken coop, barn, and dig a well. So far the farming of the land is all that has been done.

When I ask at the agency for my money they tell me I haven't any money. I am old and crippled. I walk with crutches, and I need help. They won't let me have a pension and they won't let me have my own money. I guess they want me to die so they will have my money.

Part of the time they give me a few rations. When they do it is only enough for 2 days.

Further affiant saith not.

Signed by granddaughter:

LUCY (her X mark) JOSCUM.

Witnesses:

ADELINE JOSCUM.

HENRY I. MATT,  
MARGE JOSCUM.

Lorena M. Burgess, first being duly sworn, says: I am 50 years of age, a member of the Flathead Indian Reservation, a resident of Paradise, County of Sanders, State of Montana, and I wish to state that I have witnessed these signatures and have in my possession a copy of the lease referred to above.

LORENA M. BURGESS.

Subscribed and sworn to before me this 14th day of August 1939.

[SEAL]

MARGARET MULICK,  
*Notary Public, County of Sanders, State of Montana.*

My commission expires August 29, 1939.

STATEMENT

We, the undersigned, wish to answer these questions voluntarily.

Julia McLeod; amount of pension, \$15 for August; other income, none; agency help refused.

Mary L. Morigeau; amount of pension, \$14; other income, none; agency help refused.

Antoine Morigean; amount of pension, \$14; other income, none; agency help refused.

John W. (his X mark) Finley; amount of pension, \$12; other income, none; agency help refused.

Louie (his X mark) Daylight; amount of pension, \$14.40.

Alexander Pakmensto; amount of pension, \$15; other income, one-third wheat; agency help refused.

Mary (her X mark) Yostoswee; amount of pension, \$12.85; other income, \$14 per year; agency help refused.

David Couture; amount of pension, \$12.94; other income, none; agency help refused.

Isabell A. (her thumb mark) Couture; amount of pension, \$12.94; other income, \$25 a year applied on debt; agency help refused. I am a widow and have four children, oldest child 8 years old, Neva (Bergevin) Archer; amount of pension, \$32; other income, \$25 this year; agency help refused.

Lorena M. Burgess, first being duly sworn, says: I am 50 years of age, a resident of Paradise, Mont., Sanders County, State of Montana, and I wish to state I have witnessed all of the above signatures.

LORENA M. BURGESS.

Subscribed and sworn to before me this 14th day of August 1939.

[SEAL]

MARGARET MULICK,  
*Notary Public, County of Sanders, State of Montana.*

My commission expires August 29, 1939.



AFFIDAVIT

STATE OF MONTANA,  
County of Sanders, ss:

We, the undersigned, are residents of Camas Prairie, county of Sanders, State of Montana, and members of the Flathead Indian Reservation, Mont., and we wish to say that we know that Susteel Mary, an old Indian woman, actually died of neglect on the Indian Department's part. She needed food, clothing, bedding, wood, etc. The only thing they gave her was a cheap coffin to be buried in. This coffin was made at the agency and was not even painted.

Then Tenuum Finley (Old Coyote), an old man, died as the result of lack of food, fuel, clothing, and bedding. He died in December.

The Government did not help the above people in any way.

DAVID (his thumb mark) COUTURE (age 74).  
ANDREW (his thumb mark) TESCO (age 77).

Witness:

IGNACE E. NICK.  
ALEXANDER ADAMS.

Subscribed and sworn to before me this 8th day of August 1939.

[SEAL]

MARGARET MULICK,  
Notary Public, County of Lake, State of Montana.

My commission expires August 29, 1939.

AFFIDAVIT

STATE OF MONTANA,  
County of Sanders, ss:

Joseph Parker, first being duly sworn, says: I am 21 years of age, a member of the Flathead Indian Reservation, State of Montana, and I wish to state:

Four years ago the agent leased my land, and I never got a cent of the money; 3 years ago he leased this same land for \$16. I got \$10 of this money; 2 years ago he leased this same land to Barth Lee, Perma, Mont., for \$16. I got \$16. Last year he again leased this land to the same man for \$18; I got \$18. I have never agreed or signed any papers.

The agent or the tribal council does not ask me about leasing my land, they just do as they please with it.

Further affiant sayeth not.

JOSEPH PARKER.

Subscribed and sworn to before me this 31st day of July, 1939.

[SEAL]

MARGARET MULICK,  
Notary Public, Sanders County, State of Montana.

My commission expires August 29, 1939.

Copy to Joe Parker; A. L. Jemison, Washington, D. C., L. M. Burgess.

AFFIDAVIT

STATE OF MONTANA,  
County of Lake, ss:

Louis E. Thurber, first being duly sworn, says: I am 79 years of age, a white man and reside at Dayton, Mont., on the Flathead Indian Reservation, and I wish to state: I lease tribal and allotted lands; I do not know who owns these allotments. I sent Mr. L. W. Shotwell a check for \$25.75, which he returned with instructions to make this lease payment in two checks namely: \$9.75 to the Confederated Salish and Kootenai Tribes, and one to L. W. Shotwell for \$16.

These checks were written and mailed December 1, 1938. This acreage is 810.48 acres.

Further affiant sayeth not.

LOUIS E. THURBER.

Subscribed and sworn to before me this 1st day of August, 1939.

[SEAL]

CORA L. HACKER,  
Notary Public, County of Lake, State of Montana.

My commission expires December 24, 1941.

The CHAIRMAN. It is now 12 o'clock and 6 minutes. The committee will have to close for this morning. We have had hearings on these several bills that propose to repeal the so-called Wheeler-Howard Act. I think it would be well for the committee to meet soon in executive session to consider the matter of policy as to what the committee thinks ought to be done. At the same time I think it would be well for the committee to consider whether or not we can find time to make some investigation in the field.

Senator WHEELER. If the committee can find the time, I really think there ought to be some investigation made.

The CHAIRMAN. At some early date we shall have the executive committee go over this matter, which is of importance, and the matter of investigations, which are of importance.

Next Monday we shall meet at 10:30 a. m. and try to finish as much as we can of the business on the calendar that is ready for final action. We shall report out as many bills on Monday as we can that are ready for report.

Mrs. JEMISON. Do I understand that you are not going to finish hearing Mr. Bauer today?

The CHAIRMAN. If you will have him prepare for the record such data as he may wish to submit, we will consider it. You may, if you desire, and with the permission of the committee, assemble all your data that you wish to have printed in these hearings relative to the North Carolina tribe.

Mrs. JEMISON. I was also supposed to conclude the Sioux hearings, and I would like to leave with the committee, then, for your consideration and the consideration of the executive committee, the pictures which I took out in South Dakota.

The CHAIRMAN. If you will leave them with Mr. Grorud, he will decide what to do about them. Whatever he decides will be all right with the committee.

The committee will stand adjourned until next Monday at 10:30 a. m.

(At 12:10 p. m. an adjournment was taken until Monday, July 17, 1939, at 10:30 a. m.)

OFFICE OF INDIAN AFFAIRS,  
Washington, March 7, 1940.

HON. ELMER THOMAS,  
*Chairman, Committee on Indian Affairs,*  
*United States Senate.*

MY DEAR MR. CHAIRMAN: At the hearings held by the Senate Committee on Indian Affairs on July 15, 1939, a statement was offered by Mrs. Lorena Markle Burgess, of Paradise, Mont. Her statement had to do with conditions on the Flathead Reservation and it was supplemented later by various affidavits and exhibits. This supplementary material was not introduced at the hearing and, indeed, was not known to the Indian Office until the galley proofs of this hearing were submitted here in January.

In accordance with the understanding which we had with the committee, we have prepared a statement covering the various points made in Mrs. Burgess' testimony and in the exhibit material presented by her. As in the case of previous hearings on the question of repealing the Indian Reorganization Act, I again call your attention to the fact that the greater part of Mrs. Burgess' statement and supporting documents have nothing at all to do with the point at issue. In a general way her charges deal with economic conditions, with laws and regula-

tions of the Department, none of which result from the operations of the Indian Reorganization Act.

