

U. S. Congress. House. Committee on Indian
affairs.

HEARINGS

Seventy-sixth Congress

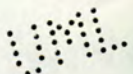
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Washington, D.C.
1939-1940



WHEELER-HOWARD ACT, EXEMPT CERTAIN INDIANS

MONDAY, JUNE 10, 1940

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.

The committee met at 10:30 a. m., Hon. Will Rogers (chairman) presiding.

The CHAIRMAN. The committee has met to take testimony on S. 2103.

The Chair would like to ask that Public, No. 383, Seventy-third Congress, better known as the Wheeler-Howard Act, be inserted in the record at this point:

That will be followed by Public, No. 147, Seventy-fourth Congress, which is an amendment to the Wheeler-Howard Act:

Followed by Senate 2103:

Followed by the letter and the memorandum submitted by the Secretary of the Interior:

If there are no objections, it is so ordered and the documents referred to will be included in the record at this point.

(The documents referred to are as follows:)

[PUBLIC—No. 383—73D CONGRESS]

[S. 3645]

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter no land of any Indian reservation, created or set apart by treaty or agreement with the Indians, Act of Congress, Executive order, purchase, or otherwise, shall be allotted in severalty to any Indian.

SEC. 2. The existing periods of trust placed upon any Indian lands and any restriction on alienation thereof are hereby extended and continued until otherwise directed by Congress.

SEC. 3. The Secretary of the Interior, if he shall find it to be in the public interest, is hereby authorized to restore to tribal ownership the remaining surplus lands of any Indian reservation heretofore opened, or authorized to be opened, to sale, or any other form of disposal by Presidential proclamation, or by any of the public-land laws of the United States: *Provided, however,* That valid rights or claims of any persons to any lands so withdrawn existing on the date of the withdrawal shall not be affected by this Act: *Provided further,* That this section shall not apply to lands within any reclamation project heretofore authorized in any Indian reservation: *Provided further,* That the order of the Department of the Interior signed, dated, and approved by Honorable Ray Lyman Wilbur, as Secretary of the Interior, on October 28, 1932, temporarily withdrawing lands of the Papago Indian Reservation in Arizona from all forms of mineral entry or claim under the public land mining laws, is hereby revoked and rescinded, and the lands of the said Papago Indian Reservation are hereby restored to exploration and location, under the existing mining laws of the United States, in accordance with the express

terms and provisions declared and set forth in the Executive orders establishing said Papago Indian Reservation: *Provided further*, That damages shall be paid to the Papago Tribe for loss of any improvements on any land located for mining in such a sum as may be determined by the Secretary of the Interior but not to exceed the cost of said improvements: *Provided further*, That a yearly rental not to exceed five cents per acre shall be paid to the Papago Tribe for loss of the use or occupancy of any land withdrawn by the requirements of mining operations, and payments derived from damages or rentals shall be deposited in the Treasury of the United States to the credit of the Papago Tribe: *Provided further*, That in the event any person or persons, partnership, corporation, or association, desires a mineral patent, according to the mining laws of the United States, he or they shall first deposit in the Treasury of the United States to the credit of the Papago Tribe the sum of \$1.00 per acre in lieu of annual rental, as hereinbefore provided, to compensate for the loss or occupancy of the lands withdrawn by the requirements of mining operations: *Provided further*, That patentee shall also pay into the Treasury of the United States to the credit of the Papago Tribe damages for the loss of improvements not heretofore paid in such a sum as may be determined by the Secretary of the Interior, but not to exceed the cost thereof; the payment of \$1.00 per acre for surface use to be refunded to patentee in the event that patent is not acquired.

Nothing herein contained shall restrict the granting or use of permits for easements or rights-of-way; or ingress or egress over the lands for all proper and lawful purposes; and nothing contained herein, except as expressly provided, shall be construed as authority for the Secretary of the Interior, or any other person, to issue or promulgate a rule or regulation in conflict with the Executive order of February 1, 1917, creating the Papago Indian Reservation in Arizona or the Act of February 21, 1931 (46 Stat. 1202).

SEC. 4. Except as herein provided, no sale, devise, gift, exchange or other transfer of restricted Indian lands or of shares in the assets of any Indian tribe or corporation organized hereunder, shall be made or approved: *Provided, however*, That such lands or interests may, with the approval of the Secretary of the Interior, be sold, devised, or otherwise transferred to the Indian tribe in which the lands or shares are located or from which the shares were derived or to a successor corporation; and in all instances such lands or interests shall descend or be devised, in accordance with the then existing laws of the State, or Federal laws where applicable, in which said lands are located or in which the subject matter of the corporation is located, to any member of such tribe or of such corporation or any heirs of such member: *Provided further*, That the Secretary of the Interior may authorize voluntary exchanges of lands of equal value and the voluntary exchange of shares of equal value whenever such exchange, in his judgment, is expedient and beneficial for or compatible with the proper consolidation of Indian lands and for the benefit of cooperative organizations.

SEC. 5. The Secretary of the Interior is hereby authorized, in his discretion, to acquire through purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights or surface rights to lands, within or without existing reservations, including trust or otherwise restricted allotments whether the allottee be living or deceased, for the purpose of providing lands for Indians.

For the acquisition of such lands, interests in lands, water rights, and surface rights, and for expenses incident to such acquisition, there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, a sum not to exceed \$2,000,000 in any one fiscal year: *Provided*, That no part of such funds shall be used to acquire additional land outside of the exterior boundaries of Navajo Indian Reservation for the Navajo Indians in Arizona and New Mexico, in the event that the proposed Navajo boundary extension measures now pending in Congress and embodied in the bills (S. 2499 and H. R. 8927) to define the exterior boundaries of the Navajo Indian Reservation in Arizona, and for other purposes, and the bills (S. 2531 and H. R. 8982) to define the exterior boundaries of the Navajo Indian Reservation in New Mexico and for other purposes, or similar legislation, become law.

The unexpended balances of any appropriations made pursuant to this section shall remain available until expended.

Title to any lands or rights acquired pursuant to this Act shall be taken in the name of the United States in trust for the Indian tribe or individual Indian for which the land is acquired, and such lands or rights shall be exempt from State and local taxation.

SEC. 6. The Secretary of the Interior is directed to make rules and regulations for the operation and management of Indian forestry units on the principle of

sustained-yield management, to restrict the number of livestock grazed on Indian range units to the estimated carrying capacity of such ranges, and to promulgate such other rules and regulations as may be necessary to protect the range from deterioration, to prevent soil erosion, to assure full utilization of the range, and like purposes.

Sec. 7. The Secretary of the Interior is hereby authorized to proclaim new Indian reservations on lands acquired pursuant to any authority conferred by this Act, or to add such lands to existing reservations: *Provided*, That lands added to existing reservations shall be designated for the exclusive use of Indians entitled by enrollment or by tribal membership to residence at such reservations.

Sec. 8. Nothing contained in this Act shall be construed to relate to Indian holdings of allotments or homesteads upon the public domain outside of the geographic boundaries of any Indian reservation now existing or established hereafter.

Sec. 9. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary, but not to exceed \$250,000 in any fiscal year, to be expended at the order of the Secretary of the Interior, in defraying the expenses of organizing Indian chartered corporations or other organizations created under this Act.

Sec. 10. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of \$10,000,000 to be established as a revolving fund from which the Secretary of the Interior, under such rules and regulations as he may prescribe, may make loans to Indian chartered corporations for the purpose of promoting the economic development of such tribes and of their members, and may defray the expenses of administering such loans. Repayment of amounts loaned under this authorization shall be credited to the revolving fund and shall be available for the purposes for which the fund is established. A report shall be made annually to Congress of transactions under this authorization.

Sec. 11. There is hereby authorized to be appropriated, out of any funds in the United States Treasury not otherwise appropriated, a sum not to exceed \$250,000 annually, together with any unexpended balances of previous appropriations made pursuant to this section, for loans to Indians for the payment of tuition and other expenses in recognized vocational and trade schools: *Provided*, That not more than \$50,000 of such sum shall be available for loans to Indian students in high schools and colleges. Such loans shall be reimbursable under rules established by the Commissioner of Indian Affairs.

Sec. 12. The Secretary of the Interior is directed to establish standards of health, age, character, experience, knowledge, and ability for Indians who may be appointed, without regard to civil-service laws, to the various positions maintained, now or hereafter, by the Indian Office, in the administration of functions or services affecting any Indian tribe. Such qualified Indians shall hereafter have the preference to appointment to vacancies in any such positions.

Sec. 13. The provisions of this Act shall not apply to any of the Territories, colonies, or insular possessions of the United States, except that sections 9, 10, 11, 12, and 16, shall apply to the Territory of Alaska: *Provided*, That Sections 2, 4, 7, 16, 17, and 18 of this Act shall not apply to the following-named Indian tribes, the members of such Indian tribes, together with members of other tribes affiliated with such named tribes located in the State of Oklahoma, as follows: Cheyenne, Arapaho, Apache, Comanche, Kiowa, Caddo, Delaware, Wichita, Osage, Kaw, Otoe, Tonkawa, Pawnee, Ponca, Shawnee, Ottawa, Quapaw, Seneca, Wyandotte, Iowa, Sac and Fox, Kickapoo, Pottawatomi, Cherokee, Chickasaw, Choctaw, Creek, and Seminole. Section 4 of this Act shall not apply to the Indians of the Klamath Reservation in Oregon.

Sec. 14. The Secretary of the Interior is hereby directed to continue the allowance of the articles enumerated in section 17 of the Act of March 2, 1889 (23 Stat. L. 894), or their commuted cash value under the Act of June 10, 1896 (29 Stat. L. 334), to all Sioux Indians who would be eligible, but for the provisions of this Act, to receive allotments of lands in severalty under section 19 of the Act of May 29, 1908 (25 Stat. L. 451), or under any prior Act, and who have the prescribed status of the head of a family or single person over the age of eighteen years, and his approval shall be final and conclusive, claims therefor to be paid as formerly from the permanent appropriation made by said section 17 and carried on the books of the Treasury for this purpose. No person shall receive in his own right more than one allowance of the benefits, and application must be made and approved during the lifetime of the allottee or the right shall lapse. Such benefits shall continue to be paid upon such reservation until such time as

the lands available therein for allotment at the time of the passage of this Act would have been exhausted by the award to each person receiving such benefits of an allotment of eighty acres of such land.

SEC. 15. Nothing in this Act shall be construed to impair or prejudice any claim or suit by any Indian tribe against the United States. It is hereby declared to be the intent of Congress that no expenditures for the benefit of Indians made out of appropriations authorized by this Act shall be considered as offsets in any suit brought to recover upon any claim of such Indians against the United States.

SEC. 16. Any Indian tribe, or tribes, residing on the same reservation, shall have the right to organize for its common welfare, and may adopt an appropriate constitution and bylaws, which shall become effective when ratified by a majority vote of the adult members of the tribe, or of the adult Indians residing on such reservation, as the case may be, at a special election authorized and called by the Secretary of the Interior under such rules and regulations as he may prescribe. Such constitution and bylaws when ratified as aforesaid and approved by the Secretary of the Interior shall be revocable by an election open to the same voters and conducted in the same manner as hereinabove provided. Amendments to the constitution and bylaws may be ratified and approved by the Secretary in the same manner as the original constitution and bylaws.

In addition to all powers vested in any Indian tribe or tribal council by existing law, the constitution adopted by said tribe shall also vest in such tribe or its tribal council the following rights and powers: To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior; to prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe; and to negotiate with the Federal, State, and local Governments. The Secretary of the Interior shall advise such tribe or its tribal council of all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of the Budget and the Congress.

SEC. 17. The Secretary of the Interior may, upon petition by at least one-third of the adult Indians, issue a charter of incorporation to such tribe: *Provided*, That such charter shall not become operative until ratified at a special election by a majority vote of the adult Indians living on the reservation. Such charter may convey to the incorporated tribe the power to purchase, take by gift, or request, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, including the power to purchase restricted Indian lands and to issue in exchange therefor interests in corporate property, and such further powers as may be incidental to the conduct of corporate business, not inconsistent with law, but no authority shall be granted to sell, mortgage, or lease for a period exceeding ten years any of the land included in the limits of the reservation. Any charter so issued shall not be revoked or surrendered except by Act of Congress.

SEC. 18. This Act shall not apply to any reservation wherein a majority of the adult Indians, voting at a special election duly called by the Secretary of the Interior, shall vote against its application. It shall be the duty of the Secretary of the Interior, within one year after the passage and approval of this Act, to call such an election, which election shall be held by secret ballot upon thirty days' notice.

SEC. 19. The term "Indian" as used in this Act shall include all persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction, and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation, and shall further include all other persons of one-half or more Indian blood. For the purposes of this Act, Eskimos and other aboriginal peoples of Alaska shall be considered Indians. The term "tribe" wherever used in this Act shall be construed to refer to any Indian tribe, organized band, pueblo, or the Indians residing on one reservation. The words "adult Indians" wherever used in this Act shall be construed to refer to Indians who have attained the age of twenty-one years.

Approved, June 18, 1934.

[PUBLIC—No. 147—74TH CONGRESS]

[H. R. 7781]

AN ACT To define the election procedure under the Act of June 18, 1934, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in any election heretofore or hereafter held

under the Act of June 18, 1934 (48 Stat. 984), on the question of excluding a reservation from the application of the said Act or on the question of adopting a constitution and bylaws or amendments thereto or on the question of ratifying a charter, the vote of a majority of those actually voting shall be necessary and sufficient to effectuate such exclusion, adoption, or ratification, as the case may be: *Provided, however*, That in each instance the total vote cast shall not be less than 30 per centum of those entitled to vote.

SEC. 2. The time for holding elections on the question of excluding a reservation from the application of said Act of June 18, 1934, is hereby extended to June 18, 1936.

SEC. 3. If the period of trust or of restriction on any Indian land has not, before the passage of this Act, been extended to a date subsequent to December 31, 1936, and if the reservation containing such lands has voted or shall vote to exclude itself from the application of the Act of June 18, 1934, the periods of trust or the restrictions on alienation of such lands are hereby extended to December 31, 1936.

SEC. 4. All laws, general and special, and all treaty provisions affecting any Indian reservation which has voted or may vote to exclude itself from the application of the Act of June 18, 1934 (48 Stat. 984), shall be deemed to have been continuously effective as to such reservation, notwithstanding the passage of said Act of June 18, 1934. Nothing in the Act of June 18, 1934, shall be construed to abrogate or impair any rights guaranteed under any existing treaty with any Indian tribe, where such tribe voted not to exclude itself from the application of said Act.

Approved, June 15, 1935.

[S. 2103, 76th Cong., 3d sess.]

AN ACT To exempt certain Indians and Indian tribes from the provisions of the Act of June 18, 1934 (48 Stat. 984), as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13 of 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, as amended, is amended by adding at the end thereof the following new paragraph:

"None of the provisions of this Act shall apply to (1) any Indian tribe on the Standing Rock Reservation located in the States of North and South Dakota; (2) the Pine Ridge Sioux Tribe of Indians of the State of South Dakota; (3) the Cheyenne River Sioux Tribe of Indians of the State of South Dakota; (4) the Yankton Sioux Tribe of Indians, of the Rosebud Agency of the State of South Dakota; (5) any Indian on any reservation or any Indian tribe or group, located in the State of Nevada; (6) the Eastern Band of Cherokee Indians located in the State of North Carolina; (7) any Indian tribe, band, or group, located in the State of California; (8) any Indian or Indian tribe on the Colorado River Indian Reservation of the State of Arizona; or (9) the Navajo tribe located in the State of New Mexico."

Passed the Senate February 19, 1940.

Attest:

EDWIN A. HALSEY, *Secretary*.

The following is Senate report accompanying S. 2103, which the chairman asked to be inserted in the record at this point.

[S. Rept. No. 1047, 76th Cong., 1st sess.]

The Committee on Indian Affairs, to whom was referred the bill (S. 2103) providing for the repeal of the so-called Wheeler-Howard Act (act of June 18, 1934, 48 Stat. 984), as amended by the act of June 15, 1935 (49 Stat. 578), having had the same under consideration, report thereon with the recommendation that it do pass with the following amendments:

Strike out all after the enacting clause and insert the following:

"That section 13 of 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, as amended, is amended by adding at the end thereof the following new paragraph:

"None of the provisions of this act shall apply to (1) any Indian tribe on the Standing Rock Reservation located in the States of North and South Dakota; (2) the Pine Ridge Sioux Tribe of Indians of the State of South Dakota; (3) the Cheyenne River Sioux Tribe of Indians of the State of South Dakota; (4) the Yankton Sioux Tribe of Indians of the Rosebud Agency of the State of South Dakota; (5) any Indian on any reservation or any Indian tribe or group located in the State of Nevada; (6) the Eastern Band of Cherokee Indians located in the State of North Carolina; (7) any Indian tribe, band, or group located in the State of California; (8) any Indian or Indian tribe on the Colorado River Indian Reservation of the State of Arizona; or (9) the Navajo tribe located in the State of New Mexico."

Amend the title so as to read: "A bill to exempt certain Indians and Indian tribes from the provisions of the act of June 18, 1934 (48 Stat. 984), as amended."

Since the previous session of the Congress your committee have held many and extensive hearings on bills to amend the so-called Wheeler-Howard Act providing for the exclusion of certain Indians from certain provisions of said act, and on bills to repeal the entire act. During the past 3 years witnesses from various tribes and reservations have appeared before your committee and produced oral testimony, and statements and petitions have been submitted from tribes, groups, and individual Indians in support of said bills, which evidence has brought to the attention of your committee certain facts dealing with the legal aspects and attempted administration of said act. Evidence through these sources and information obtained by visiting various Indian reservations and communities throughout the United States, by a subcommittee of your committee making a survey of conditions among the Indians of the United States, have disclosed that certain general conditions prevail on all reservations and localities.

A summary of the evidence in various forms brought to the attention of your committee seems to reveal the following:

1. Four campaigns have been staged on the reservations by the Bureau of Indian Affairs, relative to the said act, viz: (a) Campaign to secure Indian approval of the pending bill in 1934; (b) campaign to secure Indian acceptance of the act itself, in elections held for that purpose; (c) campaign to secure Indian acceptance of a constitution in elections held for that purpose; (d) campaign to secure Indian acceptance of a charter in the elections held in those places where both the act and the constitution had been accepted.

2. Witnesses supporting the bills for repeal of the act were unanimous in their statements that unjustifiable amounts of Federal appropriation for the Indian Bureau were used to conduct these four campaigns; that Indians were high pressured into accepting the act and adopting the constitutions and charters under authority of the act; that all local agency officials and Indians employed on work-relief projects were ordered to campaign actively for the act and that, under threat of losing their positions, they did so campaign; that officials of the Washington office of the Indian Bureau and Indians from other reservations were brought into local areas to campaign and that Indians both from outside and within the local areas were paid a salary and traveling expenses for campaigning; that the Civil Service Commission has held that it cannot take action against Bureau employees who campaigned in these various elections because of authority conferred upon the Secretary of the Interior under the so-called Wheeler-Howard Act; that meetings were held with the Indians and they were promised practically unlimited credit to borrow money for industrial and agricultural purposes, for home, education, and other purposes; that Indians were promised self-government and lands which were to be purchased by the United States Government; that the elections had not been carried out by secret ballot as provided for in the act; and that in all the campaigns and the conduct of the elections, the press, the radio, the franking privilege of the Indian Bureau, Government cars, gas and oil, publications, and other Government facilities were freely used.

3. That the various campaigns conducted by Indian Bureau officials, local agency officials, and irresponsible agents of the Bureau, made promises that could not be kept, which have tended to stir up more ill feeling, factional disputes, and family troubles among the Indians than has ever existed at any previous time.

4. That those Indians who have refused to accept the act or have opposed the act, the program of the Bureau or any of the Indians who favored the act have been discriminated against in the distribution of work relief, rations, clothing, loans, and anything else which the local agency has jurisdiction to disburse or handle; and that some Indians lost their jobs because of such opposition.

5. That Indians opposing the act had been and are being threatened, coerced, and intimidated by either the Bureau employees or the local Indian officers who operate under the Wheeler-Howard Act, or a combination of both Bureau and Indian officials, in the effort to force the program on the Indians. Indians have been arrested, fined, or jailed on trivial or false charges and been denied the right of trial by jury.

6. That individual rights of inheritance, private ownership of property, and private enterprise are being discouraged and destroyed by reason of some provisions of the act itself and the administration of the act.

7. That all efforts tend to force the Indians back into a primitive state; that tribal ceremonials, native costumes and customs, and languages are being both encouraged and promoted in the administration of this act; that the educational program of the Bureau of Indian Affairs has been revised to accomplish this purpose in place of the regular school courses in white schools;

8. That the act is not administered in such a manner as to provide the self-government which was promised to the Indians, but provides for more mandatory power for the Secretary of the Interior, and the program under the act has destroyed the self-governing rights which had previously been enjoyed. The constitutions prepared by the Indian Bureau officials for adoption by the Indians were so filled with the impositions of the Department that there was little room for the ideas of the Indians, yet the constitutions were supposed to be Indian made. They provide for the reference of everything of importance to the Secretary of the Interior.

(a) That generally the officers elected by the Indians when organizations are set up by virtue of the provisions of the so-called Wheeler-Howard Act, are, or become, employed by some Government agency supervised by the Indian Bureau, or some other governmental function, and in the selection of lands and in the extension of credits, many of such tribal officers have secured advantages through their positions and in some cases advantages have been secured through fraud and malfeasance.

10. That the Indians were told that the act provided a means of repeal if they did not like it, yet not a tribe has yet been allowed to vote on repeal though some of them have presented petition after petition. In reply to such petitions they are told to revise their constitutions and that if they could not, they might vote on repeal.

11. That chaotic conditions prevail, due either to the administration of the act or to legal complications which resulted from the application of the act to certain tribes, that individual initiative of the Indians is being destroyed, that no progress is being made; that conditions generally are worse, and great unhappiness, confusion, and despair among the Indians have resulted.

Arguments advanced against the Wheeler-Howard Act in general, can be summarized as follows:

1. Acceptance of the act changed the status of the Indians from that of involuntary wardship to voluntary wardship.

2. The act provides for continued wardship of the Indians and gives the Secretary of the Interior increased authority.

3. The act is contrary to the established policy of the Congress of the United States to eventually grant the full rights of citizenship to the Indians.

4. The act provides for only one form of government for the Indians, viz, a communal government, with all property, real and personal, held in common; and it compels the Indians to live in communities segregated from the rest of American citizens.

5. The act itself and the administration of the act violates the rights of citizenship which the Indians have won through long years of efforts.

6. That the Indians prefer to be under the jurisdiction of the laws of the respective States where they reside.

CONCLUSION

Fundamentally the so-called Wheeler-Howard Act attempts to set up a state or a nation within a nation which is contrary to the intents and purposes of the American Republic. No doubt but that the Indians should be helped and given every assistance possible but in no way should they be set up as a governing power within the United States of America. They should be permitted to have a part in their own affairs as to government in the same way as any domestic organization exists within a State or Commonwealth but not to be independent or apart therefrom.

Paradoxical as it may seem this act does not give them self-government and should not because that is the business of the State or Nation. There should be no privilege to this group that any other group may not have within the limits of our Constitution. This act does not even provide that they may control their own property, either what they have inherited or may acquire by their own efforts or through the Government. The Indians cannot well advance unless they are given responsibility and perhaps allowed to fail a few times as do other people, and thus learn to stand alone. They should be protected but not patronized.

There should be no plan that even savors of a state within a state or a nation within a nation. In most places in this country they get along well with their white neighbors and a majority of the Indians want such associations and they realize their greatest advancement is with the white man and his civilization. They are gradually letting their own culture, so-called, go by. And, why not?

When the fact was brought to the attention of your committee in 1935, that an interpretation contrary to the intention of Congress had been made by the Interior Department of certain sections of the act, your committee recommended, and the Congress passed an act (act of June 15, 1935, 49 Stat. 378) amending the original act correcting the misinterpretation so as to further safeguard the Indians.

The bill, which finally became the so-called Wheeler-Howard Act, was introduced in the Senate by the then chairman of your committee, Mr. Wheeler, at the request of the Commissioner of Indian Affairs, Mr. John Collier. The bill as introduced was thereupon referred to your committee for consideration; thereafter your committee recommended the elimination of many provisions of said bill which it was not in sympathy with and recommended an amended bill which it was thought that all objectionable features had been stricken out, but it is the opinion of your committee that many of the objectionable features which your committee thought it had eliminated is now put into operation through its administrators.

Many tribes have voted to come under the said act, but few have adopted constitutions and accepted charters; that is, they have taken the first step necessary to come under the act, but refuse to go further. The tribes found that after they had gone through the long process of getting a constitution they still had another long grind to get a charter.

The purchase of land for the landless and the promise of the revolving loan fund to become available to those who come under the act were the greatest incentives to Indians to organize. The holding out of these promises drew the support of practically all Indians who had sold their allotments, lost, squandered, or dissipated the proceeds, and were landless. This class of Indians appear to be mainly of the mixed-blood class and the educated full-bloods who have been declared competent; these are the Indians who seem to be in control of the organizations.

The administration of the loan fund has been grossly mismanaged; books of rules and regulations have confused Indians and employees. Credit was intended for those who had no credit but did have character; but it has worked out that credit was for those who had bankable security, and those who have bankable security have been told to go to the bank for their loans.

Your committee is of the opinion that the most questionable methods were employed to obtain acceptance of this act by the Indians and that there is a determined effort being made to apply portions of the program, or all of the program provided by the act, to Indians who rejected the act entirely or refused to go fully into the program; and that no effort is being made by the Department to use the lawful means provided in the act to revoke constitutions when the Indians so desire. It is a self-evident fact that the only method by which Indians can escape from the provisions of the act is by specific act of Congress excluding them therefrom.

Facts developed before your committee clearly established that the so-called Wheeler-Howard Act has resulted in increased Indian Bureau personnel and greatly increased appropriations. Your committee entertains a serious doubt that very much of these appropriations are actually benefiting the Indians. There is less Indian self-government now than ever has been. The attempt to set up a state within a state has failed. Tribes have bound themselves to the Department and councils are following the dictates of the local agencies.

The Secretary of the Interior has submitted his report on this bill (S. 2103) and various other bills providing for the exclusion of certain reservations and tribes. These reports no doubt have been prepared by persons who are biased and prejudiced in favor of the retention of the so-called Wheeler-Howard Act.

Your committee, however, does not concur in all the views expressed in these reports, nor do we agree as to certain facts stated therein as being a correct statement of the situation.

A copy of the Secretary of the Interior's report on S. 2103 and Senate bills S. 415, S. 626, S. 2089, S. 2317, S. 2318, and S. 2334 are attached hereto and made a part of this report, which reports are typical of reports submitted to your committee on similar bills which have been referred to your committee for consideration.

DEPARTMENT OF THE INTERIOR,
Washington, June 22, 1939.

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

MY DEAR MR. CHAIRMAN: Further reference is made to your request for a report on S. 2103 which would repeal the act of June 18, 1934 (48 Stat. 984), better known as the Indian Reorganization Act.

For the reasons hereinafter given I recommend that S. 2103 be not enacted. The Indian Reorganization Act which S. 2103 seeks to repeal was designed primarily to provide the Indians with an adequate basis of land and credit for complete self-support, and provided for increasing participation of the Indians in the management of their own affairs. For the past 5 years, these principles of government as they apply to the Indians have been the guiding principles of the Indians in rebuilding their social, civic, and economic structures, and of the Government in its commitments for Indian rehabilitation. The repeal of the act at this time would mean a return to the chaotic conditions which led to the enactment of the act.

The Indian Reorganization Act protects the land holdings of the Indians by preventing additional losses of Indian land through the process of individual allotment. It authorizes the acquisition of additional lands for undersupplied tribes and individuals. To implement this provision the Congress has so far appropriated \$4,100,000 and a total of approximately 250,000 acres has been acquired. To make possible the effective use of their lands by the Indian owners, a revolving credit fund of \$10,000,000 was authorized under the Indian Reorganization Act and \$2,000,000 under the Oklahoma Indian Welfare Act, of which amounts the Congress has appropriated \$4,800,000. In order to make possible increased Indian participation in the management of their own affairs, the act provides for the organization of Indian tribes and for the granting of Federal charters to organized tribes. Under this provision 97 tribes have adopted constitutions and bylaws and 67 tribes have been granted Federal charters. To 50 organized tribes and to 40 Indian credit and cooperative associations, loans have been made for productive enterprises. Through the efficient use of these loans several of the tribes have already greatly increased their income during the past 4 years. Other tribes have just launched productive enterprises based on the newly acquired lands and on the use of the credit funds.

The repeal of the Indian Reorganization Act as proposed in S. 2103 would automatically invalidate the extension of that act to Alaska and would also seriously impair operations under the Oklahoma Indian Welfare Act of June 26, 1936. This would destroy the newborn hope of scores of Indian tribes which, through the means provided by this act, have emerged from the slough of economic despair and spiritual stagnation. Such repeal would throw the mass of the Indians back into the quagmire of pauperism and would constitute an addition to the shamefully large number of broken pledges made to these wards of the Nation.

Indian tribal corporations organized under the Indian Reorganization Act have acquired certain legal rights and powers; they have incurred obligations to third parties; they are borrowing money from the Indian tribal revolving fund and using such money for tribal enterprises or for relending to individual Indians they are issuing leases and making contracts. The proposed legislation would; apparently wipe out this entire corporate structure. Valid obligations, once created, cannot be impaired, of course, without making suitable provision for the protection of vested rights.

Repeal of the Indian Reorganization Act, in my opinion, would be considered by the Indians who have accepted the act as an injustice far surpassing the many other wrongs which have been committed against the Indian race by its national guardian.

I am herewith enclosing a memorandum of information relating to S. 2103, a list of tribes now under the Indian Reorganization Act, and a report of credit operations under that Act.

The Director of the Bureau of the Budget has advised me that the proposed legislation would not be in accord with the program of the President.

Sincerely yours,

HARRY SLATTERY,
Acting Secretary of the Interior.

MEMORANDUM OF INFORMATION RELATING TO A BILL 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

PROVISIONS OF THE INDIAN REORGANIZATION ACT AND COMMITMENTS MADE THEREUNDER BY THE FEDERAL GOVERNMENT AND BY THE INDIAN TRIBES

The Indian Reorganization Act is a fundamental law under which Indian reorganization has operated for the past several years, and upon which plans for Indian welfare have been and are being prepared. Its repeal would be disastrous to Indian administration because of the commitments which tribes and the Federal Government have made under its authorizations and which could not then be completed. Its repeal would tend further to destroy the faith of the Indians in any continuity of Government policy in regard to Indians, and would make it increasingly difficult to enlist them again in any constructive movement for their welfare and for the shifting to them of Federal responsibility for their welfare. The following is a brief summary of the salient features of the act and of the chief commitments and engagements made under the act.

(a) It stops the further allotments of Indian tribal lands and extends indefinitely, existing periods of trust placed upon Indian lands. The acceptance of these authorizations are fundamental in many programs of land-use which are being developed by tribes.

(b) It permits the Secretary of the Interior to return unentered surplus lands to Indian use, if he finds that such restoration is in the public interest. Under this provision, 621,621 acres have been so restored and programs for the use of the returned lands are being developed.

(c) Section 4 of the act authorizes a new system of land tenure, the purpose of which is to curb the alienation of Indian lands to non-Indian ownership, to break down the practice of subdividing land holdings through heirship into units too small for economic use, and to permit the reconsolidation of Indian lands into usable tracts. This authorization required extensive education relating to the means by which these purposes are to be achieved, but they are generally acceptable to the Indians and constitute the major incentives in many land-use programs that are being developed by the Indians in cooperation with the Indian Bureau.

(d) It authorizes an annual expenditure up to \$2,000,000 a year for the purchase of land for Indian tribes and under this authorization, purchase has been completed for 221,147.47 acres and 46,826.99 acres are under option to purchase. Most of the land so purchased has been added to reservations which had a very inadequate amount of land, but some of it has been for certain landless groups and constitutes new reservations proclaimed under the act. Lands have been purchased for Indians in Arizona, California, Florida, Idaho, Kansas, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wisconsin.

(e) It authorizes an annual appropriation up to \$250,000 to defray the expenses of organizing the Indian tribes under constitutions and Federal charters. Up to April 15, 1939, 97 tribes and Indian communities have organized under constitutions and bylaws and 67 such groups have received Federal charters. In addition to the foregoing organizations, there are at present 24 tribes and eligible groups in process of organization. There are a few tribes which accepted the act that are yet to begin organization, but educational assistance to the organized tribes is now one of the most urgent commitments of the Government if we are to keep faith with the Indians. An additional report on the organization of tribes is herewith attached.

(f) It authorizes the establishment of a revolving credit fund of \$10,000,000 for the purpose of making loans to Indian chartered corporations and through

them to individuals and cooperative groups. The summary of operations under this authorization up to March 31, 1939, is as follows:

| Borrowers | Number of loans | Agencies | Commitments | Advances |
|---|-----------------|----------|---------------------|------------------|
| Loans to Indian chartered corporations..... | 62 | 28 | \$4,012,411.00 | \$1,562,785 |
| Loans to Indian credit associations..... | 39 | 4 | 727,000.00 | 642,500 |
| Loans to Indian cooperative..... | 1 | 1 | 2,800.00 | 2,800 |
| Loans to individuals..... | 193 | 6 | 138,282.30 | 183,500 |
| Total..... | 295 | | 4,880,493.30 | 2,391,585 |
| Applications for loans, pending..... | | | | 215,000 |

A report of credit operations to March 31, 1939, accompanies this memorandum.

(g) It authorizes an annual appropriation up to \$250,000 to provide loans to Indians for the payment of tuition and other expenses in recognized vocational and trade schools, high schools, and colleges. During the 3 years 1936, 1937, 1938, the total appropriations for student loans was only \$225,000, yet in 1938, there were 547 students being aided by loans, 300 of whom were attending colleges and 247 were in some kind of vocational school. In 1938 there were 119 loan-student graduates, 43 of them from colleges. It is clearly apparent that, under the act, a capable and interested body of young people are being prepared for leadership in the Indian advance.

(h) The act permits the organization under approved constitutions and bylaws, of tribes which have accepted the act, and upon their application, tribes and communities so organized may be granted charters. On April 1, of this year, 97 tribes and groups were operating under approved constitutions and bylaws and 67 charters had been issued. A total of 109,845 Indians exclusive of those in Alaska are now operating through organizations authorized by the act. This is approximately a 60-percent increase during the past year and shows that the Indians are rapidly moving toward a more complete acceptance of the act. More than 20 additional groups of Indians are now taking the first steps in organization.

A more detailed report of tribal organization accompanies this memorandum. The educational campaigns which have been conducted in connection with organization have been of inestimable value to the Indians, especially if the commitments of the Government and the Indians can be carried forward to fruition. Were the act to be repealed, the status of those Indian groups which have received charters would be especially precarious and confused because of the commitments made by the Government in the constitutions and the charters and the reciprocal commitments made by the Indians.

The following list shows Indian tribes, grouped by States, which are under constitutions and charters, as approved by the Secretary of the Interior in accordance with the provisions of the Indian Reorganization Act, the Oklahoma Indian Welfare Act, and the Alaska Act. The listed dates show when the constitutions and charters went into effect.

| Number and reservation | Official name of organization | Constitution approved | Charter ratified | Total population |
|------------------------|--|-----------------------|------------------|------------------|
| ARIZONA | | | | |
| 1. San Carlos..... | The San Carlos Apache Tribe..... | Jan. 17, 1936 | ..... | 3,017 |
| 2. Pima..... | The Gila River Pima Maricopa Indian community..... | May 14, 1936 | Feb. 28, 1938 | 4,586 |
| 3. Fort McDowell..... | The Fort McDowell-Mohave-Apache community..... | Nov. 24, 1936 | June 6, 1938 | 195 |
| 4. Hopi..... | The Hopi Tribe..... | Dec. 19, 1936 | ..... | 3,325 |
| 5. Gila Bend..... | The Papago Tribe..... | Jan. 6, 1937 | ..... | 5,656 |
| 5. San Xavier..... | | | | |
| 6. Camp Verde..... | The Yavapai-Apache Indian community..... | Feb. 12, 1937 | ..... | 419 |
| 7. Colorado River..... | The Colorado River Indian Tribes of the Colorado River Reservation, Ariz. and Calif..... | Aug. 13, 1937 | ..... | 1,212 |
| 8. Fort Apache..... | The White Mountain Apache Tribe..... | Aug. 26, 1938 | ..... | 2,811 |
| 9. Hualapai..... | The Hualapai Tribe of the Hualapai Reservation..... | Dec. 17, 1938 | ..... | 459 |
| 10. Havasupai..... | The Havasupai Tribe of the Havasupai Reservation..... | Mar. 27, 1939 | ..... | 207 |
| Total..... | | | | 21,887 |

| Number and reservation | Official name of organization | Constitution approved | Charter ratified | Total population |
|---------------------------|--|-----------------------|------------------|------------------|
| CALIFORNIA | | | | |
| 1. Big Valley..... | The Big Valley Band of Pomo Indians of the Big Valley Rancheria. | Jan. 15, 1936 | ----- | 92 |
| 2. Upper Lake..... | The Upper Lake Band of Pomo Indians of the Upper Lake Rancheria. |do..... | ----- | 72 |
| 3. Wilton..... | The Me-wuk Indian community of the Wilton Rancheria. |do..... | ----- | 28 |
| 4. Tule River..... | The Tule River Indian Tribe..... |do..... | ----- | 196 |
| 5. Tuolumne..... | The Tuolumne Band of Me-wuk Indians of the Tuolumne Rancheria. |do..... | Nov. 12, 1937 | 80 |
| 6. Fort Bidwell..... | The Fort Bidwell Indian community. | Jan. 28, 1936 | ----- | 128 |
| 7. Stewarts Point..... | The Kasha Band of Pomo Indians of the Stewarts Point Rancheria. | Mar. 11, 1936 | ----- | 140 |
| 8. Manchester..... | The Manchester Band of Pomo Indians of the Manchester Rancheria. |do..... | Feb. 27, 1937 | 92 |
| 9. Round Valley..... | The Covelo Indian community..... | Dec. 16, 1936 | Nov. 6, 1937 | 838 |
| 10. Fort Yuma..... | The Quechan Tribe..... | Dec. 18, 1936 | ----- | 852 |
| Total..... | ----- | ----- | ----- | 2,518 |
| COLORADO | | | | |
| 1. Southern Ute..... | The Southern Ute Tribe of the Southern Ute Reservation. | Nov. 4, 1936 | Nov. 1, 1938 | 403 |
| IDAHO | | | | |
| 1. Fort Hall..... | The Shoshone-Bannock Tribes of the Fort Hall Reservation. | Apr. 30, 1936 | Apr. 17, 1937 | 1,847 |
| IOWA | | | | |
| 1. Sac and Fox..... | The Sac and Fox Tribe of the Mississippi in Iowa. | Dec. 20, 1937 | ----- | 460 |
| KANSAS | | | | |
| 1. Iowa..... | The Iowa Tribe in Nebraska and Kansas. | Feb. 26, 1937 | June 19, 1937 | 537 |
| 2. Kickapoo..... | The Kickapoo Tribe in Kansas..... |do..... |do..... | 342 |
| 3. Sac and Fox..... | The Sac and Fox Tribe of Missouri..... | Mar. 2, 1937 |do..... | 127 |
| Total..... | ----- | ----- | ----- | 1,006 |
| MICHIGAN | | | | |
| 1. Hannahville..... | The Hannahville Indian community..... | July 23, 1936 | Aug. 21, 1937 | 108 |
| 2. Bay Mills..... | The Bay Mills Indian community..... | Nov. 4, 1936 | Nov. 27, 1937 | 109 |
| 3. L'Anse..... | The Keweenaw Bay Indian community. | Dec. 17, 1936 | July 17, 1937 | 1,116 |
| 4. Isabella..... | The Saginaw Chippewa Indian Tribe of Michigan. | May 6, 1937 | Aug. 28, 1937 | 800 |
| Total..... | ----- | ----- | ----- | 2,133 |
| MINNESOTA | | | | |
| 1. Lower Sioux..... | The Lower Sioux Indian community in the State of Minnesota. | June 11, 1936 | July 17, 1937 | 192 |
| 2. Prairie Island..... | The Prairie Island Indian community in the State of Minnesota. | June 20, 1936 | July 23, 1937 | 94 |
| 3. Consolidated Chippewa. | The Minnesota Chippewa Tribe..... | July 24, 1936 | Nov. 13, 1937 | 13,232 |
| Total..... | ----- | ----- | ----- | 13,518 |
| MONTANA | | | | |
| 1. Flathead..... | The Confederated Salish and Kootenai Tribes of the Flathead Reservation. | Oct. 28, 1935 | Apr. 25, 1936 | 3,114 |
| 2. Rocky Boy..... | The Chippewa Cree Tribe of the Rocky Boy Reservation. | Nov. 23, 1935 | July 25, 1936 | 672 |
| 3. Tongue River..... | The Northern Cheyenne Tribe..... |do..... | Nov. 7, 1936 | 1,573 |
| 4. Blackfeet..... | The Blackfeet Tribe of the Blackfeet Indian Reservation. | Dec. 13, 1935 | Aug. 15, 1936 | 4,348 |
| 5. Fort Belknap..... | The Fort Belknap Indian community..... |do..... | Aug. 25, 1937 | 1,540 |
| Total..... | ----- | ----- | ----- | 11,247 |
| NEBRASKA | | | | |
| 1. Omaha..... | The Omaha Tribe of Nebraska..... | Mar. 30, 1936 | Aug. 22, 1936 | 1,700 |
| 2. Ponca..... | The Ponca Tribe of Native Americans. | Apr. 3, 1936 | Aug. 15, 1936 | 391 |
| 3. Santee..... | The Santee Sioux Tribe of Nebraska..... |do..... | Aug. 22, 1936 | 1,280 |
| 4. Winnebago..... | The Winnebago Tribe of Nebraska..... |do..... | Aug. 15, 1936 | 1,238 |
| Total..... | ----- | ----- | ----- | 4,619 |

| Number and reservation | Official name of organization | Constitution approved | Charter ratified | Total population |
|------------------------------|---|-----------------------|------------------|------------------|
| NEVADA | | | | |
| 1. Reno-Sparks..... | The Reno-Sparks Indian colony..... | Jan. 15, 1936 | Jan. 7, 1938 | 190 |
| 2. Pyramid Lake..... | The Pyramid Lake Paiute Tribe..... |do | Nov. 21, 1936 | 559 |
| 3. Washoe..... | The Washoe Tribe..... | Jan. 24, 1936 | Feb. 27, 1937 | 150 |
| 4. Western Shoshone..... | The Shoshone-Paiute Tribes of the Duck Valley Reservation. | Apr. 20, 1936 | Aug. 22, 1936 | 545 |
| 5. Fort McDermitt..... | The Fort McDermitt Paiute and Shoshone Tribe. | July 2, 1936 | Nov. 21, 1936 | 258 |
| 6. Yerington..... | The Yerington Paiute Tribe..... | Jan. 4, 1937 | Apr. 10, 1937 | 134 |
| 7. Walker River..... | The Walker River Paiute Tribe..... | Mar. 26, 1937 | May 8, 1937 | 501 |
| 8. Te-Moak..... | The Te-Moak Bands of Western Shoshone Indians. | Aug. 24, 1938 | Dec. 12, 1938 | 80 |
| Total..... | | | | 2,417 |
| NEW MEXICO | | | | |
| 1. Santa Clara..... | The Pueblo of Santa Clara..... | Dec. 20, 1935 | | 450 |
| 2. Mescalero..... | The Apache Tribe of the Mescalero Reservation. | Mar. 25, 1936 | Aug. 1, 1936 | 762 |
| 3. Jicarilla..... | The Jicarilla Apache Tribe of New Mexico. | Aug. 4, 1937 | Sept. 4, 1937 | 727 |
| Total..... | | | | 1,939 |
| NORTH DAKOTA | | | | |
| 1. Fort Berthold..... | The Three Affiliated Tribes of the Fort Berthold Reservation. | June 29, 1936 | Apr. 24, 1937 | 1,728 |
| OREGON | | | | |
| 1. Grand Ronde..... | The Confederated Tribes of the Grand Ronde community. | May 13, 1936 | Aug. 22, 1936 | 373 |
| 2. Warm Springs..... | The Confederate Tribes of the Warm Springs Reservation. | Feb. 14, 1938 | Apr. 23, 1938 | 779 |
| OKLAHOMA | | | | |
| 1. Seneca-Cayuga..... | The Seneca-Cayuga Tribe of Oklahoma. | Apr. 26, 1937 | June 26, 1937 | 748 |
| 2. Wyandotte..... | The Wyandotte Tribe of Oklahoma. | July 17, 1937 | Oct. 30, 1937 | 786 |
| 3. Cheyenne and Arapaho..... | The Cheyenne-Arapaho Tribes of Oklahoma. | Aug. 25, 1937 | | 2,848 |
| 4. Kickapoo..... | The Kickapoo Tribe of Oklahoma..... | Sept. 18, 1937 | Jan. 18, 1938 | 262 |
| 5. Iowa..... | The Iowa Tribe of Oklahoma..... | Oct. 23, 1937 | Feb. 7, 1938 | 109 |
| 6. Sac and Fox..... | The Sac and Fox Tribe of Indians of Oklahoma. | Dec. 7, 1937 | | 875 |
| 7. Pawnee..... | The Pawnee Indians of Oklahoma..... | Jan. 6, 1938 | Apr. 28, 1938 | 977 |
| 8. Caddo..... | The Caddo Indian Tribe of Oklahoma. | Jan. 17, 1938 | Nov. 15, 1938 | 993 |
| 9. Tonkawa..... | The Tonkawa Tribe of Indians of Oklahoma. | Apr. 21, 1938 | | 52 |
| 10. Ottawa..... | The Ottawa Tribe of Oklahoma..... | Nov. 30, 1938 | | 426 |
| 11. Absentee-Shawnee..... | The Absentee-Shawnee Tribe of Indians of Oklahoma. | Dec. 5, 1938 | | 653 |
| 12. Potawatomi..... | The Citizen Band of Potawatomi Indians of Oklahoma. | Dec. 12, 1938 | | 2,627 |
| 13. Thlopthlocco..... | The Thlopthlocco tribal town..... | Dec. 27, 1938 | | 380 |
| 14. Alabama-Quassarte..... | The Alabama-Quassarte tribal town..... | Jan. 10, 1939 | | 150 |
| Total..... | | | | 11,886 |
| SOUTH DAKOTA | | | | |
| 1. Lower Brule..... | The Lower Brule Sioux Tribe..... | Nov. 27, 1935 | July 11, 1936 | 613 |
| 2. Rosebud..... | The Rosebud Sioux Tribe..... | Dec. 20, 1935 | Mar. 16, 1937 | 6,752 |
| 3. Cheyenne River..... | The Cheyenne River Sioux Tribe..... | Dec. 27, 1935 | | 3,490 |
| 4. Pine Ridge..... | The Oglala Sioux Tribe of the Pine Ridge Reservation. | Jan. 15, 1936 | | 8,776 |
| 5. Flandreau..... | The Flandreau Santee Sioux Tribe..... | Apr. 24, 1936 | Oct. 31, 1936 | 348 |
| Total..... | | | | 19,979 |
| TEXAS | | | | |
| 1. Alabama-Coushatta..... | The Alabama-Coushatta Tribes of Texas. | Aug. 19, 1938 | | 326 |

| Number and reservation | Official name of organization | Constitution approved | Charter ratified | Total population |
|------------------------------|--|-----------------------|------------------|------------------|
| UTAH | | | | |
| 1. Uintah and Ouray..... | The Ute Indian Tribe of the Uintah and Ouray Reservation. | Jan. 19, 1937 | Aug. 10, 1938 | 1,304 |
| WASHINGTON | | | | |
| 1. Tulalip..... | The Tulalip Tribes..... | Jan. 24, 1936 | Oct. 3, 1936 | 673 |
| 2. Swinomish..... | The Swinomish Indian tribal community. | Jan. 27, 1936 | July 25, 1936 | 302 |
| 3. Puyallup..... | The Puyallup Tribe..... | May 13, 1936 | ..... | 319 |
| 4. Muckleshoot..... | The Muckleshoot Indian Tribe..... |do..... | Oct. 31, 1936 | 193 |
| 5. Makah..... | The Makah Indian Tribe..... | May 16, 1936 | Feb. 27, 1937 | 408 |
| 6. Quileute..... | The Quileute Tribe of the Quileute Reservation. | Nov. 11, 1936 | Aug. 21, 1937 | 286 |
| 7. Skokomish..... | The Skokomish Indian Tribe of the Skokomish Reservation. | May 3, 1938 | ..... | 211 |
| 8. Kallspel..... | The Kallspel Indian community of the Kallspel Reservation. | Mar. 24, 1938 | May 28, 1938 | 97 |
| Total..... | ..... | ..... | ..... | <u>2,489</u> |
| WISCONSIN | | | | |
| 1. Red Cliff..... | The Red Cliff Band of Lake Superior Chippewa Indians. | June 1, 1936 | Oct. 24, 1936 | 624 |
| 2. Bad River..... | The Bad River Band of the Lake Superior Tribe of Chippewa Indians of the State of Wisconsin. | June 20, 1936 | May 21, 1938 | 1,215 |
| 3. Lac du Flambeau..... | The Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin. | Aug. 15, 1936 | May 8, 1937 | 877 |
| 4. Oneida..... | The Oneida Tribe of Indians of Wisconsin. | Dec. 21, 1936 | May 1, 1937 | 3,249 |
| 5. Wisconsin Potawatomi..... | The Forest County Potawatomi community. | Feb. 6, 1937 | Oct. 30, 1937 | 301 |
| 6. Stockbridge..... | The Stockbridge-Munsee community. | Oct. 30, 1937 | May 21, 1938 | 600 |
| 7. Mole Lake..... | The Sokaogon Chippewa community. | Nov. 9, 1938 | ..... | 187 |
| Total..... | ..... | ..... | ..... | <u>7,053</u> |
| Grand total..... | ..... | ..... | ..... | <u>109,845</u> |
| ALASKA | | | | |
| 1. Hydaburg..... | The Hydaburg Cooperative Association of Alaska. | Apr. 14, 1938 | Apr. 14, 1938 | 329 |
| 2. Klawock..... | The Klawock Cooperative Association of Alaska. | Oct. 4, 1938 | Oct. 4, 1938 | 277 |
| 3. Craig..... | The Craig Community Association of Craig, Alaska. | Oct. 8, 1938 | Oct. 8, 1938 | 201 |
| 4. Sitka..... | The Sitka Community Association of Alaska. | Oct. 11, 1938 | Oct. 11, 1938 | 620 |
| 5. Kasaan..... | The organized village of Kasaan..... | Oct. 15, 1938 | Oct. 15, 1938 | 83 |
| Total..... | ..... | ..... | ..... | <u>1,510</u> |

MONTHLY REPORT OF CREDIT OPERATIONS TO MAR. 31, 1939

Summary

| Borrowers | Number of loans | Agencies | Commitments | Advances |
|--|-----------------|----------|----------------|-------------|
| Loans to 50 Indian chartered corporations..... | 62 | 28 | \$4,012,411.00 | \$1,562,785 |
| Loans to 39 Indian credit associations..... | 39 | 4 | 727,000.00 | 642,500 |
| Loan to 1 Indian cooperative..... | 1 | 1 | 2,800.00 | 2,800 |
| Loans direct to 186 individuals..... | 193 | 6 | 135,282.30 | 183,500 |
| Total..... | ..... | ..... | 4,880,493.30 | 2,391,585 |

Applications pending for loans to Indian chartered corporations:

| | |
|---|----------|
| The Bad River Band of Lake Superior Chippewa Indians..... | \$10,000 |
| The Hannahville Indian community..... | 5,000 |
| The Klawock Cooperative Association..... | 200,000 |
| Total..... | 215,000 |

ORGANIZATION—OKLAHOMA

| | | | |
|---------------------------------|--------|---------------------------------|--------|
| Charters granted: | Number | Bylaws approved: | Number |
| Indian credit associations..... | 50 | Indian credit associations..... | 40 |
| Indian cooperatives..... | 4 | Indian cooperatives..... | 2 |

Loans to Indian chartered corporations

| Agency and corporations | Total commitments | Total advances |
|--|---------------------|---------------------|
| Alaska: | | |
| The Craig Community Association of Craig..... | \$30,000.00 | |
| The Hyaburg Cooperative Association..... | 115,000.00 | \$32,000.00 |
| The Organized Village of Kasaaan..... | 11,200.00 | 5,700.00 |
| The Sitka Community Association..... | 60,000.00 | 32,000.00 |
| Blackfeet: The Blackfeet Tribe of the Blackfeet Reservation (2)..... | 150,000.00 | 100,000.00 |
| Carson: | | |
| The Fort McDermitt Paiute and Shoshone Tribes..... | 20,000.00 | 17,000.00 |
| The Pyramid Lake Paiute Tribe..... | 15,000.00 | 2,500.00 |
| The Walker River Paiute Tribe..... | 22,000.00 | 22,000.00 |
| The Washoe Tribe..... | 10,000.00 | 10,000.00 |
| The Yerington Paiute Tribe..... | 6,000.00 | 6,000.00 |
| Consolidated Chippewa: The Minnesota Chippewa Tribe..... | 45,000.00 | 25,000.00 |
| Crow Creek: The Lower Brule Sioux Tribe of the Crow Creek Reservation (2)..... | 40,000.00 | 20,500.00 |
| Flandrau: The Flandrau Santee Sioux Tribe ¹ | 25,000.00 | 25,000.00 |
| Flathead: The Confederated Salish and Kootenai Tribes..... | 65,000.00 | 30,000.00 |
| Fort Belknap: The Fort Belknap Indian Community of the Fort Belknap Reservation ¹ | 55,000.00 | 30,000.00 |
| Fort Berthold: The Three Affiliated Tribes of the Fort Berthold Reservation..... | 50,000.00 | 10,500.00 |
| Fort Hall: The Shoshone-Bannock Tribes of the Fort Hall Reservation..... | 100,000.00 | 60,000.00 |
| Grand Ronde-Siletz: The Confederated Tribes of the Grande Ronde Community ¹ | 13,000.00 | 13,000.00 |
| Great Lakes: | | |
| The Bay Mills Indian Community..... | 9,900.00 | 5,000.00 |
| The Keweenaw Bay Indian Community..... | 33,000.00 | 20,000.00 |
| The Lac du Flambeau Band of Lake Superior Chippewa Indians..... | 15,650.00 | 11,000.00 |
| The Red Cliff Band of Lake Superior Chippewa Indians..... | 16,000.00 | 16,000.00 |
| Jicarilla: The Jicarilla Apache Tribe..... | 85,000.00 | 75,000.00 |
| Kiowa: The Caddo Tribe of Oklahoma..... | 20,000.00 | 6,000.00 |
| Mescalero: The Apache Tribe of the Mescalero Indian Reservation ¹ | 268,100.00 | 262,380.00 |
| Northern Idaho: The Kalispel Indian Community of the Kalispel Reservation..... | 5,000.00 | 5,000.00 |
| Pipestone: | | |
| The Lower Sioux Indian Community in the State of Minnesota..... | 10,000.00 | 10,000.00 |
| The Prairie Island Indian Community in the State of Minnesota..... | 5,000.00 | 5,000.00 |
| Potawatomi (Kansas): | | |
| The Iowa Tribe..... | 15,000.00 | 15,000.00 |
| The Kickapoo Tribe..... | 15,000.00 | 8,000.00 |
| The Sac and Fox Tribe of Missouri..... | 10,000.00 | 8,000.00 |
| Quapaw: | | |
| The Seneca-Cayuga Tribe..... | 30,230.00 | 24,805.00 |
| The Wyandotte Tribe of Oklahoma..... | 18,000.00 | 18,000.00 |
| Rocky Boy's: The Chippewa Creek Indians of the Rocky Boy's Reservation..... | 55,000.00 | 54,000.00 |
| Rosebud: The Rosebud Sioux Tribe ¹ | 215,000.00 | 140,000.00 |
| Sacramento: | | |
| The Covelo Indian Community..... | 12,000.00 | 12,000.00 |
| The Manchester Band of Pomo Indians of the Manchester Rancheria..... | 5,000.00 | 5,000.00 |
| Shawnee: | | |
| The Iowa Tribe of Oklahoma..... | 5,000.00 | 2,500.00 |
| The Kickapoo Tribe of Oklahoma..... | 10,000.00 | 5,000.00 |
| Tomah: | | |
| The Oneida Tribe of Indians of Wisconsin..... | 5,000.00 | 5,000.00 |
| The Saginaw Chippewa Tribe of Michigan..... | 7,000.00 | 5,000.00 |
| Tongue River: The Northern Cheyenne Tribe of the Tongue River Reservation ¹ | 2,090,931.00 | 210,000.00 |
| Tulalip: | | |
| The Muckleshoot Tribe of the Muckleshoot Reservation..... | 10,000.00 | 2,000.00 |
| The Swinomish Indian Tribal Community..... | 15,000.00 | 5,000.00 |
| The Tulalip Tribes of the Tulalip Reservation ¹ | 31,400.00 | 24,400.00 |
| Warm Springs: The Confederated Tribes of the Warm Springs Reservation of Oregon..... | 50,000.00 | 50,000.00 |
| Winnegabo: | | |
| The Omaha Tribe of Nebraska..... | 30,000.00 | 20,000.00 |
| The Ponca Tribe of Native Americans of Nebraska (2)..... | 12,500.00 | 12,500.00 |
| The Santee Sioux Tribe of Nebraska (2)..... | 35,000.00 | 35,000.00 |
| The Winnegabo Tribe of Nebraska..... | 35,000.00 | 25,000.00 |
| Total..... | 4,012,411.00 | 1,562,785.00 |
| Total advances less repayments: | | |
| The Apache Tribe of the Mescalero Reservation..... | 28,800.00 | |
| The Chippewa Cree Indians of the Rocky Boy's Reservation..... | 2,000.00 | |
| The Fort McDermitt Paiute and Shoshone Tribes..... | 2,500.00 | |
| The Jicarilla Apache Tribe..... | 8,500.00 | |
| The Lac du Flambeau Band of Lake Superior Chippewa Indians..... | 850.00 | |
| The Manchester Band of Pomo Indians of the Manchester Rancheria..... | 338.94 | |
| The Northern Cheyenne Tribe of the Tongue River Reservation..... | 85,000.00 | |
| The Red Cliff Band of Lake Superior Chippewa Indians..... | 4,270.00 | |
| The Seneca-Cayuga Tribe (Oklahoma)..... | 5,000.00 | |
| Balance outstanding..... | | 137,256.94 |
| | | 1,425,528.06 |

¹ Reduced from \$145,000 by modification.

² \$1,500 transferred from Pyramid Lake account to Fort McDermitt account.

Loans to Indian credit associations, Oklahoma

| Agency and association | Commitments | Advances |
|---|-------------|----------|
| Five Tribes: | | |
| Adair County Indian Credit Association..... | \$25,000 | \$25,000 |
| Atoka County Indian Credit Association..... | 15,000 | 15,000 |
| Bryan County Indian Credit Association..... | 30,000 | 30,000 |
| Carter County Indian Credit Association..... | 15,000 | 15,000 |
| Cherokee County Indian Credit Association..... | 25,000 | 25,000 |
| Choctaw County Indian Credit Association..... | 20,000 | 20,000 |
| Craig County Indian Credit Association ¹ | 25,000 | 20,000 |
| Garvin County Indian Credit Association..... | 15,000 | 15,000 |
| Grady County Indian Credit Association..... | 15,000 | 10,000 |
| Haskell County Indian Credit Association..... | 20,000 | 20,000 |
| Johnston County Indian Credit Association..... | 15,000 | 15,000 |
| Latimer County Indian Credit Association..... | 20,000 | 20,000 |
| Le Flore County Indian Credit Association..... | 25,000 | 25,000 |
| Love County Indian Credit Association..... | 15,000 | 15,000 |
| McClain County Indian Credit Association..... | 15,000 | 15,000 |
| McCurtain County Indian Credit Association..... | 25,000 | 20,000 |
| Mayes County Indian Credit Association..... | 25,000 | 20,000 |
| Murray County Indian Credit Association..... | 15,000 | 15,000 |
| Muskogee County Indian Credit Association..... | 30,000 | 20,000 |
| Nowata County Indian Credit Association..... | 25,000 | 25,000 |
| Pittsburg County Indian Credit Association..... | 18,000 | 18,000 |
| Pontotoc County Indian Credit Association..... | 15,000 | 15,000 |
| Pushmataha County Indian Credit Association..... | 15,000 | 15,000 |
| Rogers County Indian Credit Association..... | 25,000 | 17,500 |
| Seminole County Indian Credit Association..... | 10,000 | 10,000 |
| Sequoyah County Indian Credit Association..... | 35,000 | 35,000 |
| Stephens County Indian Credit Association..... | 10,000 | 10,000 |
| Tulsa County Indian Credit Association..... | 30,000 | 21,000 |
| Kiowa: | | |
| Comanche Oklahoma Welfare Indian Credit Association..... | 12,000 | 12,000 |
| Indianola District Indian Credit Association..... | 10,000 | 10,000 |
| Walters District Indian Credit Association..... | 15,000 | 15,000 |
| Washita Valley Indian Credit Association..... | 12,000 | 12,000 |
| Pawnee: | | |
| Kaw Indian Credit Association..... | 15,000 | 10,000 |
| Pawnee Indian Welfare Credit Association..... | 15,000 | 5,000 |
| Shawnee: | | |
| Northern Sac and Fox Indian Credit Association..... | 15,000 | 15,000 |
| North Canadian Indian Credit Association..... | 15,000 | 5,000 |
| Oklahoma County Indian Credit Association..... | 10,000 | 10,000 |
| Sacred Heart Indian Credit Association..... | 25,000 | 17,000 |
| Southern Sac and Fox Indian Credit Association..... | 10,000 | 5,000 |
| Total..... | 727,000 | 642,500 |
| Five Tribes: Lyons Indian Cooperative Association (Adair County)..... | 2,800 | 2,800 |

¹ Association dissolved, funds not deposited in Treasury.

Direct loans to individuals, Oklahoma

| Agency | Number | Commitments | Repayments | Balance | Advanced to agency |
|-----------------------|--------|-------------|-------------|-------------|--------------------|
| Cheyenne-Arapaho..... | 72 | \$67,210.75 | \$13,085.51 | \$54,125.24 | \$75,500 |
| Five Tribes..... | 63 | 35,458.75 | ..... | 35,458.75 | 50,000 |
| Kiowa..... | 38 | 25,268.80 | 1,969.21 | 23,299.59 | 30,000 |
| Pawnee..... | 1 | 1,182.00 | 197.00 | 985.00 | 10,000 |
| Quapaw..... | 3 | 1,472.50 | 111.93 | 1,360.57 | 3,000 |
| Shawnee..... | 16 | 7,689.50 | 323.03 | 7,366.47 | 15,000 |
| Total..... | 193 | 138,282.30 | 15,686.68 | 122,595.62 | 183,500 |

ORGANIZATION STATUS OF INDIAN CREDIT ASSOCIATIONS, OKLAHOMA

BYLAWS APPROVED

| | Date |
|--|----------------|
| Five Tribes Agency: | |
| Adair County Indian Credit Association..... | Sept. 2, 1937 |
| Atoka County Indian Credit Association..... | Sept. 22, 1937 |
| Bryan County Indian Credit Association..... | Sept. 2, 1937 |
| Carter County Indian Credit Association..... | Dec. 9, 1937 |
| Cherokee County Indian Credit Association..... | Sept. 2, 1937 |
| Choctaw County Indian Credit Association..... | Sept. 28, 1937 |
| Craig County Indian Credit Association..... | Apr. 13, 1938 |
| Garvin County Indian Credit Association..... | Oct. 22, 1937 |
| Grade County Indian Credit Association..... | Nov. 10, 1937 |
| Haskell County Indian Credit Association..... | Sept. 2, 1937 |
| Johnston County Indian Credit Association..... | Oct. 5, 1937 |
| Latimer County Indian Credit Association..... | Sept. 4, 1937 |
| Le Flore County Indian Credit Association..... | Do. |
| Love County Indian Credit Association..... | Oct. 5, 1937 |
| McClain County Indian Credit Association..... | Oct. 14, 1937 |
| Mayes County Indian Credit Association..... | Jan. 25, 1938 |
| McCurtain County Indian Credit Association..... | Apr. 26, 1938 |
| Murray County Indian Credit Association..... | Oct. 5, 1938 |
| Muskogee County Indian Credit Association..... | Mar. 31, 1938 |
| Nowata County Indian Credit Association..... | Apr. 30, 1938 |
| Pittsburg County Indian Credit Association..... | Sept. 14, 1937 |
| Pontotoc County Indian Credit Association..... | Jan. 13, 1938 |
| Pushmataha County Indian Credit Association..... | Mar. 3, 1938 |
| Rogers County Indian Credit Association..... | Feb. 10, 1938 |
| Seminole County Indian Credit Association..... | May 25, 1938 |
| Sequoyah County Indian Credit Association..... | Sept. 2, 1937 |
| Stephens County Indian Credit Association..... | Oct. 7, 1937 |
| Tulsa County Indian Credit Association..... | Feb. 24, 1938 |
| Washington County Indian Credit Association..... | Mar. 24, 1938 |
| Kiowa Agency: | |
| Comanche Oklahoma Welfare Indian Credit Association..... | June 2, 1938 |
| Indianola District Indian Credit Association..... | May 25, 1938 |
| Walters District Indian Credit Association..... | June 26, 1938 |
| Washita Valley Indian Credit Association..... | July 7, 1938 |
| Pawnee: | |
| Kaw Indian Credit Association..... | Nov. 4, 1937 |
| Pawnee Indian Welfare Credit Association..... | Nov. 12, 1937 |
| Shawnee: | |
| North Canadian Indian Credit Association..... | Sept. 2, 1937 |
| Northern Sac and Fox Indian Credit Association..... | Dec. 13, 1937 |
| Oklahoma County Indian Credit Association..... | Apr. 5, 1938 |
| Sacred Heart Indian Credit Association..... | Oct. 22, 1937 |
| Southern Sac and Fox Indian Credit Association..... | Oct. 22, 1937 |

CHARTERS GRANTED

| | Date |
|---|----------------|
| Five Tribes: | |
| Adair County Indian Credit Association..... | June 16, 1937 |
| Atoka County Indian Credit Association..... | June 10, 1937 |
| Bryan County Indian Credit Association..... | June 19, 1937 |
| Carter County Indian Credit Association..... | July 3, 1937 |
| Cherokee County Indian Credit Association..... | June 16, 1937 |
| Choctaw County Indian Credit Association..... | June 19, 1937 |
| Coal County Indian Credit Association..... | Feb. 18, 1938 |
| Craig County Indian Credit Association..... | June 16, 1937 |
| Garvin County Indian Credit Association..... | July 3, 1937 |
| Grady County Indian Credit Association..... | Do. |
| Haskell County Indian Credit Association..... | June 10, 1937 |
| Hughes County Indian Credit Association..... | June 23, 1938 |
| Jay Indian Credit Association..... | Oct. 30, 1938 |
| Jefferson County Indian Credit Association..... | Sept. 15, 1937 |
| Johnston County Indian Credit Association..... | July 3, 1937 |
| Latimer County Indian Credit Association..... | June 30, 1937 |

CHARTERS GRANTED—continued

| | <i>Date</i> |
|---|----------------|
| Five Tribes—Continued. | |
| LeFlore County Indian Credit Association..... | June 19, 1937 |
| Love County Indian Credit Association..... | July 3, 1937 |
| McClain County Indian Credit Association..... | Do. |
| McCurtain County Indian Credit Association..... | June 19, 1937 |
| McIntosh County Indian Credit Association..... | May 25, 1938 |
| Marshall County Indian Credit Association..... | July 17, 1937 |
| Mayes County Indian Credit Association..... | June 16, 1937 |
| Murray County Indian Credit Association..... | July 3, 1937 |
| Muskogee County Indian Credit Association..... | Sept. 24, 1937 |
| Nowata County Indian Credit Association..... | June 16, 1937 |
| Ottawa County Indian Credit Association..... | Mar. 31, 1937 |
| Pittsburg County Indian Credit Association..... | June 10, 1937 |
| Pontotoc County Indian Credit Association..... | July 3, 1937 |
| Pushmataha County Indian Credit Association..... | June 19, 1937 |
| Rogers County Indian Credit Association..... | Dec. 13, 1937 |
| Seminole County Indian Credit Association..... | Nov. 26, 1937 |
| Sequoyah County Indian Credit Association..... | June 16, 1937 |
| Stephens County Indian Credit Association..... | July 3, 1937 |
| Tulsa County Indian Credit Association..... | Dec. 13, 1937 |
| Underwood Indian Credit Association..... | Nov. 23, 1937 |
| Wagoner County Indian Credit Association..... | May 25, 1938 |
| Washington County Indian Credit Association..... | June 16, 1937 |
| Kiowa: | |
| Comanche District Indian Credit Association..... | Mar. 8, 1938 |
| Indianoma District Indian Credit Association..... | Do. |
| Walters District Indian Credit Association..... | May 5, 1937 |
| Washita Valley Indian Credit Association..... | May 24, 1938 |
| Pawnee: | |
| Kaw Indian Credit Association..... | July 27, 1937 |
| Pawnee Indian Credit Association..... | Sept. 20, 1937 |
| Shawnee: | |
| North Canadian Indian Credit Association..... | June 30, 1937 |
| Northern Sac and Fox Indian Credit Association..... | June 10, 1937 |
| Oklahoma County Indian Credit Association..... | Jan. 4, 1938 |
| Sacred Heart Indian Credit Association..... | June 30, 1937 |
| Southern Sac and Fox Indian Credit Association..... | June 10, 1937 |

ORGANIZATION STATUS OF INDIAN COOPERATIVES, OKLAHOMA

BYLAWS APPROVED

| | |
|--|---------------|
| Five Tribes: Lyons County Indian Cooperative Association..... | Nov. 17, 1937 |
| Cheyenne and Arapaho: Cheyenne and Arapaho Indian Cooperative Livestock Association..... | Dec. 13, 1937 |

CHARTERS GRANTED

| | |
|--|---------------|
| Five Tribes: Lyons Indian Cooperative Association..... | Oct. 23, 1937 |
| Chilocco Indian School: Chilocco Homesteaders Cooperative Association..... | Oct. 26, 1937 |
| Cheyenne and Arapaho: | |
| Cheyenne and Arapaho Indian Cooperative Livestock Association..... | June 25, 1937 |
| Seger Indian Farmer's Cooperative Association..... | Dec. 15, 1937 |

DEPARTMENT OF THE INTERIOR,
Washington, April 7, 1939.

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

MY DEAR MR. CHAIRMAN: Further reference is made to your request for a report on S. 415, which would exempt the Indians of the Standing Rock Reservation in North and South Dakota from the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

In accordance with section 18 of this act, the Indians of the Standing Rock Reservation on October 27, 1934, voted 668 to 508 to accept the provisions of the act. Since then, at two separate elections, the Indians have indicated by a clear majority that they did not wish to adopt a constitution or charter. Reports which have come to me have convinced me that these adverse votes were due in part to misunderstandings and in part to the injection of local issues which have nothing to do with the merits of the Indian Reorganization Act or of the constitutions and the charter upon which the Indians voted. A strong minority on the reservation is anxious to complete tribal organization in order that all the provisions of the act may become effective. However, this is a matter for the Indians to determine among themselves, and while the Indian Office has made every effort to explain the advantages offered under the Indian Reorganization Act, it has not attempted, and will not attempt in future, to tell the Indians how to decide the question of organization.

The Indians at Standing Rock, because they have failed to organize, do not share in all the benefits of the Indian Reorganization Act. They do, however, enjoy the protection of certain provisions which I would not willingly have repealed or nullified. Admitting that some sentiment exists at Standing Rock, as elsewhere, for the repeal of the act, I still believe that the provisions of the act are basically sound. In my opinion, the act should not be repealed, and it should continue to apply to those Indians who have accepted it. I recommend, therefore, that S. 415 be not enacted.

The Acting Director of the Bureau of the Budget has advised that there is no objection to the presentation of this report to the Congress.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, March 31, 1939.

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

MY DEAR MR. CHAIRMAN: Further reference is made to your request for a report on S. 626, which would operate to exclude any Indian tribe or reservation located in the State of Nevada from the provisions of the act of June 18, 1934 (48 Stat. 984), by amending section 13 of the said act.

Pursuant to section 18 of the act of June 18, 1934, as amended by the act of June 15, 1935 (49 Stat. 378), all those Indian tribes in the United States eligible to vote thereon were given an opportunity to determine by secret ballot whether to place themselves under the provisions of the act or to exclude themselves. Seventy-seven tribes, bands, and pueblos have voted to exclude themselves, leaving 189 of the remaining eligible group to whom the act does apply. Many of the tribes which rejected the act are now petitioning for an opportunity to vote again in order that they may obtain its protection and benefits.

The substance of this same act, with certain improvements based upon more recent experience, was put into effect by the Seventy-fifth Congress for all the tribes of Oklahoma with the exception of the Osage. The Indians and Eskimos of Alaska were also brought fully within the terms of the act at the same session of Congress.

In the case of Nevada, all of her Indian tribes and bands voted upon the act pursuant to the requirements set forth in section 18, and of the 16 groups all except 1 adopted the act. There are over 5,000 Indians in Nevada. Over 1,800 of these are scattered Indians who have never been located on any reservation or colony site. Of the 3,200 residing on reservations or colony sites, 2,800 are under the act by virtue of their votes in referenda on the act's application. Only the Fallon group of 420 voted to exclude itself. This group, however, has now petitioned asking for an opportunity to vote again. Eight of the important Nevada groups, representing 2,417 Indians, have adopted constitutions and have become bodies corporate under the act. At the present time other important Nevada groups, such as the Indians of Summit Lake, Lovelocke, Winnemucca, and the Reese River Indians of Nye County, are working through constitutional committees in the preparation of drafts of constitutions.

The Indian Reorganization Act has benefited the Indians in a positive manner. For example, under section 5 of the act, which authorizes the purchase of lands for

Indians, a total of 7,095 acres, costing \$85,113, have been purchased up to the present time, and other purchases are still pending. The advancement of credit has been a serious need of Indian tribes everywhere, the Nevada tribes not excepted. Through the revolving credit fund established by section 10 of the act, these Nevada Indians have found a means of securing the credit necessary to establish tribal and individual enterprises. Five tribes—namely, Fort McDermitt, Pyramid Lake, Yerington, Walker River, and Washoe—have borrowed a total of \$57,500, while a larger sum, in the amount of \$73,000, has been committed for their use. In my opinion, it would be disastrous to withdraw from these tribes at this time the opportunity to share in these very material benefits. Over and above the material benefits is the opportunity for these Indians to assert, as individuals and as groups, their constitutional rights as citizens in the management of their lives and their property.

For the foregoing reasons, I recommend that S. 626 be not enacted.

The Acting Director of the Bureau of the Budget has advised that there is no objection to the presentation of this report to the Congress.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, June 19, 1939.

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

MY DEAR MR. CHAIRMAN: Further reference is made to your request for a report on S. 2089 designed to amend the act of June 18, 1934 (48 Stat. 984), better known as the Indian Reorganization Act, by exempting from the provisions of that act the Indians of the Pine Ridge Reservation, S. Dak.

I recommend that S. 2089 be not enacted for the following reasons: At an election held on October 27, 1934, a majority of the Indians of the Pine Ridge Reservation voted to accept the provisions of the Indian Reorganization Act. They then proceeded to adopt a constitution and bylaws and to elect a council, which has functioned since early in 1935 as the governing body of the Pine Ridge Reservation. The council has entered into many contracts, leases, permits, licenses, etc., and has otherwise assumed numerous obligations on behalf of the tribe.

More than 60 young people from the Pine Ridge Reservation have attended colleges and vocational schools on loans from appropriations authorized by the act. They constitute an ever-increasing group of future leaders in civic affairs of the tribe.

Section 14 of the Indian Reorganization Act provided for the payment of Sioux benefits to the members of the tribe 18 years of age or over and otherwise eligible, until such time as the land available for allotment, 80 acres to the individual, should be exhausted. The land available on the Pine Ridge Reservation has been determined as sufficient to authorize Sioux benefits for 2,097 individuals and of this number 936 have received such benefits, leaving 1,161 separate benefits for others as they reach age 18 and are otherwise eligible. The elimination of the Pine Ridge Reservation from the provisions of the Indian Reorganization Act would deprive many hundreds of young people of Sioux benefits, approximately \$600 in each case.

Under the provisions of the Indian Reorganization Act, 3,512.74 acres of land have been purchased and added to the tribal lands of the Pine Ridge Reservation, and 9,504.51 acres of surplus lands have been restored thereto. Programs of land conservation and utilization are being developed on those and other lands of the reservation, which may be handicapped if this reservation is eliminated from the operations of that act.

At the hearing held by your committee, the Indians testified as to the conditions on the reservation. They spoke of factionalism and misunderstandings and they attributed these and other problems on the reservation to the Indian Reorganization Act, its administration and operation. Frankly, it must be recognized that these things are not chargeable to this act or program. I think it is proper to point out that the Indians at Pine Ridge were not united before this program was undertaken. Many of these conditions exist on other reservations where the program and the act are not in effect.

There has also been presented to your committee the question of the type of leadership which has developed on the reservation. The same situation can be

found in many of our cities and towns. The remedy is in the hands of the Indians. Their constitution provides ways and means to deal with and correct this situation, but unfortunately the Indians who are the most outspoken in their criticism and fault-finding fail or refuse to exercise the powers which are theirs. Neither the repeal of the Indian Reorganization Act as it applies to Pine Ridge nor any other action, which the Congress may take can correct such indifferences and apathy among these people. The Indians must learn to use the procedural methods open to them. The Department must help through advice and guidance, and the Congress should not withdraw the benefits and opportunities afforded to the Indians by this legislation. It is not to be expected that 2 or 3 years of self-government and participation in programs for economic advancement and social welfare will bring forth perfection when we consider the history of the Indian people, particularly in the matter of government and administration.

The Director of the Bureau of the Budget has advised me that there is no objection to the presentation of this report to the Congress.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, June 28, 1939.

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

MY DEAR MR. CHAIRMAN: Further reference is made to your request for a report on S. 2317 to amend the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), by exempting from the provisions of that act the Indians of the Cheyenne River Sioux Tribe of the Cheyenne River Reservation in South Dakota.

I recommend that S. 2317 be not enacted. The Cheyenne River Sioux voluntarily came under the provisions of the Indian Reorganization Act at an election held on the reservation on October 27, 1934. They showed earnestness of purpose and a marked degree of civic understanding and responsibility. Since 1935, they have been working under a constitution which they themselves developed. They have made progress in self-government. They have been comparatively free from factional strife and the only discordant influences appear to come from a small group on the outside.

The Indians of the Cheyenne River Reservation have benefited greatly through acceptance of this act, especially as it has given them the opportunity to develop in civic responsibility and to enter upon a program of constructive social and economic enterprises. Thirty young people from the Cheyenne River Reservation have received or are receiving aid in attending schools and colleges under the student loan fund of the act. The number of Indians who may receive the so-called Sioux benefits have been doubled owing to the provisions of section 14 of the act, which reduced from 160 acres to 80 acres the area of the allotment to which an Indian must be entitled in order to be eligible for the benefits. If the Indians of the Cheyenne River Reservation should now be excluded from the provisions of the act, a large number would be deprived of \$581.50 each, which is the present commuted value of the Sioux benefits.

The Cheyenne River Sioux, during their 5 years under the act, have entered into numerous agreements and contracts and have made commitments for which they have assumed responsibility. The great majority of them desire to continue such responsibility through the authorizations for local self-government in which they have shown a marked degree of understanding.

The withdrawal of the opportunities offered the Cheyenne River Sioux through the Indian Reorganization Act and the programs initiated under it, at the behest of outside influences and possibly a very small minority within the reservation, would be considered by a large majority of the Indians as a breach of faith, and would destroy any hope they have of being permitted to handle their own local problems, free from Government domination.

The Director of the Bureau of the Budget has advised me that there is no objection to the presentation of this report to the Congress.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, June 28, 1939.

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

MY DEAR MR. CHAIRMAN: Further reference is made to your request for a report on S. 2334, designed to amend the act of June 18, 1934 (48 Stat. 984), better known as the Indian Reorganization Act, by exempting from the provisions of such act any Indian tribe within the Mission Indian Agency, Riverside, Calif.

I recommend that S. 2334 be not enacted. Neither the Indian Reorganization Act as a whole nor any of its provisions apply to any tribe or band which has rejected it in the way provided by Congress, that is, through an adverse vote in an election duly called by the Secretary of the Interior. There are 28 bands or groups of Mission Indians. Twenty-one of this number definitely rejected the act and it has no application to them. While it is true that no efforts have been made by the remaining 7 groups to organize or to take advantage of any of the provisions of the act, nevertheless I feel that they should not be deprived of the opportunities which are still theirs.

At the Senate committee hearings on this bill, two persons, namely, Messrs. Willis and Castillo, spoke in favor of the bill. Their statements indicated that the Mission Indians wanted to be citizens, to be educated, and to be dealt with the same as other persons in the State of California. It is a fact that these Indians are already citizens, and except those who attend Sherman Institute, all Indians in California are educated in the public schools under the provisions of a general contract made by this Department with the State.

The statement was made at the hearing on this bill that the Indians were being harassed to call for an election under the Indian Reorganization Act and that they were being reminded constantly that their present condition was due to the fact that they had not accepted this legislation. Only Congress can give those groups which voted to exclude themselves another opportunity to vote for its acceptance. While this Department would favor giving them this opportunity because many groups throughout the entire country have expressed a wish for such further opportunity, this question is one for the Congress to determine.

It was also indicated at the hearing that the Indians were told that those who voted to exclude themselves would lose their lands. This is not a correct statement and I doubt if it was made by representatives of this Department. Another argument made in the Senate committee hearings was that the Indians of California wanted to be under State laws dealing with the maintenance of law and order. There is nothing in the Indian Reorganization Act which would prevent this. However, before this can take place, regardless of whether the group is under the act or not, it would require specific legislation by Congress surrendering its jurisdiction to the State for such purpose. That is a broad question of policy which should not be involved in the discussion of the bill under consideration.

The Director of the Bureau of the Budget has advised me that there is no objection to the presentation of this report to the Congress.

Sincerely yours,

HARRY SLATTERY,
Acting Secretary of the Interior.

Mr. HILL. Mr. Chairman.

The CHAIRMAN. Mr. Hill.

Mr. HILL. Is there any special order of procedure?

The CHAIRMAN. There is no special order, Mr. Hill. The Commissioner has asked that he be allowed to make his statement before the witnesses who are to be heard both for and against the bill appear.

Mr. HILL. I was going to ask unanimous consent that the Commissioner be heard at this point.

The CHAIRMAN. If there is no objection, the unanimous-consent request will be granted.

The Chair recognizes the Commissioner, Mr. Collier.

**STATEMENT OF HON. JOHN COLLIER, COMMISSIONER OF THE
BUREAU OF INDIAN AFFAIRS**

Mr. COLLIER. This bill, S. 2103, is a bill to repeal the Indian Reorganization Act as affecting 77 tribes and 5 States. I shall this morning furnish the proof that the great majority of the tribes singled out for wrecking purposes have not asked for the bill; have not been heard upon it; and have protested against it; and are protesting now. I shall establish that not even one of the tribes affected has by referendum or in any other dependable manner endorsed this bill. I shall direct this House committee's attention to some extraordinary and puzzling and significant aspects of the report endorsing this bill which bears the name of the Senate Indian Affairs Committee. But first I ask to be allowed to state briefly what the Indian Reorganization Act is, and how it came into existence, because it is comprehensible only against that background.

This act was passed June 18, 1934, and its roots are in the findings and recommendations of the so-called Meriam Commission, which examined Indian matters at the request of Secretary Work, under President Coolidge, and reported to him in a thick book of historical importance. Thereafter, prior to 1930, two of the main elements which later went into the Indian Reorganization Act were embodied in the Klamath incorporation bill, introduced by Senator McNary, and the Indian tribal-council bill introduced by Senator Frazier.

The complete basis for the Indian Reorganization Act was not laid down until December 18, 1929. That date intellectually speaking was a historical turning point in Indian Affairs because at that point Secretary Wilbur and Commissioner Rhoads, under President Hoover, addressed Congress in a series of memoranda dealing with the subject of Indian allotted lands, tribal organization, and self-government, tribal claims, and problems of Indian credit. These memoranda were placed in the Senate's record by Senator Wheeler with his own endorsement. I offer for this record all of these Wilbur-Rhoads memoranda. They are most interesting for their exquisitely precise statement of problems which had then to be solved and still await solution. The recommendations, while not anticipating every one of the elements of the Indian Reorganization Act of 1934, do anticipate every one of the elements of the act which have awakened controversy, and they go far beyond the Indian Reorganization Act in what uninformed witnesses have called its communistic element, that is, its provisions about the allotment of land. In reading certain paragraphs of these Wilbur-Rhoads memoranda of 1929, I am explaining the Indian Reorganization Act of 1934 which the bill before this committee seeks to repeal, and I am going to read briefly two or three paragraphs. The first deals with Indian allotted lands.

The CHAIRMAN. Will the Commissioner yield just a moment? Was there anything you wanted to insert in the record?

Mr. COLLIER. I am going to just read certain relevant parts. I ask that there be inserted all of these memoranda as the basis of the Indian Reorganization Act.

The CHAIRMAN. The Chair asks unanimous consent that the memoranda referred to by the Commissioner be inserted in the record at this point. If there is no objection it will be inserted.

(The memoranda referred to is as follows:)

INDIAN AFFAIRS—LETTERS OF COMMISSIONER

REMARKS OF HON. BURTON K. WHEELER OF MONTANA IN THE SENATE OF THE UNITED STATES, DECEMBER 21, 1929

Mr. WHEELER. Mr. President, I ask unanimous consent to have inserted in the Congressional Record four different letters, which have been addressed to the chairman of the Committee on Indian Affairs of the Senate by the Commissioner of Indian Affairs, and which have been approved by the Secretary of the Interior, the Honorable Ray Lyman Wilbur.

In this connection I wish to say that these letters contain what I consider to be some very constructive suggestions for legislation dealing with the Indians. One of the suggestions has to do with the Indian allotments; another with liens upon Indian lands; another with various claims of Indian tribes, some of which are now pending before the Commissioner of Indian Affairs; and another dealing with the problem of irrigation on many of the reservations.

The Commission of Indian Affairs makes a suggestion for which some of us of the West have been contending for some time, and that is, as I read his statement, that the liens which have been placed upon Indian lands should be released.

I am glad to offer these letters for the Record, and to state that, in most part, I approve of the suggestions which have therein been made. I desire also to compliment the Commissioner of Indian Affairs for his attitude in this matter. It has been some time since I have found myself in a position where I could commend very much that has been done by the Commissioner of Indian Affairs of the United States. I am glad to say at this time that, in my humble judgment we have as Commissioner of Indian Affairs a man who has the interest of the Indians at heart, one who is seeking to do something for the Indians, and who, if given a free hand, will do much toward working out a solution of the Indian problem in a way which, I think, will be satisfactory not only to the Indians but satisfactory likewise to the people of the United States generally.

THE PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the letters were ordered to be printed in the Record, as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 11, 1929.

MY DEAR SENATOR: Since entering the Indian Office I have become increasingly and gravely impressed with certain conditions growing out of the operation of the general allotment act and various special allotment acts, and likewise growing out of the system of placing reimbursable liens on Indian allotted lands.

These are situations, apparently, which call for legislative remedy. What that legislative remedy should be I am not as yet prepared to suggest.

I bring the subject to your attention now in the hope that light might be cast on it through past or future findings of your committee, and in the hope that inquiries by your committee may be directed toward possible legislative solutions of the problem.

I state briefly the situation as it has been impressed on my mind within the Indian Office. I begin with a comparatively less important item and then proceed to the more important one.

I

Indian allotted land held under Government trust is at present burdened with a lien in excess of \$25,000,000. The history of this lien is briefly as follows:

The general allotment act provides (sec. 5) that at the expiration of the trust period "the United States will convey the same (allotted land) by patent to said Indian or his heirs * * * in fee, discharged of said trust and free of all charge or encumbrance whatsoever."

The above language has been carried over into the special allotment acts, and the trust patents of the Indians repeat the language of these guaranties.

For a long term of years expenditures authorized by Congress for irrigation, construction, and maintenance on Indian reservations were gratuitous. The act of August 1, 1914, translated these accumulated gratuities into reimbursable obligations. The provision was as follows:

"That all moneys expended heretofore or hereafter (for irrigation, construction, and maintenance and some other uses) shall be made reimbursable where the Indians have adequate funds to repay the Government, such reimbursements to be made under such rules and regulations as the Secretary of the Interior may prescribe." (Act of August 1, 1914, 38 Stat. L. 583.)

Since 1914 substantially all of the appropriations for irrigation work on Indian lands, allotted lands included, have been reimbursable. In addition, other improvements, including bridges and public highways, have been paid for with appropriations made reimbursable sometimes against allotted land.

Thus, far from being "discharged at the end of the trust period free of all charge or encumbrance whatsoever," as provided in the allotment acts, the Indian allotments are burdened during their trust period with charges sometimes as great, or almost as great, as the present value of the land.

Has the imposition of these liens, under the circumstances, been constitutional? The question has never been passed on by the higher courts, but the collection of the liens has proceeded in all those cases where Indian allotted land, burdened with a lien, has been sold. The Government is reimbursed, and the reimbursement is taken out of the sales price of the land. The Indian, not the purchaser of the allotment, pays the reimbursable lien.

A problem related to this one of reimbursable liens is that of the nontaxation of Indian allotted land in trust—the allotted land which is rented to whites. I merely refer to this as a subject calling for further investigation.

II

The second aspect of the allotment situation appears to be of greater urgency. Under the act of June 25, 1910, it is practically, though not technically, mandatory that Indian allotted land be sold on the death of the allottee. Even in the absence of statutory direction, such sale would be difficult to avoid under the conditions created by the allotment acts. The indefinite partitioning of allotments is not practicable; the Indian heir who may desire to remain on his allotment and cultivate it rarely would be able to buy out those heirs who might desire a liquidation of the heirship estate.

The consequences are mathematically certain; the allotted Indians of the second generation largely become landless. By the time the third generation has arrived, substantially all of the allotted Indian land will have passed into white ownership. What this means is appreciated when it is noted that the Indian allotted land constitutes more than one-half of the whole area of Indian country and much more than half of the surface value of Indian country, and when it is further noted that more than two-thirds of the Indians are now allotted.

The completion of the process of alienation of heirship lands has been delayed through the absence of purchasers, but this delay is only a momentary and accidental brake slightly retarding the downhill process. If a reservation whose allotment is comparatively recent be taken as an example, it can be pointed out that on the Blackfeet Reservation in Montana one-third of the allotted area, or 410,000 acres, is now in the class of heirship land, of which all, save about 57,000 acres, is at least theoretically on the market. The 57,000 acres immediately above referred to have passed out from Government trust, having been fee patented to Indians or whites. The rate of increase of heirship lands is, of course, greater with each year.

I make the very tentative suggestion that part, at least, of the loss of Indian heirship land to the Indians might be averted if there were some means provided whereby the allotted land could revert to the tribal estate, becoming subject to reallocation as conditions might prescribe. However, it would appear that far-reaching changes in the system of allotment would be necessary to accomplish these results. It has been suggested that Indian tribes might be permitted and assisted to form themselves into corporate bodies and that allotments might be turned back into the tribal estate in exchange for shares of stock. Such a method, it would seem, might be practicable for those reservations possessed of large tribal assets, such as timber, oil, minerals, or water power.

Alleviation might be secured through a policy of granting reimbursable loans to those inheritors of allotted land who may desire to continue as cultivators, or to become cultivators, on the original allotment. These loans would enable the allottees to buy out the other heirs. The difficulty of such a plan, aside from the question of appropriations, lies in the condition stated at the beginning of this letter, namely, the guarantee in trust patents against imposition of liens during the trust period. Could the United States become the holder of mortgages on fee-patented land?

It may be worth while to point out that the administration of allotments under trust and of heirship allotted lands has immensely complicated the task of Indian guardianship and increased its cost. And of perhaps greater significance, the weight and drag of the reimbursable obligations and the practical impossibility of the inheritance of the Indian's improved allotment by his offspring, together with the flow of a small income from leased allotted lands and the expectation of cash receipts from the ultimate sale of the allotted land, have operated to keep Indians in idleness, with all the consequences that idleness brings.

I have become convinced that the difficulties and problems here stated are very close to the heart of the Indian situation and of the perplexities which beset the Indian Office. Constructive thinking is needed, and I make bold to suggest that the allotment act in its entirety, along with the system of reimbursable loans in its entirety, need legislative reconsideration.

Should your committee decide to extend its investigation into the lines here indicated, with a view to possibly formulating amendments of law, the records and technical staff of the Indian Office may prove serviceable in the furnishing of data and in suggestions drawn from experience in this most complicated task of allotment administration.

Any assistance your committee may render in working out a constructive policy in important matters of this kind would not only be greatly appreciated but it would also be of substantial benefit to the Indians themselves.

Sincerely yours,

C. J. RHOADS, *Commissioner.*

Approved December 18, 1929.

RAY LYMAN WILBUR, *Secretary.*

Hon. LYNN J. FRAZIER,
*Chairman, Committee on Indian Affairs,
United States Senate.*

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 11, 1929.

MY DEAR SENATOR: We are confronted with the problem of what to do with indivisible tribal estates of the Indians. There are conditions with which it seems impossible to deal satisfactorily under existing law. I do not know what changes of the law should be considered, but I am writing this letter to call attention to the underlying facts. Indian wealth totaling hundreds of millions of dollars—possibly a billion dollars—is essentially indivisible. It includes such items as mineral and oil resources, power sites, timber wealth, the large bodies of grazing land, and even the farm lands of such tribes as the Hopis of Arizona and the Pueblos of New Mexico.

At present and under existing law the Government, through the Interior Department, is charged with the direct and highly paternalistic administration of these properties, and unless existing law be changed it may well be that the Government 100 years from now will find itself still charged with this responsibility and still maintaining the paternalistic administration.

The properties in question, in order to be conserved or sufficiently developed, ought in many cases to be treated as estates not capable of subdivision.

It even seems possible that the only way to salvage some classes of Indian allotted land may prove to be by turning them back into the community estate.

As I have stated, under existing law the Government may find itself administering these vast and varied properties to the end of time. And through all this time the Indians, so far as existing law is concerned, must remain in a state of dependency, being neither forced nor permitted to take on the business responsibilities of American life or to make use of the instrumentalities of modern business.

It is true that under existing law the Interior Department can and does, in a more or less formal way, recognize Indian tribal councils. It might even be possible, through an elaboration of rules and regulations, to vest in such councils a considerable responsibility for the operation of their tribal properties. But such action of the administrative kind would be revocable by any succeeding administration; it would not provide a firm basis for the development of responsibility on the part of the Indians; and it would not do away with the underlying condition, which is that the minutia of tribal affairs rest in the hands of the Department and Congress, and that the detailed responsibility rests with the Department and Congress. It is not a hopeful or practicable situation for building up the group self-help of the Indians.

As you undoubtedly know, Senator McNary, of Oregon, introduced a bill in the last Congress providing for the incorporation of the Klamath Indian Tribe (S. 5753, 70th Cong., 2d sess.). It is my understanding that this bill was introduced in order to provide a basis for further study and conference. I do not suggest that the problems raised in this letter can be wholly met through the method of tribal incorporation, but it would seem that a complete study should be given to the subject of passing over to the Indians themselves a collective responsibility for their tribal business and ultimately of terminating the present absolute responsibility of the Government for the management of these multitudinous properties.

Your help and the help of your committee in working out this problem will be heartily appreciated.

Sincerely yours,

C. J. RHOADS, *Commissioner.*

Approved December 18, 1929.

RAY LYMAN WILBUR, *Secretary.*

HON. LYNN J. FRAZIER,
*Chairman, Committee on Indian Affairs,
United States Senate.*

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 11, 1929.

MY DEAR SENATOR: I am invoking your aid in a matter which perplexes us and the Indian Office and which I believe has often perplexed the Indian Committees of Congress as well.

Every week the Office of the Commissioner of Indian Affairs seems to lead further back into a wilderness of past misadventures. I refer to that whole class of subject matter that is dealt with in Indian Court of Claims bills, but, in addition, to a large class of subject matter which I am informed cannot be dealt with in Court of Claims bills because no legal right assertable by the Indians in court is involved.

You, far better than I, know the situation with respect to Indian Court of Claims bills. Under existing conditions, the Interior Department and the committees of Congress are compelled in some manner to prejudice these Indian claims, yet neither the Department nor the committees of Congress possess the necessary information for such prejudgment. When a claims suit is authorized by act of Congress, there ensues a litigation often prolonged, costly, and, from the Government's standpoint, highly burdensome, especially to the Office of the Comptroller General. Many scores of claims suits, not less legitimate than suits already brought, are still pending, under the consideration of the Department or of the committees of Congress, or soon to be brought under such consideration.

Scores of tribes and thousands of Indians are to some extent living and breathing in the thought and hope of great results from suits in the Court of Claims.

But the perplexities growing out of the past are, as I have suggested above, greater in number and variety than would be displayed by all possibly successful Court of Claims suits. There are, for example, the many items of reimbursable indebtedness—tribal indebtedness as well as the indebtedness on allotted lands. There are claims by Indians who never subsisted in treaty relations with the Government; in such status are most of the Indians of the far West and many of the southwest tribes.

My thought on its positive side is as follows: Could not all of these matters be dealt with, and brought to a finality within a limited number of years, if a special Indian claims commission were created? This commission might and probably should be altogether independent of the Interior Department; its members might be named by the President, subject to confirmation by the Senate; it should be adequately budgeted.

This claims commission might be given power to reach final settlements—essentially judicial power—in specified classes of cases where the Indian claim rested on a legal right assertable as such. But the commission should hear all causes, those that are human and moral as well as those that are legal and equitable; and its findings, submitted to Congress, could be the basis of settlement of a gratuitous kind which Congress might authorize. As an illustration of the possible functions of the commission, it occurs to me to mention the Mixed Claims Commission, the present duties and powers of the Pueblo lands board, and the creation

of special courts of land claims that have been authorized by the act of Congress from time to time.

I state the thought in a brief and doubtless in a crude way and I hope for an opportunity to get your counsel about it in conference. The mechanism which I suggest might not be practicable; but the conditions which I have referred to are indeed real, vexing, grievous to the Department at least, and in many cases they are matters of heartbreak to Indians and of hopes long postponed, often hopes never to be realized, which yet are operating to create dissension within tribes and to deter Indians from self-help.

This further thought occurs to me: There can be no liquidation of the Government's guardianship over Indians until this inheritance of treaties and alleged broken treaties and governmental laches of the past is absorbed. The process, even with the most expeditious procedure, will require years. With procedure as at present, it might well require 100 years. Hence, any plan contemplating the gradual diminution and the ultimate and final termination of Indian tutelage must concern itself with this aspect of the situation.

Any assistance your committee may render in working out a constructive policy in important matters of this kind would not only be greatly appreciated but it would also be of substantial benefit to the Indians themselves.

Sincerely yours,

C. J. RHODES, *Commissioner.*

Approved December 18, 1929.

RAY LYMAN WILBUR, *Secretary.*

HON. LYNN J. FRAZIER,
*Chairman, Committee on Indian Affairs,
United States Senate.*

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 11, 1929.

MY DEAR SENATOR: One of the difficult situations connected with our Indian activities on which I seek the aid of your committee has to do with the irrigation work. Conditions vary, of course, on the different reservations or projects, yet certain fundamental underlying principles are common to practically all of them, which only adds to the perplexity that exists. This is due in no small measure to the multiplicity of legislation relating to such matters. Necessarily we must deal with this feature of the problem, and as some of this legislation is of a general nature, applicable to all projects, and others of a special nature dealing only with particular reservations, this leaves a situation confusing not only from an administrative but from a legal standpoint as well. It has also given rise in some instances to complaint from the Indians themselves, and also from white landowners under such projects purchasing lands from the Indians.

Briefly it may be pointed out that during earlier times irrigation, in a small way at least, was started on a number of Indian reservations where conditions were favorable, largely as an industrial aid to the Indians, and in some instances for the purpose of affording temporary employment to the Indians at a daily living wage. Available appropriations and even tribal Indian funds were used in such work, which under the legislation then prevailing were not "reimbursable." In fact, no thought was had at that time of ever requiring reimbursement from the Indians of the funds so expended. Again, during those days no great degree of engineering skill was employed, and many of the systems and structures originally installed were of a more or less temporary nature. Subsequent legislation, however, particularly such as that found in the act of August 1, 1914 (33 Stat. 583), directing that all funds theretofore or thereafter expended in such work should be reimbursed, came as a distinct surprise to most of the Indians. In particular instances or on particular reservations, such as the Flathead and Fort Peck, Mont., and possibly others, the legislation dealing with such matters carried a positive declaration to the effect that the irrigable lands allotted to the Indians should have a right to so much water as might be necessary for irrigation purposes "without cost to the Indians." Naturally under such conditions the Indians feel that the subsequent repudiation of such a declaration, even by legislation, does not come with very good grace on the part of the Government. In this connection it might also be pointed out that most of our Indian allottees within these irrigation projects hold trust patents declaring that at the expiration of the trust period the allottee or his heirs will then be given fee title, free from any

lien, charge, or encumbrance of any nature whatsoever. The subsequent imposition of a lien, therefore, requiring repayment of irrigation charges may very properly raise some question about the validity of a lien so imposed. As to this your attention is invited to the case of *United States v. Heinrich* (12 Fed. 2d, 938). While this case dealt primarily with the liability of a white purchaser from the former Indian owner, yet some of the observations indulged in by the court raises a serious question as to the validity of these subsequently imposed liens, be the landowner Indian or white.

Originally most of our Indian projects were purely Indian; that is, only Indians and Indian lands were involved. Gradually, due to death of the Indian allottees within such projects, the inherited lands were sold and a good deal of such land has now passed into white ownership, leaving, as we now find them, a good many so-called mixed people, partly Indian and partly white, insofar as ownership of the land is concerned. Also, in practically all of such projects, particularly the older ones, we find the problem of white lessees of valuable irrigable lands, and incidentally complaint from the State authorities in some instances as to the taxability, or rather nontaxability, by the State authorities of such holdings so occupied by white citizens and residents of the State.

Due to a number of causes, such as excessive floods, destruction of works originally installed and rebuilt, in order to save the entire system from total loss, the per acre reimbursable cost on a number of these irrigation projects is now almost equal to or even greater than the value of the land itself, hence we now find ourselves practically in that unfavorable position of virtually holding a lien or mortgage against property in excess of the value of the property itself. As a result of an extensive field investigation, made only a few years ago, it was even suggested that three of these Indian irrigation projects, on which considerable sums have been expended, should be abandoned entirely. In view of the large investment made by the Government in such projects, and as the expenditures so made were primarily for the benefit of the Indians, we have not felt warranted in recommending that these projects be abandoned without further trial or giving them opportunity for further development. In any event, the matter is deemed of sufficient importance to justify direct action by Congress before any definite steps are taken looking to the abandonment of projects on which large sums appropriated by Congress have been expended.

It has also been suggested that the operation of Indian irrigation works might be transferred to the Bureau of Reclamation in the Interior Department, which has a force equipped to handle them under a general irrigation policy in cooperation with the Bureau of Indian Affairs.

These are but a few of the perplexities connected with this branch of our work as to which I am impressed with the real need of constructive aid and doubtless remedial legislation, in the formulation of which the cooperation and assistance of your committee is earnestly solicited.

Very sincerely yours,

C. J. RHOADS, *Commissioner.*

Approved December 18, 1929.

RAY LYMAN WILBUR,
Secretary.

HON. LYNN J. FRAZIER,
Chairman Committee on Indian Affairs, United States Senate.

Mr. COLLIER. This is a memorandum sent to the Congress, to the committees of Congress. I would like to read certain parts of it, as follows:

The second aspect of the allotment situation appears to be of greater urgency than an earlier one mentioned. Under the act of June 25, 1910, it is practically, though not technically, mandatory that Indian-allotted land be sold on the death of the allottee. Even in the absence of a statutory direction such sale would be difficult to avoid under the conditions created by the allotment acts. The indefinite partitioning of allotments is not practicable; the Indian heir who may desire to remain on his allotment and cultivate it rarely would be able to buy out those heirs who might desire a liquidation of the heirship estate. The consequences are mathematically certain; the allotted Indians of the second generation rarely became landless. By the time the third generation has arrived, substantially all of the allotted Indian land will have passed into white ownership.

I wish to interpolate—under the General Allotment Act between the year 1878 when the act was passed and the year 1929 when these memoranda were prepared, the Indians had lost 90,000,000 acres of their best land to the whites through allotment. They retained only 49,000,000 acres of poor land.

I skip over part of the memoranda and come now to a very pregnant paragraph:

I make the very tentative suggestion that part, at least of the loss of Indian heirship land to the Indians might be averted if there were some means provided whereby the allotted land could revert to the tribal estate, becoming subject to reallocation as conditions might prescribe. However, it would appear that far-reaching changes in the system of allotment would be necessary to accomplish these results. It has been suggested that Indian tribes might be permitted and assisted to form themselves into corporate bodies and that allotments might be turned back into tribal estates in exchange for shares of stock. Such a method, it would seem, might be practicable for those reservations possessed of large tribal assets such as timber, oil, minerals, or water power.

Then they go on to mention the rising administrative costs of taking care of fractionated allotted lands. Even then heirship equities were being cracioned on the books at less than 1 cent per annum of revenue, and the costs of administering those equities in a single year sometimes equalled the capital value of the land in question. They point out ultimately that this will prove to be an intolerable situation.

Mr. HILL. Is the Commissioner quoting Secretary Wilbur?

Mr. COLLIER. I am quoting Secretary Wilbur and Mr. Rhoads. I may say that these memoranda were reprinted and given exceedingly wide circulation by friends of the Indians.

In another memorandum they pass on to the subject of tribal self-government. They say:

We are confronted with the problem of what to do with the indivisible tribal estates of the Indians. There are conditions with which it seems impossible to deal satisfactorily under existing law.

Then they go on further:

At present and under existing law the Government, through the Interior Department, is charged with the direct and highly paternalistic administration of these properties, and unless existing law be changed it may well be that the Government 100 years from now will find itself still charged with this responsibility and still maintaining the paternalistic administration.

The properties in question, in order to be conserved or sufficiently developed, ought in many cases to be treated as estates not capable of subdivision.

It even seems possible that the only way to salvage some classes of Indian allotted land may prove to be by turning them back into the community estate.

As I have stated, under existing law the Government may find itself administering these vast and varied properties to the end of time. And through all this time the Indians, so far as existing law is concerned, must remain in a state of dependency, being neither forced nor permitted to take on the business responsibilities of American life or to make use of the instrumentalities of modern business.

It is true that under existing law the Interior Department can and does, in a more or less formal way, recognize Indian tribal councils. It might even be possible, through an elaboration of rules and regulations, to vest in such councils a considerable responsibility for the operation of their tribal properties. But such action of the administrative kind would be revocable by any succeeding administration; it would not provide a firm basis for the development of responsibility on the part of the Indians; and it would not do away with the underlying condition, which is that the minutia of tribal affairs rest in the hands of the Department and Congress, and that the detailed responsibility rests with the Department and Congress. It is not a hopeful or practicable situation for building up the group self-help of the Indians.

Then they go on, talking about Senator McNary's bill providing for the incorporation of the Klamath Tribe.

After 1929, the Senate's Indian Investigation Committee continued its field studies, and made reports from time to time, and Senator King from year to year reminded Congress of these unsolved central problems of Indian life—the problems of individual and tribal lands, of the protection of tribal funds, of tribal self-government; so that when, in presenting the Indian Reorganization Act in its final form to the Senate in 1934, Senator Wheeler assured the Senate that the bill was truly a committee product and represented the long-maturing conclusions of the committee, he was speaking accurately. I give one more item of the record before discussing the Indian Reorganization Act as enacted in 1934 and as now being administered.

I have quoted the Wilbur-Rhoads memorandum to Congress upon the subject of the allotted and fractionated Indian lands. Through allotment, the Indians had lost title to approximately 90,000,000 acres of their best land between 1887 and 1930. But likewise, the allotted lands not yet alienated had become, through subdivision to heirs, largely unusable—their use value and even their rental value had been largely destroyed; the costs of administering them greatly exceeded their income yield; and each year the impossible situation was getting worse, and must get worse under the then state of law and, I might add, and under the now state of law. Sums totaling millions a year had to be withheld from Indian health, school, and other positive services and devoted to the uneconomic administration of heirship equities of less than a cent a year in numerous instances. The only visible solution was to fee-patent the land and sell it to whites. That would mean still more disinherited Indians, still smaller chance for Indian self-support. Then I mention again the Wilbur-Rhoads suggestion, which was that the allotted lands pass back into the tribal estate and the allotted Indian receive shares in a corporation representing the value of the land and have the use of the land when he could use it.

Now I come down to the Reorganization Act and I think the course of events will interest all of you.

In 1933, the first year of the present administration, when discussing the scope and detail of possible legislation, we in the Indian Office and the Department, reached a decision that had far-reaching consequences. We decided to furnish the Wilbur-Rhoads suggestion to the Indian tribal committees and councils in all of the allotted areas, so amplifying it that they could trace right through to the end its consequences if it were put into effect. We asked the Indians to discuss the suggestion and to report their views upon it. Thereafter, into the original draft of the Wheeler-Howard bill, we introduced the Wilbur-Rhoads suggestion. It was a sound suggestion and an imperative one, violative of no property right of Indians, violative of no treaty, entirely precedented in guardianship operations for persons other than Indians and in the business operations of our white world in the United States. It never became law, but it then was, and it now is, the only way, short of impossibly large appropriations by Congress, to get the Indian heirship lands back into economic use and to avoid their alienation to whites.

We did not act blindly when we referred this suggestion to the tribes and to the individual allottees for their study and debate. We knew that amongst the allotted tribes, those Indians whom the faithless years had bereft of everything except claims arising from broken treaties and trust patents to the dwindling fragments of allotted land, these two possessions—treaty claims and trust patents to allotments—were clung to as the sinking man clings to straws. We were suggesting, when we submitted the Wilbur-Rhoads proposal about heirship lands, a means to self-preservation, but it entailed the changing of the form upon which the losing effort at self-preservation was hanging. We knew that fears, suspicions, violent and stubborn, would be awakened. What was our choice? We could let the Wilbur-Rhoads proposal slumber, a sound and imperative proposal not implemented with legislation. We could slip it through to enactment as a part of some omnibus bill, or a rider to an appropriation bill. The latter method would have been easy because the entire proposal could have been rendered immune to the point of order by being phrased as a limitation upon expenditure for the administration of allotted lands. This latter method would have been easy, and perhaps some future administration may adopt this method. Or we could clearly and fully write the proposal into a bill draft, circulate it in advance of introduction, then broadcast the introduced bill. This last method is the one which this administration has adopted for all Indian legislation, and which we shall be faithful to so long as we remain.

Well, in brief: While most of the allotted tribes endorsed this feature of the original Wheeler-Howard bill, some of them condemned it, and in nearly all of the tribes some of the individual allottees roared to high heaven. I repeat, that no individual property right was effaced or diminished by the proposal if made law, but on the contrary, individual property rights would be saved by it; but enough Indians were sincerely unconvinced—bewildered or antagonized—by the proposal, that upon our own recommendation the House committee eliminated it from consideration. Somebody, in the meantime, had applied the dread word “communism” to this proposal of President Hoover’s Secretary of the Interior and his Philadelphia Republican Commissioner of Indian Affairs. So far as I can find record, this epithet “communism” was first thrown into the melee in 1934 by a mixed-blood Indian named Towner, from Portland, Oreg., an outright Nazi Bund propagandist of whom I shall have more to tell you in a few minutes. It thereafter was taken up by the so-called American Indian Federation, through its own mouth (Mrs. Jamison, Mr. Bruner, Mr. Chandler, Mr. Bauer) and through the mouths of associated and collaborating organizations including the James True Associates, Mr. Pelley’s Silver Shirts, the German-American Bund, the Militant Christian Patriots, and the cover-all American Nationalist Confederation, whose official emblem was the swastika. The German Government through a court decision declared that the Indians (specifically the Sioux Indians) were Aryans, and the “fifth column” drive was fully under way. I shall supply more information about these several organizations and their interlocking propaganda when I come to refer to the report of the Senate Committee on Indian Affairs upon this bill. I say at once, however, that their drive has had no success with or effect upon the Indians.

Now, to the actual Wheeler-Howard Act, or the Indian Reorganization Act, which S. 2103 would destroy for some 76 tribes. The act, for those tribes which voted to accept it, prohibits the allotment of the residual tribal estate. It leaves unchanged both the status and the form of existing allotments, merely authorizing voluntary exchanges and consolidations where desired. It authorizes \$2,000,000 a year for purchase of land for land-needy Indians. It authorizes up to \$12,000,000 as a revolving loan fund for Indian agricultural and industrial enterprise. It authorizes \$250,000 a year for loans to Indian youth for collegiate and technical education. It authorizes the restoration to tribal ownership of undisposed-of ceded lands. We have restored 525,000 acres of undisposed ceded land to date. It permits tribes, if they so desire, to organize for local self-government under instruments which, once validated, cannot thereafter be abrogated or changed except by action of the tribes themselves or of Congress. It permits tribes, if they so desire, to organize as business corporations for the conduct of enterprises whose effective operation requires the corporate form of business. It allows tribes to go into court to protect their funds and properties from alienation without their own consent. It exempts Indians from the competitive civil-service requirement. The act as originally passed did not apply to Oklahoma nor, except in part, to Alaska. Congress later amended the act to blanket in all the Oklahoma tribes except the Osages, and to extend to the natives of Alaska all the benefits of the act.

A peculiar feature of the act—unprecedented, I believe—was that it was made operative for those tribes, and those tribes only, who voted to accept it. A tribe which voted itself out is out for all time, unless Congress shall authorize it to vote again. This feature of the act was put into it by Chairman Howard of the House Indian Committee. The administration did not oppose this feature but did not initiate it, for a reason which is important in relation to the repeal bill now before this committee.

As I have described it to you, the Indian Reorganization Act is a composite document. Part of it deals with tribal benefits, part with individual benefits. In its first section it enunciates a long overdue policy of stopping the making of land allotments. Land allotment had been disastrous to the tribes and their individuals and had created huge unproductive costs to the Government. It is not logical to place tribes in a position to deny to their young people access to Treasury loans for their college education. The changed policy on allotment ought to have been a mandatory enactment by Congress. The act within its general terms provides a permanent, continuing option in those matters which ought to be optional: That is, a tribe decides whether and in what details it wants to organize and whether and in what details it wants to incorporate, and the tribe is permanently free to abandon or change its organization or to change its incorporation. I think the right of a tribe to protect its own assets from alienation, through injunction, through trespass suit or in any other feasible legal way, ought to be made universal and ought not to be subjected to a tribal referendum. The amendment which submitted the whole conglomerate of the Indian Reorganization Act to a binding and an irrevocable referendum brought into play against the acceptance of the act many outside, non-Indian forces and persuasions. Lessors of tribal lands, traders, hungry real-estate interests insured of their prey if the

act were rejected, and many other outside and adverse interests, openly or covertly worked upon the tribes. Of course, there resulted some waste motion, some confusion, some electoral turbulence. And there resulted the first, I believe, of the flock of repeal bills—the McCarran bill which has been brought over into this present repeal bill. This committee a fortnight ago tabled Senator McCarran's bill transferring certain Indian-owned lands of the Pyramid Lake Tribe to white ownership without compensation to the tribe.

The whites are in illegal possession of the land which these Indians own. The Government had delayed through many years in its task of evicting them. The Pyramid Lake Tribe adopted the Indian Reorganization Act and organized and incorporated under it and then, in the face of the Government's delay, initiated the steps to take its own case into court and recapture its own land, and thereupon the Senator put in a bill to repeal the Indian Reorganization Act for all the tribes of Nevada. Not one tribe then was asking for such a thing and all are now protesting against it; nor, may I add, was any of these tribes heard by the Senate Indian Committee. The fatal courtesy rule prevailed, and the resurgent doctrine that "Indian matters are local to the Senator who happens to be concerned." This item of record, here introduced, bears principally upon my proposition that a conglomerate act like the Indian Reorganization Act should not be submitted as an omnibus matter to tribal referendum. The parts that ought to be mandatory should be enacted as other legislation is, because they are right (and this is how it was done in the case of the amendment blanketing Oklahoma into the act). The parts that ought to be optional should be made permanently optional, and such is already the case within the existing Indian Reorganization Act.

I now rapidly inform you that 189 tribes came under the act by majority vote. Seventy-seven stayed out. A hundred and twenty-seven tribes have organized under the act, and 69 tribes have incorporated. The percentage of the eligible vote cast in all of these elections was 63 percent, which is a high vote, as you all know. In relation to the present bill I offer for the record telegrams and statements showing that most of the tribes affected by the bill are protesting against its, while, as I have stated before, not a single tribe is asking for the bill, although in some tribes opinion is rather closely divided.

This division of opinion in certain tribes, principally the Sioux, has to do with the questions of organizing or incorporating under the act. But even if "the house were burnt down in order to roast the pig," that is, the benefits of the act thrown overboard in order to escape the enigma of organization, that enigma would remain unaltered. Tribes not under the act still have their organizations, their campaigns, their factions, their human life. Merely, if outside the act, they are deprived of many financial benefits, and their organization, as pointed out by Secretary Wilbur and Commissioner Rhoads, is wholly at the mercy of the whims or designs of often-changing administrations. Still it remains that through confusion of thinking there are large numbers in some of the tribes—mainly the Sioux tribes—not majorities, unless in perhaps two cases, but important minorities—who if they were going to vote again would vote to abandon the I. R. A. There would be much to say about the difficult situation of the Sioux tribes. Instead, I offer for the record a memo-

random upon that subject, and a letter containing suggestions by Representative Francis Case.

I wish to offer for the record, without reading them, telegrams and letters from nearly all of the Nevada tribes involved; nearly all of the California tribes involved; the one Arizona tribe involved; the one North Carolina tribe involved. They are unanimous in opposition to the bill.

I was particularly asked by the chief of the Eastern Cherokees to present his own statement as of June 7, 1940.

The CHAIRMAN. The Commissioner has indicated that he would like to have certain communications from tribes included in the record. What is the pleasure of the committee?

Mr. HILL. Mr. Chairman, will the Commissioner yield?

When you say tribes have telegraphed you and written you, who has done so, the council?

Mr. COLLIER. The telegrams show in each case. They usually come from the elected tribal council representing the tribe. And there are no minority expressions.

Mr. O'CONNOR. May I ask a question, Mr. Chairman?

The CHAIRMAN. Will the Commissioner yield?

Mr. O'CONNOR. Are those telegrams or communications in response to any inquiry sent by this Department to those various tribes to find out what the sentiment is in respect to this bill?

Mr. COLLIER. Mostly in response to the information that the bill had passed the Senate. The tribes are appalled by it and want to come here in opposition. But since we have believed that this bill could not be a really live issue in the House at this session, we have tried to avoid either suggesting or encouraging these tribes to come here. It is a long journey from Nevada and California. These are poor tribes. And if the committee is prepared to accept their written evidence I would be perfectly willing to continue to discourage them from coming here now. A good many of these tribes are going to insist on coming here if the hearings are continued in spite of the difficulty.

Mr. O'CONNOR. What, if anything, have you heard from the various tribes in Montana, such as the Crow and the Blackfoot?

Mr. COLLIER. They are not affected. None of the Montana tribes are affected by this bill.

Mr. O'CONNOR. Why not?

Mr. COLLIER. No reason: It would be just as logical to put them in as to put the Nevada Indians in. But they are not. I have telegrams and communications also from various of the Sioux tribes. I was going to mention that week after week the Sioux Indians—the minority members, not sent by their tribes—who want the Reorganization Act repealed, have been coming down here and receiving hundreds of dollars of gratuity from Indian funds to pay their way home. Not one of the delegations representing—officially representing—the Sioux tribes have come down to testify. They want to come down, but we have tried to discourage them.

Mr. O'CONNOR. If the Indians do not want this bill passed who is sponsoring this thing in the first place?

Mr. COLLIER. I was coming to that. I want to discuss this question in a few minutes.

Mr. SMITH. I ask unanimous consent that the telegrams referred to by the Commissioner be included in the record.

The CHAIRMAN. Is there objection? The chair hears none. It is so ordered.

(The telegrams referred to are as follows:)

INDIAN TRIBES PROTEST AGAINST S. 2103

Hearings on a bill to repeal the Indian Reorganization Act have been held off and on for several years, but the majority of the tribes functioning under the act, which they accepted at referendum elections in 1934 and 1935, have not been given an opportunity to be heard. Such witnesses as have appeared in support of repeal legislation have been, without exception, not official delegates of the tribes for whom they presumed to speak. Between 40 and 50 protests from Indian tribes affected by S. 2103 have reached the Senate Indian Affairs Committee. These tribes demand their day in court. They want to be heard before the benefits of the Indian Reorganization Act are taken from them against their protests.

From Nevada the Indian protests against S. 2103 are practically unanimous. Not one Indian or Indian Office witness was heard by the committee on S. 2103 during the hearings, but there were before the committee vigorous Indian protests against its passage. Not one Nevada Indian tribe even suggested repeal, yet all of the Nevada tribes were included in the repeal bill.

The California repeal was supported by two white witnesses and an Indian from a reservation which had excluded itself from the Reorganization Act in 1935. Not one of the reservations and rancherias has asked the committee for repeal. Eight of the California reservations functioning under the act are objecting to S. 2103 and demanding to be heard.

North Carolina: The Eastern Cherokee Indians in this State have not officially requested repeal. On the contrary, the witnesses who appeared before the committees of Congress to request repeal, have been repudiated by resolution of the council.

From Arizona the tribal council of the Colorado River Indians protests against repeal.

In New Mexico 16 Indian tribes are functioning successfully under the Reorganization Act. They are not mentioned in S. 2103; the bill proposes the repeal of the Reorganization Act for the Navajos in New Mexico. The Navajos rejected this act at an election held in 1935. They cannot come under the act unless Congress authorizes another election for them and they vote to come in. S. 2103 is meaningless so far as New Mexico is concerned.

In South Dakota the Pine Ridge Sioux Tribal Council demands to be heard before action on S. 2103 is had. The Cheyenne River Sioux Tribal Council protests against repeal. The Yankton Sioux are divided on the issue, as are the Standing Rock Sioux in South and North Dakota.

All Indian tribes voted on the Reorganization Act. Those tribes which by a majority vote decided to accept the benefits of the act should not be despoiled of these benefits by fiat. No referendum on repeal has been held by any of the tribes affected by S. 2301. On the contrary, three-fourths of the 70 affected tribes are protesting against S. 2103. They ask for their day in court. In fairness and justice, they should have it.

[Telegram]

JANUARY 22, 1940.

(Personal delivery only.)

Senator ELMER THOMAS,
United States Senate, Washington, D. C.

The Quechan Tribal Council of Colorado River jurisdiction Fort Yuma California in special meeting January twenty-second has gone on record as favoring Indian Reorganization Act and to remain under the same Stop In this the Council is voicing wish of Quechan Tribe Stop The Council desires to place its testimony in hands of Senate Indian Affairs Committee through delegation to be selected and sent immediately.

EDMOND JACKSON,
President, Quechan Tribal Council.

PROTESTS AGAINST REPEAL OF THE INDIAN REORGANIZATION ACT FROM THE
COLORADO INDIANSPARKER, ARIZ., *January 21, 1940.*Mr. ELMER THOMAS,
United States Senator, Washington, D. C.

(Personal.)

The tribal officers acting for the Colorado River tribes wishes to advise you that we do not want to be excluded from the Reorganization Act.

Our participation in our own government of tribal affairs is working beneficially and to upset this would be a backward movement resulting in a weakened morale and the aimless drifting of our tribe as of earlier years and also it might be a sort of a lesson for them to forever think through the shaping for the Indians plans.

Under the old plan their destiny is always indefinite.

COLORADO RIVER TRIBAL COUNCILMEN
WENDELL GOODMAN, *Chairman.*
JAY GOULD, *Secretary.*

RESOLUTION

Whereas the Colorado River Tribal Council, regular meeting in assembly, have discussed the petition from Mr. Kearney Miller, from this reservation, to United States Congressman, Senator, and Representative of the State of Arizona to take in the behalf of this tribe, to seek new legislation to exclude them from the Reorganization Act; and

Whereas the council were not in accord to the condensed statements of the facts of the petition, featuring descriptions of the provisions of the act possessing a destructive effect to the tribe; and

Whereas he declares the presentation of the petition to the tribal council for their consideration, and charged that they have ignored to discuss with him, is being false. All the records of the regular and special meetings were all being kept, a record as a file for future references, and there was no minutes kept in our file, in any time that a petition was introduced to the council meeting; and

Whereas when some of the individual signers to the petition have been inquired, claimed they do not know what they were signing for. They have no knowledge of the intents of the petition, they do not even know the inducements to ignore the act; and

Whereas the council in assembly is of the opinion that the petition was designed and induced to frustrate the act. His procedure are not in accordance with the constitution and bylaws adopted by the tribe when he has not taken the matter up with the council. He has falsely interpreted the act; he has misrepresented it to mislead some of the tribes who do not thoroughly understand it. He has intended to create a minority to be instrumental in the contrary to the operation of the self-government; and

Whereas the council were in favor of the act, as the enactment of the act into law, have given Indians of the many reservations self-rule upon their reservation, and a voice in many problems affecting their relations with the outside, as well as with their own folks, and having thereby gained a new outlook upon life and for their general welfare, and our belief that this law will enable the Indians of the reservation to become more independent and self-sustaining; Therefore be it

Resolved, That the council are determined to uphold the constitution and bylaws (Reorganization Act) against all enemies, and therefore requests that the appeal for condemnation of the act is against the will of the council. We want to cooperate with the Federal Government of the supervision of community and individual properties and will be entitled to the increasing power of self-government as soon as we were in the capacity to exercise such powers.

The foregoing resolution was passed by unanimous vote of the Colorado River Tribal Council, the 4th day of November 1939.

(Signed) WENDELL GOODMAN, *Chairman.*

Attest:

JAY GOULD, *Secretary.*

Approved.

C. H. GENSLE, *Superintendent.*

PARKER, ARIZ., *January 1, 1940.*

HON. JOHN COLLIER,
Commissioner of Indian Affairs,
Washington, D. C.

MY DEAR SIR: With my report of the tribal meeting held, I am giving a detailed features and description of the facts they have expressed in their deliberations.

There seems to be no interest shown by majority of the tribe in the campaign to nullify the Reorganization Act. Fifteen members of the tribe were present at this meeting, out of 158 members signed to the petition to nullify the Reorganization Act.

Speeches rendered by various tribes were accounts of experiences which dates back as far as 60 years. It was about the function of tribal government, being awarded to chief of the tribe, and since the chief is hereditary with vesting of such powers it should, in their opinion not be molested by anyone or any other group. Preference being given to the Allotment Act, they claim that status of title to the land is secure within this act. The expressed sentiments is a lack of foresight. There was no interest taken in consideration toward future problems, or for the solution in the behalf of our present and oncoming children.

Witnessing of the prevailing condition now existed in this particular community, there was no reasons for the tribe to choose the Allotment Act, because it has proven complete failure for 60 years when it does not disclose any outstanding success for them.

The fate of the Indians depends upon Congress at their next session, I hope they will be sincere and earnest in their decision. I hope that they will not decide in the manner that some of our Indians have taken. I know it is a complicated and serious problem for Congress to dispose, but I have confidence in them that the solution, is the solving toward the fundamental principles of the United States Government, and also the attitude in the senses of magnanimous minds and not according to the wishes of a few group of Indians who themselves do not even know how to handle their own personal problems.

I congratulate Congress for the endorsement and the enactment of the self-government under the Reorganization Act. This enactment gives us the many privileges and powers that we do not have in the Allotment Act. It gives us voice in the affairs pertaining to our tribe, it gives us credit loans toward education, and for our farming activities.

If, by any stated reasons presented as evidence against the Reorganization Act will be a misrepresentation for this tribe, if any organized group of an organization who represents this tribe, stating evidence to prove that these Indians are better off without the Reorganization Act, the evidence used for proof will be considered insufficient, because its operation is recent, for it, to have a chance to give fully its purposes and its objectives. It is also ridiculous for the Indians to remain in the former state of government when a complete failure has proved for more than 60 years.

Sincerely yours,

JAY GOULD,
Acting Secretary for Colorado River Tribal Council.

[TELEGRAM—OFFICIAL BUSINESS, GOVERNMENT RATES]

CHEROKEE INDIAN AGENCY,
Cherokee, N. C., January 22, 1940.

Senator ELMER THOMAS,
Chairman Indian Committee,
Washington, D. C.

For personal delivery only.

Re Frazier bill eastern band Cherokees desire Reorganization Act remain in effect. Act approved by popular vote and has been no popular vote against it. Our opinion action of former council last February for repeal not representative of sentiment of present council and of people.

WILL WELCH, *Chairman.*
 JARRETT BLYTHE, *Chief.*
 MCKINLEY ROSS, *Assistant Chief.*

[TELEGRAM—OFFICIAL BUSINESS, GOVERNMENT RATES]

CHEROKEE INDIAN AGENCY,
CHEROKEE, N. C., *January 20, 1940.*Congressman Z. M. WEAVER,
House of Representatives, Washington, D. C.

Please contact Senator Bailey and have him object unanimous consent Frazier bill reference repeal application Reorganization Act to Eastern Band Cherokee Indians.

WILL WELCH, *Chairman Tribal Council.*
JARRET BLYTHE, *Chief.*
MCKINLEY ROSS, *Vice chief.*

FEBRUARY 21, 1940.

MEMORANDUM WITH REFERENCE TO HEARINGS BEFORE THE SENATE INDIAN AFFAIRS COMMITTEE WITH REFERENCE TO THE CHEROKEE INDIAN RESERVATION, NORTH CAROLINA

In order to set the record straight in considering certain complaints and charges made before the Senate Committee on Indian Affairs at the Cherokee Indian Reservation in North Carolina, it is desired to make the following statements:

1. The Cherokee Indians, either in council or out, have never authorized Alice Lee Jamison or O. K. Chandler to speak for them before any committee of Congress, and deplore and resent the fact that the Senate Indian Committee has permitted them to be heard in their behalf. The Council of February 12, 1940, passed the resolution quoted below which makes clear their attitude in the matter of representation:

"Whereas it has come to the attention of this council that certain persons have been appearing before the Senate and House committees of Congress, claiming to represent the Eastern Band of Cherokee Indians, without the approval of this duly elected tribal council, and,

"Whereas this council opposes such action, therefore be it

"Resolved by the Eastern Band of Cherokee Indians in council assembled, That we do hereby request that the Senate and House committees do not recognize any representative unless authorized by the council of the Eastern Band of Cherokee Indians."

2. The Cherokee Council on February 6, 1940, passed unanimously a resolution of approval of the Blue Ridge Parkway crossing the reservation. This ends a senseless controversy very favorably for the Indians and for the State of North Carolina and the Federal Government.

3. The Cherokee Indian Council passed on February 7, 1940, a resolution providing that all Indians living off the reservation who have less than one-sixteenth degree of Indian blood be removed from the tribal roll by purchasing their interest in tribal property. This brings to a settlement the controversial matter of purging the roll of those who have a small degree of Indian blood.

4. The purchase of stamps for use of the tribal council was never questioned for the point of view of denying the council the stamps but from an accounting standpoint entirely. After authorized by the Indian Office the stamps were purchased and delivered to the Chief of the Tribe on May 23, 1939. It was stated before the Senate Committee on July 12, 1939, that the stamps had not yet been bought. This is typical of many charges presented without basis of truth and justice.

5. From an intimate knowledge of the situation, it is a fact that there is not now, nor ever has been, the slightest evidence of teaching of communism or athelism at the Cherokee Agency and School. There is plenty of evidence that all influences fostered by the Government have been exerted toward developing loyal, law-abiding and patriotic American citizens and also that every possible move has been made to encourage the Indians to be God-fearing and church-going, to the extent that their zeal in this regard may well challenge that of any group anywhere.

The above facts are stated for the purpose of clarifying the situation at Cherokee which is as follows:

1. The Cherokees are an honest, intelligent group and are reasonable in their dealings with their neighbors and appreciate the many fine things done for them by the Bureau of Indian Affairs, representing the Government of the United States.

2. It indicates what confusion can be created by unscrupulous and dishonest influences when allowed to work among them.

3. The impression created at the Senate hearings that the Cherokee people as a whole are objecting to the policies of the Indian Bureau is false, and is a manufactured creation without foundation in fact.

4. Ulterior and selfish motives have been at work at Cherokee and except for minor and inconsequential matters, the whole fabric is a build-up to confuse and mislead true friends of our people.

5. While there are many problems of great importance affecting the well-being of the Eastern Band of Cherokee Indians which are facing them and challenge them for solution, it is believed that through the cooperation of all concerned, reasonable and satisfactory means of approach will be found for their settlement, if misrepresentation and the exploitation of selfish motives may be stopped as it is believed they have been at the present time.

JARRETT B. BLYTHE, *Chief.*
C. M. BLAIR, *Superintendent.*

THUNDER BULL COMMUNITY,
Kyle, S. Dak., February 26, 1940.

HON. JOHN COLLIER,
Commissioner of Indian Affairs,
Washington, D. C.

DEAR MR. COLLIER: The Thunder Bull Community of Medicine Root District, Pine Ridge Reservation, S. Dak., held a special meeting on the above date and adopted the following resolutions:

Thunder Bull Community organized under the act of June 18, 1934 (stat. 48, 984) on November 6, 1935, and approved by the tribal council and Supt. W. O. Roberts January 1937 and,

Whereas we have been working on our local community constitution and bylaws for our organization and,

Whereas all of us lack education, we have found it hard to do the necessary work in order to draft our constitution and bylaws to benefit our members and,

Whereas we after the 3 years of hard labor we got through with our work on drafting our constitution and bylaws, and it was approved by the tribal council and Supt. W. O. Roberts as we have it today and,

Whereas we were advised by our officials here at Pine Ridge that all of our labor was approved by the Hon. John Collier and the Honorable Secretary of the Interior Hon. Harold Ickes in Washington, D. C., and,

Whereas one of our members signed over to the office for a tract of land from his allotment and signed up the easement that was presented to him where a community canning kitchen was to be built, and,

Whereas as the office advised us through the tribal council that we would get \$3,000 if we would furnish the labor for the building and,

Whereas we started in cutting logs from our forest a year ago, February 4, 1939, since that time we donated our labor in part 1 day for relief rations and 1 day donated to get our kitchen finished which we did and,

Whereas the members of our local community stand ready to do other work that will be required of them and,

Whereas all of the women of our community have organized under the Act of June 18, 1934, known as the women's auxiliary for sewing and other work for the welfare of their homes and improving the way of decent housekeeping as the whites teaches us and,

Whereas the movement on foot by our community members is to discuss what would be the next problem to take up and,

Whereas about one half of the members of this community are afoot. We have no teams to work with. Requests have been made for teams at several meetings to the office all without results. Women and men packed wood on their backs in this deep snow in this cold all the winter, wherefore is it

Resolved, That we in a body members of the Thunder Bull Community organized under the act of June 18, 1934 very urgently pray to the Almighty God and the honorable body of the Senate and Congress of the United States to leave the people of our reservation to enjoy the benefit of said act and do not make any change.

It is further resolved by this community to give us time. So the officials tell us the law is only a baby, but we realize that the law is not a baby but we are the baby class so give us time.

It is further resolved that the members of our community realized that the act is a sound and strong man who has plenty for his poor Indians to do and learn. Since the bill S. 2103 has been in question and we have sent in some of our resolutions objecting to any more that might come up for action by the Indian Committee in Washington, D. C., whether those were sent in by the office here we do not know, but have no reply to them as yet.

Respectfully submitted.

Sincerely yours,

CHARLES BROKEN LEG,
Committee Chairman.
WILSON JAMES,
ROCK IRON CROW,
Committeemen.

Attested by acting secretary, LOUIS P. MOUSSEAU.

[Telegram]

JANUARY 26, 1940.

Hon. JOHN COLLIER,
Commissioner of Indian Affairs.

Through Superintendent L. C. Lippert. Please make arrangements for transportation of four delegates representing Indian Reorganization Act side of question to Washington. Can come by car if necessary.

JAMES REDFISH, *Chairman,*
JAMES BULLHEAD, *Vice Chairman,*
RALPH WHITE, *Secretary.*
Reorganization Committee.

[Copy]

FORT YATES, N. DAK., *January 25, 1940.*

Hon. ELMER THOMAS,
Chairman, Indian Affairs, United States Senate,
Washington, D. C.

Hon. WILL ROGERS,
Chairman, Indian Affairs, House of Representatives,
Washington, D. C.

GENTLEMEN: There is a bill (S. 2103), exemption of certain tribes from the Wheeler-Howard Act, now pending in the Senate and,

Whereas the bill if enacted into law, we the Standing Rock Sioux Tribe on the Standing Rock Reservation will be affected and although we have not as yet completely organized under all the provisions of the Wheeler-Howard Act, we have enjoyed many of its benefits, such as the following:

Lands acquired under funds appropriated under the Indian Reorganization Act:

| | <i>Acres</i> |
|----------------------------|--------------|
| North Dakota..... | 1, 798. 54 |
| South Dakota..... | 1, 498. 65 |
| Total for reservation..... | 3, 297. 19 |

Unentered or relinquished homestead lands which reverted to the tribe under Secretarial order of Sept. 19, 1936, as provided under the Indian Reorganization Act:

| | <i>Acres</i> |
|----------------------------|--------------|
| North Dakota..... | 10, 583 |
| South Dakota..... | 117, 392 |
| Total for reservation..... | 127, 975 |

In every district there have been families assigned to lands purchased from Indian Reorganization Act funds, and, in some cases, to homestead lands, which have reverted to the tribe. Educational loans as provided under the Indian Reorganization Act, since 1935—loans to 31 students for college and vocation school.

And, whereas if said bill becomes a law we will be deprived of the above benefits, and

Whereas the unlettered Sioux have been high pressured into expectation of great sums of money if they exempt themselves from the Indian Reorganization Act by certain Indians and white people bent on further exploitation of our remaining properties; and

Whereas the opposition to the Reorganization Act have misconstrued the language of our constitution and bylaws and the charter and induced the unlettered to reject the said constitution and bylaws, and

Whereas we of the minority side of this question who are working to become self-sustaining citizens wish to be heard on this bill before enacted into law; therefore, be it

Resolved, That we, the undersigned officers of the reorganization committee, representing the minority side of the exemption question, wish to go on record as opposing bill (S. 2103); and therefore, be it

Further resolved, That copies of this resolution be forwarded to Senator Frazier, Senator King, Senator Chavez, Congressman Case, and Congressman Burdick.

(Signed) JAMES REDFISH,
Chairman, Reorganization Committee.

(Signed) JAMES BULLHEAD,
Vice Chairman, Reorganization Committee.

(Signed) RALPH WHITE,
Secretary, Reorganization Committee.

FORT YATES, N. D., *January 25, 1940.*

HON. ELMER THOMAS,
*United States Senator, Oklahoma, United States Senate Building,
Washington, D. C.*

(Through Supt. L. C. Lippert.)

We protest any moves which will in any way exclude us from the benefits of the Indian Reorganization Act. Letter will follow with resolutions attached, and if possible delegation to be heard on behalf of the tribe.

REORGANIZATION COMMITTEE.

CHERRY CREEK, S. DAK., *January 19, 1940.*

HON. CHAN GURNEY,
HON. FRANCIS CASE,
Washington, D. C.

DEAR FRIENDS: We the Sioux of the Cherry Creek District No. 3, met in council at Cherry Creek, S. Dak., in the Federal Administration Building on January 19, 1940, and adopted the following resolution protesting against the inclusion of the Cheyenne River Sioux Tribe in the exemption bills Nos. S. 2103 and S. 2317, and in unison desire to strike out the Cheyenne River Sioux Tribes from these bills.

We feel that the Cheyenne River Sioux Tribe has made such progress under the Reorganization Act, that to bring them under the provisions of these bills, Nos. S. 2103 and S. 2317 (if enacted) would be detrimental to their continued advancement, both economic and social. We are satisfied with the protection afforded by the present law, and feel that the passage of these bills, including the Cheyenne River Sioux Tribe, would hasten pauperism to a large percent of the Cheyenne River Sioux Tribe, and fitting them to an objectionable maniac, placing unwarranted burden on the economic and social structures of our county and State which is ridiculously absurd at this time of depression.

Since the acceptance of the Reorganization Act the Cheyenne River Sioux Tribe have initiatively taken advantage of the opportunities of that Act, and have entered upon a program of constructive social and economic enterprises. The most important and immediate material benefits which the bills, Nos. S. 2103 and S. 2317 would destroy (if enacted) would be our student loan funds of the act, and the future Sioux benefits of our children, which would deprive them of \$581.50, the present commuted value of the Sioux benefits.

We are opposed to the exemption bills, Nos. S. 2103 and S. 2317 as our inclusion did not originate from the majority that accepted the Reorganization Act. It originated from the unintelligent element in small minority. There is no need

for such legislation for the Cheyenne River Sioux Tribe at this time, as majority are still incompetent and incapable of merging into the advanced white civilization.

This council now in session requests you to file a copy of our protest and sentiment with the House Committee on Indian Affairs.

Very respectfully,

JAMES SWAN,
DAVID SWAN,
Committee in behalf of the No. 3 District Council.

PINE RIDGE, S. DAK., *January 23, 1940.*

Senator ELMER THOMAS,
Washington, D. C.

Request opportunity for delegation Pine Ridge Indians appear in defense of Reorganization Act as it applies to Pine Ridge Indians. We urgently urge that no action be taken for repeal of the law without hearing.

FRANK WILSON,
President, Tribal Council.

MARTIN, S. Dak.,
February 28, 1940.

JOHN COLLIER,
*Commissioner of Indian Affairs,
Washington, D. C.*

Exemption bill amending Howard-Wheeler Act the Medicine Root Creek Community petition that Pine Ridge Reservation be not struck after the enacting clause of Howard-Wheeler Act have said Pine Ridge Sioux Indian Reservation retained under Howard-Wheeler Act.

PETER BULLBEAR,
HOBART TWO CROW.

OGLALA COMMUNITY HIGH SCHOOL,
Pine Ridge, S. Dak., January 27, 1940.

The Honorable Representative THOMAS,
*House of Representatives,
Washington, D. C.*

MY DEAR MR. THOMAS: We, the students of the Pine Ridge Reservation High School, have been informed that action is pending in the Senate for continuation of the Reorganization Act for Indian peoples.

May we express our opinion as to the benefit we place on this measure as it affects ourselves and our parents? In our classroom studies of this act we concluded that the future development toward our economic independence is dependent upon future benefits secured from the law.

May we hope that this expression shall serve some purpose in urging the continuation of the Reorganization Act for our Indian peoples?

Very sincerely yours,

ELVYN SKALINDER,
Student Body President, Oglala Community High School.

[Telegram]

Pine Ridge, S. Dak., February 2, 1940.

Commissioner JOHN COLLIER,
Indian Office, Washington, D. C.

The undersigned in favor of retaining the Reorganization Act and its benefits.

MEMBERS AND FAMILIES OF NO. 4 COMMUNITY ORGANIZATION,
JOSEPH BLACK ELK, *President.*

[Telegram]

PINE RIDGE, S. DAK.,
February 24, 1940, 8:55 p. m.

J. COLLIER,
Commissioner of Indian Affairs,
Washington, D. C.:

We, the members of the Alumni Association of the Oglala Community High School, wish to protest repeal of Indian Reorganization Act. We feel repeal of bill will eliminate any chance of our becoming a self-supporting people.

H. COURAGEOUS STEVENS, *President.*
HAROLD E. SAUSER, *Vice President.*
PAUL PLUME, *Sergeant at Arms.*
LLOYD EAGLEBULL.
FLOYD POURIER.

[Telegram]

PINE RIDGE, S. DAK.,
February 26, 1940, 8:47 p. m.

JOHN COLLIER,
Commissioner of Indian Affairs,
Washington, D. C.:

I extend my humble thanks to your committee for having recalled the exemption bill on behalf of my people. It is gratifying to know that you have given due consideration to a cause which is of great benefit to our people.

CHIEF REDBEAR.

PETITION

PORCUPINE DISTRICT,
Porcupine, S. Dak., February 24, 1940.

We, the undersigned signees of the Porcupine District on the Pine Ridge Reservation in South Dakota, do hereby attach our signatures in objection to the bill introduced into the Congress of the United States for abolishment of the Indian Reorganization Act as of June 18, 1934. We desire the continuance of the act without alteration. We respectfully petition that a telegram be sent to our congressional representatives at once to place before them our decision.

| <i>Name</i> | <i>Date</i> | <i>Number in family</i> |
|----------------------------|------------------------|-------------------------|
| Joseph White Face..... | February 24, 1940..... | 7 |
| Sylvia Fielder..... | February 24, 1940..... | 5 |
| Jessie Twiss..... | February 24, 1940..... | 8 |
| Henry W. Fielder..... | February 24, 1940..... | 6 |
| Geo. Iron Cloud..... | February 24, 1940..... | 6 |
| Pearl Iron Cloud..... | February 24, 1940..... | 6 |
| John Adams..... | February 24, 1940..... | 1 |
| Percy Locke..... | February 24, 1940..... | 2 |
| James Locke..... | February 24, 1940..... | 4 |
| Hail Locke..... | February 24, 1940..... | -- |
| Bessie Locke..... | February 24, 1940..... | -- |
| Cecelia Comes Killing..... | February 24, 1940..... | 2 |
| Aaron Comes Killing..... | February 24, 1940..... | -- |
| Schuyler Crowe..... | February 24, 1940..... | 5 |
| James Crowe..... | February 24, 1940..... | 2 |
| Lucy Good Plume..... | February 25, 1940..... | -- |
| Helen Bone..... | February 25, 1940..... | -- |
| Will (?) Locke..... | February 24, 1940..... | 4 |
| Annie Scout..... | February 24, 1940..... | 4 |
| Louie Scout..... | February 24, 1940..... | 4 |
| Daniel Tail..... | February 26, 1940..... | 2 |
| Jessie White Face..... | February 24, 1940..... | -- |
| Chas. Tail..... | February 24, 1940..... | -- |
| Rose Tail..... | February 24, 1940..... | -- |
| Ida Two Lance..... | February 24, 1940..... | 3 |
| Charles Rock..... | February 26, 1940..... | 5 |

| <i>Name</i> | <i>Date</i> | <i>Number in family</i> |
|--------------------------------------|------------------------|-------------------------|
| Lester Lone Hill..... | February 26, 1940..... | 10 |
| Seth White Bull..... | February 26, 1940..... | 4 |
| Peter Runson or Sunsaw Edge..... | ..... | .. |
| Moses Ringing Shield..... | February 26, 1940..... | 5 |
| Florence Rock..... | February 26, 1940..... | 5 |
| Eugene Porcupine..... | February 24, 1940..... | 3 |
| Louise Running Shield for Two..... | ..... | .. |
| Mrs. Wilson Running Shield..... | February 26, 1940..... | 3 |
| Oliver Jealous of Him..... | February 24, 1940..... | 7 |
| George Whitetree (?)..... | February 24, 1940..... | 3 |
| Mary Jealous of Him..... | February 24, 1940..... | 7 |
| Frank Jealous of Him..... | February 24, 1940..... | 7 |
| Agnes Jealous of Him..... | February 24, 1940..... | .. |
| Oscar Jealous of Him..... | February 24, 1940..... | 2 |
| Holy Track X..... | ..... | .. |
| George Kills Back..... | February 24, 1940..... | 5 |
| Julia Kills Back..... | February 24, 1940..... | .. |
| Geo. Brown Eyes..... | February 24, 1940..... | 4 |
| Getbent Weston..... | February 24, 1940..... | 8 |
| Nancy Weston..... | February 24, 1940..... | .. |
| Lucy Brown Eyes..... | February 24, 1940..... | .. |
| Alice Cut Grass..... | February 24, 1940..... | 4 |
| Louis Brown Eyes..... | February 26, 1940..... | 8 |
| Jennie Brown Eyes..... | February 26, 1940..... | .. |
| Henry Young Bear..... | February 26, 1940..... | 6 |
| Sophia Young Bear..... | February 26, 1940..... | .. |
| Emma Smoke..... | February 26, 1940..... | .. |
| Milvin Smoke..... | February 26, 1940..... | 3 |
| Lena Smoke..... | February 26, 1940..... | .. |
| George Gap..... | February 26, 1940..... | 2 |
| Joseph War Bonnet..... | February 26, 1940..... | 6 |
| Mary War Bonnet..... | February 26, 1940..... | .. |
| Wilbert Ghost Bear..... | February 26, 1940..... | .. |
| Saraah Ghost Bear..... | February 26, 1940..... | .. |
| Lizzie War Bonnet..... | February 26, 1940..... | .. |
| Thomas Little Boy..... | February 26, 1940..... | 5 |
| Geo. Lays Bad..... | February 26, 1940..... | .. |
| Joe E. Adams..... | February 26, 1940..... | 5 |
| Ed Iron Cloud..... | February 26, 1940..... | 4 |
| Bismark B. Head..... | February 26, 1940..... | 3 |
| Dora Bird Head..... | ..... | .. |
| Oliver Moose..... | ..... | .. |
| William Ringing Shields..... | ..... | .. |
| George Iron Cloud ¹..... | ..... | .. |
| Edward Iron Cloud..... | February 24, 1940..... | 6 |
| Thomas Standing Elk..... | February 24, 1940..... | 11 |
| David Badger..... | February 24, 1940..... | 10 |
| Marie Badger..... | February 24, 1940..... | .. |
| Eugene Buck or Bush..... | February 24, 1940..... | 3 |
| Helen Bush..... | February 24, 1940..... | .. |
| Ellen White Crow..... | February 24, 1940..... | .. |
| Julia Tuttle..... | February 24, 1940..... | 9 |
| Frank Lone Elk..... | February 24, 1940..... | 5 |
| Agnes Lone Elk..... | February 24, 1940..... | .. |
| William Bush..... | February 24, 1940..... | 8 |
| Grace Bush..... | February 24, 1940..... | .. |
| James Moneseaw..... | February 24, 1940..... | 4 |
| Lena Moneseaw ² | February 24, 1940..... | .. |
| Hudson Bird Head..... | February 26, 1940..... | 5 |
| John Bayer..... | February 24, 1940..... | 2 |
| Carrie Bayer..... | February 24, 1940..... | .. |
| Albert Spider..... | February 24, 1940..... | 5 |
| Julia Spider..... | February 24, 1940..... | .. |

¹ This name is on the list twice.² Writing is not clear.

| Name | Date | Number in family |
|----------------------|-------------------|------------------|
| Gus Lamont | February 24, 1940 | 4 |
| Julia Lamont | February 24, 1940 | -- |
| Newman Grass | February 24, 1940 | 1 |
| C. B. Whipple | February 24, 1940 | 7 |
| Esther Whipple | February 24, 1940 | -- |
| Jonas Walker | February 24, 1940 | 3 |
| Raymond Janis | February 24, 1940 | 6 |
| L. C. Mousseau | February 24, 1940 | 8 |
| Isabelle R. Mousseau | February 24, 1940 | -- |
| Jackson Tail | February 24, 1940 | 7 |
| Helen Tail | February 24, 1940 | -- |
| Wm. Gibbons | February 24, 1940 | 8 |
| Dave Janis | February 26, 1940 | 4 |
| Elfreda Janis | February 26, 1940 | -- |
| Ellen Richard | February 26, 1940 | 6 |
| Maggie Yankton | February 26, 1940 | 4 |
| Lucy Wounded Arrow | February 26, 1940 | 6 |

PINE RIDGE AGENCY,
Pine Ridge, S. Dak., February 5, 1940.

HON. SENATOR ELMER THOMAS, M. C.,
Washington, D. C.

DEAR SIR: It is with deepest interest that I have followed the program of the Indian Reorganization Act, familiarly known as the Wheeler-Howard Act, since its inauguration in 1933-34. This has been the first definite step by Congress to promote the welfare of the Indian people. It is with regret that I have learned that there is a movement now in Congress to repeal this act. I believe that if this law is repealed it will be a grave mistake.

I am enrolled at the Lower Brule Reservation, S. Dak., and I have studied the program which is working successfully with the people there. The economic structure was deplorable, with no hope for the future, prior to the acceptance of this Reorganization Act by popular vote and the receiving of the charter. With the loss of their homes and land through the allotment system, their natural resources were gone. The people were completely up against the wall, destitute, with no place to turn for help or relief.

The reorganization program presented opportunities such as the repurchase of lost lands and homes, a better land-use program, the establishing of a credit system which could not be attained for the Indians in the white world, and modern educational facilities. This created a more helpful future for the people.

As this program grew the Indians became aware of the fact that they must provide their own livelihood from the natural resources of their reservation. They have taken definite steps toward Indians' use of Indian-owned land. Such of the land that had passed from Indian ownership through fee patent has been purchased through the submarginal and Indian Reorganization Act land-purchase program and thus restored to Indian use. They have pooled their ownership interests which eliminated many of the heirship problems, and have brought the land under common use, by leasing large range areas. The young people have assumed definite responsibility in planning the land-use program, and in many instances have established their homes on lands formally sold to whites but not purchased back. Such a program presents a real challenge to the young people. They feel that they have a definite responsibility with something to look forward to.

The Brules have taken advantage of the loan opportunities. They have organized a stock association under well planned management. The responsibility is assumed by the Indians themselves, through a board of directors composed of outstanding Indians who have had actual experience in cattle raising. Their ranch is located on the eastern part of the reservation in the Fort Hale district, in the banks of the Missouri River, which affords excellent winter quarters for stock. To date, they have over 650 head of cows part of a herd of 1,500 head. They have 3 large range units extending westward across the reservation which afford summer range for stock. Water conservation and some irrigation has played an important part in furthering this program. The Reorganization Act has made this possible through its credit system and is helping the Brule people to become self-supporting.

Intensive study has been made on Lower Brule Reservation because it presents problems similar to those of other reservations in the Sioux country. Since coming to Pine Ridge Reservation 2 years ago I have been particularly interested in the progress of the various activities, made possible through the Reorganization Act. Some very fine projects towards the reestablishment of these people, are now in progress and should not be denied them. These projects are: Better land use program, including a home improvement program, the raising of livestock, water conservation and irrigation, which assures a livelihood from the natural resources of the land.

The younger Indians are interested in a better land use program which is made available under the Reorganization Act. The leasing of lands by Indians is steadily increasing. The water conservation program not only increases the value of the land, but also increases the livestock program because of the sufficient water supply which is of vital importance in the plains country. The lands are blocked into grazing or farm areas to be leased by an individual Indian or a community group. There are also other activities under this program such as 4-H Clubs, poultry and swine clubs, and irrigation which provides subsistence gardens, the vegetables from which are canned in the canning kitchen provided in the various districts. Statistics show over the years of 1938-39 that more land is being used by Indians and a decrease of land use by non-Indians.

The survey of beef cattle shows that in 1933 there were 3,963 head owned by Indians and in 1939 there were 10,600 head. The better homes program has provided neat frame buildings throughout the reservation, which encourages a higher standard of living. There are 32 organized communities throughout the reservation taking advantage of these opportunities. This is what the Indian Reorganization Act is doing for these people. The general trend of conversation of these various groups is that they wish to make further steps in taking advantage of the opportunities offered them.

The educational program is progressive and of a higher standard. According to the school census there are 3,111 children enrolled in our grade and high school in Pine Ridge, and in the 21 day schools in the various districts of the reservation. The children of today are more conscious of their economic future than ever before. After finishing high school they have opportunity to continue in higher education, through educational loans provided for them if they do not have their own financial resources. This type of training will certainly equip them with knowledge to develop and utilize the natural resources of their reservation, as well as being able to hold positions and work in various professions in the white world. This is a very important program afforded through the Reorganization Act.

The younger people show keen interest in the continuance of the Reorganization Act. This was emphasized in a series of recent meetings where younger people have taken a progressive stand. The opposing group consists of older men who, statistics show, are in the minority, and who criticize the program without offering constructive suggestions. Indian custom gives leadership to the older men, thus precluding active participation by the younger members of the tribe. It is gratifying to note that this overture by the younger people in the face of Indian custom, as it shows a firm stand and their determination to take advantage of the opportunities offered them to further their economic and social livelihood.

In behalf of these younger people I respectfully ask that you and your committee give every consideration to their plea that the Reorganization Act and benefits intended by it shall not be repealed.

Very truly yours,

PHILIP S. BYRNES.

MEDICINE ROOT CREEK COMMUNITY,
Kyle, S. Dak., March 1, 1940.

Hon. JOHN COLLIER,
Commissioner of Indian Affairs,
Washington, D. C.

We, the law-abiding Dakota people of Medicine Root Creek Community, Kyle, S. Dak., from the Pine Ridge Indian Reservation, Pine Ridge, S. Dak., wish to make our desires known to you as a group in regard to the Reorganization Act of June 18, 1934. We accepted this act at an election held here on our reservation October 27, 1934, by a majority vote. Since that time to this date under this act, we are getting benefits; now we are greatly alarmed to learn that an exemption bill has been introduced in Congress, for the Oglala Sioux Tribe to be excluded from the Reorganization Act. If such an act is ever passed by

Congress we know with our own experience here, what the results would be before many years most of us Indians will be landless and there will be no place and homes for our children of the future generation, etc.

Peter Bull Bear, Chester Red Kettle, Hobert Two Crow, Edison Glenn, Minnie Grinnell, Andrew Yellow Thunder, Jennie Yellow Thunder, George Apple, Susie White Eyes, Julia Brown Thunder, Edith Bull Bear, Levi Belt, Daniel Featherman, Louis Little White man, Emily Little White man, Salina Belt, Esther Broken Rope, Annie Two Crow, Joseph Apply, Jr., Henry Two Crow, Francis Two Crow, Frank Two Crow, Rufus Two Crow, Irene Two Crow, Gabriel Mesteth, Grace Two Crow, Dallas Two Crow, Judson Two Crow, Romeo Two Crow, John Two Crow, Annie M. Two Crow, Ruth Two Crow, Edith Two Crow, Annie C. Two Crow, Keva Bull Bear, Royal Bull Bear, Watson Janis, Bernard Jaris, Benajamin Morrison, Charles American Horse, William Gay, Paul Red Owl, L. P. Morrisseau (?), Millie Red Owl, Alice Janis, Date Pawnee Leggins, Julia Two Crow, Mattie Last Horse, Nancy Gay, Victoria Sherman, Josephine Rock, Nancy Blue Bird, Lizzie Bissonette, Lizzie Glenn, Daisy Gay, Mr. Catherine Clifford, Mrs. Agnes Dozack, Mrs. Nellie Red Owl, Samuel Last Horse, Henry Big Boy, George Apple, Isaac Brave Eagle, Thomas Crow, Jefferson Strikes Plenty, Albert Sitting Eagle, Bernard Walters, Rock Iron Crow, Edith Bear, Mortimer Clifford, Lillian B. Hernandez, Sarah Mesteth, Charles Fool Head, Levi Red Owl, Otto C. Eagle, all of Kyle, S. Dak.; Reuben Mesteth, Manderson, S. Dak. (x mark). Witness to mark: Isaac Brave Eagle.

PETER BULL BEAR,
Community, President Medicine Root Creek.

[Night letter]

ALTURAS, CALIF., *January 22, 1940.*

JOHN COLLIER,
Commissioner of Indian Affairs.
(Personal only.)

Pit River Tribe does not want to be excluded from reorganization benefits. Tribe desires to be heard before it is acted on in Senate. Pit River Tribe is planning to organize under Reorganization Act in near future.

BEN J. STONECOAL,
EDWARD HESS,
ELDON STEEL, *Trustees.*

[Pacific telegram]

COVELO, CALIF., *January 22, 1940.*

Senator ELMER THOMAS,
Washington, D. C.
(Personal delivery only.)

At a special meeting today of the Covelo Indian Community motion adopted that we not be excluded from Reorganization Act benefits.

COVELO INDIAN COMMUNITY,
MELVIN MAJOR, *Vice President.*

[Telegram]

LAKEPORT, CALIF., *January 23, 1940.*

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

Indian organization of Upper Lake, Lake County, California, in favor of Indian Reorganization Act. Want it continued.

HARRIS GEORGE, *Vice President,*
GEORGE TONEY, *Secretary,*
RODNEY SNOW, *Treasurer,*
Councilmen.

[Telegram]

LAKEPORT, CALIF., *January 24, 1940.*

Hon. SENATOR THOMAS,
Chairman Indian Affairs, Washington, D. C.:
 We request you vote against Senate bill S. 2103.

ROGER PORK,
 LINCOLN DENNISON,
Big Valley Rancheria, Lakeport, Calif.

[Telegram]

JANUARY 1940.

(Personal Delivery Only.)

Senator ELMER THOMAS,
United States Senate, Washington, D. C.:

The Tuolumne Community Council in regular meeting assembled protest any action tending toward repeal of the Indian Reorganization Act without an opportunity to be heard. We are heartily in favor of the act and are duly appreciative of its benefits. It gives us opportunities we have been working for for many years past.

WILLIAM FULLER, *Chairman,*
 THANKFUL GEISDORFF, *Secretary.*

[Telegram]

JANUARY 1940.

Senator ELMER THOMAS,
United States Senate, Washington, D. C.:

It is the wish of the Wilton community organization in regular meeting assembled that we be not excluded from the provisions of the Indian Reorganization Act without a hearing.

CHARLES MCKEAN, JR., *Chairman.*
 EDITH WILLIAMS, *Secretary.*

[Telegram]

SCHURZ, NEV., *January 21, 1940.*

(Personal)

JOHN COLLIER,
Commissioner of Indian Affairs, Washington, D. C.:

The Walker River Paiute Tribe of Nevada do not wish to be exempt from Reorganization Act. Request you vote against McCarran bill now being introduced. Original to Senator Thomas. Copy, John Collier, Commissioner, Indian Affairs, Washington, D. C.

WALKER RIVER TRIBAL COUNCIL,
 PETER JOHNSON, *Chairman.*

FALLON, NEV., *March 8, 1939*

Hon. JOHN COLLIER,
Commissioner of Indian Affairs, Washington, D. C.

DEAR MR. COLLIER: As business committee of the Fallon Indian Reservation, we are in the mood of presenting our grief upon learning that there is a bill, No. S. 626, pertaining to Indians of the State of Nevada, introduced in Congress, by Hon. Pat McCarran, our Senator from Nevada.

On January 28, 1939, after a lengthy discussion, the tribe voted unanimously to come under the Reorganization Act without holding an election, on our reservation.

There are several groups or reservations already under the Reorganization Act in the State of Nevada. Through their experiences in the years past we have learned from them that they have been greatly benefited. It gives them the foundation of having the incentive to help themselves and to become independent and also to assume the responsibility of citizenship.

If it is possible we would like to learn whether Mr. McCarran has uttered or proposed any definite plan that would be more beneficial to the Indians of our State than the Reorganization Act. If not we are still strongly in favor of the act.

We humbly beg and will appreciate the favor if you will use your influence to defeat the bill, No. S. 626, in Congress.

Thanking you in advance,
Respectfully yours,

FALLON INDIAN BUSINESS COMMITTEE,
WILLIE STEVE, *President*,
ALBERT P. HICKS, *Vice President*,
BODIE GRAHAM, *Secretary*,
IKE HARRIS, *Member*,
JIMMIE BOWSER, *Member*.

[Telegram]

JANUARY 22, 1940.

(For personal delivery only.)

Senator ELMER THOMAS,
Washington, D. C.:

Our tribe does not want to be excluded from benefits of Indian Reorganization Act. We understand pending legislation will prohibit our participation. We wish to be heard before such a bill is acted upon.

FRANK STEELE,
WINN MURPHY (?),
JIM SILVER,
CULBERT PEANUM,
JOHN (his thumb mark) SYME,
Trustees of Goshute Indians.

[Night letter]

OWYHEE, NEV., *January 22, 1940.*

JOHN COLLIER,
Commissioner of Indian Affairs:

Understand bill pending before Congress which will exclude our tribe from benefits of Reorganization Act.

We desire to be heard before Senate committee before action is taken on this bill.

SHOSHONE PAIUTE TRIBES,
HARRY THACKER, *President.*

Received by Commissioner, January 23, 1940. 9 a. m.

[Telegram]

McDERMITT, NEV., *January 22, 1940.*

JOHN COLLIER,
Commissioner of Indian Affairs, Washington, D. C.:

The Fort McDermitt Paiute and Shoshone Indian Tribe is very much opposed to bill S. 2103 which will do away with the Indian Reorganization Act. We believe it gives Indians a chance to progress in their own way and enables Indians to compete equally with other races of people. Therefore we believe that our tribe as well as other tribes of Indians should be allowed to express their opinions of what the Reorganization Act means to the Indian people before being voted on by the Senate Indian Affairs Committee to exclude our tribe from the act. This copy sent to Senator Thomas.

Members of the Fort McDermitt Paiute and Shoshone Tribal Council.

YOMBA SHOSHONE RESERVATION,
January 22, 1940.

HON. JOHN COLLIER,
Commissioner of Indian Affairs, Washington, D. C.

DEAR MR. COLLIER: I am enclosing a night letter which we Indians of Yomba Reservation sent to Senator Elmer Thomas, and we mean just what we said in this letter.

We want to stay under the Indian Reorganization Act. We do not want it repealed. We are opposed to the Frazier bill, S. 2103. We desire to be heard before action is taken on this bill. We like the Indian Reorganization Act.

YOMBA SHOSHONE TRIBE,
Reese River, Nev.

(Frazier Bill, Senate 2103—Yomba Reservation—Election to be Saturday, February 17, 1940)

[Telegram—Personal delivery]

Senator ELMER THOMAS,
Washington, D. C.:

We want to stay under the Indian Reorganization Act. We do not want it repealed. We are opposed to the Frazier bill, S. 2103. We desire to be heard before action is taken on this bill. We like the Indian Reorganization Act.

YOMBA SHOSHONE TRIBE.

[Telegram—Personal delivery]

GARNEVILLE, NEV., January 22, 1940.

Commissioner JOHN COLLIER:

We, the Tribal Council of the Washoe Tribe, do not want the reorganization act repealed, and we wish to be heard before the Frazier bill, S. 2103, is voted on. Copy of message sent to Senator Thomas.

WILLIE SMOKEY,
Vice Chairman, Washoe Tribe.

[Telegram—Personal delivery]

MOAPA, NEV., January 24, 1940.

Senator ELMER THOMAS,
Washington, D. C.:

Moapa River Tribe request opportunity to be heard regarding bill S. 2103. We wish to have constitution and bylaws.

MOAPA RIVER TRIBAL COUNCIL,
Per FRANCIS SWAIN, *Chairman.*

MAY 31, 1940.

Regards of Santa Clara Pueblo, Espanola, N. Mex.

This reorganization act favor by the following Pueblos to be force and against its repeal.

DEAR MR. COLLIER: The New Mexico Pueblos Indians against repealing the act. We are all favor of this act, which we Pueblos Indian today are better off than 10 years ago. We are living better and progressing better and more for the future generation in land, stocks, and in education life self governing and for better men and women to lived in protecting of our U. S. Government and Constitution.

Dear Mr. Collier, you had work hard for protecting our land and life which no Commissioner had ever take a hard steps you did.

Here enclosing you a letter for you to present in Congress. The following names of Governors who help me to fight this bill. I hope in the Lord name you for a successful in your works and may defeat the Fraser and Chavez bill. We all sent our greeting for successful.

Good Bye.

Sincerely yours,

JOSEPH F. TAFOYA.

SANTA CLARA PUEBLO, *Espanola, N. Mex., May 31, 1940.*

HON. CONGRESS,
Washington, D. C.

DEAR GENTLEMEN: The Pueblos Indian of New Mexico are in favor of the Reorganization Act and we want it to be in force and against of repealing it for several reasons.

1st. We Indians are more progressing life for future generation.

2nd. For better education and health.

3rd. For make us better men and women to Government.

4th. To give us better farmers improving our land and self support.

5th. Making us self-governing peoples, learning more to obeying and supporting our U. S. Government and Constitution.

6th. We Pueblos Indians are better off today in New Mexico than 10 years ago during away our quarreling or fighting our self. We are more safety to lived. Without the act we Pueblos Indian would no where we may standing today.

This is to show your Honorable Congressman our plead to remain this act in force as it has passed in 1934. We are satisfy not dissatisfy. We ask you in our good faith as Pueblo Indians of New Mexico.

Thank you.

Yours truly,

JOSEPH F. TAFOYA.

And the following Pueblo governors:

| | | |
|---------------|---------------|-----------|
| Taos | Tesuque | Santa Ana |
| Picuris | Pojoaque | Sandia |
| San Juan | Cochiti | Zia |
| Santa Clara | Santo Domingo | Isleta |
| Nambe | San Felipe | Zuni |
| San Ildefonso | | |

JUNE 5, 1940.

Memorandum to Mr. Collier:

Most of the Indian tribes in the Southwest which are under the Indian Reorganization Act are organized, and those which are organized are so well pleased with conditions under organization that they are having a favorable influence on their neighbors who may not be organized. This is true in the case of the Ute Mountain Utes and the Salt River Pima-Maricopas, both of which tribes adopted constitutions under the Indian Reorganization Act last month.

On May 8 the Ute Mountain Utes of Southern Colorado, neighbors and relatives of the Southern Utes who have been under a constitution for several years, adopted a constitution by an 88 percent majority—91 for, to 12 against.

On May 15 the Salt River Pimas near Phoenix, Ariz., neighbors and relatives of the people on the organized Pima Reservation adopted a constitution which they had rejected a few years ago before they had a local example of how it would work. Their vote was 171 for, to 127 against.

JOHN H. HOLST, *Indian Organization.*

MR. COLLIER. Mr. Blythe has asked me to read his brief communication into the record, which is as follows:

WASHINGTON, D. C., *June 7, 1940.*

HON. JOHN COLLIER,
Commissioner of Indian Affairs.

DEAR COMMISSIONER COLLIER: Mrs. Alice Lee Jemison does not represent the Eastern Band of Cherokee Indians in any way whatsoever, and we Cherokees do not desire any change in our present status as regards the Indian Reorganization Act. We think we have had enough legislation in Congress in the last year or so and we want things to remain as they are at present.

In case a hearing is held on S. 2103, we would like to be represented and present a statement at the hearing.

Sincerely yours,

JARETT BLYTHE,
Chief, Eastern Band of Cherokees.

Mr. SCHAFFER. I just want to get a little more evidence in the record about this man Blythe. Did the group of Indians who elected this man chief go on record at any time for or against the Wheeler-Howard Act?

Mr. COLLIER. The tribe has never voted on the act since it went in. The CHAIRMAN. They adopted it.

Mr. COLLIER. Yes. Last year the business committee of the tribe said they wanted to get out. An election was held largely upon that issue, and that business committee failed to be re-elected, and Blythe and his group were overwhelmingly elected.

Mr. SCHAFFER. Is it possible to have an election on the straight out and out proposition of getting out from under the Wheeler-Howard Act?

Mr. COLLIER. Any tribe can hold a referendum, and it would be advisory to Congress, at any time it wants to.

Mr. SCHAFFER. The letter you put in the record does not indicate that the tribe had a regular election where it reached the decision in favor of the act. This letter is only one man's opinion.

Mr. COLLIER. No; the tribe had an election and voted to come under the act. Then it had this recent election and put into office the candidates whose platform was to stay under the act. I am offering the tribal council's resolution in addition to Chief Blythe's.

Mr. SCHAFFER. That might be so, but there is more than one issue with reference to electing a Member of Congress, and I believe there are other issues with reference to electing the chief of an Indian tribe. Let the record speak for itself.

Mr. COLLIER. The record will speak for itself.

Before going on to the question Mr. O'Connor raises, I do want to dwell a little bit on the Sioux. The situation of the Sioux Tribes is a desperate situation. They have lost most of their land and of their other assets. The land they have not lost is in this fractionated heirship condition. Their poverty is extreme. Their old Sioux type of life, the life of the warrior, the buffalo hunting life, has of necessity dissolved. Their blood is much mixed. The great overwhelming fact among the Sioux is poverty, resting back on the lack of land and lack of access to credit resources to make possible use of what land they have got. In a sense one could say that the Indian Reorganization Act may have come too late in the case of the Sioux. The record is loaded with complaints from the Sioux; and while many of those complaints are factually not accurate, yet they could be duplicated by complaints just as grievous which would be factually supported. This record, the record that has been made by the Yankton group here, that has been made in the Senate by other complainants, when read closely has sometimes no bearing at all and always very little bearing on the reorganization act.

The matter is so well stated in a letter from Congressman Francis Case that I would be glad to offer that for the record.

The CHAIRMAN. Do you want to offer the letter?

Mr. COLLIER. I would like to offer the letter.

Mr. BUCKLER. I ask unanimous consent that the letter be inserted in the record at this point.

The CHAIRMAN. Mr. Buckler asks unanimous consent that the letter of Congressman Case be included in the record at this point. If there is no objection, so ordered.

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 5, 1940.

JOHN COLLIER,
Commissioner, Office of Indian Affairs, Department of the Interior,
Washington, D. C.

MY DEAR MR. COMMISSIONER: Will Rogers, chairman of the Committee on Indian Affairs, advises me by letter received this morning, that hearings on S. 2103 will begin Monday, June 10, 1940, at 10:30 a. m., and states it will probably take several days to complete this hearing.

I am sure you will agree with me, that in general, the wishes of the Indian people themselves should be the controlling factor in considering legislation of this character. Their voice should be heard rather than that of Congress, or any one else, in trying to force a jacket on them or to take it off.

In that conviction, it seems to me only proper that the Indians themselves should be heard. The Indians could be given a hearing either by bringing delegations to Washington, or by creation of a subcommittee to conduct hearings on each reservation concerned.

Under the first plan, of bringing Indians to Washington, I would suggest that both the so-called new deal and old deal groups, on each reservation, be authorized to select one delegate, and that these two select a third, so there would be three from each reservation.

I recognize that recently groups from Pine Ridge, Rosebud, and Cheyenne River, in my State, have had some representatives here, but in some cases these came from only one group, and it would seem that fair consideration for all should provide for representation from each Reservation to testify directly on the bill.

If for any reason this cannot be arranged, it would seem to me that the committee, and the Indian Office, should get together on a program to conduct hearings in the field, so that the voice of the Indians themselves may be heard.

If neither of these plans can be followed, then it seems to me that each reservation should be given a referendum election on the steps they may already have taken under the Indian Reorganization Act. This again would permit the Indians themselves to speak.

As far as I know, the only elections that have been held since the original steps were taken, have been elections on the question of whether some further steps should be taken. I do not recall any elections carried out under the principle of the referendum and recall.

As I have stated many times in conversation with you, and other members of your staff, I believe that a large part of the complaints under the so-called new deal program, come under these two heads—neither of which are inherent in the Indian Reorganization Act:

First, objection to the operation of the so-called law and order code (unsuitable judges, no chance of counsel, lack of jury trial, no change of venue).

Second, complaints on the administration of individuals here and there, and which the office has a tendency to ignore or to dismiss on the grounds that the complaint is political.

Both of those situations could be corrected, without legislation, and whatever the outcome of S. 2103 is, I feel that consideration should be given to these matters. Neither the repeal of the Wheeler-Howard bill, nor the passage of the exemption bill will solve those problems.

So, I urge again, action in those directions whatever may be the decision as to arranging for the Indians to be heard on S. 2103.

Sincerely yours,

FRANCIS CASE.

Mr. COLLIER. As illustrative of the way this record was built up particularly in the Senate I call your attention to the episode that took place when the Yankton bill was being heard. The witness was Mr. Clement Smith. I asked the privilege of questioning Mr. Smith, and I called his attention to the fact that last year he had made a large number of allegations and that last year those allegations had been answered in detail by me; that my answer was part of last year's

printed record. Without touching either the allegations or the answer, it is enough to say that my document purports to show that Clement Smith last year was a thoroughly unreliable witness. His facts were wrong and his understanding of the Reorganization Act was just "haywire." He said he would reply within 24 hours to that document in the record. What did he do? He inserted in the record a brief pencilled note to the effect that he was going to answer but not until Congress had adjourned—at some future date but not now.

Mr. SCHAFFER. What is that?

Mr. COLLIER. And then he went on to repeat the same type of thing that he had refused to defend, a lot of parallel, a thoroughly comparable melange of allegations which, I do not say they are false or true, but judging by last year's records, when we get our reports back from the reservation we will find they were also very largely misrepresentations.

Mr. SCHAFFER. Mr. Chairman.

The CHAIRMAN. Will the Commissioner yield?

Mr. SCHAFFER. Will the Commissioner yield? I want to get the record straight. We had hearings on this Yankton-Sioux bill last Monday.

Mr. COLLIER. Yes.

Mr. SCHAFFER. And a witness testified, what is his name?

Mr. COLLIER. Mr. Clement Smith.

Mr. SCHAFFER. Clement Smith was one of the witnesses and stated at those hearings that he was going to put an answer in the record.

Mr. COLLIER. In reply to Mr. Schaffer's question he made that statement.

Mr. SCHAFFER. Yes; that is why I want to get the record straight. And unanimous consent was given by the committee to let him incorporate his statement in the record giving the answer in the record at that point.

Mr. COLLIER. That is right.

Mr. SCHAFFER. What was the statement that the gentleman incorporated?

Mr. COLLIER. It is as follows:

Supplementing my reply to the Commissioner of Indian Affairs report and reply to the hearings on H. R. 5878, on April 22, 1939, I hereby request that my right to reply to the departmental report be reserved until some time after adjournment of Congress, at which time a general survey of conditions in the Sioux country will be made by Members of Congress.

In the meantime, I am making a general denial of all the allegations set forth by Mr. Collier, as being wholly without foundation.

Mr. SCHAFFER. Now, Mr. Chairman, at this point in the record I am making a request that Mr. Smith be requested to file a statement which he promised to file in the Yankton Sioux hearing and that a copy of that statement be put in the hearings at the point of the unanimous consent request and that a copy of that statement be put in this record at this point. I am fed up with witnesses appearing before the committee and taking up our time and making many wild and woolly statements and when they are given permission to substantiate them they run out and say, "after Congress adjourns." It puts me in mind of some of these fellows like the Belgian Premier running out of his country to Paris and denouncing the Belgian King for fighting and surrendering after his army runs out of ammunition, food, and water.

The CHAIRMAN. You have heard the unanimous consent request, that Mr. Smith be asked to give us the information he should have included in the hearings last week, to be inserted in those hearings last week. If there is no objection, so ordered.

Mr. SCHAFFER. And in the hearings of the Yankton tribe at the point where the committee wanted the answer incorporated.

The CHAIRMAN. It is already printed.

Mr. SCHAFFER. The printing should be withheld. I attended that committee hearing and left some important work in my office in order to obtain some facts. I am the member of the committee who asked for the insertion. If a witness makes definite charges that have a bearing on the bill and he promises to put a statement in the record to substantiate them, I think it should go in the record and not be furnished after the hearings have been completed and Congress adjourns.

The CHAIRMAN. Mr. Schafer also asks unanimous consent that Mr. Smith be asked to submit the information that he promised the committee that he would submit for the record at the point where he promised it would be inserted.

Mr. SCHAFFER. Yes; so that the identical information will be in this record.

The CHAIRMAN. Without objection, so ordered.

Mr. SMITH. Will the gentleman yield to me?

Mr. SCHAFFER. Yes.

Mr. SMITH. How much time are you going to grant him within which to do that? Certainly, you are not going to withhold the printing of this hearing?

The CHAIRMAN. We cannot force him to do it. We can only make the request.

Mr. COLLIER. He said he would take 24 hours.

Mr. SCHAFFER. He said 24 hours.

Mr. SMITH. Why not give him a week's time?

Mr. SCHAFFER. Within 3 days. That is three times 24 hours.

The CHAIRMAN. Mr. Schafer asks unanimous consent that Mr. Smith be given 3 days. Without objection, so ordered.

The Commissioner will proceed.

Mr. COLLIER. I wish to rapidly move on and conclude. But I do offer, as a document that is already in the Senate record a brief discussion of the whole difficulty, the quandary in which the Sioux tribes find themselves.

Mr. BUCKLER. I ask unanimous consent that the document be inserted in the record.

The CHAIRMAN. Mr. Buckler asks unanimous consent that the matter referred to by the Commissioner appear in the record at this point.

Without objection, so ordered.

(The document referred to is as follows:)

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 30, 1940.

STATEMENT BY COMMISSIONER COLLIER CONCERNING CONDITIONS ON THE
SIOUX RESERVATIONS

The numerous bitter complaints by a number of Indians from the Pine Ridge, Rosebud, Cheyenne River, Standing Rock, and other reservations in the Sioux

country, are significant not because they are derived from the operation of the Indian Reorganization Act, but rather because they reflect the depths of misery, distress, and almost hopeless despair into which the component parts of the great Sioux Nation of the Northern Great Plains have been plunged through no fault of their own. The Sioux Nation, the very last of the Indian tribes to be subjugated by the United States Army, has suffered fearful wrongs at the hand of the white conquerors, wrongs which are still vivid in the consciousness of many of the older people, wrongs sharp edges of which have been only slightly dulled in their transmission to the new generations.