I am attaching as a separate memorandum a series of numbered paragraphs, corresponding with numbers placed along the margins of the galley proofs which I returned to you with my letter of February 28, 1940. May I have your assurance that the statement will be introduced at the appropriate place and made a part of the record of hearings.

Sincerely yours,

JOHN COLLIER,  
Commissioner.

MEMORANDUM—INFORMATION SUPPLIED BY THE COMMISSIONER OF INDIAN AFFAIRS IN ANSWER TO A STATEMENT SUPPLIED BY MRS. LORENA MARKLE BURGESS, OF PARADISE, MONT.

1. Mrs. Burgess, when asked her degree of Indian blood, replied that she did not know. I offer the following information for the record:

Lorena Markle Burgess, Flathead allottee No. 2255, is one-fourth Indian. She is married to a white man who makes a living driving a school bus. He has a small band of sheep and makes some use of Indian land for grazing purposes. Mrs. Burgess received a patent in fee in 1917 and has sold her allotment.

2. The petition referred to by Mrs. Burgess has not been submitted to the Indian Office and therefore we have had no opportunity to check the authenticity of the signatures appearing thereon.

3. The petition for the removal of the superintendent of Flathead Agency likewise has not been referred to this Office.

4. In the petition for Mr. Shotwell's removal, it is alleged that he encourages gambling among Indians, and this is given as one of the reasons for requesting his removal.

Gambling on the reservation is regulated by tribal decree. I submit as exhibits in this connection a copy of an ordinance adopted on December 22, 1936, by the tribal council and a resolution adopted by the same body on June 23, 1938.

EXHIBIT A

*"Be it enacted by the Tribal Council of the Confederated Salish-Kootenai Tribes of the Flathead Indian Reservation, meeting in special session at Flathead Agency on December 22, 1936, That Indian hand or stick games may be played on weekends or holidays under the following rules: (1) These games are to be conducted as free games with small stakes, and no one is to be permitted to play when his losses are detrimental to his family; (2) the sponsor of the games is to be responsible to the tribal council and the superintendent for proper order and conduct of these games at all times; (3) games shall not run beyond 10 o'clock at night when the following day is a work day. Games shall be played only on Friday, Saturday, or Sunday nights and holidays; (4) offenses under this ordinance shall be prosecuted under the ordinances for gambling and may be punishable on the same sentence on conviction.*

*"Done this 22d day of December 1936 by appropriate council action.*

*"EDWIN DUPUIS,*

*"President, Tribal Council.*

*"ALEXANDER L. CLAIRMONT,*

*"Acting Secretary, Tribal Council.*

*"Approved, December 22, 1936.*

*"L. W. SHOTWELL,*

*"Superintendent, Flathead Agency."*

EXHIBIT B—RESOLUTION

*"Whereas a resolution has been passed providing for weekend stick games to be held at the agency camp, and*

*"Whereas the council believes that these games should be suppressed to some extent; it is hereby*

"Resolved, That the former resolution authorizing the stick games on week-ends be modified that stick games are to be held only one weekend a month until future notice.

"Done this 23d day of June 1938 by appropriate council action.

"CONFEDERATED SALISH AND KOOTENAI TRIBES,

"By EDWIN DUPUIS,

"President, Tribal Council.

"LOUIS LEMERY,

"Secretary, Tribal Council.

"Approved, June 23, 1938.

"L. W. SHOTWELL,

Superintendent, Flathead Reservation, Mont."

In these ordinances the tribal council has attempted to control the situation by stating the conditions under which gambling games may be carried on. The power to enact ordinances on this subject is contained in the constitution and bylaws of the Confederated Salish and Kootenai Tribes, article VI, section 1 (1), which reads:

"(1) To promulgate and enforce ordinances which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Confederated Tribes, and providing for the maintenance of law and order and the administration of justice by the establishment of an Indian court, and defining its powers and duties."

The ordinance of December 22, 1936, was submitted to the Secretary of the Interior, for review, as required by the constitutional provision, and on March 19, 1937, the Secretary wrote that he saw no reason why he should rescind the ordinance. Likewise, the resolution of June 23, 1938, was submitted to the Department and on September 20, 1938, the Secretary again notified the tribe that he could find no objection to the resolution.

5. I have submitted to Superintendent Shotwell the general charge that he had neglected the poor and the old. In reply he has submitted the following statement:

"This petition next charges that I have neglected the poor and the old, and compelled them to go to the county for relief. Prior to the passage of the State Welfare Act in 1936, approximately 150 old people were given gratuitous rations. The Montana State Welfare Act provided that Indians were to participate in its benefits as well as whites. By a decision of the courts, the State was to contribute 50 percent and the Federal Government 50 percent of the cost of old-age assistance and aid to dependent children furnished Indians. The county commissioners administer the act.

"Indians who are 65 years of age or over, and who otherwise qualify, are given this State and Federal aid. These payments vary from \$12 per person per month up to \$20 and \$25 per month, depending upon the size of the family.

"At the present time there are 150 cases who receive old-age pensions or aid for dependent children, and during the month of October 1939, at about the time this complaint was made, there was \$2,000 of such funds paid to these people. In addition to this, during the month of October 1939, 50 people were employed on Work Projects Administration projects and earned \$2,500.

"During the month of October 1939, 157 Indians were employed on Emergency Conservation Work projects and earned \$5,304.05. During October 1939, the Irrigation Service employed 150 Indians who earned \$12,819.35. In addition to this we disbursed to Indians direct from their individual Indian moneys accounts during the month of October, \$9,494.30. This makes a total of actual cash distributed to Indians on Flathead Reservation during the month of October of around \$32,117.

"These are average monthly expenditures and during the calendar year 1939, the Flathead Indians received the following cash incomes: Old-age assistance and aid to dependent children, \$25,000; cash income from leases, \$40,000; employees' wages, Civilian Conservation Corps, Indian Division, \$70,000; Works Progress Administration wages, \$32,000; Irrigation Service wages, approximately \$80,000; a total of \$247,000. During 1938, a similar amount was expended and for approximately the same projects. This represents better than \$50 per month for the average of 400 families and does not include families who are engaged in agricultural pursuits."

6. Mrs. Burgess makes the general statement that prior to the passage of the Wheeler-Howard Act, Indians on the Flathead Reservation were in good cir-

cumstances and that since the passage of that act they have lost practically everything. With reference to the statement that Flathead Indians have no cattle or other agricultural opportunities, I wish to advise that there are on the reservation 136 Indians who own 3,910 beef cattle, valued at \$166,420. During the calendar year 1939, these Indians sold 521 head and butchered 218 head. Their cash incomes from cattle sales was \$63,725 and an additional \$1,900 from sale of dressed beef. They consumed 17,300 pounds of beef valued at \$1,703. There are 123 Indians who own 987 head of dairy cattle valued at \$48,780. In addition to the milk products, these Indians received an income of \$9,040 for livestock sales, \$970 for sale of dressed beef, and for home consumption used meat valued at \$26,967. Butterfat amounting to 117,720 pounds was produced for which they received \$26,967. There are 160 families who have approximately 8,000 chickens valued at \$5,041, and these flocks produced 53,310 dozens of eggs valued at \$8,000. Approximately 2,000 acres of wheat were planted by Indians which yielded 25,000 bushels, of which 10,000 bushels are yet on hand. Indian gardens produced 419,444 pounds of potatoes, cabbage, tomatoes, etc., the production of potatoes being about 300,000 pounds. Fruit in the amount of 14,859 cans and vegetables amounting to 12,428 cans were put up through home extension work. The holdings in livestock have doubled since 1935. In 1937 there were 150 Indian families engaged in farming as their major activity. In the calendar year 1939, a total of 215 families were engaged in farming as their major activity.

In addition to the foregoing statistics, I wish to point out that before 1908, the year in which the Flathead Reservation was divided into individual allotments, the Indians of that reservation had made considerable headway in the stockraising business. In 1890 the Indians were reported to own approximately 20,000 head of stock, principally cattle. This economy was completely smashed when allotments were made on the reservation, and the open range was fenced. The white homesteaders who entered the surplus lands of the reservation, thus entering into direct competition with the Indians of the reservation for the available market, further reduced the Indians' opportunities to make a living off the land.

7. Mrs. Burgess refers to loans from the revolving credit fund established by the Indian Reorganization Act. She charges that only a few can get these loans, and that it is a rare thing for a loan to be made to a person who is able to pay it back. There are at present time 67 loans in effect on the Flathead Reservation, of which 33 were made during the calendar year 1939. These loans are reviewed by the credit committee of the tribal council, and the procedure is for the loan client to meet with the credit committee and present his application and answer any questions concerning his program. The client then withdraws from the meeting, and the committee then discusses the application in executive session. Afterwards, if the loan application is recommended by the credit committee, it must receive the approval of the agency staff. Some poor loans were made at the beginning of credit operations on the Flathead Reservation, and these were to be expected. At the present time, the practices of the credit committee have improved greatly, and the credit situation reflects this improvement.

8. Mrs. Burgess implies that loans in the revolving credit fund can be used for the purchase of land, and that title to land thus purchased is held by the Department of the Interior; that when the loan is paid, title to the land is retained by the Department. This statement is without foundation of fact. Money from the revolving credit fund cannot be used for the purchase of land.

9. Mrs. Burgess states that members of the tribal council are on the Government pay roll, some of them holding two Government jobs. In this connection I offer the following list of tribal council members who have held positions with the Government.

Name	Address	Elected	Tribal salary or per diem, 1939	Position
A. L. Clairmont.....	Dixon, Mont.....	Dec. 14, 1935	None.....	Senior forest guard.
R. L. Dupuis.....	St. Ignatius, Mont.	Nov. 27, 1937	None.....	Forest guard.
Joseph Blodgett.....	Arlee, Mont.....	Dec. 14, 1935	None.....	Farm aide.
Walter Morigeau.....	do.....	Nov. 27, 1937	None.....	Mechanic.

These men were duly elected to the council by ballot in open election. Mr. Clairmont's and Mr. Blodgett's terms expired December 31, 1939. They were not candidates for reelection. No other members of the council are now regular employees of the Government.

10. Mrs. Burgess requests an accounting of tribal income. A financial statement is issued twice a year on January 1 and July 1. One copy of this statement is furnished the tribal council and a second copy is posted in the lobby of the agency office at Dixon, Mont. Superintendent Shotwell informs me that he has provided Mrs. Burgess on various occasions statements concerning these funds. I attach the most recent statement as part of this record.

11. Mrs. Burgess charges that one reason for the poor conditions now obtaining at Flathead is that the superintendent is attempting to develop cooperatives, and that these cooperatives are not succeeding. In reply I am attaching a statement submitted by Superintendent Shotwell.

"In 1934 when I took charge of Flathead Reservation, the Indians owned 2,000 head of cattle which were in the hands of more progressive individuals. All of the Indian ranges were leased to white owners and the Indian stockman competed with his neighbor in obtaining range. We organized three stock associations with the control vested in a central stock association. We withdrew and set apart for association use available tribal range on which cattle could be run under a cooperative plan. I obtained 1,800 head of drought-relief cattle which were issued in 5- and 10-head lots to Indians who had hay or could obtain hay. These were to be foundation stock. Some of these new stockmen failed to properly care for these cattle and they were retaken and placed with other Indian stockmen. All cattle placed in this manner were on contract which provided for repayment to the tribe of one calf for each cow received. These cattle are then either shipped to other reservations for issue or reissue to new stockmen. These stock associations have just completed paying off a \$2,000 loan made to them in 1935, to fence and improve their ranges. It has been a successful venture and the members themselves are clothed with the responsibility of setting up operating policies and other association administrations."

12. Statement is made that the superintendent is buying land with money derived from the Flathead power-site lease. Actually, no tribal money has been used to purchase land. About 1,600 acres of agricultural lands were purchased with money authorized by the Indian Reorganization Act, and this land has been assigned by the tribal council to Indians in need of rehabilitation. No such assignments to individual Indians have been canceled.

13. The so-called colony of houses said to have been built at St. Ignatius, either with Government money or tribal money, is evidently a reference to four houses built at St. Ignatius with Work Projects Administration labor and a grant from the rehabilitation fund. These houses were constructed for the use of indigent old. In several instances, younger members of the families attempted to move in on the old people to whom houses had been assigned and it was necessary to remove the young relatives. No tribal funds were used in the construction of these houses and all the houses are now occupied.

14. The community cannery referred to by Mrs. Burgess is a project still being discussed. As contemplated the cannery would not be a commercial enterprise but would rather be operated as a relief project. Indians would bring to the cannery vegetables and fruits raised in their own gardens and would have access to the cannery for the purpose of canning and preserving. As yet this project has not been constructed.

15. Reference is made to the purchase of a ranch belonging to one Bud Bruns. This ranch was located between two tribal ranges or grazing areas, dividing the ranges and making it impractical to operate the two as one unit. In 1935 an attempt was made to purchase this ranch with funds made available under the submarginal land purchase program. The ranch, consisting of about 2,000 acres, was appraised at that time at \$16,000. The tribal council, being aware of the need of consolidating Indian range lands, authorized the purchase of this land by an exchange of tribal timber.

16. Vital statistics are questioned in connection with the reporting of deaths on the Flathead Reservation. Statement is made that Father Tuchman at St. Ignatius and a second priest located at Roman, Mont., show a greater number of deaths than were reported by the Flathead Agency during the years 1934 and 1937. The superintendent reports that from a preliminary examination of the records kept by the Catholic parish, it is evident that many white people are listed along with the Indian deaths reported. The superintendent believes that this accounts for the discrepancy of figures.

17. The "new hospital" referred to by the witness is a structure erected at the agency soon after it was moved to its present site in 1910. The building was never used as a hospital, but has always been used as an employees' club and to provide quarters for the nurse and for a small dispensary consisting of two rooms. Hospital facilities are provided by a Catholic order at St. Ignatius, operating under Government contract. This hospital is quite old and inadequate. In recent years there has been some thought given to the advisability of building a new Government hospital. With reference to the building program as a whole, the following may be stated: Two cottages were built in 1938 with gratuity appropriations provided by Congress. In addition, during 1934 and 1935, three 4-room houses were built as relief projects. Using relief funds as wages, Indians were hired to get out logs which were manufactured into lumber and later this lumber was used in the construction of these cottages. Later, using Civilian Conservation Corps, Indian Division funds, four cottages were built to house supervisory personnel of the Civilian Conservation Corps, Indian Division. Also a community hall has been built with lumber contributed by the tribe and labor furnished by Works Progress Administration. Finally a cottage to house an employee of the tribal council was built under the same arrangement. The swimming pool referred to was built at the agency as a Works Progress Administration project in 1938. This project gave employment to 50 men during the winter months of 1938 and 1939. No tribal funds were involved. The gymnasium referred to is evidently the community hall, which is used for tribal meetings and by the tribal court. Dances have been held there at Christmas time, and on one or two other occasions. In the first part of March 1939, a 3-day agricultural course was sponsored there and was attended by over 900 Indians. At some of the dances, particularly those sponsored by the older Indians, hand games are played. These are authorized by the tribal council, which provides police supervision. The old-time Indians are heartily in favor of these games, which have been traditional in the tribe since before the coming of the white man. The mixed-blood Indians do not always understand or approve of these games. It is more satisfactory to designate a public place where such games may be played and properly supervised than to force them under cover where no supervision is provided.

Superintendent Shotwell reports that he cannot locate in his files the letter referred to as having been written early in 1939.

The following statements are offered in connection with the several exhibits introduced by Mrs. Burgess:

Exhibit 1: This statement of reservation lands, classified according to status and use, is correct.