The massacre of Wounded Knee in which scores of men, women, and children, unarmed and defenseless, were shot down by soldiers in blue uniforms, took place as late as 1890. Survivors of this massacre are still alive and living on the Standing Rock Reservation. Still living also are the children of that generation of Sioux who signed the treaty of 1868 which was torn up almost before the ink was dry. The loss of the Black Hills together with millions of acres of their hunting grounds to the east and north still rankles in the Sioux breast, and the deep-seated resentment arising out of the violation of this and other treaties is kept alive against the Government by the long-continued failure to obtain even partial redress. The attitude of that faction, principally among the fullbloods, represented by the old treaty councils, an attitude of wary suspicion toward the white man's government and all its ways, has its roots largely in the black shadow of these recent wrongs, in the failure of the Government across half a century to make proper amends.

This bitterness of the Sioux spirit, deriving from that period beginning in the 1850's and continuing almost to the end of the nineteenth century when every white hand was raised against these proud, independent warriors, was kept alive by the disastrous course of events following application of the allotment law to the Sioux Reservations. As Supt. W. O. Roberts, of the Pine Ridge Reservation, points out in his statement, the Army officers and, later, the civilian agents endeavored to develop a cattle economy as a substitute for the native economy that vanished with the buffalo. As the Great Plains were primarily a grass country suitable for range, the substitutions of cattle for buffalo proceeded rapidly and smoothly. In the decade between 1900 and 1910 on the Pine Ridge Reservation alone with its population of 6,000 souls, the number of cattle was estimated at 90,000 to 115,000 head. This would mean an average of 75 head per Indian family, a herd fully adequate to supply complete support.

The Sioux had adapted themselves to the new conditions to such an extent that by 1902 the habitual issue of rations to all of the members of the tribes, a custom arising in the period when the Sioux were in effect prisoners of war on their new reservations and without means for self-support, could be discontinued. In place of the buffalo, the Sioux now had cattle. Their reservations were owned and used in common as tribal grazing grounds. There was practically no white population. The moccasined feet of the Sioux were far on the road to new independence and new self-support.

Before and during the World War came the plow that broke the plains and with it came the allotment of the Sioux Reservations. As the plow broke the sod, so allotment broke up the grazing units, and rendered them unusable by the cattle of the Indians. Under the pressure of World War prices the cattle were sold off, the so-called surplus land was sold, the individual allotments were either sold or leased, and the new cattle economy was plowed under.

After the bulk of the cattle had been sold, after the money derived from the sale of surplus land of individual allotments had been spent, no source of revenue was left except that from the leasing of the allotments. That revenue decreased continuously. By 1930 the condition of the Indian population on most of the Sioux Reservations became desperate. After 1930 a series of drought years, culminating in the catastrophe of 1934 and 1935, cleaned the reservations of all livestock and reduced crop yields to zero. The Indian population of the Great Plains, in common with the rest of the population, was reduced to complete destitution and faced with actual starvation. If the Federal Government had not poured many millions into the Great Plains, the area would have been depopulated. A fairly large percentage of the white population moved out, but the Indian population could not, would not, and did not move. It is there today, still deriving its subsistence to the extent of 90 percent from various Federal relief efforts.

The Sioux country is primarily a range and cattle country. The President's Great Plains Drought Commission pointed out that the sod west of the hundredth meridian should never have been disturbed, that the physical, social, and economic rehabilitation of the Great Plains would have to be based on the restoration of the grass cover and the rejuvenation of the livestock business. The Indian

Office has been endeavoring to carry out the recommendation of the President's Great Plains Commission in the areas under its jurisdiction. In this effort, some 27,795 head of repayment cattle have been placed in the hands of the Indians on those Sioux Reservations which were practically denuded of livestock in 1935. A continuous effort has been made to reestablish grazing units for the new Indian-owned cattle. It has been necessary to deny the renewal of leases on Indian lands to white livestock enterprises operating on the Sioux Reservations. This step, of course, has met with determined opposition on the part of those interests which considered the continued use of Indian-owned land their vested rights. It has also met with the opposition of certain Indian allottees whose small key holdings were included in Indian grazing units.

In the effort to reconsolidate the widely scattered Indian lands into economic grazing units for Indian use, alienated land within the Sioux Reservations has been reacquired for the Sioux by the Government; as insurance against future drought and for the production of winter and reserve feed, numerous small irrigation projects have been constructed; a beginning has been made in rectifying and improving the terrible housing conditions on the Sioux Reservations; the Indian range lands have been improved by the construction of stock water facilities, fences, truck trails, etc., by the establishment of numerous Civilian Conservation Corps, Indian Division, projects which provided at the same time subsistence wages for thousands of Indian families. But all of these relief and improvements efforts have not as yet rebuilt more than a minor fraction of the economic foundation upon which the Sioux Indians must function. The distress was too great, the need for basic rehabilitation was too enormous to meet more than a small part in the 4 years since the very bottom was reached. Today, at the beginning of the crop season of 1940, at least 85 percent of the Sioux population is still dependent for its mere survival on Federal relief and support in one form or another.

It is necessary to evaluate against this historical background the complaints of certain Sioux recited in the preceding pages. When the complaints are considered in this light, it becomes evident that they are the almost automatic reflex protests of a suffering people against conditions for the existence of which they blame, and not without reason, the white man and the white man's Government. Viewed against this historical background, it becomes evident that these bitter complaints have their origin not in the Indian Reorganization Act of 1934, an act which offered the Sioux release from the arbitrary power of the Indian Office, a measure of control over their own affairs, credit, and land purchase funds and other advantages, but rather than this beneficial legislation became the symbolic whipping boy upon which the Indian complainants have inflicted their accumulated grievances.

This analysis is confirmed by the nature of the complaints. Practically all of these complaints have to do with administrative policies and practices which originated long before the Indian Reorganization Act was conceived, or these administrative policies were given effect on all Indian reservations regardless of their adherence to the Reorganization Act. The substitution of permits for leases of grazing lands and the establishment of grazing units came into effect in 1931, whereas the Indian Reorganization Act was not passed until 1934. A detailed discussion of the reasons for the grazing-unit policy will be found in the subjoined statements by Superintendents Roberts and Whitlock.

A few of the witnesses blamed the Reorganization Act for the requirement that Indians able to do so, pay at least part of the cost of hospitalizing and medical attendance. Congress directed that such charges be made in the Interior Department Appropriation Act of 1939. This congressional direction applies to all reservations, whether they are under the Reorganization Act or not. This congressional mandate authorizes the collection of hospitalization costs from those Indian patients who are financially able to pay; no charge for medical or hospital services is made or will be made against Indians unable to meet such charge. Free medical services and hospitalization will continue to be extended to them.

Similarly the requirement that parents pay for the clothing issued to their children attending schools, and that this payment be made in labor if it cannot be met in cash or in kind, did not have its origin in any provision of the Indian Reorganization Act. It is applied on all reservations, irrespective of their status within or without the Reorganization Act.

The problem of law enforcement on Indian reservations existed for many years before the passage of the Indian Reorganization Act. There has always been that wide twilight zone between the 10 major crimes punishable on Indian reser-

vations through the Federal courts and the State civil and criminal codes which do not apply to Indian reservations, misdemeanors and domestic relations which were never covered by Federal legislation. This broad field was historically within the province of the organized Indian tribes. When tribal government broke down, when tribal customs and traditions in this field ceased to have validity or significance, chaos followed. To bring about some semblance of enforcement in this field, the Interior Department through successive administrations endowed the Indian agents with administrative authority under which the agents either directly or through Indian judges endeavored to regulate the conduct and the personal relations of the Indians in their charge.

During the past 7 years consistent efforts have been made on all reservations to bring about the formulation of tribal codes of law and order with the consent and approval of the Indians and to have these law-and-order codes enforced through a system of Indian tribal courts and Indian police officers, divorcing the superintendents and the Indian Service personnel, as far as possible, from both the judicial and the police functions. On the majority of the reservations this new system of making and enforcing local codes by the Indians themselves has produced excellent results. Weaknesses and shortcomings have developed here and there. Indian police officers have in some instances shown a tendency to be autocratic and overbearing, just as some police officers everywhere show such tendencies. The dispensation of justice by the Indian courts has not always been evenhanded. Certain parts of the Indian judicial system have given rise to the same objections which in the white world are raised against the fee system under which justices of the peace operate. But none of these drawbacks and disadvantages can be charged to the Indian Reorganization Act. The system of Indian courts and Indian police existed before the passage of the Reorganization Act and its improvement has been undertaken wholly outside of the framework of this act.

In the original draft of the Wheeler-Howard bill a system of special Federal Indian courts was provided in order adequately to meet the situation and cover the twilight zone, but this Indian court title was eliminated. The Indian Office is fully conscious of the difficulties and complexities of the problems of Indian law enforcement. The subject has been given close attention of, and study in conjunction with, the Department of Justice, with Indian councils, and with the legal representatives of several States.

But the attempted solution of this problem did not have its roots in the Reorganization Act and can have no connection with this act unless Congress enacts a substitute for the Indian court provisions of the original Wheeler-Howard bill which was eliminated prior to the passage of the Reorganization Act.

The Sioux Nation is destitute, distressed. Its spirit is sick and its future is just as uncertain as the future of the Great Plains which constitute its home. In its agony of spirit, in its contemplation of broken treaties, broken promises, and shattered hopes, the Sioux Nation is striking out blindly. The policies, authorities, and funds made available to the Sioux as to other Indians under the Reorganization Act made possible an organized effort to put together again the broken pieces of the Sioux economy and of the Sioux social organization. Many thousands of the Sioux Indians have for the first time in decades seen a ray of light which shows them the outlines of a stable and secure economy, the basis of a reasonable adequate livelihood. But there is always that element which cannot overcome the sense of injustice, which nurses the old and well-justified grievances. These old grievances are by this element blamed on the operation of the Indian Reorganization Act even though these grievances existed long before the passage of this act and were in part ameliorated by it.

Mr. COLLIER. I now conclude my testimony by a reference to the report of the Senate's Indian Committee upon this present bill. That committee's report already has been placed in the hearings upon the repeal bill affecting the Yankton Sioux Tribe, and I here offer it for the present record. That report has not already been placed in the present hearings and I would like to offer it at this point.

The CHAIRMAN. Will the Commissioner yield? The Chair would like to ask to amend his unanimous-consent request at the beginning of the hearing when he asked that the Secretary's letter be included in the record and at that point include the full report of the Senate committee on Senate 2103. Without objection the request will be

amended and without objection it will appear in the record at that point where the Chair made the request.

Without objection, so ordered.

Mr. SCHAFFER. Will the bill go in?

The CHAIRMAN. Yes. At that time the chairman asked that the letter go in and after looking this report over asked that it be included. The Chair also asked that the Wheeler-Howard Act and the amendment to it be included.

The Commissioner may proceed.

Mr. COLLIER. I have stated previously this morning that the propaganda and the drive by Mrs. Jemison, by James True, and by Pelley, by Towner, and the bund and the American Indian Federation has been without important effect upon the Indians. But it has had an important effect. It has supplied the allegations and the generalizations which are taken up into this report by the Senate committee. Upon the assumption that the committee, or even as many as two or three of its members, either formulated or consciously adopted this report, then it would follow that the drive of these persons and these interconnected organizations has caused a reversal of the personal and the collective thinking of a group of Senators none of whom elsewhere has used such diction and grammar as this report contains, and certainly not more than two of whom have voiced such thoughts. This report calls for the withdrawal from Indians of all special privileges, and their prime special privilege is their immunity to the land tax. All special privileges, it states, should be withdrawn from the Indian. What are those special privileges? The Indian medical service, the Indian school service, the very special prerogatives of the Indian C. C. C., the protections for Indian arts and crafts as contained in the Arts and Crafts Board statute of 1936. What individual member of the Senate's Indian Committee would state that he favors these things? What individual member of that committee would say in one breath that the control of things under the Indian Reorganization Act is lodged in the mixed-blood, white-man-life assimilated members of the tribes, and in the next breath that the whole Indian Reorganization Act set-up is taking the Indian back to the primitive, the archaic?

What individual member would state in one breath that Indian tribal domestic self-government is wrong and is not to be tolerated, and in the next breath that the Indian Reorganization Act is to be denounced because it has not established this wrong and intolerable self-government? And which single member of that admirable committee, having after months of very public hearings voted for the Indian Reorganization Act in committee and then on the floor, and later having voted for the Oklahoma Indian Welfare Act, would now say that these acts, unanimously enacted by Congress, violate the policy of Congress? And which one of them would individually remark that the hope of Secretary Wilbur and Mr. Rhoads, and the hope of the present administration, to salvage the individual property rights of the allotted Indians and to make them permanent, is a communistic hope?

This report, which technically speaking is a report of the Senate Indian Committee, condemns that committee's heretofore unbroken record as made since 1928.

The warp and woof of this report, the unspecific and mutually contradictory allegations, the style of the language, and even in places the favorite particular slogans and phrases, of the documents put out across several years by Mrs. Jemison, by O. K. Chandler, and the others of the American Indian Federation, and by them and their associates written for or furnished to the Militant Christian Patriots, the Pelley and the bund groups—they are in this report of the Senate committee, and practically speaking they are the whole of the report. So it cannot be said that the "fifth column" drive has been wholly in vain. It has not reached the Indians, but it has reached the office of the Senate's Indian Committee, and as a matter of parliamentary fact it has encircled and captured the unwatchful committee as a whole. The Indians know that they as Indians cannot be reached by this drive, this propaganda. But when they see the organization that promotes the \$3,000 for \$1 Indian racket, and that unites its actions with the actions of naked and notorious "fifth column" organizations—when they see that organization now able to furnish to an unwatchful branch of Congress such a document as this, then the Indians are troubled. More than the Indians ought to be troubled.

Now, in my remaining minutes I want to rule out possible denials by offering certain exhibits to this committee.

Mr. O'CONNOR. May I ask a question?

The CHAIRMAN. Will the Commissioner yield?

Mr. O'CONNOR. As I read this bill it purports to amend what is known as the Reorganization Act by exempting Indians in the States of North and South Dakota, Nevada, North Carolina, and Arizona, and one tribe in New Mexico. It has no relation or does not affect the Indian tribes in any States other than those States as named?

Mr. COLLIER. Except as a legislative precedent, if it became enacted.

Mr. O'CONNOR. Now, does it directly or indirectly affect the operation of the Wheeler-Howard Act in those States where it is now in effect which are not named here as exemptions?

Mr. COLLIER. No; except it would shake the confidence of those Indians.

Mr. O'CONNOR. Yes; I asked the question a while ago of the Commissioner if the Indians in those States named in the exemptions are not favorable to this bill who is sponsoring this bill and who is urging its passage? In other words, who is back of it?

Mr. COLLIER. I can only say that the name of Senator Frazier was on the bill, although he was in Europe at the time the bill was reported. The bill was presented to the Senate by Senator Chavez. He did not put in the bill anything to repeal the act for any tribe that is under the act in his own State, only for the Navajos who are not under it.

Mr. O'CONNOR. Are the Congressmen from the State of South Dakota in favor of this bill?

Mr. COLLIER. I think some of them are.

Mr. O'CONNOR. Who are.

Mr. COLLIER. Senator Lundeen.

Mr. O'CONNOR. I am speaking of Congressmen?

Mr. COLLIER. I do not know about Congressmen. I cannot speak for Congressmen.

Mr. O'CONNOR. Have you talked with Congressman Case?

Mr. COLLIER. Congressman Case is not for it. But I cannot speak for him otherwise.

Mr. O'CONNOR. Lemke or Burdick?

Mr. COLLIER. I have not asked them.

Mr. O'CONNOR. You do not know what their stand is?

Mr. COLLIER. I would not undertake to speak for them.

Mr. O'CONNOR. Have you talked with the Representative from Arizona?

Mr. COLLIER. Mr. Murdock?

Mr. O'CONNOR. Or of New Mexico? How do those Representatives feel about this bill?

Mr. SMITH. And it seems to exempt every tribe in California.

Mr. COLLIER. It does. I do not think the Congressmen know anything about it in California. I think it would be safe to say the Member of Nevada is not favorable, the House Member. But I ought not to quote him either. He has introduced a bill to let another one of the Nevada tribes get in under the Reorganization Act.

Mr. SMITH. Mr. Commissioner, was this present bill pending, the Senate bill which has passed the Senate, considered by the Indian Affairs Committee of the Senate?

Mr. COLLIER. Yes.

Mr. SMITH. Did they hold hearings?

Mr. COLLIER. It was a very peculiar thing. There had been repeal bills before the Senate for years and from time to time hearings would be held to accommodate some Sioux delegations down here with complaints, or to hear Mrs. Jamison. Hearings were not held upon the bill to repeal the act for Nevada, for California, for the Colorado River. The tribes in those States just found themselves hurtled into the bill, and they are aggrieved and puzzled.

Mr. SMITH. Of course, the fact that such meager hearings were held would account in a measure for the fact that many of these Representatives and Senators from these affected States have not had any opportunity to express themselves and probably did not know they were to be included in this act.

Mr. COLLIER. They did not know.

Mr. SMITH. Is that a fair assumption?

Mr. COLLIER. That is a fair assumption. You will find the attendance at the Senate hearings consisted of one, two, and sometimes three Members, scattered along over a great period of time.

Mr. O'CONNOR. I have one other question.

The CHAIRMAN. Will the Commissioner yield to Mr. O'Connor?

Mr. O'CONNOR. As I understand from your written statement, you say that Indians now have the right under what is known as the Wheeler-Howard Act to withdraw from being brought within the operations of that act by referendum?

Mr. COLLIER. No. They have a right not to organize, to refuse to organize. Or if they are organized they can abandon their organization. They can refuse to incorporate or they can abandon their incorporation. But they are under the act once they have come under it, and they are under it until Congress puts them out. Once they are out, they are out until Congress puts them in.

Mr. O'CONNOR. I understand, and if I am in error you will correct me, that to get the full benefits of the Wheeler-Howard Act are they required to organize and incorporate as the bill provides?

Mr. COLLIER. It is simply that the act does provide when they organize they have certain additional powers. When they incorporate they have certain additional powers.

Mr. O'CONNOR. Yes.

Mr. COLLIER. And only if they incorporate do they have access to the revolving loan fund.

Mr. O'CONNOR. Then it is to their advantage to organize and incorporate?

Mr. COLLIER. Generally; generally but not always.

Mr. O'CONNOR. In other words, they receive benefits under that act if they organize that they would not if they do not organize?

Mr. COLLIER. Right. They have an increase of power and access to the revolving loan fund.

Mr. O'CONNOR. Now, can you enumerate some benefits the Indians would receive?

Mr. COLLIER. Basically, land acquisition. They are all eligible to that. Immunity from competitive civil service which is exceedingly important to them. Student loans. Restoration of ceded lands. Through land purchased under the act and restoration, a little under a million acres has been added to those reservations in the last 4 years. Those are the principal benefits that they enjoy automatically simply by being under the act and not doing anything further under it.

Mr. O'CONNOR. Exactly. Now, then, if they are organized and incorporated they get the benefits of this revolving fund?

Mr. COLLIER. Yes. And they are clothed with certain authorities and they get a constitution and charter which once established cannot be tampered with by the Department.

Mr. O'CONNOR. If they are not organized and unincorporated would they get the benefit of this revolving fund?

Mr. COLLIER. No. Not except in Oklahoma. In Oklahoma they do not have to be incorporated to have access to the revolving loan fund. The Oklahoma amendment was passed later.

Mr. O'CONNOR. Is that a separate organization bill?

Mr. COLLIER. No, it is an amendment to the Reorganization Act. There has been discussion from time to time, and there is some merit in it, of the idea of not limiting the revolving fund to incorporated tribes but making it available to any tribe under the act, or any tribe, if you like.

Mr. O'CONNOR. There is one other question I have here. I understand you to say in your testimony that you do not think the Indians should have the right by referendum to disincorporate and disorganize?

Mr. COLLIER. No. They have that right and should have it. I said that a tribe should not have the right to say to its young people, "You cannot borrow from the Treasury to go to school; to go to college." Why should they be made subject to a tribal referendum? It is purely an individual matter. Again, a tribe should not have the right to deprive its members of the important advantage that they have through being exempted from competitive civil service. A tribe should not have the right to thrust itself back into a condition where its residual tribal estate will have to be allotted. Congress should establish these parts of its policy and it should be needless to submit them to tribal referendums.

Mr. O'CONNOR. In my own State I have heard some complaints about this Wheeler-Howard Act. I do not recall just the details of it. No doubt you are familiar with what they think is wrong with the act.

Mr. COLLIER. Yes; I think we are.

Mr. O'CONNOR. What do you understand to be wrong and what is their complaint?

Mr. COLLIER. The basic wrong is that the appropriation authorities contained in the act are still just on paper, in part. Congress has not appropriated more than a fraction of the authorized money for land purchases or for credit. That is the great objection.

Mr. O'CONNOR. That does not affect the act.

Mr. COLLIER. No. The next complaint, and in this I agree with Congressman Case, is in the Sioux country. It deals mainly with the law and order situation, although that complaint runs whether the tribes are under the act or not. But nevertheless, when a tribe is under the act then it elects its own judges, and in some of the tribes there isn't any money to pay for the court or the judge and they are supported by a fee system. Now, we all know what potentialities the fee system has, from the old speed-trap days. The trouble being that we can only get a trickle of appropriations from the Congress for the courts and the law and order work. Moreover, in some of the tribes there has been a now largely outgrown tendency to pass blue laws, sumptuary legislation, meddling legislation; and a tendency in some of the courts to override civil liberties, to annoy people, to arrest them and lock them up sometimes under charges which look like they are not the real reason; the real reason, or part of it being political, having to do with some internal fight.

Mr. O'CONNOR. Now let me ask you this question. Wasn't the main purpose of the Wheeler-Howard Act to sort of permit the establishment of a sort of home-rule government for the Indian?

Mr. COLLIER. One of the main purposes. Very much like a municipal corporation. That is what an organized tribe is like.

Mr. O'CONNOR. For them to make their own rules for their courts and their own officers?

Mr. COLLIER. Yes.

Mr. O'CONNOR. And establish their own form of government within the provisions of the act? Is that the prime purpose of the bill?

Mr. COLLIER. That? No. There is one other.

Mr. O'CONNOR. In addition to providing funds?

Mr. COLLIER. Credit.

Mr. O'CONNOR. And credit?

Mr. COLLIER. Yes.

Mr. O'CONNOR. Is that correct?

Mr. COLLIER. That is correct.

Mr. MUNDT. Will you go a little more in detail into the land acquisition benefits which automatically accrue to the Indians under the Wheeler-Howard Act?

Mr. COLLIER. Land is bought, whether it be grazing or agricultural land, and the title remains in the Government for the benefit of the tribe.

Mr. MUNDT. Is there any arrangement whereby an Indian, under that system, if he shows the inclination and the ability, to own and operate his own land? Can he own it on the same basis as a white man, or is that forever to be a community proposition?

Mr. COLLIER. There is no possibility under the law of his owning it in fee. He can own it under a life tenancy or under a thousand-year lease, and so on. He owns the improvements, of course. He cannot have the land in fee except by allotting it. Land can be bought for individual Indians in the first instance. The law makes no discrimination on that. And of course any Indian can use his own unrestricted money to buy land in fee.

Mr. MUNDT. Don't you feel that some particular Indians have reached that stage of development now where they are perfectly able to own and operate their own land and hold title to it in fee?

Mr. COLLIER. My answer is it is not a question of the ability of the Indian. It is a question of what happens when the land passes into heirship condition. It gets fractionated and becomes unusable. Until some way can be devised—primogeniture, or some other way, of keeping the land in usable form, then it should not be individualized. If it can be individualized without fractionating it after death then in the case of agricultural lands there would be no reason not to do it. In the case of grazing lands, usually, large holdings are more practicable.

Mr. MUNDT. You are familiar with the bill I brought before the committee which passed this committee and passed the House, which would relieve that problem, and which the Senate has not acted on as passed by the House last year? If that bill passed the Senate then would it be possible for the Indian under the Wheeler-Howard Act to consolidate his holdings and hold them in fee and operate them as a white man does provided in the opinion of the Bureau he had reached that stage of development to say that he could take care of it?

Mr. COLLIER. It would become possible if it were administratively possible, unless the mere operations necessary to accomplish the result were beyond the available personnel. In principle, yes.

Mr. O'CONNOR. What individual rights have been taken away from the Indians?

Mr. COLLIER. None.

Mr. O'CONNOR. Under the Wheeler-Howard Act?

Mr. COLLIER. None. Not one, by no possibility, no individual property, no individual rights. Merely that where before they were governed lock, stock, and barrel by the Indian Office, now they may organize for this municipal self-government and within its limits they govern themselves.

Mr. O'CONNOR. At all times subject to the supervision of the Indian Department?

Mr. COLLIER. Only in certain particulars.

Mr. O'CONNOR. What particulars?

Mr. COLLIER. Well, I mean there are certain types of ordinances where a grave mistake is to be feared which require review under the Constitution. There are other types of ordinances automatically effective, which never come to the Indian Office and we cannot change them.

Mr. O'CONNOR. Let me ask this: Wasn't the purpose of Congress to sort of take a first step by the Wheeler-Howard Act to give to the Indian the right of self-government?

Mr. COLLIER. Exactly. To take that step cautiously. The act did not go nearly as far as the bill went in this way. Congress was

pretty conservative and did not go nearly as far in the self-government direction as the bill we proposed.

I wonder if I may finish my prepared statement.

Mr. SCHAFFER. Mr. Chairman.

The CHAIRMAN. Mr. Schafer. Will the Commissioner yield to Mr. Schafer?

Mr. SCHAFFER. On this very point I have some very important questions. The gentleman's testimony apparently indicated that a so-called fifth column had overcome the Senate Indian Affairs Committee and the entire Senate of the United States. In view of that statement I believe that we ought to have a yardstick by which you determine what this fifth column is.

Mr. COLLIER. That is what I wanted to give you. That is why I asked to get back to my statement.

Mr. SCHAFFER. All right. Just one moment. The gentleman also stated that charges had been made where the real reasons were somewhat political and arrests had been made.

Mr. COLLIER. In tribal courts.

Mr. SCHAFFER. Yes. We also know that to cover up political blitzkriegs we have had a great many slogans such as "Make the world safe for democracy"; "Save the world for democracy"; "Drive the moneychangers from the temple"; and the denouncing of alleged "economic royalists" and "princes of privilege." Now we have a "fifth column" denouncement. I have here a fine "fifth column" editorial and since the gentleman brought up the "fifth column" I believe we ought to get some information on it. This editorial is from the Milwaukee Journal, dated June 6, 1940, with the caption "Where to start on 'fifth column.'" The third paragraph of this editorial reads as follows:

The Dies committee named 200 Government employees as members of the American League for Peace and Democracy at a time when this outfit was a Communist front organization. There were 25 of these memberships in the Works Progress Administration, 14 in the Social Security Board, 22 in the Rural Electrification Administration, 12 in the Interior Department, 5 in the War Department, 32 in the Department of Agriculture, 30 in the National Labor Relations Board (including 1 Board member, Edwin S. Smith), 13 in the Treasury Department, 13 in the Department of Labor, and 14 in the Navy. The rest were scattered in other departments by ones, twos, and threes.

The last paragraph of this editorial reaches as follows:

If we are going to clean up the "fifth column" in America, we are surely not foolish enough to keep its former dear friends on the Government pay roll.

Mr. SCHAFFER. One of the paragraphs of this editorial states that the Dies committee has named 200 Government employees as members of the American League for Peace and Democracy, at the time this outfit was a communist front organization.

I put that in the record to ask you now, is there on the Indian Bureau pay roll any Government employees whose names appeared on the list of members of the Communist front organization, the American League for Peace and Democracy, as revealed by the Dies committee?

Mr. COLLIER. That I do not know. I imagine not, and I would not care whether people were on the mailing list of the defunct League for Peace and Democracy.

Mr. SCHAFFER. You would not? That is exactly what I wanted. Here is a democratic paper which states that the "fifth column" is

right here on the Government pay roll and you are denouncing the pending bill because the Senate of the United States has been overcome by the "fifth column" and you do not care whether a Communist front "fifth column" fellow is on your pay roll.

Mr. COLLIER. May I proceed with my statement? My time is limited. You are questioning me.

I have here a report of the Dies committee, page 22, of the report of January 3, 1940:

The committee has established that numerous of these essentially Fascist groups in America have sought from time to time to effect a unity. The outstanding effort of this kind was known as the American Nationalist Confederation which was headed by George Deatherage, at that time, but no more, the leader of the Knights of the White Camellia. The official emblem of the American Nationalist Confederation was the swastika.

The following organizations and individuals took part in one way or another in this attempt to create a united Fascist movement:

Knights of the White Camellia (George Deatherage).

Militant Christian Patriots (Mrs. Leslie Fry).

William Dudley Pelley.

Gerald B. Winrod.

Charles B. Hudson.

James True.

National Liberty Party (Frank W. Clark).

E. N. Sanctuary.

Robert E. Edmondson.

The American Rangers (J. J. Peyton).

The American White Guard (Henry D. Allen).

The Constitutional Crusaders of America.

Examination of testimony and evidence received can only leave the committee with the conclusion that the German-American Bund must be classified with the Communist Party as an agent of a foreign government.

Mr. SCHAFFER. Is Earl Browder in that group or the head of the American League for Peace and Democracy, the members of which organization the Commissioner did not give a darn whether they are on his pay roll or not?

Mr. COLLIER. Do you want a statement as between Communists and Nazis? There are no distinctions between them anymore.

Mr. SCHAFFER. Then, will you bear that in mind when I ask you a serious question—

Mr. COLLIER. Well, that is that.

Mr. SCHAFFER. The real "fifth column" in the United States is the Communist front. And if you doubt my word I can take you to safety deposit vaults and show you the records.

Mr. COLLIER. The "fifth column" the world over is the Communist-Nazi front.

Mr. SCHAFFER. And you just stated you did not care whether any Communist front members were on the pay roll of the Indian Bureau.

Mr. COLLIER. I did not say that. I said I did not care whether some employees might be members of the American League for Peace and Democracy.

Mr. SCHAFFER. You don't? And the Dies committee confirms what everybody knows and all of the evidence shows, that the American League for Peace and Democracy is a Communist front organization. And you don't care whether your employees are members of that organization?

Mr. COLLIER. Mr. Chairman, may I proceed?

The CHAIRMAN. The Commissioner may proceed.

Mr. COLLIER. I mentioned an individual named Towner who first started the Communist hue and cry against the Indian Reorganization Act:

CHIEF URGES INDIANS TO SUPPORT NAZIS

EUREKA, July 17.—Nazi activity among American Indians was evidenced here recently when a member of the German-American Bund spoke at a meeting in the Labor Temple.

E. A. Towner, also known as Chief Red Cloud, attorney and member of the bund, was the main speaker at the meeting called to explain the Indians' reasons for being anti-Communist.

Chief Red Cloud, adorned in Indian dress and wearing swastikas on both arms and on his head band, immediately after being introduced to the assembled 50 persons, launched into a vehement attack on progressive leaders and legislation, branding them as Jewish and communistic.

He repeatedly referred to the New Deal as the Jew Deal. John Collier and the Indian Bureau were characterized as a bunch of half-baked, half-witted Jews, and in addition, Collier as a "pink red."

Those classified by Towner as Jewish and communistic are: President Franklin D. Roosevelt (who should be known as Roosenfeldt), Gov. Culbert L. Olson, Frances Perkins, Harry Bridges, Dave Beck, the American Civil Liberties Union, the National Recovery Administration, Tennessee Valley Authority, Grand Coulee Dam, Bonneville Dam, and the Home Owners' Loan Corporation.

Father Coughlin, General Moseley, Fritz Kuhn, and Rev. Gerald Winrod were praised by the chief as true American patriots and lumped with Washington, Lincoln, and Franklin.

Throughout his talk, he expressed scorn for the intelligence of the American people, calling them half-baked saps and nitwits.

To rid the country of Jews and Communists and return the United States to the whites, patriotic leaders, perhaps Indians, will arise. "It might be General Moseley," he said, "It might be me." "The Silver Shirts and the German-American Bund will save this country," he declared. "Maybe there will be a revolution before 1940. You must be organized and ready."

Towner said there are 800 patriotic organizations in the United States and urged members of the audience to join one of the groups or form a secret society of their own and read patriotic literature.

He recommended that Indians join the American Indian Federation because it is closely allied with the German-American Bund and the Silver Shirts, whose literature he distributed at the meeting.

Mr. SMITH. Will you indicate what you have read from?

Mr. COLLIER. I am offering this for the record. I am reading from the paper called People's World. And this other is called the Portland Oregonian, the two articles I desire to read from at this point, and I offer a portion of the article in the Oregonian for record.

The CHAIRMAN. Is there anything else that you want for the record?

Mr. COLLIER. No; I want to read a few lines from Towner.

Mr. SMITH. I ask unanimous consent that they may be included in the record.

The CHAIRMAN. Mr. Smith asks unanimous consent that the articles referred to by Mr. Collier be made part of the record at this point.

Mr. SCHAFER. I reserve my right to object. Do you want to include the whole article?

Mr. COLLIER. It is not very long.

The CHAIRMAN. Shall the articles be included in the record? Mr. Schaffer reserves the right to object.

Mr. SCHAFER. Do you want to put the entire article in?

Mr. COLLIER. I think it will interest everybody but I am not offering it.

The CHAIRMAN. I thought that you did offer it.

Mr. COLLIER. I will offer it.

The CHAIRMAN. Is there objection? The Chair hears none. It is so ordered.

(The matter referred to follows:)

[Extracts from *The Oregonian, The Northwest's Own Magazine*, Portland, Oreg., January 29, 1939]

BUND: DENIES, ADMITS IT IS NAZI

* * * One of the curious aspects of the strictly "Aryan" bund meeting attended by the reporter was the presence there of an Indian, who was far more frank and outspoken in his anti-Semitic sentiments and regard for the German fuhrer than any of the bund members—who regarded visitors rather suspiciously and, consequently, soft-pedaled expression of their more extreme feelings.

This Indian is known in bund circles as Big Chief Red Cloud. He told this writer that his great-grandfather was Chief Selsik, and that, by heredity, he is also a chief. His name, he said, is Miyokhut Red Cloud (spirit of red cloud).

BUREAU: TRACED LINEAGE OF RED CLOUD

The Bureau of Indian Affairs in Portland informed the reporter, however, that Red Cloud's real name is E. A. Towner, that he is a Siletz, Oreg., Indian of mixed blood, who grew up on the reservation, went to Chemawa Indian school and obtained a law degree from Willamette University.

The Indian Bureau said further that Towner's name, Red Cloud, is a plains Indian name (Sioux) and that the regalia which he wears is not that of a coast Indian. The chief has filed a suit, he said, against the Government, which, if carried to the Supreme Court, will force the Government to take out Bonneville Dam and restore lost treaty rights of the Indians.

Red Cloud (Towner) told the reporter that all Indians are anti-Semitic, because they were warned in the dim past by the great Indian prophet to beware of the Jews. But the Indians have always been friends of the white race (Aryans), taught the Pilgrims how to live in the new country and helped Washington win the Revolutionary War, with the understanding that an American Indian form of government was to be set up in this country at the successful conclusion of the war, Red Cloud said.

An accomplished orator, Red Cloud has told the bund of this great participation of the American Indian. When the Constitution was being written, Franklin and Washington had been wised up by the Indians and wrote an Indian constitution. In only one respect did it not satisfy the Indians, Red Cloud said, and that was its failure to bar the Jews from the country. And it is on this point that Red Cloud gains his entry into bund circles.

HITLER: HAS SPIRIT OF PROPHET

Moving rapidly up to the present day, Red Cloud says that Adolph Hitler is imbued with the spirit of the great Indian prophet and that he is establishing an American Indian form of government in Germany. Even the swastika, Red Cloud says, is an ancient Indian symbol of prosperity and good luck, and was always connected with the thunderbird or American eagle, also a symbol of prosperity. The Indians, Towner said, have studied Hitler, have found him to be kulopus (a wise leader, great, strong, and courageous). "If the bund really understood Hitler," Towner told this writer, "and could see how he is following the American form of government, the bund would give the Indian his real place in the movement—which is basic to its success.

The Indians he claims, are the minority who have really taken a beating—more than any other minority—and for that reason should be injected more into the program of the bund.

The bund, Towner said, is temporizing with realities in its program (which was not told to this writer by any bund members) to segregate the Jews into ghettos. "We must drive them into the ocean and destroy them completely," he said.

Towner represents the American Indian Federation, Inc., which is working openly. He travels a good deal, visiting Indian tribes up and down the Pacific coast and in the Northwest. "I am known as 'kulopus,' the legal adviser and contact man. I meet with the lodges and secret societies and councils of the Indians. We have a cut-and-dried system of picked men worked out in the Southwest and Pacific coast, Alaska, Canada, Mexico, and Central and South America also are organized by us," Towner claimed.

The federation he represents approves of the Hitler, Mussolini and the Japanese Governments. And it approves of the bund and the Silver Shirts. "Both are doing good work, are making a lot of headway and are in the right," he said.

RED CLOUD: FAMILIAR FIGURE AT BUND SESSIONS

Towner is apparently a familiar figure at bund meetings. At the meeting this reporter attended he arrived late, while the testimonials were being spoken. When it came his turn to talk, a bund member nudged this writer and said: "Now you'll hear some good stuff. Red Cloud knows what he's talking about."

According to a reliable source, Towner also attends, from time to time, meetings of the bund's executive council. He is an accepted adjunct of the bund.

[From Peoples Daily World, San Francisco, Calif., July 18, 1939.]

AN INDIAN FUEHRER—CHIEF URGES INDIANS TO SUPPORT NAZIS

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Chief Red Cloud, adorned in Indian dress and wearing swastikas on both arms and on his head band, immediately after being introduced to the assembled 50 persons, launched into a vehement attack on progressive leaders and legislation, branding them as Jewish and communistic.

He repeatedly referred to the New Deal as the "Jew Deal." John Collier and the Indian Bureau were characterized as a "bunch of half-baked, half-witted Jews," and in addition, Collier as a "pink red."

FRIENDS AND ENEMIES

Those classified by Towner as Jewish and communistic are: President Franklin D. Roosevelt (who should be known as "Roosenfeldt"), Governor Culbert L. Olson, Frances Perkins, Harry Bridges, Dave Beck, the American Civil Liberties Union, the N. R. A., T. V. A., Grand Coulee Dam, Bonneville Dam, and the Home Owners Loan Corporation.

Father Coughlin, General Moseley, Fritz Kuhn, and Rev. Gerald Winrod were praised by the "Chief" as true American patriots and lumped with Washington, Lincoln, and Franklin.

Throughout his talk, he expressed scorn for the intelligence of the American people, calling them "half-baked saps and nit-wits."

To rid the country of Jews and Communists and return the United States to the whites, patriotic leaders, perhaps Indians, will arise. "It might be General Moseley," he said, "it might be me." "The Silver Shirts and German-American Bund will save this country," he declared. "Maybe there will be a revolution before 1940. You must be organized and ready."

SOLICITS MEMBERSHIP

Towner said there are 800 patriotic organizations in the United States and urged members of the audience to join one of the groups or form a secret society of their own and read patriotic literature.

He recommended that Indians join the American Indian Federation because it is closely allied with the German-American Bund and the Silver Shirts, whose literature he distributed at the meeting.

Mr. O'CONNOR. May I ask the witness a question?

The CHAIRMAN. Does the Commissioner yield?

Mr. COLLIER. Yes.

The CHAIRMAN. The Commissioner yields.

Mr. O'CONNOR. We have had evidence offered before this committee during this session of Congress showing that the Indians were practically starving to death in various northwestern countries where the thermometer registered as low as 40°; where they had to sleep on

the ground, living in tents, and so forth. Do you think by that treatment on the part of the Federal Government we are doing a lot to keep these Indians from joining any of sort clan or any sort of party to which they might look or hope to have some relief, or get some relief from it?

Mr. COLLIER. I think it is remarkable that the Indians through the years have maintained the kind of loyalty they have to this Government. I think it is remarkable in the World War, not being subject to the draft they volunteered far in excess of their draft quota, for example. And I can enumerate other examples.

Mr. COLLIER (reading from article in the People's World). I would like to include in the record the whole speech by this individual, Towner.

Mr. SCHAFFER. Have you any speeches or articles of Earl Browder or the head of the American League for Peace and Democracy?

Mr. COLLIER. They are all in the same boat, anyhow.

Mr. SCHAFFER. And Harry Bridges?

Mr. COLLIER. Communists and Fascists are together now. I don't know whether Bridges is a Communist.

The CHAIRMAN. Do you offer that for the record?

Mr. COLLIER. Yes.

Mr. SMITH. I move that it be included.

The CHAIRMAN. Mr. Smith asks unanimous consent that the speech referred to appear at this point. Without objection, so ordered.

(The speech referred to is as follows:)

Meeting was called to order by Theron Worth, president of the Eureka Auxiliary of the Indians of California, Inc., about 3 p. m. He introduced Hathaway Stevens who gave a short talk denying that the Indians of California, Inc., were sponsoring a meeting for the Nazi Bund, that he did not know Redcloud but that they were glad to have him present to speak on Indian problems; that they did not belong to the Nazi Bund and as for Redcloud, he was present and could speak for himself.

Chief Redcloud said that his mother was a Hoopa Indian and claimed relationship with the Nortons, Swansons, and Campbells of Hoopa and undoubtedly some of the Indians in the audience were his relatives. Said he was accused of being a Nazi by Roy Nash, of Sacramento, but there were insidious forces at work to destroy and divide the Indians and the whites as well. On June 18, 1934, the Wheeler-Howard Act was passed. The Indians were given to understand that they would be given more control over their own affairs. In the meantime the Indian Bureau had \$3,000,000 to be used for propoganda in trying to get the Indians to accept the Wheeler-Howard Act. Some of the Indians thought that the Wheeler-Howard Act would be a good thing; others did not. Said he had knowledge of instances where homes had been broken up because of differences between husbands and wives over the act; children made to suffer because of these differences. Asked the audience if they knew who was responsible for communism (no response); then went on to say that Karl Mordecai Marx, a Jew, was the man behind communism and that the Wheeler-Howard Act was one of the Jew-planned communistic efforts to bring about the ruination of the Indians.

That the Wheeler-Howard Act was supposed to mean self-government for the Indians but that they couldn't make a single move without approval of the Indian Office which was Jew-controlled. Indians were unable to understand the provisions of the act; that many white people didn't and the only ones who could would have to be lawyers—that Indian Service employees were ignorant of its provisions and he hadn't met one who could discuss it intelligently. That he had sent a questionnaire to the Departments of Political and Social Sciences at various colleges in the northwest, covering the Wheeler-Howard Act; that 87 percent of the students answered said if they had been Indians they would have voted against its acceptance; that 3 percent said they would vote for it but didn't understand it and 10 percent said they would accept it because it would give the Indians more control over their property. However, this 10 percent came from Reed College

which should have one letter e dropped from its name making it "Red College" because most of the students there were communists.

Said that Indians of California, Inc., was a fine organization fighting for the Indians rights and that the other group whose name he could not recall (presumably the California Indian Rights Association) was composed of a bunch of half-witted, half-baked Indians who were in the pay of the Jew-controlled Indian Bureau and who were keeping the Indian people divided.

The Indian Bureau was composed of a bunch of misfit incompetents who were handling Indian affairs, who couldn't get jobs elsewhere and who were "a bunch of blood-sucking parasites, from Johnny Collier, the Jew-loving 'pink-red' down to the last dogcatcher on the reservation." Men and women in the Indian Service were a bunch of "Yes-yes men and rubber stamps," and "trained sea lions."

There were forces preventing the Indians of California from having their claims adjusted. He knew who the enemies of the Indians were. The Wheeler-Howard Act held out beautiful promises and any number of things based on the philosophy of Karl Marx, a Jew. This philosophy was responsible for the turmoil in Russia, for the war in Spain, the war in China, and all the labor troubles in the United States, at the bottom of which will always be found the international parasites, the money-loving Jews. The Jews are responsible for all the Work Projects Administration strikes; the National Labor Relations Board is composed of Jews who were trying to destroy gentile Christian industry in the United States and there never will be democracy in the United States until the Jews are all weeded out. All agitators of trouble are blood-thirsty Jews. (Held up a book which he said contained the names of all the "big shots" in the Government and the Congress of Industrial Organizations who are Jews.) The Wheeler-Howard Act was drawn up by Nathan Margold, Solicitor of the Interior Department. He is a Jew. Marshall, Ward Sheppard, Woehlke, in the Indian Bureau—all are Jews. Collier is a Jew-loving "pink-red." S. S. Stevitsky (can he mean Dr. Shevsky?), from Stanford University, in charge of the Land Department of the Indian Bureau, who is not a citizen of the United States, is a Jew. Johnny Collier is a friend of Roger Baldwin, of the American Civil Liberties Union, a branch of the Communist Party. Baldwin is also a Jew and advocated overthrowing the Government by force and violence. Felix Frankfurter, who was just made a Supreme Court Judge, is attorney for the Communist Party in America. He is a Jew.

Asked the Indians if they knew that the Indian tribes of the United States told Washington and Jefferson they would help them win the Revolutionary War if an Indian form of government would be set up. (See p. 2, of enclosure No. 5.) Washington and Jefferson said they would and it was because of this help that the colonists won. The Constitution is based on the Indian form of Government. Did they know that history was repeating itself; that the Indians of South America had sent thousands upon thousands of their young men to Spain to help Franco drive the Jew Communists out? The Indians were warned years ago of this invasion by international Asiatics by Wana-Tonka, the Great Spirit, who told them of these "worshippers of gold" and "sons of Satan." The Indians of the Dakotas are well aware of this prophecy of the Great Spirit and all the older Indians know of the conflict that is going to take place in this country. (See p. 1, enclosure No. 5.) We are all going to join hands in this conflict to preserve the American Government, which is the Indian form of government.

The dirty, rotten, filthy Indian Bureau does not allow free speech among the Indians. We do not get the truth from the press or radio because they are controlled by the Jews. Don't believe what you see in the movies. (Could he be referring to Confessions of a Nazi Spy?) The movies are also controlled by the Jews. When the Indians make any attempt at self-help, they are squelched by the Jews. The Indian Bureau is run by introverted, international parasites imported from Russia. They do not want the California Indian claims adjusted. They are only out to help themselves.

Collier states that there are many ways for the Indians to earn a living without giving them land or the title to land. Quoted from Blackstone to prove that the Wheeler-Howard Act did not give them any rights to what was above or below the ground assigned to them, such as, oil, minerals, timber, crops, and so forth. These all belong to the Government. Millions of dollars pour into the Treasury and do not accrue to the benefit of the Indians. (See p. 13, of enclosure No. 5.) On the Blackfoot Reservation 26 oil wells were brought in which made millions of dollars, yet Indians on that reservation have starved to death in sight of the wells, and the Reservation employees live in fine houses.

Collier asked Stevitsky to take out his citizenship papers so he could put him to work in the Indian Bureau. The Wheeler-Howard Act was a direct measure to

destroy the Indian title to the land and the Commissioner was working with the Jew "reds" and "pinks" to force the Wheeler-Howard Act down the throats of the Indians. This same Stevitsky was in charge of the Soviet Propaganda Commission in Mexico for 3 years. Jew doctors are replacing gentile Christian doctors on the Indian Reservations. The American Civil Liberties Union is communism and communism is Jewish. The men who wrote the Wheeler-Howard Act were Jews. Communism, unionism, radicalism, modernism—all the "isms" are from insane Jewish minds. The National Recovery Administration, Tennessee Valley Authority, Home Owners' Loan Corporation, Bonneville Dam, Cooley Dam, all these are Jew inspired and a crazy quilt to create confusion in the minds of Americans. It is unfortunate there are some Indians who will sell their lives and souls for Jewish gold, but it is a matter of ignorance.

Sol Bloom who introduced the Anti-Neutrality Act is a Jew. The Jews were causing all the turmoil and all the "reds" and "pinks" were supporting Bloom. That the authority of Stalin would be as nothing to that of Roosevelt if the amendments should pass.

Hitler has set up the Indian form of government in Germany and has adopted the Indian symbol of good health and happiness. That thousands of years ago, certain men in all the tribes of the United States had received a prophecy from the Great Spirit who told them of the conflict to take place between the Jews on one hand, the rest of the world on the other (see p. 2, inclosure No. 5); the Jews were known to these wise men as Worshipers of Gold and Sons of Satan. That the Indians had told Washington and Franklin and Jefferson of these prophecies and that the Jews should be barred from America. Franklin told the constitutional delegates that if the Jews were not barred that within 200 years their children would be working in the fields and the Jews would be in the counting houses. He asked the audience if they knew that there were 17,000 Jews landing in New York City alone every week; that in 1927 there were 3,000,000 Jews in the United States, 10 years later in 1937, 12,466,648 Jews in the United States. That gentile Christians are losing their jobs to these refugee Jews; while other Jews are getting on the Federal pay roll gentile Christians have to go on Work Projects Administration.

That the Dies committee never permitted one word of truth to be introduced showing that communism was Judaism, because it is being manipulated by Jews to protect Jews. Father Coughlin blasted the Jew Deal and communism because he is a Christian and believes in America. Called him a true superpatriot. Cardinal Mundelein blasted Coughlin—but Cardinal Mundelein is a circumcised Catholic—a Jew. The Jews are trying to wreck and destroy the Catholic Church. Another prominent Indian, Chief New Moon, has been fighting hard against communism and the Jews.

General Mosely, Fritz Kuhn, Chief Pelley all were real, superpatriots; the German-American Bund, the Silver-shirts, the Militant Christian Patriots, the James True Associates and altogether some 800 organizations were superpatriotic and stood for everything for which the Indian stands; that publications like the Christian Free Press and Bill Pelley's Liberation were telling the truth; the Jew-controlled press and radio would not. Said he did not have to apologize for anything he said—he could prove all of it. Franco drove the Jews out of Spain; Hitler drove them out of Germany and Austria; Mussolini drove them out of Italy and Japan is driving them out of China. In this country we found a situation where the Indians and gentile Christians were on one side and the forces of evil—the "reds," "pinks," and Jews on the other. That Roosevelt was a Jew—his real name is Rosenfelt—that Madame Perkins is a Jew, Harry Bridges is a Jew, Dave Beck of the Teamsters Union in Seattle is a Jew; that wherever there were disturbances of any nature, Jews would be found at the bottom of it all.

The Jews claim that Christ is a Jew but he isn't.

The Indians of the Northwest wanted to know what the Russians were doing so they sent some young men over who returned after many years and reported that the whole government was being run by Jews.

That every piece of legislation put over by the Jew Deal can be found in the Protocols of the Learned Elders of Zion. Quoted from section 6 to prove that the sit-down strike was prophesied in this document; and from other portions of the book the Wheeler-Howard Act and the act creating the Home Owners' Loan Corporation were also prophesied.

That the whites had a Wheeler-Howard Act also, but they didn't know it. It was the Home Owners' Loan Corporation—that they were foreclosing on 5,500

homes monthly and in time would control everything, because the shyster Jews were running the Government. This was in accordance with the protocols.

When the Wheeler-Howard Act was signed by that dirty, stinking Jew in the White House, 254 Indian treaties were automatically destroyed. There will be no salvation until John Collier's deputies are weeded out. Some half-baked Indians haven't the guts to stand up and support their own people; their backbones are too weak and made of clay. The white man does not live that he trusts. Collier has men with weasel tongues creating dissension among the Indians. The Indians must join hands with other superpatriotic organizations. Collier will not approve any contract unless the lawyer in the case is a Jew. Mentioned German-American Bund, Silver Shirts, Militant Christian Patriots, James True Associates, and others as being organizations with which the Indians should join hands. Who knows but what some day he (Towner) will lead the Indians in destroying the forces that are trying to divide and destroy the Indians. (See p. 13, including 5). There are 800 superpatriotic organizations in the United States who believe in the Constitution and Christianity. They are waiting for a leader who will be compared to Washington, Lincoln, and Franklin to unite their forces—this leader might be General Mosely, or Father Coughlin or Bill Pelley or even himself. Indians need men and women of courage who will not sell out. All millionaires who were made in the last war were Jews; the World War itself was started by Jews. Blasted the New Deal because it was Jew to the core and composed of a bunch of international blood suckers. The Jew Deal dovetails into an international scheme to destroy the gentile Christians.

The Indians in the Northwest have organized and are uniting with the German-American Bund, the Silver Shirts, Father Coughlin, Winrods' organization, and many others to overthrow communism, socialism, and Judaism. Help the gentile Christians recapture America for the Indians and the Americans. The Silver Shirts propose justice for the American Indians, and a solemn promise had been made to him that when all the Jews were eliminated, an Indian would be in the cabinet—and all Indian Bureau employees would be Indians. His people in the Northwest sent him to California to fight the communists and Jews. Hitler set up an Indian form of government and the Bolivian Indians set up an Indian form of government in Bolivia. We are going to have dictatorship in America as sure as someone made little green apples. The American plan of government is not filled with the best brains, but filled with the filthiest, grafting people on earth, the Jews. The Jews are doing all in their power to ruin the country what with the strikes and men like John L. Lewis, who is controlled by the Jews.

The American has always been familiar with fascism and pointed out that on the reverse side of the Liberty dime was the fasci, which meant unity. Hitler in Germany set up the same form of government the Indians asked Franklin to set up in this country. Bolivia set up a government of Bolivians and kicked out every Jew. The Government of the Fascist is a government of unity; Hitler has a representative, republican form of government which is the Indian way, except in time of emergency. The Indians always had a form of dictatorship—Chief Joseph, Geronimo, Sitting Bull, and his own grandfather were dictators. The Germans are the old pioneer stock in this country—who pioneered the country and made it safe for others to live in. If we must have dictatorship, let's have American dictatorship.

That "little bit of a Jew in the White House" was doing all in his power to put over Jew legislation. We were going to have dictatorship, because we need a strong man to save America from the international parasites and blood suckers. Time is coming when Stalin will crumble and the Jews will be driven out of Russia. There are 750,000 Gold Shirt Yaquis in Mexico well armed and beating their tom-toms waiting for the call; the Indians of Canada and Alaska are organized and ready—the Silver Shirts and German-American Bund—will all join and save this country—maybe there will be a revolution here before 1940—you must be organized and ready also. Are you going to join us or be against us?

The Indians must not be afraid of nazi-ism—Hitler set up a government of Germans in Germany owned and controlled by Germans and if the American people can't see that they are saps and nitwits. The philosophy of Jew Marx has caused all the unemployment—but the American Indian will emancipate the Caucasian race, as Lincoln emancipated the Negro race. The American Indian was the first guinea pig of the Jew in this country. Concentration camps are nothing new in this country—he was raised in one, which is another name for the Indian Reservation. The 800 superpatriotic organizations are a force which

will be placed at the disposal of the Indians. There were 55,000 Italians in the Bay area controlled by one man and 65,000 Italians and others controlled by another man around San Diego and they will see to it that Congress will be forced by mass pressure to pass any legislation the Indians want, in as little time as 3 or 4 months, if you will only let me know what laws you want. All Indian troubles can be laid at the doorstep of the international Jew and the Indians must cooperate with the other American and Christian patriotic organizations, like the German-American Bund and the Silver Shirts.

* * * * *

At the close of the meeting Red Cloud called for questions.

Andrew Hodge, an Indian, asked what organization the Indians should join. Red Cloud suggested the American Indian Federation, because it was working closely with these patriotic groups. He also suggested the Indians form their own secret lodges and organizations and read patriotic literature such as he had on the table and which he would distribute.

When asked to explain the difference between the two amendments to the jurisdictional bill (California) he replied that one made it possible for the Indians to have their own attorneys, the other for the attorney general of the State to handle the case. He insisted that under no circumstances should the Indians stand for the latter—he was willing to bet that an investigation of the attorney general's office would disclose the fact that every one of the attorneys in that office were Jews. Told the audience they were under the impression that the man they elected to the governorship was a Swede—but that Olson was a Jew.

Insisted that they follow the wise leadership of Collett who had made it possible for them to get their children into public schools, high schools, and colleges; had gotten for them the old-age pension, blind aid and orphan aid and many other benefits—and had given his whole life to the Indian cause.

Was asked if the German-American Bund was connected with Germany. Replied, "No. Hitler took the Jews off the backs of the Germans and gave Germany back to the Germans."

Stated that the Department of Justice (F. B. I.) investigated the bund and reported that they were not unpatriotic. Quoted from some book when he made this statement. Said he wasn't asking the Indians to join the bund but that the bund members were good people and would help the Indians.

Repeated that swastika was old Indian symbol; that he had word from J. C. Morgan of the Navajo Reservation, that the Commissioner had prohibited its use on blankets or silver jewelry; that Morgan suggested he visit the Golden Gate Exposition to find out if any Indian crafts were displayed that had this symbol on it, that an examination of the Indian exhibit on Treasure Island disclosed the swastika on one little basket only—and that from northern California; that at the New York Fair there wasn't a single piece of Indian work that displayed this ancient Indian symbol of good health and happiness.

Also stated he had been informed by Mr. Morgan that the Land Department of the Indian Bureau in charge of S. S. Stevitsky had caused the arrest and imprisonment of 10 Navajo boys for grazing sheep on their own land.

PURPOSE AND AIMS OF THE GERMAN AMERICAN BUND (AMERIKADEUTSCHER VOLKSBUND), MILITANT ORGANIZATION OF PATRIOTIC AMERICANS

To unite all honorable, courageous and loyal citizens and aspirants to citizenship of the United States of America, of the Germanic race, proud of their blood, traditions, language, and ideals of freedom, justice, duty, and absolute honesty, into one great, nation-wide, respect-commanding German American Bund, solemnly resolved:

1. Above all to honor and defend the Constitution, flag and institutions of these United States of America and to cultivate the lofty ideals of the founders of the Nation.

2. To zealously combat all atheistic teachings and all abuse of the pulpits designed to undermine the morals, ethics, or patriotism of Americans, and to as vigorously defend the right of every man to absolute religious freedom in every other respect.

3. To unequivocally oppose all racial intermixture between Aryans (white gentiles) on the one hand, and Asiatics, Africans or other non-Aryans on the other, to the end that the race-legislation already enacted in 23 States of the Union and to a degree incorporated in our country's immigration laws, may be scientifically

perfected and applied throughout the Nation; to earnestly strive to further a true respect, understanding and friendship between these racially dissimilar groups, based upon a recognition and not upon a denial of the Almighty's immutable racial laws.

4. To uncompromisingly fight, with every lawful means at our disposal, against all subversive internationalism, in order that Marxism and all allied phenomena, from the Communist Party which openly advocates the overthrow by force and violence of our Government, to the liberal-pacifistic forces undermining the morale of youth, from the alien-controlled, international so-called labor movements preaching the madness of class-hatred throughout the world, to the rackets of international high finance which are enslaving the Nation, may be outlawed and uprooted; to just as staunchly champion every American political movement, labor organization, financial institution and so forth, insofar as nothing is placed above the Nation and no alien leadership or domination is tolerated, serving the interests of true social justice, teaching each element of the citizenry to understand the need for cooperation with the others and recognizing as its ideal the following basic principle: "The common good before private gain."

5. To unite with all Americans defending the Aryan culture and code of ethics upon which this Nation was founded, helping to build a great American movement of liberation, in order that the dictatorship of a small, racially and ethically alien, Jewish-international minority, to which the mind of the entire Nation is rapidly being subjected, may be broken, restoring true proportionate representation to the hundred million Aryan Americans in the vital fields of the press, radio, stage, screen, education, legislation, justice, finance, and the professions, so that the aims outlined in the preceding paragraphs may be achieved and these United States reconstituted the sovereign and independent, God-fearing and cultured, racially and ethically healthy Nation envisaged by its founders.

The swastika, our fighting symbol, has already become the common sign of recognition of defenders of Aryan nationalism against the Bolshevik scourge in Germany, Great Britain, White Russia, the Netherlands, the Scandinavian countries, Canada and other countries, regardless of the form of government or religion involved.

6. To strive for a true peace, based upon mutual understanding and friendship between our country and others, by recognizing and respecting the differences which exist between even the various Aryan nations and by defending the fundamental right of every civilized country to govern itself without interference from outside, by disseminating among our countrymen all truths, known to us concerning other countries and of value in serving the cause of such peace and friendship, and finally by exposing and combatting all atrocity and boycott propaganda, base defamation, distortion of news and malicious lies, tending to create hatred and a war-psychosis promising benefit only to the everlasting international parasites.

7. To recognize as eternal law, that only he can serve his God and country well who strives to develop his capabilities in accord with his inherited characteristics, and that consequently a renegade to his race cannot be a good American citizen; to therefore defend our right to cherish the German language and German customs and our right and duty to defend the good name of all things German against slanderous attacks of any kind, emanating from any ill-wishing, jealous, avaricious or ignorant source whatsoever, be it nation, race, tribe, association, or individual; to force Nation-wide recognition of the incontrovertible fact that our organization desires to be no more and no less than a useful part of the desperately needed great Aryan movement for a free and clean America, accords the same respect to every other element of our country's citizenry which it demands for ours, is as American as any other and is entitled to the same rights and privileges under the Bill of Rights accorded to any other organization in the country.

All patriotic Aryan Americans, seeking truth and fighting spirit, are welcome at our meetings and in our ranks.

Local units all over the country. Frequent English-language meetings.

Vacation camps for young and old, to cleanse heart and soul of the "red" rotteness rampant in the cities.

German-American Business League, Inc., (DKV), to combat boycott rackets.

Four newspapers free of Jewish domination, with rapidly growing English-language sections:

Deutscher Weckruf und Beobachter and the Free American, post office box 24, Station K, New York, N. Y.

Philadelphia-Deutscher Weckruf und Beobachter and the Free American, post office box 4403, Philadelphia, Pa.

Deutscher Weckruf and the Free American, 3853 North Western Avenue, Chicago, Ill.

California Weckruf and the Free American, 634 West Fifteenth Street, Los Angeles, Calif.

For further information kindly communicate with German American Bund, national headquarters, post office box 1, Station K, New York, N. Y.

Mr. SMITH. Where was that delivered, Mr. Chairman?

Mr. COLLIER. It was delivered to a group of Indians.

Mr. GEHRMANN. May we have the dates when those things happened, the date of that other newspaper article, as well as this one?

Mr. COLLIER. The date of the Oregonian is January 29, 1939, and the date of the other one I offered is July 18, 1939. The date of this speech is some time last year, July 8, 1939.

Mr. COLLIER. I offer for the record a circular letter from the James True Associates with a picture of Mrs. Jemison at the top. The letter speaks for itself.

The CHAIRMAN. What is the pleasure of the committee.

Mr. SCHAFER. I ask unanimous consent that the letter, with the exception of the picture, because it would cost too much, go in the record at this point.

The CHAIRMAN. Mr. Schafer asks unanimous consent that the letter referred to appear in the record at this point. Without objection, so ordered.

(The letter is as follows:)

WASHINGTON, D. C., October 1937.

To Americans Everywhere:

Among those who have worked to oppose the communistic phases of the New Deal, no individuals or organizations have accomplished more than a small group of American Indians.

They came to Washington in February 1934, when the Wheeler-Howard Act was introduced. They were all poor, and some of them were almost penniless; but until that bill was passed the following June, they worked tirelessly, calling on Senators and Representatives and explaining the communistic purposes behind the legislation.

They were led by Alice Lee Jemison, a cultured woman of Indian blood, and a skillful speaker and writer. After the passage of the bill as "must legislation" and their apparent defeat, Mrs. Jemison with her two children remained in Washington.

Since then, she has bombarded Members of Congress with evidence and charges of maladministration, sedition, communism, and atheism, and misuse of public funds by the Commissioner of Indian Affairs. She has sent many articles to the press, mailed thousands of booklets and copies of petitions, all in defense of Americanism and Christianity.

It is probable that the work of the Indians has served more than anything else to open the eyes of Members of Congress. As one result, Senators Wheeler and Frazier introduced a bill last March to repeal the Wheeler-Howard Act, which Senator Wheeler ignorantly had fathered on orders from the White House.

The work of the Indians has been so effective that the Indian Bureau long ago "cracked down" and, through intimidation, shut off the income of the Indians' organization. Mrs. Jemison has been impoverished. For many weeks she and her children have not had even the bare necessities of life. For nearly 4 years of indefatigable and loyal work for Americanism, her reward is actual want and broken health.

We have done the very little that we could. And we know that when real Americans learn of the need, they will place this descendant of our First Americans and her children above want and furnish her the means of accomplishing her most important work during the coming session of Congress. Please do not hesitate because, of necessity, your contribution may be small, for the need is very great. And kindly send your check direct to the American Indian Federation, 116 C Street N.W., Washington, D. C.

Sincerely and gratefully,

THE JAMES TRUE ASSOCIATES.

Mr. COLLIER. I ask that there be included in the record this copy of an article in the Christian Free Press.

The CHAIRMAN. What is the pleasure of the committee?

Mr. SMITH. I ask unanimous consent that the article be included in the record.

The CHAIRMAN. Mr. Smith asks unanimous consent that it be included in the record at this point. Without objection, so ordered.

(The article referred to is as follows:)

[From the Christian Free Press, September 1938]

THE INDIANS ARE COMING

By A. L. Jemison

The Indians are coming. The Indians are coming. By bus, by train, by private car and once in a while by airplane, they are coming to Washington. From primitive, palm-thatched huts, and modern homes, from Navajo hogans and Sioux teepees; from the windswept plains of the Dakotas, from the sun-drenched canyons of California, from the Great Smoky Mountains of North Carolina, from the desert wastes of Arizona, from all the Indian country, Indians are making the trek to Washington, sometimes with ample funds, more often with inadequate means. Picturesque old Indians, their hair in long braids or bound in a knot with a gay headband, prosaic modern Indians in tailor-made clothes, college-graduate Indians, unschooled Indians, full-blood Indians, mixed-blood Indians. English-speaking Indians and Indians who speak through an interpreter, all kinds of Indians, from all sections of the country, North, South, East, and West, they come to Washington.

In Washington, they speak as with one voice to Congress and the committees thereof. Their plea is identical: "Remove the Commissioner of Indian Affairs and the other radicals in the Department of the Interior and stop the anti-Christian and un-American program which they are forcing upon us."

For four sessions of Congress, Indians have made that plea. In 1935, only a small group of Indians appeared before the committees and openly hurled at the Commissioner of Indian Affairs the charges of communism, atheism, un-Americanism, sedition, maladministration and misuse of public funds in the administration of Indians' affairs, and supported those charges with evidence of the past radical activities of those now in high Government positions and their program for the Indians as it had then developed, with predictions of the final outcome. Those charges have never been answered, either in private releases of those so charged, or in the manner in which they were made, openly and directly in public hearings. Many of the records made by the Indians have never been printed and made available for the public. Each session of Congress has seen more and yet more Indians coming to Washington and adding their voice to the plea for the removal of the Commissioner as the program on the reservations fulfilled the predictions of that first small group. Yes; the Indians are coming to Washington where a life-and-death struggle between Christian Americanism and atheist communism, is under way with the Indians alined with Christian Americanism against the Government officials who administer Indian affairs.

Many of the open encounters have been had in the committee rooms of the Senate and House Committees on Indian Affairs, particularly the Senate committee room. It is located on the fourth floor of the Senate Office Building, which stands just northeast of the Capitol—a gleaming white marble structure built in the form of a hollow square with each outer wall a block in length.

WHERE INDIANS MEET

The Senate Indian Committee room has a pleasant personality of its own, possessed by no other room in the building—A strange blending of ancient and modern, of white and Indian ideas of beauty—columns of grey-green marble, classic Greek scrolls on the ceiling beams, a war bonnet of eagle feathers near the fireplace. An American flag made entirely of beads, a few pictures, and cheerful Navajo rugs adorn spacious walls of palest grey. Suspended from the remote white ceiling, three glistening crystal chandeliers twinkle gracefully over the long committee table and flirt with their flashing reflections in the ornate, gold-framed mirror over the dignified, high-mantled white marble fireplace at one end of the

room. Woodwork and furnishings are of walnut, the rug of soft, warm red. Bookcases line the two long walls, each topped with some article of Indian handicraft—hand-carved book ends, a model birch-bark canoe, a miniature teepee of buskskin, gay feathered headdresses, while along the other end of the room, stand exhibition cases filled to overflowing with colorful gifts of many tribes—Papago baskets, Hopi jewelry, Pueblo pottery, Sioux beadwork, and many unusual things from other Indians. Soft folds of blood-red velvet grace the deep white casements of three sets of double windows through which, in the summertime, comes the gush and gurgle of the fountain in the courtyard below. Truly a room of beauty, both gracious and gay.

On the northern end, the committee room opens into the outer office, presided over by Miss Elizabeth Durant, Cherokee Indian girl from Oklahoma, and on the south it is flanked by the private office of A. A. Grorud, special attorney for the committee. These three rooms are headquarters for Indians who come to Washington on business. Here they are always welcome—irrespective of tribe, faction, or opinion—graciously received, courteously treated. Here they receive their mail. Here they gather to discuss things among themselves, to make plans, to hold conferences with others, to study old records, treaties, and laws, or just to rest from the weary tramping through miles and miles of marble corridors and over concrete walks on feet that shriek for the comfort of the soft earth. Battleground though it may be when the committee is in session, during the interims it is neutral ground where all may freely go and that privilege is respected.

WHO HEARS THE INDIANS

The Senate Committee on Indian Affairs is a standing committee of the Senate. Regular meeting day is Monday morning from 10:30 to 12 noon, with special meetings at the call of the chairman. The 14 committee members are Hon. Elmer Thomas of Oklahoma, chairman since 1935; Senators Burton K. Wheeler, of Montana; Henry F. Ashurst, of Arizona; William J. Bulow, of South Dakota; Carl A. Hatch, of New Mexico; Joseph C. O'Mahoney, of Wyoming; Vic Donahey, of Ohio; Dennis Chavez, of New Mexico; and Edwin C. Johnson of Colorado—all Democrats; Lynn J. Frazier, of North Dakota, Republican, with one Republican vacancy which has not been filled since the resignation of Senator Frederick Steiwer, of Oregon; Senators Ernest Lundeen and Henrik Shipstead, both of Minnesota and Farmer Laborites; and Robert M. La Follette, Jr., of Wisconsin, Progressive. Most of the Senators are too occupied with other things to attend many of the committee meetings unless they are interested in some particular bill, or Indians from their States are appearing before the committee. Most of the committee business is conducted by the subcommittee which was authorized by Senate resolution in 1928 and continuing resolutions since then to conduct investigations into the conditions of Indian affairs under the leadership of the regular chairman. Hon. Lynn J. Frazier was the chairman from 1928 to 1932 and Hon. Burton K. Wheeler the chairman during 1933 and 1934. Serving on this subcommittee at present are the chairman, Senator Thomas, and Senators Frazier, Wheeler, Chavez, and Johnson.

In the tranquil atmosphere of their beautiful committee room, these members of the Senate Committee on Indian Affairs have listened with patience to the testimony of many Indians during the last four sessions. Many have appeared to speak on legislative matters only, but many other have brought the complaints of their people against the Bureau administration. Earnestly and sincerely, with respect and dignity, they have spoken for their people and the complaints from all sections of the country are the same.

CHIEF SPOTTED OWL SPEAKS

The Sioux hearings held in January of this year were typical. The first witness was Chief Joshua Spotted Owl, of the Pine Ridge Reservation in South Dakota, president of the Black Hills Treaty Council, which represents those Indians in the seven Sioux nations who are opposed to the present Bureau program. Wearing his hair in long braids as did his forefathers, his kindly face seamed and weathered with more than 70 years of Dakota sun and wind and cold winter weather, Chief Spotted Owl addressed the committee in his native Sioux tongue. His statements were interpreted by Adelbert Thunderhawk, secretary to Congressman Francis Case, of South Dakota. Chief Spotted Owl opened his testimony by saying:

"Mr. Chairman and members of the Senate Committee on Indian Affairs, I consider this an act of God that I may come before the wise men of our Nation

to present our problems. We have distressing conditions on our reservations, and have many great and difficult problems. We have never had the opportunity to come before the Senate Committee on Indian Affairs until this time. Every time we came to Washington we were without that opportunity, but today we have this opportunity given to us, and I am very happy indeed over it. Heretofore, we have come to Washington to see the Commissioner of Indian Affairs, but the problems we have presented were either ignored or not taken care of, and so when we came to Washington this time we had a conference with the Commissioner, and definitely stated at that conference we did not come to see him this time but had come to see the Members of Congress. The various Sioux reservations in South Dakota held a meeting, at which time there were present representatives from nearly all the reservations who are opposed to the Wheeler-Howard Act. The Wheeler-Howard Act was started on those reservations but as they went along, they saw that they could not adjust themselves to the program under the Indian Reorganization Act and so they decided they would rather exclude themselves from it, if possible.

"We adopted the Christian religion when the white man came across to this country, and from them we learned that the Almighty has set down Ten Commandments by which man may guide himself. But today we have too many regulations on our reservations, and they are complicated, and for the least little turn or fault we fall into it seems like we are violating one of the regulations. So that today on our reservations we do not know where we are, and we do not know who is our head. We are in confusion all the time. * * *

"Confusion".—That single word expresses the state of Indian affairs today. Never since the United States Government established the Indian reservations has there been such a state of confusion throughout the entire Indian country. When President Roosevelt, upon the recommendation of Harold L. Ickes, Secretary of the Interior, appointed John Collier as Commissioner of Indian Affairs in 1933, Mr. Collier announced that he intended to "revolutionize" the Indian Service. For this purpose, the Bureau of Indian Affairs has received more than \$260,000,000 since 1933 by direct appropriations from Congress and allocations of work-relief funds. There are less than 350,000 Indians in the United States, and of these less than 225,000 are under direct control of the Indian Bureau.

SYSTEMATIC OPPRESSION OF INDIANS

With the largest sums ever handled by any Indian Commissioner, together with the absolute and autocratic authority over the lives and property of the Indians who are under his control, the Commissioner has succeeded in his announced intention. He has succeeded so well that Christian missionaries can no longer ask any Indian child who is attending a Government-maintained boarding school to accept the teachings of Jesus; that Indian parents in some places are denied the right to send their children to mission schools maintained by Christian organizations and tribal funds; that Indians who oppose the program are starved, coerced, beaten, arrested, fined, jailed without benefit of council or trial by jury; are denied the rights of free speech, free press, and free assembly, while those who have tried to go along with his program have lost all rights of private ownership of property and enterprise; are living in a state of communism; tribal funds are being used to promote "cooperatives" operated by the Government; and in some places have become real "prisoners of the Government" who must secure permission from their agent to leave the reservation and are given a certain number of hours as "leave of absence."

In all of the Indian country there is strife and confusion. Full-bloods are set against mixed bloods and vice versa; race prejudice has been rekindled by Government officials and Indians incited against white people; non-Christians strive against Christians, with local Bureau employees ordered to "cooperate" with the non-Christians; brother fights against brother, father against son, husband against wife; life-long friendships have been broken; Indians have resisted both State and Federal authority; a Christian minister has been beaten to death by Indians.

Such a program, with its now evident results, is communism and distinctly Russian in variety. It is the program of the Christ-mocking, Communist-aiding, subversive, and seditious American Civil Liberties Union and its subsidiary, the Progressive Education Association. It had its inception in the American Civil Liberties Union and it is being administered by members of that organization and the Progressive Education Association. It is the program against which the Indians themselves, almost entirely alone and unaided, have struggled for the last 5 years. The facts have been laid before the committees of Congress and by

direct written appeal to all Members of Congress every session since 1935. Those records which contain the most damaging facts have never been printed, and communication of the Indian wards of a Christian nation has gone merrily forward under the direction of high Government officials and at the expense of the American taxpayers.

Communism.—“It can’t happen here”—but it has already happened here.

Mr. COLLIER. Gerald D. Winrod’s *The Revealer* contains an article by O. K. Chandler, an American Indian.

The CHAIRMAN. What is the pleasure of the committee?

Mr. SMITH. I move that it be included.

The CHAIRMAN. Mr. Smith asks unanimous consent that the article be included in the record at this point. Without objection, so ordered.

(The article referred to is as follows:)

A CRISIS AMONG THE INDIANS

By O. K. Chandler, a Cherokee Indian; an official of the American Indian Federation, Washington, D. C.

The Bureau of Indian Affairs, Department of Interior, was created for the express purpose of Christianizing the Indian and fitting him for American citizenship.

This has been the recognized policy of the United States Congress for over 100 years and was the outgrowth of one pursued by the very earliest colonists whose charters from the European Crowns nearly all contained the provision: “To reduce the * * * Natives by gentle and just manners to the love of civil society and Christian religion.”

Indians rocked the cradle of Christianity in America. They sustained the Pilgrim Fathers in their darkest hour, made possible and participated in the first Thanksgiving. Through bitter hardship and sacrifice an Indian woman, Sacajawea, led the expedition of Lewis and Clark which paved the way for the establishment of Christianity in the great Northwest. The historic stone missions built by the Indians over 200 years ago in the Southwest are today living monuments to the love and respect which the Indians had for the Spanish Padres who brought them Christianity.

All progress of the Indian race has been through the efforts of Christian people and Christian influences. Quoting Rev. Jim Pickup, full-blood Cherokee Indian minister of Tahlequah, Okla.: “Neither the Indian nor any other race of people can hope to reach higher levels of thought and action without inspiration—spiritual * * * The class of whites who really brought us benefit was the God-given element which sought to show us how to distinguish good from evil * * * It was the missionary and the school teacher who showed us the way. Christian education brought us closer to God and country.”

Missionaries established the first schools for every Indian tribe. Later these were taken over by the Federal Government. Since 1824, Congress has appropriated millions of dollars each year to Christianize and citizenize the Indian. Today fully two-thirds of an estimated 340,000 Indians, in the United States, have accepted Christianity.

Following his appointment in 1933, John Collier, present Commissioner of Indian Affairs, and his associates, announced that the past Indian program of the Federal Government had been a “mistake” and that he (Collier) intended to revolutionize the United States Indian Service. He has, with the result that on some reservations today there exists a state of revolution against his program.

His educational program has been exemplified by the Wheeler-Howard Act which legalizes the establishment of Communism in the United States and which originated in the American Civil Liberties Union.

Mr. COLLIER. I offer for the record a news letter dated April 26, 1939, Los Angeles wherein it is stated, I will read the paragraph:

In a letter dated March 22, 1938, now in the possession of News Research Service, James True, Washington Nazi pamphleteer, wrote to Henry D. Allen, notorious ex-convict and southern California agitator:

“Thanks very much for yours of the 17th. I can’t tell you how wonderful it is that you are all supporting Pocahontas so splendidly (Pocahontas is code name

for Mrs. Jemison). She is a different woman, just bubbling over with enthusiasm. She has tremendous ability, and I know every dollar sent her will prove to be an excellent investment. I am so delighted that the Christian Free Press is showing up the Indian scandal. Some day this is going to be a great eye opener; I believe the day is not far off."

I will offer the whole article.

The CHAIRMAN. What is the pleasure of the committee?

Mr. BUCKLER. I ask unanimous consent that it be included in the record.

The CHAIRMAN. Mr. Buckler asks unanimous consent that the article referred to by the Commissioner appear in the record at this point. Without objection, so ordered.

(The article referred to is as follows:)

NEWS LETTER

[Published by the News Research Service, P. O. Box 5136, Metropolitan Station, Los Angeles, Calif.]

UNITED STATES INVESTIGATES BUND-INDIAN TIE

Attention of the United States Bureau of Indian Affairs in Washington, D. C., has been directed for some time to Naziavellian efforts to arouse the American Indian into a pro-Hitler weapon for use in any "future emergency." Government operatives began a close watch on the activities of "Chief Red Cloud," whose real name is E. A. Towner, Portland, Oreg., lawyer and member of the Siletz Indian Tribe of that State. A violent member of the bund, Towner, who meets with other anti-Democracy members at the Earle Cafe, 213 Northwest Sixth Avenue, Portland, Oreg., each Thursday evening, recently reported to the bund results of his trip attending Indian councils in Idaho, Montana, Nevada, Arizona, California, Wisconsin, and Canada. Details of his report were immediately obtained by operatives on behalf of the Federal Government.

In preparation for "future use" of the Indians as an organized force, there has been set up in Washington a bund-inspired bureau known as the American Indian Federation, 638 C Street NE., with Mrs. Alice Lee Jemison as head. Mrs. Jemison receives part of her financial backing from Mrs. Elizabeth Jewett, wealthy Pasadena, Calif., bund sponsor. In a letter dated March 22, 1938, now in the possession of News Research Service, James True, Washington Nazi pamphleteer, wrote to Henry D. Allen, notorious ex-convict and southern California agitator:

"Thanks very much for yours of the 17th. I can't tell you how wonderful it is that you are all supporting Pocahontas so splendidly (Pocahontas is code name for Mrs. Jemison). She is a different woman, just bubbling over with enthusiasm. She has a tremendous ability, and I know every dollar sent her will prove to be an excellent investment. I am so delighted that the Christian Free Press is showing up the Indian scandal. Some day this is going to be a great eye opener; I believe the day is not far off."

Part of the method of arousing the Indians also is to create trouble for John Collier, United States Commissioner for Indian Affairs. Madam Paquita Shishmarova, alias Mrs. Leslie Fry, notorious anti-American, published a special Indian number for the so-called Christian Free Press, accusing Commissioner Collier of exploiting and "communizing" the American Indians, copies of which were carefully placed in the hands of all American Indian tribes.

All bund organizations throughout the United States, plus the official organ of the Silver Shirts and the American Nationalist Confederation, headed by rabble rouser George Deatherage, are working hand in glove in this newest attempt to embarrass the United States Government, investigation reveals.

Mr. COLLIER. I do not want to burden the record with a great deal more of like kind, but I would be glad to put them all in. It would be a huge record. Rather, I will hold them and offer them if denials are attempted.

Mr. SCHAFER. Do you have any of the real fifth-column Communist propaganda to put in the record here? Do you have any quotations from the publications of the American League for Peace and Democracy or the Communist Party?

Mr. COLLIER. I am not aware they are mixed up with the Indians yet. They will, if you give them time.

Mr. SCHAFER. In view of the Commissioner's fifth-column blitzkrieg, in order to expose another fifth-column blitzkrieg which may overcome this committee and the House as he admitted it overcame the Senate Committee on Indian Affairs and the Senate, and in view of the fact that he does not seem to care whether any fifth-column Communist fellows are on his pay roll, I ask unanimous consent to insert in the record at this point an editorial from the Milwaukee Journal, dated June 6, 1940, entitled "Where To Start on Fifth Column."

The CHAIRMAN. You have heard the unanimous consent request. Is there any objection? The Chair hears none. It is so ordered.

WHERE TO START ON FIFTH COLUMN

The House in passing another thumping Work Projects Administration appropriation voted to bar Communists and Nazis from Work Projects Administration projects. The move in Congress to deport Harry Bridges by special congressional action is undoubtedly gaining headway. The Department of Justice asks citizens to give it tips on fifth-column activities. This all fits into a plan for a new and much more stringent test of Americanism.

But let us go back a bit and see where we ought to start. What about the hundreds of men and women in Government positions, some of them in very high positions, who have held, and for all we know still hold, ideas that are not traditionally American? We do not say that they are fifth-column workers. We do say that some of them, by their utterances, their membership in fifth-column organizations, their official actions, have given aid and comfort to fifth-column movements.

The Dies committee named 200 Government employees as members of the American League for Peace and Democracy at a time when this outfit was a Communist front organization. There were 25 of these memberships in the Work Projects Administration, 14 in the Social Security Board, 22 in the Rural Electrification Administration, 12 in the Interior Department, 5 in the War Department, 32 in the Department of Agriculture, 30 in the National Labor Relations Board (including one board member, Edwin S. Smith), 13 in the Treasury Department, 13 in the Department of Labor, and 14 in the Navy. The rest were scattered in other departments by ones, twos, and threes.

When this came out the Dies committee was attacked mercilessly. Some of those who are most anxious now to track down the fifth column sided with the near Communists. There was even the attempt to discredit Chairman Dies by palming forged documents off on the country. What has been done about all this? The country would like to know the situation in Washington as it is asked to be on guard against fifth column activities.

What about David Sapos, economist of the National Labor Relations Board? Mr. Sapos was presented as having written that "Bourgeois democracy is a sham." His articles indicated time after time that he had little faith in the American way. When Congressmen questioned him, he tried to counter by saying that he had been setting forth the thoughts of others. But his explanations did not explain and even the minority members of the special committee that was investigating the Labor Board—his own friends—deserted him. He is still on the Government pay roll in a key labor position.

What about Edwin Smith? As we said above, Congress is thinking of deporting Harry Bridges. But Mr. Smith of the National Labor Relations Board journeyed to Baltimore to a midnight meeting with Bridges, at which labor problems in the maritime unions were discussed. The least you can say is that Board Member Smith was working with Bridges to shape the maritime union situation. And the way it has been shaped up it is one of the worst fifth column spots we have. Shall we send Bridges back to Australia and keep Edwin Smith in a key job in Washington?

If we are going to clean up the fifth column in America, we are surely not foolish enough to keep its former dear friends on the Government pay roll.

Mr. O'CONNOR. Will the gentleman yield?

Mr. COLLIER. Yes.

Mr. O'CONNOR. You made a statement that this fifth column overcame the Senate Committee on Indian Affairs. What proof have you of that?

Mr. COLLIER. "The inattentive committee," I said. The inattentive Committee on Indian Affairs of the Senate had been unconsciously encircled. The proof is that report. It is a reversal of the Senate committee's consecutive record across 10 years and it is the idea and the words that the fifth column has been pounding in for 5 years.

Mr. O'CONNOR. We have reached a point now where when somebody disagrees with you they belong to the fifth column.

Mr. SCHAFER. Exactly.

Mr. COLLIER. No; I said that Mrs. Jamison and her associates had failed with the Indians but had registered a big success with the Senate Indian Committee. As a technical fact the Senate Indian Committee has made a report which confutes the committee and which incorporates the propaganda of Mrs. Jamison and her associates. I stand on that statement.

Mr. O'CONNOR. You remember that during the World War when somebody did not agree with us we called them pro-German. Now if they do not agree with us we call them fifth columnists, is that it?

Mr. COLLIER. Let me come to my statement. I think, and I think most people think there is a fifth-column activity in the United States. We know there is danger of fifth-column activity south of the United States.

Mr. O'CONNOR. That is the evidence of the Indian Committee of the Senate, is that it?

Mr. COLLIER. It is equally interchangeable—Nazi-Communists and Hitler-Stalinists. They are one. They are equal.

Mr. SCHAFER. You do not like one but you say you like the other?

Mr. COLLIER. I dislike them equally. They are one. They are equally dangerous. They are indistinguishable. They are amalgamated. They are the same thing.

Mr. O'CONNOR. I am just wondering if we are all going crazy.

Mr. COLLIER. I do not think any of us is going crazy.

In my remaining moments I will say this, in the light, Mr. O'CONNOR, of what has been happening in country after country in Europe, in the light of the situation as it exists today from Mexico down to Uruguay, it seems to me we are rather blind to say that we can ignore what is called the fifth column. The language of fifth column was first coined over there in Spain. What is the technique of the fifth column is the technique of the dictators. Now, I am wrong—crazy, if you like.

Mr. O'CONNOR. I would like to know this—

Mr. COLLIER (interposing). Some people in Norway might have been called crazy and some in Holland.

Mr. O'CONNOR. I want to know what has all this stuff got to do with this bill?

Mr. COLLIER. The gentleman asked me who was responsible for this bill.

Mr. SCHAFER. The fifth column.

Mr. COLLIER. I answered that the responsibility for the bill rests with the American Indian Federation and its affiliates. They have

been promoting this bill. They have been building up misrepresentations and irrelevancies upon which the Senate committee drew exclusively in its report upon the bill. They have been supplying the language.

Mr. O'CONNOR. And then you trace them to the fifth column?

Mr. COLLIER. My statement stands.

The CHAIRMAN. The Commissioner still has the floor and everybody wants to ask him a question. Have you finished your statement, Mr. Commissioner?

Mr. COLLIER. No; but I will be glad to stop.

Mr. SMITH. I was going to ask one question.

The CHAIRMAN. I am sure the Commissioner will be glad to yield to one of you at a time.

Mr. SMITH. I understand you to have said a moment ago, which was very gratifying, I thought, at the time, that in your opinion the fifth-column movement, the subversive movement, has not succeeded among the Indians. It may have succeeded among the Senate but among the Indians it has not?

Mr. COLLIER. Nowhere.

Mr. SMITH. It has not?

Mr. COLLIER. And never will.

Mr. SCHAFFER. Will the gentleman yield? Does the gentleman who holds the responsible position of Commissioner of Indian Affairs and opposes this bill on the ground that it is a fifth-column bill, while citing names, maintain that Mrs. Jemison is a member of the fifth column, or that her organization is?

Mr. COLLIER. I think that is apparent from my testimony.

Mr. SCHAFFER. You so hold?

Mr. COLLIER. That the American Indian Federation is interconnected with and has interchanged its efforts with the other organizations which I named.

Mr. SCHAFFER. Have you any definite proof outside of your own supposition; have you any definite proof indicating that Mrs. Jemison or the organization which she represents is linked directly or indirectly to a foreign country, whether it be Nazi, Fascist, Communist, or any other? That is my understanding of fifth-column members—they are subversive agents of foreign countries.

Mr. COLLIER. I do not charge that James True gets money out of Germany. I do not charge that Pelley gets money out of Germany. I do not even charge that the bund gets money out of Germany.

Mr. SCHAFFER. How are they linked then as a fifth column? As I understand it, a fifth column is a column in the United States which has connections with a foreign country which is our enemy. Now, let us not brand people as the agents of foreign governments unless we can produce some proof.

Mr. COLLIER. The movement which I have referred to in this country is one which makes for class hatred and ultimately for violent revolution and which makes for the establishment of a dictatorship. It uses the literature of and gives its literature to the dictatorships. It foments race hatreds. It is anti-Semitic, for example.

Mr. SCHAFFER. Is it pro-Christian too?

Mr. COLLIER. It is anti-Christian in effect, anti-Semitic in name.

Mr. SCHAFFER. I am just asking about pro-Christian.

Mr. COLLIER. The Communists are almost as anti-Christian as the Nazis are anti-Jew. They are all of them in effect a part of the Hitler-Stalin drive for world domination.

Mr. SCHAFER. You believe then that if we read and believe in certain very interesting chapters of the Gospel of St. Matthew, St. Mark, St. Luke, and St. John that we are members of the fifth column?

Mr. COLLIER. I have not said that.

Mr. SCHAFER. And particularly some of the preachings of Jesus Christ when he denounced some of his enemies?

Do you mean to tell us that this fifth column which you spoke about is headed by Mrs. Jemison?

Mr. COLLIER. Not headed by her.

Mr. SCHAFER. Or represented by Mrs. Jemison and that it carried on a blitzkrieg which overcame the Indian Affairs Committee of the Senate and the entire Senate of the United States?