Exhibit 2: The statement submitted by David Couture reflects a time when conditions on the reservation were considerably different. Fifty years ago the Flathead Tribe owned abundant grazing and farming land and extensive areas of valuable timber. Today the tribe has lost more than half of its original estate, including the best agricultural lands, and fully one-half of the merchantable timber, of which it owned 1,400,000,000 feet in 1910. The start which the Indians had made in stock raising, and which by 1890 was well advanced, was completely wiped out when allotments were made and the range was fenced up. Mr. Couture writes of a time when the tribe was to a large extent self-sufficient, when needs were simple, and when much of Indian food was still obtainable by hunting and the gathering of wild fruit. Today, through the loss of land, through drought, through declining market conditions, the Indians are experiencing destitution similar to those obtaining in farming areas throughout the west. If no more assistance was provided today than was provided in 1890 the Flathead Indians would before now have died of starvation.

Exhibits 3 to 3-j: These letters from various merchants on the Flathead Reservation reflect declining business conditions, for which the Indian Service is in no way responsible. Actually, monthly business analyses, such as those furnished by Babson, show that during the past 4 or 5 years the area of Montana in which the Flathead Reservation is located has been consistently better than average, compared to the Nation as a whole.

Exhibit 4. The question raised by Mary Irvine Blood has to do with the handling of individual Indian money accounts. In the administration of such funds the Indian Service attempts to so apportion money owing the individual Indian as to provide a source of income over as long a period as practicable. In this respect the Indian Service follows the policy which does not differ from that of the Department of Public Welfare of the State of Montana in adminis-

tering its social security grants. I am attaching a letter addressed to the superintendent of Blackfeet Agency by Mr. I. M. Brandjord, administrator of the State department of public welfare, dated May 17, 1939.

Exhibit C:

DEPARTMENT OF PUBLIC WELFARE,  
Helena, Mont., May 17, 1939.

Mr. C. L. GRAVES,  
*Superintendent, Blackfeet Indian Agency, Browning, Mont.*

DEAR MR. GRAVES: Mr. D. H. Wixon, field supervisor of this department, who has just been working with you temporarily on cases in which Indians receiving old-age assistance and aid to needy dependent children are concerned, has now returned to the State office and has made a brief report. It appears from this report that some misunderstanding exists with regard to the responsibilities of the State and county departments of public welfare in granting old-age assistance and aid to dependent children. These grants are made under the Social Security Act of the United States and the Public Welfare Act of the State of Montana. The conditions and limitations prescribed by these acts must be followed by this Department in all cases, whether Indian or non-Indian.

#### FUNDAMENTAL PRINCIPLES

The fundamental principle of both acts is that the grants must be based on the actual need of each recipient. The question arises in each individual case how much the persons will need per month for food, clothing, shelter, and other necessities of life. The next and equally important question is how much of these necessities the person is able to provide for himself through labor, income from property, and from every other source. The grant should be sufficient to take care of the difference between the total needs of the person and the proceeds from his labor, income, and resources insofar as funds are available.

#### LARGE INCOME RECEIPTS SHOULD BE APPORTIONED

In determining the assistance necessary, we must take into consideration all income and all resources of the applicants. We understand that certain difficulties have arisen in figuring the income and resources of Indians. It has been pointed out that in many instances the Indians are not capable of using properly and wisely their income from rentals of their allotments, from other rentals and from the sale of property. In many cases receipts of substantial amounts of money from these sources are being spent recklessly in a short time in place of being used prudently for the purchase of necessities through a number of months. Much as we would like to improve on these spendthrift habits of some Indians through our case worker, it is next to impossible to do so. We do not have a sufficient number of workers, and neither do these workers have the power to regulate the daily lives of these Indians.

Notwithstanding the fact that Indians receive some assistance through this department, they remain the special wards of the Indian Bureau and the Indian agencies. The intimate knowledge that these agencies have of the Indians from the cradle to the grave should make them particularly well qualified to act as their guardians.

We can, however, offer you practical cooperation toward improving the habits of Indians with regard to this reckless spending. It is understood that at times it has been the practice of your Indian agency to pay out receipts from rentals and from sales of property in monthly installments. We have no power to tell you how to manage this business; it is left to your own wise discretion. We are, however, directing our case workers, county supervisors, and district field supervisors to take into full account all such receipts and to apportion the pro rata part of such income to the number of months to which the rentals apply. In other words, if an Indian receives \$60 as rentals for a 6-month period, \$10 per month will be counted as income to the Indian for each one of the 6 months. If the income from rentals is small it would not be worthwhile to try to apportion it on a monthly basis.

#### CHANGES OF INCOME

We understand that there will be some changes in rentals from one rental period to another, and that there will be other changes in the income of Indians



as of other people. Under section X of part III of the Public Welfare Act, all old-age assistance grants are required to be reviewed and reconsidered by the county public welfare department quarterly each calendar year. This requirement should be strictly observed by the county welfare departments and will give full opportunity for taking into account the changes of income.

#### SPECIAL PROBLEMS OF INDIANS

According to the report of Mr. Wixon, Mrs. Schultz made the statement that Indians have special problems which require additional assistance and that these items are not covered by existing budgets. This is a very general statement. If it is thought that an Indian applicant for assistance has a special problem, it should of course be definitely pointed out what this special problem is. If it is allowable under existing budgets, it will be taken into account; otherwise it cannot. Applicants other than Indians are expected to provide as much as possible for themselves; and we must place the same responsibilities upon Indian applicants. In other words, if Indian applicants wish to secure the assistance provided under the old-age assistance and aid to needy dependent children programs, they must also assume the same responsibilities as other applicants. We cannot establish special rules for Indians. We therefore find it necessary to advise our county departments that in figuring budgets for Indian applicants they must follow the same procedure as used in figuring the budgets, and make deductions for all income and resources, the same as they would do in completing budgets for other applicants.

#### PAYMENT OF BURIAL EXPENSES BY FRIENDS AND RELATIVES OF DECEASED INDIANS.

We understand from the report that it is somewhat of a common practice among Indians to assign their income from leases and from other sources to undertakers in payment of burial expenses of friends and relatives. If the Indians who make these assignments are not receiving public assistance in any form, we do not object to the practice; but if the Indian is a recipient of public assistance through the Department of Public Welfare, then the practice would not be in conformity with the Public Welfare Act, since all resources and income must be considered in determining the needs of an applicant for public assistance.

We will direct our case workers, county supervisors, and district field supervisors that, beginning with the lease payments to be made in November 1939, this department must, without exception, consider all lease money and similar income due an Indian recipient of old-age assistance and of aid to needy dependent children as a resource in considering the individual needs. In other words, even though the Indian may assign this income to an undertaker or some other person, we will be unable to recognize this obligation because such procedure is not consistent with the Public Welfare Act.

#### REVIEW OF CASES

We have requested the case workers in Glacier and Pondera Counties to review immediately all cases of Indian recipients and to readjust the budget to conform to the actual needs of the individual persons at the present time. Items which are not ordinarily allowed in the budget will have to be discontinued unless such special items properly come within the assistance plan and have been approved by the district field supervisor of the State Department of Public Welfare.

With all good wishes.

Sincerely yours,

DEPARTMENT OF PUBLIC WELFARE.

I. M. BRANDJORD, *Administrator.*

FREDERIC R. VEEDER,

*Director of Public Assistance.*

Copy to: All superintendents of Indian agencies in Montana.

This letter outlines the general State policy, and emphasis is placed on the importance of cooperation between the State board and the Federal Indian Service.

Mrs. Blood makes additional reference to a situation where money has been on deposit for several months, and the individual to whose credit such money has been placed is told that he cannot get it, as the Interior Department has

not "released it." This statement is vague, but it suggests several situations; for example, advance deposits on contracts, easements, rights-of-way, or other transactions which require the approval of the Secretary of the Interior before the deposits can be released for disbursement to the individual Indian.