Mr. COLLIER. I state again that the organization, and the only one, which consistently has been not only calling for the repeal of the Wheeler-Howard bill, but calling for it on the basis of certain types of allegations which are false allegations, that organization has prevailed upon whatever be the machinery of the Senate Indian Committee to accept those allegations and to incorporate that propaganda in a report to the Senate.

Mr. SCHAFER. Many members of the Senate have been denouncing the fifth column.

Mr. COLLIER. Then I add that the members of the Senate Committee are eminent men, every one of them has a record which is confuted by that report—which is the opposite of that report—a record on Indian matters and a record of American matters.

Mr. O'CONNOR. But you even by inference, indirectly or by implication, will not infer that any member of the United States Senate has been communistic?

Mr. COLLIER. That is what I said in my original statement, that I am sure not one member of that committee would adopt as his own the statements in that report.

Mr. O'CONNOR. There has been a lot of implication here before the committee.

Mr. COLLIER. Not one of them, I said, would make those statements.

Mr. MUNDT. Mr. Chairman, I make a point of order that the House is in session and move that we adjourn to tomorrow morning.

The CHAIRMAN. Mr. Mundt makes a point of order that the House is in session and that the committee cannot meet. The point is well taken so the committee will adjourn.

The committee will meet at 10:30 tomorrow morning.

(Whereupon the committee adjourned to Tuesday, June 11, 1940, at 10:30 a. m.)

WHEELER-HOWARD ACT, EXEMPT CERTAIN INDIANS

TUESDAY, JUNE 11, 1940

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.

The committee met at 10:30 a. m., Hon. Will Rogers (chairman) presiding.

The CHAIRMAN. The committee will be in order. The committee has met this morning to resume hearings on S. 2103. When the hearing closed yesterday Commissioner Collier was testifying and the Chair recognizes Commissioner Collier to continue his testimony.

STATEMENT (CONTINUED) OF JOHN COLLIER, COMMISSIONER, BUREAU OF INDIAN AFFAIRS

Mr. COLLIER. Mr. Chairman, I desire the committee to know that in my yesterday's testimony when I described the report of the Senate Indian Committee and stated that its contents had been largely furnished by fifth-column elements, I was aware of the seriousness of what I was saying. I have been in Washington 20 years and have had a lot of experience with Congress, and am well aware of the seriousness of even an implied criticism by the Commissioner of Indian Affairs directed against members of the Senate. I feel that this committee is entitled to fuller information than I gave it yesterday. I do want to comment on a remark by one of the members of this committee that perhaps these facts were being brought in now merely to discourage opposition to the Administration, to the Indian Administration. They are not brought in now for the first time. Immediately after the issuance by the Senate committee of its report on the repeal bill I prepared a document analyzing it quite fully and describing the circumstances of its origin. It is dated August 5, 1939, and it is an adequate commentary upon the report. I would like to offer it for the record.

The CHAIRMAN. That is a copy of the report of the Senate?

Mr. COLLIER. It is an analysis of the Senate committee's report upon this bill that is before this committee.

Mr. SWEET. I move that the report be accepted.

The CHAIRMAN. Mr. Sweet asks unanimous consent that the report referred to by the Commissioner be included in the record. Without objection, so ordered. The Commissioner may proceed.

20 THE SENATE INDIAN COMMITTEE'S REPORT ON S. 2103

Repeal of the Indian Reorganization Act (act of June 18, 1934, 48 Stat. 984) has been recommended (S. 2103) by the Senate Committee on Indian Affairs, affecting 77 of the 192 tribes and groups now living under the act. Each tribe made the act operative for itself through a majority vote by secret ballot at elec-

tions held under the act. Of the 77 tribes and groups involved in the proposed repeal, 1 only (the Eastern Cherokee, through a majority vote of its tribal council) has asked for the act's repeal. Decisive benefits would be withdrawn from these 77 tribes and groups if repeal became effective. Their opportunities for agricultural and industrial credit, for land for their landless members, for loans for college education, for a modest measure of home rule, and for the protection, by themselves, of their lands against white aggressors, would be curtailed or destroyed. It is inconceivable that the Congress will enact such a bill.

More remarkable than the bill, however, is the committee's report to the Senate, accompanying the bill. The report was offered to the Senate by Senator Chavez, of New Mexico.

On previous occasions the Indians and the general public have been informed of the activities of an organization called the American Indian Federation. This so-called federation solicits \$1 from each Indian and \$1 in the name of each dead relative, and in return undertakes to promote legislation returning to the Indian contributor \$3,000 from the Federal Treasury for every \$1 thus paid to the federation. Bills carrying out the undertaking of the federation actually have been introduced in the Senate and the House of Representatives and affiliates of this same federation have made many statements calling for the repeal of the Indian Reorganization Act. And it is these forthgivings, from this questionable group, which now appear as the findings of fact and the conclusions of the Indian Committee of the Senate in that committee's printed report favoring S. 2103. In part the identical verbiage is used; in part it is paraphrased.

Some of the statements in the report are attributed by the committee to witnesses (unnamed); others are set down as findings of the committee; others are set down as "conclusions." Among the conclusions is the following: "There should be no privilege to this (Indian) group that any other group does not have within the limits of the Constitution." This means that Federal trusteeship over Indian property should be terminated, local taxes should be imposed on Indian lands, and the Indian should sink or swim. Another of the conclusions is here quoted, without comment because comment is needless: "They (the Indians) are gradually letting their own culture, so-called, go by. And, why not?"

A third conclusion of the committee disposes in a cheerfully simple manner of the long record of land spoliation which before 1934 had reduced the Indians to poverty. The Reorganization Act brought this period of spoliation to an end for the 179 tribes. The committee states as a conclusion:

"The purchase of land for the landless and the promise of the revolving loan fund to become available to those who come under the act were the greatest incentives to Indians to organize. The holding out of these promises drew the support of practically all Indians who had sold their allotments, lost, squandered, or dissipated the proceeds, and were landless. This class of Indians appear to be mainly of the mixed-blood class and the educated full-bloods who have been declared competent; these are the Indians who seem to be in control of the organizations."

Although the committee thus concludes that the mixed-bloods and the "competent" Indians are in control of the tribal organizations under the Reorganization Act, yet it announces as a finding of fact: "7. That all efforts tend to force the Indians back into a primitive state; that tribal ceremonials, native costumes and customs, and language are being both encouraged and promoted by the administration of this Reorganization Act." The conclusion and the finding of fact cannot both be true.

"Many tribes have voted to come under the act," states the committee's report, "but few have adopted constitutions and accepted charters." Seventy-nine tribes (outside of Oklahoma), with 98,750 members, have adopted constitutions, and 56 tribes, with 65,403 members, have adopted charters. Are these numbers few, or many?

Particularly incomprehensible is the conclusion in the committee's report that "credit (under the act) was intended for those who had no credit but did have character; but it has worked out that credit was for those who had bankable security, and those who have bankable security have been told to go to the bank for their loans." This statement can have no meaning except the meaning that under the act there have not been any loans made; yet in small type the committee prints a detailed tabulation showing \$2,391,585 loaned under the act to the date of March 31, 1939.

Factual finding No. 6 in the committee's report is taken bodily from the statements of the American Indian Federation. It reads: "That individual rights of inheritance, private ownership of property, and private enterprise are being dis-

couraged and destroyed (by the act.)” No supporting detail is given. None could be. The act leaves unaffected, and undiminished, each and all of the rights mentioned by the committee, and places at the disposal of private enterprise a credit system essential if such enterprise is to be made successful.

Even the fantastic allegation of communism, iterated by the American Indian Federation, is brought by the committee into its report, although in this, as in a very few of its other items, the committee does not assume responsibility for the allegation. The paragraph, here quoted in full, is untrue in every item. “4. The act provides for only one form of government for the Indians, viz, a communal government, with all property, real and personal, held in common; and it compels the Indians to live in communities segregated from the rest of American citizens.”

The American Indian Federation has across 4 years exploited two mutually inconsistent statements. The Reorganization Act, says the federation, is un-American because it establishes Indian sovereignties within the sovereignty of the United States—“nations within the nation.” And the Reorganization Act is un-American because it diminishes, even destroys, Indian sovereignty. The committee announces as a conclusion that both of these mutually excluding statements are true. Actually, neither of them bears any relationship to fact. They are sheer and factless propaganda, and the main channel through which, until now, the American Indian Federation has disseminated them, has been the Silver Shirts, the James True Associates, the Militant Christian Patriots, and the German-American Bund.

Year after year the American Indian Federation has charged that duress was being employed against all Indians to herd them into the “nations within a nation,” above referred to. The whole governmental organization, according to the federation, was executing this coercion through methods of bribery, denial of benefits to dissenters, imprisonment for political opinion, and other actions involving tyranny and turpitude. The specifications have been negligible, but such as they were, they have been proved to be untrue. This phase of the federation’s propaganda is now adopted by the committee. I quote the committee: “4. That those Indians who have refused to accept the act or have opposed the act, the program of the Bureau or any of the Indians who have favored the act have been discriminated against in the distribution of work relief, rations, clothing, loans, and anything else which the local agency has jurisdiction to disburse or handle, etc.” The committee furnishes no names or places or dates and no evidence. The committee’s hearings do not contain any substantial, even if uncorroborated, evidence. The actual distribution of Indian Service funds through the successive years, all a matter of available record, disproves the allegations. Abundant other evidence disproves it. Unproved and disproved, the allegation of the American Indian Federation now passes into the committee’s report as a finding of fact.

Indeed, the committee’s report is a strange document. It indicts the Indians, the Reorganization Act, the Indian administration, and the committee itself. It proclaims a sweeping and a savage reversal of the committee’s own policies of the last several years. It recommends a return of governmental policy to that which Congress put behind it, supposedly forever, in 1934. Not in style, punctuation, grammar, or ideas does the report have resemblance to the committee’s mind or to the mind of any member of the committee as heretofore or otherwise manifested. Allegations by the American Indian Federation which the committee refused to admit to its printed hearings 2 years ago, as being irrelevant, uncorroborated, and patently fictitious, now emerge, in this report, as allegations by the committee itself. A strange document, which will bewilder white readers and discourage and terrify the Indians!

Mr. COLLIER. Further, this activity which yesterday I described, this interlocking activity of the fifth column, is not anything new. It has been going on a number of years and was not described by me yesterday for the first time. As illustrating this, I would offer for the record a brief departmental press release of last November which was carried widely in the press. It is relatively important as showing the cumulative character of this case. It is dated November 28, 1939, Associated Press dispatch. It was not a Department release, but an interview by the Associated Press with myself.

The CHAIRMAN. Relative to the report, Mr. Commissioner, on Senate 2103?

Mr. COLLIER. It is relative to the subject matter, to this bill, and to the activity of the "fifth column" elements among the Indians.

Mr. SWEET. I move that it be accepted.

The CHAIRMAN. Mr. Sweet asks unanimous consent that the interview referred to by the Commissioner be included in the record at this point. Without objection, so ordered. Proceed, Mr. Commissioner.

WASHINGTON, November 28, 1939 (A. P.).—Indian Commissioner John Collier said today "profiteering organizations" which had been "living off the Indians for years" are now "apparently taking European dictators for a ride" by selling them the idea that the American red man could be used in stirring up unrest in the United States.

Expanding upon his remarks at a recent press conference, when he said an European-affiliated organization was operating among the Indians of California, Collier said that there was considerable evidence that a number of "phony" organizations were working among the Indians with the aid and comfort of groups with the foreign slant.

"These groups have been taking money from the Indians of this country for years," he said. "They are largely headed by adventurers who see an opportunity to prey upon the Indians, cranks, or persons who have at one time or another been discharged from the Indian Service for cause," he said.

Collier said that correspondence of the Indian Bureau has long indicated "considerable interest" on the part of some European totalitarian groups in the affairs of the Indian Office.

"Reading between the lines," he said, "I can see that the majority of the people in these foreign states see the Indian as a warrior, a man who is waiting to be touched off.

"He is like the Indian that James Fenimore Cooper wrote about in his *Last of the Mohicans*—savage and warlike, an impression that was not even true in the days of which Cooper wrote and is infinitely less true today.

"In addition I believe most foreigners think the American Indian is more numerous than he is. We have but some 340,000 in the country, largely on the 200 or so reservations in 27 States. Visitors stepping from boats at New York are surprised when they are not greeted by a band of Indians. Recently a German-American in California sought a divorce from his wife in Germany because he stated she was afraid to come to this country on account of the wild Indians. A good many foreigners seem to come to this country to see two things, the Empire State Building and the country's wild Indians of which they read so much in fiction. Actually, of course, the majority of the Indians are completely peace-loving people whose leaders sit around a table and discuss their problems with as much intelligent insight as the average group of businessmen and who are more and more coming to accept the ways of the white man."

Collier said that organizations which had made public claims of large membership actually had but few followers among the Indians. One of the Commissioner's aids told of attending a widely publicized meeting of a group of "uplifters" in Oklahoma. Long lists of committee chairmen and members were printed before hand. When the meeting was called to order there were only three persons present—the president, the vice president, and the secretary-treasurer of the group.

"If the adventurers who are preying on the Indians of this country are not taking the foreign dictators who seek to spread their propaganda in the United States for a ride, then the anti-American movement among the Indians is vastly greater than we have been able to determine by repeated investigations," Collier said. "I suspect that the so-called Indian leaders who have established connections with totalitarian groups are deceiving both the Indians and the believers in dictatorship. Fortunately, the Indians are not so easily deceived—only a few of them have fallen for the racket."

Mr. COLLIER. I next want to make clear so that there can be no misunderstanding growing out of dialogs of yesterday as to what I include among fifth-column elements and as to my attitude toward the Communist Party and the Communists and the international Communists. They, as I stated yesterday, in my judgment are

indistinguishable from the Fascist and Nazi-ist propaganda elements and fifth columns or drives. Ultimately, in the event of a defeat of the Nazi-ists in Europe, the Communists' fifth column and the Communist purposes would become far more sinister and important than the Nazi-ist. They are two wings of one activity.

And now, Mr. Chairman, I would like to make a statement giving added information designed primarily to show to this committee that we are not dealing with something merely fantastic but with something deadly serious. There was a discussion yesterday of what we meant by fifth column.

By fifth column I mean persons or organizations who are under the direct or indirect sway of Fascist, Nazi-ist, or Communist foreign states and who work to break down the unity, to weaken the defenses, and prepare for revolutions within or conquest of countries where they are acting.

When E. B. Towner attacks the President as a Jew in disguise, extols Hitler and nazi-ism, and calls for a revolution to put the United States in the hands of the Germans and calls on the Indians to join this revolution, he is acting as a fifth columnist.

When James True, advocate of fascism and virulent anti-Semitist, first circularizes his own constituency in behalf of Mrs. Jemison and then writes to Henry B. Allen, notorious bund agent in California: "I can't tell you how wonderful it is that you are all supporting Pocahontas (Mrs. Jemison)", and when members of Mrs. Jemison's organization attend bund meetings and made speeches there; when Mrs. Jemison's literature is distributed through bund headquarters; and when the conglomeration of these persons and agencies depict the United States as horribly persecuting its Indian minority, I call this fifth-column activity. When evidence passes into the possession of the Government Secret Service that Mrs. Jemison has been receiving money from bund-connected individuals, this evidence bears upon the fifth-column matter.

Members of this committee may say, as others have said and as I have said: "This is fantastic, ludicrous, half insane, all of these carryings-on by Pelley, True, Towner, Mrs. Jemison, Chandler, Bruner, and even the bund itself. There are only a few Indians and they cannot be reached by this sort of propaganda anyhow, and the white public who can be reached by such activities is negligible."

They said that in Norway once and in Holland and Belgium and France. They don't say it any more, and England and her dependencies don't say it any more.

What we are witnessing is the application of the technique of penetration developed by the Fascists, Nazis, and Communists which has been successful to a horrifying degree, not in one, but in many countries, and which now is being brought to bear with full force upon the countries to the south of the United States.

Why has "fifth column" activity singled out the Indians and why did the Nazi government decree that the Indians are Aryans? At first, the object seemed to be to feed propaganda back to Europe. The totalitarian states were persecuting their minorities, and if these states could draw a picture of present persecution by the United States against its most famous minority, the propaganda effects at home or throughout Europe might be valuable. It was from the standpoint

of European consumption that Colin Ross, self-proclaimed emissary of Hitler, made his journeys among the Indians of Mexico and the United States.

Mr. SWEET. Will the gentleman yield at that point? Is this man Ross in the United States?

Mr. COLLIER. He is not here now. He was here and was watched in all his movements by the agents of the Government. His record is entirely known to the Department of State as to the Secret Service.

Since the last few months, another and more immediate and important object of the fifth column propaganda begins to appear. It is revealed in Towner's claim that three-fourths of a million Gold Shirt Indians in Mexico are ready to join in the revolution which he predicts for this country in 1940.

There are 8,000,000 Indians in Mexico; 80 percent of the population of Guatemala, Honduras, Bolivia, Peru, and Ecuador is Indian; about half the population of Colombia and Venezuela is Indian; and there are important Indian elements in Panama. In these Central and South American countries there are solid areas of thousands of square miles, populated almost or quite exclusively by Indians.

Who is going to have the good will of these Indian masses, the United States or Germany and Russia?

We think of the few exclusively white populations, the propertied and the presently ruling classes of these Central and South American countries, and we forget the great masses of Indians who, in a number of the countries, are five to every white man's one.

Nazi and Communist propaganda, if they hold to their successful techniques, will operate at both ends in these southern countries. They will work among the propertied classes and those who at the moment are the political rulers, and they will work also among the Indian masses who, should they become inflamed and organized, could create revolutions at any time. They have done it in the past and they could do it again.

The value to the totalitarian powers of the false picture of American Indian conditions, drawn by the fifth columnists, may be chiefly its use in causing the Indians of the southern countries to look with horror upon the United States. At any time, in one of these southern countries, through fifth column activity, the European dictatorships may emerge as the friends and the hopes of the Indian masses.

The situation is fraught with the gravest possibilities to our Western Hemisphere.

It is not a matter to be laughed at or shrugged aside.

I, in making my statement that the propaganda of the fifth columnists has been incorporated in the report of the Senate Indian Committee upon the Reorganization Act repeal, was well aware that I should draw unpleasant hostility toward myself. I did not need to make the statement in order to insure the defeat of the repeal bill in the House. I made it with deliberation because I see now what others will see hereafter—that the fifth column activities among the Indians are seriously intended and are or will be on the scale of the hemisphere, and may have the power to do infinite harm to the Indian race, to the cause of democracy, to hemisphere solidarity, and to the United States.

That no member of the Senate's Indian Committee consciously consented to the incorporation in that committee's report of the

material which went into it, I am entirely sure. This I stated repeatedly in my testimony of yesterday. Yet the fact remains that the fifth column propaganda did go into the committee's report and, indeed, that the committee's report is made up of almost nothing else than the fifth column propaganda. I do not know how the result was managed, nor will the world care much about how it was managed. The Senate committee's document, implicitly reaffirmed in the action of the Senate upon unanimous consent, is now available to show the world that the United States is treating its Indian minority faithlessly, wickedly, tyrannically, and ruinously. I shall have no apology to make for publicly calling attention to this fact.

I realize that, brought before this committee for the first time, my statements about the reality and the importance of the fifth-column enterprise among the Indians, and in Indian affairs, necessarily had a fantastic look. It had this look to me, a year ago. My only thought, a year ago, was the one which I expressed to the Senate Indian Committee: Indian matters need a competent, a factually accurate, a sincere criticism. The fifth column activity supplies only a crack-brained, an insincere, a mendacious criticism, but it makes a great noise. The pity is that it discredits criticism, for criticism is needed. That was all the importance I gave to Mrs. Jemison, to True and Pelley and Towner and the German-American Bund, in Indian relations, a year ago. They are just too bad, but they are unimportant.

A year ago I would have said: "It is unimportant that these adventurers seem to have captured the machinery of the Senate committee. The House, or the President, will stop any 'ripper' legislation."

But that was a year ago. Since that date, an intergovernmental meeting on the problems of the 30,000,000 Indians of the Americas has been held. Our Government has recognized the importance of these vast preponderating basic Indian populations for hemisphere solidarity, hemisphere defense, and the defense of free government in half the world. To the first inter-American meeting of governments upon the Indian problem, our Government has sent a delegation of Presidentially appointed members and some 50 other members. That hemisphere meeting assembled under the shadow of the Nazi-Stalinist project of conquering the world. I was one of the President's delegates. I am the representative from the United States and North America upon the permanent Institute of the Indian, created at the Inter-American Indian Congress. Therefore, what I have told this committee is not something cooked up for the moment, not something, as a member of this committee suggested, put forward to discredit the people who are trying to destroy the hopes of the Indians of the United States. I have spoken to this committee as one who is responsible, and who knows, in behalf of our country at a very critical international moment. Mrs. Jemison, James True, Mr. Towner, Mr. Pelley are unimportant. They will soon disappear from the public picture. Hitler, Stalin, and Mussolini are hugely and horribly important people. Mrs. Jemison et al. are at present really important only because they are witting or unwitting cat's-paws, dupes, or tools of the totalitarian propaganda.

Mr. SCHAFFER. Will the Commissioner yield for a question?

Mr. O'CONNOR. What are you reading from?

Mr. COLLIER. A supplemental statement.

Mr. O'CONNOR. That is your own statement?

Mr. COLLIER. My own statement.

These dictators have their strategy and technic and method for using these Indians of southern countries to hurt the United States, to weaken the United States in relation to the hemisphere.

Mr. SCHAFFER. Will the gentleman yield?

Mr. COLLIER. My statement will be finished in 2 more minutes.

These matters transcend our local Indian concerns, and of course transcend my personal expediency. I know what it means to seem to criticize a committee of the Senate. I entirely know all of this. All of this is of no weight in the balance of things now at stake in our country and in our Western Hemisphere and in our struggle of democracy to conquer or to die—the struggle now fully commenced.

I have finished my testimony. If Mrs. Jemison, or James True, or William Dudley Pelley, or Henry D. Allen try to deny that they have been working together in a shared fifth-column activity, I shall ask to be heard again to prove that in fact they, and Frederick G. Collett, and the German-American Bund are acting as I have said they were acting. Their joint action has continued through a number of years; and their denials, if they attempt them, will be met with documented proof going beyond the sufficient proof that I already have furnished to your committee.

Mr. SCHAFFER. In view of the statements which have been made, I do not believe that this committee should be a springboard to disseminate libels which may result in the taxpayers having to furnish considerable expenses for attorneys, as they have furnished in libel cases brought against the Commissioner of Indian Affairs. Unless substantiated by evidence, no one should accuse any American citizen, Indian or white, of being a cat's-paw of a foreign dictator. I think that goes pretty far unless there is substantiating proof.

Mr. COLLIER. I am prepared to furnish yet further substantiating proof, or else tell the committee where it can get more if it wants it—proof I am not at liberty myself to divulge.

Mr. SCHAFFER. The gentleman indicated that he believed that the fifth column has captured the machinery of the Senate committee. That is a powerful statement. Do you mean that Mrs. Jemison, the cat's-paw, as you state, of a foreign country, is the Joan of Arc who led the fifth column in a blitzkrieg which captured the machinery of the Senate committee right under the dome of the Capitol, and also captured the entire Senate which unanimously voted for this bill?

Mr. COLLIER. I am prepared to restate what I have several times stated. I am glad the question has been brought up in this way. I am answering the question. The Senate Indian Committee issued a report. That report went to the Senate. That report which I characterized yesterday—and I would be glad to analyze it and parallel-column it further—consists of the allegations that have been year after year put forward by this group whom I have been describing. I said no member of the Senate committee had a record consistent with anything in that report.

Mr. O'CONNOR. Wait just a moment. Will the gentleman yield?

Mr. COLLIER. Yes.

Mr. O'CONNOR. Who wrote this report?

Mr. SCHAFFER. Who signed it?

Mr. O'CONNOR. Wait a minute, now. Who prepared this report?

Mr. COLLIER. That is what I am suggesting that somebody find out. We know that every committee has certain machinery.

Mr. O'CONNOR. Are you trying to tell us that the committee—the Committee on Indian Affairs of the Senate—did not prepare the report that it submitted to the United States Senate upon which the United States Senate acted?

Mr. COLLIER. What I will say is this: As you in Congress know, that when a bill is reported it is referred to a member of the committee to report. The report is then written and may never be seen by any other member of the committee.

Mr. O'CONNOR. That is possible. But when the committee acts it adopts that report. It does not make any difference who wrote it.

Mr. COLLIER. I said that.

Mr. O'CONNOR. Yes.

Mr. COLLIER. I continue. The report was written obviously within the office of the Senate Committee on Indian Affairs, in collaboration with what other persons I do not say, but utilizing the unsupported allegations of the fifth-column group and incorporating them and consisting of practically nothing else.

Mr. O'CONNOR. Now, at that point. You mean to say now that this report would contain anything that was not offered before the Senate Committee on Indian Affairs and would go beyond the record and put things in this report on which there was no testimony at all offered before the Committee on Indian Affairs?

Mr. COLLIER. I am suggesting inevitably it must have been that way; that the members of that committee would not have read that report and signed it, knowing its contents.

Mr. SCHAFER. Then do you mean to infer that the members of the Indian Affairs Committee of the Senate and the entire Senate which passed this bill unanimously when the report was before them when the bill was up for passage have unwittingly succumbed and have been overcome by the fifth-column blitzkrieg led by Mrs. Jemison, as you indicate, the Joan of Arc? I believe that is a pretty strong statement.

Mr. COLLIER. I am stating as a parliamentary fact, as a technical fact, as a fact of record, that the Senate committee did issue this report.

Mr. O'CONNOR. You claim because the Senate committee issued that report that it has either unwittingly or otherwise lent itself to the Stalin-Hitler-Mussolini gang that is trying to rule the world?

Mr. COLLIER. To the purposes, the propaganda of the group whom I have described yesterday and I have again described here—unwittingly, obviously unwittingly.

Mr. O'CONNOR. I say, "or otherwise."

Mr. COLLIER. It was unconsciously, unwatchfully, and unaware. Nevertheless, the document is there as a Senate document, and as I stated myself, implicitly, so far as the record goes, supported by the Senate, because the bill went through on unanimous consent.

Mr. O'CONNOR. But regardless of what is in this report, you exonerated, by reason of the question I asked you yesterday, you exonerated the Committee of the Senate on Indian Affairs and likewise the United States Senate.

Mr. COLLIER. Every member of it. Every member individually.

Mr. O'CONNOR. But you attack whoever wrote the report?

Mr. COLLIER. That is in a manner I am not prepared to describe. It is not my business to describe it.

Mr. O'CONNOR. Yes. Now—

Mr. COLLIER. The thing happened.

Mr. O'CONNOR. You say now you are in possession of facts you would not care to tell the committee about which would show more conclusively of some connection between the parties whose names you have already given us and totalitarian dictators.

Mr. COLLIER. Yes; I have more on that.

Mr. O'CONNOR. I would like to hear it.

Mr. COLLIER. If the committee will permit me, I will go forward on that right now.

Mr. SCHAFER. Well, Mr. Collier, is it not a serious situation if right in the Nation's Capitol 96 Senators are overcome by a fifth-column blitzkrieg—

Mr. O'CONNOR (interposing). We do not need a Dies committee then.

Mr. SCHAFER. Now, wait a minute. The Commissioner, who holds a responsible position in the Government, admits that right under the dome of our Nation's Capitol a fifth-column blitzkrieg has come into the Capitol; and while he exonerated Senators as being a party to the fifth-column movement, his testimony indicates that they were asleep at the switch and permitted a fifth-column blitzkrieg to come under the dome of the Capitol and write a report for the Senate. I believe that is a pretty far-reaching statement unless substantiated by facts. If it is, I believe that the American people are entitled to an investigation of the Senate.

Mr. O'CONNOR. That is why we want these additional facts that the Commissioner has referred to. If we have got to indict the Senate we had better find it out.

The CHAIRMAN. Will the Commissioner yield?

Mr. COLLIER. Yes.

The CHAIRMAN. The Chair wants to make this statement relative to these reports. The Chair understood the Commissioner to say yesterday that the report bears the name of Senator Frazier who was in Europe at the time.

Mr. COLLIER. Yes.

The CHAIRMAN. The report was filed. This is the way those reports are prepared. They are prepared in the office of the committee.

We have the same situation here. The clerk prepares the report. Some Member of Congress reports the bill. Of course, if Senator Frazier was not here he probably did not see the report. The Chair does not know whether he did or did not. The report was filed under his name. It is not necessary that the report be signed. It is just turned in under his name. It is not necessary that any member of the committee see the report. The policy we follow here in this committee is that no report goes in until the chairman of the committee has checked every word of the report and the Chair always reserves the right to strike anything from the report that he does not think is pertinent and which he does not think the committee has acted upon and which he does not think is the position of the committee according to the record. That is the policy followed in this committee.

Mr. SCHAFFER. On that point, we will admit that the report is written by a clerk, but every member of a committee is responsible for his committee's report. I personally check every committee report which comes out of my committees. This committee report which was made August 2, 1939, and now we are in the year of our Lord 1940, June 11. If the "fifth column" fellows wrote a report which is un-American and which is not substantiated by the record, certainly some member of the Senate committee would have taken cognizance of it and, in the absence of them taking cognizance of it, this report is the report of the committee and every member of that Indian Affairs Committee. This report was accepted by each and every member of the Senate when they unanimously passed this bill. In view of the testimony which has been brought out I think there ought to be a complete and thorough investigation either by this committee or by a Senate committee or by a grand jury, because the charges are very serious, if you please.

I am an American citizen and I served my country 22 months overseas in 1917, 1918, and 1919 under the Stars and Stripes. And I don't want any dictator or any of his agents—Nazi, Fascist, or Communist—or any of their bushwhacker, banana peddler, paperhanger or plasterer agents to run this country. If an agent of an enemy foreign government (which is my definition of a "fifth columnist") has invaded our Nation's Capitol and has overcome the Senate of the United States in a "fifth column blitzkrieg" led by a Joan of Arc agent of a foreign dictator, we ought to have a thorough investigation so that the people can send people to the Senate who will not be asleep at the switch and let a "fifth column" get into the portals of the Nation's Capitol. And if there isn't anything to the charge then the Senate should be exonerated.

The CHAIRMAN. Will the Commissioner yield?

Mr. O'CONNOR. I approve of everything that the chairman said. That is the policy of this committee and that is the way this committee conducts its affairs. However, I want to say this. When this report came from the United States Senate, that is, the report of the Committee on Indian Affairs. That is the report on which the United States Senate acted. That is the report that the United States Senate indirectly would ask this committee to act upon, giving it legality and giving sufficient evidence back of it to justify the issuing of it. That is the report, if we were asked in the House of Representatives: What are the facts? We naturally would refer them to the report. If we without knowing this report now is what it is, we might have logically asked the secretary or the clerk of the Indian Affairs Committee of the House to include the report of the Senate in his report reporting to the House of Representatives. Therefore, the Senate or the House should be mighty careful of what goes into a report because they are back of it. It is their report. It is not some clerk's report; or it is not some outside agent's report. It is the report of the Senate.

The CHAIRMAN. If the Commissioner will yield just a little further at that point the Chair would like to make this explanation. Often when this committee reports a bill some party interested will submit a statement relative to that bill and ask that it be included as part of the report and be included as the committee's report. The

Chair has always taken the position that if anything that anyone submits relative to the bill does not bear out the facts as brought before the committee and does not reflect the attitude of the committee, that if a statement goes in the report it goes in as a statement of the individual that submitted the report. That is the policy we have been following and hope to continue following. I think it is a safe policy.

Mr. O'CONNOR. The main this is it imports verity. It is upon this thing that we act.

Mr. SCHAFFER. And if this is Stalin's or Hitler's or Mussolini's report their name ought to be signed to it.

Mr. COLLIER. Mr. Chairman.

The CHAIRMAN. The Commissioner will proceed.

Mr. COLLIER. It was in recognition of the things Mr. Schafer and Mr. O'Connor have stated, of the status that this document had acquired, as Mr. O'Connor describes it, that I gave my testimony yesterday. That is why I gave it. As I said before Mr. Schafer came in—I did not give it on an emotional impulse or with any lack of awareness of the seriousness of making the statement I made.

Mr. SWEET. You are really serious in the statement you are making this morning? You are really serious then with respect to the statement you are making?

Mr. COLLIER. Oh, yes. Of course. I am very serious.

Mr. O'CONNOR. You said you had additional evidence. I would like to hear it.

Mr. COLLIER. Yes. Pardon me, but I have to remind myself and retrace the things I put in the record yesterday without reading to the committee.

I commenced with the most obvious case, that of Towner, a mixed-blood Indian who has been campaigning through the years up and down the coast and who initiated the unbased type of propaganda against the Wheeler-Howard Act. This man is a mixed-blood Indian and has identified himself with the Bund, having headquarters on the Pacific coast, and addressing whites and Indians. His symbol is the swastika. His salute is the Nazis' salute. It is he who urged the Indians of northern California to affiliate with the American Indian Federation. I have put his text into the record. It is he who predicted a revolution and called on the Indians to join it; a German revolution; boasted of the 750,000 armed Indians waiting in Mexico to join the "fifth column" revolution. I merely refer to that. Yesterday I offered his whole speech for the record.

Mr. SCHAFFER. A revolution in the United States?

Mr. COLLIER. That was south of the border. But he said Indians of the west coast were ready, too.

Mr. SCHAFFER. That is a matter for the F. B. I. Are they looking into it?

Mr. COLLIER. I should think it would be a matter for the F. B. I. This is all public record.

Mr. SCHAFFER. That is a serious matter; if anyone has been roaming around the country with a swastika or hammer and sickle on his forehead asking for a revolution and calling attention to armed Indians, I believe that is a matter for the F. B. I. to get busy on. I do not know when that happened but I assume you brought it to the atten-

tion of the F. B. I. Have you brought it to the attention of the F. B. I.?

Mr. COLLIER. Towner's activities—they belong to the world. They have been publicized widely. There is nothing secret about them.

Mr. SCHAFER. This is a serious matter if any person, alien, or citizen, of Indian or any other extraction, runs around the country inciting armed Indians to join in a revolution and in his speeches calls attention to the fact that there are armed Indians in another country all ready to join. We should take cognizance of it and the F. B. I. should take cognizance of it and act without delay.

Mr. COLLIER. Now may I pass on to the next most obvious link—not building from the important thing up, but from the most obvious thing. The German-American Bund has been active with extraordinary audacity in southern California, with an audacity that has been very astonishing. In their bookshop, kept by an armed trooper, they have displayed all types of inflammatory anti-Semitic, anti-democratic literature. Now, it might have been a matter of entire innocence that literature of the American Indian Federation was prominent among literature so displayed. Anybody can get anybody's literature and make unauthorized use of it. That fact by itself does no more than prove that the Nazi Government and its admittedly seditious elements find Mrs. Jemison's propaganda useful and that it fits into their pattern of propaganda.

Now, I have to go further. I mentioned the extremely notorious character of the activity of the bund. Nobody could mistake it. Then, when the attorney of a California Indian organization, that is, Mr. Collett's organization, also an important member of Mrs. Jemison's organization, proceeds to consort with the bund, attending the bund meetings, the presence of that literature there takes on a little more importance.

Now, involved with the bund, again very blatantly, are the Militant Christian Patriots. I put a copy of their newspaper into the record yesterday.

Mr. SCHAFER. Where are they located?

Mr. COLLIER. They are out there in southern California.

When we find not only that Mrs. Jemison's literature, which it might be without her consent, is being exploited by the bund through its bookstore and otherwise, but we find in addition that she is writing things for the Militant Christian Patriot, the type of thing I gave into the record yesterday, one becomes still more interested.

Now I continue. When one finds publicized in the German language press, as in the copy that I have here, beside Hitler's portrait, an article whose translation I have here, which picks up the same propaganda; when we find that the testimony which Mrs. Jemison gives before the Dies committee is instantly reported in the German press and we get cablegrams to find what it is all about, again the matter becomes a little more interesting—the picture fills out.

Mr. SCHAFER. What paper is that? Is that a copy of the German press or is that a paper published in this country?

Mr. COLLIER. In a German paper in New York.

Mr. O'CONNOR. But where?

Mr. SCHAFER. You do not have any objection—

Mr. COLLIER (interposing). This is the New York bund paper.

Mr. SCHAFFER (continuing). You do not have any objection insofar as testimony before committees of Congress appearing in the press of our own and foreign nations? You do not have any objection to the freedom of the press to report the activities and actions and the testimony before committees of Congress, do you?

Mr. COLLIER. Let me continue to build up my picture.

When we know that Henry D. Allen, who was identified by the Dies committee hearings as a notorious coactor with the bund on anti-Semitic lines, receives a letter from James True congratulating him and his group on their financial aid to Mrs. Jemison.

Mr. O'CONNOR. Who is James True?

Mr. COLLIER. Head of the James True Associates primarily. The most vicious of anti-Semitic groups, one of the groups that was characterized by the Dies committee as belonging to the "essentially fascist" groups, tied into the Nationalist Federation. James True circularized his membership for money for Mrs. Jemison and then he congratulated Henry Allen on the fact that the group out there was supplying money to Mrs. Jemison. Then the American Nationalist Federation, which ties up Pelley and James True—the organization under Deatherage—circularized its mailing list in behalf of Mrs. Jemison.

Mr. SCHAFFER. Do your records indicate that this James True is a member of the fifth column and an agent of a foreign government?

Mr. COLLIER. As I define fifth column—shall I reread my definition of fifth column?

Mrs. BOLTON. May I ask if the gentleman will yield long enough to read his definition of fifth column for my benefit as I was away?

Mr. COLLIER. By fifth column I mean persons or organizations who are under the direct or indirect sway of Fascist, Nazi, or Communist foreign states and who work to break down the unity, to weaken the defenses and prepare for revolutions within or conquest of countries where they are acting. And I added it is elementary to the technique of the fifth column that the fifth column operates through nationals of the country where the fifth column is working.

Mr. SCHAFFER. Under your definition English and French propagandists here would be fifth columnists on the other side, wouldn't they?

Mr. COLLIER. No; a Nazi, a spokesman of the German Government over here speaking frankly for his Government, that would not be fifth column work; that would be just the German Government.

Mr. SCHAFFER. I mean those propaganda agents who have been running around here like this fellow Duff Cooper who is now the head of the British propaganda service. Many foreigners and their agents have been disseminating pro-British and pro-French propaganda in order to inflame American prejudices and passion with a view to getting our country into the European war. Would they be fifth columnists too? You don't confine fifth column to agents, directly or indirectly, of just three foreign countries? That fifth column applies to any foreign country, does it not?

Mr. COLLIER. I am now talking of fifth columns of Nazis, Fascists, and Communists.

Mr. SCHAFFER. The fifth column you understand to be any foreign country, or its agents here?

Mr. COLLIER. It could be. But I am not discussing that now.

Mr. SCHAFFER. Yes; I know that.

Mr. COLLIER. I want to continue on to build up the evidence.

I mentioned the letter of James True to Henry D. Allen. Here is a summary of Allen published in Ken some time ago:

The liaison man is Henry D. Allen of 2860 Nina Street, Pasadena, Calif., the same man who, with Hermann Schwinn, leader of the Nazi propaganda and espionage organization on the West Coast, helped organize the Mexican Gold Shirts headed by Nicholas Rodriguez, now in exile in the United States. Schwinn operates today out of the Nazi headquarters in the Deutsches Haus, 634 West Fifteenth Street, Los Angeles. Allen is at the present moment not only involved in the plot to organize a secret army in the United States but also very active in efforts to overthrow the Cardenas government. At present he is working with the utmost secrecy not only with Gen. Ramon F. Iturbi, a member of the Mexican Chamber of Deputies, General Yocupico who has been storing enormous quantities of arms smuggled across the American border, but with Pablo L. Delgado who took over the Fascist Gold Shirt work under a different name after Rodriguez fled following an unsuccessful attempt to seize the Mexican Government.

Mr. O'CONNOR. The House is in session. I understand it has been in session since 11 o'clock, and we have been called at our offices to get on the floor.

Mr. SCHAFFER. This is an important matter. I believe that this is very important. If the fifth column of a foreign government has had a blitzkrieg and has captured the Senate Indian Committee and the entire Senate I think it is something we should be looking into.

Mr. O'CONNOR. I know, but we have a tax bill. It is very important, too.

Mr. SCHAFFER. What would be the good of raising taxes if Washington is captured? And if this committee and the House of Representatives is captured?

Mr. O'CONNOR. As I indicated yesterday, I don't think we are all crazy yet. We may be leading that way.

Mr. COLLIER. Whenever I have the opportunity I should like to testify and build up this case.

Mr. O'CONNOR. Yes; I would like to hear you do that.

Mr. SCHAFFER. Mr. Collier, don't you really believe that this Congress could be helpful in counteracting subversive propaganda by passing the O'Connor \$10,000,000 bill for the relief of ill-housed, ill-fed, and ill-clothed needy American Indians?

Then our needy American Indians might not be so susceptible to fifth columnists, as you call them, or to any people who are playing on their passions and prejudices when they are hungry, ill clothed, and ill-fed.

Mr. COLLIER. I would like to see that done for human decency and well-being of the Indians. I repeat, the propaganda has had no success with the Indians of this country at all.

Mr. SCHAFFER. I am glad to hear that.

Mr. O'CONNOR. That is my experience with them. My experience with the Indians of Montana is that they are about as loyal people to our Government, though they have not been treated right, as any other class of people I know.

Mr. COLLIER. That is true of Indians everywhere. They are most loyal.

Mr. SCHAFFER. I think the gentleman from Montana ought to strike out "about." They are as loyal as anybody.

I move, then, Mr. Chairman, that we adjourn until 10:30 tomorrow morning and have additional testimony from Mr. Collier.

The CHAIRMAN. Mr. Schafer moves that the committee be now adjourned and resume the hearings tomorrow morning at 10:30 when Mr. Collier will continue his testimony. All in favor say Aye. The "ayes" have it.

The committee is adjourned.

(Whereupon the committee adjourned to Wednesday, June 12, 1940, at 10:30 a. m.)

WHEELER-HOWARD ACT, EXEMPT CERTAIN INDIANS

WEDNESDAY, JUNE 12, 1940

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.

The committee met at 10:30 a. m., Hon. Will Rogers (chairman) presiding.

The CHAIRMAN. The committee will be in order. When the committee adjourned yesterday we were hearing the testimony of Commissioner Collier. We have met today to continue the hearings on S. 2103. The Commissioner is recognized to continue his statement.

STATEMENT OF HON. JOHN COLLIER, COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS—Resumed

Mr. COLLIER. Mr. Chairman, does the House go in session at 11 o'clock?

The CHAIRMAN. At 12 o'clock, I believe, today.

You may proceed.

Mr. COLLIER. Mr. Chairman, at the moment of our adjournment yesterday I was commencing to identify Henry D. Allen as a bund operator. This identification is essential. It is the nucleating fact in all of the other evidence. I was reading from the magazine *Ken*.

The liaison man is Henry D. Allen, of 2860 Nina Street, Pasadena, Calif., the same man who, with Herman Schwinn, leader of the Nazi propaganda and espionage organization on the west coast, helped organize the Mexican Gold Shirts headed by Nicholas Rodriguez, now in exile in the United States. Schwinn operates today out of the Nazi headquarters in the Deutsches Haus, 634 West Fifteenth Street, Los Angeles. Allen is at the present moment not only involved in the plot to organize a secret army in the United States but also very active in efforts to overthrow the Cardenas government.

I don't want to consume too much time or burden your record too much, but Allen and his activities and his affiliations are dealt with by Allen himself in lengthy testimony before the Dies committee, volume 6, commencing at page 3972, and on, 75 pages, to page 4044. I rapidly skim through it and the reason for my persistent identification of Allen will appear in a moment. He starts by connecting himself with the Silver Shirts—page 3973—and gives the detail of his connection with Mr. Pelley. He states that he has connection with what was then called the Friends of New Germany, later the bund, commenced 1933 or 1934 in southern California at which time he became acquainted with Hermann Schwinn, the west coast representative of the bund as it became later organized.

He then goes on to say that he knows James True, and variously cites his connections with James True. He proceeds—and this is

crucial—to describe his connections with Mrs. W. K. Jewett and Mrs. Leslie Fry, active in the bund in southern California.

He identifies Mrs. Fry as the individual otherwise known as Mrs. De Shishmareff. He states that the Militant Christian Patriots was mothered by Mrs. Fry and that she edited their publication.

Then he goes on—and this is pretty crucial—to identify Mr. Conrad Chapman, associated with Mrs. Fry. Later he explains that finances for organizing a big fifth-column convention out in Los Angeles were supplied through means of Conrad Chapman. He got his own money from Conrad Chapman. He tells a whole lot about that meeting. For the first time we find Towner appearing in the picture as active in that initial meeting. Allen expressly states in a letter which the committee forced him to acknowledge about that conference, concerning that congress of Fascist and anti-Semitic groups:

I might say with truth that the convention just held was the combined thought and originated by Mr. Arno Risse of the German-American Bund and myself.

The CHAIRMAN. Will the Commissioner yield there?

Mr. COLLIER. Yes.

The CHAIRMAN. I am wondering about the connection of this.

Mr. COLLIER. The connection of this is absolute and direct.

The CHAIRMAN. What I am getting at is that I do not know the connection and I am wondering if anyone reading the record will get the connection. Will you give the connection?

Mr. COLLIER. I will give it right away.

Then he goes on and describes a trip to Washington when he had his contact with Mrs. Jemison and many other contacts in the East. That identifies Henry Allen.

Now, I come back to the statement. First I invite you and call your attention to a photograph here wherein Towner is shown embracing Schwinn at a public meeting. I offer this for the record. At that meeting, upon the suggestion of Mrs. Fry, Miss Jewett, and Thomas L. Sloan, who is connected with the Frederick G. Collett organization and with Mrs. Jemison, of Winslow Couro, then treasurer of the American Indian Federation, and of Herman Schwinn, a resolution was passed demanding an investigation of the so-called distress of the American Indians.

Through this time, the literature of the American Indian Federation was prominently on display in the bookshop at the German-American House, which bookshop was under the charge of a storm trooper.

Through this time, also, the Militant Christian Patriots, so-called, were making a loud uproar about the horrors of Indians affairs, that so-called organization being under Mrs. Fry. One of Mrs. Jemison's articles, apparently written for the so-called Militant Christians, appeared on the front page of their organ along with a photograph of Thomas L. Sloan. I submitted that for the record the first day.

There was circulated an open letter to the Attorney General, signed by Mrs. Fry, editor of the Christian Free Press, referring to "instances of abuse and maladministration (which) were brought out at the hearings held to repeal the infamous Wheeler-Howard bill." This testimony was Mrs. Jemison's. The letter to the Attorney General was published in the March 1938 issue of the Christian Free Press.

Reference is above made to the association between Winslow Couro, the then national treasurer of the American Indian Federation, and

the bund in Los Angeles. It was 3 or 4 months after this conspicuous activity of Couro amid and with the bund, that, according to the papers of Henry D. Allen, now in possession of the Government, Mrs. Jemison began to receive money from bund sources.

The CHAIRMAN. What was it you wanted for the record? You had better get it in at this point.

Mr. COLLIER. This page which contains this photograph that I referred to.

The CHAIRMAN. Of course, we will not be able to publish the photograph.

Mr. COLLIER. But the caption is there.

It also contains an exhibit showing the connection of Frederick G. Collett with Pelley.

The CHAIRMAN. The Chair will ask unanimous consent that the matter referred to by the Commissioner be included in the record.

If there is no objection, so ordered.

EXHIBIT A

INDIANS OF CALIFORNIA, INC.,
Washington, D. C., June 6, 1938.

Mr. WILLIAM DUDLEY PELLEY,
Asheville, N. C.

MY DEAR MR. PELLEY: I am confident that if you see fit to send a sample copy of your magazine to the persons whose names and addresses were recently furnished you and to the persons whose names appear on the attached paper, that many of them will send you their subscriptions.

Your last issue will probably prove to be exceptionally interesting to these persons. A separate application blank, if you have one, might aid to focus attention to it.

If you mail a sample copy as suggested please advise me so that I may in my next letter urge that the subscription be sent to you.

Sincerely yours,

F. G. COLLETT,
Executive Representative.

However, despite all reinforcements pressed into service by Collett, his scheme to mulet American taxpayers collapsed. He will have to look for new pastures, and may presently discover that cooperation with the bund would be right up his alley.

In approaching the bund, it will stand Collett in very good stead that for years he has "worked" the American Indian because the bundits themselves have persistently exerted efforts in exactly the same direction. Hermann Schwinn, denaturalized ex-west coast fuhrer always catered to the red man. His liaison agent was Chief Red Cloud, alias E. A. Towner, Portland, Oreg., lawyer and member of the Siletz Indian Tribe of that State. His stock speech is entitled "Cooperation Between the American Indian and Hitler," a lecture which he is now preparing to take on another bund-sponsored tour. Since he as well as Collett cater to the Indian as a minority group, a pooling of their combined efforts would not be surprising.

Collett, white as to skin, was the self-appointed executive representative of an organization doing business under the name and style of "Indians of California, Inc." To further his scheme, Collett maintained contact with notorious subversivists, among them William Dudley Pelley, of the Silver Shirts. The definite affinity of ideology which exists between these two manifests itself strikingly in Pelley's *Liberation*, with this weekly regularly advertising for sale an 84-page pamphlet entitled "Indians Aren't Red." It was written with an eye to make the gullible believe that the North American Indian, despite Indian Commissioner Collier's supposedly "communistic" influence, was "red" only as to his skin but not as to political orientation.

The Commissioner may proceed.

Mr. COLLIER. According to Allen's letters the first of these checks went forward to Mrs. Jemison in the form of a New Ycrk draft from.

Glendale in February of 1938. He had received that money for transmission to her from Conrad Chapman, whom he in his Dies committee testimony had identified as coworker and financial man of Mrs. Fry and Mrs. Jewett.

The second sum was in the form of a cashier's check and it went forward the following month, March 15, to Mrs. Jemison. There appeared in his diary across this period, Mr. Allen's diary, also in the hands of the Government, a number of references to cross activity of Indian Federation and Bund and Militant Christian Patriots and other fifth column agencies. The exhibits are quite numerous and are in themselves conclusive.

I am prepared to give the chairman of this committee or the committee in executive session the name of the department of the Government that has this entire file, which undoubtedly will supply it. I am not at liberty here and now to state the name of the organization. It is one of the war organizations of the Government.

I now proceed. If an attempt is made to deny this financial connection by Mrs. Jemison the answer will be found in accessible files here in Washington.

I now go on. A sort of coordinate activity, reaching in a parallel direction, was that of Frederick G. Collett, of the so-called "Indians of California, Incorporated." A photostat is presented which is self-explanatory upon the Collett-Pelley connection. Another photostat, not instantly at hand, but available for the record, shows Collett proposing to Pelley that he (Collett) shall supply information needed for one of Pelley's lawsuits, Collett to receive a part of the winnings, if any. Associated with Collett in an attorney capacity was Thomas L. Sloan, who was associated also with the American Indian Federation and who, with Winslow Couro, is stated to have attended and made speeches at German American House and otherwise to have been active in Bund connections. Pelley meanwhile was devoting much space and wind to denunciations of Indian matters, practically identical with those which were being put out by the American Indian Federation through its own documents, through the Christian Free Press, through Bund fulminations, and through the American Nationalist Confederation, Mr. Deatherage's organization.

The CHAIRMAN. The Chair asks unanimous consent that the photostats mentioned be printed in the record at this point. Without objection, it is so ordered.

(The photostats are as follows:)

INDIANS OF CALIFORNIA, INC.,
Washington, D. C., June 6, 1938.

MR. WILLIAM DUDLEY PELLEY,
Asheville, N. C.

MY DEAR MR. PELLEY: I am confident that if you see fit to send a sample copy of your magazine to the persons whose names and addresses were recently furnished you and to the persons whose names appear on the attached paper, that many of them will send you their subscriptions.

Your last issue will probably prove to be exceptionally interesting to these persons. A separate application blank, if you have one, might aid to focus attention to it.

If you mail a sample copy as suggested please advise me so that I may in my next letter urge that the subscription be sent to you.

Sincerely yours,

F. G. COLLETT,
Executive Representative.

INDIANS OF CALIFORNIA, INC.,
Washington, D. C., June 8, 1938.

Mr. WILLIAM DUDLEY PELLEY,
Asheville, N. C.

MY DEAR MR. PELLEY: The allegations in your case against Messrs. Ickes and Collier can be proven, but such proof will be fought with the utmost resources at the hands of the defendants.

In view of the fact that much of the evidence already secured and some of the additional evidence in the premises, will be the direct result of my efforts, it would seem appropriate that there be an agreement between you and me, whereby you will assign to me a fair share of any amount that may be recovered by the action.

Under the circumstances you and your attorney are protected by the Statute.

Sincerely yours,

F. G. COLLETT.

Mr. COLLIER. The American Nationalist Confederation, according to the Dies committee, was an attempt to unite all of the fifth column or Fascist groups for revolutionary purposes. The confederation issued on April 9, 1938, an urgent appeal for aid and support for the American Indian Federation.

While conclusive evidence does not exist, it appears that the liaisons of the American Indian Federation and of Mr. Collett's organization with the Fascist groups were established at least as much upon the initiative of these allegedly Indian organizations as upon the initiative of the groups devoted openly or exclusively to Fascist propaganda. Such appears to have been the case as between Mr. Collett and Mr. Pelley; and it was as early as 1935 that the American Indian Federation at its Salt Lake City convention displayed upon a huge table literature of the Fascist groups, including Nazi propaganda documents printed in Germany and supplied through the bund, which at that time was practically devoid of references to Indian matters. Later the self-professed Fascist organs paid an increasing amount of attention to Indian matters.

Meantime, at Washington, from time to time, Mrs. Jemison, O. K. Chandler, and other federation spokesmen were able to place into the records of the committees of Congress their allegations which were identical with those being made in the professedly Fascist organs. These allegations were dealt with and proved false and baseless, but their repetition continued with phonographic uniformity. In the report of the Senate Indian Committee on the here pending bill, these allegations are incorporated by adroit indirect quotation, in some cases as that which appears from the testimony, in some cases as a summary of arguments presented, in some cases as conclusions of the committee itself. The refutations of the falsehoods, which also are contained in the Senate record, are ignored in the committee's report.

Now, Mr. Chairman, without going back over the ground and reading more fully from exhibits and expanding largely into the committee's time, I do not know that it is possible to make any clearer a status that should be entirely clear, than I have done already.

I know how bewildering this mélange of Bund, and True Associates, Silver Shirts, Deatherage, Militant Christian Patriots, Henry Allen, Towner, American Indian Federation—how bewildering it may sound as spread into the record and documented. And in an attempt to make it intelligible I have asked my office to prepare a chart showing

the back-and-forth play between the federation and each one of these groups named. The chart merely illustrates the data already placed in this record.

In an earlier session one of the members, not now here present, referred to the possibility of a flock of lawsuits. Of course, those things are always possible. They would not concern this committee. The committee must understand I am aware of that possibility and have not introduced in this record anything which cannot be supported in court if need be.

Now, I conclude—

The CHAIRMAN. Do you want that included in the record?

Mr. COLLIER. I do not know whether the chart could be put in the record. I would offer it for the record if there were any way of publishing it. I really prepared it just simply in an attempt to clarify the thing visually through a chart.

I conclude, Mr. Chairman, with these words. Through successive years the identical parties have been appearing before the committees of Congress and iterating and reiterating and reiterating into the record charges and allegations, all pointing toward the outrageous treatment of the Indians here and now by the Government. Disproof has been furnished again and again, specific disproof—complete. The charges have gone on and on and again and again have been introduced into the records of committees of Congress. They attracted little attention in Congress, almost no attention. They attracted wide attention outside of Congress. By being introduced into the records of Congress they attained a certain dignity and status and importance. Their function lay outside of Congress. Their function lay in the "fifth column" drive here and in the world. Finally, through the operation that I cannot define, that took place in the office of the Senate Indian Committee, it became possible for those allegations, in spite of their having been disproved, to be incorporated in a Senate report which ignored the disproof and which did not even refer to the fact they had been rebutted. That document took on a greater dignity and greater official character. And again its function lay not within Congress, because nobody within the Congress took it seriously; its function lay outside of Congress in the area of propaganda and of intrigue which I have been describing.

And it seems to me that the time has come now when, if they start reiterating again the disproved allegations, they should be confronted with the record I have made and should be compelled to refute it and should be compelled to deal with the prior refutations of their allegations concerning treatment of the Indian by our Government. The time has come to do that at least.

Mrs. BOLTON. Would it be possible for the clerk to telephone some of the other members of the committee as this is too important a thing not to know whether they are coming down to the hearing or not.

The CHAIRMAN. The clerk has called all the members and I am quite sure some of them will be here.

Mr. COLLIER. Mr. Chairman, in regard to an item of testimony, I might put in an exhibit, I mentioned a flock of libel suits. It is part of the technique, especially of the Silver Shirt group, to plaster the world with libel suits. They sued the members of the Dies committee for a sum aggregating about \$5,000,000. They sued Secretary Ickes

for \$400,000 and me for \$400,000. In the case of the suit against the Secretary of the Interior and myself they published their bill of complaint, or declaration, and used it as propaganda throughout the United States, selling it. They never served the parties who were being sued. They have never yet served us, and this thing is 2 years or more old. We never have been served. So the technique of libel suits is a familiar one, and it does not terrify anybody familiar with it.

The CHAIRMAN. Have you concluded?

Mr. COLLIER. Yes. Except I would like to offer this for the record. It is quite interesting. I would like to offer this chart, to have it kept at least for the record if it cannot be printed.

Mrs. BOLTON. May I see that?

The CHAIRMAN. Yes.

Mr. COLLIER. I think it is enough to have referred to this bill of complaint in the suit of Pelley versus Ickes and Collier. The suit was never served on the defendants.

The CHAIRMAN. You do not think it is necessary to put that in the record?

Mr. COLLIER. I have no objection but it just burdens the record.

The CHAIRMAN. This chart that the Commissioner referred to, the Chair is not sure that can be included in the record but we can ask for it anyway.

Mrs. BOLTON. I think we will have to have a good deal of explanation attached to it to have it mean anything.

Mr. COLLIER. The chart is nothing but a footnote to evidence I have submitted.

Mrs. BOLTON. Yes; it does not clarify anything.

The CHAIRMAN. The Chair will ask unanimous consent that the chart referred to be included in the record if possible. If there is no objection, so ordered.

(The chart referred to appears on p. 110.)

The CHAIRMAN. The Commissioner has indicated that the other material—bill of complaint—will not be necessary to be printed in the record.

Are there any questions?

Mr. SWEET. I would like to ask a question, Mr. Chairman. If he really thinks the Militant Christian Patriots, about whom I know something, are really trying to foment revolution in the United States.

Mr. COLLIER. The evidence I have supplied is that they were got up by and managed—I am speaking now of the Militant Christian Patriots in California—by parties who are trying to and who are actively involved with the bund itself in their efforts.

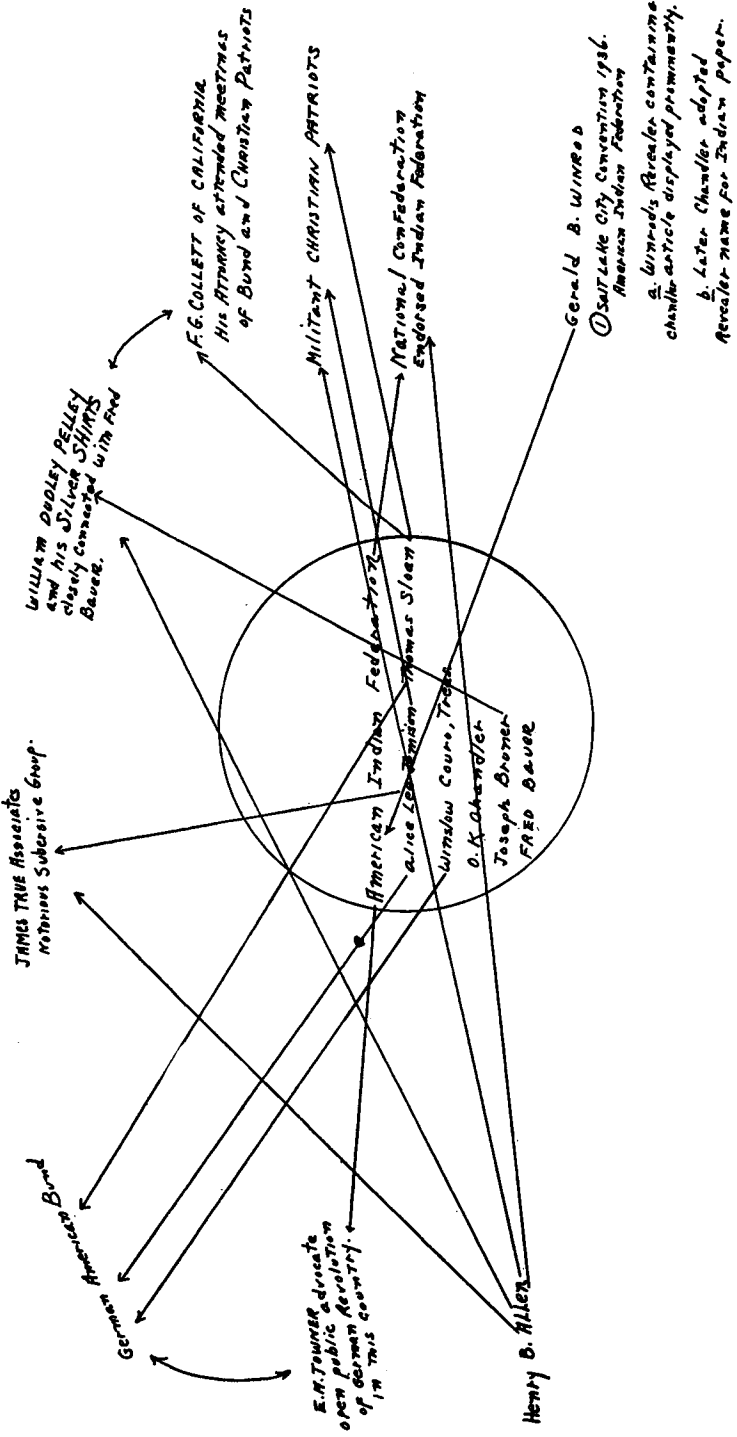
Mrs. BOLTON. That evidence, I understand, you have found that evidence to substantiate that statement is on file?

Mr. COLLIER. That is among evidence I have supplied.

Mrs. BOLTON. You also mentioned more evidence.

Mr. COLLIER. The evidence as to the connection of the Christian Patriots and the bund is very fully given in the testimony of Allen, who was the liaison man, before the Dies committee. It is all in the record already.

Mrs. BOLTON. I know he has testified in the Dies committee. I have read the testimony.



The CHAIRMAN. Mr. Sweet.

Mr. SWEET. He also referred to Gerald Winrod, a Kansas minister of the gospel. Do you really think, Mr. Collier, he is trying to foment revolution in the United States?

Mr. COLLIER. I would say that I do not know whether he is or is not. I merely placed in the record a copy of his magazine with a typical Indian Federation article contained therein.

Mr. SWEET. Out in the Middle west where I live we consider Mr. Winrod a protestant against various activities in the country but we have never considered him to be a dangerous citizen.

Mr. COLLIER. By himself he would not be dangerous. None of these things by themselves would be dangerous but only as they get drawn into a converging flow of influence.

Mr. SWEET. Do you think he has been interfering with the orderly processes of administration among the Indians in the United States?

Mr. COLLIER. I beg pardon?

Mr. SWEET. Do you really think that through his activities he has been interfering with or attempting to disturb the orderly processes of Indian administration in the United States?

Mr. COLLIER. Indian administration? No; he touched on Indian administration only a little.

Mr. SCHAFER. He denounces the Communists bitterly and denounces the Communists and the fifth, sixth, seventh, eighth, ninth, and tenth columns operating in the New Deal.

Mr. COLLIER. What his wife says is reported in the papers.

Mr. SCHAFER. What his wife says in a divorce suit—many allegations are made in divorce suits.

Mr. COLLIER. I would answer that Winrod's type of activity is out on the periphery of fifth-column activity.

Mr. SWEET. I think that is all.

Mr. SCHAFER. Do you have any definite evidence, I don't mean hearsay or supposition or wishful thinking. Do you have any definite, positive, clear evidence indicating that the Reverend Winrod is an agent of a foreign government receiving pay direct or indirect from any foreign government?

Mr. COLLIER. I have not said he was. My reference to Winrod consists exclusively of the fact his newspaper carried one American Indian Federation article. I put that in the record.

Mr. SCHAFER. Do you put a brand on a newspaper because of articles which it carries in a country where we have a free press?

Mr. COLLIER. I am not concerned with Winrod at all.

Mr. SCHAFER. I am glad to hear that. If you are going to condemn a man as a fifth columnist because of one article which appears in his paper there would be many condemnations if we analyzed all of the articles which appear in all papers.

Mr. COLLIER. These remarks are not addressed to anything I have said. I have not said anything about Winrod. I don't know much about him.

Mrs. BOLTON. He is on the chart.

Mr. COLLIER. He is one of those with whom the Federation is connected and is a strenuous anti-Semite.

Mrs. BOLTON. He is anti-Communist.

Mr. SCHAFER. Just a minute. He is a strenuous anti-Communist, is he not? And the only hook-up with your so-called fifth column of

the Reverend Mr. Winrod is the fact that one of his papers carried an article from this Joan of Arc, Mrs. Jemison. You hook him up with the fifth column just because he issues a paper and an article appeared written by Mrs. Jemison?

Mr. COLLIER. Of course, we know there are two phases of Nazi-Communist effort. The second phase commenced when Russia openly did what so many people expected Russia to do, fuse with the Nazis. You have to break all of this propoganda down in the historical phases. There was a time when the Communists were attacking Nazis in Europe and in this country. Now there are no defenders of Nazi-ist war policy more consistent and obdurate than are Communists.

Mr. SCHAFER. At the same time the New Deal was defending and receiving support from the Communist fifth column. It chaperoned them and had them right under their wing. In fact, I have on my desk November 1938 Communist campaign literature circulated in Milwaukee by the Communist Party asking that the voters support the New Deal by sending Progressive and Democrat New Deal rubber stamps to Congress.

I ask at this point in the record to insert extracts from that Communist campaign literature.

Mr. COLLIER. The New Deal has not sponsored communism but is an enemy of communism as it is of nazi-ism.

The CHAIRMAN. Mr. Schafer asks unanimous consent to have inserted at this point in the record extracts from—

Mr. SCHAFER. Communist campaign literature circulated in Wisconsin and authorized and paid for by the Communist Party in the 1938 campaign asking the voters to elect Progressive and Democrat New Deal rubber stamps to Congress in order to give support to President Roosevelt and the New Deal.

The CHAIRMAN. If there is no objection the request is granted.

Mr. SCHAFER. I hold in my hand campaign literature issued in the November 1938 political campaign by the "Communist Party of Wisconsin, 744 North Fourth Street, room 329, Milwaukee, Wis."

This campaign literature was authorized, paid for, and circulated by the Communist Party of Wisconsin.

Page 1 of this Communist election campaign pamphlet states "Keep Wisconsin a Progressive New Deal State."

This Communist political campaign literature states:

If we want to improve the gains made under the New Deal, and the Progressive administration, now is the time to do it.

And also states:

A smashing victory for the New Deal nationally and for the Progressive administration in Wisconsin will consolidate the gains of the New Deal and make possible a new push forward.

The last paragraph of this Communist 1938 election campaign literature states:

Elect Progressives and New Dealers to Congress and the Senate who will give active support to the New Deal, and who will not join with the reactionary opponents of Roosevelt.

The CHAIRMAN. Have you any further questions, Mr. Schafer?

Mr. SCHAFER. Have you any definite proof that any agent of any foreign country wrote the report, the Senate report, or contributed to the writing of the Senate committee report on S. 2103?

Mr. COLLIER. I have nothing to say about that beyond what I have said. It is as clear as I can make it. I stand on the record.

Mr. SCHAFER. You have no definite proof.

Mr. COLLIER. I can only repeat what I have said and what was said back to me so very well by two members of this committee.

Mr. SCHAFER. In answer to the question propounded by Mr. O'Connor you absolved the Senate Committee on Indian Affairs and the Senate from wittingly putting forward a fifth-column program, did you not?

Mr. COLLIER. Surely.

Mr. SCHAFER. But at the same time your testimony so far indicates they unwittingly succumbed to this fifth-column blitzkrieg?

Mr. COLLIER. Something was put over on them.

Mr. SCHAFER. And, therefore, that the members of the Senate committee and the Members of the Senate who passed this bill and sent the bill with this report over to this committee were asleep at their post and permitted a fifth-column Joan of Arc to carry on a blitzkrieg and overcome the committee and the Senate?

Mr. COLLIER. That is correct. My remark was that in this matter, a very important matter, the committee had unconsciously been encircled. Those are the words I used.

Mr. SCHAFER. You brought this matter out on this bill in order that this Joan of Arc leading the fifth-column blitzkrieg will not overcome the members of this committee?

Mr. COLLIER. I brought it out because it is squarely here and had to be dealt with. And this bill came here supported by that report.

Mr. SCHAFER. Do you have any definite evidence other than hearsay or opinion, which would indicate that Mrs. Jemison or Pocahontas, as you call her, the Joan of Arc leading the fifth-column blitzkrieg is directly or indirectly on the pay roll, or an agent of, any foreign government?

Mr. COLLIER. I have submitted—you were not here, Mr. Schafer, I will go back and repeat, because you were not here.

Mr. SCHAFER. I am sorry. I tried to get here, but so many people are coming in telling me not to be Santa Claus for foreign nations and asking that I do what I can to keep the United States out of the war I could not get over here at 10:30.

Mr. COLLIER. I, at a good deal of length, showed Mr. Henry Allen's connections with the bund and with many Fascist agencies. I referred to files of Henry Allen in possession of a branch of this Government here in Washington. I referred to Allen's letters in those files in which he reports that he has, in behalf of Conrad Chapman, who was tied up with Mrs. Jewett and Mrs. Fry, transmitted two payments to Mrs. Jemison in the form, one of a draft and the other of a cashier's check. It merely happens that that evidence is available in files here.

Mr. SCHAFER. How much were the payments?

Mr. COLLIER. \$100 in each case. \$100 one month and \$100 the next month.

Mr. SCHAFER. For what services rendered?

Mr. COLLIER. In one the stated service was writing things for the Christian Free Press. There was no stated service in the other case.

Mr. SCHAFER. Well, that doesn't link this Mrs. Jemison up with any foreign power, does it?

Mr. COLLIER. Allen is as linked as it is possible for anybody to be linked with Schwinn, the agent for the bund on the west coast, and with the bund. And Mrs. Fry and Mrs. Jewett, as it is possible to be linked with the bund. I have never said, and, in fact I expressly did not say that these funds came from the German Government. We have no evidence to that effect. You can be sure we wouldn't ever have that evidence if it existed.

Mr. SCHAFFER. A newspaper or a magazine pays for articles, which are submitted and which they use?

Mr. COLLIER. Yes; they may pay.

Mr. SCHAFFER. And the fact that a newspaper pays for an article written by any person whether it is Mrs. Jemison or not would not be an indication that the receiver of that money in payment for the article is connected with a foreign government; would it?

Mr. COLLIER. It is just as I stated it. I also put in the record earlier the James True appeal and correspondence between True and Allen in which True expressed delight at the way Allen and his group were assisting Mrs. Jemison.

Mr. SCHAFFER. Is that James True from Washington?

Mr. COLLIER. Yes.

Mr. SCHAFFER. Do you have any evidence indicating that the so-called bund is directly or indirectly linked to any foreign government? It is easy to make allegations about a fellow or anybody being a fifth columnist. In fact, I have in my office newspaper articles indicating that I was a Nazi plotter to overthrow the Government and then I have articles circulated by Mr. Edmondson stating that I was a stooge for Communist-Jewish people because I introduced a bill to register and regulate firearms.

Mr. COLLIER. My reply would be in the case of the bund it would be at least as conclusive as the case of the present Communist Party. It is conclusive. Each of them and both of them are acting in behalf not of the United States, but of foreign powers.

Mr. SCHAFFER. I know, with reference to the Communist Party because I have their literature, a 72-page pamphlet put out by the Communist Publishing Co., in which they definitely, positively and directly state that they are linked to Moscow through the Third International. This publication states that communists are behind this Harry Bridges movement and a great many of the C. I. O. movements which have been permitted to run wild. A person's hair would almost stand on end if they read this Communist literature indicating how the communists are going to butcher and murder the so-called capitalists in the red revolution which they plan for the United States.

Mr. COLLIER. The link is even closer. The Dairy Worker which is the organ of the Communist Party does not get daily orders from the Third International. Yet there could hardly be imagined more stubborn, consistent, and adroit defense of Soviet and Nazi activity as of the present than you find in the Daily Worker day by day.

Mrs. BOLTON. Will the gentleman yield?. I wonder if the Commissioner is aware there are over 900 publications brought out by the Communist Party in this country and that a very large part of those are printed in this country.

Mr. COLLIER. I am sure—I do not know the number—I am sure there are a great many.

Mrs. BOLTON. I know there are over 900.

Mr. COLLIER. I said the other day, in certain contingencies that unfortunately may not come, the communist wing of this business might become far more imminently dangerous than the nazi-ist wing. At the moment the nazi-ist wing are more important than the Communist. The Nazis are on the upsurge. They are the ones who at the moment are pressing the drive.

Mrs. BOLTON. You, of course, have gone through the testimony of Walter Steel before the Dies committee in which he showed the very small amount of literature that was being sent out through the country by the Nazis in comparison with what was sent out by the Communist Party?

Mr. COLLIER. The output may have been larger. I doubt if it is now. Anyhow, this is in response to Mr. Schafer—

Mrs. BOLTON. I take it you are not thoroughly aware of that?

Mr. COLLIER. I am very much aware of it. This is in response though to Mr. Schafer's question of evidence showing an actual link; that is, an order issued by one of the foreign governments to the bund or to the Communists. That is not the way things are worked. They do not have to work them that way. "Ye are judged by your fruits."

Mr. SCHAFFER. But the Communist publication which I mentioned positively and clearly admits the link to Moscow.

Mr. COLLIER. Yes.

Mr. SCHAFFER. In a 72-page Communist document which I have, entitled "Why Communism," by M. J. Olgin, which is sensational and almost impossible to believe.

Mr. COLLIER. If the Third International did not exist you would still find the Daily Worker doing what it is doing.

Mr. SCHAFFER. How are they operating? Is there a Communist agent representing Indians in Mexico? I observe that Trotsky, the great fomenter of the Russian revolution, in which 10,000,000 people were killed is now in Mexico. What is he doing? What is he fomenting? Is he an agent for Hitler or the Communists?

Mr. COLLIER. I cannot speak concerning Trotsky. Trotsky is on the outs with both of them. Trotsky is a lone wolf, so far as I know.

Mr. SCHAFFER. Is he working on the Indians down in Mexico?

Mr. COLLIER. Not to my knowledge. I do not think Trotsky is doing anything but writing articles. I do not think he is particularly important down there.

Mrs. BOLTON. You take no stock in the Fourth International?

Mr. COLLIER. Trotsky is at war with Stalin now.

Mr. SCHAFFER. In view of the testimony about Reverend Winrod and the Christian Free Press, the gentleman would not think anybody who would disseminate the teachings and utterances of Christ as contained in St. Matthew, St. Mark, St. Luke, and St. John of the New Testament in those days would automatically be classed as a member of a fifth column?

Mr. COLLIER. No. I have not suggested that.

Mr. SCHAFFER. I am glad to hear that. Now, the gentleman talked about the organization of these Indians. Before the gentleman commenced his duties of the office which he now holds, the important

position of Commissioner of Indian Affairs, the gentleman was organizing Indians, was he not?

Mr. COLLIER. I would not say that.

Mr. SCHAFER. Didn't you have an organization?

Mr. COLLIER. I had an organization, a white organization called the "American Indian Defense Association" which fought for a new deal for Indians.

Mr. SCHAFER. Did the gentleman organize any other people around that time or prior thereto? Did the gentleman carry on any organization activities in Hanford, Calif., or Blue Water, N. Mex.?

Mr. COLLIER. Not that I am aware of. I do not know what you refer to.

Mr. SCHAFER. Here is this information which came to me and I want to get the facts as to whether it is true or whether it is not true. Did the gentleman at any time in addition to organizing his organization along the Indian lines organize in southern California in behalf of Japanese?

Mr. COLLIER. Oh, no. This has reference to my activity back in the 1910-20 period with Sidney Gulick and the Federal Council of Churches in the attempt to discover a formula which would enable us to live at peace with Japan in the matter of immigration, to have equality of treatment while still keeping the Japanese out of the United States.

Mr. SCHAFER. Was that organization composed of Japanese?

Mr. COLLIER. No. It was a branch of activity of the Federal Council of Churches which still exists.

Mr. SCHAFER. Do they have an organization now on this Japanese problem?

Mr. COLLIER. I am sure they still have because Sidney Gulick still lives and is still with them. I have had no recent news.

Mr. SCHAFER. Their program is merely in the direction of helping to bring peace?

Mr. COLLIER. No; they had a specific proposal that came before Congress whereby, I do not even remember the details of the formula, but the immigration law could be so amended as to exclude apparently discriminative treatment of Japanese while still limiting immigration to a figure as low as the lowest point under the exclusion law, thereby getting rid of a possible occasion for friction between this country and Japan.

Mr. SCHAFER. In view of the fact that the fifth column has overcome the Senate Indian Committee and the Senate, that is very serious, right under the dome of the Nation's Capitol and in view of your testimony, do you have any definite positive evidence indicating that James True whom you have mentioned is directly or indirectly an agent of any foreign government?

Mr. COLLIER. That goes back to my definition of fifth column. I never said he was an agent. I said he was a fifth columnist.

Mr. SCHAFER. A fifth columnist has been defined to mean an enemy agent who is operating from within.

Mr. COLLIER. I think my definition is pretty good. I do not know where it is now. I gave it to the committee yesterday. May I read that definition?

Mr. SCHAFER. Yes.

Mr. COLLIER. By fifth column, I mean persons or organizations who are under the direct or indirect sway of Fascist, Naziist, or Communist foreign states and who work to break down the unity, to weaken the defenses, and prepare for revolutions within or conquest of countries where they are acting.

Mr. SCHAFER. Now, your definition of fifth column is also restricted to foreign Fascist, Nazi, or Communist governments. Now, how about fifth columnists who might be some newspaper columnists who might be disseminating propaganda for other countries such as the imperialistic governments of England and France?

Mr. COLLIER. Oh, if those countries had the conquering designs on certain other countries and were using such methods obviously the fifth column would embrace them too.

Mr. SCHAFER. The records show they might have conquering designs, because the British empire, the biggest empire in the world, was built up on many wars, brutal wars of invasion, conquest, and subjugation.

Mr. COLLIER. Surely.

Mr. SCHAFER. And invasion, killing, murder, and subjugation, was it not? And the same with reference to the history of the French government.

Mr. COLLIER. I do not know that is any argument for national immorality or human indecency in the present.

Mr. SCHAFER. You believe you can have a fifth column here from any source?

Mr. COLLIER. I do not think the history of imperialism in England is any excuse for what is going on in Europe today, either from Russia outward or Germany outward.

Mr. SCHAFER. Does the gentleman realize that the French Imperial Government only a few years ago was absolutely and positively in the control of the Communist-Stalinist United Front Government under Leon Blum?

Mr. COLLIER. All right. What follows?

Mr. SCHAFER. Now, then, the gentleman can admit that a fifth column can come in here from France or England or any other country.

Mr. COLLIER. They might. I am dealing with the fifth column consciously or unconsciously operating in behalf of the Communist-Naziist deluge. That is what I am talking about now. I am not covering the world.

Mr. SCHAFER. What would your suggestion be for trying to clear out this fifth column which has overcome the Senate Indian Committee and the Senate while all of the Senators on the committee and in the Senate were asleep at the switch, according to your testimony? How can this committee proceed. Shall we investigate the Senate?

Mr. COLLIER. That would not be for me to advise. The committee was entitled to the information. I have given it. The same information is now available to the Senate committee. And that committee must use its own judgment of what it ought to do, to me, or as a result of what I have said.

The CHAIRMAN. Mr. Burdick, do you have any questions?

Mr. BURDICK. If I can keep my mind clear in order to catch up with the committee, I have read what has happened before. I would like something more definite on the statement made by the Commissioner

about Mrs. Jemison being one of the members of the fifth column. I have had contact with Mrs. Jemison more or less for 6 years and have heard her testimony. I came to the conclusion, a definite conclusion, that she was one of the really patriotic Americans. And simply by stating she is a member of a fifth column would not have any effect on me whatever unless you have something definite. My opinion of her is just the reverse. If there is any American who would fight for this country it would be Mrs. Jemison. I would like to ask the Commissioner what definite information have you to offer that she is in any degree serving any foreign power?

Mr. COLLIER. Do you want me to go back and review the testimony of 3 days?

Mr. BURDICK. No.

Mr. COLLIER. Because that is the evidence.

Mr. BURDICK. I have read a great deal of it.

Mr. COLLIER. The evidence is there, including what I put in this morning. I do not know whether you were here or not. I put in evidence focalizing the connection right down into Henry D. Allen, the liaison man between the bund and sundry of the fifth column groups. I cited his testimony before the Dies Committee; gave added information about him, and referred to his letters in which he states in behalf of certain of these groups he has transmitted money to Mrs. Jemison. I said I would tell the committee in executive session or tell the chairman, where the entire file is accessible in the city of Washington, which the committee could undoubtedly procure if it wanted it.

Mr. BURDICK. Would you regard anyone who was fighting communism in this country as a fifth columnist?

Mr. COLLIER. Certainly not.

Mr. O'CONNOR. What was the answer?

Mr. BURDICK. Certainly not.

The only activity I am aware of in regard to Mrs. Jemison is that she has been in unaltered opposition to the introduction of communism, especially among Indians.

Mr. COLLIER. I wish, Mr. Burdick, you would indicate what you mean by definite proof. What is definite proof of something?

Mr. BURDICK. Well, proof that would carry conviction.

Mr. COLLIER. Well, there is an element of the subjective in that, necessarily.

Mr. BURDICK. A mere surmise or mere guess is not evidence at all.

Mr. COLLIER. I think that this evidence I have offered will carry conviction and would carry conviction before any jury even.

You spoke of combatting communism among Indians. Mrs. Jemison is not doing anything of the sort because there isn't any communism among Indians. Mrs. Jemison endeavored among other things to stigmatize the whole program for the welfare of the Indians as communism.

Mr. BURDICK. You can very well appreciate that many people would characterize the collectivistic efforts to get the Indians united into one social group; to do things collectively that they used to do individually might well be concluded to be communism.

Mr. COLLIER. No; I don't see that. In the first place, I do not know that that is being done.

Mr. BURDICK. I think that is just the point. "You don't see that." But other people do see that. That may be the discrepancy in this whole controversy—that you don't see that collectivism or the attempt to collectivize Indians is a step towards communism in this country.

Mr. COLLIER. The organization of a municipal corporation among white people—is that communistic? Is it communistic to have the city of Alexandria have a town council and its ordinances?

Mr. BURDICK. No.

Mr. COLLIER. There are certain cases where Indian organizations are entirely comparable to that.

Mr. BURDICK. The difference in that is this: That in the Alexandria case everything that is done is being done by the will of the people of that little municipality and whatever is being done under collectivism among the Indians is not necessarily being done by the Indians. It is being done at the direction of the Bureau.

Mr. COLLIER. That would not make it communistic, assuming that were true.

Mr. BURDICK. I gave you the distinction.

Mr. COLLIER. But I would like to ask you whether an attempt to convey some measure of domestic self-government upon—let us be specific—upon the Papago Tribe which heretofore has been dependent wholly on executive absolutism, an attempt to convey some measure of control over their own property, their own life, wherein does that look communistic? How can anybody call that communistic? That is all that is going on.

Mrs. BOLTON. Will the gentleman yield for a question? I have been reading testimony, which I did not hear, of the other day and I just came to this.

Mr. MUNDT. Is there any arrangement whereby an Indian under that system if he shows the inclination and the ability, to own and operate his own land? Can he own it on the same basis as a white man, or is that forever to be a community proposition?

Mr. COLLIER. There is no possibility under the law of his owning it in fee. He can own it under a life tenancy or under a thousand year lease, and so on. He cannot have it in fee except by allotting it. Land can be bought for individual Indians in the first instance. The law makes no discrimination on that.

It would seem to me that was rather a collectivist communistic method, to say the least.

Mr. COLLIER. Is it collectivist? Let me ask you, Mrs. Bolton, that while a grazer of livestock can obtain a license with a privilege of renewal in a national forest he cannot become an owner of that piece of national forest.

Mrs. BOLTON. Well, that is quite beside the point.

Mr. COLLIER. No; it is identical. I was talking of these new lands bought under the Indian Reorganization Act and bought from other sources—

Mrs. BOLTON (interposing). I am talking about the whole system.

Mr. COLLIER (continuing). For the use of the Indian, title to remain in the United States. The law contemplates nothing except exclusive use by Indians. It does not contemplate a conveyance of a patent in fee. It is no more communistic than the law which forbids a man who has got a priority in a grazing division from establishing fee-patent ownership of that piece of public domain. If it is communistic, then the entire system of handling grazing lands and timber

lands belonging to the national government is communistic. And it happens to be a very old system. It goes as far back as the beginning of conservation in this country.

Now, I have fully laid before this committee the facts that allotment under the old Allotment Act was the most efficient, rapid, and ruinous way of destroying individual ownership, destroying all ownership by Indians. And I have developed at some length the proposal that was first formulated by the Wilbur-Rhoads regime of trying to conserve the individual property right in allotments; trying to hold the land, and to hold the individual equity in the land.

Mrs. BOLTON. I know there has been a great deal of evidence on that, Mr. Commissioner.

Mr. COLLIER. You would not call that communistic.

Mrs. BOLTON. I do not want to take up the time of the committee. I wanted to bring out in elucidation of Mr. Burdick's point there may be a difference in the point of view or in words used. But it seems to a great many people in the United States that when people are forced to live whereby they cannot own property, which is as it is in a collectivist method, that is what most of us call communistic.

Mr. COLLIER. But you are misdescribing the facts.

Mr. BURDICK. Let us get a few facts that we can all agree on.

Is it not a fact that a great many Indians on the reservations in the United States who own individual land are being talked to for the purpose of having them deed that individual land over to the tribe?

Mr. COLLIER. Under the authority of exchange and consolidation. People who would otherwise lose their land. It is in the heirship state and cannot be used at all and it is being suggested to them if they restore it to the tribe the tribe may give them an equivalent consolidated body of land which they can farm and use. But let me again say here, the inference has been created that an Indian cannot own land individually from now forward. Any Indian is just as free as any white man to buy land; to own it individually; to do with it what he will; to pay taxes on it, and so forth; just as free as any white man. It does not follow that the Government buying land for the exclusive use of Indians has got to do in the case of Indian domain what it does in the case of no other part of the public domain.

Mr. BURDICK. Question No. 2. Is it not a fact through your influence and the influence of the superintendents, agents, boss farmers, and so forth, that there is a campaign going on among the Indians in some reservations to get them to deed their individual land to the tribe?

Mr. COLLIER. I am not aware of any campaign. But they make it known to all Indians if their land gets into a fix where it cannot be used; where it is not producing revenue through use or rental, that in some cases where there exist undisposed of bodies of tribal land they can mend their economic situation and solve their quandary by the method I have described: returning fractionated land to the tribe and taking the use of a tribal body of land under an arrangement for perpetual use.

Mr. BURDICK. Let me give you a fact that I have found out to be true from not only my four reservations but other reservations in the United States, that through the activity of the Bureau in inducing

Indians to deed their lands to the tribes, the Indians themselves have formed a conclusion that the program being set up is a program of collectivism, the same as Russia. Now that prevails among the Indians. Therefore, if you are to settle that issue you must settle it among the Indians themselves.

Mr. COLLIER. The Indian thought about that roots back, as I gave you the chronological record the other day, to 1930, to the proposal of Wilbur and Rhoads, which we never put into effect, of action under new law by the Secretary of the Interior to exchange the fractionated equities for equities in a tribal state. We laid that proposition before the Indians in advance of the Wheeler-Howard Act and asked them to discuss it and then it was the famous Mr. Towner who started the campaign, "This is communism." The Congress never enacted the proposal. From that time forward the "communistic fear" has been a matter of continuous fomenting not based on reality at all.

Mr. BURDICK. What I want to bring out is that the principal opposition to the Wheeler-Howard Act and the principal arguments that the Indians bring to me as their friend is that the Bureau is trying to put over on them a collectivism system similar to that of Russia. And they do not want anything to do with it.

Mr. COLLIER. Mr. Burdick, you are very familiar with Indian life. You know that in the life of every tribe immemorially they held their land tribally until the allotment act, against their protest, forced a pseudo white man type of ownership—not actually the white man's type at all. Do you know of any tribe where the land was not tribally held before the Allotment Act?

Mr. BURDICK. Well, I do not know about the Indians, except those I have lived with for half a century.

Mr. COLLIER. Take those you have lived with. The Sioux held their land that way. All tribes held land that way. It was immemorial custom, unbroken custom. In a good many tribes of the country to this day, in most of the Southwest, it does not even cross the mind of any Indian to hold it any other way——

Mr. BURDICK. Period.

Mr. COLLIER. Because the Allotment Act was never forced on them.

Mr. BURDICK. Now let me say something. Among the Northwest Indians, the Indians that camp on the creek, as long as he wanted to use that creek it was his and nobody could interfere with him and if he wanted to put in a farm and farm it, it was his own.

Mr. COLLIER. Until he abandoned it he had the separate use of it.

Mr. BURDICK. And he went to another place.

Mr. COLLIER. That was the universal rule among tribes. A man could use it as long as he could use it, but when he abandoned it some other member of the tribe could use it.

Mr. BURDICK. That is right. But until he moved. It is a question of the feeling among the Indians themselves.

Mr. COLLIER. But among most of the tribes a very definite authority was exercised by chiefs, Caciques, councils, to arbitrate as to whether or not a man had abandoned his land.

Mr. BURDICK. I never heard among any of the tribes any complaint against the Government for trying to introduce collectivism until

your regime came in. Therefore, my conclusion is, you are responsible for this feeling among the Indians.

Mr. COLLIER. You have never heard any complaints?

Mr. BURDICK. If you want to eliminate it, you must do that among the Indians, not among us.

Mr. COLLIER. You refer to complaints about communism, or any complaints?

Mr. BURDICK. I never heard any before.

Mr. COLLIER. You never heard about this particular complaint, you mean?

Mr. BURDICK. That is right.

Mr. COLLIER. Yes. As I say, this particular complaint, the slogan—

Mr. BURDICK. You do not have to work on me.