*Affidavit of Louise Bouchard Gauthier.*—Mrs. Gauthier charges that a patent-in-fee was forced on her and that eventually she lost her land through mortgage foreclosure. The agency files show that on October 5, 1914, Mary Louise Bouchard, one-eighth degree Indian, applied for a patent-in-fee, and the patent was granted by the Department on March 24, 1915. Her application shows that she was working as a clerk in the dry-goods department of the Stanley Scarse Store at Ronan, Mont.; that she was a single woman and had been self-supporting for 4 years previous; the superintendent, Fred C. Morgan, certified that she was as competent as any white person, that she was a woman of good education, had had considerable business experience, and had demonstrated her ability to handle her own affairs. The record shows that on April 8, 1915, a few days before her patent was actually delivered to her, she wrote to the superintendent as follows:

"I am writing you in respect to my patent. I wrote for it 6 months ago and I haven't heard a thing about it. I would like to have it as soon as I can. Mr. Brown told me to write to Washington about it but I prefer to write to you first. Hoping to hear from you soon,

"MARY LOUISE BOUCHARD,  
"Ronan, Mont."

Subsequent to the receipt of her patent she married a Mr. Gauthier, a white man of Canadian birth. The agency records reveal no information concerning the later history of her patented land.

*Affidavit of Joseph Stanislaw.*—This affidavit charges that land belonging to the affiant and his sister has been leased without his consent and the lease money has not been paid to him. With reference to a lease upon the Mary Susteel Selpah allotment, I have to advise that Mary Susteel Selpah, deceased allottee No. 2307, died intestate June 30, 1938. The hearing was held on this matter on November 2, 1939. To date the approved probate findings have not been received. Sam McDougal, a Flathead Indian, had lease No. 4684 on this land which was canceled out on November 1, 1932. From 1932 until 1937, Mary Susteel Selpah had a private lease with Nick Mogus. About 1935 a check-up on this matter was made and 5-year lease was prepared for Nick Mogus which would expire on February 28, 1940. This lease was not completed. In 1937 Mary Susteel Selpah signed a 2-year lease in favor of Martin Sweet, lease No. 6682. This lease was to expire on October 31, 1938. Martin Sweet did not complete the lease. It provided for summer-fallow in 1937 and a crop share in 1938. We took up \$71.97 in September 1938 as a crop trespass on this land. This was 2 months after Mary Susteel Selpah died. We made a 2-year lease with Mrs. Marie and Herbert Cross in March 1939. This lease began March 1, 1939, and expires February 28, 1941. It provides for summer-fallow in 1939, and a crop in 1940. The lessee is to give one-fourth the crop delivered to the elevator plus same share of all benefit payments made under the soil or other agricultural benefit programs. The house and hay lands were reserved from this lease for the heirs of Mary Susteel Selpah. There is now to the credit of the estate of Mary Susteel Selpah \$78.45 which represents the farm income for 1938, a \$6 tribal payment and 48 cents interest. None of these funds can be disbursed until approved probate findings are issued. This present lease is drawn in accordance with regulations covering leasing of Indian trust lands. With reference to the statement of Joseph Stanislaw that in 1937 his land was filled with horses, that there was a good fence around the place and the gates were closed, I have to advise that the last lease on this allotment was in favor of William Mauritsen which expired March 1, 1935. At that time the allottee informed this office that he did not want this land advertised for lease, that he desired to use it himself. This allotment contains very little agricultural land and raises about 15 tons of hay a year. This land borders a public highway for about one-half a mile. The division fences are kept up by his neighbors but Stanislaw has never repaired the fences bordering the highway and they are down and in bad shape. He has been requested, both by the farm aide and the forest guard to repair his fences to prevent stock from trespassing on his land. He has not done this.

The highway commission will not repair his fence and we cannot collect trespass unless his fences are in shape to keep out stock. In 1934, former Superintendent Coe, writing to the secretary of Sanders County Emergency

Relief Board, advised that Joseph Stanislaw had been applying for rations and that they had repeatedly requested him to work on Emergency Conservation Work or Public Works Administration projects and that he had refused to do so. Joseph Stanislaw had gone to the Sanders County Relief Board and informed them that he was destitute and in need of direct relief. Stanislaw has quite a lengthy Indian police-court record and some years ago was brought before the Federal court on a charge of assault with an intent to kill. He drew a gun on an employee of this agency, a Mr. Flower, forest guard, who had visited the home of an old Indian woman in the Camas district on official business. In 1938 he was employed for 15 days by the Montana Power Co. and earned \$55.34. His personal record shows that when he quit he was under the influence of liquor. About 3 or 4 months ago we put him on our road crew where he is now employed. He is quite a bronc rider and follows rodeo shows in the summer.

*Affidavit of Philamene Tesco.*—Affiant charges that her brother Louis Quinta had \$50 on deposit at the agency which he was allowed to draw out at the rate of \$5 a month and that he consumed much of his money in gas and oil going between his home and the agency. The agency records reveal that at no time between 1937 and 1939 has there been any \$50 payments to the account of Louis Quinta (Flathead Allottee No. 2263, age 48). Payments for grazing permits in amounts of \$4 and \$6 have been deposited to his account at various times during these years, and in all cases checks have been drawn in his favor within 10 days of the receipt of the money.

*Affidavit of Picrre Chooloolce.*—Affiant charges that he is not able to get individual Indian money owing him at the agency. Instead of money he is given purchase orders. The record for this man, also known as Pete Little-money, shows a long history of drunkenness and irregularity.

*Affidavit of Oliver Gebeau.*—Information is given stating that the pension provided by the State of Montana is not enough for this person's needs. The superintendent reports that Mr. Gebeau has been a rationer for many years. Prior to receiving old-age assistance, he secured rations from the agency. On December 15, 1937, he was granted a \$15 pension by the State and later the superintendent asked for an increase. The request was refused by the Lake County Board of Public Welfare on January 10, 1938, and at that time most of the Montana counties reduced their old-age assistance payments. The superintendent agrees that the assistance given him by the State is not sufficient and surplus commodities in the form of clothing and bedding have been furnished him. The superintendent further states that he will attempt to provide additional assistance.

*Affidavit of Thomas Bergevin, Jr.*—This statement concerns the proceeds of a share-crop lease. Mr. Bergevin charges that barley was taken from his place and stored in a Mr. Hewitt's granary, and that the Government farm agent sold the barley to the disadvantage of the affiant. The agency records show that Bergevin leased his land to Perry Hewitt on a share-crop basis. Bergevin was indebted to the Government for seed loan, and during the season of 1935 the only crop was Bergevin's share of a barley crop grown by Perry Hewitt. This barley was put in Hewitt's granary and was sold for \$35.40, which was applied on Bergevin's seed loan. The land has not been leased since 1936. Bergevin was refused employment on the Kerr Dam project because he could not pass the physical test.

*Affidavit of Lucy Joscum.*—The charge is made that in 1937 affiant leased her land to one Pat McCullum for 3 years at \$150 a year. She states that she was paid the \$150 in 1937, but has not had any money since then. The agency records show that the initial payment of \$150 lease rental was paid on November 8, 1937, and was disbursed to the affiant on November 27, part of the money going to pay for provisions she had previously secured and the remainder for winter supplies. In 1938 the lessee had a crop failure and Mrs. Joscum was issued rations. On August 21, 1939, the rental for 1938 and 1939, plus interest, was collected. This amounted to \$355.74, and it was placed to her credit in an individual Indian money account. She was given \$25 in August 1939, and has been receiving a monthly check of \$15 since then. Three granddaughters and the husband of one of these live in the old lady's house, and it has been found advisable to protect her by paying her money to her in monthly installments. At present she has a balance of \$153. The lease on her deceased husband's land is an improvement lease, and all improvements have been added according to schedule.

*Statements of Julia McCloud, Mary L. Morijeau, Antoine Morijeau, John W. Finley, Louise Daylight, Alexander Pakmensto, Mary Yostosvee, David Couture, Isabell A. Couture.*—The statement as to the amount of old-age assistance received by these people is correct. This assistance is allowed after a case worker has studied each applicant and worked out a budget which is approved by the county commissioners. The payments are small but, on the whole, compare favorably with the old system of rations. The greatest difficulty is that the younger relatives move in on the old people and use part of their money.

*Affidavit of David Couture and Andreu Tesco.*—The statement is that Mary Susteel died of neglect. The Flathead Agency records show the following: Mary Susteel Sulpah was an old woman about 88 years of age who made her home with her daughter, Mary Cooper Pierre, and her husband, Samuel Yostwee. Mary Susteel died on May 9, 1938. Beginning November 1, 1937, she had received a pension of \$15 a month as old-age assistance. Her daughter, Mary Cooper Pierre, began receiving a similar amount on the same date and continues to receive it. Prior to that time the family had been receiving Government rations for several years. The son-in-law, Samuel Yostwee, was issued a heating stove, blankets, and other supplies at different times. During the summer of 1937 a total of \$130 was spent in repairing the home in which the family lived. These repairs were made from gratuitous funds. Reference is made to a Tennum Finley (Old Coyote) who is said to have died for want of food. The superintendent reports that the only similar name in his records is one Joseph Finley (Tennum), allottee No. 625, who died August 13, 1925, at the age of 79, unmarried and without issue. The records show further that during his lifetime he had a subsistence income from land sales and timber sales.

*Affidavit of Joseph Parker.*—The statement charges that affiant's land has been leased without his consent and that he has not always been paid money that was due him on this lease. Joseph Parker's land lies within a grazing unit, and in former years has been leased under power of attorney signed by his mother. The land was formerly leased by an Indian woman and, after her death in 1934, the lease was taken over by her son, Fred Miles. There was a family dispute over the range, and relatives of Joseph Parker ran horses and cattle on the range in 1935. Fred Miles went broke, and it has not been possible to attach any of his property in payment of the lease rental. In 1936 a rental of \$10 was obtained for Parker's land and in the next year the price was increased to \$16. The price has since remained at that figure. The payment that Parker received in 1939 represent \$16 as a grazing fee on his land and \$2 as his share in a tribal payment. The power of attorney signed by Parker's mother expired in 1939. His land consists of 160 acres of mountain grazing land and leases for 10 cents per acre.

*Affidavit of Louis E. Thurber.*—Statement shows that Superintendent Shottwell returned a check in the amount of \$25.75 with the request that part of that money be paid to the Confederated Salish and Kootenai Tribes and the remainder to the superintendent. The explanation is that the affiant has a lease jointly of allotted and tribal land. On 153 acres of allotted land he paid a rental of \$15 plus \$1 lease fee, and on 534 acres of tribal land he paid \$34.50 plus \$1 lease fee, the total payment amounting to \$51.50. Thurber's check of \$25.75 represented a semiannual payment and was written in favor of the superintendent. The check was returned with the request that \$16 be paid to the superintendent to be applied on the rental of the allotted land, and that \$9.75 be paid to the secretary of the Confederated Salish and Kootenai Tribes as rental on the tribal land. Under its constitution, the organized Salish and Kootenai Tribes collect and disburse income derived from the lease of tribal lands. The remaining payment on the tribal land was made by the partner in this lease.

\* \* \* \* \*

*Statement showing condition of funds to the credit of the Flathead Tribe on deposit in the U. S. Treasury, as of June 30, 1939*

Proceeds of labor, Flathead.....	\$65, 764
Interest on labor, Flathead.....	4, 006
Proceeds of Flathead Reservation.....	300
Interest on Flathead Reservation.....	188
Proceeds of Flathead Reservation.....	281
<b>Total.....</b>	<b>70, 539</b>

638 C STREET NE.,  
Washington, D. C., March 12, 1940.

HON. ELMER THOMAS,  
Chairman, Senate Committee on Indian Affairs,  
Washington, D. C.

MY DEAR SENATOR THOMAS: AS Washington representative of the Flathead Indians of Montana, in the matter of having their reservation exempted from the so-called Wheeler-Howard Act, I have read over the reply submitted by Commissioner Collier to the testimony given the committee by Mrs. Lorena Burgess, of Paradise, Mont. The Commissioner plaintively complains that all of this material was not submitted at the hearing. As the record shows, the committee did not have time to hear Mrs. Burgess fully. Permission was given her to submit further statements in writing and Senator Wheeler requested that affidavits be sent to substantiate the entire statement. The additional material was submitted in accordance with such permission and request.

I do not wish to hold up the printing of the record so am not submitting the Commissioner's reply to the Flatheads for further statements which could doubtless be made on these matters. I wish to submit additional information which I have here relative to the gambling games which are allowed to flourish on Federal property and which is discussed on pages 1, 2, 3, and 8 of the memorandum submitted by Mr. Collier.

If it meet with your approval, I therefore request that the attached memorandum and two exhibits be included in the printed record, following the answer of the Commissioner.

Thanking you, I am,

Respectfully yours,

ALICE LEE JEMISON.

#### MEMORANDUM, IN RE GAMBLING

Two exhibits are herewith submitted. No. 1 is copy of the minutes of the tribal council held at Dixon, Mont., June 22, 1939, and attention is called to the item on page 3, which states:

*"Stick games.*—At this time Father Taelman appeared before the council and submitted statements concerning the stick games. After presenting his arguments against the stick games Father Taelman asked the council whether they can officially permit the playing of the stick games. Mr. Lassaw interpreted to the Indians present. Chief Koostahtah and Chief Charlo both agreed with Father Taelman that the stick games should be stopped on Sundays."

Exhibit No. 2 is the statement made at this council by Father Taelman of the St. Ignatius Mission. It is a complete answer to any arguments in favor of these gambling games.

The superintendent seeks to justify this gambling on the reservation and in the Federal buildings on two grounds. First, he says that the tribal council has made ordinances to regulate and supervise it in accordance with their authority under the Wheeler-Howard constitution. As is indicated by the copies of the ordinances, the constitution of the Flathead Tribe provides that such rules or ordinances shall be submitted to the Secretary of the Interior. He can approve or disapprove of them. Therefore the Secretary is possessed of full authority to stop this gambling at any time he sees fit to withdraw his approval. In some of the other statements the superintendent justifies withholding individual funds from certain Indians on the grounds that the action is necessary for the welfare of the Indians. If the Bureau has sufficient authority to keep control of individual funds, then they have sufficient authority to stop this gambling which is demoralizing not just one or two Indians but many Indians of the tribe.

As his second defense, the superintendent says: "The old-time Indians are heartily in favor of these games, which have been traditional in the tribe since before the coming of the white man." Attention is called to the section of the minutes above quoted, which says: "Chief Koostahtah and Chief Charlo both agreed with Father Taelman that the stick games should be stopped on Sundays." Both these men are "old-time" Indians, so it is most unfair to attempt to lay the blame entirely upon the "old-time" Indians. In view of the rest of the Commissioner's defense of tribal "tradition," I am surprised the superintendent did not say this was part of the "religious rites" of the tribe and raise the issue of religious liberty as the Commissioner has done in other instances. I respectfully point out that it is the very best of tradition among many Orientals to smoke drugs, too, but they do not do it in the United States—not without running the

risk of going to jail, anyway. Likewise, scalping white men was a tradition among some tribes and thoroughly in favor with many "old-time" Indians. Defending the practice on the grounds that it was a "tradition" and favored by the "old-time" Indians would be just as sensible as is the superintendent's defense of gambling, as approved and submitted to the committee by the Commissioner.

As is stated by Father Taelman, permitting these gambling games to flourish is accomplishing or resulting in the following:

1. Encouraging and teaching the Indians to defy State laws.
2. Demoralizing many individual Indians.
3. Depriving families of the necessities of life and lowering the standards of living.
4. Demoralizing children and youths.
5. Destroying religion and religious activities and influence.

All of which is further and additional proof of the charges that the program of the Commissioner is a Communist program, designed to do these very things.

Respectfully submitted.

Alice Lee Jemison.

MARCH 12, 1940.