Mr. COLLIER (continuing). Was supplied to them—

Mr. BURDICK. You want to work on these Indians that have the feeling on what you are trying to do.

Mr. COLLIER. Let us get back to the broad fact. This talk of the Reorganization Act as communistic. Let us again come back to the question of what the Reorganization Act is.

Mrs. BOLTON. The Reorganization Act as pertaining to the Indians or to the Government generally?

Mr. COLLIER. The Indian Reorganization Act: what it is. The Reorganization Act, as I listed its provisos the other day, is first of all an authorization for the purchase of land for landless Indians. Second, an authorization of creation of loan funds for industrial and agricultural use. Third, creation of a loan fund of \$250,000 a year for collegiate and technical and medical and nursing training of young Indians. Fourth, it is a law which excuses Indians from the necessity of meeting the competitive Civil Service requirements that have been set up for whites. Fifth, it is a law which says when a tribe wants to take some responsibility for managing its own collective business, tribal business, it may do so, in the industrial sphere.

Mr. SCHAFER. Along the lines of our farm cooperatives?

Mr. COLLIER. Very much that.

Mr. SCHAFER. When they farm cooperatively they do so along our American farmer cooperative lines?

Mr. COLLIER. Very much so.

Then it provides for restoration to the tribes of undisposed ceded lands of tribes, lands which have been in the hands of the Land Office for sale and have not been sold.

Those are the things that act is. The Senate committee says the whole act is wrong because it recognizes that the Indians are entitled to special privileges and they should have no special privilege. It is also communistic, because it recognizes special privilege.

Now, what are the special privileges? First of all, immunity from paying land taxes, the most cherished special privilege of the Indians. Second, the right to free hospitalization and free schooling from the Government. Those are the most important special privileges.

Mr. BURDICK. Maybe we can clear this up without stopping my questioning if you will give me a definition of what you understand communism to mean. What do you understand communism to mean?

Mr. COLLIER. You mean as to the theory of communism or as to real communism as it is today?

The theory of communism, which, of course, is very old, a century old, is the exhaustive public ownership and operation of resources and public facilities. That is the theory of it. That is all there is to it, as I understand it, dressed up, in the case of Marx, with a lot of language about class conflict.

Mr. BURDICK. It comprehends the abolition of capitalism?

Mr. COLLIER. That is, the state takes over all of the resources and all of the public utilities. That is as far as it goes.

Mr. BURDICK. How does it work out?

Mr. COLLIER. I am giving you my understanding of the theory.

Mr. BURDICK. Yes.

Mr. COLLIER. It is working out in the shape of seizure of the whole machinery of society by a self-perpetuating and completely ruthless oligarchy.

Mr. BURDICK. By military dictatorship?

Mr. COLLIER. By military methods and any other methods it needs to use—murder, anything. And that same oligarchy, or military dictatorship, has departed completely from its earlier professions of disinterestedness in the imperial struggle and has become one of the most dangerous imperialist forces in the international sphere and has completely reversed its profession and what may be admitted to have been the intentions of those who started the Bolshevich revolution.

Mr. BURDICK. Do you charge that the members of the Senate committee, Mrs. Jemison and others, are followers of communism as it works out in Europe, or that they have any connection with it, financially or otherwise?

Mr. COLLIER. As I said before, since the invasion of Finland, approximately since the beginning of this World War, the whole superficial set-up has altered. Previously, the Nazis bellowed at the Communists and the Communists bellowed at the Nazis. Now they have quit bellowing at each other and they, both of them, are bellowing at the democracies. They are united in war and propaganda and ideology and they are indistinguishable.

Mr. O'CONNOR. I do not think the bellowing is confined to that territory over there. I think we are getting a lot of it here.

The CHAIRMAN. Mr. Burdick has the floor.

Mr. O'CONNOR. It is just plain rotten.

Mr. SMITH of Washington. Will the gentleman from North Dakota yield to me?

I believe it is a reasonable assumption that no member of this committee is sympathetic with communism, either as applied to Indians or our citizens in general. Proceeding from that assumption, you, a moment ago, enumerated five or six of the main objectives of the Wheeler-Howard Act.

Mr. COLLIER. Yes.

Mr. SMITH of Washington. It seems to me that this question arises: Have those objectives been carried out, and are they being carried out in good faith in accordance with that legislation? The legislation was considered by Congress. It was approved by the Indian Affairs Committee of the Senate and the House. It was enacted by Congress and signed by the President and has gone into effect. Has that legislation been carried out in good faith by the Bureau of Indian Affairs?

Mr. COLLIER. Within the limits of the appropriations, which have fallen far below the intended amount, the authorized amount.

Mr. SMITH of Washington. Has there been any departure from that legislation by the Bureau of Indian Affairs?

Mr. COLLIER. No departure.

Mr. SMITH of Washington. Has every effort been made to carry out the intent expressed by Congress?

Mr. COLLIER. We fought for money for land purchases, and so forth. We have not got them all.

Mr. SMITH of Washington. Of these acts that it now seems some of the Indians are complaining, are they contrary to the letter and the spirit of the Wheeler-Howard Act?

Mr. COLLIER. You mean actions——

Mr. SMITH of Washington. Yes; the acts of the Bureau of Indian Affairs in administering this law.

Mr. COLLIER. Well, I would put it this way. If it was said that we were utilizing duress; that we were politically swaying Indians by either hiring them or withholding relief appropriations from them, or anything of that kind, if these things were said and were proved, then certainly the people immediately responsible would be violating the act, and if it was being done with any knowledge on my part, I would be violating the act. Those things are not true.

Mr. SMITH of Washington. That is the very point I have in mind. And is there any justification for the claim that a species of communism has been interjected outside of the realm of this legislation?

Mr. COLLIER. Certainly not, unless they mean, and apparently they do mean it, that with all tribes whether or not they are under this act, we have tried to deal on a reciprocal basis. That is, a tribe may not be under the act, nevertheless, if it wants to organize, we help it to organize. In organizing and in its constitution we give it just as much power as we can, short of the powers under the act.

Mr. SMITH of Washington. That constitution must be ratified by the Indians?

Mr. COLLIER. Yes. Take the Navajo; that is the best case. That is one of the absurd things about this bill. The Navajos excluded themselves from the act. They cannot come in it again without a new act of Congress. This bill says the act shall not apply to them. Of course, it does not apply. That is by the way.

The Navajos had, when I came into office, a tribal council practically dictated by the Secretary of the Interior. It was unrepresentative of them. That tribal council, it happened, was made up of fine Indians. They carried on in all our difficult program out there, conservation, stock reduction, new schools—the whole program. But it was not representative. The Navajos wanted a representative group. They have it now; a secret ballot; districted. The people who stepped into power under the new set-up were antiadministration; Jake Morgan, leading antiadministration proponent, was made chairman of the council. All right.

The CHAIRMAN. Will you let the Chair make this observation. The Chair is not disposed to hurry this testimony along. The Chair would like to give each member of the committee an opportunity to question the Commissioner. The Chair is sure that each member wants to ask some questions and if we may not be able to exhaust all the questions, let us give every member an opportunity to ask some questions. The Chair intends to recognize each member of the committee.

Mr. SMITH of Washington. Mr. Chairman?

The CHAIRMAN. Mr. Burdick has the floor. He has yielded to Mr. Smith.

Mr. BURDICK. I will yield my time anyhow.

The CHAIRMAN. Are you through, Mr. Burdick?

Mr. BURDICK. I have one more question.

The CHAIRMAN. The Chair has no disposition to hurry this.

Mr. BURDICK. Let me ask one question and then I will yield.

The CHAIRMAN. You have the floor.

Mr. BURDICK. Is it not true that the Indian Bureau has not only permitted, but encouraged election after election in the Indian country for the purpose of adopting the constitution and bylaws and that when the Indians once turn it down in a month or two the election would be up again, as on the Sioux Reservation, I think they have had three elections?

Mr. COLLIER. In some of them——

Mr. BURDICK (interposing). And the Indians are fighting among themselves, which they have not done since 1890.

Mr. COLLIER. But, Mr. Burdick, there have been the same factions since 20 years ago. But answering your question, certainly whenever enough Indians want to petition to hold an election on a constitution or amending a constitution or repealing one, they have that right under the law.

Mr. BURDICK. Suppose they go into the New Deal and adopt the Wheeler-Howard Act and want to get out of it. Can they petition to have an election?

Mr. COLLIER. No; they cannot get out except by act of Congress.

Mr. BURDICK. It is a one-sided election.

Mr. COLLIER. Just as if they vote to be out, they cannot come in except by act of Congress.

Mr. BURDICK. Once they are in they are hooked?

Mr. COLLIER. They are not hooked to organize. They are not hooked to do anything. The individual members have the benefit of the act.

Mr. BURDICK. That is an undemocratic system which is causing trouble.

Mr. COLLIER. Is it undemocratic for the Congress to legislate what it believes to be right?

But I come back. As long as a tribe wants to continue to hold elections on a constitution or amending a constitution it has the same right as any white communities have got to hold charter elections.

Mr. MUNDT. Will Mr. Smith yield to me?

The CHAIRMAN. Mr. Smith does not have the floor.

The Chair feels he ought to give the minority members of the committee an opportunity to question the Commissioner. All the time this morning has been given to the majority. He feels he ought to recognize the members from the minority side. The Chair, of course, was referring to the fact that we have more members on the left side of the table than on the right.

Mr. MUNDT. I would like to interject one question.

The CHAIRMAN. The Chair will recognize Mr. Mundt for one question, but he feels he must recognize the members on the other side.

Mr. MUNDT. I want to ask the same question as Congressman Smith when he asked the Commissioner if there was any basis that he could think of why these charges are being circulated, to the effect that apparently, that there are communistic tendencies among the Indians which have been stimulated by the operation of the Wheeler-Howard Act. The Commissioner said that in his opinion there were none. I would like to bring out this point. There seems to be considerable difference of opinion among experts as to what communism is and what these other totalitarian types of government actually are. I think this much is self-evident, however, that the antithesis of totalitarianism, whether it be communism, facism, or nazi-ism, is private ownership, as we understand it in America, where a man owns his property and handles his own property and sells it and leases it or wills it as he chooses. We have had the Indian problem for at least 150 years as an organized governmental problem and very little has been done to give the Indians experience in private ownership.

I would like to ask the Commissioner what steps have been taken by the Indian Bureau, either under his administration or preceding administrations, but particularly under his, because he can assume no responsibility for what has gone before—what steps have been taken to give to the American Indian the rights of private ownership and operation which are the antithesis of communism, facism, and nazi-ism and which would definitely gear him into the white man's civilization in operating his own property?

Mr. COLLIER. I will be glad to answer that. More has been done, thanks to the emergency appropriations, to enable an individual Indian to build up property, individual property, than in any 25 years before. Now, a spending of rehabilitation money is a spending down into capital goods owned by individual Indians. Nearly all of the loan funds go that way to building up of capital goods owned by individuals, aside from land. And I am glad to be able to elucidate this a little more. Two things have been done. First, there were Indians who are landless because they have lost their individual lands under the allotment system, that makes them lose it. We bought land, holding the title in the Government for them to use as individuals. And on it the improvements belong to them. The permanent use is theirs, and the power to transmit it to heirs. But it cannot be stripped away through allotment.

A parallel activity, far more difficult, has been our work of trying to salvage individual allotments through exchanges and consolidations between Indian owners, so that a man who has got a fraction of an equity in 25 allotments and cannot use any of it exchanges that back and forth until he gets a solid allotment which he carries forward as his own property. That is a very difficult result at this time, which we have not been able to do nearly enough of because funds have not been made available for the manpower to work on exchanges and consolidations through which we are now trying to salvage the individual title.

Even going as far as 2 years ago, we had our Glacier Park conference of the Indian Bureau. We made it the dominant problem of the Indian Office to push on with these exchanges and consolidations, thereby saving the individual lands. We have not been able to do much because we do not have the funds to do that. Actually,

we have done more to increase and to buttress individual property since 1933 than any previous 20 years of the Indian Service.

Mr. MUNDT. I would like to ask, not a question, but just to make a summary statement.

The CHAIRMAN. Please make it short as we do not have much more time.

Mr. MUNDT. As the Commissioner knows, I have been with Mr. O'Connor before the Appropriations Committee of the House on this \$10,000,000 appropriation, with which our intention was, and I think Mr. O'Connor concurs in this, to give the Indian an opportunity to own some of these capital goods and have more private ownership. In my opinion, I do not know whether I speak for the gentleman from Montana, but in my opinion, the ultimate solution of the Indian problem is a matter of giving him rights of private ownership.

I would like to ask some more questions along that line, Mr. Chairman, when it comes my turn to interrogate the Commissioner.

The CHAIRMAN. The Chair recognizes Mr. O'Connor.

Mr. O'CONNOR. I have just a brief question.

I have been paying some attention to this report around which all these charges of communism, nazi-ism, and so forth, have come out. Now, I do not see anything in that report to indicate a single scintilla of proof of any charge that you have made against any person connected, either with communism or any other kind of ism, excepting the rather severe condemnation of the practice of your department.

I wish you would point out just what is in the report to lead you to believe, or lead you to make the charges that you have made here before this committee?

Mr. COLLIER. Let me read to you, talking about the Reorganization Act:

It provides for only one form of government for the Indians, communal government, and all property, real or personal, is held in common. And it compels Indians to live in communities segregated from the rest of the American citizens.

That is typical of this propaganda carried over into this report. It is not true.

Mr. O'CONNOR. I would not say that is propaganda simply because you do not believe it is true. These Indians may think this is true.

Mr. COLLIER. This is propaganda.

Mr. O'CONNOR. That is a question of fact. It is not a question of propaganda.

Mr. COLLIER. Let us go down to the conclusions. "Fundamentally, the so-called Wheeler-Howard Act (this is the committee speaking) attempts to set up a state or a nation within a nation which is contrary to the intents and purposes of the American Republic." That is the propaganda. It is not accurate. That is the committee speaking, allegedly.

Let us go on. "There should be no privilege to this group that any other group may not have within the limits of our Constitution." That is the Indians the report is talking about. No privilege that anybody else does not have within the limits of the Constitution.

Mr. O'CONNOR. What is wrong about that? Do you think you or I should have any privileges, or the Indian should have any privilege, that nobody else gets under the Constitution?

Mr. COLLIER. Will the gentleman believe it is wrong? You would not say that the Indian should be submitted to a local property tax? That is their chief privilege.

Mr. O'CONNOR. In the first place, the Government of the United States has taken this property away from the Indians. Now then, he is in a different status than the white man, because he does not own this property. It is held in trust by the United States Government. Why in the name of God, should he be taxed for it when he does not own it?

Mr. COLLIER. That is one of the privileges.

Mr. O'CONNOR. It is not a privilege, it is a right. It is not a privilege given to nobody else. Suppose in the circumstances you own property in trust for me. Should I be required to pay taxes on it?

Mr. COLLIER. Let me give another case. Indians receive free, universal medical service, clinical, hospitalization, and so forth, paid for by the Federal Government. That is a privilege, a very important one through which we have been able to cut their death rate in half in 10 years.

Mr. O'CONNOR. That is commendatory.

Mr. COLLIER. That is one of the privileges.

Mr. O'CONNOR. It is true. I have got some evidence in my State of Montana to the effect that that has not been carried out.

Mr. COLLIER. The gentleman asked what is in this report. I am talking about and illustrating what is in this report.

Mr. MUNDT. Will the gentleman yield?

Mr. O'CONNOR. Yes.

Mr. MUNDT. I think I see something in that report, Mr. Commissioner, which is a question of fact and not propaganda. And that is the first conclusion, "Fundamentally, the so-called Wheeler-Howard Act attempts to set up a state or nation within a nation which is contrary to the intents and purposes of the American Republic." Now, it seems to me if it is true, if I understood you correctly, that once the Indians have voted themselves into this act there is no way given them to vote themselves out, except by act of Congress, that is contrary to the concepts of the American Republic, because all other citizens may come to a decision by the ballot and they have the right to undo that decision by the ballot and they do not delegate the right to some other body, and that statement would therefore be correct as made in the Senate report.

Mr. COLLIER. Two elements come directly to your point. First, Congress may submit a given subject to referendum. It is very unusual for it to do so. Congress legislates what it thinks is right. The method of submitting to a referendum an act of Congress is quite an innovation. Congress can make the referendum as broad or narrow as it wants to. It made it rather narrow. The option is contained in the act itself, the option of organizing; how to organize; when to organize, when and how to incorporate.

Now, coming to the other point, which is, fundamentally the Wheeler-Howard Act attempts to set up a state or nation within a nation. That is the statement. Actually, the American Republic for the first 100 years of its life did deal exactly that way with the Indians by treaties between nations. They were nations within a nation, dealt with as such by treaty. All these treaties are yet, at least on paper, the basis for claims.

Then, after 1867, the method of dealing with the Indians as quasi-sovereign nations was abandoned. They were dealt with by direct enactments of Congress or by regulations of the Department of the Interior. That is how they are still dealt with, except for changes made by the Indian Reorganization Act. Except for this, those changes as they bear upon Indian life consist of nothing but this, that where in the past all Indians have all had their tribal governments, 10 years ago those tribal governments existed subject entirely to the discretion of the executive who could wipe them out at any time he wanted to; predetermine the form; or ignore them.

Mr. MUNDT. They were also permitted to function in the past.

Mr. COLLIER. They have functioned. Now they have gained some degree of independence from the executive. Their organic laws once adopted cannot be changed by the executive, but only by the tribe itself or by Congress.

Now, what powers do they have under this act? One has to turn to the tribal constitutions to discover them. He will find they are about the same powers as small municipalities exercise. It would make just as much sense to say that the town of Arlington is a nation within a nation or a state within a state.

Mr. MUNDT. Excepting for the fact that the town of Arlington, once it makes a decision can change its own mind, whereas a town, to use that term, on the Indian Reservation when it has made a decision, has to have its mind changed by Congress.

Mr. COLLIER. On the contrary, a "town" under the Indian Reorganization Act may change at any time it wants to. It can cease being a town. It can abandon the articles of organization or incorporation whenever it wants to or amend them whenever they want to.

Mr. MUNDT. The Indians can?

Mr. COLLIER. Yes.

Mr. MUNDT. I thought you said no.

Mr. COLLIER. No, no.

Mr. MUNDT. I must have misunderstood you. I thought you said having voted themselves into the act, they cannot extricate themselves, except by act of Congress.

Mr. COLLIER. That has nothing to do with organization. They can organize or not organize. Voting to come under the act does nothing in the world except to say the young people shall have access to student loans; that the young people and the old people shall not be subject to the civil-service requirements; that the residual tribal estate shall not be allotted; that land can be bought for the use of the landless. That is all it does. I said at the first session that I never did see any reasonableness in having the tribe vote on whether its young people shall have a college education. That ought to be an individual right.

The CHAIRMAN. Mr. O'Connor insists that he be allowed to continue. He has the floor.

Mr. O'CONNOR. Now, apparently, you sharply disagree with this report. You claim, of course, the facts set forth, or what are alleged to be set forth in the report, are not true. That is correct, is it not?

Mr. COLLIER. That is true. What I have said is what I have said across 3 days. Certain allegations have persistently been made by certain parties and I have indicated they are false; that the disproof of those allegations repeatedly has been supplied, and is in the record of

the Senate Indian Affairs Committee. That when this report comes out it simply incorporates these allegations and does not even intimate they have been rebutted and disproved; and that these are the allegations that have gone into the committee's report. I added what we all know, that the individual Senators do not have views like this.

Mr. O'CONNOR. Furthermore, Mr. Chairman—

Mr. SWEET. I raise a point of order.

Mr. O'CONNOR. Just a minute.

Mr. SCHAFER. Just a minute.

The CHAIRMAN. Will the gentleman withhold that just a little bit?

Mr. SWEET. Yes.

Mr. O'CONNOR. I do not want to see any action taken upon this bill until I have had a chance to find out how the Indians in Montana feel about it. I am inclined to think there are two sides to this question.

The CHAIRMAN. Every member of the committee has had an opportunity to ask some questions except Mr. Murdock. The Chair has not recognized Mr. Mundt and Mr. Smith. Other members have yielded to them.

Mr. MUNDT. Very briefly, I may emphasize, very ineffectively and very briefly.

The CHAIRMAN. The Chair recognizes Mr. Murdock.

Mr. MURDOCK. I would like a chance to ask one question.

The CHAIRMAN. The Chair recognizes Mr. Murdock.

Mr. MURDOCK. Thank you. I would like to have had 15 or 20 minutes, but I will take only 1 or 2. I have just one question.

Without any further comment with regard to the wisdom or lack of wisdom of the Wheeler-Howard Act, it is the administration of the act that I am concerned with right now. There are present in this room three men from the Papago Reservation in Arizona. I have not had the time to talk with them much. They are dissatisfied and sorry that they have come under the Wheeler-Howard Act and are disappointed in the administration of the act. How generally is that true of those who having come under the act and accepted the act and, being under it, are dissatisfied?

Mr. COLLIER. The Papago Tribe, as you could find out by yourself easily, is overwhelmingly in favor of the act. They came under it overwhelmingly and overwhelmingly are supporting it.

The Papago Tribe has an elected body. That body speaks for the tribe. If you go back to the districts, to the individual Indians, you will find the Papagos want this act. They have flourished under this act.

Dissatisfaction exists principally in the Sioux country, as I explained before, largely for reasons and matters not connected with the act at all. And the Nevada tribes, who are stripped of protections by this bill. Every one is protesting against being stripped. No tribe by any sort of majority action that can stand up has asked to get out from under the bill, although I think there are two or three Sioux tribes where it may be actually a majority that does want to get out. I have said that repeatedly.

Mr. MURDOCK. There are two objects in nature which look a good deal alike, edible mushrooms and poison toadstools. Now, we ought to distinguish carefully in these matters. This goes right to the very

heart of our whole national policy with regard to Indians. I agree that it is desirable to have the largest amount of private property right among our Indians. However, there are Indians and Indians, and since Indians differ so, there are some Indians, I am convinced, who cannot now fit into the white man's world with all the white man's privileges. To attempt to do so simply means they become victims of sharp practices and all that as we have seen in certain parts of our country. I sincerely hope that because we have a little cooperation among the Indians according to ancient custom, such will not be regarded as an importation from Russia. This business of calling names does not appeal to me very much. We ought to be practical-minded, and we ought to adopt such a system and follow out in the management of that system that which is most conducive to the welfare of the American Indian.

Among the Cherokees I saw 25 years ago that they ought to have private property. I went with Walter Thompson to get permission from the Indian Commissioner to sell 40 acres of his land. Now, Walter Thompson is a college graduate, and a man perfectly able to take care of his own affairs. I would not say that the same thing can be applied to all the Indians in my State, 50,000 of them.

Mr. MUNDT. Will the gentleman yield?

Mr. MURDOCK. I am just about ready to yield the floor.

Mr. SCHAFFER. Will the gentleman yield for a brief question on the bill?

The CHAIRMAN. Mr. Murdock has the floor.

Mr. MURDOCK. Yes; I yield.

Mr. MUNDT. I just want to state that had the white man's government started out 150 years ago to recognize the Indian for the fine citizen that he is, do you not think that certainly the Indian would have been able to make as much progress year for year as the Negro has made? We imported the Negro from another continent and brought him here. After he was freed, I think he has made one of the most remarkable careers of progress of any race in a like period of time. Why? Because he was geared into the position of private ownership as fast as possible, instead of making a ward out of him as we did with the Indian. I think the time has come, whether it be through the Wheeler-Howard Act or by the repeal of it, I will not say which at this time, but the time has come when it would be better for all purposes to try to gear the Indian into the white man's civilization and no longer assume he is forever unable to own private property.

Mr. O'CONNOR. I am just about of your opinion. I think myself it would be a pretty good idea to get rid of the Indian Department entirely.

Mr. MURDOCK. I would say that the American Indian in general is better able to fit himself in with the white man's way than was the African.

Mr. MUNDT. There is nothing wrong then with the Indian. It is the system that is wrong. And that is not in criticism of any particular Commissioner. I think we have been wrong for 150 years and we are still wrong. The Government is not helping the Indian to own private property, and in gearing himself into the white man's civilization the same as a Norwegian, a German, or a Scotchman, or any other nationality.

Mr. MURDOCK. As far as having a State within a State, that is not new. That did not come in with the Wheeler-Howard Act. We have always treated the Indians as a nation and made treaties with them; treaties to be broken and all that sort of thing.

Mr. SMITH of Washington. The Supreme Court of the United States has always upheld that course of procedure.

Mr. SCHAFER. Will the gentleman yield?

After studying the testimony on this bill, in order to obtain the right solution of the problem from the Indian standpoint and our Government's standpoint, I want to ask the gentleman what he thinks of this amendment. To strike out all after the enacting clause and substitute a provision so that any Indian tribe which has voted to come under the provisions of the Wheeler-Howard Act within any time after 1 year from that vote can, by a majority vote, vote themselves out from under it. If we pass this bill in the form that it came from the Senate we are not consistent in giving and extending the right of self-government to the Indians, because we are taking from under the act by an act of Congress, Indians who voted to come under the act at a regular election. I want to ask the Commissioner what he thinks of my proposed amendment. My cure for the whole situation is not to do this by an arbitrary act of Congress to overturn and ignore the vote of the Indians. I propose to strike out all after the enacting clause and substitute language so that any Indian tribe which has heretofore voted to come under the provisions of the Wheeler-Howard Act can vote to come out from under its provisions after one year, after their affirmative vote to go in. Then we will have self-government. If this bill is passed in its present form as a self-government measure we are pretty good camouflage artists and we are carrying on a blitzkrieg movement against the Indians and taking away and ignoring their voting rights and expressed wishes.

Mr. COLLIER. With the suggested addenda that all Indians, whether in or out of the act, may vote to be in or out.

Mr. SMITH of Washington. I raise a point of order.

The CHAIRMAN. A point of order is raised. The gentleman will state his point of order.

Mr. SCHAFER. This is important. This is on the bill. I am trying to arrive at a solution of this problem. I hope the gentleman will be patient just a few moments.

The CHAIRMAN. Mr. Murdock has the floor.

Mr. MUNDT. The Commissioner should be permitted to finish his statement. He was in the middle of a sentence.

Mr. MURDOCK. I yield to the Commissioner.

Mr. COLLIER. I was merely asking whether the sensible thing might not be to say that all Indians should be entitled to vote whether they are under the act or not, those that are under and those that are not.

Mr. SCHAFER. And so that those who have already voted to come under and then they change their mind, give them permission to vote to get out from under the act one year after the date they voted to come in. We must have a limitation because we cannot have them today voting to come in and tomorrow voting to come out. Let them try it out one year. If the majority is dissatisfied and want to come out, let the majority rule. Under that program the Indians would have some self-government. But if this bill, as it is drawn,

passes Congress then Congress absolutely nullifies the votes of a majority of Indians in election.

Mr. O'CONNOR. Mr. Chairman, may I make an observation?

The CHAIRMAN. Mr. Murdock has the floor.

Mr. MURDOCK. I will yield.

The CHAIRMAN. Mr. Murdock yields to Mr. O'Connor.

Mr. MURDOCK. Go ahead.

Mr. O'CONNOR. This report shows that hearings were carried on before the Senate committee for 3 years on this bill. I do not think this committee should take any action on this bill, and I will oppose any action or any amendment to this bill until the Indians of this country have a chance to appear before this committee and testify as to what they actually want and what their complaints are. I do not want to pass on a matter that has been before the Indian Affairs Committee of the Senate for 3 years. I do not want to pass on that matter within 2 or 3 days with only one witness on the stand.

Mr. SCHAFER. You would not be passing on it. That is not the witness's suggestion. In the first place, the proposition I submitted should satisfy both sides, because these people who are coming in and telling us that the Indians voted themselves in, but they want to get out, they will have an opportunity to vote to get out under my amendment. And still the Indians who voted themselves in and still want to stay in will have an opportunity to vote to stay in. I believe this proposed substitute should be satisfactory to both sides.

Mr. MUNDT. I move that the committee adjourn until 10:30 tomorrow morning.

Mr. SMITH of Washington. Just one minute.

The CHAIRMAN. Mr. Murdock has the floor until he has finished.

Mr. MURDOCK. I will yield.

Mr. SMITH of Washington. In view of the remarks of the gentleman from Wisconsin, for whom I have the highest regard, how many of these tribes which have voted themselves in are complaining now because they cannot vote themselves out?

Mr. COLLIER. No tribes. But individuals, you may get many of them.

Mr. SMITH of Washington. Just individuals? But the tribes are satisfied?

Mr. COLLIER. The tribes are satisfied.

Mr. SMITH of Washington. Why should we impose our views on them?

Mr. COLLIER. You would not be imposing your views. You could, but I am just trying to explain my understanding of Mr. Schafer's proposal, to say that if a certain number, a certain percentage of any tribe, whether it is under the act now or not under the act, if a certain percentage signify their desire for a referendum on either coming out of the act or getting in it, then a referendum should be held and should be conclusive. That would be all.

Mr. SMITH of Washington. There is no demand for that now?

Mr. COLLIER. In certain tribes of the Sioux area undoubtedly that percentage would be found.

Mr. SMITH of Washington. How many tribes are they?

Mr. COLLIER. One hundred and eighty-nine tribes under the act.

Mr. SMITH of Washington. How many are asking for this privilege?

Mr. COLLIER. Of individuals, perhaps from a dozen tribes.

Mr. SMITH of Washington. That does not indict the entire Wheeler-Howard Act.

Mr. COLLIER. No; but if you take the Yankton Tribe and if Congress enacted, say, that if 30 percent of the members want a referendum by secret ballot they shall have it, you will get 30 percent of the Yanktons, I believe.

Mr. SCHAFER. That would settle the conflict and the controversies and the singing of hymns of hate by both sides.

Mr. COLLIER. There are those.

Mr. MUNDT. The Yankton Tribes would be satisfied with that?

Mr. SCHAFER. Exactly.

The CHAIRMAN. Proceed, Mr. Murdock.

Mr. MURDOCK. Just as a concluding statement, I would say this: I agree with the sentiment that we ought not to act hastily on this very, very complicated matter. I want to withhold my judgment, I am sure. But what I have heard thus far from Indians from my own State, and as chairman of a subcommittee the other day on the Yankton bill hearings, I find that there is a good deal of complaint. I was under the impression there was no way for a tribe to come out from under the act once they had adopted it. I am inclined to favor the amendment of the gentleman from Wisconsin that the law may very well be amended in the direction of really giving self-government to the Indian.

Mr. O'CONNOR. Doesn't the gentleman feel we ought to have some hearings and hear the Indians before this committee before we take any action on this bill?

Mr. MUNDT. We have been hearing Indians.

Mr. SCHAFER. Under my proposal we would say to the Yankton Tribe, "If you want to get out, then vote to get out."

The CHAIRMAN. Have you finished, Mr. Murdock?

Mr. MURDOCK. Yes.

The CHAIRMAN. Evidently it is going to be impossible for every member to make all the statements they want to make before we will have to adjourn. If there is anything that must be said now before we adjourn, so far as the Chair is concerned, we will remain.

Mr. SCHAFER. I ask unanimous consent, Mr. Chairman—

The CHAIRMAN. The lady here is desirous of recognition.

Mrs. BOLTON. I understand we are meeting tomorrow morning?

The CHAIRMAN. There have been no arrangements made.

Mr. SCHAFER. I ask unanimous consent that when the committee adjourns it meets tomorrow morning at 10:30 a. m. In the meantime the barristers of the Indian Bureau can take the proposal which I have submitted and furnish the committee with a draft to cover the amendment which I have outlined as a substitute for the language of the bill as it is now before us. I think we should take some affirmative action. I think my program would satisfy both sides. It is in the interest of the Government and the interest of the Indians.

Mr. MUNDT. I would like to ask unanimous consent to request the presence of the Commissioner. I would like to have him at the beginning of the hearings tomorrow.

The CHAIRMAN. Will you permit the Chair to state the unanimous consent request?

Mr. MUNDT. Yes.

The CHAIRMAN. Mr. Schafer asks unanimous consent that when the committee adjourns today it adjourn to meet at 10:30 tomorrow morning. And that the Commissioner and his staff be requested to submit a draft outlining a bill embodying his suggestions relative to amending this bill.

Is there objection?

The Chair hears none.

It is so ordered.

And when the committee adjourns the committee will meet at 10:30 in the morning.

Mrs. BOLTON. I wonder if the Commissioner could advise the Chair of the Government department in which the testimony exists so we may ask the Chair and have access to that material.

Mr. MUNDT. I would like the Commissioner to bring with him tomorrow an enumerated statement showing step by step the methods by which the Indians get into this Wheeler-Howard Act because apparently they can get part way in or they can get all the way in, which is the case of the Yankton Indians. And also to enumerate the steps by which they can get out from under the act once they are in.

The CHAIRMAN. If there is nothing further now before we adjourn, the committee will adjourn to meet at 10:30 tomorrow morning.

(Whereupon the committee adjourned to Thursday, June 13, 1940, at 10:30 a. m.)

WHEELER-HOWARD ACT, EXEMPT CERTAIN INDIANS

THURSDAY, JUNE 13, 1940

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.

The committee met at 10:30 a. m., Hon. Will Rogers (chairman) presiding.

The CHAIRMAN. The committee will be in order.

When the committee decided yesterday to meet again today to take testimony on S. 2103 it was agreed that we would request the Commissioner of Indian Affairs to have drafted an amendment to S. 2103, in line with the suggestion that has been made by Congressman Schafer. That amendment was to be a substitute for the bill under consideration.

Mr. Commissioner, do you have such draft ready for consideration?

STATEMENT OF JOHN COLLIER, COMMISSIONER OF INDIAN AFFAIRS

Mr. COLLIER. Yes. I was asked to prepare two statements. One of them was to show the different steps which the tribes had taken or would take under the Reorganization Act, in the matter of getting under or organizing under or incorporating under the act. That statement I have prepared. Also a bill has been prepared as suggested by the committee.

Shall I present first the statement concerning the steps under the existing act or the bill?

Mr. SCHAFFER. I believe that we should have the statement first.

The CHAIRMAN. Who was it requested the statement?

Mr. SCHAFFER. Mr. Mundt.

Mr. COLLIER. Yes.

The CHAIRMAN. It might be well to present the statement first before we take up consideration of the amendment, and if Mr. Mundt comes in later he can read the statement.

Mr. COLLIER. The statement will clarify some things in the suggested amendment.

The statement deals with organization procedures under the Indian Reorganization Act.

I. The Indian Reorganization (Wheeler-Howard) Act provided, in section 18, that the act would not apply to any reservation wherein a majority of the Indians voted not to accept it. Under this general provision, and the amendment known as the act of June 15, 1935, elections were held among 266 tribes or bands residing on Indian reserves, with these results: 189 tribes, by majority vote, accepted the act, 77 tribes rejected it.

Voting in these elections was by secret ballot; the elections were conducted by committees of Indians duly appointed by their tribesmen. This vote, under the law, was final; a tribe voting to accept the act, and likewise a tribe voting to reject it, could not vote a second time on the question.

Tribes coming under the act were immediately eligible for certain benefits, and certain provisions applied to them, regardless of any additional action on their part, as follows:

(a) No land belonging to the tribe could be allotted in severalty. This provision did not affect in any way existing individual allotments; it merely declared that no allotments would be made in future.

(b) Existing periods of trust were extended until otherwise directed by Congress.

(c) The Secretary of the Interior might restore to the tribe ceded lands where such lands had not been entered.

(d) Restricted Indian lands might not be sold or otherwise transferred except to the tribe.

(e) The Secretary of the Interior might purchase land for landless Indians, the titles to such land to be taken in the name of the United States in trust for the individual or tribe for whom purchased.

(f) The Secretary of the Interior was directed to make rules for sustained-yield management of Indian forests and grazing lands.

(g) Funds were authorized out of which to advance to Indian students loans for the payment of tuition and other expenses in vocational and trade schools, high schools, and colleges.

(h) The Secretary of the Interior was directed to establish standards of employment under which qualified Indians might be appointed to the Indian Service without regard to civil-service requirements.

(i) Certain benefits owing the Sioux Tribes in lieu of allotments were directed to be paid.

(j) Nothing contained in the act was to be construed as an impairment of any claim or suit against the United States.

The above are benefits which the tribe became eligible to receive without any action on their part, and regardless of any additional action.

II. After accepting the Indian Reorganization Act, as described in the above section, the Indian tribe may organize in accordance with section 16 of the act. In taking this step the authorized tribal council or a representative committee of Indians drafts a constitution and bylaws. The Department offers its assistance in the preparation of such documents, but only to the extent that such assistance is required, and scrupulous care is exercised to see to it that the document as drafted represents the wishes and needs of the Indians.

An election on the adoption of such a constitution and bylaws is requested by the tribal council or any representative committee, or by a petition signed by one-third of the adult members of the tribe. The calling of this election is mandatory upon the Secretary when request is made in the manner prescribed by law. Thus a tribe may vote repeatedly upon the question of adopting a constitution, in those cases where such elections have failed to carry, and it is not within the Secretary's discretion to determine whether or not the election shall be called.

Elections are by secret ballot and are conducted by committees chosen by the Indians. As of May 15, 1940, constitutions and bylaws had been adopted under the Indian Reorganization Act by 82 tribes located in 19 States. This is exclusive of 17 tribes in Oklahoma and 33 native villages in Alaska, the organization of which is carried out under supplementary legislation.

Such a constitution may be revoked in an election open to the same eligible voters as voted for its adoption. Amendments may be ratified and approved by the Secretary in the same manner as are the original constitution and bylaws.

Tribes organized in accordance with section 16 of the Indian Reorganization Act may exercise certain powers and assume certain responsibilities. These are:

1. To negotiate and consult with the Federal, State, and local governments.
2. To employ attorneys.
3. To prevent any sale or lease of land without the consent of the tribe.
4. To receive and make recommendations on appropriation estimate for the reservation.
5. To make assignments of tribal land.
6. To manage tribal economic activities.
7. To appropriate funds.
8. To levy taxes and license fees.
9. To exclude unauthorized persons from the reservation.
10. To determine tribal membership.
11. To regulate law and order on the reservation.
12. To condemn lands for public purposes.
13. To regulate the use and disposition of property.
14. To charter and regulate subordinate organizations and cooperative associations.
15. To regulate the inheritance of property except allotted land.
16. To regulate domestic relations.
17. To appoint guardians.
18. To encourage arts and crafts.
19. To regulate tribal elections.
20. To determine procedure of the tribal council.
21. To delegate any of the above powers to subordinate officers or committees or cooperative associations.

Of the foregoing list of powers, Nos. 2, 7, 8, 9, 10, 12, 14, 16, and 18, which for most part are powers which may affect relations with nonmembers, are subject to secretarial review or approval. The tribe in drafting a constitution may adopt as many or as few of these powers as it wishes.

The adoption of a constitution is entirely a voluntary matter. Nothing in the Indian Reorganization Act requires the tribe to take this step, and in fact out of the 189 tribes eligible under the act, a total of 107 have not yet adopted a constitution.

Mr. SCHAFFER. May I interrupt you for a question?

Mr. COLLIER. Certainly.

Mr. SCHAFFER. One hundred and eighty-nine were eligible and 107 have not yet adopted a constitution?

Mr. COLLIER. Yes.

Mr. SCHAFFER. Out of that 189 eligible how many have taken the first steps to vote to come under the act?

Mr. COLLIER. There are 189 who did vote to come under, and of that number 107 have not gone any further, and have not adopted a constitution.

Mr. SCHAFFER. Well, about how many tribes voted not to come under the act?

Mr. COLLIER. Seventy-seven, as I recall; yes, that is right.

Mr. SCHAFFER. Now with reference to the failure to adopt a constitution. Because 107 had failed to adopt a constitution, that would not be an indication that they reversed their position when they voted to come under the act, because there might have been other considerations.

Mr. COLLIER. Yes.

The CHAIRMAN. That is true.

Mr. SCHAFFER. Prior to the repeal of the eighteenth amendment, there were a good many people, including myself, who would have voted against ratifying the Constitution with the eighteenth amendment in it.

Mr. COLLIER. Yes. Not adopting a constitution is no indication whatsoever about what the tribe thinks of the act.

Mr. SCHAFFER. And if they have not voted for the constitution which was submitted to them that does not mean they would not vote for some other constitution.

Mr. COLLIER. They can repeat it as often as they want to. And it is mandatory on the Department to call an election when they want it.

Mr. SCHAFFER. And therefore the fact that a tribe which had voted to come under the act has failed to adopt a constitution is no indication that it would reverse its position in favor of coming under the act.

Mr. COLLIER. I could illustrate that better by telling you that all but one of the Pueblo Tribes in New Mexico voted for the act and they all now support it and of the 17 tribes only one has adopted a constitution; they are satisfied with the present arrangement.

The CHAIRMAN. They get certain benefits under it.

Mr. COLLIER. Yes; they get certain benefits.

The CHAIRMAN. And may when they adopt a constitution, and it may be that many of them want to stay out.

Mr. SCHAFFER. But if they reject the constitution and they ask for another vote they would not have to vote on that same constitution which they had rejected.

Mr. COLLIER. No.

Mr. SCHAFFER. It could be amended.

Mr. COLLIER. Yes; they can submit any number of amendments; and in fact the constitutions are very variable.

Mr. SCHAFFER. Their refusal to vote against, or in favor of adopting a constitution, cannot be construed as voting against the Wheeler-Howard Act.

Mr. COLLIER. In no sense of the word; no.

III. After adopting a constitution and bylaws a tribe may, in accordance with section 17, request the Secretary to issue a charter to the tribe. This request is made in the form of a petition signed by one-third of the adult Indians and it must be ratified by the tribe in a special election called by the Secretary. This election is con-

ducted under the same regulations as govern the referendum on the act and on the constitution, by secret ballot.

As in the case of the constitution, the calling of an election on the charter is mandatory when a petition is presented to the Secretary. Thus there is no limitation as to the number of times the Indians may vote to ratify a charter or amend a charter.

A charter thus issued by the Secretary and ratified by the tribe may not be revoked or surrendered except by an act of Congress. Only Congress can revoke the charter because the charter involves Indian contractual obligations affecting the Treasury.

This language was written into the act to insure the continuity of Indian corporations, and is a common provision of incorporation.

Under regulations issued by the Secretary, a charter may be voted upon at the same time that a constitution is voted upon, provided that the petition for the charter is presented beforehand.

As of May 15, 1940, 60 tribes had adopted charters under the Indian Reorganization Act. This is exclusive of 17 tribes in Oklahoma and 33 native villages in Alaska, the incorporation of which is carried out under supplementary legislation.

Incorporation adds to the tribe the following powers and responsibilities:

1. The right to be incorporated and thus to acquire a legally binding guaranty that the tribal organization and activities will be respected and will have continuous existence.

2. To adopt and use a corporate seal.

3. To buy, receive, own, and manage all kinds of property.

4. To issue certificates representing a share in the tribal property in exchange for restricted Indian lands.

5. To borrow money.

6. To engage in any business.

7. To make contracts.

8. To offer property or income of the tribe as security for loans.

9. To deposit funds in any bank, the Postal Savings bank, or the agency.

10. To sue and be sued in any court of competent jurisdiction. This does not mean, however, that any property of the tribe can be taken to satisfy any judgment against it, except in the case of income specially pledged or assigned.

11. To exercise any additional powers necessary to carry out the foregoing powers.

No. 3 is subject to the following limitations:

- (a) The council cannot sell or mortgage any tribal land.

- (b) Leases, permits, and certain types of contracts dealing with land must be approved by the Secretary of the Interior.

- (c) All actions in regard to land must be consistent with conservation standards established by the Secretary of the Interior under section 6 of the Indian Reorganization Act.

Action of the council under 4, 5, 7, 8, and 9 are subject to approval of the Secretary of the Interior, except that this power of approval may be terminated by vote of the tribe at the end of a specified period of time in accordance with the procedure which is specifically set forth in the charter.

Incorporation is not a requirement. Tribes may adopt constitutions and by laws and stop at that. Incorporation gives the tribe access to the revolving credit fund which otherwise it would not have.

That is a brief statement concerning the specific steps, and if they be understood, much I believe will be clarified.

I have a draft of the bill if you wish me to read it now.

Mr. SCHAFFER. I would like to discuss the procedure a little bit before we go on, Mr. Commissioner.

Mr. COLLIER. Yes.

Mr. SCHAFFER. Do I understand, Mr. Collier, that under the Wheeler-Howard Act the Indians vote in elections under the supervision of the tribe?

Mr. COLLIER. Supervision of the tribal committees.

Mr. SCHAFFER. The tribal committee elected by a majority vote of the Indians?

Mr. COLLIER. Yes.

Mr. SCHAFFER. The Indian Service, the Indian Bureau has nothing to do with that?

Mr. COLLIER. Except to assist in various ways, as requested.

Mr. SCHAFFER. And the Indians go in and vote without supervision?

Mr. COLLIER. Through secret ballot, and even the member of the tribe who cannot read can vote.

Mr. SCHAFFER. And they have an opportunity of discussion, pro and con, prior to elections?

Mr. COLLIER. Yes; an endless opportunity, and endless discussions go on.

Mr. SCHAFFER. I gather from your statement that they also can make laws regarding the policing of the reservation?

Mr. COLLIER. Yes; and they can modify these ordinances by vote of the tribe.

Mr. SCHAFFER. And they can elect their own constable and judges for the tribe?

Mr. COLLIER. Their police officers and their judges.

Mr. SCHAFFER. Now, prior to the Wheeler-Howard Act, how were these constables and judges for the Indians selected?

Mr. COLLIER. They were picked by the superintendent, by the Department.

Mr. SCHAFFER. Well this Wheeler-Howard Act did not extend all the rights to the Indians, but in effect it is a long step toward self-government in many respects, is it not?

Mr. COLLIER. It is.

Mr. SCHAFFER. They have the opportunity to vote.

Mr. COLLIER. It is a long step, the longest step that we could get Congress to take in 1934; Congress would not go as far as the bill that we presented.

Mr. SCHAFFER. Under the Wheeler-Howard Act this revolving fund, which is used for the steer and other programs under which the Indians borrowed money in order to keep their business going. Would they have the opportunity of borrowing this money from the revolving fund if the Wheeler-Howard Act was repealed?

Mr. COLLIER. No; the appropriation authority would disappear, the appropriation authority with all its benefits would disappear, so

far as the future is concerned, if the law authorizing appropriations should be repealed.

Mr. SCHAFFER. With reference to the 189 tribes which have already voted to adopt the Wheeler-Howard Act how many voted to accept a constitution?

Mr. COLLIER. Seventy-seven rejected the act.

Mr. SCHAFFER. And 77 tribes have rejected it. Of the 189 tribes which have voted to adopt the provisions of the Wheeler-Howard Act how many tribes did you say had failed to vote for a constitution?

Mr. COLLIER. Of the total that had adopted the act, 189, 107 have not gone further, and of the number that have adopted the act, 82 have adopted constitutions.

Mr. SCHAFFER. One hundred and eighty-nine tribes voted to adopt the Wheeler-Howard Act and 77 tribes have voted not to come under it?

Mr. COLLIER. Seventy-seven have rejected it.

Mr. SCHAFFER. Well, of the 189 who have voted to adopt the Wheeler-Howard Act—

Mr. COLLIER. Eighty-two have adopted constitutions.

Mr. SCHAFFER. Eighty-two have adopted constitutions.

Now, the tribes which have elected to come under the Wheeler-Howard Act, and which have not adopted a constitution as yet, they are in position, are they not, to receive benefits under the Wheeler-Howard Act, self-government benefits and use of the revolving fund?

Mr. COLLIER. They cannot get the revolving funds until they form a corporation.

Mr. MURDOCK. May I interpose a question?

Mr. SCHAFFER. May I just ask some other questions?

Mr. MURDOCK. Yes.

Mr. SCHAFFER. And the probability is that at least much of the opposition which has been created against the provisions of the Wheeler-Howard Act is by reason of the limited appropriation by the Congress under which the Indians have not received as many benefits as they thought they were going to get.

Mr. COLLIER. Obviously. Those appropriations are only a fraction of the authorized amounts.

Mr. SCHAFFER. Now this revolving fund is a revolving fund which the Indians can use if they adopt the provisions of the Wheeler-Howard Act and set up a constitution?

Mr. COLLIER. Incorporate.

Mr. SCHAFFER. With reference to this revolving fund operation: How is that handled?

Mr. COLLIER. The situation is that the money goes to the tribe, passes through the tribe, and it is then reloaned. The tribe gets the money and reloans it under certain regulations; they cannot relend it without some control.

Mr. SCHAFFER. I understand.

Mr. COLLIER. They have got to submit evidence that there is security, or that it is for the operation of land of the man who is getting the money to enable him to support himself and his family, or some evidence that there will be an intelligently planned use of the loan. In other words they cannot just give it away.

Mr. SCHAFFER. But it is with the hope that in the future, as the Indians progress, with reference to self-management, they will be able to loose themselves from the shackles of Washington.

Mr. COLLIER. Yes; and in fact through sheer lack of manpower we have been compelled to simplify the credit operations down to a point where they have become dangerously decentralized.

Mr. SCHAFFER. Now, the operation of the revolving fund, with reference to the steer program and other programs, cannot be considered communism. I have the Communist's books here, and I do not see where such a program squares with communism, because under communism the workers, rank and file of the people, have nothing to say. They can vote in an election but they have only one candidate on the ballot to vote for. There is nothing in this revolving fund operation which is comparable to the Communist movement.

Mr. COLLIER. It is a cooperative movement.

Mr. SCHAFFER. And the check of the Department might be comparable to the check of the laws of the State concerning a cooperative organization.

Mr. COLLIER. It might be compared to the operation of the Farm Credit Administration which utilizes the funds appropriated by the Congress, paying them out in loans to farmers through regional and local groups.

Mr. SCHAFFER. Now, under this bill here—and I want to try to get both sides of the question. If this bill is enacted in its present form then the 189 tribes which voted to adopt the Wheeler-Howard Act and obtain benefits——

Mr. COLLIER (interposing). The 77 tribes which are specified in this repeal bill.

Mr. SCHAFFER. One hundred and eighty-nine tribes who have voted to adopt the Wheeler-Howard Act will have their self-government acts, pursuant to their elections in which they have voted, set aside by the Congress.

Mr. COLLIER. The 77 would have their elections set aside.

Mr. SCHAFFER. One hundred and eighty-nine tribes have voted to adopt the Wheeler-Howard Act, have they not?

Mr. COLLIER. Yes.

Mr. SCHAFFER. And they are under the Wheeler-Howard Act.

Mr. COLLIER. And this bill applies to them——

Mr. SCHAFFER. That is what I want to know. If this bill is adopted in its present form the 77—is that the number?

Mr. COLLIER. Yes.

Mr. SCHAFFER. The 77 tribes which have held constitutional elections in which all Indians were eligible to vote, voted to accept the provisions, will have their elections, their choice absolutely overturned and nullified by an arbitrary act of the Big White Father here in Washington.

Mr. COLLIER. Yes.

Mr. SCHAFFER. And that is the reason why I thought we might approach this matter in a reasonably sound way and still maintain the self-government provision. That is why I suggested that the committee might want to consider some alternative provision in order to maintain the declared policy of self-government and voting rights for the Indians.

Mr. COLLIER. This is the amendment as drawn at the committee's request. Shall I read it?

The CHAIRMAN. I think it would be good to have it; yes.

Mr. COLLIER. It reads as follows:

A BILL

AN ACT To amend an act entitled "An act to define the election procedure under the act of June 18, 1934, and for other purposes."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 2 of the act of June 15, 1935 (49 Stat. 378), entitled "An act to define the election procedure under the act of June 18, 1934, and for other purposes," is hereby amended to read as follows:

(a) It shall be the duty of the Secretary of the Interior to hold an election on the question of whether any Indian reservation shall be excluded from, or included within, the application of the act of June 18, 1934 (48 Stat. 984), upon receipt of a petition for such an election signed by one-third of the adult Indians of the reservation.

(b) The result of such election shall determine whether the said act of June 18, 1934, shall apply, continue to apply, or cease to apply, to such reservation.

(c) When any such election has been held, no similar election shall be held on the same reservation for a period of 2 years.

(d) In the event that the Indians of any reservation, having voted that the act of June 18, 1934, shall apply to the said reservation, have secured a charter of incorporation or adopted a tribal constitution under the said act, such Indians may take such action as is required by law to annul such charter, to rescind such constitution, and to discharge or liquidate all corporate or tribal obligations entered into pursuant to such charter or constitution, including, without limiting the generality of the foregoing, all obligations embodied in corporate or tribal loan agreements, trust agreements, leases of tribal land, permits, timber contracts, attorney contracts, land assignments, contracts for the acquisition of land, and contracts for personal services; and no election requiring the exclusion of any such reservation from the said act shall be effective until the prescribed action has been taken and all obligations of the character specified have been discharged or liquidated.

(e) There is hereby authorized to be appropriated out of any moneys in the Treasury, not otherwise appropriated, a sum not to exceed \$20,000 in any fiscal year to defray the expenses of elections held under this act.

(f) This act shall not apply to any reservation in the State of Oklahoma or in the Territory of Alaska.

That last clause is because they never voted on the original act in Oklahoma and Alaska. Congress blanketed them on through subsequent amendments.

The CHAIRMAN. They have their own acts.

Mr. SCHAFFER. They are excluded?

Mr. COLLIER. They were brought in through the Thomas-Rogers bill and the Alaska amendment.

The CHAIRMAN. We have special legislation governing those Indians.

Mr. SCHAFFER. Now with reference to this act: The proposed draft, which was drawn at my suggestion. Under it the 77 Indian tribes mentioned in S. 2103 will have an opportunity to vote themselves out from under the act should they so desire?

Mr. COLLIER. All tribes would be allowed to vote themselves into or out from the act.

Mr. SCHAFFER. Yes; but I refer to the tribes included in S. 2103.

Mr. COLLIER. Yes; that would be true.

Mr. SCHAFFER. They will have self-governing determination rather than arbitrary act of Congress.

Mr. COLLIER. That would be consistent with the act of Congress under which they voted in the first instance—the Indian Reorganization Act.

Mr. SCHAFER. Then so far as this proposal is concerned, at least it will be a step in advance in the pathway of self-determination.

Mr. COLLIER. Correct.

Mr. SCHAFER. Whereas if we enact S. 2103 in the form passed by the Senate, it will be three or four steps to the rear, because the act will then absolutely overturn and nullify the choice expressed by the Indians themselves in an election.

Mr. COLLIER. That is true.

Mr. MURDOCK. Will you yield for a question?

Mr. SCHAFER. Certainly.

Mr. MURDOCK. The gentlemen will remember that I expressed my satisfaction with your proposal, which is the draft before us today. But we need to be a little careful how we step in here where it concerns the government of these Indians, and that is my objection to the bill. We want to be careful that we do not permit too frequent elections so that discontented parties may keep up more or less a constant turmoil. Does this provide any time within which elections are to be held?

Mr. COLLIER. Two years; and no election could be held unless one-third of the eligible voters petitioned for it.

Mr. SCHAFER. That is a congressional yardstick?

Mr. MURDOCK. Well, that is a satisfactory arrangement?

Mr. COLLIER. Yes. And also they have to clear up any obligations in the event that the tribe has incorporated.

Mr. SCHAFER. That merely concerns the provision which is similar to the requirements of cooperative operations under State laws, when they liquidate the State laws require that their obligations be taken care of.

Mr. COLLIER. And they may liquidate only by first taking care of the obligations.

Mr. MURDOCK. Does the Commissioner feel the law has been pretty well administered up to the present time and that most of the complaints you get come from a very small minority group that probably would not be satisfied with any arrangement?

Mr. COLLIER. It is a very small group. I would like to give you an item to illustrate what I have in mind. There seem to be some people who think that the Indian Office is just "hipped upon," and spending all of its efforts upon, organizing the Indian tribes, or getting them to adopt constitutions. Some of you gentlemen know that there is a group of tribes with whom my own relations have been especially close for 20 years, the Pueblo Tribes in New Mexico. With the exception of one, they all came under the Reorganization Act.

From time to time these tribes have come to me about the advisability of adopting a constitution. Except in the one instance I advised them that it was probably unwise, that they were perhaps better off to remain under their existing set-ups, merely taking advantage of the initial benefits of the Reorganization Act.

I could easily have advised them to organize and incorporate. They probably would have taken my advice. I should add that

whenever a tribe does organize and incorporate it compels us to spread more thinly the limited amount of money appropriated by Congress.

It is entirely an error to think that we are preoccupied about urging tribes to incorporate or organize. We cooperate with them when they want to organize.

Mr. MURDOCK. Will the gentleman yield for one further observation?

Mr. SCHAFER. Yes.

Mr. MURDOCK. It is an observation and not a question. But carrying out what I said yesterday, Mr. Chairman, I fear that we are going too far these days by calling edible mushrooms poison toadstools. For instance, I have on my desk a paper knife with a swastika on one end, presented to me by my friends down in Arizona. The swastika was an ancient emblem of a certain Indian tribe. It centers in the core of that amazing maze found in Casa Grande and dates back prior to the Columbian discovery of America, and on our State highway signposts we have the swastika. Can that in any way indicate pro-German? Of course, it does not indicate any such thing.

Mr. COLLIER. Well, of course, the swastika used by the Germans is in the reverse.

Mr. MURDOCK. Yes; but the point I wanted to make is that we have these isolated instances of criticism. And I hope in the condemnation or the criticism of laudible efforts to do the right thing by the American Indian, we will not drag in something from across the Atlantic, from central Europe or any other place, but let us judge the activities on their merits.

I do not know that I am in full agreement with the philosophy of the Wheeler-Howard Act. I have given it some thought, and have some question in my mind about it, and also about the administration of it; and, Mr. Commissioner, I have heard criticism, but I am just wondering if much of the criticism which comes emanates from a small group.

However, I do think the gentleman from Wisconsin has made a laudible proposal here and in the direction of retaining self-government, and I believe, in the interest of the future of the American Indians. I believe that the American Indian is more capable of fitting into the white man's ways and becoming an integral part of our democratic system than was the colored man from Africa, or his descendants in this country.

Mr. SCHAFER. Do you not believe that the greatest part of this criticism might recede if the Congress would recognize the fact that much of it arises by reason of the fact that we have not appropriated sufficient money to make loans to the Indians so they can become self-sustaining? If we have an act on the statute book which provides for loans for Indians who vote to come under the act, when they believe that they are going to receive certain benefits and then find those benefits cut down 10, 15, or 40 percent because of a failure to appropriate sufficient funds for the revolving fund, naturally they are justified in complaining.

I said in the hearings on the O'Connor bill—the \$10,000,000 bill for the relief of needy Indians—that Congress should make available a sufficient amount of money to provide loans to the Indians who vote to come under the cooperative provisions of the Wheeler-Howard Act as well as loans to individual Indians.

If we can take selected farmers in every county in this country, some of them who do not know a hog from a lamb or a cow and lend them thousands of dollars in the name of Farm Security, then we ought to be able to take the individual Indians with a family and lend them a few thousand dollars to become self supporting and self-governing. I believe that is a program, which, if we had sufficient appropriations, would enable us to spread and provide the benefits which were intended under the Wheeler-Howard Act. I think that would go a long way toward relieving the criticisms of the Indians in the future.

Mr. COLLIER. You are referring to the O'Connor bill?

Mr. SCHAFER. Yes.

Mr. COLLIER. That is an extremely important measure for all Indians, but again it is only an authorization act and if the Appropriations Committee will not do anything we are still in trouble.

The CHAIRMAN. Is there anything further on this point? We have asked some other witnesses who want to be heard this morning.

Mr. SCHAFER. Mrs. Jemison wants to be heard as soon as she can. She is supporting two children and trying to educate them.

The CHAIRMAN. In addition to Mrs. Jemison we also have some other witnesses here.

Mr. MURDOCK. There are three men here from Arizona who may wish to appear.

The CHAIRMAN. I wonder if we could work out an arrangement by which we could hear these people at some time today. We could hear them today briefly, and then give them additional time later on if the committee cares to hear them further. Who are the other witnesses?

Mr. MURDOCK. Mr. Pedro says he would be glad to defer his appearance today. Perhaps we could hear Mrs. Jemison next.

Mr. COLLIER. I would like to recover these two photostat copies of exhibits.

The CHAIRMAN. The Chair asks unanimous consent that the two exhibits referred to by Commissioner Collier be given back to him. He submitted them with the understanding that he would get the originals back.

Mr. SCHAFER. I think we should check the transcript to see that they are correctly copied.

The CHAIRMAN. The Chair would like to state for the information of the members that people who submit exhibits for the record relinquish them to the committee. The Chair has been advised that anything that is submitted as an exhibit for the record becomes the property of the House, and cannot be returned. The Chair does not know what is the policy or practice of other committees in that respect, but we have followed the policy of keeping the originals of all exhibits submitted for the record. We have been advised that that practice is within the rules. We are within the rules when we do that, but if we do otherwise, we are not. The committee can allow the Commissioner to submit these exhibits with the understanding that he will get them back. He is submitting them, and copies will be made of them. If there is no objection, it is so ordered.

Mr. MUNDT. I am perfectly willing to have that request granted provided it will not be going contrary to the rules of the House in such manner that it would tend to lay the committee open to criticism.

The CHAIRMAN. We are advised that when witnesses submit anything for the record, they are submitted with the understanding

that they are to be retained by the committee. In this instance, the Commissioner is submitting an original document so the reporter can make a copy of it. That copy will then be the property of the House, and not the original.

Mr. COLLIER. That is what I am asking.

Mr. MUNDT. I suggest that the copy be countersigned in some way to show that it is a correct copy.

The CHAIRMAN. We have had cases where witnesses have submitted something for the record, and then later asked for its return. We could not give the papers back to them. The Chair believes that in some committees that rule does not obtain. The Chair sought official advice on the point, and was advised that when documents are submitted in evidence they should be retained by the committee.

Without objection, when correct copies are furnished, the originals of these exhibits will be returned to the Commissioner. As there is no objection, it is so ordered.

Mr. COLLIER. Mr. Chairman, my other request is to this effect: I have endeavored to economize the committee's time in my testimony, and I have not submitted certain materials that are relevant to the question here. I am now postponing also a summarizing statement, and I would like to be granted the privilege at a subsequent time to submit a résumé of my testimony.

Mr. SCHAFER. I ask unanimous consent that the request of the Commissioner be granted.

The CHAIRMAN. Mr. Schafer asks unanimous consent that the Commissioner conclude his testimony at this time with the understanding that on a subsequent day he be given an opportunity to continue or extend his statement.

Without objection, it is so ordered.

Mr. MURDOCK. I would like to ask unanimous consent that the Commissioner be permitted to file a supplementary statement in the subcommittee's hearings on the Mundt bill. The Commissioner and no representative of the Bureau were present when we held those hearings.

Mr. SCHAFER. Reserving the right to object, we will not need the Mundt bill if we enact this bill with my suggested amendment.

The CHAIRMAN. Without objection, it is so ordered.

Mr. MUNDT. Mr. Chairman, I want to ask the Commissioner a question or two: Mr. Commissioner, did you follow along with this procedure step-by-step this morning?

Mr. COLLIER. Yes, sir; I read that into the record before you came in. I wish you had been here.

Mr. MUNDT. I will see it in the record. Mr. Commissioner, I am not sure whether I understood your testimony the first day correctly, or not, and I jotted down a question I wanted to ask you: Under the existing regulations, did I understand you to say that only the Indian boys and girls on reservations which have come under this act are permitted to borrow funds to go to school?

Mr. COLLIER. That is provided for by the Reorganization Act. But we are able to get out of Congress each year a small amount for that purpose for tribes not under the Reorganization Act. It averages about \$15,000, which we use for other areas that are not under the act.

Mr. MUNDT. The loan fund is not being used to force the Indians under the act?

Mr. COLLIER. No, sir. It is a fact that, as Congress passed the law, these funds are applicable only to tribes that elect to come under the act.

Mr. MUNDT. But there are other avenues by which they may secure funds?

Mr. COLLIER. We have exhausted every effort to get funds from the Appropriations Committee for people in the other areas—not under the Reorganization Act—and we have been getting about \$15,000 a year. I refer to funds for student loans. But I add that you would find that all applicable funds are fully used for Indian benefit in the reservations not under the Reorganization Act.

Mr. SCHAFER. Supplementing the unanimous consent request which has been made, I wonder if it would not be a good idea to insert in the record at this point, or at the point in the proceedings where Mr. Collier will put in his statement of the step-by-step procedure, a copy of the Wheeler-Howard Act, with the subsequent amendments thereto, so as to have the complete picture before us when we make our study of the hearings.

The CHAIRMAN. They were put in the record, Mr. Schafer, at the beginning of the hearings.

Mr. SCHAFER. I believe that they should be inserted right at this point, or at a point where it hooks right in with the step-by-step statement of the procedure, so we may have the whole picture before us at one place.

The CHAIRMAN. Well, if the committee wants to put it in twice—

Mr. SCHAFER (interposing). I think it is important to do so in order that a complete picture can appear in the hearings.

Mr. MUNDT. Does that include the full proposal that was made?

Mr. SCHAFER. Yes. I make the unanimous consent request that, immediately preceding Mr. Collier's presentation of the step-by-step procedure, a copy of the Wheeler-Howard Act, with the amendments, be placed in the hearings. That is the Wheeler-Howard Act of June 18, 1934; the amendment of June 15, 1935, and immediately following that, a copy of S. 2103 in the form in which we are now considering it. Were there any other amendments to the act?

Mr. COLLIER. No, sir; that is all.

The CHAIRMAN. You have heard the request of Mr. Schafer, and if there is no objection, it is so ordered.

The committee understands that it is proposed to insert this matter in connection with what was read into the record by the Commissioner.

Mr. SCHAFER. I want it to appear at that point in the hearing, so the committee may bear in mind those provisions as we go along with the hearings.

The CHAIRMAN. Without objection, it is so ordered.

Mr. SCHAFER. I want it to appear at the same point with the other matter.

The CHAIRMAN. It is the Chair's understanding that the other witnesses who want to be heard on this bill are willing to wait, and, with that understanding, the Chair will recognize Mrs. Jemison for whatever time the committee desires to hear her. She may proceed for the rest of the day, if it is satisfactory to the committee. The Chair

will have control of the time, and he will recognize the witness as long as the committee wants to hear her.

Mr. SCHAFFER. In order that the witness may be in a position to know what she will be able to present, I ask that she be given half an hour.

The CHAIRMAN. Mr. Schafer asks unanimous consent that the witness be recognized for 30 minutes. Will that be without interruption?

Mr. SCHAFFER. I did not mean that she would be recognized for that length of time without interruption, because we do not want to have to wait until the rapids have gone by, and the water is a mile downstream. We might want to question her at some particular points.

The CHAIRMAN. The committee understands that when the Chair recognizes a witness, that witness has the floor, and can yield to another or refuse to yield. Mr. Schafer has asked unanimous consent that the witness be recognized for 30 minutes, and, if there is no objection, the Chair now recognizes Mrs. Jemison.

The Chair will state to the witness that we can give you an opportunity, if you so desire, to be sworn before you make your statement. Of course, you understand, that would be entirely voluntary on your part, and the committee, of course, can view the statement in any way it sees fit, but some members thought that possibly you wanted to be sworn in order that your statement would carry a little more weight.

Mrs. JEMISON. I will be glad to be sworn.

Mr. SCHAFFER. In view of Mr. Collier's charges made against you, to the effect that you were the Joan of Arc who led a fifth column blitzkrieg which overcame the Senate Indian Committee and the Senate under the dome of the Capitol, in appearing as a witness before this committee I thought you might want to be sworn. However, as one member of the committee, I am perfectly willing to abide by your wishes as to whether you wish to be sworn, or not.

Mrs. JEMISON. I will be glad to be sworn.

(The witness was duly sworn by the chairman.)

TESTIMONY OF MRS. ALICE LEE JEMISON, WASHINGTON, D. C.

Mrs. JEMISON. Mr. Chairman and members of the committee, in this 30 minutes which you have given me this morning, I would like the opportunity to answer the charges which have been made against me by Mr. Collier, and I would like to appear at a later time to present the argument of the Indians whom I am representing here in Washington on these various bills to amend the Wheeler-Howard Act. But before I attempt to present any argument on the amendments, I wish to answer these charges.

Mr. Collier has charged that I am associated with what he terms fifth column activities in the United States, and that these people and organizations are Nazi, Fascist, or anti-Semitic. While all of this is fresh in the minds of the members, I would like to reply to these charges by stating the facts. I am very glad that this matter has been brought up in public hearings before a committee of Congress. These charges were first made against me in November 1938, by the Secretary of the Interior, and at various times since then there have been a number of releases disseminated by the Interior Department or

the Bureau of Indian Affairs containing those charges, which have been picked up and published all over the United States. This is the first opportunity that I have had to answer them in a public hearing where a record could be made of my reply.

Now, Mr. Collier read a list from the 1940 report of the Dies committee of people with whom he says I am associated. I do not know whether he meant to imply that I was associated with all of those people, or not, and I will state which of these people I know and which I do not know. If there are any whom I have overlooked, I shall be glad to answer any questions by the committee as to whether, or not, I know them. Now, first, I do not know Maj. Gen. Van Horn Mosely, Robert Edmondson, or E. N. Sanctuary.

Second, I do not know William Dudley Pelley. I wrote to him on one occasion and asked him to please send me some copies of the complaint in the case which he filed against Mr. Collier and Mr. Ickes in 1938, charging them with fraud and conspiracy. I received several copies, like the one Mr. Collier put into the record yesterday.

The CHAIRMAN. Did you say in the case which he filed?

Mrs. JEMISON. That is my understanding.

The CHAIRMAN. The Chair understood the Commissioner to say—

Mr. COLLIER (interposing). Filed in the court but not served.

Mr. SCHAFER. Did you say that you did not know Robert Edmondson?

Mrs. JEMISON. Yes, sir.

Mr. SCHAFER. Is that the same Edmondson who is the publisher of one cent publications? I have in my hand a circular entitled "Disarming Citizens" published by Robert Edward Edmondson, Stodartsville, Pa., on July 5, 1939. The last two paragraphs of this circular read as follows:

Combining the foregoing with Schafer's May 11 letter quoted above to Mr. Noll, and we have to inquire whether or not he is a conscious or unconscious or ignorant tool of the Jewish enemies of The Republic, when he so aggressively supports a pro-Communist bill that is dangerous to loyal citizens.

For myself, I supplement Mr. Noll's warning that patriots "will not stand for disarming," by adding that gentile political Judases are coming to be regarded by vigilantes as "marked men" who will receive no quarter when the day of reckoning comes for dealing out exact justice to Jews.

I understand that this circular is a complaint about a bill which I introduced to register firearms. I understand from the last paragraph that I am a "marked man." I am glad to know that you are not associated with Mr. Robert Edward Edmondson. I might be a marked man. I am still able to handle an Army forty-five and ask no quarter from Mr. Edmondson.

Mrs. JEMISON. Third, when Charles B. Hudson was in Washington in 1939, and appeared at a hearing of the Dies committee with General Van Horn Mosely, he called to see me to discuss certain work which I had done in opposing Mr. Collier and his program, and particularly with reference to the information which I gave to the Dies committee in November 1938, which is published in volume 4 of the hearings of that committee.

Fourth, I was introduced to George B. Deatherage when he was in Washington to appear before the Dies committee.

As to the American Nationalist Confederation mentioned by Mr. Collier, the officers of the American Indian Federation were invited

to attend the first meeting of that organization which was held in Wichita, Kans. All officers, also, received a letter from Mr. Joseph Bruner, the president of the federation, which stated that any officer who accepted the invitation should do so as a private citizen and not as an officer of the federation. No officer or member of the federation attended that convention of the American Nationalist Confederation.

Fifth, now as to Henry Allen, of California; long before Mr. Collier or Secretary Ickes charged me with being part of a fifth column, I volunteered the information to the House Committee on Indian Affairs that I knew Mr. Allen. I testified on H. R. 7450 on April 6, 1938, and from page 174 of the hearings entitled "Palm Springs Band of Mission Indians," I read as follows:

Mr. SHEPPARD. Do you have any connection or knowledge with the Militant Christian Patriots of America?

Mrs. JEMISON. Yes, sir.

In my reply I said—

I only know one member of that organization, Mr. Harry Allen, or Henry Allen, of Pasadena, Calif., I believe his name is, who is a representative of that organization.

That information was volunteered to this committee.

The question was again brought up by Mr. Schafer, of this committee, when I testified on the California Indian Jurisdictional Act on April 17, 1939. From the printed hearings on H. R. 3765, page 378, I read as follows:

Mr. SCHAFER. Now, Mrs. Jemison, I have a publication here—I am a new member of this committee; I don't have the background of all these witnesses—I have a publication—part of it was put into the record, the California Indian News for August 1938. I observe that there is considerable mention about your activities on this bill.

Mrs. JEMISON. Yes, sir.

Mr. SCHAFER. It is charged that you are connected with un-American—what is claimed as an un-American—German bund organization. Is there any truth in that?

Mrs. JEMISON. No, sir. I know the gentleman who is named there, Mr. Henry Allen. I met him at one time. He came here from the State of California, and, knowing something of the work which I have done against Communist activities in the United States, Mr. Allen came to see me.

Mr. SCHAFER. Is he a Nazi organizer and an ex-convict, as this pamphlet indicates?

Mrs. JEMISON. Insofar as I know, he is not a Nazi organizer. I have since learned that he has a criminal record; yes, sir.

Mr. Allen himself testified before the Dies committee in August 1939. Mr. Allen was questioned regarding a trip which he made here to Washington in February or March 1938, and at this point I read from volume 6 of the hearings of the Dies committee as follows, from page 4028 and page 4032. Reading from page 4028, this question was asked by Mr. Thomas:

What other people did you call on in Washington during that visit?

Mr. ALLEN. I called on a number. I called on Mr. True, and I believe I called—I believe I called on a Mrs. Jemison.

Mr. THOMAS. What was her first name?

Mr. ALLEN. I don't recall her first name.

Mr. WHITLEY. Alice Lee? Was it Alice Lee Jemison?

Mr. ALLEN. Yes; that is it.

I also read to you from page 4032 of this same volume, as follows:

Mr. THOMAS. Now, you mentioned Miss Jemison. Was it not a Miss Jemison that you mentioned before?

Mr. ALLEN. Yes, sir.

Mr. THOMAS. A resident of Washington?

Mr. ALLEN. Yes, sir.

Mr. THOMAS. Who is Miss Jemison?

Mr. ALLEN. I understand she is the national secretary of the American Indian Confederation.

Mr. THOMAS. Is it not also true that she is an agitator of the Indians?

Mr. ALLEN. Not to my knowledge. I do not think she is an agitator.

Mr. THOMAS. How long did you discuss matters with Miss Jemison?

Mr. ALLEN. Oh, I think I was there possibly 20 or 30 minutes that afternoon.

Mr. THOMAS. And what did you discuss with Miss Jemison?

Mr. ALLEN. A matter concerning the file that she might have as to the Palm Springs situation; in regard to the Indians in Palm Springs.

Then, on August 24, 1939, Mr. Allen was questioned regarding the "Pocahontas" letter which Mr. Collier has placed in the public record, and which has been broadcast all over the country. I read now from page 4131 of volume 6, of the hearings of the Dies committee as follows:

Mr. WHITLEY (reading). "Glad you saw Winrod and arranged for the Jemison articles."

What articles were those?

Mr. ALLEN. Those were two articles by Mrs. Jemison which she told me she would write at the time that I made my call upon her, as I testified the other day, in regard to the condition of the American Indian, his economic condition.

Mr. WHITLEY. And Mrs. Jemison, you stated the other day, is connected with what organization?

Mr. ALLEN. With the American Indian Federation.

Mr. WHITLEY. She has headquarters here in Washington?

Mr. ALLEN. I think she did at that time, in her own home. She did not have any regular headquarters. She just maintained a little side room.

Mr. WHITLEY. What is her full name?

Mr. ALLEN. Alice Jemison.

Mr. WHITLEY. Alice Lee Jemison, is it not?

Mr. ALLEN. I think it is Alice Lee.

Mr. WHITLEY. Was she closely associated with or did she work with Mr. True?

Mr. ALLEN. Did she?

Mr. WHITLEY. Yes.

Mr. ALLEN. I do not think so; no. I remember once or twice she made an appeal to him. The woman is really in a starving condition and she made an appeal to Mr. True to try through his publication to have somebody contribute some funds to the support of herself.

Mr. WHITLEY. The letter reads: "Glad you saw Winrod and arranged for the Jemison articles. They will do a great deal of good and Pocahontas needs the money very badly."

Pocahontas—

Mr. ALLEN. I think that was a reference to herself.

Mr. WHITLEY (reading): "She has put up a great fight and I think when the gates are down her writings will be very popular. She knows the truth and rattles a good typewriter."

Mr. ALLEN. Yes.

Mr. WHITLEY. She printed various articles?

Mr. ALLEN. She was a very splendid writer.

Mr. WHITLEY. Concerning what?

Mr. ALLEN. Concerning the Indian question.

Mr. WHITLEY. Concerning the Indian question?

Mr. ALLEN. Indian affairs and John Collier, and so forth.

Mr. WHITLEY. And Mr. True was helping her in any way that he could?

Mr. ALLEN. He was trying to help her out. I arranged for those articles to appear in Winrod's publication.

Mr. SCHAFER. How many articles did you write for that publication?

Mrs. JEMISON. I am coming to that in a moment.

Mr. Allen stated the truth in his testimony. Those are exactly the facts. He called to see me in February or March of 1938, and

said that he would make arrangements for an article in Dr. Gerald Winrod's paper, the Defender, and some others in the Christian Free Press. I wrote two articles for the Christian Free Press, only one of which was published, and which Mr. Collier has put into the record. I received for the articles which I wrote for the Christian Free Press the sums which Mr. Collier has indicated. I do not remember whether it was a check, bank draft, or what it was. I received a check for \$100, as I recall, from the Militant Christian Patriots of America. It was signed by the treasurer and countersigned by the president. I do not remember the names that were signed. I kept no record of it.

Mr. SCHAFFER. What was the article on?

Mrs. JEMISON. On communism among the Indians. Mr. Collier put the entire article in the record. I later received a check, not for \$100, but for \$95. I do not know where this money came from. It was signed by the president and countersigned by the treasurer of the Women's Christian Patriots, I believe. If Mr. Collier is correct in his statement where it came from, from Gerald Chapman, he knows more about the matter than I do.

Mr. SCHAFFER. You wrote the article for whom?

Mrs. JEMISON. For the Christian Free Press.

Mr. SCHAFFER. What is that publication?

Mrs. JEMISON. It is the Christian Free Press.

Mr. SCHAFFER. You wrote an article on Indian affairs, and received a check for \$100?

Mrs. JEMISON. I was to write six articles. I wrote and submitted two articles, and they published one. Then they always suspend publication during July and August. They told me that they would let me know when they were ready for the other four articles. They said that when they were ready they would notify me.

Mr. SCHAFFER. Have you ever written any articles for the Communist Daily Worker?

Mrs. JEMISON. No, sir.

Mr. SCHAFFER. And you have not written any articles for Collier's Weekly, have you?

Mrs. JEMISON. No, sir. Now, the money I received was not an undue amount of money for articles of that length, or of the length of the articles which I was to write for the Christian Free Press. If you will examine the article put in the record by Mr. Collier you will find that it is an article of four or five thousand words, and I was to write six articles of that length. I would like to show the committee those articles which I wrote for the Buffalo Evening Times in 1930. There are 10 of those articles, none of more than 1,000 words, and possibly not that much. I received \$150 for those 10 articles.

Mr. SCHAFFER. The Buffalo Evening Times is not a "fifth column" paper?

Mrs. JEMISON. No, sir; it is a public press. So the amount I received for the six articles which I was to write, was not an excessive amount considering the number of words I was to write in those articles.

Now, Mr. Collier has also inserted into the record an article written by Mr. O. K. Chandler, which appeared in the Revealer, a publication of Dr. Gerald Winrod. That was published in 1936, and Dr. Winrod discontinued publication of that magazine within a year of

that time, I believe. The first issue of the Indian Revealer, to which Mr. Collier referred, was published in January 1938. The Indian Revealer is published at the Oklahoma office of the American Indian Federation, and I have never had any connection with it, either in an editorial capacity or as a contributor. The November 1938 issue of the magazine carried a formal report which I made to the 1938 convention about my investigations on various western reservations. Mr. Collier did not put into the record the article which I wrote for Dr. Winrod's publication, the Defender, which was published in June, 1938. I had only one copy of the Defender magazine which contained the article. I loaned that to someone, and it was not returned. That is the article which Mr. Allen made the arrangement for.

Mr. SCHAFFER. Is that the article for which you received \$100?

Mrs. JEMISON. No, sir; Mr. Collier put that one in the record. Mr. Allen made the arrangement with Dr. Winrod for the two articles in the Defender. There were to be six articles in the Christian Free Press.

Mr. SCHAFFER. You referred to an article which you had written for the Winrod publication, and that did not appear in the record?

Mrs. JEMISON. Yes, sir.

Mr. SCHAFFER. Were you paid for that?

Mrs. JEMISON. Yes, sir; \$10.

Mr. SCHAFFER. What was that article on?

Mrs. JEMISON. I would like to read it to you. I had only one copy of the Defender magazine which contained the article, and, as I have said, I loaned that copy to someone, and it was not returned. I do have the manuscript of the article, however, and I would like to read a portion of that article to this committee to serve as a background for the argument which I am going to make against the so-called Wheeler-Howard Act.

Mr. SCHAFFER. On what date did it appear, and what was the name of the publication?

Mrs. JEMISON. It appeared in the Defender of June 1938.

Mr. SCHAFFER. And you got \$10 for that article?

Mrs. JEMISON. Yes, sir. I read from that article as follows:

In January 1938 Sioux Indians from the Pine Ridge and Rosebud Reservations in South Dakota, appeared before the Senate Committee on Indian Affairs to ask for the repeal of the so-called Wheeler-Howard Act, legislative program of the present Indian Bureau administration which was enacted by Congress in 1934. During the hearing, Hon. Elmer Thomas, Senator from Oklahoma and chairman of the committee asked a witness:

"How did you Indians get along when you were a boy, when you did not have much Government supervision, when you were just out there by yourselves? * * * How did you get along in those early days?"

In reply, Chief Benjamin American Horse said: "Well, in those times the people were pretty good and they believed in God, so they got along fine."

The people believed in God, so they got along fine. That profound truth was uttered by a 65 year old, full-blood Sioux Indian, wearing his hair in braids after the manner of his forefathers, and supplementing and emphasizing his soft-spoken English with the sign language of his people. It is a perfect answer and contains the explanation of the almost unbelievable conditions under which the majority of the Indian wards of a Christian nation are living today.

When the white men first came to America, religion was so closely interwoven with Indian life as to be inseparable. They believed in a Supreme Being, the power of prayer and a life hereafter. Children of nature, they lived close to their God, seeing and comprehending His work in all their surroundings.

Following the first white explorers and oftentimes with them, came the missionaries. Braving hardships, privations and death itself, they brought to the Indians the "Book of Heaven" and the life-giving story of a crucified Christ-Child who gave His Life that all mankind might know eternal salvation. When an Indian accepted that religion, he brought to it the implicit faith of a little child. He lived his religion 7 days a week.

The pilgrim fathers and many other of the early settlers, dealt with the Indians in a Christian spirit of brotherly love. Had that spirit continued throughout the history of this Nation, there would be no so-called Indian problem today. All too often, greed for material possessions prevailed against the Indians. On the other hand, all that the Indian has had of education, of better conditions, of civilization, came to him first through the efforts of Christian missionaries and much that he has been able to retain of his original possessions, has been saved only through the help and intervention of sincere Christian people.

From its very inception, the Government of the United States pursued a general policy designed to "civilize and Christianize the Indians." The Bureau of Indian Affairs was created for that purpose and the first Commissioner of Indian Affairs was charged with that duty. From 1824 to 1933 well over a billion dollars had been appropriated by Congress to carry out that policy, in addition to the millions expended by private sources for the same purpose.

Speaking on the floor of the House of Representatives in 1891, Congressman Blankard said:

"We, as an associated people, forming a great republic, have been given the Indians in charge by the Almighty, and it is our duty as a Christian Nation and a civilized people to pursue a policy toward them that will lead to their becoming Christianized and civilized; and if we fail in that duty, we, as a Nation will surely be held accountable for it as individuals are for the sins which they themselves commit."

In 1933 President Roosevelt, upon the recommendation of Harold L. Ickes, Secretary of the Interior, appointed John Collier as Commissioner of Indian Affairs. Mr. Collier announced that he intended to "revolutionize the Indian Service." Aided and sustained by the largest appropriation and allocations of public money ever made to the Indian Bureau, more than \$260,000,000 since July 1933, Commissioner Collier has successfully carried out his intention. Through his program of atheist-communism, in less than 5 years' time, he has largely destroyed the Christian efforts which preceded his administration. His attitude toward Christianity, Christians, and Christian efforts among the Indians was well summarized in a book review which he published in December 1937, issue of his Government-financed propaganda sheet, called *Indians at Work*. The review was of the book *The Enemy God*, by Oliver La Farge, his close associate and supporter. It was written by D'Arcy McNickle, an administrative assistant. Among other things Mr. McNickle said:

"The Indian has always had 'friends' and it has sometimes seemed that the 'friends' have been his worst enemies. * * * The abolitionists, the humanity lovers, out of employment after the Civil War, found the naked, hounded, red man and cuddled him close. They offered bibles instead of bullets, and there were Indians who thought it was a poor exchange. A dead Indian they would say, is better off than La Farge's Myron Begay, at the moment when frenzied by the cheap rascality Christian soul-saving, he stood up in a kind of missionary pep meeting and denied his Gods."

Mr. MUNDT. Will the witness yield for a question?

Mrs. JEMISON. Certainly.

Mr. MUNDT. Who is that quotation from?

Mrs. JEMISON. I am quoting D'Arcy McNickle in his review of the book of Mr. La Farge, called *The Enemy God*.

Mr. MUNDT. And where does that appear?

Mrs. JEMISON. In a Government-financed publication, *Indians at Work*, for December, 1937 issue.

Mr. SWEET. Is the author, the same Oliver La Farge who wrote *Laughing Boy* which is an insult to the Indians?

Mrs. JEMISON. Yes, sir.

The cheap rascality of Christian soul-saving; all the venom, hatred, and contempt of the atheist-communist for Christianity finds vent in that statement.

That statement must have the full approval of the Commissioner of Indian Affairs. In law and in fact, he has the sole and absolute control over the administration of Indian Affairs and the Indian Bureau, subject only to the Secretary of Interior and the President.

Mr. SCHAFFER. Will you yield for a question?

Mrs. JEMISON. Yes.

Mr. SCHAFFER. Do you mean to tell us that Government money, from the United States Treasury, is being used to publish a publication to disseminate anti-Christian propaganda such as you have indicated to the committee?

Mrs. JEMISON. Yes.

Mr. SCHAFFER. Such as you have quoted. Are you sure of that quotation?

Mrs. JEMISON. Oh, yes; absolutely.

Mr. SCHAFFER. I would like to see the entire article. If the committee is willing, I would like to have that article placed in the record.

Mrs. JEMISON. Yes.

Mr. SCHAFFER. You stated that you were quoting from a Government publication?

Mrs. JEMISON. Yes.

Mr. SCHAFFER. The name of which was Indians at Work?

Mrs. JEMISON. Yes.

Mr. SCHAFFER. What issue?

Mrs. JEMISON. December 1937.

Mr. SCHAFFER. Which contains an attack on Christianity, contained in a Government publication, published with Government funds, and put out by whom?

Mrs. JEMISON. D'Arcy McNickle.

Mr. SCHAFFER. Is he now on the Government pay roll?

Mrs. JEMISON. That is Mr. McNickle there, Administrative Assistant to the Indian Commissioner.

Mr. SCHAFFER. Mr. Chairman, the matter is of great importance, I believe, and I ask unanimous consent that the article in question from Indians at Work be incorporated in the record in full at this point.

The CHAIRMAN. Without objection it is so ordered.

(The article referred to follows:)

EXHIBIT 104

THE STRADDLE BETWEEN CULTURES

(By D'Arcy McNickle, Administrative Assistant, Office of Indian Affairs)

The Enemy Gods, By Oliver LaFarge. Houghton, Mifflin Co. Price \$2.50.

Why people will persist in regarding the Indian's world journey as an experience special and apart from the rest of the human family, something on the picturesque side, more stazy than real—this has always been a puzzle. Now, after reading Mr. LaFarge's persuasive *The Enemy Gods*, it will be more puzzling than ever if the attitude continues among people who should know better.

The Indian has always had "friends," and it has sometimes seemed that the "friends" have been his worst enemies. We wince when we recall the days when hairy-chested frontiersmen set about systematically to rid the public domain of the vermin who pestered the overland trails. Colonel Chivington at Sand Creek, Colo. was forthright. Vermin was vermin. But really, it was after his time that the Indian fell upon evil days. The abolitionists, the humanity lovers, out of employment after the Civil War, found the naked, hounded red man and cuddled him close. They offered Bibles instead of bullets, and there were Indians who thought it was a poor exchange. A dead Indian, they would say, is better off than Mr. LaFarge's Myron Begay (born Ashin-Tso-n's son; Big Salt's son, that

is), at the moment when, frenzied by the cheap rascality of Christian soul saving, he stood up in a kind of missionary pep meeting and denied his gods.

"Dis belongs to Nayeinezgani, a so-called slayer of enemy gods," be declared, and half-choked. After that, he really gave himself up to madness—and so his tale rushes into one of the most moving climaxes that, I suppose, anyone will ever write, using the Indian as material.

It seems obvious that LaFarge, in writing of Myron Begay and his Navajo hierarchy, has written a story of the human race and its tribal gods. "Sought the gods and found them," refrain in one of the ritual songs, is the refrain which carries through the book. This passion in the desert must have been old stuff when the Cro-Magnon were getting the spirit of things into imaged reality on their cavern walls. Why, then, label it as Indian or heathen? Why call it picturesque? Why, on the one hand, try to stamp it out, or, on the other, simper about it? Truly, it is one with the frenzy imaged by the prophets in Israel. It is in the stream of race consciousness. Amen to that.

The story has been done before, but the number of times it has been done knowingly, and intelligently, and authentically is rare indeed. This is the story of the straddle between cultures. Even certain Indian spokesmen who on occasion have alluded to the dilemma which they themselves at some time faced, have only managed to give it a feather headdress. It is LaFarge's distinction to have told the tale honestly and movingly, and so to have dignified it with human warmth.

Myron Begay, his protagonist, comes to us as a very young boy completely overawed by the power and the glory of his white teachers. There is a certain supple willingness about him which catches the eye and engages the Christian interest of Mr. Butler, the missionary, about whom, evidently, there is enough elemental kindness really to win the boy's heart and so to make him wretched in those later vital moments when he tries to enter the kingdom of his own manhood. The painful vacillation, the final burgeoning of assurance, are told with passion and deft insight. For one who has had to come to them through imagination, some of these scenes in the boy's life, for instance his first day at school, or his vigil in the presence of the coming gods long afterward, are creative artistry of the rare sort. It is more than reconstruction of a probability; it is the living experience.

To express a fear that readers unfamiliar with the abundance of Navajo spirit and strange to the ways of Indian administration may have moments of feeling that they have lost their way in *The Enemy Gods* is not to detract from its quality. Some reviewers, one judges, have been rather baffled and have hinted a preference for *Laughing Boy*. It is inevitable that the comparison should be made, though that is rather beside the point. This reviewer is satisfied that there is more of substance and of enduring emotion in this present work, even though it may not yield itself so easily to the casual reader.

To add a final word. Indians are distinctly the gainers every time a book of the stature of *The Enemy Gods* comes from press. Not Indians alone, but their teachers, the administrators of their affairs, white men generally, have need of a deeper perspective in Indian matters. Merely thinking of Indians as emerging from savagery and being hastened on the road to salvation by our various ministrations, never brought us closer to them in understanding. So we have learned. Anyone reading *The Enemy Gods* will see clearly just why that should be. Nothing sickens mutuality like high-thinking. Indians have long been thinking so. What they would like white men to know, and what *The Enemy Gods* would make clear, is that there is only one humanity, and Indians are made in the image. Only that.

Mrs. JEMISON (reading):

"The cheap rascality of Christian soul saving!" All the venom, hatred, and contempt of the atheist Communist for Christianity finds vent in that statement. That statement must have the full approval of the Commissioner of Indian Affairs. In law and in fact, he has the sole and absolute control over the administration of Indian affairs and the Indian Bureau, subject only to the Secretary of the Interior and the President. In addition, Commissioner Collier is the editor of the magazine, *Indians At Work*, 12,000 copies of which are published each month at the expense of the taxpayers and circulated under the Government franking privilege.

From 1934 until November 1936, the actual preparation of the magazine was in charge of Mary Heaton Vorse, a Communist, with a well-known record of racial activities. While employed by the United States Government, Mrs. Vorse published a book relating to her 20 years' experiences and associations with

radicals, Communists, and anarchists. In November 1936 she was given a leave of absence to assist John L. Lewis in organizing the women's division of the C. I. O. and it was not until 7 or 8 months later that she resigned from the Government service.

Mr. MUNDT. Will you yield for a question?

Mrs. JEMISON. Yes.

Mr. MUNDT. What was the name of the book, or Communist publication?

Mrs. JEMISON. Foot Notes of Folly.

Mr. SCHAFER. You said she was a Communist. Have you any additional evidence to show that she was connected with a Communist organization?

Mrs. JEMISON. Yes; that is all in the record of the hearing before the Senate Indian Affairs Committee.

Mr. SCHAFER. It is easy to say a person is a Communist.

Mrs. JEMISON. Well, her third husband, Robert Minor, was a candidate for vice president on the Communist ticket.

Mr. SCHAFER. And she is still in the Indian Service?

Mrs. JEMISON. No.

Mr. SCHAFER. What was the name of the book?

Mrs. JEMISON. Foot Notes of Folly.

Mr. MUNDT. What is the book about?

Mrs. JEMISON. Well it is a résumé of her 20 years' experience with the I. W. W. and of her trips to Europe to attend Socialist and Communist conventions. I have read the book and I will be glad to furnish my review of it if you want it.

Mr. MUNDT. You have a review of the book?

Mrs. JEMISON. Yes.

Mr. MUNDT. I think it should be incorporated in the record.

The CHAIRMAN. How long is the review?

Mrs. JEMISON. It is not very long.

The CHAIRMAN. Just a few pages?

Mrs. JEMISON. Just a very few pages.

The CHAIRMAN. Without objection, it will be incorporated in the record.

Mrs. JEMISON (reading):

From August 1933 to March 1937, publication of Indians At Work cost the American taxpayers \$24,421.80.

"The cheap rascality of Christian soul saving," Mr. McNickle, the author of that statement, like others who have propagandized for the Communist program of the present Indian Bureau regime, did not have the courage to state that viewpoint as his own but sought to hide behind the Indians by accrediting them with such thoughts and expressions. If he be of Indian blood, as he has stated, then he is the product of close association with the Commissioner of Indian Affairs and his widely publicized program of bringing Indians to Washington to work in the Washington Office.

Under authority of the so-called Wheeler-Howard Act, the Secretary of the Interior is given full power to establish an "Indian civil service" for the Indian Bureau, subject to review by no one. Only those Indians are selected who will put the program into operation. Many of those selected are young, just out of college, and, in the last 2 years, many are the products of the present Indian Bureau educational program. Assailed by constant anti-Christian propaganda in the discussions of those around them, these young and amenable Indians soon mimic the attitudes and the viewpoints of their superiors. Their Christian parents would shudder in horror to hear them expressing such views as "Religion is only for the ignorant"; "educated people do not need religion, they are smart enough to take care of themselves. If an ignorant girl becomes pregnant, she consoles herself with Christianity, but if she had been educated she would have known the

use of contraceptives and would have been too smart to become pregnant in the first place."

Mr. MUNDT. Will the witness yield for another question?

Mrs. JEMISON. Yes.

Mr. MUNDT. Who are you quoting from?

Mrs. JEMISON. I am quoting some things that are being said by young Indians employed in the Indian Bureau.

Mr. MUNDT. Persons employed in the Indian Bureau?

Mrs. JEMISON. Yes. (reading:)

The atheist-communist program of the Indian Bureau is producing results. An Indian woman has been horsewhipped by tribal members for refusing to give up the Christian religion. In 1937 a Christian minister was beaten to death by two Indians in Minnesota and Congress has under consideration a bill to pay \$5,000 to his widow.

Mr. SCHAFFER. Let me interrupt you for a question?

Mrs. JEMISON. Yes.

Mr. SCHAFFER. Will you put in the record the name of that minister and also the name of the Indian reservation?

Mrs. JEMISON. Yes; I could get that from Senator Shipstead who introduced the bill.

His name was Rev. C. G. Eidnes. [reading:]

For 4 years Indians have protested to Congress about this program. For four successive sessions of Congress they have laid information, brought charges, fully substantiated with evidence and facts, against the Commissioner and others in the Interior Department, and pleaded with Congress to remove these people from public office. Little of that testimony has ever reached the public. Generally speaking, most of it has been either ignored or toned down by the press.

Mr. Chairman, with your permission I will ask to insert the next two or three pages and skip down to the end.

(The statement referred to follows:)

Hearings held before Hon. Abe Murdock, chairman of an investigating committee of the House Committee on Indian Affairs in 1935 were published. No report was ever made by the committee. Statements about the legislative program were deleted from the printed records of hearings held before Hon. Will Rogers, of Oklahoma, chairman of the House Indian Committee in 1936. Hearings held before Hon. Elmer Thomas of Oklahoma, chairman of the Senate Committee on Indian Affairs in 1936, 1937, and 1938, including an investigation into conditions of the Cherokee Reservation of North Carolina, the Navajo, Oneida, and Sioux hearings on the repeal of the so-called Wheeler-Howard Act and hearings on the dismissal of Wade Crawford, have never been published, despite the fact that the Senate committee by specific resolution is authorized to investigate Indian affairs and receives a special appropriation of \$10,000 per year for that work and the printing of records.

Hearings held before Hon. René L. DeRouen, of Louisiana, chairman of the House Public Lands Committee in 1937, relative to the Cherokee situation were not printed. Indian protests against the appropriation of money to promulgate this program were given before the House and Senate Appropriations Committees in 1937 and were printed in the record. Indian protests of a like nature given before Hon. Edward Taylor, of Colorado, chairman of the House Appropriations Committee in 1938, were not printed in the record, and the Senate Subcommittee on Appropriations, Hon. Carl Hayden of Arizona, chairman, did not grant the Indians an opportunity to testify. These unprinted hearings contain full proof of the charges of "atheism, communism, un-Americanism, sedition, maladministration, and misuse of public funds in the administration of Indian Affairs," which the American Indian Federation, a national, nonsectarian, and nonpartisan organization of Indians, brought against the Commissioner of Indian Affairs and others in 1935.

In those hearings it was charged, proved, and in fact admitted that John Collier, Commissioner of Indian Affairs, salary, \$8,500; Allen G. Harper, administrative assistant, salary, \$4,600; Robert Marshall, Chief Forester, Indian Bureau, salary,

\$5,600; and Nathan R. Margold, Solicitor for the Department of the Interior, salary, \$9,000, were all members of the subversive, seditious, Christ-mocking, and Communist-aiding American Civil Liberties Union whose purpose is to establish communism in the United States. Mr. Collier cannot remember whether or not he is a member, but stated in 1935 and as recently as February 1938, that he highly approved the American Civil Liberties Union and considered that it was doing a "most useful and effective work."

Congress was respectfully requested to remove all of these people together with Mary Heaton Vorse, publicity director, Indian Bureau, salary, \$3,200; Dr. Harold W. Foght and C. D. Stevens, employees at Cherokee, N. C.; and Dr. Willard W. Beatty, Director of Indian Education, salary, \$7,500, past national president and active member of Progressive Education Association. Following his radio announcement in August 1937, that he was and had been an active member of the American Civil Liberties Union for many years, the federation added the Secretary of the Interior, salary, \$15,000, to the list for removal. Robert Marshall was transferred to the Department of Agriculture in May 1937; Mary Heaton Vorse, C. D. Stevens, and Dr. Harold W. Foght have now resigned from the Service.

Mrs. JEMISON. (reading:)

The administrative and department heads, however, continue in office. Their entire program, legislative, administrative, and educational, is one of atheist-communism. As the program develops results become more evident. Indians who have opposed it bitterly and are still opposing it have been and are being coerced, intimidated, jailed, fined, beaten, starved, and otherwise punished. Indians who accepted it are rapidly becoming real "prisoners of the Government" with no civil liberties, rights of private property or enterprise, or religious freedom.

"The Wheeler-Howard Act wants all of us Indians to go to hell," Chief American Horse told the Senate committee, "that is why we are against it."

"The cheap rascality of Christian soul-saving," sneers the Government publication Indians at Work.

Christians! Where are you, that by your silence you deny your Christ and abandon your helpless wards to the onslaught of the atheist-communist program of those in high Government offices who are forcing your wards into this program designed to aid in the overthrow of this Government and the Christian religion in America?

How long will you let your Congressmen and your Senators ignore the pleas of the first Americans for the removal of these people from public office?

Mr. SCHAFFER. Allow me to ask you a question.

Mrs. JEMISON. Yes.

Mr. SCHAFFER. I believe the records of these hearings will bear out the fact that there has been claim made that the "fifth column" now has the Communist division, the Nazi division, and the Fascist division all working together now. In view of that fact and the fact that you have been charged with being the Joan of Arc who led the "fifth column" blitzkrieg which overcame the Senate Indian Affairs Committee, are you still against communism? Before you answer, please realize that communism is anti-God, anti-Christ, and that it is fomenting the doctrines of Leon Trotsky who directed the "red" Communist revolution of Russia.

Mrs. JEMISON. Yes. Who went to Russia to lead millions of people astray.

Mr. SCHAFFER. The same Mr. Trotsky who is now down in Mexico, and who is supposed to be leading the people of Mexico into a Communist Fourth International revolution to destroy the existing form of government?

Mrs. JEMISON. Yes.

Mr. SCHAFFER. Now, do you reiterate your position as expressed in that article as opposed to anti-Christian and anti-Godly communism?

Mrs. JEMISON. Yes.

Mr. SCHAFFER. I am glad to hear you say that.

Mrs. JEMISON. That is why I am opposed to Mr. Collier's program.

I wrote these articles for two purposes—to bring this condition of my people, the first Americans, to the attention of Christian Americans, and to bring in some support for my family. I have made efforts to do this through the medium of the public press but my efforts have been unsuccessful. Consequently, I have utilized such mediums as were available. I did not know Dr. Winrod at that time but I have since met him on one occasion when he was here in Washington.

7. Mr. Collier has also inserted in the record an appeal made in October 1937, by Mr. James True of this city to help me financially. I wish this committee to know the reason that this appeal was made.

I came here in 1934 to oppose passage of the so-called Wheeler-Howard Act. I was here for 10 days. I returned here in January 1935, bringing my two children with me and I have been here ever since.

Mr. MUNDT. Where were you residing before that time?

Mrs. JEMISON. I was residing in Buffalo, N. Y.; I am from the Catteraugus Reservation in New York.

Mr. MUNDT. You are of part Indian blood?

Mrs. JEMISON. Oh, I am both Seneca and Cherokee.

The CHAIRMAN. When you came here at that time did you come of your own accord or were you sent as a representative of an Indian group or of some organization?

Mrs. JEMISON. I came in 1934 and in 1935 as a representative of the Seneca Nation of Indians.

The CHAIRMAN. The Indians paid your expenses?

Mrs. JEMISON. Yes.

The CHAIRMAN. Are you still here representing them?

Mrs. JEMISON. No.

The CHAIRMAN. Are you representing anyone now, for the record?

Mrs. JEMISON. I was going to put that in the record later on, in regard to this particular bill.

The CHAIRMAN. Go right ahead.

Mr. SCHAFFER. You are not representing any foreign country?

Mrs. JEMISON. No.

Mr. SCHAFFER. Directly or indirectly are you representing or getting paid from any foreign government, whether it be the Russian Government, the Italian Government, the German Government, the British Government, or the French Government?

Mrs. JEMISON. No, sir.

Mr. SCHAFFER. In order to make a living you work to support yourself?

Mrs. JEMISON. Yes.

Mr. SCHAFFER. Your children and yourself?

Mrs. JEMISON. Yes.

Long before there was any hue and cry about a fifth column in America, I was talking about subversive forces in the United States, and in the public offices of the Federal Government. Along with other Indians, I charged that the Commissioner of Indian Affairs was introducing communism and atheism among the Indians and that his entire program, legislative, educational, and administrative was subversive. I have given 6 years right out of my life to oppose this program, and when I say "given", I mean just that. I have not been

paid for my services and in many instances I have not received even enough for just living expenses. Not only have I gone hungry myself, but I have seen my children go to bed hungry, within the very shadow of this Capitol dome. We are not the only Indians who have gone hungry opposing this program.

Back in 1935, 1936, 1937, and even as late as 1938, most people laughed in your face if you talked about subversive activities, particularly communism. I have been reviled and ridiculed, slandered and smeared, and denied the opportunity to appear before some of the committees of Congress. I have continued in this work because I truly and sincerely believe that there is danger in the Indian Bureau program, not only for my own people but for all Americans. I am one of the first Americans. This is my country and this is my Government. I believe profoundly in our form of government. For this reason I have continued in this work.

Now, in 1937 things were particularly hard——

The CHAIRMAN. Do you mind my interrupting you?

Mrs. JEMISON. No.

The CHAIRMAN. Would you mind stating what committee refused to hear you?

Mrs. JEMISON. The Appropriations Committees and the Senate Public Lands Committee.

The CHAIRMAN. On legislation?

Mrs. JEMISON. Yes.

The CHAIRMAN. Or appropriations?

Mrs. JEMISON. On appropriations, also.

Mr. MUNDT. Will you pardon an interruption there?

Mrs. JEMISON. Yes.

Mr. MUNDT. I have no desire to pry into the lady's private affairs, but she has been accused of a pretty serious charge, of being a Communist, associating with Nazis, Fascists, and Communists, and at least as one member of this committee I abhor all three of those un-American doctrines with equal vehemence, I think probably the lady should make some mention of her husband so we can be sure that there is no connection to any of those particular doctrines.

Mrs. JEMISON. My husband is a Seneca Indian. I have not lived with him since 1928. I am not divorced but I do not live with him.

Mr. MUNDT. He is an Indian?

Mrs. JEMISON. Yes.

Mr. MUNDT. Is he connected with any of that group?

Mrs. JEMISON. No, sir; he lives on the Seneca Reservation. I left him voluntarily in 1928, taking my two children and I have supported them ever since.

Mr. MUNDT. Would you put his address in the record?

Mrs. JEMISON. Yes.

Mr. MUNDT. And his name?

Mrs. JEMISON. Yes.

(The information requested follows:)

Le Verne L. Jemison, Irving, N. Y.

Mrs. JEMISON. Now, in 1937, things were particularly hard. There were many times that we did not have enough to eat. Sometimes the children could not go to school because they were too hungry, and I have appeared before committees when I was faint from the lack of

food. In fact, in April of that year, while appearing on the Wheeler-Howard matter before the Senate committee, I did faint and the hearing had to be adjourned until I recovered.

The children and I lived in one room at that time, and the rent was \$6 a week. But we were unable to pay that for 6 months or more. The landlord was very patient, but finally he could not wait any longer, so one day when we were all out of the room he put a padlock upon the door, and we were literally put out into the street without anything. It was in September, just before Labor Day.

I had not seen my mother for almost 4 years, and she arrived on a visit on Labor Day to find us without even a room to live in. She can verify what I am telling you now. She and my uncle wished to take us home with them, but I refused to go. So, in October, Mr. True circulated the appeal which Mr. Collier put into the record, and through it my room rent was paid up in full, and we got back our clothing and federation files and records.

And, let the record show that Jim True is a fine, sincere, Christian gentleman, and he is my friend.

The CHAIRMAN. Is this the same Jim True that Mr. Collier mentioned?

Mrs. JEMISON. Yes.

Mr. SCHAFER. Formerly a newspaper man?

Mrs. JEMISON. I beg your pardon.

Mr. SCHAFER. He was a former newspaper man?

Mrs. JEMISON. Yes.

In that connection I want to ask this committee to grant Mr. True time to appear before this committee and answer the charges which Mr. Collier has made against him. Mr. True, like myself, has been reviled by the public press, in the hearings, and on the radio, and has never had an opportunity to appear before any committee to defend himself. He appealed to the Dies committee for a hearing, but was not given an opportunity to appear; so I ask that this committee grant Mr. True an opportunity to appear before you on Monday or Tuesday of some week, when the committee can arrange it.

The CHAIRMAN. Of course, he can appear on this bill, but he cannot appear just for the purpose of making a record on charges not in connection with this bill. We are dealing only with this bill.

Mrs. JEMISON. You cannot hear him and give him an opportunity to defend himself?

The CHAIRMAN. He can appear on this bill, but we cannot hear him on any other matter.

Mrs. JEMISON. These are charges that Mr. Collier has made against him.

Mr. MUNDT. Why do you suggest Monday or Tuesday?

Mrs. JEMISON. Mr. True is a newspaper man, and is at liberty on Mondays and Tuesdays.

Mr. MUNDT. Who is Mr. True?

Mrs. JEMISON. He is the publisher of the Industrial Control Reports.

Now we come to Mr. Towner. I did not know Mr. Towner personally. The first knowledge that I ever had of Mr. Towner was when he appeared at the Salt Lake City Convention of the American Indian Federation in 1936. At that time he was opposed to dealing

with the federation because we were opposing the Commissioner, or doing nothing but opposing the Commissioner of Indian Affairs. He wanted us to redraft our constitution. It appeared to us that he was a trouble maker, trying to break up the federation. Consequently, as we thought he was an agent of Mr. Collier, we did not pay any attention to him.

Mr. SCHAFFER. What was that name?

Mrs. JEMISON. Towner.

Mr. SCHAFFER. What is his first name?

Mrs. JEMISON. I do not know. His initials are "G. N.," I believe.

Mr. SCHAFFER. You were speaking of Chief Benjamin American Horse.

Mrs. JEMISON. Yes, sir.

Mr. SCHAFFER. Is he the man who was put in jail illegally on the Yankton Reservation?

Mrs. JEMISON. Yes, sir; I do not think it was the Yankton Reservation but Pine Ridge.

Mr. MUNDT. I saw Chief Benjamin American Horse here. He was one of the full-blood Indians who appeared before the Appropriations Committee within the last few weeks.

Mr. SCHAFFER. Is he the man from the Yankton Reservation who complained that he was put in the jailhouse, and it was found that the judge who sentenced him to jail was an Indian judge who was selected, not by the Indian Bureau, but by the Indians themselves?

Mrs. JEMISON. I will be glad to take that case up later.

The second time that Mr. Towner came to our convention was at Lewiston, Idaho. At that time Mr. Towner came there with a man named Roy Zachary, who was an organizer, I understand, of William Dudley Pelley's Silver Shirts. The public press carried the statement that Mr. Zachary was denied the floor of the convention to make a speech, and that the literature which he brought was prohibited from being disseminated at our convention meeting. I also had private information from officers of the federation that Mr. Towner brought this man and was denied the opportunity to appear in our convention. Now, so far as I am personally concerned, I do not know Mr. Towner. I am not now a member of the organization. I helped to form and organize the American Indian Federation in June 1934. It was organized by a group of Indians who came here to oppose the passage of the Wheeler-Howard Act. We found that the Indians must have some kind of unity if they were to accomplish anything, and that was what brought the American Indian Federation into being.

I continued as the Washington representative of the federation until I resigned. I resigned from the federation because at the convention in August 1938 which was the only convention I attended, there arose a discussion of whether the federation should continue with the program which it had been pursuing, or the policy or program of opposing Mr. Collier and Secretary Ickes, and the program of the Wheeler-Howard Act, and so forth. Several of the officers seemed to feel that the program should be laid aside, and that the federation should do nothing except to try to promote the settlement bill. I was not in agreement with that. However, I continued with the federation hoping that we could straighten the matter out and reconcile our differences. I found that that could not be done, so I resigned from

the American Indian Federation on July 10, 1939. What the federation has done since that time, I am not responsible for.

Mr. SCHAFFER. Was Towner an organizer for it?

Mrs. JEMISON. Not while I belonged to it.

Mr. SCHAFFER. Was there a man named Bruner connected with it?

Mrs. JEMISON. Yes, sir.

Mr. SCHAFFER. Was he the president?

Mrs. JEMISON. Yes, sir.

Mr. SCHAFFER. Is he the man who had introduced in Congress a bill which was more liberal than Dr. Townsend's bill, to pay the Indians large sums of money, which bill was afterward withdrawn?

The CHAIRMAN. That is when you severed your connection with the federation?

Mrs. JEMISON. Yes, sir. I resigned from the federation in July 1939.

Mr. SCHAFFER. Were you pushing the liberal bill which Mr. Bruner had introduced, and which was later withdrawn? Do you say that you did not support that bill?

Mrs. JEMISON. I am in agreement with the bill, when worked out in connection with the entire proposed program of the federation.

Mr. SCHAFFER. But you did not support the bill in the form in which it was introduced?

Mrs. JEMISON. I can argue that bill, but I do not want to take up the time of the committee to go into an argument about it.

I did not sever my connection with the federation because I did not believe in that bill. I severed my connection with the federation because they said that for the enactment of their bill it would be necessary to have Mr. Collier's support for the bill. I felt it would be inconsistent for the federation to quit fighting the Wheeler-Howard Act and Mr. Collier. They thought it would be expedient to quit fighting. I wanted to keep on fighting it, and I have been fighting against that act and against Mr. Collier. The Commissioner said that Mr. Towner was the first one to bring the charge of communism against the Wheeler-Howard Act.

Now, I want to show the committee these articles in the Buffalo Evening News. They were published in April 1934. These are articles which I wrote in that time in opposition to the Wheeler-Howard Act, which was then before Congress. I will quote from an article written on April 20, 1934, as follows:

THE LAND PROBLEM

Only one form of living for the Indians is provided in proposed legislation for land control. That is community ownership of property. All under complete control of a bureaucracy.

In other words, other experiments having failed, the Indians will now be subjected to a communistic experiment.

I quote further from this article:

No adequate protection is given to Indian holdings in accordance with established laws which operate satisfactorily for all other Americans, and subject to court review. All power is left in the exclusive control of the Indian Bureau. The Indians are still to be incompetent wards.

COMMUNISTIC EXPERIMENT

A communistic experiment, bureau dictated. Such community government might work out well in cases where tribes have never abandoned their communal form of living.

But what of the tribes who have other forms of government and individual holdings of property today? Are they to be forced by this mass legislation to go backwards, to accept this initiative killing form of Socialist government, still subject to bureau control?

If the Indians are to have self-government, let them choose the form it shall take and let them have it.

Far from providing freedom, these bills are but another effort of reformers to strengthen the strangle hold this gigantic bureau has upon a helpless race.

I call attention to an article written by me on April 21, 1934, which appeared in the Buffalo Evening News, in which I say this, referring to the communistic experiment:

In that spirit are we to again be made the subject for further experiments? This time a communistic experiment.

We are tired of experiments. Try this one out on someone else. Preserve some group of mountaineers in their quaint and curious customs. Corral some of the cowboys and preserve them in their picturesque ways.

Or take the next group of foreigners who arrive in this country, unable to speak English, unlearned in American ways, place them on a reservation, subject to a bureau in which they have no voice, in order to preserve the culture of their ancestors. Well, why not?

So if Mr. Towner started his activities in 1939 on this communistic program, he was 6 years late.

Mr. SCHAFER. I have been fighting communism in and out of Congress for a long time. I want to be shown how the Wheeler-Howard Act, under which the Indians have the right to vote whether they shall come under it, or not, is communism. Communism is where a little gang of cutthroats and thugs get control of the people under a Soviet system. Here they have the right to vote on the question of whether they will come under the provisions of the Wheeler-Howard Act. We have organizations in nearly every State whereby the people form associations and engage in activities along cooperative lines. Now, I cannot figure out how we can say that this Act is communistic, when we know what communism really is.

In order to get away from the communistic side of it. If there is any communism in the Wheeler-Howard Act, do you not think it would be a good idea to adopt the amendment which I have suggested, so that the Indians can go in or get out whenever they choose by a secret ballot election? That sort of choice would be, to my mind, in accordance with a pure, unadulterated American conception of government.

Mrs. JEMISON. I am not making any argument on the Wheeler-Howard Act at this time. I am trying to answer the Commissioner's charges. I do not wish to make any reply to that at this time relative to this proposed amendment, because I have an amendment to submit to the amendment you propose. You would not understand why I submit it until I make an argument against the Wheeler-Howard Act from the Indians' point of view.

Mr. SCHAFER. I am willing to hear you. I made the motion that we hear you, but I cannot reconcile the idea of voluntary cooperation under this act with communism, which is a system of bloody butchery by gangs of thugs who get control of governments by force.

Mrs. JEMISON. I will be glad to make my argument on that subject when I can come before the committee for the purpose of presenting that argument.

The CHAIRMAN. We will have to continue this at a later date.

Mrs. JEMISON. I have nearly completed my statement.

Mr. Collier pointed out that a German bund publication carried a statement or some charges that I made against Mr. Collier. I did not know that this German paper had ever carried anything I wrote until Mr. Collier brought it to the attention of the committee. All I know of what Hitler said about Indian affairs was what I read. That was in connection with a statement in a paper in 1938, when I appeared before the Dies committee. In connection with the statement which appeared in the German paper—I have no personal knowledge of this, but I was informed by an Indian from Montana, whose name I will be glad to give the committee, that the reports which I submitted to the International Conference of the International Anti-Communist Entente, which was held at Geneva, Switzerland, in February 1939, was reprinted in full in the London Times. I did not see it. I do not want to swear or admit under oath, that it was or was not, but I would like to submit that report which I made to the International Conference of the International Anti-Communist Entente. I would like to submit it for this record, if the committee will receive it.

The CHAIRMAN. How long is it?

Mrs. JEMISON. It cover 10 pages.

The CHAIRMAN. Does it have any bearing on this matter?

Mrs. JEMISON. Yes, sir; on this entire program.

The CHAIRMAN. Why was that admitted?

Mrs. JEMISON. The American Indian Federation was at that time a member of the American Coalition of Allied Patriotic Societies, and the American Coalition was asked to send a delegate to that International Entente.

The CHAIRMAN. My question is why would a report submitted to the International Conference have anything to do with this bill?

Mrs. JEMISON. This is the effort of the American Indian Federation against communism in the United States.

The CHAIRMAN. The Chair is talking about this proposed bill.

Mr. SCHAFER. She is putting that in as rebuttal testimony, as I understand.

Mrs. JEMISON. Yes.

Mr. SCHAFER. Having been accused of being a Nazi, fifth columnist, or a Fascist fifth columnist, or a Communist fifth columnist, she is putting that in as rebuttal to indicate how she has been opposing communism.

Mrs. JEMISON. No; I am putting this in to show that not only Mr. Hitler picked the things which I have said or written, but the English paper, the Times, picked up and published some of my writings also.

The CHAIRMAN. Well, that report of some 12 pages in length was made to an international conference and the Chair fails to see the connection with this legislation.

Mr. SCHAFER. I asked that it be filed with the committee so that we can determine what should be done with it.

The CHAIRMAN. Without objection that will be done.

(The report referred to was filed with the committee.)

Mrs. JEMISON. Now, to the best of my knowledge, I know only one member of the German-American Bund. From 1929 until her death, in 1934, I served as part-time secretary to Mrs. E. Claudia Handley, of Buffalo, N. Y. Mrs. Handley was the president of the Cosmopolitan Association of Erie County.

During part of the time I served as her secretary she was also vice chairman of the Erie County Democrat Committee and I did her secretarial work in the evenings. Now, I worked in the campaign of 1930 and 1932 for the election of Mr. Roosevelt to the governorship of New York, and to the presidency of the United States, and in the 1934 campaign, I believe it was, the Democrats came into control of the city government of Buffalo, N. Y., and following that they appointed to office a man by the name of Mr. Schleiderer. He was appointed in November or December, as I remember, but he did not take his oath of office until sometime in February of the following year because he had not received his final citizenship papers.

Mr. Schleiderer was the organizer and founder of the German-American Bund in Buffalo subsequent to that time. And as far as I know that is the only member of the German-American Bund that I know. I do not know other members of the bund.

Mr. SCHAFER. What was his position?

Mrs. JEMISON. He was superintendent of the I. R. C. physical properties and was appointed to the social welfare board by Mayor Zimmerman.

Mr. SCHAFER. Is he still a member of the bund?

Mrs. JEMISON. He organized the bund in Buffalo subsequent to his appointment.

Mr. SCHAFER. Do you know where Schleiderer is now?

Mrs. JEMISON. I have not been there since 1935, in January of 1935 and I do not know where he is.

Mr. MUNDT. He was the political appointee of the mayor of Buffalo?

Mrs. JEMISON. Yes.

Mr. SWEET. Will you yield for a question?

Mrs. JEMISON. Yes.

Mr. SWEET. You mentioned Mr. Hudson, who happens to be a resident of the State of Nebraska, doing an editorial job on a publication?

Mrs. JEMISON. Yes.

Mr. SWEET. Anti-Communist, anti-Fascist, and anti-Nazi publications? Have you ever written any articles for Mr. Hudson's newspaper?

Mrs. JEMISON. No.

Mr. SWEET. And you have never written any articles for the German-American Bund?

Mrs. JEMISON. No.

Mr. SWEET. Or for any foreign nation, and have you ever received any money from them?

Mrs. JEMISON. No.

Mr. SWEET. That is all.

The CHAIRMAN. It is evident that we are going to have to adjourn.

Mr. MUNDT. Mr. Chairman, I suggest that we discontinue the hearings at this point until tomorrow morning at 10:30. And I have a further request to make.

The CHAIRMAN. Yes.

Mr. MUNDT. When I made the suggestion that the hearings be opened on this Wheeler-Howard repeal bill of the Senate I had no idea where this testimony was going to lead nor that we were going to be transformed into another Dies committee. It is of considerably more significance and more far-reaching than I had anticipated. The Commissioner has charged this lady of being an instrumentality of a foreign government, and representing the bund in America, and if so the Congress and the country and the Department of Justice should be so advised and that speedily.

And, the witness has charged that the Commissioner is employing Communists in his staff and that members of this staff are printing un-American and un-Christian doctrines the publication of which are being financed by taxpayers' money, and if those charges are substantiated the Congress and the President, or the Department of Justice, should take some kind of action on that speedily. Both the Commissioner and Mrs. Jemison have made very serious charges. Speaking for myself, I have equal and complete dislike for nazi-ism fascism, and communism, and do not want our Indians to become contaminated by any of these false European doctrines. For many years, both in and out of Congress, I have warned that agents of Hitler, Mussolini, and Stalin have no place in America among either our whites or our Indians. I shall insist on a full and open hearing and if either the Commissioner or Mrs. Jemison or clerks of the Senate committee are guilty, as charged, they should be turned over to the Department of Justice for speedy action. I insist that if such charges are to be made they must be submitted to the full spotlight of publicity and complete investigation.

Therefore, Mr. Chairman, I want to request that steps be taken by the chairman to provide the members of this committee, all of them, because some of the members cannot attend these hearings due to the fact that they have to attend special hearings on the national-defense program, and other committee hearings part of the time, and I think the members of this committee ought to be provided with a copy of the hearings following each day's testimony so we can pursue this on an intelligent basis and study the evidence and sift it down to basic facts and in that way come to some kind of a constructive and sane conclusion. I think the members of the committee are entitled to have the transcript, day by day so we will have an opportunity to study the case and sift the evidence with utmost care.

The CHAIRMAN. Of course, that would be impossible because we are only allowed one copy unless we make a special request. With the number of copies allowed we could not do that. We could send the transcript down as we get it, for a galley proof.

Mr. MUNDT. I realize that, Mr. Chairman, and that might require several days to get the printed evidence, but we could get the galley proof and have that provided with the utmost speed.

The CHAIRMAN. We will do our best on that. Now the Chair would like to make this statement: The Chair feels that we have gotten far afield on this bill. The Chair would like to insist that the rest of the testimony be confined to this bill. The Chair does not know how long the committee will want to consider the proposition. It may be that you want to take some action on this Senate bill, or it may be you want to amend it or it may be that you want to defer consideration until next Congress, but the committee should and

must insist that the testimony be pertinent to the bill because we do not want to drag the hearings along until Congress adjourns.

Mr. MUNDT. I agree with the Chairman—

The CHAIRMAN. Perhaps some of this testimony should have been presented to the Dies committee rather than the Committee on Indian Affairs.

Mr. MUNDT. Mr. Chairman, I agree with you, but we now have to face the facts as we find them. We cannot ignore the testimony we have heard.

Certain American citizens have had their names snapped out of obscurity and placed before the public as being engaged in various sorts of unpatriotic activities and as one member of this committee I am going to insist that we do not fall into the alleged error of the Dies committee by using this committee as a sounding board to condemn citizens and then denying them the right to be heard. I am going to insist that anybody who appears before this committee, or who has been accused by a witness appearing before this committee shall have an opportunity to be heard and be given ample time to be heard.

The CHAIRMAN. Hereafter in order to save time, the Chair is going to insist that the witnesses confine their testimony to the bill. We do not want to have any fights before the committee.

Mr. MUNDT. But where someone is accused they ought to have a chance to be heard. I shall insist on that.

The CHAIRMAN. But we want to confine the testimony to the bill.

Mr. MUNDT. But let it be clearly understood, Mr. Chairman, that those accused as being foreign agents, Communists, and so forth, by the witnesses, shall have opportunity to be heard.

The CHAIRMAN. Yes. But the Chair wants to repeat, that we do not want to get into a fight here and so far as the Chair is concerned from now on we will insist that the testimony be confined to the matter before us.

Mr. SCHAFER. I ask unanimous consent that any citizen whose name has been brought into this hearing, up to the present time, be given an opportunity to appear, if they so request.

Mr. MUNDT. I think that statement to be made to members of the press, so it will go out over the country so that anyone whose name has been used can have a chance to be heard in his own defense—if he has any—and that includes the Senate Indian Affairs committee and its personnel.

Mr. SCHAFER. My request is concerning anybody whose name has been brought into the hearing up to the present time, so we might have opportunity to take some action on this bill before the Congress adjourns.

The CHAIRMAN. The Chair will be glad to have that reach the accused parties. But from now on we are going to keep the testimony down to things that are pertinent to the bill.

Mr. MUNDT. And to anything that has gone over the dam thus far?

Mr. SCHAFER. Yes.

The CHAIRMAN. Without objection the request will be granted, and the committee will stand adjourned until 10:30 o'clock tomorrow morning.

(At 12:50 p. m. an adjournment was taken until 10:30 a. m. of the following day, June 14, 1940.)

WHEELER-HOWARD ACT, EXEMPT CERTAIN INDIANS

FRIDAY, JUNE 14, 1940

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.

(The committee met at 10:30 a. m., pursuant to adjournment, for further consideration of S. 2103, Hon. Will Rogers, chairman, presiding.)

The CHAIRMAN. The committee will be in order.

We have met this morning to continue the hearing on S. 2103. When the committee adjourned yesterday we were hearing the testimony of Mrs. Jemison. The understanding was that she would be permitted to continue her testimony this morning.

The Chair recognizes Mrs. Jemison.

FURTHER STATEMENT OF MRS. ALICE LEE JEMISON, WASHINGTON, D. C.

Mrs. JEMISON. Mr. Chairman and gentlemen of the committee, in concluding my answer to the statements which Mr. Collier has made here, I want to say this: Mr. Collier has stated that the Senate committee has held scattered hearings upon these various bills to amend the so-called Wheeler-Howard Act. Now, I want to point out these things to the committee: Originally this bill which is now before the committee was only a bill to exclude Indians on the Standing Rock Reservation. However, there were before the committee several other bills which had been introduced by Senators from various States for their Indians. Those bills were introduced by the Senators at the request of Indians who were their own constituents. The committee held hearings over a period from April 1936, until, I believe July of 1939.

The committee did not act hastily in this matter. They took the attitude that when the hearings first began to be held that they were going to receive this information direct and that they were going to give the program a chance to work out in some of its phases, and they thought that at first it was a difference of opinion among the Indians, perhaps, and after they had tried it for a while it would be all right.

However, as each year went by, there was increasing evidence that the act was unsatisfactory to the Indians. Now, in reporting out the bill which is before your committee the Senate committee did not include all Indians who had appealed to the committee to be excluded from the act. They did not even include all Indians who had appeared before the committee. They included only those Indians where they were reasonably sure that a majority of the Indians themselves wished to be taken out of this act.

The CHAIRMAN. Will the witness yield?

Mrs. JEMISON. Yes, Mr. Chairman.

The CHAIRMAN. You are making a good many statements about the attitude of the Senate committee, Mrs. Jemison. The Chair thinks it would be well to let the record show that that is what you think. You do not know, of course, what the Senate committee had in mind, except what is revealed in the hearings, and in their report. You could not state for a fact that the Senate committee was convinced that a majority of the Indians, nor of the tribes represented in this bill, wanted the Wheeler-Howard Act repealed, so far as they are concerned. You could not state that as a fact.

Mrs. JEMISON. No, I could not state that as a fact, but I stated it from attending all these hearings before the Senate committee and listening to the discussions which appear in the record and which were made both on and off the record by the Senators who were conducting those hearings.

The CHAIRMAN. Anything you have to give for this record to show that the majority of the Indians affected wished to have the Wheeler-Howard Act repealed, insofar as they are concerned, the Chair thinks is pertinent, but the Chair doubts if it is worth while for you to give us the attitude of the Senate committee, except so far as the facts are concerned. You see, you draw conclusions.

Mrs. JEMISON. Well, Mr. Collier drew his conclusions as to why the Senators introduced these bills, and as to why they reported this bill out, and I am refuting his testimony. He said this, that a "fifth column" activity overcame even the Senate committee. I am trying to show that the Indians came before this committee over a period of 4 years, and some of those Indians hitch-hiked all the way to get here.

The CHAIRMAN. Were these Indians that came before the Senate committee delegates from the tribes or the individual Indians?

Mrs. JEMISON. They were individual Indians who came here bearing petitions. Mr. Collier and the Department recognize no Indians as delegates of the tribe except the Wheeler-Howard delegates, as we call them; that is, the tribal councils elected under the Wheeler-Howard Act, and in the argument against the bill I shall try to show you that those Wheeler-Howard representatives are not always representative of a majority of the Indians.

The CHAIRMAN. The witness may proceed, but the Chair takes the position that the Senate record will show the committee's attitude and the conclusions of the witness relative to what the Senate had in mind are not really pertinent to the hearing.

Mr. JEMISON. I am still refuting Mr. Collier's statement, Mr. Chairman.

I would like to call the attention of this committee to these records which I have here. Here are the galley proofs of the hearings which have been held before that committee, beginning, as I said, in April of 1936, and continuing until July of 1939, and they are hearings for the Cherokee Indians, the Cherokees of North Carolina, the Flathead Indians of Montana, the Navajo Indians of Arizona and New Mexico, the Oneida Indians of Wisconsin, and there were some hearings held in Oklahoma, which are included in this record and for the Indians in California, the Sioux Indians of Pine Ridge, Rosebud and Cheyenne Agency, and a few statements for the Yanktons in South Dakota, for

Standing Rock, which is in North and South Dakota, and there is information which was submitted from Arizona, Nevada, and Alaska. That is, no one appeared at the hearings for those Indians, but this is information which was submitted both by the Bureau and by the Indians themselves.

Mr. SCHAFFER. Will the witness yield at that point, Mr. Chairman? The CHAIRMAN. Will the witness yield?

Mrs. JEMISON. Yes, Mr. Chairman.

Mr. SCHAFFER. Take, for instance, the Oneida Indians of Wisconsin. In order to ascertain just what expression we have here. Have the Oneida Indians of Wisconsin ever voted to come under the provisions of the Wheeler-Howard Act?

Mrs. JEMISON. Yes, sir; they voted.

Mr. SCHAFFER. And referring to the people who appeared before the Senate committee in favor of repealing the Wheeler-Howard Act, were they sent down here by a vote of the Oneida Indians, the same Indians who voted to come under the act?

Mrs. JEMISON. No, they were not sent down here by a vote of the other Indians.

Mr. SCHAFFER. In what manner does the record indicate that a majority of the Oneida Indians who voted to come under the act now want to get out from under the act?

Mrs. JEMISON. The record did not indicate that, and that is why the Oneida Indians were not included in the bill which is now before you.

Mr. SCHAFFER. Now, with reference to the bill before us, and these tribes which have already voted to come under the Wheeler-Howard Act: When they appeared before the Senate committee at the hearings which were held on this bill, S. 2103, did the tribes of Indians who voted by ballot to come under the act vote by ballot in the same manner to come out from under the act?

Mrs. JEMISON. No; there was no way in which they could.

Mr. SCHAFFER. Say, for instance, there is a tribe, and we will call it A tribe, and they voted to come under the act in an election where the majority of the Indians voted to come under the act. How can we hold that they do not want to come under the act now? How can we consistently and conscientiously set aside their will as expressed in the vote just because a few fellows in the tribe came to Washington and say that those Indians want to get out from under the act?

Mrs. JEMISON. All of these Indians came here bearing petitions which contained the names of the majority of the Indians on their reservation, a majority of the adult Indians, or close to a majority.

Mr. SCHAFFER. Then if the proposed amendment which I submitted is adopted, they can call a legal election and get out from under it, and everybody ought to be happy. Would you not think so?

Mrs. JEMISON. As I told you yesterday, Mr. Schaffer, I would want to offer some amendments to that amendment of yours.

Mr. SCHAFFER. Let us take the principle.

Mrs. JEMISON. The principle is all right, yes, if you will consider the amendments which I would like to offer for that purpose.

Mr. SCHAFFER. I will tell you frankly I do not care how many witnesses we have I do not intend to have Congress take affirmative

action to nullify and to set aside the choice of the individual Indians as expressed in an election. I can tell you that frankly, and therefore I would not vote for the pending Senate bill because it smacks of dictatorship. I intend to face the facts on this bill as well as other bills, and I am not going to be stampeded. I sincerely hope that you will offer some constructive amendments to the proposal which I intend to offer as a substitute for the Senate bill.

Mrs. JEMISON. I will be very glad to at the conclusion of my argument against the Wheeler-Howard Act.

Mr. SCHAFER. You say that the Indians appeared and they presented petitions. It is easy to sign petitions, but petitions should not be used to set aside a secret election where a majority has taken action on a proposition. I think that the amendment which I proposed ought to cover the situation. No matter how you vote you always have a few people who are generally dissatisfied with everything. As a member of this committee I want the expression of the majority of the Indians involved, and not just merely an expression of a minority to guide me in my legislative work on this committee.

Mrs. JEMISON. I am only referring to the Commissioner's charges that "fifth column" activity overcame even the Senate committee, and I am trying to show you that the Senate committee considered this matter very thoroughly in what I am saying right now. I am not arguing the bill one way or the other.

I am only indicating that the Senate committee did not take quick action upon this matter. They had appeals from 1935 on from Indians to be taken out from under this act, and they took the attitude—that is my opinion, Mr. Chairman—that they would let the matter run on and hold the hearings and maybe it would work out all right, and Senator Frazier expressed that attitude on the floor of the Senate when this bill, S. 2103, was brought up on February 19 and 20 of this year, and frankly stated that he advised the Indians to take the Wheeler-Howard Act, and promised them at that time that if they did not want it then he would take them out, or that he would help them to get out of it later.

Mr. SCHAFER. Then Senator Frazier should support my amendment, because there are a number of the members of the Senate Indian Committee who adhere to the slogan, "The will of the people is the law of the land." I cannot support this bill whereby Congress will absolutely nullify the will of the Indians as expressed in a vote to come under the Wheeler-Howard Act. That is why I offered my proposed substitute in order to accomplish just what you want to accomplish. Let the Indians determine whether they want to come under or remain under the Act.

Now, there is one more question right at that point. Did you write this Senate Committee report, Mrs. Jemison?

Mrs. JEMISON. No, sir.

Mr. SCHAFER. Did you write any portion of this Senate Committee report?

Mrs. JEMISON. Some of the things that I have said against this are in the report.

Mr. SCHAFER. This report was prepared in the committee. Did you write any portion of this report and hand it to anybody to put

into the report? Are there any sections of this Senate Committee report which have been written by you?

Mrs. JEMISON. I wrote no section of this bill for the purpose of incorporating it in this report, for the purpose of incorporation in this report.

Mr. SCHAFFER. Any of your views which may be contained in the report were merely gathered from your testimony from the record?

Mrs. JEMISON. Yes, from the record.

Mr. SCHAFFER. By the committee which wrote the report?

Mrs. JEMISON. Yes, sir.

Mr. SCHAFFER. That is all.

The CHAIRMAN. Will the witness yield?

Mrs. JEMISON. Yes, sir.

The CHAIRMAN. The Chair notices that you mentioned a hearing held in Oklahoma. What was the date of that hearing?

Mrs. JEMISON. These were hearings held Wednesday, October 13, 1937, by a subcommittee of the Committee on Indian Affairs at Shawnee, Okla., and I think that you were present at that time.

The CHAIRMAN. Yes, the Chair was present.

Mrs. JEMISON. Yes.

The CHAIRMAN. Why did you mention that in connection with this bill?

Mrs. JEMISON. They are to be incorporated into this record as a part of these hearings, as a part of volume 37 "A survey of the conditions of the Indians in the United States."

The CHAIRMAN. But that did not pertain to Senate 2103.

Mrs. JEMISON. No, but there were complaints in there about the Thomas-Rogers Act.

The CHAIRMAN. Where there was 1 complaint there were 10 statements commending the work that had been done among the Indians. The Chair was present.

Mrs. JEMISON. The record will speak for itself on that, Mr. Chairman.

The CHAIRMAN. The Chair was present at the time, and did not want to indicate that the Indians in Oklahoma had suggested that this Senate 2103 be enacted. The fact of the matter is, taking the record that was made in Oklahoma, you cannot help but believe that the Indians of Oklahoma were satisfied with the portions of the Wheeler-Howard Act that applied to them. When the Wheeler-Howard Act was first enacted certain portions were applied to the Indians of Oklahoma, and then later when we passed our own Reorganization Act we came under other provisions of the Wheeler-Howard Act, and the Chair thinks you will find not only that record, but another record that was made the next day at Muskogee also indicates that a big majority of the Indians in Oklahoma were well pleased with the reorganization.

Mrs. JEMISON. Well, this record will speak for itself, and it is included in these hearings as a part of volume 37, because they were hearings held mostly on the reorganization program.

The CHAIRMAN. The Chair has not read all those hearings, but he just did not want the impression to get out that the Indians of Oklahoma had suggested that Senate 2103 be enacted.

Mrs. JEMISON. I doubt, sir, if I have made that impression.

The CHAIRMAN. The Chair does not think you did—He just wants to be sure.

Mrs. JEMISON. I was just naming the tribes represented in these hearings.

Mr. SCHAFFER. In your opinion, is there any provision of the Wheeler-Howard Act and the amendments thereto, which would divest the individual property rights which the Indians had prior to coming under the act and placing those individual property rights in the hands of a collective group, or tribal group?

Mrs. JEMISON. That comes in my argument on the bill itself. I am still refuting the Commissioner's statement about the Senate committee. I will state frankly that the bill is being administered to do that.

Mr. SCHAFFER. Right on that point, if the fault is in the administration of it, then why is the cure and the remedy legislation or repeal?

Mrs. JEMISON. Because that is the fundamental basis, that is the fundamental which I wanted to argue on the bill, if you would just as soon withhold your question on that.

Mr. SCHAFFER. That will be all right, but before you leave here or finish your testimony, I want to get some facts on that very particular question, because it has a bearing on the way I have approached the principles of the Wheeler-Howard Act. If the Wheeler-Howard divested individual property ownership and substituted collective tribal ownership, I do not believe that I would approve of those provisions. If the act merely provides a program along certain lines for collective action which is comparable to cooperative movements, then I want to know.

Mrs. JEMISON. Congressman, the questions that you have asked strike to the fundamentals of this thing on which I would like to begin at the beginning and argue from the fundamental standpoint of what is wrong with the Wheeler-Howard Act, to begin with, and then what is wrong with the manner in which it is being administered.

Mr. SCHAFFER. I interject that because I want to get some information on this bill pro and con. As far as recriminations and the continuous denunciation and highly prejudicial and immaterial and irrelevant matter which is cluttering the record is concerned, I do not want that to submerge the actual facts which we should primarily consider.

Mrs. JEMISON. I agree with the Congressman, and I want to point out to this committee that Mr. Collier was before the committee for 3 days and for part of another day, and that the majority of this time was spent in denouncing those people opposed to this bill.

The CHAIRMAN. The Chair is going to take this position. The Chair wants to be fair, and I am sure that every member of the committee does. We are willing to hear you in defense of yourself, but the Chair cannot see why you should take a lot of the committee's time in defending the Senate committee. The Chair thinks that is beside the point, and if you can, get down to this bill as quickly as possible.

Of course, we want to hear anything you have to say in defense of yourself. The Chair thinks that is nothing but fair to you, but the Chair does not see why we should give you a lot of time defending the Senate committee. In the first place the Chair questions as to

whether it would be necessary for anyone except those affected to be defending the Senate committee, and if you could get down, as quickly as possible to the bill after you have cleared up the situation insofar as you are individually concerned, the Chair is sure the committee would appreciate your getting down to the bill as soon as possible.

Mrs. JEMISON. I will state this, Mr. Chairman, in reply to what you have said: I have been appearing before committees of Congress for a matter of six sessions, and it has been my experience to find in my appearances that any time anyone opposes anything that the Commissioner of Indian Affairs wants, every time any Indian or white person has any objection, that the Commissioner comes before the committee and spends the time of the committee in denouncing the witness. Now, that is old Bureau tactics. It has been going on for years and years. I know we are incompetent wards, and as wards I suppose we are not supposed to know anything about our own affairs, but I will say this, the Commissioner comes before a committee and takes up all the time—

The CHAIRMAN. Will the witness yield there?

Mrs. JEMISON. Yes; I yield.

The CHAIRMAN. The Chair certainly is not speaking for the other members of the committee, but the Chair does not intend to sit here and listen to any witness criticise the amount of time that the committee gives to any witness. You are on the stand now, and what we want is to have you get down to cases, and the Chair has merely suggested that you did not have to defend the Senate committee. Most certainly the Chair, at least, would not appreciate any witness going before the Senate committee and attempting to defend the House committee. The Chair feels that if the House committee needs any defense that some member of the committee could go before the Senate committee to defend this committee. As far as your criticising the length of time the Commissioner took is concerned, that was the committee that allowed him to have that time.

Now, the Chair has to insist that you confine your remarks to those things that affect you and this bill. You may proceed.

Mr. SCHAFER. When the interruption occurred I had asked a question of the witness, as to whether she was bringing before this committee the same testimony before the Senate committee. Were you?

Mrs. JEMISON. I was trying to point out to the committee that the Senate committee had held hearings for 4 years on these bills, and not scattered hearings, as Mr. Collier has charged.

Mr. SCHAFER. And you are citing the Senate hearings and the testimony presented there to this committee so that we can have brought to our attention the facts presented to the Senate committee for our consideration?

Mrs. JEMISON. Yes, sir; I borrowed these things from the Senate committee, through Senator Chavez, of New Mexico.

Mr. SCHAFER. As one member of the committee I would like to have you proceed along those lines. Let us not take up so much time on this personal bickering. I just left another committee. I have not signed my mail for 4 days, and I have not dictated any for 3 or 4 days. I am working nights, Saturdays, Sundays, in order to attend the hearings on this legislation, although I have only a handful of Indians in my district. I want to bring this hearing to a

close as quickly as possible. I want to get some real facts so that we can get the picture. Now, if you have some information which appears in the Senate hearings and can point out that testimony, I would like to have that, as one member of the committee. I am about tired of using this committee and the committee's time by both sides as a springboard to carry on a guerilla warfare.

The CHAIRMAN. You may proceed.

Mrs. JEMISON. What I was trying to point out to Mr. Rogers is that this is done, and then Indian witnesses are not allowed time to give their reply to it, to what the Commissioner has said.

The CHAIRMAN. Just a minute, now, Mrs. Jemison. The Chair has not refused you the right, and the committee has not, to make your reply to what Mr. Collier said. What the Chair was insisting on was that you do not need to take a lot of time of this committee to defend the Senate committee. Go ahead and defend yourself and give your argument in support of this legislation. That is what we want.

Mr. SCHAFFER. You may quote the Senate committee record of it. That is material here.

The CHAIRMAN. Yes; but you do not have to spend a lot of time defending the committee for their action. Proceed.

Mrs. JEMISON. Mr. Chairman, after what you said and what Mr. Schaffer has said, I do not know whether I can or not.

The CHAIRMAN. The committee will be glad to hear you.

Mrs. JEMISON. I have my evidence outlined as I would like to give it, but it would not be satisfactory to the committee now.

The CHAIRMAN. You may proceed, and if we desire that you proceed along another line we will so indicate later.

Mrs. JEMISON. I will submit at this time the things that Mr. Mundt wanted for the committee. Perhaps you will accept them. Mr. Mundt asked me to insert in the record, which I do, my comment on the book Footnote to Folly, written by Mary H. Vorse while she was in the employ of the Federal Government.

I would like also to submit at this time a photostatic copy of a short article which appeared in the Washington Herald on Wednesday, December 25, 1935, pertaining to this book, and I would like to ask the committee that this photostat be returned to me after the stenographer has made a copy of it, because it is the only copy I have and I cannot afford to have another one made.

Mr. SCHAFFER. After the transcript comes back, will you check the stenographer's transcript, and certify that it is a true copy of the original in the same manner that Mr. Collier has certified to his copy before you withdraw the photostat?

The CHAIRMAN. Reserving the right to object, the Chair just does not get exactly what this is.

Mrs. JEMISON. Perhaps you were not here, Mr. Chairman. You were absent a part of the time yesterday, but Mr. Mundt asked me to submit a review of the book, Footnote to Folly, which was written by Mary Heaton Vorse, when she was in the Indian Bureau.

The CHAIRMAN. It has a bearing on this legislation?

Mrs. JEMISON. It has a bearing on the Indian Bureau. The subject was brought up yesterday, and Mr. Mundt asked me to submit it for the record. He wanted it submitted for the record, or for the information of the committee, I do not remember.

The CHAIRMAN. You do not know?

Mrs. JEMISON. I do not remember.

Mr. SCHAFER. May I ask unanimous consent that a copy go into the record after the witness certifies the reporter's transcript as a true copy of the photostat?

The CHAIRMAN. And that Mrs. Jemison be allowed to have this back?

Mr. SCHAFER. Yes.

The CHAIRMAN. The Chair will state that unanimous consent request. The unanimous consent request is that the review here on Footnote to Folly be submitted for the record and that the photostatic copy here of Red Memoirs, published by United States employee, be submitted for the record, and that the reporter make a copy of it and that the original be returned to the witness. Is there objection? The Chair hears none. It is so ordered.

(The memorandum referred to is as follows:)

FOOTNOTE TO FOLLY

The book, Footnote to Folly, written by Mary Heaton Vorse while she was employed by the United States Government, is a real gold mine of information about the early beginnings of the radical labor movement in this country, and gives illuminating information about radical movements in Germany, Italy, England, and other foreign countries. The book covers about a 10-year period, from 1912 to 1923, and while Mrs. Vorse says that it is not a biography, it relates her personal experiences during that time, with brief glimpses of her earlier life as a child, growing up in Amherst, Mass., her marriage to Albert White Vorse, writer, their close friendship with Lincoln Steffens (Ella Winter, Communist, being the wife of the late Lincoln Steffens), the birth of her two children, Mary Ellen and Heaton, their life abroad and the formation of the A Club in New York City in the fall of 1906, of which she says: "The papers called us the Anarchist Club," and tells how they kept Maxim Gorky and his common-law wife, Madame Alexandrovna, on their visit to America when no hotel in New York City would take them in. Albert White Vorse died in the spring of 1910.

In the fall or winter of 1910, Mrs. Vorse met Joe O'Brien and they were married in the spring of 1912. They met while both were reporting the first big New England textile strike and their friendship with Big Bill Haywood is related. Mr. O'Brien was a writer for the Hearst papers. In the winter of 1912-13, they were elected as editors of the Masses, the publication which was the predecessor of the present-day New Masses, and the editorial meetings of artists and writers for selection of copy were often held at their home.

In the winter of 1914, they lived at 13 West Eleventh Street, and their home became the headquarters for the radical labor movement and the I. W. W. activities during the long unemployment problems of the hard winter of 1914 in the city of New York. At her home, the International Workers Defense Conference was organized on March 4, for legal defense of workers and political prisoners. Her second son, little Joe, was born that winter. Joe O'Brien died in the fall of 1915 with cancer of the stomach. The book reveals that Mrs. Vorse knew and worked with the majority of Communists and I. W. W.'s who were prominent during that period and the liberals who assisted them. The present Commissioner of Indian Affairs, John Collier and his family, are spoken of as family friends and one summer is mentioned at Amherst with her children and the Collier children playing together. The Providenttown Players organized and put on their first performance in the storage shed of her fishing wharf. Mrs. Vorse took part in almost all of the big strikes which occurred during the period from 1912 to 1923; went to Europe as a correspondent before America entered the World War, and again after the war. She covered the International Socialist Conference in Switzerland in 1919. In the chapter entitled "The Second International" (ch. XIV) she states:

"Words and vanity swamped the convention. All the weaknesses of socialism were displayed there. One could understand why at the first call for mobilization, international socialism fell to pieces" (p. 209).

On the same page, 209, she also states:

"I have seen more true internationalism in many a strike meeting than was present in this international congress, which behaved like the House of Representatives with a long-winded statesman from the South on the floor."

Mrs. Vorse spent the winter of 1922 in Russia to cover the Ninth Soviet Congress. During this period, 1912-23, she worked in the women suffrage movement, the international peace movement, the Margaret Sanger birth control movement, as well as the labor movement, and interrelated movements like the *Sacco-Vanzetti case*. During this time, she wrote articles on assignment, and fiction, for *Advance*, *Harper's*, *Globe*, *Outlook*, *McCall's*, *Woman's Home Companion*, and *The Nation*, and did publicity work for the American Red Cross.

There is a surprising similarity of language in the terms used to describe the peasants of Italy taking over the land of the property owners and seizing the factories which she witnessed, and the language used by Commissioner Collier to explain his "organized communities" and other parts of his program.

The book is first-hand knowledge and experience in the radical movement and is recommended for information on that subject.

ALICE LEE JEMISON.

("Red" Memoirs Published by United States Employee," referred to above, is as follows:)

"RED" MEMOIRS PUBLISHED BY UNITED STATES EMPLOYEE

Mary Heaton Vorse, now with Indian Bureau, tells of 20 years as agitator

Recollections of 20 years' association with Socialists, Communists, and Anarchists are set forth by Mary Heaton Vorse, publicity director of the Indian Bureau, in her biography, just off the press.

Mrs. Vorse, divorced wife of Robert Minor, once vice presidential candidate of the Communist Party of the United States, recently joined the Indian Bureau at a reported \$3,000 salary, as editor of its fortnightly *Indians at Work*. John Collier, Indian Commissioner, was her sponsor.

RADICAL AGITATORS

In her book entitled "A Footnote to Folly," Mrs. Vorse outlines a two-decade career as a radical labor agitator, begun when a New York magazine sent her to cover the giant Lawrence, Mass., textile strike of 1912. There she met William B. "Big Bill" Haywood, I. W. W. chief, and strike leader.

Efforts of the mill owners to expel Haywood and break the strike, she says, inflamed her with "an indignation whose fire has never gone out." She subsequently became a lieutenant of William Z. Foster.

WITNESSED FAMINE

Reports of famine later took her to the Ukraine in Soviet Russia. The book describes children "shriveled beyond recognition with parchment-like skins drawn so tight across their faces that their noses looked like tiny beaks."

But she adds:

"People walked with great thoughts in those days around a hunger-stricken world. They were planning a classless society, in a world where hunger would be impossible and greed would be dead."

Mrs. JEMISON. Yesterday Mr. Schafer asked me to please supply the committee with the name of the minister who was killed by Indians of the State of Minnesota. The name of that minister was Rev. R. G. Eidnes. The bill which was before the Congress to compensate the minister's wife and children was S. 2120. I do not have the Senate report on it, which will show that the minister died subsequent to the introduction of this bill, and it is Senate Report 1171, Seventy-fifth Congress, first session. It was referred to the House Committee on Claims on August 17, 1937.

Mr. SCHAFFER. The bill passed the Senate, then?

Mrs. JEMISON. Yes, the bill passed the Senate.

Mr. SCHAFFER. Did the Senate report hold that there was liability on the United States Government by reason of the minister's death?

Mrs. JEMISON. Yes; and they amended the bill to \$3,000. It provided for \$5,000, and they amended it to \$3,000. I do not have a copy of the report, but that is the number of it. Now I am appearing as an individual Indian with an interest in the welfare not only of the Indians but of all the citizens of the United States. I am also appearing as delegate for the Flathead Indians of Montana who have appealed to be taken out of this act. I believe that the Senate record shows that there are 528 or some such number as that. Their organization leader is Mrs. Lorena Markle Burgess. I submit for the record this telegram which I received yesterday morning authorizing me to appear in this matter.

The CHAIRMAN. Will the witness yield?

Mrs. JEMISON. Yes.

The CHAIRMAN. What organization does Mrs. Burgess head?

Mrs. JEMISON. She is a member of the Flathead unit of the American Indian Federation, but the Indians whom I am speaking for are those who submitted the petition to the Senate Committee on Indian Affairs, most of whom are in the organization which Mrs. Burgess heads.

The CHAIRMAN. Can you give us anything for the record showing that Mrs. Burgess speaks with any authority when she authorizes you to be a delegate?

Mrs. JEMISON. Mrs. Burgess appeared before the Senate Committee on Indian Affairs on July 11 and 12.

The CHAIRMAN. What I am trying to get at is this: Is this just an individual instance where you represent a tribe, or is this an official of the Indians who speaks with some authority? Understand the Chair has no objection to this going into the record, but he wants to know what this is.

Mr. SCHAFFER. In order to have the record straight, did you state that this tribe has voted to come under the provisions of the Wheeler-Howard Act?

Mrs. JEMISON. Yes, sir; they are fully organized.

Mr. SCHAFFER. Can you put into the record the vote by which they voted?

Mrs. JEMISON. If you will wait for 1 minute, I will give it to you.

Mr. SCHAFFER. You do not have to do it right here, but I mean can you put into the record the vote by which they voted and the approximate number of tribe members, together with the number of members of the tribe who signed this petition subsequently?

The CHAIRMAN. The Chair would like to ask unanimous consent that this telegram be accepted for the record, and that Mrs. Jemison be given the privilege of enlarging her statement here to show the information requested by Mr. Schaffer.

(The telegram referred to is as follows:)

ALICE JEMISON,
No. 638 C Street NE.

We authorize you to act as our delegate in the hearings for the repeal of Wheeler-Howard Act. Information following by air mail.

L. M. BURGESS.

Mr. SCHAFFER. What I want is the approximate number of members of the tribe, the date that they voted to come under the Wheeler-

Howard Act, the vote by which they voted to come under it, and the number of members of that same tribe whose names appear on the petition filed by the sender of this telegram who appeared before the Senate committee.

The CHAIRMAN. That would be fine.

Mr. DAIKER. I can supply a part of that information now unless Mrs. Jemison wants to give it.

The CHAIRMAN. We might just as well let her work that out, because we will save time. Is there any objection to the request? The Chair hears none. It is so ordered. Then you can put that matter into the record, Mrs. Jemison.

Mrs. JEMISON. Perhaps it would be better to have Mr. Daiker supply that information for the record right now, as I believe he has it.

Mr. DAIKER. I would not know how many names appear on the petition, but I can tell you the date and what the vote was.

Mr. SCHAFFER. Can you at this point indicate in the record the date this tribe voted to accept the Wheeler-Howard Act?

Mr. DAIKER. Yes, sir.

Mr. SCHAFFER. What date was it?

Mr. DAIKER. The date was December 15, 1934, and they had a voting population of 1,218.

Mr. SCHAFFER. What was the vote?

Mr. DAIKER. Four hundred and ninety-four of them voted to accept the act, and 166 voted to reject it.

Mr. SCHAFFER. All of the voting population could vote?

Mr. DAIKER. That is right.

Mr. SCHAFFER. They would not be denied the right to vote by reason of some educational test or some "Foxy Grandpa" poll tax such as we have down South?

Mr. DAIKER. No, sir.

Mrs. JEMISON. Five hundred and twenty-eight, I believe, signed the petition.

The CHAIRMAN. This wire is signed "L. M. Burgess." Is that the Mrs. Burgess to whom you referred?

Mrs. JEMISON. Yes, sir; Mrs. Lorena Markle Burgess. Paradise, Mont. is her post-office address, and she is a member of the Flathead Tribe.

Mr. SCHAFFER. This Mrs. Burgess who sent this wire to you appeared before the Senate committee and presented a petition signed by five hundred and some members of the tribe asking to come out from under the provisions of the Wheeler-Howard Act?

Mrs. JEMISON. Yes, sir; that is correct.

Mr. SCHAFFER. You put the exact figure in the record, did you, Mrs. Jemison?

Mrs. JEMISON. Yes; Mrs. Burgess appeared before the Senate committee on July 12, 1939. I have a petition signed by 555 adult signers asking for the repeal of the Wheeler-Howard Act, and those who signed the petition were all Indians 21 years of age or more.

Mr. SCHAFFER. And she has authorized you by this wire to appear to represent those 555 members of the Flathead Tribe, in her behalf?

Mrs. JEMISON. That is correct. I also appear for the eight reservations of the Black Hills Treaty Claim Council, which represents the Sioux Indians, who are located in Montana, Nebraska, North and

South Dakota. I will have to read to you that authorization which is in the Senate record, because I do not have the original of this.

The CHAIRMAN. Does this bill include the Sioux Indians?

Mrs. JEMISON. Yes; the act includes the Pine Ridge, Yankton, and Cheyenne Agencies. This is the heading of the authorization which I have given you, of the eight Reservations and so forth. It is dated January 2, 1939:

Mrs. ALICE LEE JEMISON,
Washington, D. C.

MY DEAR MRS. JEMISON: We, the members of the eight reservations, are writing you this letter from one of our meetings at the Rosebud Reservation. The eight reservations of the Sioux Indians of Montana, Nebraska, North and South Dakota, give you the authority to help to abolish the Indian Reorganization Act. It is our wish, as it is yours, that further impediments to this program be removed entirely.

Yours sincerely,

BENJAMIN AMERICAN HORSE,
Chairman.
EUGENE LITTLE, Vice Chairman,
DAVID SWAN, Secretary.

The CHAIRMAN. Of what?

Mrs. JEMISON. Of the Eight Reservations Black Hills Treaty Claim Council of Montana, Nebraska, North and South Dakota.

The CHAIRMAN. Do they just call it the eight reservations?

Mrs. JEMISON. The Black Hills Treaty Claim Council.

I will explain about this Black Hills Treaty Claim Council.

The Black Hills Treaty Claim Council came into existence as an opposition council to the Wheeler-Howard Act, and it is composed of those Indians who are opposed to the present program of the Indian Bureau on the reservations at Standing Rock, N. Dak., the Cheyenne Agency, Pine Ridge, and Rosebud, in South Dakota, Santee, Nebr., and Fort Peck, Mont. I think there are two others in South Dakota, but they have never appeared before the committees.

The CHAIRMAN. How many Indians are represented in these eight groups or tribes that you have mentioned, approximately?

Mrs. JEMISON. I do not know, because each group has come here individually and had individual hearings, and they have brought their own petitions, and I do not have a summary of that.

The CHAIRMAN. Then, how many people belong to this organization?

Mrs. JEMISON. I do not know that.

The CHAIRMAN. Of course, it would not be worth much unless we knew that.

Mrs. JEMISON. As I come to each reservation I can indicate that.

The CHAIRMAN. It might be a very important fact.

Mrs. JEMISON. From the Pine Ridge Reservation they have brought petitions with over 3,000 signers.

Mr. SCHAFFER. From one reservation?

Mrs. JEMISON. Yes, sir.

Mr. SCHAFFER. How many adult voting Indians live on the Pine Ridge Reservation?

Mrs. JEMISON. Four thousand and eight hundred. The Rosebud Indians brought petitions containing about 1,000 signers.

Mr. SCHAFFER. Let us get the record straight for the Pine Ridge Reservation, if you will yield. You said you had petitions signed by how many thousand adult members on the Pine Ridge Reservation?

Mrs. JEMISON. Over 3,000.

Mr. SCHAFFER. Over 3,000?

Mrs. JEMISON. Yes.

Mr. SCHAFFER. Now, if the lady will yield at that point, I would like to get into the record the date that the Pine Ridge Indians voted to embrace the provisions of the Wheeler-Howard Act.

Mrs. JEMISON. Mr. Daiker can supply that information.

Mr. SCHAFFER. And also what the vote was.

Mr. DAIKER. The vote was on October 27, 1934. The reservation population at that time was 8,370, and the voting population was 4,075. The vote on the acceptance of the act was 1,169 in favor of it, and 1,095 against it.

Mr. SCHAFFER. That was a close vote.

The CHAIRMAN. Now, Mrs. Jemison, you say you have these petitions?

Mrs. JEMISON. They were submitted to the Senate committee.

The CHAIRMAN. They are in the Senate record?

Mrs. JEMISON. Yes; they are in the record of the Senate Committee. Is that sufficient for my authority?

The CHAIRMAN. Yes.

Mrs. JEMISON. The Commissioner said that I did not represent the Cherokee Indians. I want to explain how I came to represent those Cherokee Indians.

The CHAIRMAN. The Cherokees from where?

Mrs. JEMISON. North Carolina.

The CHAIRMAN. North Carolina?

Mrs. JEMISON. Yes; North Carolina.

The CHAIRMAN. We have them in Oklahoma also. That is the reason I asked.

Mrs. JEMISON. My father was a Cherokee Indian from North Carolina, and I have a small degree of Cherokee Indian blood. At the time we first began the investigation of the conditions of the Cherokee Indians in North Carolina before the Senate Committee on Indian Affairs, I appeared as the representative of something like 300 members of the American Indian Federation, which was organized on that reservation at that time. I appeared as their representative in 1936, 1937, and 1938 at hearings and in 1939 when I appeared before the Senate Committee on Indian Affairs I appeared at the request of Fred B. Bauer, at that time vice chairman of the Eastern Band of the Cherokee Indian Council, who, himself, appeared before the Senate committee under authority of a resolution duly adopted by the Council of the Eastern Band of Cherokee Indians authorizing Mr. Bauer and some other members to appear there and ask that the Cherokees be excluded from the so-called Wheeler-Howard Act.

Mr. SCHAFFER. If the lady will yield, how many voting members are there in that Cherokee Band and what was the date that they voted to come under the Wheeler-Howard Act?

Mrs. JEMISON. I had it here, but Mr. Daiker has it.

Mr. SCHAFFER. Will you yield to Mr. Daiker?

Mrs. JEMISON. Yes; let Mr. Daiker put it in the record.

Mr. DAIKER. The population was 3,254 people, and the voting population was 1,114. Seven hundred voted to accept it, and 101 voted to reject it.

Mr. SCHAFFER. On what date?

Mr. DAIKER. The election was held on December 20, 1934.

Mr. SCHAFFER. You represent 300 of these Indians?

Mrs. JEMISON. In 1936, 1937, and 1938, and then in 1939 I appeared as representative of the council.

Mr. SCHAFFER. Let us see what this is all about. In 1939 you appeared as representative of the council, the council which was elected by the same Indians who voted to come under the provisions of the Wheeler-Howard Act and then subsequently thereto the council elected by those same Indians took action to have a representative ask that they come out from under the act?

Mrs. JEMISON. There had been an election in between there of tribal council members, and the Wheeler-Howard Act was one of the issues.

Mr. SCHAFFER. Now, I want to get that one point straight. This band of Indians had voted by a substantial majority to come under the provisions of the Wheeler-Howard Act, and subsequent to that vote, the voting Indians of this band elected a council?

Mrs. JEMISON. Subsequent to that vote, yes, sir.

Mr. SCHAFFER. And that council subsequent to the vote to come under the act had voted to ask Congress to take that band of Indians out from under the provisions of the act.

Mrs. JEMISON. That is correct.

Mr. SCHAFFER. And, therefore, if my proposed substitute amendment is adopted and an election is called, if it is the will of the Indians to reverse themselves and come out from under the act they can do so under my amendment?

Mrs. JEMISON. Provided you accept the amendments I am going to offer to you. Now, I mentioned that I represent these Cherokee Indians in this manner for the reason that Mr. Collier read into the record a telegram from Jarrell Blythe, Chief of the Eastern Band of Cherokee Indians. Mr. Blythe has been Chief of the Eastern Band of the Cherokee Indians for several years, and I want to point out this to the committee in this connection, since 1933 or 1934, I am not sure which, Mr. Blythe has been continually in the employ of the Indian Bureau.

Mr. SCHAFFER. In what capacity?

Mrs. JEMISON. I do not know exactly what his title is, but he recommends every one who shall be on the relief rolls, who shall receive work relief under the work relief set-up. I do not know exactly what his title is. He receives a salary of \$100 per month.

Mr. SCHAFFER. Wait a minute. Is it your understanding that a chief of an Indian tribe, who is opposed to the enactment of the present bill, and whose opposition was put into the record is an employee of the Indian Bureau?

Mrs. JEMISON. My understanding. He is admittedly so before all of the committees of Congress. He has been speaking for the Indian Bureau program for the last 6 years, not representing the Cherokees, and I represent the other side.

Mr. SCHAFFER. If the lady will yield, let us find out.

Our good Lord said: "No man can serve two masters." I cannot figure out how a man can serve the Indians and the Indian Bureau at the same time when there is a conflicting proposition. Is this Mr.

Blythe, whose testimony is in opposition to the repeal of the Wheeler-Howard Act, Chief Jarrett Blythe, on the pay roll of the Indian Bureau?

Mr. DAIKER. He was. I do not know whether he is right now or not. I can find out.

Mr. ZIMMERMAN. Yes; I think he is, but we can find out definitely.

Mr. SCHAFER. I do not want to suggest how the Indian Bureau should run its affairs as a member of this Committee. I sincerely hope that the Indian Bureau will not have employees of the Indian Bureau file their opposition to legislation as representing the Indians. Their position as Indian Bureau employees should be indicated.

Mr. ZIMMERMAN. That is one of the things that I wanted to call to the committee's attention. Mr. Blythe was elected by his tribe as chief. We have no responsibility for his selection as chief.

Mr. SCHAFER. Yes; but there is certainly a dual capacity there.

Mrs. JEMISON. May I point out to the committee, in that connection, that Mr. Blythe passes on the work relief on that reservation, that he has the gas, the Government gas and the oil and cars to do his campaigning, and that is the manner in which he has kept himself in on this at each election.

Mr. SCHAFER. We are going to have the Hatch bill up in the House pretty soon. Do you not think we should put an amendment to the Hatch Act to stop the political work of Indian Bureau employees insofar as these Indian elections and Indian legislation are concerned.

Mrs. JEMISON. I want the committee to add that to this bill and I will tell you about it, to that proposed amendment of yours. Now, I do not know whether this committee wants me to proceed with the charges which I have made against the Indian Commissioner and the various employees of the Indian Bureau or not. I do not know whether you are interested in knowing why I charged these people with promulgating a communist program and have named them, and so forth.

Mr. SCHAFER. What I would like to find out, if the lady would yield? Will you point out to this committee the provisions of the existing law, the Wheeler-Howard Act, which make this a so-called communistic program? I have the communist program here, a 74-page document, and the communist program is revolution by murder in which a bunch of gangsters get control and ruthlessly run the Government. I cannot square this kind of communism with a set-up under which the sovereign Indians vote and have some choice in problems and matters affecting their tribe. I wish you could point that out and I wish you would also point out any defects in the existing law. Of course defects in the administration of the law cannot be considered in my judgment. Inefficient administration or lack of funds for proper administration, cannot be construed as a sound argument for repealing the law. If a law is wrong the law itself ought to be repealed. We should not repeal a good law because it is not properly administered.

Mrs. JEMISON. Yes.

Mr. MUNDT. Will the gentleman yield? I would like to supplement Mr. Schafer's rather monosyllabic definition of communism to suggest that in recent years communism, nazi-ism and fascism, and all of these other un-American doctrines as they have prevailed in this country, are not products of the sword and the gun, and they do not contemplate mass murder, but the announced practice and policy

is one of boring from within, of destroying confidence among gullible people, both those whose gullibility is enhanced by want and need, and those, who strange enough have their gullibility enhanced by holding certain positions in certain colleges, who break down confidence in American tradition, who break down respect for Christianity, and who break down confidence in the Constitution. We ought to analyze these organizations in that connection as well as where you are going to find a hidden group of arms, or a clique of mass murders.

Mr. SCHAFFER. Well, if you are going to stop that break-down, then how are we going to fight so-called Communism or going to combat it by having the great White Father who has the legislative power in Washington, absolutely by manifesto, if you please, under this bill, by manifesto of the Congress of the United States absolutely nullify the will of the Indians as expressed in their election? We cannot oppose this program just because it is a collective movement. The gentleman represents, and ably represents a great agricultural district, and I know he has a great many agricultural cooperatives where they get together and act cooperatively; they have steer programs, cow programs, dairy programs, and many other cooperative programs. You would not say that is wrong and that we should repeal all of the State cooperative laws.

Mr. MUNDT. But there is a very great distinction between a cooperative and communism, and I am sure the gentleman knows that.

Mrs. JEMISON. Speaking of Indians you are not speaking of free people, you are not speaking of citizens of the United States, but speaking of a people who were held as incompetent wards of the Federal Government. Let me start right there.

Mr. SCHAFFER. Just right there, will the lady yield?

Mr. MUNDT. Let her start there.

Mr. SCHAFFER. Will the lady yield?

Mrs. JEMISON. Yes, sir.

Mr. SCHAFFER. In the first place, under the Wheeler-Howard Act, the Indians have a right to vote on these problems, even though in a limited way, is that not a fact?

Mrs. JEMISON. Yes, sir.

Mr. SCHAFFER. Then you propose in the name of extending more democracy to the Indians to take away some democracy which they have?

Mrs. JEMISON. No, sir.

Mr. SCHAFFER. If you repeal the act is it not a fact that you increase bureaucracy?

Mrs. JEMISON. No, sir; for this reason. The Indians have always been held in a status of involuntary wardship. They were made wards of the Government against their will. They had nothing whatsoever to say about it. They were born in that status but when they voted to accept the Wheeler-Howard Act they changed the legal status from involuntary to voluntary wardship and said the Bureau of Indian Affairs should forever remain in control of their affairs. That is what is fundamentally wrong with the Wheeler-Howard Act.

Mr. SCHAFFER. Is it not a fact that self-government and the right to vote on the Wheeler-Howard Act is a step toward complete democracy for the Indians? After we have made that one step, by mani-

festos of the Congress, it is proposed to make five steps backward. You cannot move forward when you continue to make one step forward and three or four steps backward.

Mrs. JEMISON. I say this, that when the Congress of the United States gave the Indians citizenship in 1924 they went forward. When they gave them the Wheeler-Howard Act in 1934 which segregates them in communities and tells them to live separate and apart from other citizens of the United States, and compels them, through holding forth all of these supposed benefits, to agree by vote that this Bureau should always remain in control, that is several steps backward.

Mr. SCHAFFER. You do not mean that the Wheeler-Howard Act forced these Indians to live in concentration camps the same as Hitler does over there?

Mrs. JEMISON. Yes; it does if they are going to live on their land.

Mr. SCHAFFER. Yes; but the Indians vote to go into those camps in order to receive the benefits of the act. If they want to vote for something like that I cannot figure out why you want to deny an Indian the right to vote. Now, when they have the right to vote and the chance to receive some benefits, you cannot help them by getting them to take one step forward and three steps backward.

Mrs. JEMISON. Will you let me begin at the beginning as I have outlined it?

Mr. SCHAFFER. Yes.

Mrs. JEMISON. To begin with restricted Indians are the sole and absolute wards of Congress. Briefly stated, jurisdiction over the Indians is conferred upon Congress by the Constitution of the United States in section 8, article I. All authority in Indian affairs arises in and flows from Congress. The Indians have no court of appeal from the authority of Congress. The Constitution of the United States does not extend judicial jurisdiction of the Supreme Court to include the Indians as such. (See sec. 2, art. III, of the Constitution.)

For this reason the Supreme Court has consistently and rightfully held that "Congress has paramount and plenary power over tribal Indians and their property which can neither be denied nor controlled by the judicial branch of the Government." Thus the Indians are a people who have no fundamental rights because there can be no judicial review of any action taken by Congress concerning them. One Congress can grant the Indians something and the next Congress can take it away or completely nullify it by other legislation. Congress first delegated administrative jurisdiction over the Indians to the War Department. The first Indian Bureau was created in that Department. Indian affairs were transferred from military to civil jurisdiction in 1849 when Congress delegated administrative authority over the Indians to the newly created office of the Secretary of the Interior and a Commissioner of Indian Affairs.

The Indians are governed by direct laws of Congress, which apply to no other people in the United States, and the rules and regulations of the Indian Bureau which have been promulgated under those laws and which, in themselves, have all the force and effect of laws.

This Bureau has control over both the person and the property of tribal Indians. It maintains its own schools, hospitals, courts, and governmental functions of every description. It controls all timber, grazing, mining operations, leasing of property and irrigation operations on Indian reservations. It controls tribal funds and personal

accounts. It controls all work-relief projects on reservations, and all State relief such as old-age pensions, is handled through the local agency offices. In law and in fact, it does everything for the Indian which a guardian duly appointed by a court, would do for any "incompetent."

With the single exception of the fact that the actions of the Indian Bureau are reviewable by no court—

The CHAIRMAN. Will the witness yield?

Mrs. JEMISON. Yes.

The CHAIRMAN. From what are you reading?

Mrs. JEMISON. This is from a statement that I prepared for the Dies committee.

The CHAIRMAN. It is your own statement?

Mrs. JEMISON. Yes.

Mr. SCHAFER. We will grant everything that the lady has stated is true. Then, relief from the conditions which you have outlined must not flow from a repeal of the Wheeler-Howard Act, but a change in the Constitution. You stated under the Constitution Congress has charge of the agency, and Congress is charged with all of those Indian problems. Now, this Congress cannot override the constitutional provisions which you have cited. Now, if you want to accomplish something and clear up the situation covering the complaint so far the vehicle with which to do that would not be this bill which is before us, but, perhaps, a resolution amending the Constitution; would it not?

Mrs. BOLTON. My understanding of it is that, at the moment, the question is not a constitutional one. The question is that the Indians may be permitted to continue to go forward rather than to be put backward by the kind of an act that the Wheeler-Howard Act is, and the kind of administration that is going on in the Indian Bureau.

Mr. SCHAFER. Well, the testimony so far, I will say to the lady, on this question sets forth the fact that Congress under the Constitution was the guardian of the Indians. Now, with reference to Congress being the guardian of the Indians through the Indian Bureau or any other bureau the Wheeler-Howard Act, in my judgment, at least has no bearing on it, because we cannot divest ourselves of that wardship unless the Constitution is changed.

Mrs. BOLTON. Yes; but I think this, Mr. Congressman, that, after all, we are very poor Americans and very poor Members of Congress if we cannot consider the welfare of the Nation first, and if we through deliberation feel that the welfare of the United States might be better served if the Indians were made full citizens, surely we are a group that are large enough in our tolerance and understanding and our desires for service to bring in, for our own consideration as a committee, the possibility of eventually changing the clause in the Constitution which makes them perpetually wards of the United States. At the moment, and my understanding may be wrong, but it is my understanding that the thing under consideration by this committee and by the witness is the effect of the Wheeler-Howard Act upon the old status of the Indian, that he has been shoved back to if you want to call it a communal existence, and I will use that word instead of communistic, that that might be the thing that we are considering, and perhaps the intrusion of the constitutional point over and above the horizon should not be considered at this moment.

Mrs. JEMISON. I am not arguing about what we should do about the Indians as a whole. I am trying to state the facts so that you can see that you do not have a free people to deal with. As you say these Indians voted to accept this and voted to come in. I am trying to lay the basis for my arguments against this bill.

Mr. SCHAFER. For or against the bill?

Mrs. JEMISON. Against the Wheeler-Howard Act. I am simply stating the facts of the situation. You said we had to face the facts. Now, it is a fact that the Indian is a ward of the Government, and that this Congress has the responsibility for what happens to the Indians, and that is what I am trying to show you by reading this, just merely as a foundation. I am not trying to argue with you as to whether Congress should turn the Indians loose or what they should do. I am not trying to argue that point. I am simply trying to put down the facts about the status of the Indians, that they are not free people in the first place.

Mr. SCHAFER. Exactly; you have correctly indicated that under the Constitution Congress is the guardian of the Indians, and Congress has set up the Bureau of Indian Affairs to perform the guardianship duties. However, when we are considering facts with reference to making steps forward or backward, let us not forget that under the Wheeler-Howard Act, enacted by the Congress, certain tribes of Indians have voted. They have voted to come under the provisions of the act, and this bill arbitrarily is a manifesto, if enacted into law, which would absolutely slap them in the face, and veto without recourse, override and veto, the will and choice of the Indians as expressed in their election. That is three steps backward along the pathway leading toward giving the Indians the rights of American citizens.

Mrs. JEMISON. But I say, Mr. Schafer, that we have not heard how those Indians came to accept this Wheeler-Howard Act in the first place. You have not heard any testimony at all on that. They were intimidated; they were not and are not a free people. They have to do what this Bureau says and when it says it. They are dependent on them for the control of all of their property.

Mr. SCHAFER. Is that not one of the processes and one of the conditions in an election? They vote on matters and they vote on promises. It is not only in Indian elections that promises are not kept. I remember back in 1932 we heard much about reducing the cost of the Federal Government 25 percent.

The CHAIRMAN. You take the position the Indian Bureau authority forced the Indians to vote on this election?

Mrs. JEMISON. Yes; that they forced the Indians to vote on this election.

The CHAIRMAN. Now, they did not do it, because a good many of the tribes rejected it. So, that disproves your statement that the Bureau demanded it, and a good many of the tribes turned it down. They did not have to approve. We had a case cited a little while ago of where one tribe adopted it by a vote of 1,100, and 1,000 voted against it. Take it for granted that the Bureau insisted that they adopt the Wheeler-Howard Act, but the fact remains a good many turned it down, and a good many others did not even vote on it.

Mrs. JEMISON. They all voted.

The CHAIRMAN. All the tribes in the United States?

Mrs. JEMISON. Yes, they had to, and all did by December 31, 1936.

The CHAIRMAN. They had to?

Mrs. JEMISON. Yes; they all had to.

The CHAIRMAN. How many turned it down?

Mrs. JEMISON. Sixty-five did. There were 185 who came under it.

The CHAIRMAN. Evidently these 65 tribes decided they did not have to anyway.

Mrs. JEMISON. Included in that are the New York State Indians who are not even under the authority of the Indian Bureau. The Indians of New York should not have been included in that at all. We have to take those out of that 65, and we have to take others out. The Bureau said that they held 211 elections. They held an election in one place where they just had 1 Indian, and they even called that a whole tribe of Indians. They held elections in other places where they had 3 to 12, and they called that a whole tribe of Indians.

The CHAIRMAN. The Chair doubts that statement.

Mr. MUNDT. Will the lady yield?

Mrs. JEMISON. Yes, sir.

Mr. MUNDT. I do not know how much, if any, coercion was exercised by the Indian Bureau or its agents to get the Indians to accept this act, but the fact that some of the tribes did not accept it is very inconclusive evidence that they were not coerced. In my State, when Harry Hopkins was W. P. A. Director of the Nation very specifically and definitely certain democratic county chairmen in my State, working with the county relief directors, and, apparently, with the approval of Harry Hopkins, attempted to coerce our white voters to vote in a certain direction. In some counties they did, but in some of the counties they did not succeed, but the fact of attempted coercion was agreed to by everybody. So, I think we should not condemn the Indians on that account.

The CHAIRMAN. The gentleman is intelligent enough to not misinterpret the point the chairman was trying to make. The Chair was trying to make the point that the Indians did not have to do as suggested by the Indian Bureau even if there was coercion. The Chair says, for the sake of the argument, even if the Bureau did exercise coercion, the fact that many of these Indians voted against it shows that the coercion did not succeed. I did not intend to indicate that there was not coercion. The Chair made no such statement. The Chair was attempting to show that the Indians did not have to adopt it even if there was coercion.

Mr. MUNDT. The Chair was not attempting to show that no effort was made to coerce them.

The CHAIRMAN. No; the Chair was not trying to show that no effort was made to coerce them, but he said, taking for granted that they were coerced, it did not succeed, because many of them turned it down.

Mr. SCHAFER. The Chair was merely trying to set forth the facts and to keep the record straight that if the Indian Bureau used the big stick to coerce the Indians to vote themselves under the Wheeler-Howard Act, that the big stick would have coerced these other tribes which voted not to come under it.

The CHAIRMAN. Yes; the fact remains that a good many of them did not accept. The witness will proceed.

Mrs. JEMISON. May I finish my fundamental statement which I am trying to make?

The CHAIRMAN. Yes.