#### EXHIBIT I

#### MINUTES OF A MEETING OF THE TRIBAL COUNCIL HELD AT THE FLATHEAD INDIAN AGENCY, DIXON, MONT., ON JUNE 22, 1939

The meeting was called to order at 11 by Vice President Duncan McDonald, Jr., who presided over the meeting in the absence of the president. The roll was called by the secretary which was as follows:

Present: Duncan McDonald, Jr., vice president; Louis Lemery, secretary; Alexander Clairmont, treasurer; Eneas Granjo, Joseph Blodgett, R. Louis Dupuis, Louis Clairmont, Nicolai Lassaw, Phillip Moss, William Gingras, Chiefs Charlo and Koostahtah.

Absent: Edwin Dupuis, president, and Walter Morigeau.

The minutes of the meeting held on May 18 were read and approved.

#### HUNTING AND FISHING

The first item brought up by the council was the question on the hunting and fishing rights of the Indians which was tabled at the last meeting. Mr. Lassaw moved that the fishing and hunting problem be handed over to the law and order committee for disposition. The motion was voted upon and carried.

#### REPORT OF GEORGE L. GIRARD

A report from the Biological Survey by George L. Girard, refuge manager of Ninepine and Pablo Refuges was the next business. A motion was made by Mr. Clairmont, seconded by Mr. Lassaw that this report be turned over to the land committee. The motion was voted upon and unanimously carried.

#### TRIBAL LUMBER

A request for 1,300 feet of lumber by Charlie Pluffe was considered. A motion was made by R. Louis Dupuis, seconded by Louis Clairmont, that the request for lumber be granted to Mr. Pluffe. The motion was voted upon and carried.

An informal discussion was held on the stick-game problem at this time. The council adjourned for a 1-hour period at noon and resumed the meeting at 1 o'clock. President Dupuis was present at this time and presided over the meeting in the afternoon.

#### ANNUAL BUDGET

The first business to be brought before the council in the afternoon was the annual budget for 1940. After a discussion of the needs for the coming year and consideration of what was spent last year it was decided that two separate budgets would be needed for the coming fiscal year; one which would include the salary of the secretary and the other, miscellaneous items of expense such as salaries of councilmen, per diem, etc. A motion was made by R. Louis Dupuis, seconded by Mr. Moss, that the budgets be accepted. The motion was voted upon and carried.

STICK GAMES

A delegation from the stick-game grounds requested that they be granted a permit to play stick games at Dixon at the same time as the Arlee celebration as many Indians did not care to attend the Arlee celebration. After a lengthy discussion on this matter a motion was made by Mr. Lassaw, seconded by Mr. McDonald, that the stick-game committee be granted an 8-day permit to play stick games at the same time as the Arlee celebration, namely July 2 to July 9. The motion was voted upon and carried. [Written in margin: Arlee not the regular gambling grounds.]

HOSPITALIZATION OF INDIANS

A resolution requesting additional funds for hospitalization of Indians in the amount of \$1,000 for the month of June 1930 was considered by the council. There are no funds left under the present authority and the Indian Office states that upon receipt of such a resolution of the council further consideration will be given to the proposal. It was suggested that the additional sum be secured from gratuitous funds. Mr. Shotwell explained that gratuitous funds were used for cases off of the reservation. A motion was made by Louis Clairmont that the resolution be accepted. The motion was seconded by Mr. Lassaw, voted upon and carried.

REPORT OF LAND COMMITTEE

The minutes of the meeting of the land committee, held on June 16, were read. A motion was made by Alexander Clairmont, seconded by Mr. Moss, to accept the report of the land committee and its actions therein. The motion was voted upon and carried.

LEASE OF ROBERT HOFFMAN

A resolution approving a mining lease to Robert Hoffman involving tribal lands in section 5, township 17 north, range 22 west, was considered. The mining-lease agreement was drawn up and submitted to the council for final approval. A motion was made by Alexander Clairmont to accept this resolution. The motion was seconded by Mr. Moss, voted upon and carried.

PROSPECTING PERMIT

A resolution to approve a prospecting permit for Helen Midland was read to the council. This permit is for 6 months from date of approval and is in sections 29, 30, and 31, township 20 north, range 20 west, on tribal lands. A motion was made by Alexander Clairmont, seconded by Mr. Lassaw, to accept this resolution. The motion was voted upon and carried.

APPRAISAL COMMITTEE

At this time a motion was made by Mr. Lassaw, seconded by Mr. Moss, that the land committee be authorized to make appraisals where tribal lands are involved. The motion was voted upon and unanimously carried.

The minutes of a meeting held in the Polson district by Philip Moss, councilman of that district, were read and approved.

REPORT OF EDUCATION COMMITTEE

A report of the education committee was the next business of the council. The education committee recommended to the council that the mission schools be paid only for such children as are orphans and, in some cases, half orphans, and under no circumstances will the tribe pay for any children whose parents are both living. Father Taelman appeared before the council in behalf of the mission schools, stating that a larger amount of money would be appreciated. A motion was made by Mr. McDonald, seconded by Mr. Moss, that the recommendation of the education committee be approved. The vote was 10 for and 1 against. The motion carried.

STICK GAMES

At this time Father Taelman appeared before the council and submitted statements concerning the stick games. After presenting his argument against the

stick games, Father Taelman asked the council whether they can officially permit the playing of the stick games. Mr. Lassaw interpreted to the Indians present. Chief Koostahtah and Chief Charlo both agreed with Father Taelman that the stick games should be stopped on Sundays.

#### REPORT OF LOUIS TELLIER

Mr. Lemery read a report by Louis Tellier regarding the collection of fines, delinquent fines, etc., of the tribal court. Mr. Tellier is acting as prosecutor and was asked to submit a report of his activities to determine his raise in salary. President Dupuis stated that such matters as this should be discussed in the respective committees for recommendation before presenting to the council for action. A motion was made by Mr. McDonald to accept Mr. Tellier's report. The motion was seconded by Mr. Lassaw, voted upon, and carried. It was moved by Alexander Clairmont, seconded by R. Louis Dupuis, that the law and order committee be given authority to employ a counselor and pay him a salary that will be within the income of the tribal court. The motion was voted upon and unanimously carried.

#### FARM AID AT HOT SPRINGS

Mr. Shotwell stressed the need of a farm aid in the Hot Springs district, since the present season is a very busy part of the year. Since Mr. McDonald is familiar with that part of the country, and has been doing this work on his own time, he was recommended for the position. A motion was made by Mr. Lassaw to approve the appointment of Mr. McDonald at Hot Springs as field representative of the council and farm aid, to commence July 1, 1939. The motion was seconded by Mr. Gingras, voted upon, and carried.

#### LAND COMMITTEE

A motion was made by Mr. Lassaw to give the land committee authority to approve the schedule for the advertisement of all grazing ranges from 1940 to 1945. The motion was seconded by Mr. Moss, voted upon, and carried.

Father Taelman read a letter by Baptiste Matt asking the council to write a letter to the parole board requesting his parole. This will be done by the secretary.

#### STICK GAMES

Mr. Lassaw stated that the stick-game problem should be settled, and recommended that the games be closed at 12 midnight on Saturdays. A motion was made by Mr. Clairmont, seconded by Mr. Moss, that this question be turned over to the law and order committee. The motion was voted upon and carried. A meeting of the law and order committee will be held on June 29.

The meeting adjourned at 5:30 p. m.

CONFEDERATED SALISH AND KOOTENAI TRIBES,  
By LOUIS LEMERY, *Secretary, Tribal Council.*

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#### EXHIBIT II

#### STATEMENT OF FATHER TAELEMAN, ST. IGNATIUS, MONT., JUNE 22, 1939

To the Flathead Tribal Council:

Esteemed gentlemen, I respectfully submit the following statement to your earnest and impartial consideration. The statement comes from the innermost heart of one who has spent 40 years of his life in the service of our Indian people and whose love for them will gladly make him devote the remaining years of his life for their truest welfare. I feel confident that no Flathead Indian will question the sincerity of my stand and devotion to them.