Mrs. JEMISON. The Indians are held in this status of "incompetent wardship" from which there is no escape. It is a virtual status of dictatorship. Restricted or ward Indians can do nothing without the consent of the Bureau officials. They can neither sell nor lease their property. They cannot legally employ an attorney to represent them in court. They have nothing to say about the way their money is spent. Many of them whose individual accounts are handled by the Bureau never receive any actual cash from their accounts but receive only purchase orders for their needs, as the local agency officials may see fit to grant. Many of them do not know and never have known and cannot find out how much money they have on deposit at the agency, nor where it has gone if it is not there.

In 1924 Congress enacted a bill which made all Indians of the United States citizens. Although many of them became voters through that act, the Bureau continues to manage all of their affairs for them and they are now merely "voting wards." For example, the Klamath Indians of Oregon have vast timber resources and their tribal estate is valued at millions of dollars. They vote in all elections, State and National. They pay all of the expenses of operating the United States Indian Agency on their reservation and for the maintenance of their schools, hospitals, timber operations, and public welfare out of their own tribal funds. Yet the Indians cannot remove, or have removed, even the least important employee of the Indian Bureau who works upon their reservation.

The CHAIRMAN. You are not laying all of this on the Wheeler-Howard Act?

Mrs. JEMISON. I am laying this as a foundation for my argument against the Wheeler-Howard Act.

The CHAIRMAN. That would be the case whether they had the Wheeler-Howard Act or not.

Mrs. JEMISON. It is the status of the Indians.

The CHAIRMAN. Yes, of course, we all know that, but what bearing has that on the Wheeler-Howard Act and on this bill? The Chair is just trying to insist that the witness get down to cases.

Mrs. JEMISON. It has a bearing on whether the Indians were coerced or not.

The CHAIRMAN. The witness may proceed. The Chair fails to see it, but maybe we will get it finally.

Mrs. JEMISON. The Indians are born into this status, live in this status, and die in this status. The only tribunal to which they can appeal for relief from any situation which may arise because of this status is to the Congress of the United States. In law and in fact they are the "incompetent ward children" of Congress whose care and well being have been largely relegated to a hired nursemaid, the Commissioner of Indian Affairs. Congress is the only body to which we can appeal for protection, or eventual release from this condition.

There were Indians who opposed the Wheeler-Howard Act when it was introduced into the Congress of the United States. What I would like to do is talk about the origin of this bill. The Commissioner stated that it originated in a previous administration. I am

going to ask that this committee, and all members of this committee read the testimony which was given before the Dies committee in November 1938, so that your record will not be overburdened.

Mr. SCHAFFER. Given before the Dies committee in November 1938?

Mrs. JEMISON. Yes, sir.

Mr. MUNDT. Will the witness cite the pages she would like to have us read?

Mrs. BOLTON. And also the volumes.

Mrs. JEMISON. This is volume 4, beginning on page 2446, and extending to page 2508, and in that connection I will say this: I prepared this statement which was submitted for the record at the direction of Mr. Dies after taking up with him the conditions which existed among the Indians, and Mr. Dies instructed me that, in preparing this statement I was to offer no opinions and draw no conclusions, that I was to state facts and that every statement which I made must be substantiated with proof which would stand up in any court of record in the United States. I spent 6 weeks preparing that document. The pages to which I have called your attention sets forth the origin of the Wheeler-Howard Act, the manner in which it was put over on both Congress and many of the Indians, and it states some of the complaints about the act, as to un-American activities and it deals with the educational program of the present Indian Bureau and the administrative program of the Indian Bureau.

Mrs. BOLTON. Will the witness yield?

Mrs. JEMISON. Yes.

Mr. BOLTON. I would like to ask that this testimony be made a part of the record and of her testimony here.

The CHAIRMAN. What testimony is that?

Mrs. BOLTON. Pages 2446 to 2509, inclusive, of the Dies committee record, volume 4.

The CHAIRMAN. Since it is already in the record the Chair would have to object to that. It is about 100 pages.

Mr. SCHAFFER. The other records are not available. Mr. Dies said so yesterday when I inquired about some copies.

Mr. MUNDT. If those pages are too many in number could not the witness make a brief résumé of them for us? It does not do any good to cite the pages of the Dies committee record, does it, when they are not available?

The CHAIRMAN. In the first place it does not affect this bill.

Mrs. JEMISON. It discusses where the act originated, and how it originated and all about it, why I think it is a Communist program. I was told this morning I was not to proceed any further, not to attack people, and I was to get down to the program.

The CHAIRMAN. Who told you that you were not to——

Mrs. JEMISON (interposing). That was my understanding of what the Chairman said.

The CHAIRMAN. The Chair made no such statement. The Chair said, so far as any attacks or accusations had been made against you you could spend all of the time you wanted on that and we would hear you out, but the Chair also said the witness did not need to defend the Senate committee.

Mr. MUNDT. It seems to me somebody should defend the Senate committee.

The CHAIRMAN. The Chair said you did not need to defend the Senate committee, but the Chair did not say you could not defend yourself against any accusation. We would be glad to hear you.

Mr. MUNDT. Neither the chairman nor the committee has in any way circumscribed any of the testimony of the witness, is not that correct?

The CHAIRMAN. That is right.

Mr. SCHAFER. Referring to those pages in the record of the Dies hearings, do they contain your statement on Indian legislation and the Wheeler-Howard Act?

Mrs. JEMISON. Certainly.

The CHAIRMAN. The Chair is going to dismiss this witness if the witness keeps on making statements that the Chair has done this or that. The Chair is going to dismiss the witness if the witness does not proceed and quit making statements about what the Chair has done and has not done.

Mr. SCHAFER. I ask unanimous consent, Mr. Chairman, that in view of the fact that the records of the hearings of the Dies committee are not available to the members who will consider this legislation, that the matter referred to on pages 2446 to 2508 be incorporated in these hearings at this point.

The CHAIRMAN. The Chair is going to reserve the right to object and would like to ask how many pages that includes?

Mr. SCHAFER. About 62 pages, but it is important. We have put a great deal of irrelevant material into the record.

The CHAIRMAN. The Chair thinks so too.

Mr. SCHAFER. If sufficient copies of the record of the Dies committee hearings were available for the members who are going to consider this bill I would not make that request. However, I talked to Mr. Dies yesterday. Some of the libraries throughout the country want copies, and we cannot get additional copies from his committee. I believe it ought to go into the record at this point.

The CHAIRMAN. The Chair will make no objection. Is there objection to the request? The Chair hears none. It is so ordered. The Chair understands it is about 60 pages?

Mrs. JEMISON. Yes, sir; that is right.

(The pages above referred to, being pages 2446 to 2508, both inclusive, from volume 4, of the record of hearings before the Special Committee on Un-American Activities, November 19 to December 14, 1938, are as follows:)

Miss JEMISON. My name is Alice Lee Jemison and I reside at 638 C Street, N.W., Washington, D. C. I am a member of the Seneca Nation of Indians of New York State and my home is near Irving, N. Y., on the Catteraugus Indian Reservation. I am president of the Sixth District of the American Indian Federation and the Washington representative of the national president of this organization, Joseph Bruner, full-blood Creek Indian at Sapulpa, Okla. With the permission of the committee, I herewith offer for the record, marked "Exhibit 1," a copy of my authority to represent Mr. Bruner. The original of this authority is on file with the Senate Committee on Indian Affairs and has been included in all congressional hearings at which I have testified since 1935.

On behalf of the officers and members of this organization, and all the Indians who are suffering so grievously under the present program of the Bureau of Indian Affairs, Department of the Interior, I wish to sincerely thank the chairman and members of this committee for the opportunity to appear here.

For the purpose of the record, I will state that the American Indian Federation is a national, nonsectarian and nonpartisan organization whose membership is limited to Indians and their intermarried husbands and wives. We were

organized temporarily here in the city of Washington on June 8, 1934, by a small group of Indians who came from various places in the United States. We became a permanent organization at our First Annual Convention which was held at Gallup, N. Mex., in August of that year for the purpose of adopting a constitution, electing officers and other business. We have held a national convention each year since then; the second was at San Diego, Calif., in 1935; the third at Salt Lake City, Utah, in 1936; the fourth at Lewiston, Idaho, in 1937; and the fifth at Tulsa, Okla., in 1938.

We have applied for a Federal charter of incorporation by introduction of a bill for that purpose into the Seventy-fourth and Seventy-fifth sessions of Congress. We are a member organization of the American Coalition of Allied Patriotic, Civic, and Fraternal Societies, having been accepted for membership in November 1936. In the work which we have done against subversive influences in the United States, we have enjoyed the moral support and cooperation of many patriotic individuals and organizations.

Until July 1936 this organization was financed solely through voluntary contributions from both white people and Indians. No membership dues were collected. At the Salt Lake City convention, resolution was adopted amending the constitution to provide for a membership fee of \$1 per year. However, as many of our members are so poverty stricken that even that small membership fee is more than they can pay, no Indians have been barred from joining our organization because they were unable to pay their dues. We have about 3,500 members, of which not more than 300 are paid-up members. The membership fee is evenly divided between the district organizations and the Washington office, 50 cents to each.

No member or officer of the federation receives a salary for work performed for the organization, or is reimbursed for expenses incurred in that work, with the exception of myself. Since 1935 the actual expenses for the work carried on in our Washington office and part of the expenses for a subsistence living for myself and two children have been paid by the federation.

For the record, I herewith submit a copy of our constitution and bylaws, as amended and revised at the fifth annual convention, marked "Exhibit 2"; and a list of the names, addresses, and tribes of the national officers and district presidents, as elected at that convention or appointed to date, marked "Exhibit 3."

If desired, I shall be happy to submit further records of our conventions, activities, and finances for the inspection and information of this committee.

The purpose of this Indian Federation is to secure for all Indians the rights, privileges, immunities and responsibilities of free-born American citizens. Everything which we do or say, whether in support of or in opposition to anything or anyone, is presented solely from that viewpoint. Our work has been and necessarily must continue to be with the Congress of the United States. To fully understand the reason for this and to fully appreciate the utter helplessness of the Indians to protect themselves from the subversive program of the present Indian Bureau regime and the dangers to American security in that program, it is necessary to have a complete understanding of the legal status of the Indian wards of the United States Government. While I appreciate that undoubtedly all the members of this committee are familiar with the facts about the legal status of the Indians, I would like this record to be as clear and comprehensible as possible, so if it is agreeable to the committee, I will make a brief statement on this subject.

To begin with, restricted Indians are the sole and absolute wards of Congress. Briefly stated, jurisdiction over the Indians is conferred upon Congress by the Constitution of the United States in section 8, article I. All authority in Indian affairs arises in and flows from Congress. The Indians have no court of appeal from the authority of Congress. The Constitution of the United States does not extend judicial jurisdiction of the Supreme Court to include the Indians, as such. (See sec. 2, art. III of the Constitution.)

For this reason, the Supreme Court has consistently and rightfully held that "Congress has paramount and plenary power over tribal Indians and their property which can neither be denied nor controlled by the judicial branch of the Government." Thus the Indians are a people who have no fundamental rights because there can be no judicial review of any action taken by Congress concerning them. One Congress can grant the Indians something and the next Congress can take it away or completely nullify it by other legislation. Congress first delegated administrative jurisdiction over the Indians to the War Department. The first Indian Bureau was created in that department. Indian

affairs were transferred from military to civil jurisdiction in 1849 when Congress delegated administrative authority over the Indians to the newly created office of the Secretary of the Interior and a Commissioner of Indian Affairs.

The Indians are governed by direct laws of Congress, which apply to no other people in the United States, and the rules and regulations of the Indian Bureau which have been promulgated under those laws and which, in themselves, have all the force and effect of laws.

This Bureau has control over both the person and the property of tribal Indians. It maintains its own schools, hospitals, courts, and governmental functions of every description. It controls all timber, grazing, mining operations, leasing of property and irrigation operations on Indian reservations. It controls tribal funds and personal accounts. It controls all work-relief projects on reservations, and all State relief such as old-age pensions, is handled through the local agency offices. In law and in fact, it does everything for the Indian which a guardian, duly appointed by a court, would do for any "incompetent." The Indians are held in this status of "incompetent wardship", from which there is no escape. It is a virtual status of dictatorship. Restricted or ward Indians can do nothing without the consent of the Bureau officials. They can neither sell nor lease their property. They cannot legally employ an attorney to represent them in court. They have nothing to say about the way their money is spent. Many of them whose individual accounts are handled by the Bureau never receive any actual cash from their accounts but receive only purchase orders for their needs, as the local agency officials may see fit to grant. Many of them do not know and never have known and cannot find out how much money they have on deposit at the agency, nor where it has gone if it is not there.

In 1924 Congress enacted a bill which made all Indians of the United States citizens. Although many of them became voters through that act, the Bureau continues to manage all of their affairs for them and they are now merely "voting wards." For example, the Klamath Indians of Oregon have vast timber resources and their tribal estate is valued at millions of dollars. They vote in all elections, State and national. They pay all of the expenses of operating the United States Indian Agency on their reservation and for the maintenance of their schools, hospitals, timber operations, and public welfare out of their own tribal funds. Yet the Indians cannot remove, or have removed, even the least important employee of the Indian Bureau who works upon their reservation. Indians are born into this status, live in this status, and die in this status. The only tribunal to which they can appeal for relief from any situation which may arise because of this status is to the Congress of the United States. In law and in fact they are the "incompetent ward children" of Congress whose care and well being have been largely relegated to a hired nursemaid, the Commissioner of Indian Affairs. Congress is the only body to which we can appeal for protection, or eventual release from this condition. Hence, all of the work of this organization must, of necessity, be with Congress.

Our federation was founded by Indians who opposed enactment of the legislative program of the present Commissioner of Indian Affairs. We, and the Indians whom we represented, opposed the legislation on the grounds that it was communism.

Since August 1934, the American Indian Federation has charged that the present Bureau of Indian Affairs, Department of the Interior, is dominated and controlled by members and sympathizers of the American Civil Liberties Union and other organizations whose directorate is interlocking with the A. C. L. U. We have charged that in all branches—administrative, legislative and educational—the program of the present Bureau regime is a program of atheist-communism which had its inspiration and inception in the American Civil Liberties Union. We have repeatedly made those charges, in print, in public, in letters, and in open hearings before committees of Congress, and we have offered documentary evidence and direct testimony to support the charges. The officials of the Indian Bureau have issued general denials but they have never supported those denials with any concrete evidence to contradict the proof which we have submitted, nor have they satisfactorily answered the charges in the manner in which they were made, openly and in public hearings before the committees. Such replies as they have made, either in public hearings or in releases sent out under the Government franking privilege, have consisted largely of attacks upon the character and motives of Federation officials and of testimony which not only fully admitted the truth of Federation statements in some things but also further substantiated it.

In preparing to make this statement, I have tried to assemble all of the important facts and to present them in as concrete form as possible. It will be necessary to refer constantly to hearings which have been held before other committees, particularly the Indian committees. At this point, in order to properly identify them for reference, I wish to submit for the record a list, marked "Exhibit 4" of hearings which have been printed, and a list, marked "Exhibit 5" of eight hearings which have been held but have not been printed.

Likewise, it will be necessary throughout this statement to refer constantly to the American Civil Liberties Union. I believe that Mr. Walter Steele, representative of the American Coalition, gave full and complete facts about the A. C. L. U. in his testimony before this committee. Inasmuch as that record is already before this committee, I will make only a short statement regarding the union.

The report of the congressional committee investigating communism in 1930 states that the American Civil Liberties Union is "closely affiliated with the communist movement in the United States, and fully 90 percent of its efforts are on behalf of communists." The report further states that the A. C. L. U. "claims to stand for free speech, free press, and free assembly; but that it is quite apparent that the main function of the American Civil Liberties Union is to attempt to protect the Communists in their advocacy of force and violence to overthrow the Government, replacing the American flag with a red flag and erecting a soviet government in place of a republican form of government guaranteed to each State by the Federal Constitution."

Roger Baldwin, head of the American Civil Liberties Union, was referred to in the New York State Legislative Report on Seditious Activities as "an intellectual anarchist." When Baldwin appeared before the congressional committee investigating communism in 1930, he confessed that the A. C. L. U. upholds the right to advocate murder, assassination and the overthrow of our Government. Baldwin served a prison sentence in 1918.

The American Civil Liberties Union has cooperated in attacking every legislative attempt to combat alien radical and communist activities. It has attacked state sedition laws, local police efforts to deal with the communist menace, anti-red flag laws, and so forth. It furnished the \$28,500 bail to temporarily free the seven Gastonia Communists arrested and convicted on charges of "conspiracy to kill the chief of police" in Gastonia. Shortly after their release they escaped to Russia where they were given refuge. The union furnished aid to the Communists arrested by the Department of Justice Agents at a secret Communist meeting in Bridgeman, Mich. It is considered the backbone of defense for Communists and other types of radicals in our country today.

Roger N. Baldwin, executive director of the A. C. L. U., is a graduate of Harvard, class of 1905. In the 30-year class book of that class, published in 1935, Mr. Baldwin has this to say about himself and his activities in the American Civil Liberties Union:

"I have continued directing the unpopular fight for the rights of agitation, as director of the American Civil Liberties Union; I have been to Europe several times, mostly in connection with international radical activities. * * * I am opposed to production for private profit. * * * I am for socialism, disarmament, and ultimately for abolishing the State itself as an instrument of violence and compulsion. I seek social ownership of property, the abolition of the propertied class. * * * *Communism* is the goal." [Italics ours.]

Everyone knows that the A.C.L.U. claims to believe in absolutely unrestricted and unhampered free speech, free press, and free assembly for everyone, particularly minority groups. The Indians are a minority group and the Federation is a minority group of that group. In October 1935, our national president, Joseph Bruner, sent out a circular letter to editors of many magazines and newspapers in which he characterized the A. C. L. U. as "one of the most pernicious communistic units in the United States." This letter was published in some newspapers. During October, November, and December, Mr. Bruner received a series of letters from the Union demanding that he write them a nice letter of apology and retraction or else they would bring suit for libel. In support of which I offer for the record photostat copy of Mr. Bruner's letter of October 5, 1935, marked "Exhibit 6" and three photostat copies of letters written to Mr. Bruner by Arthur Garfield Hays, general counsel for the A. C. L. U. under dates of October 31, November 8, and November 25, 1935, marked respectively "Exhibit 7," "Exhibit 8," and "Exhibit 9," and type-written copy of letter written to Mr. Bruner by the law firm of Hagen and Gavin of Tulsa, Okla., under date of December 31, 1935, marked "Exhibit 10."

This may well be taken as an indication of the unrestrained right of free speech which the A. C. L. U. so valiantly and vigorously upholds and defends—free speech to advocate the overthrow of the Government by force and violence but not one word against the Union. Mr. Bruner ignored those letters completely and the Federation renewed the attack upon the Bureau program and the Union with even more vigorous language. It is most significant that to date the Union has not filed suit for libel against either Mr. Bruner or the papers which printed his letter.

Before discussing the program of the Indian Bureau, I wish to discuss those who are responsible for the program.

During the course of the past 4 years the American Indian Federation has asked for the removal of nine persons from public office in the Department of the Interior because of their past and present connections with the American Civil Liberties Union and other interrelated organizations, and the program which they are promulgating among the Indian wards of a Christian Nation, beginning in 1934 with the Commissioner of Indian Affairs and adding others as proof could be furnished regarding them. These people are as follows:

1. John Collier, Commissioner of Indian Affairs, salary \$8,500.
2. Allen G. Harper, special assistant to the Commissioner, salary \$4,600.
3. William W. Beatty, Director of Indian Education, Indian Bureau, salary \$5,000.
4. Nathan R. Margold, Solicitor for the Department of the Interior, salary \$9,000.
5. Harold L. Ickes, Secretary of the Department of the Interior, salary \$15,000.
6. Robert Marshall, Chief Forester, Indian Bureau, salary \$5,600.
7. Mary Heaton Vorse, publicity director and editor of Indians at Work, salary \$3,200.
8. Dr. Harold W. Foght, Superintendent of Cherokee, N. C., salary \$3,600 or more.
9. C. D. Stevens, Community Supervisor, Cherokee, N. C., salary unknown.

The last four above mentioned are no longer in the Interior Department. Dr. Harold W. Voght and C. D. Stevens will be discussed later.

Mary Heaton Vorse was employed in the year 1935 as publicity director and editor of Indians at Work. Indians at Work is a Government publication which has been issued by the Commissioner of Indian Affairs since August 1933, and which will be discussed later. Mary Heaton Vorse is a well-known left-wing labor agitator and writer. While in the employ of the Federal Government, she published a book entitled "Footnote to Folly" in which she recounted her 20 years of work and association with William Z. Foster and other Communists. Her third husband was Robert Minor, at one time Communist candidate for President of the United States, now a member of the central committee. In support of which I offer for the record a photostat copy of the newspaper article published in the Washington Herald on December 25, 1935, marked "Exhibit 11."

In April 1937, William Zimmerman, Jr., Assistant Commissioner of Indian Affairs, testified before the Senate Committee on Indian Affairs, in reply to a direct question by the chairman, Hon. Elmer Thomas of Oklahoma, that Mrs. Vorse had been away on a leave of absence since in November 1936. This testimony is contained in the transcript of testimony taken at the Cherokee investigation hearings in 1937 which is No. 2 on the list of unprinted hearings which has been entered here, marked "Exhibit 5."

Not long after that there were press reports that Mrs. Vorse had suffered an injury to her head while participating in a steel strike riot at Youngstown, Ohio. In support of which I offer for the record, marked "Exhibit 12", a newspaper clipping which is a picture of Mrs. Vorse with a short statement.

Robert Marshall was appointed Director of Indian Forestry in August 1933. Mr. Marshall was the Washington, D. C., chairman of the American Civil Liberties Union in 1934.

Following the hearings on the Cherokee investigations in April 1937, hereinbefore mentioned, Mr. Marshall was transferred from the Indian Bureau to the Department of Agriculture in May of 1937.

Harold L. Ickes, Secretary of the Department of the Interior, has been a member of the American Civil Liberties Union for many years. On December 8, 1937, Mr. Ickes was one of the speakers at the seventeenth annual meeting of the A. C. L. U. held in New York City. His speech was broadcast on the radio and reported in the press. In introducing him to the audience, Dr. Harry F. Ward, chairman of the American Civil Liberties Union, said:

"Our two distinguished guest speakers, the Secretary of the Interior and the mayor of New York, have long been in this company. Mr. Ickes is one of the oldest members. Mr. LaGuardia has been for years a staunch defender of civil rights in and out of Congress.

"I have the pleasure of presenting the man who will introduce to you the Secretary of the Interior. He comes from Kansas, and his words are known throughout and beyond this country—Mr. William Allen White."

In introducing Mr. Ickes, Mr. White said:

"The punctilios of the occasion require someone to introduce the guest of the American Civil Liberties Union, and I am proud to have that distinction. Introduction is superfluous, but perhaps the testimony of a life-long friend may not be out of place.

"In the 30 years of our affectionate association, I have learned to trust him because he was honest, wise, and brave, and I have come to love him because with all his courage, with all his rugged honesty, with all his common sense, he has been kind and just. He belongs in this company of Americans who are fighting the cause, fighting the battle of the oppressed. In the fight for the underdog, Harold Ickes has devoted himself constantly to the underdog's case. My friend has never wasted his time and his energy in tying cans to the upperdogs, merely to hear them yelp.

"And so, dear friends, I present him, the Sir Galahad of the underdog, in this, our national dog pound. Mr. Ickes."

These quotations are taken from a pamphlet entitled, "Nations in Nightshirts, an address of Hon. Harold L. Ickes, Secretary of the Interior," published by the American Civil Liberties Union, which I offer in evidence, marked "Exhibit 15."

Nathan R. Margold, Solicitor for the Department of the Interior, was chairman of the Indian Committee of the American Civil Liberties Union for several years prior to appointment as Solicitor. This was stated by Commissioner Collier in his testimony before the subcommittee of the House Indian Committee, Hon. Abe Murdock, chairman, on March 28, 1935, and is recorded on page 659 and page 676 of the so-called Murdock hearings which is No. 1 on the list of printed hearings entered herein as exhibit 4.

I also offer for the record, marked "Exhibit 16" a pamphlet entitled "Indian Primer" published in August 1932, by the committee on Indian civil rights of the American Civil Liberties Union, 100 Fifth Avenue, New York City. On the back of this pamphlet are listed the members of this committee. Nathan Margold is listed as chairman of this committee.

Dr. Willard W. Beatty was appointed Director of Indian Education on February 4, 1936, and at that time he was the National President of Progressive Education Association, according to an editorial by John Collier, Commissioner of Indian Affairs, in the February 15, 1936, issue of *Indians at Work*, which I here offer in evidence, marked "Exhibit 17."

Progressive Education Association is an association of teachers which was founded by John Dewey. This is stated in an editorial by Mr. Collier eulogizing Mrs. Ann Schumaker Lubin, deceased editor of the magazine, *Progressive Education*, published by this organization. The editorial is in the December 1, 1935, issue of *Indians at Work*, which I hereby offer in evidence, marked "Exhibit 18." John Dewey is a professor of Columbia University and is now an honorary president of the Progressive Education Association and is so listed in their publication, *Progressive Education*, February 1932 issue, which I offer in evidence, marked "Exhibit 19."

Mr. Dewey is listed as a member of the national committee of the American Civil Liberties Union on page 90 of a pamphlet entitled "Let Freedom Ring," published in June 1937 by the American Civil Liberties Union, and which I here offer in evidence, marked "Exhibit 20."

Mr. Dewey is listed as a member of many other radical organizations and he has been denounced by Mathew Woll, of the American Federation of Labor, as a teacher of communism. Through the many books which he has written expounding his theories and philosophies, it is a well-established fact that Mr. Dewey is an atheist. On page 145 of the book entitled "Educational Movements of Today," published by the Board of Christian Education of the Presbyterian Church in the United States of America in 1930, Walter Albion Squires, D. D., of Philadelphia, says of Mr. Dewey:

"His influence has been manifest in the reorganization of the educational system in Soviet Russia and the leaders of the Soviet Republic recognize him as their guide in educational matters.

"Dr. Dewey's influence in public education is a matter of no small concern to the religious interests of America.

"* * * In Russia he is recognized as an educational guide. In America his influence is a potent force in the progressive secularization of the public-school curriculum. His attitude is distinctly antireligious unless we change our conception concerning the nature of religion. * * *

"The Dewey philosophy seems to me to be inherently and irreconcilably antagonistic to everything that is essentially religious. If this philosophy were too modified as to reconcile it to the Christian religion, it would cease to be the Dewey philosophy. If the Christian religion were so modified as to reconcile it to the Dewey philosophy, it would not only cease to be Christian but cease to be a religion at all."

I offer in evidence, marked "Exhibit 20," the book entitled "Educational Movements of Today."

In 1935 the John Day Publishing Co., Inc., published a pamphlet entitled "A Call to the Teachers of the Nation," which had been prepared by a committee of the Progressive Education Association. The pamphlet calls upon the teachers to prepare to struggle militantly for a changed social order. It states:

"Our society has come to the parting of the ways. It has entered a revolutionary epoch. * * * If the teachers are to play a positive and creative role in building a better social order, they will have to emancipate themselves completely from the domination of the business interests of the Nation, cease cultivating the manners and association of bankers and promotion agents * * * take up boldly the challenge of the present, recognize the corporate and interdependent character of the contemporary order and transfer the democratic tradition from individualistic to collectivist economic foundations."

Dr. Willard W. Beatty was the chairman of the committee which wrote this pamphlet. I offer in evidence, marked "Exhibit 21," the pamphlet entitled "A Call to the Teachers of the Nation," with other passages marked therein.

Serving on this committee with Dr. Beatty was Prof. George S. Counts, also of Columbia University. It is a well-known and well-established fact that Professor Counts is completely in sympathy with the Communist program of Soviet Russia. He is the author of several books, including the "Soviet Challenge to America" and "Dare the School Build a New Social Order," and translated the book, "New Russia's Primer," by M. Illin, into English and wrote the flowery introduction therein. In 1936 Hon. Thomas Blanton conducted an investigation into the schools of the District of Columbia. At the hearings Dr. Counts was termed a radical by Dr. Frank W. Ballou, director of education for the District, who had been closely associated with Dr. Counts for 5 years on a "Commission for Social Studies." At those hearings it was developed that Dr. Counts was listed as a teacher or instructor at the University of Moscow summer session in 1935; that he was listed as a radical professor with a record of close association with radicals in the Red Network; and that in his book, "Dare the School Build a New Social Order," he had stated:

"That teachers should deliberately reach for power and then make the most of this conquest is my firm conviction. * * * The conscious and deliberate achievement of democracy under novel circumstances is the task of our generation. Democracy, of course, should not be identified with political forms and functions—with the Federal Constitution, the popular election of officials, or the practice of universal suffrage. * * * Finally, be determined as a last resort, in either the defense or the realization of this purpose, to follow the method of revolution."

All of this and more, is recorded on pages 5691 to 5720 of the Congressional Record for Tuesday, April 14, 1936, which I here offer in evidence, marked "Exhibit 23."

In this exhibit, I also call the attention of the committee to the record contained therein of Dr. Harold Rugg, a member of the advisory committee of the Progressive Education Association, as shown in their publication which is in evidence.

Other members of the organization, as shown in that magazine are Mr. Arthur E. Morgan, Mr. Alvin Johnson, Mr. E. C. Lindeman, and Mr. Carleton Washburne, all of whom are listed in the Red Network as radical professors.

Dr. William W. Beatty was an assistant to Carleton Washburne at Winnetka, Ill., for several years where he "acquired his educational philosophies from the fountain of progressive wisdom" according to a newspaper article reprinted on pages 7 and 8 of the March 1, 1936, issue of "Indians at Work," which I here offer in evidence, marked "Exhibit 24." Like Dr. Counts, with whom he has

been closely associated, Mr. Washburne has published various books and pamphlets. In the pamphlet "Character in Two Dimensions" which I here offer in evidence, marked "Exhibit 25," Mr. Washburne states:

"How does the church propose to make the old imperative effective for the more tangible and credible hereafters of today? Through education can one's immortality in the eternity of social continuity be made as persuasive as were the old supernatural resurrection and reward? By what techniques may we best continue to utilize the allurements of the 'sweet by and by.'"

Commenting upon this and other ideas of Professor Washburne, Dr. Squires in the book "Educational Movements of Today," in evidence as "Exhibit 21," on page 21, says:

"It seems necessary to rate the Winnetka system of character education as an example of character education which rests on antireligious assumptions." * * *

"Professor Washburne evidently regards the belief in personal immortality as no longer tenable. Substitutes must be found for it in the 'eternity of social continuity.' We need not deceive ourselves by assuming that a character-education program built on an antireligious philosophy may be carried on in public schools without affecting the religious consciousness of our children. Such a program will certainly plant the seeds of unbelief in the heart of the pupil. Its effect in this direction is much more certain than is the success it will have in establishing the goals which it has borrowed from the religion it denies."

These are the people who founded and are the officers of the Progressive Education Association of which Dr. Willard W. Beatty was the national president when he was appointed as director of Indian education.

Mr. Allen G. Harper, special assistant to the Commissioner of Indian Affairs, was the Pennsylvania State Secretary of the American Civil Liberties Union for 3 years. In reply to a direct question, Mr. Harper verified this on April 15, 1935, at the hearings held before the subcommittee of the House Indian Committee. This is recorded on page 882 of the so-called Murdock hearings of 1935, number 1 on the list of printed hearings entered herein and marked "Exhibit 4," as follows:

"Mr. MCGROARTY. I will ask you this in connection with the statement being read by Miss Jemison: Whether you were secretary of the American Civil Liberties Union?"

"Mr. HARPER. I was for 3 years."

I offer the book, "Indian Conditions and Affairs, hearings before the Subcommittee on General Bills of the Committee on Indian Affairs, House of Representatives, Seventy-fourth Congress, first session, on H. R. 7781 and other matters, February 11, 1935," in evidence, marked "Exhibit 26."

For about 10 years prior to his appointment as Commissioner of Indian Affairs, John Collier was the executive secretary of the American Indian Defense Association, of which Dr. Haven Emerson is the national president, as recorded on page 1032 of the Murdock hearings, in evidence as exhibit 26. This is an organization of white people which was founded largely through the efforts of Mr. Collier. On March 29, 1935, Mr. Collier stated that the directorate and the American Indian Defense Association of the American Civil Liberties Union is interlocking. From pages 675 and 676 of the Murdock hearings, supra, the following is quoted:

"Mr. AYERS. Mr. Commissioner, how closely related is the American Indian Defense Association, of which you were formerly a member—formerly executive secretary I think—and the American Civil Liberties Union, about which the testimony was given yesterday;

"Mr. COLLIER. There is no relationship beyond—the Civil Liberties Union created this Indian committee, I think, about 1930, and I believe that it probably has a number of American Indian Defense Association people on that committee.

"Mr. AYERS. That is what I wanted to get at, the interlocking membership.

"Mr. COLLIER. For example, Mr. Margold got interested in Indians in the first instance through the American Indian Defense Association, and then he was made the chairman. I do not think he was the first chairman. I think Mr. Robert Gessner was the first chairman of the Civil Liberties Committee. He is not on the board of the Indian defense. I believe that Dr. Hayden Emerson, president of the American Indian Defense Association, is on that Civil Liberties committee, but I do not have the list, so I am not sure.

"Mr. AYERS. But they are interlocking in their membership?"

"Mr. COLLIER. There is some overlapping."

Following Mr. Collier's appointment as Commissioner, Mr. Allen G. Harper served as executive secretary of the American Indian Defense Association until his appointment as a field representative in the Indian Bureau in the fall of 1935. The following is quoted from page 1029 of the Murdock hearings, exhibit 26:

"Mr. HARPER. My name is Allen G. Harper and I am executive secretary of the American Indian Defense Association, Inc., 219 First Street NE., Washington, D. C."

Mr. Collier does not know whether or not he is a member of the American Civil Liberties Union. He was questioned about this several times by members of the Murdock subcommittee in 1935. His replies, taken from the printed hearings as noted, were as follows:

March 28, 1935, pages 659 and 660:

"Mr. BURDICK. Who is the solicitor in your Department?"

"Mr. COLLIER. The solicitor of the Interior Department is Mr. Margold, who was before your committee.

"Mr. BURDICK. Was he formerly connected with the American Civil Liberties Union?"

"Mr. COLLIER. He was the chairman, as I recollect it, of their committee on Indian matters, Indian Civil Liberty.

"Mr. BURDICK. Are you a member of it?"

"Mr. COLLIER. I do not remember whether I was, but I am wholly in sympathy with that organization, whether or not I am a member.

"Mr. BURDICK. Is Mr. Ickes a member?"

"Mr. COLLIER. I do not know about him. You will have to ask him. I would hope so.

"Mr. MURDOCK. Is it not a fact that Mr. Ickes is a member of it, and that you are a member of it, and Mr. Margold is a member of it? I am speaking of the American Civil Liberties Union.

"Mr. COLLIER. I do not remember if I was a member, but if I have not contributed money to it then I apologize. I do not know whether I was or not.

"Mr. MURDOCK. You do not remember whether you were a member of the organization?"

"Mr. COLLIER. I would have to be informed as to whether or not I was a member of it. I certainly had very close relations with them, but I do not know whether I was on their letterhead. I had very close consulting relationship with them.

"Mr. MURDOCK. We would like to find out if you are a member.

"Mr. COLLIER. I am a very close friend of Roger Baldwin, and I may have been on their letterhead, and if I have not contributed money to its cause it is because I am stingy. I cannot go further than that.

"Mr. MURDOCK. You want to give the committee the impression that you do not know whether you were a member of the American Civil Liberties Union?"

"Mr. COLLIER. I have no recollection.

"Mr. MURDOCK. Do you know whether Secretary Ickes is a member?"

"Mr. COLLIER. I do not know.

"Mr. MURDOCK. Do you know whether Mrs. Ickes is?"

"Mr. COLLIER. I have no knowledge or recollection.

"Mr. MURDOCK. But you do know that Mr. Margold is.

"Mr. COLLIER. I believe that you will find that Mr. Ickes and Mrs. Ickes would say the same thing as I am saying, that they believe in the work of the American Civil Liberties Union.

"Mr. MURDOCK. But they would not know whether they were members?"

"Mr. COLLIER. I would be surprised if they have not contributed money. I wish I had money to contribute to them."

And the same date, page 661:

"Mr. BURDICK. I wanted to develop a little further this matter that I was asking about. May I ask you again who Roger Baldwin is?"

"Mr. COLLIER. Roger Baldwin is either the director or the secretary of the American Civil Liberties Union. His offices are in New York.

"Mr. BURDICK. Let me read the record that has been handed to me and see if it is true. Roger Baldwin, the guiding spirit of the American Civil Liberties Union, makes no attempt to hide his friendship for the Communists and their principles. He was formerly a member of the I. W. W. and served a term in prison as a draft dodger during the war. This is the same Roger N. Baldwin that has recently issued a statement that in the next session of Congress our

job is to organize opposition to the recommendations of the congressional committee investigating communism.'

"Do you approve of that statement?

"Mr. COLLIER. I do not know anything about it.

"Mr. BURDICK. You are a friend of his.

"Mr. COLLIER. If you ask me if I am a believer in the American Civil Liberties Union, I am compelled to answer why I am. The American Civil Liberties Union is an organization devoted to one cause, the establishment of the constitutional rights of free speech and the free press against all attacks and against the world. I do not care whether it is communism or fascism or Republicanism or Democrats. I believe that there is no greater feeling in this country now than the encouragement of that liberty. I believe the American Civil Liberties Union has made a superb battle for liberty without regard to whom it was fighting for.

"Mr. MCGROARTY. Under whose leadership?

"Mr. COLLIER. Under the leadership of Roger N. Baldwin.

"Mr. MCGROARTY. Who is this gentleman?

"Mr. BURDICK. Are you asking the witness a question?

"Mr. MCGROARTY. Let us hear about Baldwin. I did not know about him. Who is he?

"Mr. BURDICK. This statement says that he is the guiding spirit.

"Mr. COLLIER. Who is the author of the statement?

"Mr. BURDICK. This is an investigation by Congress and this man who testified before the investigating committee was Baldwin. Let me read as follows:

"The CHAIRMAN. Does your organization uphold the right of a citizen or alien—it does not matter which—to advocate murder?

"Mr. BALDWIN. Yes.

"The CHAIRMAN. Of assassination?

"Mr. BALDWIN. Yes.

"The CHAIRMAN. Does your organization uphold the right of an American citizen to advocate force and violence for the overthrow of the Government?

"Mr. BALDWIN. Certainly, insofar as mere advocacy is concerned.

"The CHAIRMAN. Does it uphold the right of an alien in this country to urge the overthrow and advocate the overthrow of the Government by force and violence?

"Mr. BALDWIN. Precisely on the same basis as any citizen.

"The CHAIRMAN. You do uphold the right of an alien to advocate the overthrow of the Government by force and violence?

"Mr. BALDWIN. Sure, certainly. It is the healthiest kind of thing for a country.

"Mr. MCGROARTY. That is the leader."

March 29, 1935, pages 693 and 694:

"Mr. COLLIER. * * * Now, among the agencies that have been fighting resourcefully for a long time for this freedom of speech, freedom of press, freedom of assemblage, is the American Civil Liberties Union. They are an extraordinarily effective organization. Roger Baldwin is an extremely effective person.

"Mr. MCGROARTY. Just go slowly, Mr. Collier, so that the reporter gets all this.

"Mr. COLLIER. Yes.

"Mr. MCGROARTY. I hope you realize—

"Mr. COLLIER. Oh, I realize.

"Mr. MCGROARTY. The responsibility of your statements. It may have an effect on your future, and I am concerned about you because you are an old friend. I do not want to see any harm come to you.

"Mr. COLLIER. I will say, Mr. McGroarty, that when we get to this particular thing of basic democracy and liberty of conscience I have not any obligation except to give you my real thoughts.

"Mr. MCGROARTY. No; you are right. Pardon me for interrupting you.

"Mr. COLLIER. I am giving you something here that I could not be persuaded from by any feeling of fear for my future. * * *

* * * * *

"Mr. COLLIER. As I say, I have considered that the American Civil Liberties Union was entirely honest, that it was fearless, and that it was a good fighter as an organization. I have great admiration for Roger Baldwin as a man."

March 29, 1935, page 700:

"Mr. WERNER. Then you agree that Baldwin is a safe man to follow, do you not?"

"Mr. COLLIER. I agree with just what I said before, that I think the American Civil Liberties Union is a very useful organization.

"Mr. WERNER. That does not answer the question. That is a simple question. Why don't you answer the question?"

"Mr. COLLIER. I do not follow Baldwin. I regard Mr. Baldwin as doing a fine job.

"Mr. MCGROARTY. Now, that is on record as his answer.

"Mr. WERNER. My question has not been answered, but I don't presume it will be.

"Mr. MCGROARTY. I think it was, Mr. Werner. * * * He says he believes it is a very useful organization. Now, it has been brought out here that this Mr. Baldwin is the guiding spirit of it, even now, and that he believes a man has a right to advocate assassination and murder and violence to overthrow the government; that his organization believes that, and Mr. Collier says he believes the organization is a very useful organization. Now, that covers it. * * *

"Mr. COLLINS. Now, may I ask one question? Directly Mr. McGroarty asked the Commissioner if he belonged. The Commissioner said he had not been able to find out, but that he would be very happy to belong.

"Mr. COLLIER. That is correct. The point is, I contributed some money to that California committee in connection with one of these farmers' programs.

"Mr. COLLINS. You contributed something, but they never have given you a certificate of membership; is that correct?"

"Mr. COLLIER. Nothing of the kind, but I am pretty sure that I gave them some money. I thought I would cover that by saying that I would like to belong."

The Murdock subcommittee never did find out whether or not Commissioner Collier is a member of the American Civil Liberties Union, but the above record of the hearings speaks for itself. In the explicit and positive language of the Commissioner himself—John Collier, Commissioner of Indian Affairs, has had "very close relations" with the American Civil Liberties Union, and considers them a "useful" and "extraordinarily effective" organization, and is a "very close friend of Roger Baldwin," and considers him an "extremely effective person" for whom he has "great admiration."

Nor is Roger Baldwin the only radical with whom Commissioner Collier has been associated. In 1928 he served on the national committee of the Sacco-Vanzetti National League with Ella Reeves Bloor, Communist; Norman Thomas, Socialist; and John Hays Holmes, John Dewey, Oswald Garrison Villard, Robert Morss Lovett, Morris L. Ernst, and other members of the American Civil Liberties Union.

In 1936 Commissioner Collier was listed as a member of the faculty for the Eleventh Seminar in Mexico of the Committee on Cultural Relations With Latin America, of which John Dewey is the honorary chairman. The letter announcing this seminar, sent out by the organization, was entered in evidence before the Senate Committee on Indian Affairs in the 1936 Cherokee hearings, which is No. 1 on the list of unprinted hearings, entered as exhibit 5. I offer in evidence, marked "exhibit 28," a copy of the page proof of this record which was prepared in February 1937, and out of that exhibit, for the record, the portion marked on page 0106, excerpts of the letter or announcement of the Committee on Cultural Relations with Latin America.

As a young man, Commissioner Collier wrote and published books of poetry, the *Indwelling Splendor*, in 1911; *Harp of the Human*, in 1913; and *Shadows That Haunt the Sun Rain*, in 1918. Three or four of these poems were eulogues of Isadora Duncan, a famous dancer. In her autobiography, *My Life*, published in 1927, Miss Duncan states that she was brought up an atheist, that as a child she determined never to be bound by marriage ceremonies and to give her life to the effort of freeing women from the slavery of marriage and win for them the right to children out of wedlock, that she made a vow never to "lower herself to this degrading state," and that she had kept that vow, which statement is well verified in the story of her life. In common with some of the professors heretofore mentioned, Miss Duncan was in full accord with Russian communism, and among other things said: "One of the fine things the Soviet Government has done is the abolishment of marriage" (p. 17, *My Life*). Miss Duncan was the inspiration for three poems by John Collier. Francisco Ferrer, an anarchist who

was executed at Barcelona, Spain, in 1909 for leading a revolt against the Government, inspired Mr. Collier to eulogize him at length in his book *The Indwelling Splendor*, published in 1911. Mr. Collier said:

* * * * *

"They shot him down, cowards and murders,
"They slew the herald; they cannot slay the light

* * * * *

"He was an anarchist."

Francisco Ferrer was also an educator. In his school and textbooks he expressed such thoughts as:

"Property has been established by spoliation, cunning, trickery, by rapacity and deception under the name of commerce and industry.

"The words 'country,' 'flag,' 'family' arose in me no more than hypothetical echoes of wind and sound.

"Government, usurpation, tyranny—a question of words; not only all government, more or less legitimate, but all power is tyranny.

"Don't get excited about the flag, which is only 3 yards of cotton stuck on the end of a pole."

For further information on this I call the attention of the committee to pages 902 and 903 of the Murdock hearings in evidence as "Exhibit 26." In themselves these expressions of hero worship for atheists and anarchists, written by John Collier in his youth, are of no consequence. Followed, as they have been, by association with radicals, they become straws pointing in the wind.

In concluding this part of my statement I have only a brief comment to make. Through the life of each human being runs a pattern, not always evident but clearly discernible when viewed in retrospect. As the pattern manifests itself in spoken and written words, in actions and in associations, a reputation is established. Only through these outward expressions can others see us and know us. In viewing the facts as herein presented, the conclusion seems inescapable that there is a similarity of pattern in the thoughts, deeds, and associations of all these officials of the Department of the Interior. It seems equally evident that all these people herein mentioned are close associates in one company—the company so aptly termed by William Allen White as "our national dog pound"—the American Civil Liberties Union, whose executive director says, "Communism is the goal."

It has been developed herein that several officials of the Department of the Interior and the Indian Bureau are members of the American Civil Liberties Union and its affiliates. As individuals, all of these officials have an inherent right to their own views and the right to express those views. There can be no argument with that. As servants of the American public, however, it is not their right to use the powers of their offices to impose their views upon others. The charges of the federation have to do with the actions of these people while in public office.

Preparatory to discussion of those actions, the statements made thus far have been for the purpose of establishing the predominant pattern in their lives prior to their appointments as officials of the Government of the United States.

Various definitions have been given for the word "communism." In making the charges of communism, atheism, and un-Americanism in the legislative, administrative, and educational program of the present Indian Bureau, we of the American Indian Federation have predicated our case upon the definition of "communism" given on page 4 of Report No. 2290, Seventy-first Congress, third session, which I offer in evidence, marked "Exhibit 27," and for the record at this point the definition on page 4.

It is difficult to state this case point by point under headings "Legislative," "Administrative," and "Educational," first, because they are interrelated and overlap; and second, because the program in many places is most subtle. It is only when viewed as a comprehensive whole that conclusions can be reached. As far as possible, this statement will divide the program into two parts, the legislative and educational, and will deal with the administration of each as it is considered.

THE LEGISLATIVE PROGRAM

There have been four major bills introduced into Congress since 1933 which contain the legislative program of the present regime, viz:

1. So-called Wheeler-Howard or Indian Reorganization Act of 1934, Public, No. 383, Seventy-third Congress.
2. So-called Thomas-Rogers bill for Oklahoma Indians, Public, No. 816, Seventy-fourth Congress.
3. So-called Indian Arts and Crafts Commission bill, Public, No. 355, Seventy-fourth Congress.
4. So-called Indian Claims Commission bill, H. R. 5817 (S. 1902), Seventy-fifth Congress.

I offer for the record the acts and one bill above mentioned, marked "Exhibit 28," "Exhibit 29," "Exhibit 30," and "Exhibit 31," respectively.

INDIAN CLAIMS COMMISSION BILL

The Indian Claims Commission bill was defeated on the floor of the House of Representatives on June 23, 1937, under the leadership of Hon. Thomas O'Malley, of Wisconsin, a Member of the House Committee on Indian Affairs. (See pp. 8105-8135, Congressional Record for Wednesday, June 23, 1937.) The Federation opposed enactment of this bill, and I offer for the record a copy of a letter relative thereto addressed to "Members of the House of Representatives," marked "Exhibit 32." In regard to this bill, I wish simply to call the attention of the committee to the fact that the original of this bill, fully drafted, was proposed to the Senate Committee on Indian Affairs in 1930 by Nathan R. Margold, a member of the American Civil Liberties Union and the present Solicitor for the Department of the Interior.

I offer in evidence, marked "Exhibit 33," printed copy of hearings before the subcommittee of the Senate Committee on Indian Affairs, entitled "Survey of Conditions of the Indians in the United States, Seventy-second Congress, First Session, Indian Claims Against the Government, Part 25," and refer the committee to pages 13670 to 13677, the testimony of Nathan R. Margold when he submitted this proposed bill. I call particular attention to the words of Mr. Margold:

"I was retained by Institute for Government Research in the fall of 1929 to study the Indian claims problem, among others, and to draft a bill embodying a practicable means for its solution"; and

"I conferred also with Mr. John Collier, of the American Indian Defense Association, on questions of policy."

Examination of the proposed bill reveals that it is the parent of the Indian Claims Commission bill herein mentioned.

ARTS AND CRAFTS COMMISSION BILL

The so-called Indian Arts and Crafts Commission bill arose from the same source. I enter in evidence, marked "Exhibit 34," American Indian Life, Bulletin No. 15, January, 1930, on page 28 of which it is stated:

"Issued on behalf of the American Indian Defense Association, Inc., and its Branches by the Indian Defense Associations of California * * *. The officers of the American Indian Defense Association are Haven Emerson, M.D., president; John Collier, executive secretary; and Fred M. Stein, treasurer. The treasurer of the Pueblo Legal Aid Fund and the Fund for California and Southwest Indian Work is Max L. Rosenberg, treasurer of the central and northern California branch."

I call the attention of the committee to pages 5 and 6, an article entitled "A New National Enterprise in Indian Arts and Crafts," which states that James W. Young has formulated "a plan for safeguarding, improving, adapting, and increasing the Indian craft output" and that "the plan is now being drafted into legislation through use of legal talent of high order."

I now enter in evidence, marked "Exhibit 35," American Indian Life, Bulletin No. 16, July 1930, issued the same as the last exhibit. Attention is called to page 19, an article entitled, "Institute for Government Research Continues Its Activity." The second paragraph states, in part:

"Nathan R. Margold, of New York, retained as legal advisor by the institute, is carrying forward a brilliant work in drafting and briefing of legislation."

Paragraph 5 states:

"The technical drafting of the Arts and Crafts Corporation bill was carried out by institute attorneys in consultation with James W. Young, Howard S. Gans, and John Collier."

Until this act was passed, production of arts and crafts had always been operated by the Indians themselves and in many instances, the marketing, too. Among some of the tribes the income from arts and crafts is high. On page 5 of Bulletin 15, entered herein as exhibit 36, it is stated:

"Navajo rugs bring a million a year to Navajo Indians. Navajo silverwear brings nearly a quarter of a million a year."

These statements concern just two products of just one tribe of Indians. Such an enterprise may well be classed as "big business." The traders of the Southwest who handle much of the marketing there have been organized into an association, and it was stated to the Murdock committee in 1935 that Secretary Ickes was one of the attorneys for the association (see p. 345, Murdock hearings, exhibit 26) and that it had been formed through the help of John Collier and other people of Indian organizations.

Examination of the Arts and Crafts Commission Act, exhibit 32, discloses that it creates a commission of five men who shall serve without pay but shall receive their actual expenses for performance of their duties; that the Commission is given control over all marketing and research work in Indian arts and crafts; the authority to determine what work shall be genuine, to fix standards of production, to create a Government trade-mark to signify genuineness; to recommend to whom or what agencies loans shall be made for furthering any part of the Indian arts and crafts business; to supply management, personnel, and supervision for groups making or marketing arts and crafts; to employ executive, technical, and clerical personnel and to prescribe the authorities, duties, responsibilities, and the salaries of such employees; and finally the act provides fines and penalties for any who use the Government trade-mark falsely or falsely offer merchandise for sale as an Indian product. I call attention to the fact that the original plan drafted by Solicitor Margold and Commissioner Collier, before entry into public office, as set forth on page 5 of aforesaid Bulletin No. 15, exhibit 36, provides for a "board of trustees named by the President," a certificate of genuineness, and for a corporation which "will conduct national advertising and national and international publicity" and "will work through existing agencies."

In considering the marketing of such arts and crafts under authority of this act, consideration must also be given to sections 262, 263, and 265, title 25, United States Code, which give the Commissioner of Indian Affairs sole and absolute authority to direct who shall trade with the Indians, to license such traders, to set the prices, quality, and quantity of goods to be sold, to have those without a license fined, and to issue rules and regulations governing all trading transactions. The present Commissioner of Indian Affairs, John Collier, is also chairman of the Indian Arts and Crafts Commission. (See p. 216, vol. 2, Interior Department appropriation bill, 1939.) Under the combined authorities of the sections of the United States Code quoted above and the Arts and Crafts Commission, production and marketing of Indian arts and crafts will become solely and absolutely a Government controlled and managed industry.

Further reference to this act will be made in later discussions.

WHEELER-HOWARD AND THOMAS-ROGERS ACTS

The so-called Wheeler-Howard or Indian Reorganization Act and the Thomas-Rogers Act for Oklahoma Indians can be considered at the same time. Due to the opposition of Oklahoma citizens, both white and Indian, the Oklahoma Indians were excluded from the communistic sections of the Wheeler-Howard Act in 1934. In 1935 the Thomas-Rogers Act was introduced, and it became law June 26, 1936. It is those sections of the Wheeler-Howard Act from which Oklahoma Indians were excluded in 1934. As was testified by Bureau officials before the Appropriations Committee, the Wheeler-Howard Act now applies to Oklahoma Indians.

ORIGIN

The Wheeler-Howard Act had its origin in the American Civil Liberties Union. It was introduced into Congress "by request," and at a committee meeting in 1937 I heard Hon. Burton K. Wheeler, who was chairman of the Senate Committee on Indian Affairs in 1934, say that he introduced the bill at the request of the Commissioner. The bill was written by Solicitor Margold and Commissioner Collier. In reply to a direct question in a meeting at Miami, Okla., on March 24, 1934, Commissioner Collier stated: "The bill is the product of the joint efforts of the Solicitor of the Interior Department and myself." I offer in evidence, marked "Exhibit 38," mimeographed copy of minutes of the Miami meeting, and call attention to page 83481. The testimony of the Commissioner given before the Murdock subcommittee in 1935 was virtually the same, as is recorded on pages 676 and 677 of the Murdock hearings, in evidence as exhibit 26. At that time the Commissioner went further and stated:

"The two main elements in the Wheeler-Howard bill were those that deal with land allotment, the land policy, and then the scheme of getting a new way for the tribes to organize. Both of those ideas have been advocated by the American Indian Defense Association for a good many years. * * * They were a part of the program advocated by the Civil Liberties Union * * *"

As was brought out yesterday in the testimony, the directorate of the American Indian Defense and the Civil Liberties Union is interlocking; Mr. Margold is a member of the A.C.L.U. and Mr. Collier, if not a member, is a believer in the union.

Mr. Margold accepted authorship or responsibility of the Wheeler Howard Act in the Annual Report of the Secretary of the Interior for 1934, which I offer in evidence, marked "Exhibit 39."

On page 2, under title of "The Solicitor (Nathan R. Margold)," Mr. Margold states:

A significant innovation, and one which has produced gratifying results, has been the establishment of a legislative section within the office of the Solicitor. * * * The preparation and successful promotion of the Taylor grazing bill and the Wheeler-Howard bill have been major achievements. * * * The Members of Congress have already come to appreciate the service of our experts and to rely upon this staff for accurate and pertinent information, both factual and legal."

For some time prior to the appointment of the present Interior Department officials, the American Civil Liberties Union was sponsoring Indian bills in Congress, with no request from the Indians in most instances. It was customary to hold conferences either in New York or Washington, D. C., to decide these matters. Under date of November 28, 1932, the A.C.L.U. sent out a circular letter addressed "To those interested in legislation," to grant larger civil liberties to American Indians. This letter, which is printed in full on pages 506 and 507 of the Murdock hearings, in evidence as exhibit 26, was signed by Nathan Margold, chairman, and Robert Gressnor, secretary, of the Indian committee. It states in part:

"FRIENDS: At the direction of our committee on Indian civil rights, I enclose a memorandum covering bills pending before Congress and one to be introduced into Congress, dealing with larger liberties for Indians to handle their own affairs and to agitate for redress of grievances. * * * We intend to back this legislation vigorously in the forthcoming Congress. * * * We intend shortly to call a conference here in New York of those interested in this legislation to discuss the campaign for these bills in the short session."

The bills which the union expected to back so vigorously are referred to on page 8 of the pamphlet Indian Primer, issued in August 1932 by the Indian committee of the A. C. L. U., in evidence as exhibit 16. I call the attention of the committee to paragraph 4, under the title, "What Are the Remedies?" which says:

"The remedies proposed for giving the Indians complete control of their affairs are embodied in bills in the 1931-33 Congress providing:

"1. Establishment of Indian tribal councils with power over tribal property, the employment of attorneys, and making of contracts, etc."

The bill providing for the "establishment of Indian tribal councils," et cetera, was the so-called Frazier bill, S. 3668, Seventy-second Congress, whose purpose was to "make it possible for Indians to equip themselves with modern business instruments of corporate organizations in order to develop their own material and moral endowments."

I enter in evidence, marked "Exhibit 40," a circular entitled, "Why Constructive Indian Legislation Is Not Being Passed." This is a 17-legal-size-page circular distributed by the American Indian Defense Association, dated June 2, 1932, and bearing the name of John Collier.

For the record I submit the copy of the so-called Frazier bill, S. 3668, contained on pages 2 and 3 of this exhibit. Even a casual reading of this bill and the Wheeler-Howard bill reveals their similarity. The language used in some sections of the Frazier bill is practically identical with that contained in the Wheeler-Howard Act, either as introduced or as enacted into law in 1934.

Another bill which the union expected to back vigorously is the so-called Klamath incorporation bill, listed on page 8 of the Indian Primer, exhibit 16, as follows:

"3. A model bill for the incorporation of one Indian tribe, the Klamath Indians of Oregon, so that it may exercise the powers of an ordinary business corporation with only slight Government supervision."

I enter in evidence a photostat copy, Press Service, of the A. C. L. U. dated April 8, 1932. Under the title, "Favorable Report on Indian Service-Government Bill Asked of Congress," it states:

"Self-government for Indian tribes was urged on the House Committee on Indian Affairs in a letter sent to its members April 6 by the American Civil Liberties Union's committee on Indian civil rights, advocating passage of a bill to incorporate the Klamath Indian Tribe of Oregon, so that it will be able to do business like any other corporation.

"According to the Civil Liberties Union committee 'this is a model bill now confined to the Klamath Indians, which it is hoped to extend to all Indian tribes on reservations as a means of freeing them ultimately from Government control.'

"The measure provides that when a majority of adults in the Klamath Tribe so petition, the Federal district court shall issue a certificate of incorporation. All adult members of the tribe become equal shareholders controlling all tribal property. The corporation is given full power to manage property, sue and be sued, and otherwise to exercise the rights of business corporations, with a board of directors in charge. Indians quitting the reservation may sell their shares of stock back to the corporation, but not to other Indians nor to any white person."

Section 17 of the Wheeler-Howard Act gives the tribal council the powers mentioned in the last paragraph of the foregoing quotation, and the act provides for communal ownership of property and the issuance of shares in "corporate interest."

The second bill listed on page 8 of the "Indian Primer, Exhibit 16, is:

"2. Recall of unwelcome Indian agents on referendum vote of a tribe."

I enter in evidence, marked "Exhibit 42," photostat copy of "Press Service" of the A. C. L. U., dated April 1, 1932, Bulletin No. 502, under the title "Pending Bills Would Restore Authority to Indian Councils," it states:

"For the first time in the 50 years of the Federal Indian Bureau's existence, effort is being made to restore authority to the old tribal councils, the powers of which were taken away when the aborigines in this country were placed under governmental control. To achieve this end, support for two United States Senate bills is being rallied in all States where there are Indian reservations, by the American Civil Liberties Union's Committee on Indian Civil Rights. Both measures were introduced by Senator Lynn J. Frazier, of North Dakota, chairman of the Senate Committee on Indian Affairs.

"Senate bill No. 3668 provides for a constitution and bylaws for each tribe, subject to voted approval by all adult members. A tribal council would be elected annually, and questions of policy would be submitted to referendum. This council would represent the tribe before Congress and governmental departments, or in the courts; it would control sales of tribal lands, employ lawyers, without the Indian Bureau's consent, and make recommendations to the Budget Bureau and Congress concerning expenditures of tribal funds.

"Bill No. 3717 provides that when 25 percent of the members of any tribe on a reservation petition for removal of an official or employee of the Indian Bureau on the reservation, the general council of such a tribe shall assemble, and upon a majority vote calling for the removal, the Secretary of the Interior shall remove such official or employee within 60 days.

"This measure,' says Nathan Margold, New York City lawyer and chairman of the civil rights committee, 'would give the tribes control over obnoxious officials who today may be their dictators instead of their friends. It would act as

a check upon unwise appointments and would end the notorious tyranny and mismanagement by Indian agents. It would give the Indians an entirely different attitude toward the Indian Bureau, and rightfully should be welcomed by that bureau as a marked step forward in elevating the Indians' self-respect."

Attention is called to the third paragraph about the pending bill providing for recall of local agency employees upon a majority vote of the Indians. This bill was later incorporated into the Wheeler-Howard bill.

I enter in evidence, marked "Exhibit 43," a copy of the bill as it was introduced into Congress on February 13, 1934, by Senator Wheeler (by request). I call attention to line 17 on page 10 under section 5, it is stated:

"Any Indian community shall have the power to compel the transfer from the community of any persons employed in the administration of Indian affairs within the territorial limits of the community other than persons appointed by the community: *Provided, however,* That the Commissioner of Indian Affairs may prescribe such conditions for the exercise of this power as will assure to employees of the Indian Service a reasonable security of tenure, an opportunity to demonstrate their capacities over a stated period of time, and an opportunity to hear and answer complaints and charges."

The A. C. L. U. takes full responsibility for the bills introduced into the 1931-32 Congress. I enter for the record, marked "Exhibit 44," photostat copy of page 35 of the report of the A. C. L. U. published in June 1932, and entitled "Sweet Land of Liberty 1931-32." Under the heading, "Indians' Civil Rights," it is stated:

"The Union's committee on Indian civil rights under the chairmanship of Nathan R. Margold, New York attorney, got before Congress during the year a program of bills intended to give Indians greater control of their own affairs and the machinery by which they may improve their conditions. These bills were worked out in cooperation with the Indian Defense Association. They are:"

This is followed by the list given on page 8 of the pamphlet "Indian Primer," the first three of which have just been discussed above. In closing, the article says:

"The committee issued a pamphlet describing these bills together with an 'Indian Primer' giving the salient facts about the Indians in brief compass. Representations were made to various committees of Congress; publicity given out in an effort to build up sentiment for these particular remedies basic to all others. The bills were opposed by the Indian Bureau and met the same fate as all other legislation for the benefit of Indians, due not to the disinclination of Congress but to the controversy which was aroused and the limited time for resolving it."

None of the bills sponsored by the A. C. L. U. for the Indians was enacted by the Seventy-second Congress as is disclosed in the annual report of the A. C. L. U. published in June 1933, and entitled "Land of the Pilgrim's Pride—1932-33." I enter for the record, marked "Exhibit 45," two photostats of pages 27 and 28, respectively, of this pamphlet. Under the heading "American Indians," it is stated, in part:

"A program of bills designed to extend civil rights of American Indians was developed by the Union's special committee on Indians' civil rights headed by Nathan R. Margold, New York lawyer. Most of the bills were introduced in the Senate, but did not come out of committee.

"In order to gain the greatest possible backing for these bills by friends of the Indian, the Union's committee called an all-day conference in Washington in January 1933, * * *. Complete agreement was reached on every essential point—the abolition of the land allotment system which has destroyed primitive Indian communal life, the creation of Indian tribal councils on reservations with large control of tribal affairs, the incorporation of one tribe as a model for others and as a means for minimizing Government control, and repeal of ancient laws controlling communication between Indian tribes and outsiders.

* * * * *

"Mr. Margold, chairman of the committee, was appointed by the new secretary of the Interior to be solicitor of the Department where he will have much to do with redrafting and pushing the proposed bills. Prof. Jay B. Nash of New York University, has succeeded Mr. Margold as chairman of the committee."

I call particular attention to the statement that Mr. Margold "will have much to do with redrafting and pushing the proposed bills." The Union itself expected to sponsor those bills and push them in the next Congress.

I enter in evidence, photostat copy of a page of Civil Liberties Quarterly issued in June 1935 by the Union, wherein it is stated, in part:

"Complete reorganization of the Bureau of Indian Affairs has been effected by the new administration with the appointment of John Collier. * * * Mr. Collier is committed to a thorough revision of Indian law in the interest of tribal autonomy, civil rights for Indians, and abolition of land allotment system under which Indians have lost a large part of their property. Hathan Margold, former chairman of the Union's committee on Indian civil rights, has been appointed Solicitor for the Department, and Jay B. Nash, of New York University, present chairman of the committee, is temporarily employed as director of conservation camps among Indians.

"A drive will be made in the regular sessions of Congress for passage of bills sponsored by the Civil Liberties Union and other agencies for civil rights for Indians."

The ideas of the bills which had been sponsored by the A. C. L. U. in the Seventy-second Congress, as herein outlined, and in some instances the identical language, were incorporated into the so-called Wheeler-Howard Act and introduced into Congress in February 1934. The Union accordingly made the "drive" for passage of this bill.

I enter for the record, marked "Exhibit 47," photostat copy of page — of the Civil Liberties Quarterly issued by the A. C. L. U. in June 1934, wherein it is stated:

"Restoration to American Indians of their lands and tribal autonomy is provided in a bill prepared by the Indian Bureau pending in the House and Senate and backed by Indians and their friends all over the country. The Civil Liberties Union has circularized its members and other organizations to arouse support of this complete reversal of governmental policy under which Indians may at last exercise their civil rights. * * * The Civil Liberties Union urges all its friends to support the Howard-Wheeler Indian rights bill by addressing their Senators and Congressmen."

In the face of the records of the A. C. L. U. itself, as herein entered in evidence, there can be no reasonable doubt that the so-called Wheeler-Howard Act had its origin in the American Civil Liberties Union.

This being true, the A. C. L. U. knows exactly what the Indians received in that legislation and can be considered as the final authority as to whether or not the Thomas-Rogers Act is identical. The Thomas-Rogers Act was introduced into the 1935 session of Congress. In January 1936, the Union issued announcements that another conference on Indian legislation was called for the 19th day of January at the Cosmos Club in Washington, D. C. No such announcement was sent to me but I attended the meeting and registered as an "observer." Professor Jay B. Nash, mentioned as chairman of their committee on Indian civil rights in the Civil Liberties Quarterly for June 1933 (exhibit 26) presided at the meeting.

The Indian Rights Association, a so-called benevolent white organization for Indian welfare, with headquarters in Philadelphia, was represented by Henry Scattergood, former Assistant Commissioner of Indian Affairs and a member of the A. C. L. U. as was stated to the Murdock subcommittee in 1935 by Allen G. Harper, former Pennsylvania State Chairman of the A. C. L. U. (See p. 1038, Murdock hearings, exhibit 26.) Among those present were Commissioner and Mrs. John Collier; William Zimmerman, Jr., Assistant Commissioner of Indian Affairs; Robert Marshall, Chief Forester, Indian Bureau, and the Washington, D. C., chairman of the A. C. L. U.; Miss Mary L. Stewart, present California regional director of Indian Education; Miss Edna Groves, present eastern regional director of Indian education; Felix Cohan, attorney for the Indian Bureau of the Department; Fred H. Dieker, Assistant to the Commissioner; Joe Jennings, field representative of the Bureau; several superintendents of reservations who were present in Washington at that time and other employees of the Indian Bureau. I know that the Thomas-Rogers Act was brought up for discussion at this meeting and was approved by the Union. I enter in evidence, marked "Exhibit 48," the Civil Liberties Quarterly for March 1936, published by the A. C. L. U., and call attention to an article on page 4, entitled, "Indians Rights Conference," which states as follows:

"Forty-one persons active in Indian affairs attended an unofficial conference on legislation pending in Congress at the Cosmos Club, Washington, D. C., on January 19, called by the union's committee on Indian civil rights. General agreement was reached on a legislative program, the most important of which, is the extension to the Oklahoma Indians of the Wheeler-Howard laws, guarantees of tribal self-government and community ownership of land."

On May 8, 1936, the A. C. L. U. released a letter which was signed by Robert Gessner, author and secretary of the Indian Committee of the A. C. L. U., Dr. Haven Emerson, president of the American Indian Defense Association, and Roger N. Baldwin, director of the A. C. L. U. This letter said in part:

"The American Civil Liberties Union Committee on Indian Rights, reports * * * the pending Thomas-Rogers bill to give Oklahoma Indians just what all other Indians got under the Wheeler-Howard Act 2 years ago."

The Thomas-Rogers Act became law on June 26, 1936. In June 1937, the A. C. L. U. published its annual report under the title, "Let Freedom Ring, the Story of Civil Liberty, 1936-37." In this pamphlet, already in evidence as exhibit 20, it is stated on page 44, under the heading "Indians":

"The Government's new policy of extending to Indians tribal autonomy, civil rights, and management of their own resources was furthered by the passage by the 1936 Congress of a bill extending these benefits to the Oklahoma Indians, excluded from the original act."

Thus sayeth the A. C. L. U.: The Wheeler-Howard Act and the Thomas-Rogers Act are one and the same.

On March 1, 1937, Hon. Burton K. Wheeler and Hon. Lynn J. Frazier, jointly and at the request of Indians, introduced a bill, S. 1736, to repeal the so-called Wheeler-Howard Act of 1934, which I enter in evidence, marked "Exhibit 49." It is commonly called the Wheeler-Frazier Repeal bill. The bill received an unfavorable report from the Secretary of the Interior. Several hearings were held on it by Hon. Elmer Thomas, chairman of the Senate Committee on Indian Affairs, but those hearings have not been printed to date. (See exhibit 5.) The A. C. L. U. is very much opposed to the bill.

I enter in evidence, marked "Exhibit 50", the first sheet of Bulletin No. 759 of the "Press Service" of the American Civil Liberties Union, released for publication on Friday, April 2, 1937. The second item is entitled "Repeal of Indian Reorganization Act Fought", and it states:

"Attacking the Wheeler-Frazier bill repealing the Indian Reorganization Act as an 'attempt to turn the clock back,' the American Civil Liberties Union last week earnestly urged defeat of this 'unaccountable bill' in the Senate. Letters to hundreds of friends of Indian civil rights throughout the country have been sent out by the union in its campaign against the measure.

"In a statement signed by Prof. Jay B. Nash, of New York University, chairman of the committee on civil rights, and Roger N. Baldwin, union director, the A. C. L. U. held that objections raised to the present law are 'either trivial or unfounded and offer no basis whatever for repeal of this historic measure.'

"Any criticism of its administration should be dealt with through administrative channels, and not by legislation," the union declared.

"It was pointed out by the union that the Indian Reorganization Act passed in June 1934 was the culmination of more than 10 years of study and struggle by friends of the Indian within and without the Government, and assured civil rights to Indians, among other reforms.

"The act gives to organized tribes the right to go into court to defend their own civil and property rights; provides that Indian land losses shall stop; gives the tribes greater self-government; provides for the advanced schooling of Indians; and enables landless Indians to get back on the land."

I call the attention of the committee to pages 7 and 9 of the pamphlet, "Let Freedom Ring," published by the union in June 1937, and herein entered in evidence as exhibit 20. On page 9, under the heading, "We Condemn," it is stated:

"No. 18. The attempts of Senators Wheeler and Frazier to repeal the Indian Reorganization Act, under which Indian civil rights for the first time have been established."

On page 45 of the same pamphlet, continued under the heading of "Indians," on page 44, it is stated:

"Attempts have been made in the 1937 Congress, however, to repeal all new legislation, on the ground that it has not worked satisfactorily. The evidence to support such a conclusion is fragmentary, but sufficient evidently to convince the authors of the repeal bill—Senators Wheeler and Frazier. The Civil Liberties Union is publishing a pamphlet to counteract the movement for repeal by citing the record of accomplishments.

"Among the opponents of the present Indian policy is the so-called American Indian Federation, with headquarters in Oklahoma, which has inspired a great deal of publicity, though it represents only a handful of disgruntled Indians. The union has had occasion to attack its favorite charge that the Indian Bureau

at Washington is a creature of the American Civil Liberties Union, directed to making Communists out of the red men!"

In connection with this report, I wish to point out to the committee that repeal of the present Indian legislation mentioned therein has not been sought primarily on the grounds that it has not worked out satisfactorily. Repeal has been sought on the grounds that it is pure and unadulterated communism, and the fact that it has not worked out satisfactorily is a result of the cause, communism. As a matter of personal privilege, I wish to further point out to the committee that regardless of how many Indians we represent, the fact remains that we are Indians, and as such have a far greater right to concern ourselves with Indian legislation than does the Civil Liberties Union. In reply to the last sentence in the above quotation, I respectfully point out to the committee that all of the federation's charges, namely (1) that the United States Bureau of Indian Affairs, Department of the Interior, is dominated and controlled by members and sympathizers of the A. C. L. U. and interrelated organizations: (2) that in every department, legislative, administrative, and educational—the program of the present Indian Bureau is communism, atheism, and un-Americanism and originated in the A. C. L. U.; and (3) that the A. C. L. U. is a "subversive, seditious, Communist-aiding and Christ-mocking" organization whose executive director, Roger N. Baldwin, says "Communism is the goal," have been made openly at public hearings before the committees of Congress for the last 4 years and have been occasionally reported upon by the press.

I offer in evidence, fastened together and marked "Exhibit 51" photostat copies of clippings from the Washington Herald, the Charlotte (N. C.) News, the Asheville (N. C.) Citizen, the Raleigh (N. C.) Times, and the Washington Times, all dated in April 1936, all of which contain the charges of the federation and one of which is an editorial entitled "Communizing the Indians." To our knowledge, the A. C. L. U. has never made application to come before any committee of Congress before which the charges were made and deny them or offer evidence to disprove them. Neither has the A. C. L. U. brought any suits for libel against either the federation or the newspapers which carried those charges.

The record established here today from the reports of the A. C. L. U. speaks for itself about the origin of the legislative program of the present Indian Bureau regime.

As to who is in control of the Indian Bureau, in addition to the evidence submitted yesterday, I offer for the record, marked "Exhibit 52," a photostat copy of page 29 of a pamphlet entitled "Liberty Under the New Deal—the Record for 1933-34," published in June 1934, by the American Civil Liberties Union. On this page 29, under the heading "American Indians," it says, in part:

"The forces long urging drastic reforms in the Government's treatment of Indians finally came into control of the Indian Bureau with the appointment as Commissioner of John Collier, former secretary of the American Indian Defense Association, backed by Secretary Ickes and by almost all the agencies defending Indian interests. The Indian Bureau has made sweeping changes in Government policy. * * * In addition to the bills in Congress, departmental regulations have effected many changes in the Indian service in the direction of a larger exercise of civil rights, in advancement of Indian education, and in the common use of tribal property."

METHODS USED TO SECURE ENACTMENT OF WHEELER-HOWARD ACT

Soon after the introduction of the Wheeler-Howard bill in February 1934 Commissioner Collier and a large part of his Washington staff began a tour of the Indian country, holding meetings with the Indians to secure their approval of the act then pending in Congress. There are printed or mimeographed copies of the minutes of all of these meetings which are available to the committee and if desired I shall be happy to furnish title and page references for the statements herein made about this campaign.

Briefly, the Indians were told that if they approved the bill and worked for its enactment, they would secure self-government, the right to manage their own affairs, the right to have objectionable agency employees removed, the right to employ their own attorneys and to enter into contracts, higher education for their children, the right to borrow huge sums of money from the Government to finance business enterprises, and they were assured that under the Wheeler-Howard Act the Government would buy a vast amount of land and give it to them, any place in the United States agreeable to them. When

the State of Oklahoma was Indian Territory, the Five Civilized Tribes owned the major portion of it. In reply to a member of one of these tribes at an Oklahoma meeting, the Commissioner stated that under certain circumstances there was no reason to believe that his tribe could not sometime regain all of their land.

"The campaign of the Commissioner personally, was designed to arouse race prejudice and contempt for our present form of government. No previous period in the history of America has ever witnessed a like spectacle of a high official of the Federal Government carrying on such a campaign of sedition among any people. From the printed hearings of the Commissioner's meetings with Indians in South Dakota, Washington, California, Arizona, New Mexico, and Oklahoma, we find Commissioner Collier appealing personally to Indian audiences for support of the Wheeler-Howard bill in the following language: "There was a time when it was the policy of the United States Government to rob Indians.'

"Millions and millions of acres have been sold. Selling means nearly always selling to the whites. It is the best lands which have been lost, sold to the whites.'

"The guardianship of the United States is carried out under a body of laws that are wicked and stupid.'

"The time will come when the change will be finished as far as law and Washington are concerned and the country will settle down into a new mold. * * * I desire for you to realize what I know to be the truth, that beyond your power, beyond my power, and beyond the power of the President, forces are moving which are going to make the change in a way to destroy you, unless it is made in a way to save and help you.'

"In the history of countries and peoples there comes a time when anything is possible.'

"Take the utmost responsibility in your own affairs and let the Government no longer play the authoritative role, but serve as a service agency only.

"The Indian Service down in Mexico is operated the way I hope for here * * * the Indians are recapturing their lands and taking over control of the Government.'"

The above paragraphs and quotations are taken verbatim from pages 18 and 19 of the pamphlet "Now, Who's Un-American?—An Exposé of Communism in the United States Government," which I enter in evidence, marked "Exhibit 53." This pamphlet was written by Mr. O. K. Chandler, present national chairman on organization of the federation, and myself. It was published by the federation in July 1936, and to date it has never been challenged from any source. Arousing race prejudice and contempt for other governments, is part of the Communist program as outlined by House Report No. 2290, in evidence as exhibit 29.

Returning from the Indian meetings, which were frequently attended by only a small group, the Commissioner reported to Congress and the public that the majority of Indians approved the bill. Indians were brought to Washington through use of tribal funds to testify in favor of the bill at the committee hearings. Under the language of the appropriation acts, no Indian can come to Washington with his expenses paid out of tribal funds unless the Commissioner approves of it before he leaves the reservation. Obviously the Commissioner would not approve of any Indian coming to Washington to testify against his program.

In considering the lures held forth to the Indians, and the language of the Commissioner in making his appeals, it must be remembered that the Indians who are under control of the Indian Bureau are an oppressed and in many cases destitute people who have the lowest per capita income of any race in the United States, largely because their money, land, and resources and even their persons are under the autocratic authority of a Bureau, and who, in most instances, have justifiable claims against the Government because of treaty violations. Under similar circumstances, most any people would welcome a program which promised so much in relief from their misery. Looking beyond the propaganda to the bill itself, however, Indian opposition from all parts of the United States arose against it immediately after its introduction into Congress and continued to grow. Funds were collected by the Indians to send independent delegates to Washington to oppose the bill.

To stop some of the opposition, a gag rule was applied to all employees of the Indian Service, both white and Indian. Under date of April 30, 1934, and over the signature of Harold L. Ickes, Secretary of the Interior, a letter

was sent out addressed: "To All Employees of the Indian Service:" which said, in part:

"The authorities in Washington have endeavored during the past year to develop a coordinated, modern Indian policy. * * * I have increasing evidence that there is a subtle, misleading propaganda against the new Indian program emanating from a minority of employees within the Indian Service. * * * My purpose in addressing you is to notify all of those engaged in this scheme to defeat our program that a continuance will be under penalty of dismissal from the service. * * * If any employee wishes to oppose the new policy, he should do so honestly and openly from outside of the service. This would mean his resignation. * * * It will be summarily eliminated, wherever found, by dismissal."

I call the attention of the committee to page 409 of the Murdock hearings, in evidence as exhibit 6, and for the record enter this letter of April 30, 1934, as therein printed.

Like a large percentage of the people with low incomes, many of the Indians were at that time, and still are, dependent upon the work relief programs for their daily bread. All work relief for the Indians is handled through the Indian Bureau. Copies of the April 1934 letter were distributed or posted for the information of those on work relief projects and effectively silenced many Indians, and their dependents. This order has never been rescinded or modified. It is still in full force and effect and has been acted upon frequently, not only in regard to opposition to the Wheeler-Howard Act but also in regard to opposition to any part of the program. I have attended both House and Senate Committee on Indian Affairs hearings for the past four sessions of Congress. Repeatedly the charge that those who oppose the program are being neglected and denied work has been made before those committees.

I have heard it made by Indians from California, New Mexico, Arizona, Wisconsin, North Carolina, and North and South Dakota. Examination of any of the transcripts of testimony of the unprinted hearings, listed and entered herein as exhibit 5, will substantiate that statement. I have letters from many other places stating the same thing. During the past summer I visited four reservations—Pine Ridge, Rosebud and Cheyenne Agency in South Dakota and Standing Rock which is in both North and South Dakota. On all of them the most frequent complaint brought to me was: "They will not give us any work, or any rations, or any attention, because we belong to the Black Hills Treaty Council group." The Black Hills Treaty Council is the organization formed by those Indians in the eight Sioux Nations who are opposing and resisting the present Bureau program. It was a most self-evident fact that those opposing the program were unemployed.

I enter for the record, marked "Exhibit 55," an affidavit from Cherokee, N. C., signed by Hugh N. Lambert, a Cherokee Indian who was employed at the Cherokee Boarding School. Among other things, this affidavit states that Mr. Lambert voted against both the acceptance of the act and the Constitution submitted under the act and that his position at the school was subsequently abolished and he no longer is employed.

In 1934, when the act was before Congress, Winslow J. Couro, a Mission Indian of Santa Ysabel, Calif., was employed as a supervisor on a Work Relief project for the Indians. As the duly elected spokesman for the Santa Ysabel Reservation, he was delegated by his people to come to Washington to oppose enactment of the Wheeler-Howard bill. He did so and forfeited his employment. Mr. Couro is one of the charter members of this organization and at present is president of our first district.

In 1934 Rev. Floyd O. Burnett, a Cherokee Indian of Oklahoma, was employed by a Mission Board in New York City as a missionary at the Sherman Institute for Indians at Riverside, Calif. As a leader, his opinion on the Wheeler-Howard Act was sought by the Indians. Reverend Burnett spoke his convictions against the bill. He prepared some statements giving the exact reasons why he opposed the bill, both as an Indian and as an American. Learning of this, Commissioner Collier, summarily and with no effort to determine the facts of the matter, sent a telegram to the superintendent at Sherman Institute stating: "Privileges of Sherman Institute withdrawn from Floyd O. Burnett," and a telegram to the Mission Board which said:

"Advise you privileges Sherman Institute, Riverside, hereby withdrawn from Rev. Floyd O. Burnett. Has abused privileges by utilizing student members and school equipment. These actions were concealed from school superintendent. Political propaganda directed against Indian Rights Bill. Political

activities by missionaries in schools cannot be allowed. Action on Burnett final. Commissioner John Collier."

The board had no alternative but to replace Reverend Burnett, an ordained Indian minister who was conscientiously endeavoring to help his race when they asked his assistance. Reverend Burnett is a World War veteran and has been the national chaplain of the Federation since its organization in August 1934. His side of this matter has never been heard and the Commissioner on several occasions has used the Government franking privilege to send out a statement that was designed to personally injure and discredit Reverend Burnett. I therefore offer for the record, marked "Exhibit 55," a statement signed by Reverend Burnett relative to his opposition to the Wheeler-Howard Act. These instances are typical of many throughout the service where not only the individual Indians involved but also their wives, children, and other dependents have been deprived of their daily bread because they exercised their constitutional rights of free speech. Others will be cited in connection with other matters.

Incidentally, this might be cited as another example of the sincerity of the A. C. L. U. protestations of profound belief in "free speech" for everyone. Secretary Ickes is a member of the union. Again, as was pointed out by another example yesterday, it is free speech to "advocate force and violence, murder, and assassination in the overthrow of government but not one word against the union or its program."

The country was flooded with propaganda in favor of the Wheeler-Howard bill, distributed by such well-financed and influential organizations as the Indian Bureau, the A. C. L. U., the American Indian Defense Association, and others, which utilized every avenue of publicity—the press, the radio, private releases, and letters, and the Government franking privilege. A letter approving the bill which was addressed to the chairmen of the Indian Committees by the President was widely circulated and constantly called to the attention of Congress by inclusion in the Congressional Record. The letter must have had some effect, because in one instance Mr. Couro, of California, Mr. Alfred Minugh, of Montana, and myself, called upon one Congressman who listened attentively to all of our reasons for objecting to the bill and in reply to our plea that he vote against it stated, in substance, "But my President calls and I must support him."

Against these mighty forces the voice of the Indian against the bill was drowned. Many objectionable features were stricken out in the committees and on the floor of the House, but it never lost its communistic provisions. It was brought up for consideration in the final rush of a closing Congress. Time for debate was limited to 40 minutes. Although a valiant effort was made to defeat the bill on the floor, as the Congressional Records of June 12, 15, 16, and 19, 1934, disclose, it was enacted and became law when the President signed it on June 18, 1934.

PROVISIONS OF THE WHEELER-HOWARD AND THOMAS-ROGERS ACTS

These acts were propagandized as acts to give the Indians "self-government," "stop the losses of any more land," and to "provide land for landless Indians." Even a casual examination of the acts themselves, exhibits 30 and 31, respectively, discloses that there is no self-government in them. All final power and authority remains in the Secretary of the Interior which is exactly where it has always rested since the Bureau was established. In addition to which the Secretary of the Interior is given "mandatory" authority over all grazing and timber operations and soil conservation on Indian reservations. This is additional power for the Secretary. Formerly he had only discretionary authority, as was admitted by Commissioner Collier before the Murdock committee in 1935. (See p. 46, Murdock hearings, exhibit 26.)

Briefly, the Wheeler-Howard Act provides that Indians, as tribes, may organize into corporations under constitutions and charters which the Secretary of the Interior shall consider appropriate and of which he shall approve, while the Thomas-Rogers Act goes a little further and states that any 10 Indians (no limitation that they be adults) may organize for corporate enterprise. The acts carry authorization for necessary funds to acquire additional lands, the title to which is to remain in the United States, to make loans to chartered Indian corporations, for educational loans, and the expenses of putting the acts into operation. Authority is vested in the Secretary of the Interior to establish an Indian civil service within the Indian Bureau, to con-

solidate Indian land holdings, to promulgate rules and regulations to cover all the various provisions of the acts and in the Thomas-Rogers Act to declare any previous laws null and void that may be in conflict therewith. Can anyone conceive of a lawsuit under the Thomas-Rogers Act? Irrespective of what the Secretary of the Interior does in Oklahoma, if challenged under provisions of any previous laws, the sole defense necessary is for him to declare that the law is in conflict with the Thomas-Rogers Act and therefore he has declared it null and void.

Only one form of living is provided in the Wheeler-Howard Act and that is communal living with all property, real and personal, held in common. Section 17 of the act provides for the adoption of a charter by the tribe and states:

"Such charter may convey to the incorporated tribe the power to purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, including the power to purchase restricted Indian lands and to issue in exchange therefor interests in corporate property * * *"

The very first section of the act provides that hereafter there shall be no individual allotment of land. These sections of the act are destructive of private ownership of property. Destruction of private property is communism, as defined in House Report No. 2290.

As the acts originated in the American Civil Liberties Union, their word should be conclusive about the contents. I offer in evidence, marked "Exhibit 56," the March 2, 1935, issue of the magazine Liberty and call attention to the article on page 31, entitled "A New Deal for the Red Man" * * * by Robert Gessner, * * * secretary of the Indian committee of the American Civil Liberties Union. Mr. Gessner states:

"Lo'—

"The poor Indian—it looks like a New Deal for him, thanks to John Collier, now Commissioner of Indian Affairs. Today this slight-figured, energetic crusader directs his vision and energy into a policy not only to give the Indians all constitutional rights, but to advance them into a social order that might well point the way out for all of us. * * * Commissioner Collier says, in effect: 'It is now economically necessary that you Indians heap all your allotments into a common holding, and farm and graze cattle and cut timber on a communal basis * * *.'"

ADMINISTRATION

Complete understanding of the Wheeler-Howard Act necessitates a close analysis of the provisions of the act itself together with the constitutions and charters which have been promulgated under the act. During the last session of Congress, I was requested to prepare a statement concerning the act, constitutions and charters under the act, appropriations for the act, and other facts, for the information of a group of Congressmen. I prepared the statement, taking the figures therein used from testimony of Bureau officials given before various appropriations committees and using the first constitution and charter adopted by an Indian tribe, the Flathead Reservation in Montana, as an example of all of them. To save the time of this committee, I therefore enter for the record printed copies of the constitution and charter of the Flathead Reservation of Montana, marked "Exhibit 57" and "Exhibit 58," respectively, and a copy of the above-mentioned statement, entitled "Memo. In re the Wheeler-Howard Act," marked "Exhibit 59," and will confine my remarks here to a general statement based upon and substantiated by these exhibits and others which will be entered.

Under the Wheeler-Howard Act, it is necessary to hold three elections before a tribe is completely under the act and can borrow the money which has been constantly held forth as a lure. The first is to secure acceptance of the act itself, the second to adopt a constitution, and the third to adopt a charter of incorporation. (See Secs. 18, 16, and 17, respectively, Public, No. 383, exhibit 30.) Government financed campaigns have been conducted on all reservations to have the Indians vote favorably in all of these elections. All the unprinted hearings listed in exhibit 5 herein, the so-called Burdick hearings, part 1 and part 2 (see No. 2 on list of printed hearings, exhibit 4), the so-called Murdock hearings, exhibit 28, various Congressional Records and published articles are replete with evidences of these campaigns. In the July 1, 1935, issue of Indians at Work, Commissioner Collier stated that he felt justified in asking the whole-hearted assistance of employees in the work of re-

organization even to the extent of giving it precedence over their own work. Under that section of the civil-service laws prohibiting civil-service employees from taking part in political campaigns, the Cherokees, of North Carolina, sought to have their superintendent removed from his activity in campaigning for acceptance of the Wheeler-Howard Act and a constitution under the act. In April 1936, Fred B. Bauer, vice chief of the Eastern Band of Cherokee Indians, and president of the seventh district of the Federation, and I appeared before the Civil Service Board about this matter.

In reply to letter from Mr. Bauer about this matter some months later, the head of the Civil Service Board, Harry D. Mitchell, wrote to Mr. Bauer stating that under the Wheeler-Howard Act the Secretary of Interior had full authority over all employees of the Indian Bureau. I call the attention of the committee to page 026 of page proof of the Cherokee investigations of 1936, exhibit 28 in evidence, wherein is reproduced a notice sent out by the Superintendent of the Cherokee Indian Reservations entitled "Some Reasons Why the Cherokee Indians Should Adopt the New Constitutions and Bylaws, August 28."