The statement I want to submit concerns a great evil that has come upon our people, perhaps the greatest evil in the past 85 years, ever since the Catholic missionaries brought the blessings of Christianity to the Flatheads. I mean the curse and evil of the so-called stick games, practiced and carried on under the very shadow of the Flathead Agency. That they are a cause and an



evil should be clear to any fair-minded man who knows that these stick games have been in the past, what they are today, and are bound to be in the future. One thing is evident from the start and must be admitted by all, namely that these so-called games are nothing else but pure and unadulterated public gambling. And under the circumstances as carried on, they constitute legalized public gambling for the whole reservation. And as such, they are an evil leading most certainly, as past experience is proving, to the religious and moral and civil and financial deterioration and ruin of our Indian people.

That these stick games are causing religious deterioration is a fact which cannot be denied. The stick gamblers, carrying on their gambling even on the Lord's Day, have neither time nor inclination for divine worship. Ever since this evil has crept in among our people, church attendance has scandalously declined and is disappearing more and more. And to this neglect of divine worship is positively added the profanation and desecration of the Lord's Day. No wonder it is that the Indians who have spoken to me about this stick game and gambling do not hesitate to call it wrong and sinful. And so it is.

Moreover there is the moral deterioration caused by these stick games. They are truly a school of vice, and vice and morality cannot go together. As vice increases, morality diminishes. Now the passion for gambling is a vice, as all upright people will and must admit. And this vice is being promoted by the stick games and spreading among the adults and is even being inculcated, like a poison, into the hearts of children and young people. The facts exist to prove the statement. Can anyone conscientiously favor the practice of vice? These stick games, being what they are, cannot but stand condemned from every moral standpoint.

But there is more to these gambling stick games. They are a menace to true civilization, a veritable cancer in civil society. All decent people must admit that gambling and civilization cannot mix. The curse of gambling is a black spot upon society, and so it is upon our Flathead Indians. It lowers their reputation as a civilized people. Look at the Indians that are addicted to these stick games and are the slaves of their passion for gambling, and see how they lower and degrade themselves in point of true civilization.

And finally, what about the financial deterioration of the Indians in connection with these stick games? The fact is well known that many of these stick gamblers, whom people call suckers, are losing to the more experienced gamblers even to their last penny, unable to buy their next meal or keep their children from poverty and starvation. And to have money for their gambling, they sell and dispose of some of the most necessary things in their homes. When weekly, out of every 7 days, many of these Indians spend 2 and even 3 days in idleness and gambling, and neglect their very homes, what else can result but poverty and destitution? Let the facts speak for themselves. And the more this gambling at the stick games is promoted and prolonged, the more also will increase the financial destitution and misery of our Indian people.

It has been stated by George Washington and by many other statesmen, that religion and morality form the very foundation of good government. Undermine and attack religion and morality and you undermine and attack the very foundation of government. This is exactly what the stick games do, being what they are. They moreover lower civilization and lead to destitution.

It has been said that the Secretary of the Interior has granted permission for these stick games. Without questioning such a statement, I feel confident that if the Secretary of the Interior knew the full truth and facts about these stick games, he not only would not and could not give such permission, but would positively forbid them. For apart even of the religious aspect, he could not, as a Government official, connive by such permission with what promotes the moral, and civil, and financial deterioration of the Indian people.

Allow me here to remark that to the best of my information, not one reservation in Montana allows its Indians legalized public gambling such as is practiced in the so-called stick games. If they were merely an innocent and lawful amusement, they would need no permission of the Secretary of the Interior or any Indian agent, nor would they face prohibition in other reservations.

From all that has been said in this statement, the question is now asked and respectfully put before the tribal council, whether they can officially, as the governing body of the Flathead Indians, permit these stick games, such as they are, and by so doing, give them their indorsement and approval? I confidently appeal to their fair-minded, impartial, intelligent and just judgment.

FURTHER STATEMENT OF FATHER TAEI MAN, JESUIT FATHERS, ST. IGNATIUS MISSION, ST. IGNATIUS, MONT.

The stick gamers are citizens of the State of Montana, and are expected to observe and keep the Montana laws. Now, their stick games violate the Montana gambling laws. If they carry on these gambling games on State lands, they are liable to arrest and to a fine, according to the State laws. And they can only screen themselves from such arrest and fine, by plying their gambling games on Federal land, setting at naught the laws of the State of which they are citizens. They have remarked, "We will gamble on Federal lands, so that the State laws cannot touch us." Here we have a specimen of their citizenship.

Reports are going around among the Indians, that certain stick gamers, in order to have money to gamble, are selling cattle bought by Government loans, or other farming articles of value, which were also bought by Government money.

It is frequently said and admitted that gamblers become thieves. We all condemn dope fiends, who lose all will power and character and decency. Stick gamers are going the same way, and will soon be on the same low level. Character and will power for good will be gone. To satisfy the passion of gambling, they will sacrifice everything, regardless of consequences. The passion of gambling is also leading on to the vice of drunkenness. Experience has shown this.

FORT BELKNAP RESERVATION.

Harlem, Mont., May 11, 1937.

HON. B. K. WHEELER,

*United States Senate, Washington, D. C.*

DEAR MR. WHEELER: I am very pleased with your letter to me regarding the petition of the Assiniboine Council. I have wanted to express my private opinion to you on the proposed appeal of the so-called Wheeler-Howard Act, but have hesitated to do so as I did not wish to seem impertinent.

As you have suspected, our Assiniboine Council is composed of two Government employees and others so dependent upon the Indian Office for their existence that they do not dare oppose anything contrary to the wishes of the Indian Bureau. I believe I am the only member of the Assiniboine Council who is not afraid to say quite openly that "I congratulate and thank you, Mr. Wheeler, for your interest in and attempt to liberate Indians from an act which is becoming both detrimental and an outrage to the constitutional rights of an American citizen."

The said petition is not an expression of the Assiniboine people. It is further proof that representatives of the Commissioner of Indian Affairs are using their influence over subordinate Indian employees who are unfortunately council men or officers of the councils. As secretary of the council I have heretofore prepared all of the correspondence of the council, but this letter to you was brought to me already prepared, and I strongly suspect at the direction of the local superintendent, by the chairman of the council, Richard King, who is an Assiniboine and civil-service employee under the Indian Forestry Service Department. It was signed by all other members of the council and my signature was affixed under pressure and misrepresentation. Later I find that this letter was not written at the request of the Assiniboine population as it was represented to have been. In fact I find that many Assiniboines are very unsympathetic toward the so-called Wheeler-Howard Act, and would be opposed to such a petition being signed and transmitted to the officials in Washington by the Assiniboine Council.

I do not think that a Government employee should be allowed to serve on an Indian council and absolutely not as an officer. If he does he is not fair to the people dependent upon him and furthermore he is not fair to himself to attempt such an impossibility. I speak from experience. When elected as a councilman and secretary I was employed by the Government, now because I took my responsibility to the people electing me seriously and tried to serve them honestly and well, I am now unemployed. I was not put out all at once, just gradually eased out. Had I neglected my people in the interests of the Indian Bureau I would still be employed but would be a chattel to the superintendent. Therefore, Mr. Wheeler, I absolutely endorse any action taken toward bringing about prevention of Government employees from serving on Indian councils. I have hoped that it would be possible to bring about a ruling

against Government employees participating in tribal politics as there is party politics. Would the Attorney General be able to make such a ruling, or would it be the Secretary of the Interior?

I hope that you will accomplish your purpose in bringing about a repeal of this so-called Wheeler-Howard Act. I personally endorse you. We have wired Washington asking that Mr. Felix Cohen of the Indian Office be sent here as soon as possible. We are going to go over the Wheeler-Howard Act entirely and reach some decision definitely. I hope that Mr. Cohen can come right away and if you are able to bring to bear any influence in causing him to come sooner than is anticipated it will be very much appreciated. I sincerely feel that some adjustment must be made in Indian affairs. We are very, very dissatisfied at this jurisdiction.

Any further information that I can furnish or assistance in helping your bill be recognized that I can furnish is at your service.

On behalf of many Assiniboines at this reservation, I thank you for your sympathetic attitude toward the Indian.

Very truly yours,

**RUTH CRESWELL,**  
*Secretary, Fort Belknap Council.*