Under authority of the appropriations made for "organizing Indian tribes," and in addition to regular employees, people were employed at substantial salaries to devote their entire time to propagandizing in these campaigns and many Indians were employed part time on a per diem basis. Regular employees, part-time employees, and work-relief employees were all given to understand that they must campaign for the program in the elections. In some places parties were given at the meetings held to convene the Indians this was their only hope of salvation and in at least one place the rations intended for the relief of the old and needy were used for the banquet.

From my knowledge gathered over a period of 4 years time listening to Indians testify before committees, private conversations with Indian delegates, my files of correspondence, my understanding of the conditions among my own people in New York State, and from personal visits to four reservations in North and South Dakota and two personal visits to Cherokee, N. C., I can safely state that the campaigns far exceeded the ordinary zeal expected of employees in efficient performance of duties, that coercion, intimidation, and high-pressure salesmanship were used; that much of the propaganda was misleading because of statements of half truths and extravagant language; and that Bureau employees utilized every Government facility at their command.

The results of those campaigns have been given by Bureau officials during the course of various hearings before the House Appropriations Committee. From the records of the hearings on the 1937, 1938, and 1939 Interior Appropriation Acts, the following seems to be true in round numbers:

VOTE ON ACCEPTANCE OF THE WHEELER-HOWARD ACT

| | |
|--|--------|
| Total voting population, approximately----- | 96,000 |
| Total voting for act, approximately----- | 39,000 |
| Total voting against act, approximately----- | 24,000 |
| | 63,000 |
| Total votes cast, approximately----- | 63,000 |
| Total not voting, approximately----- | 33,000 |

This is the total vote for and against the act irrespective of whether the act was accepted or rejected on the reservation involved.

Two hundred and forty-eight elections were held during 1935 and 1936 on acceptance of the act, some of them being in places where the voting population is listed from 1 to 12 people. Out of those elections, the following results were obtained tribally, if from 1 to 12 people be counted as a "tribe."

One hundred and eighty-three tribes with a population of 129,000 voted to accept the act.

Sixty-five tribes with a population of 86,000 voted to reject the act.

No figures are available to indicate the number of elections held to accept constitutions or charters. When a constitution or charter is voted down by the Indians, it is customary for the Indian Office to continue the campaign and hold another election. On some reservations two elections have been held relative to constitutions. The results, as of December 31, 1937, given to the Appropriations Committee in 1938, were that 45 groups with an estimated population of 53,350 Indians had incorporated.

In the elections which were held, the Bureau prepared the poll lists of eligible voters, conducted the elections, in some cases refusing Indians the right to

appoint or have present judges of their own choosing in accordance with laws of the State in which they resided, and counted the ballots. Balloting was not secret in all places. In some places the employees and in others the employees and Indians too were ordered to put their names on the ballots which they cast. Indians have reported that votes against the act were not always placed in the ballot boxes by those conducting the elections. Those known to be favorable were transported to the polls in Government cars and trucks but those known to be opposing the program were left to find their own transportation, sometimes in blizzard weather with the temperature down to 30 degrees below zero.

I call the attention of the committee to section of the act and point out that under the wording therein it is necessary for a majority to vote against the act to exclude any tribe from it. There was a difference of opinion whether this meant majority of votes cast or majority of those listed on the poll lists as eligible to vote. The solicitor, Mr. Margold, wrote an opinion that the wording meant a majority of the adults living on the reservation. Thus all those on the Bureau-prepared poll list who did not actually cast a ballot were counted as voting for the act. I call the attention of the committee to pages 59 to 68 of the Murdock hearings (exhibit 26), the testimony of Winslow J. Couro, of Santa Ysabel, Calif., wherein it is disclosed by oral testimony supported by documentary evidence that in the election on acceptance of the act held on December 18, 1934, at the Santa Ysabel Reservation, the following was true:

The Bureau-prepared poll list contained the names of 122 Indians eligible to vote; 8 of the Indians on the list were unknown to the Indians living at Santa Ysabel.

Fourteen Indians entitled by residence to vote were not included on the list and did not vote.

Two were ill and could not vote, and one was insane and did not vote.

One was known by Bureau officials to be dead because they had arranged for his burial.

Forty-four on the list had been absent from 2 to 45 years, and in most cases their whereabouts were unknown.

Some absentees did not receive their ballots in time to vote.

In the election a total of 61 votes were cast, 14 for the act and 47 against the act.

This reservation was not excluded from the act because the 47 ballots against the act did not represent a majority of the 122 names on the poll list.

This was not the only reservation where this un-American method of counting votes was used. However, as a result of this testimony a bill was enacted by Congress in 1935 amending the Wheeler-Howard Act to clarify this section. The amendment automatically excluded tribes like the Santa Ysabel.

I offer for the record, marked "Exhibit 60," Public, No. 147, Seventy-fourth Congress, June 15, 1935. These facts are called to the attention of this committee to emphasize the methods employed by Bureau officials to force this program upon the Indians and to show that if some of the Indians had not spoken against such methods, regardless of the letter of the Secretary of Interior and to their own material loss, this method of conducting elections would have been carried out throughout the entire administration of the Wheeler-Howard Act, as was pointed out by Hon. Usher L. Burdick, Congressman from North Dakota, during the Murdock hearings in 1935. (See p. 39 of Murdock hearings.)

The constitutions and charters upon which the Indians voted were written in the Indian Office. Largely they were the work of Felix Cohan, Bureau attorney, and Allen G. Harper, Special Assistant to the Commissioner, and a member of the A. C. L. U.

After a constitution was prepared it was taken out to the tribe. If the tribe already had a council or other governing body, a meeting was held with them, and if not, delegates were chosen from different districts to meet with the Washington officials. At the meeting the constitution was offered piecemeal, discussions were had, and minor changes effected for the final draft. This final draft was submitted to the Secretary of the Interior for his approval. In those cases where Indians made material changes in the constitution, delegates were later brought to Washington, and at another conference it was pointed out to them that the Secretary objected to certain features. As the delegates had been given advance permission or approval by the Commissioner, under the terms of the appropriation act, it was not difficult to persuade them to alter the constitution to suit his wishes. The Secretary of the Interior had to approve all constitutions before they were submitted to the Indians for a refer-

endum vote. The constitutions all follow the same general pattern, some being worse than others. Liewise the Secretary of the Interior had to give his approval for all charters before the Indians voted upon them. The charters seem to be identical except for the names and locations. This is not self-government. It is dictatorship.

I wish to point out several things concerning these charters and constitutions.

CHARTERS

First. After adoption of a charter, the tribe becomes a Federal corporation. Laws and ordinances promulgated by the officers of such a tribe have all the force and effect of Federal laws, as do the Indian Bureau rules and regulations at the present time. This corporation should not be confused with the ordinary corporation for certain limited purposes, either social or economic. By reason of the status of the Indian as a ward and the status of his property as an estate in which all members of the tribe and their descendants have certain rights, this corporation is a social, economic, and political organization authorized to control, manage, and direct every phase of life upon the reservation and "to purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal."

Second. In addition to the powers conferred by the constitution, the council is given authority to (1) issue certificates in corporate property in exchange for title to real property; (2) issue nontransferable certificates of membership in the corporation; (3) to borrow money and to pledge chattels or future tribal income of the tribe for security of such loans; and (4) to engage in any business or to undertake any activity "of any nature whatsoever."

Third. The charter prohibits (1) sale or mortgage of lands or interests in lands; (2) mortgage of timber; (3) any action regarding timber or grazing property contrary to rules and regulations of the Secretary of the Interior pertaining thereto; (4) leases, permits, timber contracts for a period of more than 10 years' time; and (5) distribution of corporate property to members except out of net income.

Fourth. The charter makes it mandatory upon the Secretary of Interior to approve of: (1) all leases, permits, or contracts covering any land or interest in land; (2) all indebtedness over a stated amount; (3) all contracts involving expenditure of money over a stated amount; (4) all contracts involving development of waterpower; and (5) all pledges or assignments of chattels or future tribal income.

CONSTITUTIONS

In the constitution which is in evidence (exhibit 57) I point out the following:

1. The preamble opens without any recognition of divinity or prayer for divine guidance.

2. Membership in the tribe is restricted to children born upon the reservation and council is authorized to promulgate further ordinances regarding membership in the tribe.

3. Council is authorized to change districts or representations from districts based upon "community organization or otherwise."

4. No provision is made to hold elections by secret ballot, or for absentee voters, and persons absent more than a year are disfranchised.

5. Council is given full authority to engage in business, manage all economic affairs and enterprises, to regulate and control inheritance, domestic relations, guardianship, to assess licenses, to promulgate ordinances governing everything on the reservation, to promulgate law and order regulations, and to establish courts.

6. Council is authorized to take title to real property of every description and to issue an "assignment" to the same property or other property to the former owner.

7. Council is authorized to assign land to individuals, subject to removal at its pleasure.

8. Inheritance of the "assignment" is limited to those holding less than a stated amount of real property.

9. Forbids individual allotment of any and all lands in the future.

10. In all leases, preference is to be given to "cooperative enterprise."

11. Provides that the Secretary of Interior must call all elections to ratify or amend the constitution.

This is just a brief review of just one constitution. This one has a Bill of Rights, but that is not true of all of them. Some that have been offered to

tribes provide for enforced labor. Examination of any of them will disclose that the act, constitution, and charter, together are destructive of private ownership of property, inheritance, individual enterprise, of all members, and the political rights of nonresident members of the tribe. It must always be kept in mind that in those places where tribes still retain tribal identity, their lands, resources, and funds are an estate inheritable by all enrolled members of their heirs. Thus, to deprive Indians of any of the above-mentioned rights, is destructive of inheritance rights in a much broader sense than is ordinarily meant by the word inheritance. Destruction of private ownership of property, inheritance and political rights is communism as defined in House Report No. 2290.

Under authority of the Wheeler-Howard Act the constitutions and charters, many things are being done to further deprive the Indians of their rights. In all property bought for the use of the Indians under this act, title is vested in the United States Government, in trust for the Indians designated. In California, Oklahoma, and other States Indians who have long been free of all Indian Bureau control or supervision have been settled on newly acquired land where they can never hope to hold fee simple title to any property individually and where they are being encouraged to "farm and graze and cut timber on a common basis." They are in fact, only tenants on this land, subject to removal at the pleasure of the Secretary of Interior. Where loans are made to Indians under this act, the Secretary of Interior takes a lien against the property. Thus the act can be employed to divest Indians of their title to property and vest it in the United States Government. In reply to this argument against the act the Commissioner always states that there is a law which prohibits the United States from foreclosing on such liens. His statement is of no force or effect in face of orders issued to the Superintendents of reservations under date of July 29, 1937.

I enter for the record, marked "Exhibit 61," circular No. 3218 of the Office of Indian Affairs, addressed "To all Superintendents" and signed by William Zimmerman, Jr., Assistant Commissioner, "Approved: Aug. 23, 1937 by Oscar L. Chapman, Assistant Secretary." This circular is headed "Proceedings Against Property of Indians in Default on Obligation to Other Government Agencies," and states, in part:

"Agencies of the Federal Government, in addition to the Indian Service, have granted loans and other assistance to Indians. * * * When the Indians have encumbered unrestricted or nontrust property and where the Indian Service has approved the encumbering of restricted or trust property, no reason appears why proceedings should not be taken against such property under the conditions to which the Indians have agreed. * * *

"*Unrestricted or nontrust property.*—Superintendents are hereby authorized to give their authority and cooperation for Federal agencies to seize or repossess nontrust or unrestricted property owned by or in the possession of Indians when such agencies have a right to proceed against such property (even though it may be on an Indian reservation or Indian allotted land) so that the proceedings can conform, as nearly as possible, to those in use in similar cases involving non-Indians or non-Indian property. * * *

"*Restricted or trust property.*—* * * superintendents are hereby authorized to give their authority and cooperation for Federal agencies to seize or repossess trust or restricted property owned by or in the possession of Indians (even though it may be on Indian reservation or Indian allotted land) when such agencies have a right to proceed against such property, if the Indian Service has consented to or approved of the encumbering of such property."

These regulations apply to cases where other Federal agencies, such as the R. F. C., have loaned money or given assistance to Indians and taken a lien against the property. If the superintendents are ordered to help other agencies seize the property of Indians on liens, as they are by this circular, then without any doubt, the Department would proceed in the same manner in the cases of default on loans wherein the Secretary had taken a lien. Also, if they cannot seize or repossess the property, then what is the sense of taking a lien in the first place?

In most cases, excepting educational loans, the loans are not made directly to Indian individuals but are made to "Cooperative associations," credit associations which have been established for the purpose or to the council of chartered tribes. Then these organizations loan the money out to individuals under the rules and regulations promulgated by the Department of Interior.

I enter for the record, marked "Exhibit 62" and "Exhibit 63," respectively, copies of "Regulations for loans by Indian Credit Associations," and "Circular,

Regulations for Loans," issued by the Department of the Interior. In the first above-mentioned, it states:

"Security: All possible security shall be given up to an adequate amount. It may consist of the assignment of income, mortgages on property owned wholly or in part by the borrower, or other suitable collateral."

These credit associations and chartered tribes and cooperative associations are agencies of the Federal Government and the orders issued to the Superintendents, in evidence as exhibit 61, would be directly applicable to them. In any case where such organizations took proceedings against the property, the land would revert to the organization or Federal agency. No one doubts that when the R. F. C. forecloses a mortgage, the land becomes the property of the Government. The same would be true in the case of these "Federal agencies." One case was reported to me at Rosebud, S. Dak., of a man who received a loan to build a new home on his allotment, title to which was vested in him. Failure on his part to meet a payment resulted in his removal by orders of the Wheeler-Howard Tribal Council, supported by the Superintendent.

The council then "assigned" the property to one of the Indians known to be favorable to the Bureau program. It is exactly in this manner that land can be taken from Indians who have retained their land and given to Indians who have squandered their heritage of land, and enjoyed the pleasures or benefits thereof. All of the contracts by which funds are loaned to Indians for rehabilitation purposes contain a clause that the premises must be kept in repair to the satisfaction of the Commissioner and failure to do so gives him the right to enter the premises and repossess them. I do not have copies of those contracts at present. I have seen two of them, one from California and one from North Carolina. The committee can request copies of all contract forms of this nature from the Bureau of Indian Affairs.

Indians in North Dakota told me that in cases where livestock or poultry were purchased with such funds, that they could neither sell or give away as much as a single egg or glass of milk without first securing permission to do so. The Bureau calls this "planned economy." In many cases the money is not paid to the Indians when the loan is made, as it would be if they borrowed money at a bank. That is handled by the agency officials, either through purchase orders or through direct purchase by an official at such places as best suit the official. Thus there are Indians today who have liens against their property for horses that barely lived to reach them. Much of the poverty among the Indians has been caused by just such actions in the past when their money on deposit at the agency offices was spent for them by officials. Now it is worse, for they are loaning him the money and taking a lien against his property as security.

Under authority of the right to delegate powers to others, the Wheeler-Howard Councils set up "Community organizations" in the districts on the reservations. Those who join these organizations pool their resources, borrow money and engage in "community enterprise." It is not necessary for all members of a tribe to belong to these organizations, but the officers of these organizations are the officials of the district in which they may be located and they rule the entire district including the affairs of those who do not belong to the "cooperative community." Typical of this is the case of Rose and Felix Ree, of St. Francis, S. Dak., on the Rosebud Sioux Reservation. Mr. and Mrs. Ree are not members of the Two Strike Community organization of the district in which they lived. They are members of the Black Hills Treaty Council group, heretofore mentioned, and are opposed to the Bureau program.

I enter of record, marked "Exhibit 63" and "Exhibit 64," affidavits of Rose Foolish Elk Ree and Felix Ree, respectively.

These affidavits are most revealing as to the methods pursued to promote "community enterprise" and oppress those who do not belong to the "community." In this instance, an Indian named John Foolish Elk died possessed of property both real and personal, leaving two daughters, Rose Ree and Sally Swimmer.

Pending determination of the heirs by the Probate Division of the Indian Bureau, it was agreed by written documents that Rose Ree who had been living with her father should continue to occupy the property and care for it until such time as final determination was made by the Probate Division. Without the knowledge of Rose Ree or her husband Felix Ree, the Superintendent leased the property to the Two Strike Community organization for "community enterprise." The council, supported by the superintendent, ordered

Mr. and Mrs. Ree to remove from the property and the superintendent promised to purchase a tent and supply them with wood and water if they would move. They did not move. The Indian Bureau police came to the house one day with a truck. Mrs. Ree was ill in bed and pleaded to be allowed to remain there. The police went to see the Wheeler-Howard judge who refused to give such an order. So the police came back, loaded their possessions into a truck, along with the tent, drove the Rees 22 miles away from there, almost to the Nebraska State line, and literally dumped them out and left them there in the late evening with neither wood nor water and Mrs. Rees ill. Water is 2 miles distant from the place and they have no means of transportation.

They never made or approved of any such lease and they have never received a cent of rental from the lease. They took the matter up with Superintendent Whitlock and he told them that he had full authority to lease the land. There are 80 acres of hay around the house on this Foolish Elk estate and when I was there in early August, the members of the community organization were cutting the hay as part of their community project and were storing their Government-owned machinery in the house while the rightful heir of the property, the daughter of John Foolish Elk, with her husband and two boys, were living 22 miles away in a thin canvas tent. It is with difficulty that I restrain my remarks to a bare statement of fact when I recall that poor, bewildered woman endeavoring to keep back the tears while she haltingly made her statement in the hope that some way I might find justice for her.

In the matter of leasing land for grazing purposes, the Indians are being deprived of their right to control individual allotments and individual enterprise is being discouraged through the actions of local Bureau officials and the preference shown to livestock cooperatives.

On May 16, 1938, Mr. Frank Shorthorn, of Kyle, S. Dak., brought this to the attention of the Senate Committee on Indian Affairs. (See No. 8 on the list of unprinted hearings, exhibit 5.) From the transcript of his testimony, I quote verbatim:

"Under the Wheeler-Howard Act, the Secretary of the Interior has all power over grazing on Indian reservations. There is a lot of trouble on our reservation about the unit-leasing system and the powers of attorney which must be signed. The agency at Pine Ridge rents out tribal lands to white stockmen for grazing purposes. They rent out units which are maybe 20 sections of land or more. Now, in those units of 20 sections or more, not all of the land will be tribal land. Some of it will be owned by individual allottees. So the superintendent makes the Indians sign powers of attorney giving him the right to lease their land out with the tribal land in the unit.

"If the Indian allottee does not sign the power of attorney, they just rent it out anyway and he cannot do anything about it. If he tries to use the land himself, the white stockmen's cattle are trespassing on his grass all the time anyway, so it is useless to try to do anything. All of the money is paid into the agency, both the tribal money and the individual money for these leases.

"We do not know what becomes of any of the money. We would like the committee to ask Superintendent Roberts what happens to this money which is collected because he will not tell us. He rents the land for 7 to 11 cents an acre. Then the tribal council under the Wheeler-Howard constitution charges a fee of 25 cents on all leases and that is paid into the agency, too."

I enter for the record, marked "Exhibit 66", an affidavit signed by Frank Kills Enemy, of Kyle, S. Dak., which substantiates the above-quoted testimony. Mr. Kills Enemy states that he refused to sign the power of attorney, that his land was nevertheless used by one F. D. Cooms; that later he went in and signed the papers but that the man has refused to pay him the rental for the property.

Quoting further from the testimony of Mr. Shorthorn:

"Now, under the Wheeler-Howard Act, the superintendent and Charlie Brooks have organized cooperative livestock associations on the Pine Ridge Reservation. Very few Indians belong to these associations. * * * The members are given 5 or 10 head of cattle which they are to pay for with the issue. Only the Livestock Association members get these cattle. The livestock unit then secures a unit of land for grazing purposes. They have a form which individual allottees are requested to sign, and the form speaks for itself. It means that the Livestock Association is to have the use of individual allotted lands indefinitely without paying any grazing fee to the owners. I will read

this form to you and the letter from Mr. Fills Pipe about the matter. They are as follows:

"B"

LANDOWNERS PETITION

"Supt. W. O. ROBERTS,

"Pine Ridge Agency, Pine Ridge, S. Dak.

"We the undersigned respectfully request that the land which we are interested in and which is described below be set aside indefinitely for the [in writing] *R. S. T. D. A. Livestock Unit.*

"The land is located in the general vicinity of [in writing] *the North Table commonly known as the Two Bulls Table.*

"We are willing to allow the organization to use our land indefinitely without making payment of grazing fees. However, when the organization is in a financial position to make payment of grazing fees we request that you use the powers of your office in securing a reasonable grazing fee for the use of the land. When approved the reservation of land for the [in writing] *R. S. T. D. A. Livestock Unit* becomes binding, not only on ourselves but upon our heirs as well. In the event that we desire our land freed in the future it will be necessary to secure signatures favoring such action by those owning two-thirds of the land, and then it will become operative only after passage of a 2-year period. This period being required to give the association time to make necessary adjustments.

"Allot. No. Name Share

* * * * * *

[Translation]

"B-1"

"BUFFALO GAP, S. DAK., April 29-38.

"MR. FRANK SHORTHORN,

"Washington, D. C.

"I am writing you this letter in a great rush. On the 28th day of this month, Peter Cummings had 40 head of cattle turned out on the Indians' land for 2 years without paying lease money to Indians, and without consent from the Indians. Therefore I am writing you direct to Washington to take the matter up right away. We have no protection and you know all these kind of cases. For 2 years they have turned these cattle out on the Indians' land and the Indians are miserably poor and they don't get anything for it. The Wheeler-Howard men are campaigning to beat the dickens on the charter but nobody pays much attention to them. Tom Killer is one of them. We are not in favor of the charter. Take the matter up direct because we are opposed to all of it. All glad to shake hands with you.

"(Signed) WM. FILLS PIPE,
Buffalo Gap, S. D.

"You don't know anything about what is going on out here and how the Wheeler-Howard men are campaigning."

(Written in Sioux.) (Translated by Frank Shorthorn.)

Mr. Shorthorn has been very active in opposing the program of the Bureau and the Wheeler-Howard Act and is a member of the Black Hills Treaty Council group, heretofore mentioned. As an example of destruction of individual initiative and enterprise, his case may be cited. Mr. Shorthorn, who holds an honorable service record in the United States Navy, has a wife and seven children. He owns two pieces of property and his wife owns one. They were living on his ranch which is equipped with a house, barn, and other buildings and he was raising stock. The school bus from the agency office could not come anywhere near his place to pick up his children because the roads were in such terrible condition. So the superintendent ordered them to come and camp near the Kyle day school and said that if he kept his children out of school that he would be arrested and fined \$20. The agency officials agreed to furnish flooring for the tent. He and his wife, who has heart trouble and is very frail, and their seven children now live in a thin canvas tent near the Kyle day school which I personally visited this summer. There is no floor and they sleep on the ground summer and winter. There are 20 or more families living in the same condition around this school and for the same reason. For the evidence needed here, I again quote from the transcript of Mr. Shorthorn's testimony of May 1938, before the Senate Committee on Indian Affairs:

“ * * * the Indian office sent out men to put out poison for the prairie dogs which they claimed were hurting the grazing land. All the dead prairie dogs laid all over and everything which ate them, like birds or dogs, died, and a lot of the stock ate the poison too. All the Indians in the district lost a lot of stock. Personally I lost three work horses that year all weighing about 1,600 pounds apiece. The loss of these horses was reported to the agency at Pine Ridge in 1935, but no action has ever been taken on it.

“Last year, 1937, they began spreading poison again and many more horses were lost. Personally, I lost another general work horse weighing about 1,450 pounds. I had about 25 head of horses and 13 or more cows and other stock. I was so discouraged about everything that I just sold all my stock except four horses, a cow, calf, and bull. Many of the Wheeler-Howard Indians do not have any stock and some of them came to me and told me that they did not have any team or harness or anything to work with so I loaned one man my team, another man a couple of saddle horses and the cow and calf to a third man. I cannot live on my ranch, which is too far from the bus line for my children to go to school. I cannot keep my livestock where I am camping near the Kyle day school, and we cannot live on my wife's property because it is under the unit-lease system, and the Indian office has poisoned so much of my stock that it is useless to try to make a living for my family in the only business that I know, livestock raising.”

On the Cheyenne Agency Reservation in South Dakota, Paul Chasing Hawk, a local officer of the Black Hills Treaty Council organization, related to me this past summer, and gave me correspondence which substantiated his statements, that he owned a herd of sheep which he had purchased with his own money and upon which the Indian office had no lien or shadow of a claim; that he was refused Federal grant assistance on the grounds that he had these sheep and could dispose of some of them; that he sold some of them and the local Bureau officials made a lot of trouble with the people who bought them and told him that if he ever sold another sheep without their permission he and his wife would have to go to the penitentiary. At the time I was there in July, he and his wife and eight children were in dire need of food. His sheep had fallen ill and needed attention from a veterinary. Many animals were dying in that region from the dread “sleeping sickness.” Some of his sheep were already dead and he did not know what was wrong with them. The local Bureau official in charge of that district is a farmer or farm agent whose salary is appropriated by Congress on the grounds that it is necessary to have such farmers to assist the Indians to become farmers. Mr. Chasing Hawk had appealed to the farmer to come and help him with his sheep, or to give him some medicine which he had no money to buy, or to allow him to sell a sheep or two so that he could provide food for his family and the medicine or attention needed to save the rest of his sheep from dying. He had been refused on all requests.

In the program of “soils conservation,” which is authorized under the Wheeler-Howard Act, certain areas of land have been set aside to be reserved from leasing. In Navajo country where land is not allotted individually, these areas are fenced in and the Navajo cannot graze their stock upon them. In the Sioux country where the land is partly tribal and partly allotted, those Indians who hold individual allotments within the area reserved from grazing cannot lease out their individual allotments. I enter for the record, marked “Exhibit 67,” an affidavit signed by Belle Oldhorse, of Potato Creek, S. Dak., which states, in part:

“Belle Oldhorse, being duly sworn, says: I am 72 years of age, a member of the Oglala Sioux Tribe of Indians, and reside on Potato Creek about 15 miles northeast of Kyle, S. Dak., on the Pine Ridge Reservation on my allotment, stake No. 7799, * * * containing 320 acres, more or less * * * that I have been needing money and so have been trying to lease my allotment; that the agency office at Kyle has refused me permission to lease my allotment; that they told me I could not lease it because it is in the blue-lease section, which means that it is in a section marked blue on the map from Washington, and all the blue sections have been reserved from leasing by the Indian Bureau officials in Washington according to John Collier's plan.”

Timber operations are also under the direct and mandatory control of the Secretary of the Interior under the Wheeler-Howard Act. It is now necessary for the Indians to secure permission to cut timber on their individually held land, and in some places special timber officers have been appointed.

From the above affidavit, exhibit 67, the second paragraph states:

"Deponent further sayeth that this allotment is heavily timbered and I have been trying to get a permit to sell some wood; that I have asked about this matter twice at the Kyle office; that William Firethunder, assistant farmer, has refused to give me a permit to sell any of the timber; that he told me the last time I was there that there were no blanks in the office, but on the same day other people got permits to sell timber, so there must have been some blanks in the office."

I enter for the record, marked "Exhibit 68," an affidavit of Lena Brown Bull, who lives near Kyle, S. Dak. After reciting that the 320 acres of land was inherited from her husband and is almost completely covered with timber, the affidavit states, in part:

"Deponent further sayeth: I have been trying to secure from the farm agent, Mr. Murdock, a permit to sell some green timber, or green pine tree logs from my land; that the permit has been refused by Mr. George Heddon, who is the special timber agent for Pine Ridge Indian Reservation; that I want to trade this timber for a team, some chickens, some lumber, and some cash in order to help my son finish building his home and get started to farming so that he can support his family; that it would be a fair trade and would enable my son to become self-supporting."

Some startling testimony about timber administration was given to the Senate Committee on Indian Affairs during the hearings held in July 1937 relative to the dismissal by the Commissioner of Wade Crawford as superintendent of the Klamath Agency. (See No. 6 on list of Unprinted Hearings, "Exhibit 5.") The Klamath Indians of Oregon have a vast estate of timber, and from income derived through timber operations on their reservation they pay all expenses of maintaining and administering the Indian Bureau agency, schools, and hospital on their reservation. The Government does not pay a single cent of those expenses for the services, materials, or personnel, or anything else. This hearing was reviewed briefly in the August 14, 1937, issue of *The First American*, official publication of the American Indian Federation, which I offer in evidence, marked "Exhibit 69," and for the record the article on page 3 entitled "Wade Crawford Hearings." On page 1 of this pamphlet I call the attention of the committee to the statement:

"(NOTE.—Items reported in this issue are brief statements of fact. All comments, opinions, rumors, etc., are plainly marked as such. A. L. Jemison.)"

From the article on page 3, the following is quoted:

"Mr. Crawford was the first Indian appointed as superintendent of an agency following the appointment of Commissioner Collier. He was dismissed "with prejudice" early in May 1937, on charges that he could not manage the personnel at the agency. * * * Testimony of Mr. Crawford proved * * * that Indians, lumber company officials, and local citizens had complained about Communist agitation being carried on by two employees; that Mr. Crawford had requested advice in this matter from the Commissioner; that the two employees then wrote the Commissioner requesting transfer and implied that it was impossible to remain at Klamath because the forestry service was no longer properly conducted; that thereupon Mr. Collier dismissed Mr. Crawford. * * * Mr. Crawford charged the Commissioner with maladministration of Klamath affairs which resulted in heavy financial losses to the Indians. He testified * * * that the Department had waived delinquent timber payments of \$1,449,042.03; had arbitrarily reduced prices on some contracts; had ordered and directed the Superintendent to sign waivers for the minor orphan children and had otherwise shown favors to the lumber companies which had resulted in additional loss to the Indians. All of this was done over the written protests of Mr. Crawford, both as superintendent of the agency and as a Klamath Indian directly concerned.

Commissioner Collier and Robert Marshall, formerly Chief Forester of the Indian Bureau but now transferred to the Forestry Division, Department of Agriculture, testified for the Bureau, denied all charges, and "explained" all losses. Statements of event different widely from those told by Mr. and Mrs. Crawford. * * * Voluminous files of correspondence and other documents were submitted for the record, among them being a letter from Mr. Crawford, dated April 3, requesting advice from the Washington office about what action he, as Superintendent, could take where Communists were agitating on an Indian reservation picketing roads and interfering with Indian labor on mills and in lumber operations on said reservation. Under date of April 30 the Commissioner replied that it was not against the law for a citizen of the United States to belong to the Communist Party; that there was no law to prevent picketing;

that "the right to strike is recognized by law and those who may not want to strike have no recourse against strikers"; and that the Superintendent of an Indian reservation was without authority to interfere as long as there was no destruction of property.

"Our comment: Robert Marshall as late as 1936 was the Washington chairman of the American Civil Liberties Union which Commissioner Collier considers a 'most useful and effective organization' and whose executive director, Roger N. Baldwin, says: 'Communism is the goal.' Indian wards who agitate against the un-American Bureau program can be arrested for treason, but, according to the Commissioner, the Government is helpless to protect its wards from the Communists who agitate against the Government and who advocate its overthrow by force and violence. Apparently it makes a difference who is doing the agitating. This is a sterling example of the 'free speech and civil liberties endorsed by Commissioner Collier and his other American Civil Liberties Union cohorts—'free speech' for the Communists and 'red' radicals—jail for the Indians who agitate against the Communists!"

It is fully admitted by the Department, through the Indian Bureau, that full responsibility for timber operations and timber administration rests solely upon the Department.

I enter for the record, marked "Exhibit 70," copy of a letter addressed to Mr. Clyde Blair, Superintendent, Cherokee Agency, dated August 13, 1938, and signed by John Herrick, Acting Commissioner. This letter states, in part:

"MY DEAR MR. BLAIR: This refers to your letter of November 1, 1937, transmitting the resolutions passed by the council of the Eastern Band of Cherokee Indians on October 28, 1937, requiring the Indian Office in all forestry matters to submit its plans to the council; and appointing a committee to investigate violations of council regulations.

"We regret the delay in sending you this answer. It was necessary, however, to examine into the authority of the council to require such a submission of plans by the Indian Service. * * * The tribe and the council, in their relations with the Indian Service, and with respect to official actions of the Indian Office in the course of supervising the lands of the Eastern Cherokees, can act in an advisory capacity only. The lands of the reservation are held by the United States in trust, and final authority for their supervision and for proper management of the tribe's natural resources rests with the Secretary of the Interior."

I enter for the record, marked "Exhibit 71" copy of resolution relative to this letter which was adopted by the council of the Eastern Band of Cherokee Indians on October 11, 1938, which sets forth the facts that these Indians are not a tribe of Indians but are a band of American Indian citizens incorporated under the laws of the State of North Carolina; that their lands are not and never have been a reservation but are lands purchased for the band with their own funds; that these said lands were placed in trust with the United States in 1924 for the sole purpose of giving the Secretary of Interior authority to accomplish final allotment of the lands in severalty and for no other purpose; and that the Secretary of the Interior has no authority to do anything further than that. This band of Indians voted to accept the provisions of the Wheeler-Howard Act following a high-pressure campaign in December 1934, and they have been trying to get out of it ever since. Whether or not this acceptance of the Wheeler-Howard Act gave the Secretary of Interior authority over the Eastern Band of Cherokees is a question for judicial determination. For that reason this instance of assuming full responsibility for all forestry or timber matters is used here. If the Secretary is responsible for timber operations in a case where his jurisdiction over the Indians is open to question, there can be no doubt that he is equally or more responsible for all these other instances on other reservations which have been recited herein.

"Cooperative enterprise" is one of the favorite themes of the present officials of the Indian Bureau. The magazine *Indians at Work* frequently carries editorials by the Commissioner and other articles expounding the doctrines of "co-operatives" and their desirability. Tribes having travel funds are encouraged to invest their money in cooperatives. Loans are made to tribes and other organizations for cooperative enterprise.

I enter in evidence, marked "Exhibit 72," copy of a contract or agreement between the Commissioner of Indian Affairs and the Rosebud Tribal Council, organized under the Wheeler-Howard Act, which sets forth that the Commissioner is conveying \$24,951.09 of "rehabilitation" funds to the Rosebud Sioux Tribe, in trust, to be used to rehabilitate 12 Indian families in the Grass Moun-

tain area. I point out to the committee therein that the Council, and in event of their failure to do so, the Commissioner, has the right to remove families from the "land and premises" if they fail to "make proper use of the land." I also enter for the record, marked "Exhibit 73," copy of a written statement signed by Noah Little, of St. Francis, S. Dak., relative to the Grass Mountain project, which was filed with the Senate Committee on Indian Affairs at the hearing held on January 19, 1938. (See No. 7 on list of unprinted hearings, exhibit 5.)

Mr. Little states that everything at the project—stock, farming implements, houses, barns, and other buildings—is owned by the Government; that the understanding of the Indians was that farming would be done on a "cooperative basis" and the produce divided upon such a basis, or upon a basis of labor performed; that after the harvest the Government took all the produce and gave back to each family just what it needed for its own subsistence; that under such a plan the occupants of the Grass Mountain project will never be able to pay anything on their loans so it will always continue to be a Government-owned and operated project; and that anyone leaving the project can take only his clothing and furniture, and nothing else.

To aid the committee in understanding the full import of these Government cooperatives, I enter for the record, marked "Exhibit 74," a copy of a statement prepared by Mr. Fred B. Bauer and myself for the Cherokee Investigations of 1937. (See No. 2 on list of unprinted hearings, exhibit 5.) This statement deals with the cooperatives proposed at Cherokee, N. C., and a general discussion on the significance of all such cooperatives. As in the case of inheritance matters, the fact must not be lost sight of that these cooperatives have to do with the property and resources of a people held as "incompetent wards" of the Federal Government; that under no circumstances can tribal cooperatives be considered as voluntary cooperatives because, in cases where tribal money is used, the money belongs to all members of the tribe but is used regardless of whether all members are in favor of it or not.

Likewise, in cases where funds are loaned to tribes, security is taken upon the resources or property of the entire tribe irrespective of those who may be opposed to thus encumbering their tribal property with such debts. Any failure of a cooperative is a loss to be shared equally by those who favored it and those who opposed it. Such a cooperative is an enforced cooperative from which there is no escape for those who oppose it.

On some reservations taxes are now being levied upon the members of the tribes by the Wheeler-Howard Councils. Complaints of this were brought to my attention on some of the reservations I visited this summer. A tax system has been proposed by the Rosebud Tribal Council and may be by this time in operation.

I enter in evidence the magazine *Indians at Work* for July 1938, and for the record, marked "Exhibit 75," the article on page 15 therein which is entitled "Rosebud Sioux Council Drafts Tax Measure as Proposed Source of Operating Revenue." Among the things to be taxed are livestock owned by Indians. Taxation brings up the subject of delinquent taxes.

Knowing the ruthless methods of depriving Indians of their property rights which have already been pursued by this Rosebud Tribal Council as evidenced by the *Ree case* mentioned herein, it is not far fetched to say that under this proposed tax Indians could and would be deprived of their individually owned stock through delinquent-tax proceedings. Taxes are being assessed on the Pine Ridge Reservation. All the families who were ordered by the Bureau officials to come and camp on tribal land around the Kyle day school have now been notified by the Wheeler-Howard Council that they must pay rental of \$2.50 each or they will be arrested or fined. Before any organization or group of individuals can hold dances in some buildings which were put up a good many years ago by the Indians themselves, it is necessary that they secure a license costing \$2.50. When the Black Hills Treaty Council group held a rodeo at Kyle this year on the tribal land they were requested to pay and did pay to the Wheeler-Howard Council the sum of \$30 rental for 6 days.

I offer for the record, marked "Exhibit 76" and "Exhibit 77," photostat copy of the order of the Wheeler-Howard Council and photostat copy of two receipts issued to Ben Chief, treasurer, and signed by Charles Under the Baggage, respectively. The property upon which this Rodeo was held, and upon which these people are camping and upon which these buildings are located is tribal property in which all the Sioux of Pine Ridge have an equal heritage until such time as their tribal estate is divided among the heirs. To carry out the

idea of "Community living" advocated by the Bureau, then surely all the Indians who hold an inheritance share in this property should be given free use and enjoyment of it. They always did enjoy that right until the Wheeler-Howard Act was put into operation.

From the same magazine, *Indians at Work*, July issue, I enter for the record, marked "Exhibit 78," the article on page 13, entitled "First Voluntary Assignment of Allotted Land to Tribe Made at Quinaliet, Washington," by Walter V. Woehlke, Assistant to the Commissioner." Mr. Woehlke is a former newspaperman who was closely associated with Commissioner Collier in the American Indian Defense Association for several years. The first sentence in the above-mentioned article states that:

"Ferrill Johnson, Quinaliet Allottee No. 903, has conveyed to the United States in trust for the Quinaliet Tribe, title to his allotment."

Thus the title to this property passed out of individual ownership to Government ownership. Although it is stated that this is the first instance of this kind, the closing paragraph states that others on that reservation will probably "likewise convey their allotment to the tribe." Once started, this procedure will be rapidly followed out on other reservations. This case is cited here as proof of the Federation contentions that the act can and will be operated to deprive Indians of fee title to property and that if it is carried out to full completion, no Indian on the reservations in the United States will own a foot of property and the Government will own it all.

On pages 3 and 4 of this same issue of *Indians at Work*, above mentioned, Commissioner Collier, in his editorial, says of the Indian program:

"* * * economic betterment must be paramount * * * must be sought through a planned use of resources, in which all technological helps will be called upon *but* whose execution shall be on a tribal, or an 'area project' or regional basis, *through* the Indians as organized bodies * * *"

"At least we are not sequestered, in this Indian work, but are (if we will pay attention) connected through it with great, permanent world trends, world questions, world needs." (Italics his, not ours.)

The means of forcing all Indians into this program and of punishing those who oppose it have been supplied, too, under the Wheeler-Howard Act. The original bill (see exhibit 43) contained a provision for setting up Indian courts. It was stricken out in committee. The following year, 1935, a tentative draft of a bill to provide a law and order code for Indian reservation was submitted to some Congressmen and aroused such opposition that it was never introduced as a bill. (See pp. 118-125, Murdock hearings, exhibit 26.)

By authority of the constitutions, however, the Wheeler-Howard councils have established so-called Indian courts. The Indians were, of course, supposed to draw up law-and-order regulations or ordinances as part of their "self-government." Instead they were supplied with a Bureau-prepared law-and-order code and in most instances they adopted this as their own.

I enter in evidence, marked "Exhibit 79," a copy of the "Law and Order Code, Oglala Sioux Tribe, Pine Ridge Agency." This code has six chapters, entitled "The Oglala Sioux Court"; "Civil Action"; "Domestic Relation"; "Probate"; "Sentences", and "Penal Code." No provision is made for trial by jury and all professional attorneys are barred from practicing in these courts. The Penal Code lists 47 offenses and provides the penalties therefor. Cutting green timber without a permit is punishable with imprisonment for 30 days or a \$60 fine, or both. Thus the timber regulations of the Secretary of Interior are enforced. Failure to send children to school is punishable by sentence of 10 days, or fine of \$20, or both. Under this authority 20 Sioux families were ordered to camp at Kyle, and endanger the health of their children in order to keep them in school and avoid the fines. Unauthorized leasing of land is punishable by 30 days' imprisonment or \$60 fine, or both. Thus the "grazing regulations" of the Secretary of Interior are enforced. The Junior Courts are maintained out of fines collected.

These courts are the means of punishing Indians who oppose the program. Under their decisions, Indians are punished for exercising their rights of free speech, free press, and free assembly. The transcript of testimony in the Sioux hearings on the repeal of the Wheeler-Howard Act, held before the Senate Indian Committee in January of this year (see No. 7 on the list of unprinted hearings, exhibit 5), contains the testimony of Chief Benjamin American Horse, chairman of the Black Hills Treaty Council of the Eight Sioux Nations. Mr. American Horse is a retired Government employee who has never been arrested nor in trouble of any kind prior to the present regime in the Indian Bureau. He has

been most active in opposing the present program. The night before he was to leave for Washington last January he was notified that he was under arrest on charges of fraud and misrepresentation and told to appear before the junior judge, Peter Bull Bear, the following morning. He did so and was informed that the misrepresentation consisted of holding meetings and talking against the Wheeler-Howard Act and the fraud charge was accepting donations from Indians to help defray his expenses to Washington. The junior judge before whom he was tried was one of the complaining witnesses against him. He told the judge that he had no lawful right to try the case, and the judge replied that he was the law, found him guilty, and fined him \$50 and court costs. Mr. American Horse paid the court costs of \$4.30, paid \$2.50 to appeal the case to superior court, drove over 50 miles to the agency office at Pine Ridge, and had a bond executed to cover his fine, returned to file it with the junior judge, and left for Washington that night.

An Indian drew a funny cartoon about the Wheeler-Howard courts. He was arrested, threatened and abused, sentenced to serve 30 days in jail, and did serve the time.

I enter in evidence, marked "Exhibit 80," photostat copy of this cartoon.

I enter for the record, marked "Exhibit 81," a copy of an affidavit signed by Mr. Frank Shorthorn, of Kyle, S. Dak., which was entered into the record of the Sioux hearings before the Senate Committee on Indian Affairs in May 1938. (See No. 8 on the list of unprinted hearings, exhibit 5.) This affidavit relates the manner in which a case against him was framed and for which he was tried and fined \$360 and court costs for a purported theft of \$10,000, and for which he began serving sentence in jail. Like Mr. American Horse, Mr. Shorthorn is a member of the Black Hills Treaty Council and active against the present program. The case of Mr. American Horse was dismissed after he wired to Congressman Usher L. Burdick, of North Dakota, who interested himself in the matter. My last word from Pine Ridge was to the effect that they again had Mr. Shorthorn in jail but I do not know what the charges are this time. The fact that the cases against these men were dismissed after outsiders learned of the facts has no bearing upon the intention of the court to harrass and embarrass them and to collect money from them which they could ill afford to pay. Rather, it is proof of the injustice of the courts in these attempts. In both these cases the men paid court costs, appeal costs, and other expenses incidental to getting to and from court, jail, and agency offices. Both Chief American Horse and Mr. Shorthorn are members of the federation.

Last February I received a telegram from Mr. Mark M. Mahto, of Van Hook, N. Dak., president of district No. 3 of the federation, stating that he was in jail and requesting an investigation. I immediately contacted Hon. Lynn J. Frazier and Hon. Usher L. Burdick, Senator and Congressman, respectively, from North Dakota. Through their inquiries the superintendent at the agency supplied the information that Mr. Mahto had been jailed for 10 days for refusing to send his children to school. I wrote Mr. Mahto asking him to send me more information and under date of March 7, 1938, received his reply. I enter for the record, marked "Exhibit 82," the letter received from Mr. Mahto in which he states that over a year previous the Indian Bureau police refused him help and protection on the grounds that he was a citizen and living on deed property. That in this case his children were absent from school a couple of days; that the policeman came to the house but did not issue any order to send them to school; that he was not arrested; just taken before the judge; that there was no signed complaint against him; that the policeman perjured himself by stating that he (Mahto) resisted arrest. Incidentally, this arrest occurred at the time a federation meeting had been called at Cannon Ball, N. Dak., which is in district No. 3. Being in jail, Mr. Mahto could not attend the meeting.

I enter for the record, marked "Exhibit 83," affidavit of Charles Red Breath Bear, of Manderson, S. Dak., wherein he recites that he was arrested, found not guilty, and paid the Indian Bureau policeman \$5 for court costs and received a receipt for it. Then about a month later the Wheeler-Howard policeman arrested him, took him before the judge, who said he had not paid the court costs of \$4.30 for the former trial, and demanded that he pay it. He refused, stating he had already paid \$5 court costs, and besides that had been found not guilty. The judge then declared him guilty, without any new trial or evidence, sentenced him to serve 15 days in jail, and to pay court costs of \$9.50. He served the 15 days. About 4 months later he was again arrested, taken before the judge, who told him that the court costs for the first trial had not

yet been paid and that now it amounted to \$14. He refused to pay. The judge gave him 15 days' time in which to pay. All of this is in the affidavit. My last information from Manderson is that Mr. Red Breath Bear refused to pay the tripled court costs and served 15 days in jail at Pine Ridge during the month of August.

In another case of this kind where the defendant was found not guilty and then the court costs were tripled over a period of time, the judge ordered the Wheeler-Howard policeman to collect the P. W. A. wage check of the defendant's husband and take \$5 out of it each time until the total sum of \$13.30 had been paid. I enter for the record marked "Exhibit 84" the affidavit of Raymond Cutgrass, of Manderson, S. Dak., which sets forth the facts in this matter.

It is of no force or effect for the Bureau officials to say that the Indians themselves are doing these things and that they are not accustomed to "self-government" which is the answer so readily given by all of them whenever the Wheeler-Howard Act is criticized. They cannot hide behind the Indians when they uphold these judges in such decisions and the superintendents collect the fines for the judges out of any money on deposit in the agency office to the credit of defendants or out of any money which may be handled through the agency such as Sioux Benefit checks, Federal grant checks, wage checks, old-age pensions and other pensions. Four instances for which proof can be supplied can be cited from the Pine Ridge Reservation: Charles Ghost Bear, Sr., \$12.90, and Leo Black Bear, \$4, taken out of Federal-grant checks; Oliver W. Swallow, \$2.50 out of wages; Lucie Spotted Crow, \$2 out of her father's old-age pension check. These are not isolated cases either at Pine Ridge or elsewhere. Neither can the Bureau officials hide behind the Indians as long as it takes no action to compel these courts to mete out justice impartially to those who favor the act as well as those who oppose it.

I call attention to the affidavits of Belle Oldhorse, who is 72 years of age, "Exhibit 67," wherein she states that Charles Under the Baggage, Wheeler-Howard councilman stole some of her fence but the junior judges listened to him and let him go free; and the affidavit of Lena Brown Bull, a widow, "Exhibit 68," wherein she states that Frank Wilson, chairman of the Wheeler-Howard council confiscated timber belonging to her but that to date no action has been taken by either the agency officials or the Wheeler-Howard courts to compel him to pay for the timber. I enter for the record, marked "Exhibit 85", affidavit of Johnson Little Warrior, age 68 years, sergeant at arms for the Black Hills Treaty Council. Mr. Little Warrior states that he was needlessly injured in a burst of temper by a member of the Wheeler-Howard group about 40 or 45 years old when two women got to fighting in a "community garden" about who was going to have the most potatoes and that he has taken this matter up with everyone, the agency officials, the junior court and the superior court but no action has ever been taken by anyone. Mr. Little Warrior has the pitchfork with which he was struck in the back and exhibited it me on the day I took his affidavit. He is giving it for evidence when and if anyone ever does anything about his case.

I call the attention of the committee to section 18 of chapter 6 of the Oglala Sioux Law and Order Code, "Exhibit 79," which states:

"Sec. 18. *Failure to support dependent persons.*—Any Indian who shall, because of habitual intemperance or gambling, or for any other reason, refuse or neglect to furnish food, shelter, or care to those dependent upon him, including any dependent children born out of wedlock, shall be deemed guilty of an offense, and upon conviction thereof, shall be sentenced to labor for a period not to exceed 3 months, for the benefit of such dependents, or to a fine not to exceed \$180, or to both such imprisonment and fine, with costs."

From the transcript of testimony of Mr. Frank Shorthorn given before the Senate Committee on Indian Affairs on May 16, 1938 (see No. 8 on list of unprinted hearings, "Exhibit 5"), I quote verbatim:

"William Fire-Thunder, assistant farm agent at Kyle, S. Dak.: About 8 years ago, before Mr. Collier was the Commissioner, Mr. Fire-Thunder was assistant farm agent at Kyle for about 2 years. He was then and still is, a married man. He was running around with a young girl and she had a child by him. He was removed from his position for this reason.

"When Mr. Collier came to the reservation in 1934 he took Mr. Fire-Thunder all around with him to act as interpreter, and later he gave him the job back as assistant farm agent at Kyle. The Indians go to Kyle every day and tell William Fire-Thunder to get out of that office. Under these circumstances such a man can be of no help to the Indians and he should be removed. He claims that

he is safe because he is a civil-service employee. If he is, he was removed from the civil service because of his misconduct, but under the Wheeler-Howard Act the Secretary of Interior is given full authority to overrule the civil-service laws, so Mr. Fire-Thunder is kept in office by John Collier because of the Wheeler-Howard Act."

Mr. Fire-Thunder was still employed at Kyle, S. Dak., when I was there during July and August. There is no doubt that he never has and is not now contributing to the support of the child "born out of wedlock." As long as this condition exists when there is specific provision to cover it in the Law and Order Code, neither Mr. Collier or any other Bureau official can hide behind the Indians by saying that they are just learning "self-government." Mr. Fire-Thunder is a member of the Ogalala Sioux Tribe and subject to the jurisdiction of this court and Mr. Collier has sufficient authority to have justice done in this matter.

Most of these cases are from one reservation. They are typical of all four which I visited. On the others my time was so limited that I did not prepare the affidavits while there. Witnesses can be called from almost any reservation which has a Wheeler-Howard court, however, who will welcome an opportunity to tell someone of the manner in which they are persecuted. As far as the courts themselves are concerned, Congressman Burdick has stated on the floor of the House of Representatives on more than one occasion that the Wheeler-Howard courts are absolutely unconstitutional and without authority of law. Mr. Burdick has lived in the Indian country for many years and is a recognized authority on Indian affairs. He is an able lawyer, having served in both private and public capacities and he is an able legislator having been speaker of the house in the North Dakota State Legislature, Lieutenant Governor of North Dakota, and a Member of the House of Representatives for two terms. Regardless of whether or not they are constitutional, these Wheeler-Howard courts are being used to punish those who oppose the act and program and to deny Indians their rights of free speech, free press, and free assembly.

This concludes my statement on the legislative program of the present Bureau regime. This is the record of the so-called Wheeler-Howard Act from its inception in the American Civil Liberties Union to its administration among the Indians. Speaking at West Palm Beach, Fla., in March 1935, Secretary Ickes said in substance "Of all the acts passed from my Department, I am proudest of the Wheeler-Howard Act."

Before discussing the educational program of the Bureau, I wish to mention several things which are administrative.

1. EMPLOYMENT OF UNNATURALIZED CITIZENS

I call the attention of the committee to pages 715-718 of the Murdock hearings (exhibit 26). These pages record the discussion between Commissioner Collier and members of the committee, from which the following is quoted:

"Mr. Collier. * * * I am glad to tell you about Dr. Shevky. He is Turkish and not Russian. * * * I have maintained contact with Dr. Shevky all these years. * * * Dr. Shevky's idea has always been to go back to Turkey ultimately to carry on his work. * * * He has not surrendered his Turkish loyalty and he says he is going to end his active life in Turkey. He was not willing to do anything about this so we could not employ him. I discussed the matter with Secretary Ickes and we decided that we could not use these funds for the employment of noncitizens. * * * I put the matter up to Dr. Shevky. * * * I persuaded him that he should take out his declaration of intention to become a citizen, which he did and that enabled us to bring him into the Service in the research group working with land problem. Later I hope to see him move into other branches of our Service because he is really one of the most valuable of our men.

"Mr. AYERS. He is not a citizen of the United States?

"Mr. COLLIER. He is not. He has taken out his first papers.

"Mr. AYERS. He has taken out his declaration of intention?

"Mr. COLLIER. Yes.

"Mr. AYERS. And he came here in 1916?

"Mr. COLLIER. Yes; maybe sooner. * * *

"Mr. AYERS. He was forced to take out his first papers in order to get a Government job? * * *

"Mr. COLLIER. He would not be forced to do anything to get a job because he is very much in demand. He could teach in universities and do research work

while a citizen of Turkey. You might as well urge the same thing in connection with Dr. Einstein and many other persons who come here to do such work as they are doing. * * * I mean that Dr. Shevky did not need a Government job. We needed him.

"Mr. AYERS. The way I interpret your deduction, America did not have a man to fill this particular place, and it had to send to Turkey.

"Commissioner COLLIER. I doubt if there is anybody else available here who can do what he is doing and who has such a combination of talents and learning. * * * If there were another like him, we would hire him, even though he were from Baluchistan.

"Mr. AYERS. The same thing exists in connection with him as existed in the case of Dr. Saens, for whom we sent to Mexico. We sent to Mexico for an Indian educator, and now we are sending to Turkey to get a man to teach the Indian Bureau and the Indians land matters."

Dr. Shevky was hired during the height of the depression when Americans were walking the streets vainly searching for employment.

2. THE "NAVAJO WORLD" WITH A "NAVAJO CAPITOL"

I call to the attention of the committee that Commissioner Collier used emergency relief appropriations to build a "Navajo World" with a "Navajo Capitol." I enter in evidence the magazine, *Indians at Work*, August 1, 1934, and for the record, marked "Exhibit 86," the article on page 6, entitled, "The First Tribal Capitol," wherein the Commissioner said:

"The Navajo are but one Indian Tribe * * * their capitol is to be the seat of their government and theirs alone. * * * The capitol * * * is Indian. * * * There will be 50 buildings in the new Navajo tribal center, * * * 'center of the Navajo world.' * * * It should be the first of any such adaptations by the Indians. * * *"

For further information, I refer the committee to page 325 of the Murdock hearings (exhibit 26), the testimony of J. C. Morgan, Navajo Indian missionary; and pages 822-824, the testimony of Joseph Bruner, national president of the American Indian Federation, from which is quoted:

"Mr. BRUNNER. The first tribal capitol: Testifying before this committee on Thursday, April 4, 1935, the Commissioner said:

"Mr. Bruner, aside from doubling the cost of the Navajo administrative center * * * has moved it several hundred miles geographically to a point remote from the Navajo Reservation, and to a point where bolshevism and communism are rife."

"* * * I have not moved the Commissioner's Navajo Indian capitol; it is located approximately 35 miles from the city of Gallup, N. Mex. It is exactly where the Commissioner built it, and if that be where 'bolshevism and communism are rife' the explanation of why he did so is his question, not mine. I recall to the committee's attention the communistic rioting in the city of Gallup, N. Mex., in 1935, which was quelled by the declaration of martial law. And only within the past week has a policeman been killed, another seriously wounded in new communistic rioting in the city of Gallup, according to newspaper reports which characterize this city as a 'hot bed of communism.' When the Commissioner answers this question of why he so located the Navajo capitol let him tell also, for the benefit of the taxpaying public why the Navajo or any other Indian tribe or race should have a racial capital, and 'theirs alone.'

Speaking on the floor of the House of Representatives on May 14, 1935, Hon. Virginia E. Jenckes, of Indiana, said:

"Of all the un-American ideas, this one of a separate racial capital in America, the melting pot of the world, would seem to be the worst, and our taxpayers are paying for this."

I enter for the record, marked "Exhibit 87," a reprint of the speech made by Mrs. Jenckes, entitled: "Are the First Americans Being Communized?" It cost \$1,060,788.52 to construct the "Navajo capitol" and \$1,522,177.85 to construct the "community centers" surrounding it. I enter in evidence, marked "Exhibit 88," "Survey of Conditions of Indians in the United States, Part 34, Navajo Boundary and Pueblos in New Mexico." Hearings before a subcommittee of the Senate Indian Affairs Committee, and for the record, the tables found on pages 17921 and 17922. In the May 1935 issue of "The Reclamation Era," a Government publication, Public Works Administrator Harold L. Ickes invited the public to go and inspect various P. W. A. projects and among others mentioned "The First Indian Capitol." Mr. Ickes wrote:

"May I suggest now that our people go and inspect to see how their money has been put to work, how useful public works have been added to the capital wealth of the nation. * * * Now the country will be able to take stock of what has been accomplished. I am glad to say to the American citizen—go see for yourself—the 'First Indian Capitol.'"

3. "INDIANS AT WORK"

Relative to the magazine *Indians at Work*, I call the attention of the committee to pages 719-720, 728-729, and 890-891 of the Murdock hearings (exhibit 26). At those hearings, Mr. Collier testified that *Indians at Work* was being published every 2 weeks with funds allocated from emergency work relief among the Indians and that it was sent out under the Government franking privilege. Hon. Theodore Werner of South Dakota, said:

"The effort being made by the bureaucrats is quite clear and it is to bring themselves in favor through highly developed propaganda, and by the same method to bring the members of this committee into general disrepute. There is no question in my mind that it is a deliberately planned action coming from the bureaucrats who have had, and apparently still have, the columns of certain large newspapers and magazines open to them. They also spread the same sort of propaganda through the *Indian Bureau* magazine, *Indians at Work*, with the unlimited mimeographing facilities available, and through the use of the radio over national hook-up. These unfair practices should stop. A way should be found to stop them. The Commissioner and those associated with him will some day learn that the course they are following is an unwise one. It will have its backfire. * * *

Mr. Collier said:

"I might say a word about the whole matter of propaganda. * * * Entirely aside from the fact that we address ourselves to our own personnel and to the Indians, I would say that it is eminently proper for the Commissioner and the Department to address the public also. We are promoting many things, which, for their success, are dependent upon a friendly and informed opinion. We should properly cultivate public opinion and we will continue to do that. I need only to add that I think this committee ought to know by this time that neither Secretary Ickes nor I hesitate to speak. We can always put out a release, and we do so. Secretary Ickes and I have fully stated our views concerning congressional investigations."

Mr. Bruner said:

"* * * we wish to call to the attention of this committee first, * * * *Indians at Work*, January 1, 1934, pages 37, 38, and 39. * * * Speaking of the latter, he, the Commissioner, says:

"To make of Robert Marshall's *The Peoples' Forest* required reading in every school, as *The Nation* suggests, may not be hoped for. The private lumber interests would say "nay."

"Second. *Indians at Work*, February 1, 1934, issue, page 28: 'The Nation Names Commissioner Collier on its 1935 Honor Roll.' Not only is this publicizing the Commissioner himself, but again is advertising a magazine which even casual inquiry will disclose is an instrumentality of radical groups. The *Nation* is edited by Oswald Garrison Villard, member of the national committee of the American Civil Liberties Union. * * * He protested execution of Chinese Communist Gen. Chen Du Hsui, January 1935. He was active in demanding the removal of troops from the mining field in Illinois where they were quelling Red activities in October 1932.

"Third. And may we suggest to this committee that a scrutiny of the language used in the articles appearing in almost any issue of *Indians at Work* will reveal a continuous and insidious propaganda of communistic doctrines."

Commissioner Collier contributed an article entitled "*The Indian Bureau's Record*" to the October 5, 1932, issue of *The Nation*, which I offer in evidence, marked "Exhibit 89." I offer for the record, marked "Exhibit 90," photostat copy of letter, dated May 29, 1937, addressed to Hon. Elmer Thomas, Senator from Oklahoma, and signed by Commissioner Collier. I call attention to pages 2 and 3, wherein it is written:

"*Indians at Work*: This publication was first issued in August, 1953. * * * The pamphlet has a circulation of 12,000. Its total cost from August 1933 through March 31, 1937, has been \$24,421.82. * * * In addition, there are seven employees who devote a large percentage of their time to the preparation of copy and the mimeographing, assembling, and distribution of the document. Three of these employees (one at \$2,900, one at \$1,620, and one at \$1,440) are

on duty in the Indian Office. The other four (three at \$1,620 and one at \$1,440) are assigned to the Miscellaneous Service Division of the Department, which Division is responsible for mimeographing, assembling, and mailing."

I refer the committee to pages 8297 to 8303 of the Congressional Record for June 28, 1937, the remarks upon the floor of the Senate by Hon. Bennett Champ Clark, of Missouri, who opened his statement by reading section 201 of the United States Criminal Code which provides that no employee of the Government may use any money appropriated by Congress to pay for any personal service which is employed either directly or indirectly to influence in any manner any Member of Congress to favor or oppose any legislation or appropriation of Congress. Mr. Clark said:

"* * * Passing for the moment his effort to influence Congress on the Wheeler-Howard Indian Reorganization measure, Mr. Collier proceeds to a discussion of the measure intended to pack the Supreme Court of the United States—certainly not a matter immediately concerned with the affairs of the Indian Bureau, and certainly something which falls within the purview of section 201 of the Criminal Code of the United States. Having given a very unfavorable review of the Congress of the United States with regard to the Wheeler-Howard Reorganization Act, because the Congress of the United States had the effrontery to amend a bill sponsored by the Interior Department by striking out one provision of which Mr. Collier seemed to approve, and having berated Congress over several pages for that assumption of authority, Mr. Collier, over his own signature, in this publication put out at Government expense continues: 'The debate over the President's Court proposal is taking a course not unlike the debate over the Wheeler-Howard Act of 1934. Let us pray that the course of legislation will not be the same.'

"And you may be certain that when Mr. Collier prays that the course of legislation by the Congress of the United States will not be the same, every Indian agent, every employee of the Office of Indian Affairs, every contractor selling supplies to the Bureau of Indian Affairs will echo the same prayer. Mr. Collier is doubtless familiar with the old saying that 'the most sensitive nerve in the human anatomy is the nerve leading to the pocketbook.' He also knows that when he says, 'let us pray' those depending upon his favor for enrichment or support will not only fall down on their marrow bones to pray but will get up and get busy to try to propagandize Congress for his wishes. * * *"

Honorable Burton K. Wheeler, Senator from Montana, said:

"I am not surprised that Mr. Collier is in favor of a reorganization of the Supreme Court. As a matter of fact, long before the President sent this message to Congress, Mr. Collier wanted to reorganize the lower courts. He wanted to set up seven or eight traveling judges to go all over the United States and hear Indian cases only. That provision was in the original bill which he sent down to Congress * * * but, of course, Congress struck out that provision. I am not surprised that he now wants to get the Indians lined up to pack the Court with six additional judges." * * * "I must say that the present Commissioner of Indian Affairs is probably the best propaganda agent in the United States. * * * As a propagandist he is excellent. As an executive of the Bureau of Indian Affairs, in my judgment, he has been a complete failure."

Mr. Clark said:

"Certainly there can be no purpose whatever for the insertion of such an editorial as the one in the magazine which I have just read, except an effort to influence those Senators and Representatives from the States in which the influence of the Office of Indian Affairs might be of some weight. * * * I have read in the Senate, not once, but several times, the provisions of law applicable to this situation. I have proved today out of the mouth of the Secretary of the Interior, himself, and out of the specific language of the publication which I have quoted, issued by the Office of Indian Affairs, a flagrant, open, and notorious violation of that statute. I direct the attention of the Secretary of the Interior and of the Attorney General to this violation of the law and to the specific and mandatory provisions of the statute."

The American Indian Federation concurs in everything said by Senator Clark and Senator Wheeler. For the information of the committee concerning the use made of "Indians at Work" to influence Members of Congress on legislative matters, I enter in evidence, marked "Exhibit 91," Indians at Work for March 1, 1937, and call attention to the editorial therein to which Senator Clark referred, marked "Exhibit 92," Indians at Work, March 15, 1937, and call attention to pages 8 and 9, entitled "Senators Wheeler and Frazier introduce bill to repeal Indian Reorganization Act;" and, marked "Exhibit 93," Indians at Work,

April 15, 1937, and call attention to the editorial on pages 1 to 6, relative to the bill to repeal the Wheeler-Howard Act. I particularly call to the attention of the committee that in the article contained in the March 15 issue, Mr. Collier states:

"In my opinion there is no chance that the bill introduced by Senators Wheeler and Frazier will be passed by Congress, or if passed, signed by the President"; and the editorial in the April 15 issue says:

"If by a miracle Congress should enact a repeal, the President's veto power remains."

Irrespective of alleged violation of section 201 of the Criminal Code of the United States, Indians at Work is published once each month since the attack made by Senator Clark. Commissioner Collier stated in 1935 that he and Secretary Ickes would continue "to properly cultivate public opinion." I recall to the attention of the committee that for about 2 years, Mary Heaton Vorse, a Communist, was the editor of Indians at Work and Publicity Director of the Indian Bureau, at a salary of \$3,200 per year.

4. THE NAVAJO INDIANS OF NEW MEXICO AND ARIZONA

The things which have been done to these Indians who rejected the so-called Wheeler-Howard Act are a complete case in themselves and no justice could be done to the situation in a short statement. The Navajo are one tribe which has always been industrious and self-supporting. Through the measures adopted on their reservation many of them have been reduced to starvation and dependency on the relief rolls. For information on this subject, I refer the committee to the following:

1. Testimony of J. C. Morgan, and Commissioner Collier, in regard to Navajo, pages 315-385 of the Murdock hearings, exhibit 26, in evidence;

2. Navajo testimony in the so-called Burdick hearings of 1936, part I and part II. (See No. 2 on list of printed hearings, exhibit 4.)

3. Transcript of testimony in the unprinted Navajo Hearings of 1937 before the Senate Committee on Indian Affairs. (See No. 4 on list of unprinted hearings, exhibit 5.)

4. Navajo testimony in part 34, Survey of Conditions, 1936, exhibit 88 in evidence.

Part of the record in part 34 (exhibit 88) above mentioned, is testimony given regarding the Navajo boundary bill which was a bill to settle a dispute about title to some 4,000 square miles of property in New Mexico. The Bureau was very anxious to have this bill enacted. To my knowledge, it is the only bill for which the Secretary of the Interior has appeared before the Senate Committee on Indian Affairs. I call the attention of this committee to his testimony, which appears on pages 17497 to 17499. As part of his argument for the enactment of this bill, Secretary Ickes said:

"I do not want to be an alarmist, but it is not without the realms of possibility that we will have serious disorder and bloodshed in that country in a year or two unless some of these wrongs are redressed."

Now, in 1936 it was all right for the Secretary of the Interior to raise the question of bloodshed on the Navajo Reservation and to intimate that it would occur if his bill did not pass, but in 1937, when Paul J. Palmer, an attorney, wired to Senator Chavez, of New Mexico, that he and Mr. Morgan were restraining the people with difficulty from open rebellion and bloodshed because of the manner in which they were being persecuted by the Bureau, Secretary Ickes issued a lengthy statement to the press saying that:

"* * * Those who have embarked on this campaign of misrepresentation and incitement to violence will be held responsible for the consequences of their campaign. In cooperation with the Department of Justice which has pledged full support in dealing with this situation the Interior Department will vigorously defend against every illegal attack upon its conservation program."

I enter in evidence, marked "Exhibit 94," "Department of the Interior, Memorandum for the Press, for release Saturday, August 14, 1937." Again it makes a difference who raises the question of revolt. From the above it seems apparent that it is all right to raise the question of "revolution" in favor of the program but "Revolution" against the program will be prosecuted by the Departments of Justice and Interior, which is quite in line with the American Civil Liberties Union ideas of "free speech."

The particular incident which so aroused the Navajo in 1937, was covered in a speech on the floor of the Senate by Hon. Dennis Chavez, Senator from New

Mexico, on August 20, 1937. I enter in evidence, marked "Exhibit 95," Congressional Record for August 20, 1937, and for the record, from page 12079, the telegram of Paul B. Palmer, an attorney; from page 12079 the statement of Mrs. Claude Hanen, a Navajo; and from pages 12080-12081, the letters of D. W. Roberts, sheriff of McKinley County, New Mex., and J. Murray Palmer, of Farmington, N. Mex.

I call attention to the letter of the sheriff who states that Hostin Tso and his son are in the hospital in a serious condition as a result of an unmerciful beating at the hands of three Indian Bureau policemen; that eye witnesses say that Hostin Tso was struck with a blackjack and pistol from 10 to 20 times by the Bureau policemen; that the policemen have gone to the central agency in Arizona and that he, as an officer of New Mexico, cannot apprehend them and that he is trying to have the superintendent surrender the policemen to him for trial. I call attention to the statement of J. Murray Palmer, who says that the so-called Indian judge is telling the Navajo that any Indian opposing the Bureau program is liable to a fine of \$100 or 6 months in jail; that Huesteen Tso has been most outspoken against the Bureau program and that he is a relative of the wife of J. C. Morgan, "whose opposition to the Bureau's program of coercion, threat, inefficiency, waste, and graft inflames the officials of the Bureau to the point where they lose all sense of proportions"; and that there are many such cases. J. C. Morgan is a member of the American Indian Federation and was the first vice president during 1934 and 1935. Commenting upon this matter on the floor of the Senate, Senator Chavez said:

"The only sins of the three Indians who were brutally assaulted by the officers of the Indian Bureau under Commissioner Collier were that they had dared to fight for what any Senator and I would fight for—an expression of their opinion, no matter how wrong it might be, and for their rights as they believed them to exist.

"No one has tried to impress the country more than the present Indian Commissioner as to how civil liberties should be protected. Does he carry that idea into effect when treating with the Indians?

"What happened? After the trial of the Indians who were beaten as I have described, I received last night a telegram from Farmington, N. Mex., reading in part as follows: 'Hosteen Tso and Co. entirely cleared of charges yesterday.'

"As a matter of fact, they had not done a thing except that they had dared to oppose the policy of the Indian Commissioner * * *."

5. LAW AND ORDER CODE OF THE INDIAN BUREAU

The court mentioned in the Navajo matter was not one of the so-called Wheeler-Howard courts promulgated under that act. There have been Indian Bureau courts on some reservations for a good many years and the court in Navajo country is one of these because the Navajo did not accept the Wheeler-Howard Act. The present Bureau officials have promulgated a new law and order code which is in force on those reservations where they have no Wheeler-Howard court. I enter in evidence, marked "Exhibit 96," copy of hearings held before the House Committee on Indian Affairs, Hon. Will Rogers, chairman, in March, April, May, and June 1938, and entitled "Palm Springs Band of Mission Indians." For the record from pages 539 to 554 of these hearings, I enter the "Law and Order Regulations, Approved by the Secretary of the Interior, November 27, 1935." This law and order code is much the same as those adopted by the Wheeler-Howard councils and in fact served as the pattern for the supposedly "Indian" self-government codes. I particularly call the attention of the committee to the "Probation Pledge," Form No. 10, and the "Parole Agreement," Form No. 11, on pages 553 and 554. On these forms those placed on probation or paroled by the so-called courts, agree that they will not "violate any law or regulation of the tribe or United States" for a certain period of time. Under authority of this Law and Order Code, Indians who speak against the Bureau program in Navajo country and other places are picked up on some charge or other, held in jail for a while, tried and then placed on probation with a warning about talking against the program. They are made to understand that warning to mean that talking against the Commissioner or his program will constitute a violation of probation or pledge. By means of these courts many Indians are made to suffer or are effectively silenced.

6. CHEROKEE INDIANS OF NORTH CAROLINA

Like the Navajo, the Cherokee matters are a complete case in themselves. Except as reference is made to them in other parts of this discussion, I cannot hope to comprehensively cover the situation at Cherokee, N. C. For information on this phase of the program, I refer the committee to the copy of printer's page proof of testimony given before the Senate committee in 1936, exhibit 5; and to the transcript of testimony given before the Public Lands Committee in 1937. (See No. 3, list of unprinted hearings, exhibit 5.) In the printer's page proof, exhibit 28 in evidence, I particularly call the attention of the committee to the following:

1. Pages 030 to 032, Destruction of American Plan of Cherokee Fairs, which sets forth the facts that the Cherokee Indians over a period of 20 years built up through their own efforts and without subsidy from anyone a fair which attracted thousands of people each fall; that the superintendent, Dr. Harold W. Foght, an appointee of Mr. Collier, literally seized the fair, commandeered the funds on deposit to the credit of the association—between two and three thousands dollars—and used those funds to build and equip an open-air stadium in which he had produced an Indian pageant depicting all the past wrongs of the Cherokee Indians, and to build a model Cherokee Indian village on the fair grounds.

2. Pages 032 to 035: Seizure of Indian boarding-school paper and denial of free press, which sets forth the facts that the children attending the boarding school had started a paper which was gaining circulation on the reservation and becoming a real newspaper for all the Cherokees; that after his arrival at Cherokee, Superintendent Foght took over the paper and made it his own mouthpiece to promulgate the program of the Commissioner; that some of the Cherokees secured an arrangement with a local newspaper in a nearby town to carry news of the reservation in return for Indian subscriptions; that three or four articles appeared and were favorably received by white and Indian readers alike; that Superintendent Foght brought pressure to bear upon the local merchants of the town by threatening to stop buying anything for the agency from them unless the Indian articles ceased and that subsequently the Indian articles were dropped from the paper.

These six things are called to the attention of the committee for the following purposes: No. 1, the employment of a Turkish citizen in a Government position, and, No. 2, the building of a Navajo capitol in support of our charges of un-Americanism; No. 3, Indians at Work for the purpose of showing how Bureau propaganda in favor of the program, advertising communistic doctrines and radicals, and trying to influence Congress, is circulated at the expense of the taxpayers, and the alleged flouting of the law of the United States by the Secretary of the Interior and Commissioner of Indian Affairs; and No. 4, the Navajo; No. 5, the Law and Order Code; and No. 6, the Cherokees of North Carolina, in further support of our charges of communism, in that all of these show destruction of free speech, free press, and private ownership of property, and dictatorship.

EDUCATIONAL PROGRAM

The federation charges of communism, atheism, and un-Americanism in the educational program of the Bureau of Indian Affairs are based upon the information about the Russian system of education found in House Report No. 2290, in evidence as exhibit 29. At this point I would like the record to show the statements contained on page 52, under the heading "Religion" which begins, "All communists are atheists," and continuing through the sentence, "The fact is that there is an irresistible conflict between Russian communism and a belief in God," and the paragraph on page 72, under the heading, "Soviet Russia" which begins "As the Communist has derived his ideas and methods from non-Christian and nonreligious sources, he believes religion to be antisocial and inimical to the revolution," and ends with the sentence, "Every activity is considered with reference to its harmony with the social thematic."

All education has its roots in philosophy. During the course of his administration, the Commissioner of Indian Affairs and those surrounding him have pursued certain general courses from which can be judged their philosophical trend of thought and which have a bearing upon the program of formalized education which is being promulgated in the Indian schools. As the Indians are held in a status of "incompetent wardship" and their legal status is that of

minors, the word education in this discussion will be used in its broadest sense, as it applies to both adults and children.

To establish the foundation for my statement, I wish to say this: The United States was colonized and founded by Christian people and is maintained under a Christian constitution. The records show that the Bureau of Indian Affairs was created for the express purpose of "civilizing and Christianizing the Indians" and fitting them to take their places as citizens of the United States. This was the outgrowth of the program which Congress had adopted toward the Indians at the very inception of this Government and was in accordance with the policy of the first settlers in this country whose charters from the crowned heads of Europe almost without exception contained a provision that the natives should be inducted in the ways of Christianity and civilization. Up until the present Commissioner of Indian Affairs took office, Congress had appropriated more than a billion dollars to carry out that program and policy.

Anything which is contrary to this program is subversive to the 150-year-old policy of the Government of the United States. Whatever the Indian has had of education came to him first through Christian sources. With practically no exceptions, the first schools on all reservations were established by the missionaries, and in many instances through cooperation with the Indians who supplied land, labor, and whatever material they could for the buildings. The first Indian boarding schools were mission schools. As the Government assumed control of the reservations, these schools were gradually taken over from the missionaries, with the understanding that they would continue to be Christian schools. Mission boards maintained missionaries either at or near the large Government Indian schools who held services for the Indian children attending the schools or ministers of the vicinity came to the schools to conduct services for those children belonging to various denominations. The results of this Christian training can be seen on any Indian reservation today. Invariably the majority of Indians who can be classed as substantial, industrious citizens are those who received their training in these schools. The results can likewise be seen in those who have gone forth from the reservations and hold their places with honor in white communities.

Not long after Mr. Collier became Commissioner, Mr. Ward Sheppard, close friend and associate and appointed to a position by Mr. Collier, announced that all of the Government's past program for the Indians had "been a mistake" and that henceforth the policy of the Government would be to encourage the Indian "to live his own life in his own way." Soon after taking office, Mr. Collier rescinded a Bureau regulation of long standing which had forbidden the holding of Indian tribal dances except with permission of the local agency officials. Under date of January 3, 1934, a circular letter addressed to superintendents, signed by Commissioner Collier and approved by Secretary Ickes, was sent out to all agencies. I enter for the record, marked "Exhibit 97," the circular letter of January 3, 1934, which says in part:

"You are instructed to give the widest, most effective publicity to this communication and to treat it as an instruction superseding any prior regulations, instruction, or practice.

"No interference with Indian religious life or ceremonial expressions will hereafter be tolerated * * * The fullest constitutional liberty, in all matters affecting religion, conscience, and culture is insisted upon for all Indians. In addition, an affirmative, appreciative attitude toward Indian cultural values is desired in the Indian Service."

This sounds like an expression for full religious liberty with which there could be no quarrel. The scales of tolerance are tipped in favor of Indian religions by the last sentence, however. Hereafter, the Bureau employees are to maintain an "appreciative attitude toward Indian cultural values." "Cultural values" can be and has been stretched to cover many things. Among many tribes, diseases are treated by so-called religious ceremonies. An "appreciative attitude" on the part of Indian Bureau doctors demands that they support and cooperate with the tribal medicine man. I call the attention of the committee to pages 325 to 328 of the Murdock hearings (exhibit 26) wherein J. C. Morgan, full-blood Navajo missionary who has worked many years for his people and has their welfare at heart, fearlessly stripped the picturesque trappings from ancient traditions and told of various treatment of diseases by such methods and about the spread of trachoma, tuberculosis, and social diseases through the use of masks in ceremonial rituals for medical purposes. In reply to that the Commissioner produced a book by Washington Matthews, published

in 1902, which described one single ceremony of Navajo religion. The Commissioner said of this ceremony:

"It is so complicated and loaded with symbolism that it makes any Christian ritual elementary. * * * The language of these prayers is a scriptural in its majesty. * * * I challenge anybody to take the prayer appearing on page 145 of the Matthews book and parallel it with anything in Isaiah and say that it is not as lofty and moral and spiritual."

It was not long before Indians employed by the Commissioner were propagandizing for his program. Dr. Henry Roe Cloud, an ordained minister of the Presbyterian Church, a well-known educator, and a member of the Winnebago Tribe, was appointed superintendent of Haskell Institute for Indians. It can scarcely be said that Dr. Roe Cloud ever conducted Haskell Institute for during his entire time as superintendent until he was advanced to a position of supervisor of education at large in the Indian Bureau, he spent a great portion of his time visiting Indian reservations and exhorting them to accept the benefits of the so-called Wheeler-Howard Act. In an article entitled, "Conditions Among the Indians," published in the Presbyterian magazine, "Women and Missions," for April 1935, which I enter in evidence, marked "Exhibit 98," Dr. Roe Cloud said:

"The present Indian administration is inclined to preserve the integrity of Indian life. This includes all ancient and long-cherished societal relationships of the Indians themselves. * * * The present administration of Indian Affairs is definitely and openly committed to the idea that while Indians will be permitted to adopt modern ways, at the same time a strong fight will be made to preserve the integrity of Indian social life and outlook founded upon the old order. The science of anthropology will come into its own among the Indian people. Development will be by the slow evolution brought on by the people themselves as distinguished from that of propaganda and outside influence—outside influence meaning white civilization and church activities. * * * The question is: 'Shall the missionary stand apart and aloof from this Indian reorganization act or accept it gracefully and work along with it to influence its development and its direction. * * * Some missionaries are coming out openly to fight against the Indian Bureau, especially the Commissioner of Indian Affairs for his pronounced views on anthropology and the like. I personally believe that this is a great mistake. * * * Pray that the Indian reorganization act may be an economic blessing to every tribe that participates in its benefits."

The Nez Perce Indians, the majority of whom have long been Presbyterians, protested this article by Dr. Roe Cloud. I enter in evidence The Christian Advocate, Pacific Edition, for October 17, 1935, and for the record marked "Exhibit 99," the article on page 13, entitled, "Back to the Blanket—Not Much!" a paper presented to the Presbytery of northern Idaho by the united sessions of the six Nez Perce Indian churches, from which the following is quoted:

"We desire to express our disapproval of the article written by Rev. Henry Roe Cloud and published in the April number of Women and Missions. Its teachings are death-dealing to the Christian faith taught in God's word. It is proposing to take the Indian people back again to the days of their heathenism. * * *

"Our Nez Perce people have in times past been ready to lay down their lives if need be in defense of their faith in God and His Word, and to separate Christianity from paganism and the evils of false worship. Will they lower their standards now? No; they refuse to go back.

* * * * *

"This article insists on the old heathen relations being retained and this is striking at the very heart of Christian work among Indian people. * * * If heathenism has its way, and it always does unless the gospel of Jesus Christ changes the heart and enables the Indian people to come up out of it, it will tear down every church, destroy every home, and debauch every Indian boy and girl."

The manner in which the "religious liberty" order was being used by the Bureau as a cloak to denial of religious liberty was discussed in an article in the "Missionary Review of the World" for September 1935, by Mrs. Flora Warren Seymour, an attorney of Chicago who has had close contact with Indians and Indian affairs for more than 20 years. I enter for the record, marked "Exhibit 100" a reprint of the article entitled "Federal Favor for Retlshism," from which the following is quoted:

"Some employees still attend churches and contribute to their support, as has been their custom in the past. Others, not few in number, have felt that their standing with the Washington office will be better if they withdraw from any connection with religious activity.

"My wife and I feel that we have a right to attend church when away from the reservation," said a teacher of many years' service, "but here on the reservation it is best to refrain from participation in the work of the mission."

"While such participation has not been formally prohibited, no doubt is left in the minds of Indian Service employees as to the direction in which the wind is blowing. * * * In other words, if a Government employee values his job * * * it is to his interest to remain silent and inactive in regard to his own religious convictions. This in the name of 'toleration' for the native religion, we find to be a virtual denial of religious freedom to the Government employee, whether white or Indian."

Missionaries and laymen, both white and Indian, continued to oppose the religious policy of the present Bureau regime and under date of February 19, 1936, the Commissioner addressed a letter to Mr. Ben Dwight, editor of *The Tuskahoman*, which was printed in that paper, and was mimeographed and franked out by the Commissioner. The mimeographed copies were entitled "The Policy of the Office of Indian Affairs on Religious Liberty Among the Indians," one of which I enter for the record, marked "Exhibit 101." On page 7 of this circular, the Commissioner says:

"* * * Going further, I consider that our policy toward the native Indian religions should be a positive one—not less positive than in the case of Christian religions."

I enter for the record, marked "Exhibit 102", mimeographed copy of a reply to the above letter, entitled "Open Letter to the Commissioner of Indian Affairs by the General Conference of Missionaries of the Christian Reform Church," which closes with these words:

"Has the Commissioner of Indian Affairs the right to use his authority, his office, the Indian schools, and public moneys to make propaganda for and to promote paganism?"

I recall the attention of the committee to the fact that Indian courts, both the Wheeler-Howard courts and the Bureau courts, issue divorces regardless of State laws. Indians complain bitterly that these divorces are not only illegal but are demoralizing and have been used to break up families and homes. Chief American Horse cited several instances in his testimony before the Senate Committee on Indian Affairs at the hearings held last January. (See No. 7 on List of Unprinted Hearings, Exhibit 5.) In one case of which I have knowledge, the wife divorced her husband because he would not stop working against the Bureau program. Both of them were employed by the local agency. He was released from the service. She was warned by local employees that if he continued to oppose the program she would lose her job, too. He refused to stop, so she got a \$15 divorce from the Wheeler-Howard court and the children were divided between them. I also point out to the committee that the Law and Order Code of the Indian Bureau courts (see exhibit 96) provides for the recognition of both Indian custom marriages and Indian custom divorces. All of which leans distinctly away from the Christian concepts of marriage and in the direction of the Communist system of Russia.

Among those things which the Commissioner includes in "religious freedom" is the use of peyote or mescal among the Indians. Peyote is the bean of a species of cactus plant which grows in Mexico. There is wide controversy whether or not it is a habit-forming drug. It is not included in the list of deleterious drugs of the Federal Government. It cannot be sent through the mail by order of the Post Office Department. Its action is upon the vision and the mentality, producing what might be termed hallucinations, and, if taken in sufficient quantities, produces a temporary paralysis in some cases. Irrespective of whether or not peyote is deleterious, there is no doubt whatsoever that those who use it are in a mental stupor while under its influence and its use can be and many times is a very real detriment to health, all of which is demoralizing and degrading. Peyote was brought from Mexico and introduced among the Indians in the United States some 40 or more years ago. Indians who became addicts sought to cloak their actions behind religion and made a ceremony for peyote meetings, combining Christian doctrines with the use of peyote in place of the blessed sacraments. I have talked personally with people who have attended these peyote meetings and participated for the purpose of learning exactly the effects and how "religious" these meetings really were.

Everyone was agreed that there could be no religion under such circumstances and that the name "devil weed" given to peyote by the Spanish padres was the best appellation.

At the suggestion of an anthropologist, some Indians applied for a charter of incorporation for what they called the Native American Church. Behind this charter they could operate unmolested and the use of peyote spread among the Indians. Through the efforts of Christian people, both white and Indian, Congress took cognizance of the spread of peyote among the Indians and its harmful effects upon them early in the 1920's by including in the language of the appropriation acts the words "for the suppression of liquor and deleterious drugs, including peyote, among the Indians." I call the attention of this committee to pages 18258 to 18313 of Survey of Conditions of the Indians, part 34 (exhibit 88), in evidence, which contains reprints of the information presented to Congress in 1919 about peyote and its harmful effects among the Indians.

In 1935, Commissioner Collier appeared before the subcommittee on Appropriations for the Department of the Interior and requested that the words "including peyote" be stricken from the above-mentioned section of the appropriation act. (See pp. 18225 to 18226 of exhibit 88 in evidence, as above mentioned.) Since that time the appropriation acts have carried no authorization for the suppression of peyote.

In 1936 a controversy arose at Taos Pueblo, N. M., between the peyote users and the tribal government. The Pueblos have always maintained their own form of government and to a large measure have been self-governing prior to this administration of the Indian Bureau. This tribal government at Taos Pueblo had always been opposed to the use of peyote in the pueblo and had done all possible things to suppress it. In 1936 an Indian ran amuck while under the influence of peyote. Acting under the tribal law, the governor of the pueblo ordered the Indian Bureau policeman, Antonio Mirabal, to arrest the man and confiscate any peyote which he could find where the ceremony was being held. Mr. Mirabal carried out the orders of the governor. Later a trial was held and not only the man who had made the trouble but also the peyote cult leaders were tried and fined. The fines were paid in commodities and lands, and these were distributed among the members of the tribes in accordance with the orders of the tribal officers. (See testimony of Antonio Mirabal, pp. 18175 to 18184, Survey of Conditions, pt. 34, in evidence as exhibit 88.) The authority for this procedure is provided in chapter 4 of the Law and Order Code (in evidence as exhibit 96) promulgated by the Indian Bureau, and under which the Indian Bureau policeman necessarily had to act.

Section 53-401 of the New Mexico statutes provides that "It shall be unlawful for any person to possess, sell or give away anhalonium, commonly known as peyote" and further provides for a fine of not less than \$200 or imprisonment for 90 days, or both. Hence the actions of the tribal council and the Indian Bureau policeman were in accordance with Bureau regulations of procedure and the State law prohibiting the use of peyote. The cult leaders appealed to Washington about the matter. Secretary Ickes addressed a letter to the governor of Taos Pueblo directing Taos council to restore the land to those fined and to make good any damages which the prisoners may have sustained. The Secretary said:

"It is intolerable that the most fundamental of all human rights, and one of the most precious rights guaranteed by the Constitution—liberty of conscience—should be denied and abolished within a tribe of Indians through the action of officers themselves proceeding under the domination of an armed and uniformed employees of the Indian Service, whose action, in its turn, was not authorized by law or directed or to be tolerated by his superiors in the Government. * * * Should the religious persecution be recommenced, the resources of the Department of the Interior will be used to protect the religious liberties of the minority. * * * I earnestly hope and trust that hereafter those irregularities and these demoralizing actions will not be renewed. * * * It jeopardizes the religious liberties and self-government of all the other pueblos and, indeed, of every Indian tribe. It jeopardizes the success of the whole broad program, now far advanced, which looks toward establishment of Indian rights." (See exhibit 88 in evidence.)

Antonio Mirabal was relieved from Government employ on May 8, 1936.

As a result of the above controversy, Hon. Dennis Chavez introduced a bill, S. 1399, into the Senate to prohibit the interstate transportation of anhalonium (peyote) in certain cases. This bill provides that it shall be against the Federal laws for peyote to be transported into any State which has laws

prohibiting it. On May 18, 1937, the Secretary of the Interior sent a long adverse report against the bill to the chairman of the Senate Committee on Indian Affairs.

Complaints have come to the Federation from Indians of several reservations about the increased use of peyote among their members. From a Preliminary Report on Peyote, prepared for the subcommittee on Indian work of the home missions councils, by G. E. E. Lindquist, which I offer in evidence, marked "Exhibit 102," the following is quoted:

"Between 1919 and 1934 peyote, while extensively used both as a medicine and in worship, had been rather quiescent as an organization. Since 1934, however, it has taken a new lease on life, so to speak, and promoters of peyote have been making the rounds of a number of western reservations seeking to introduce this practice and claiming to be representatives of the Native American Church."

It has been reliably reported to me that one charter of incorporation has been issued to a native American Church in South Dakota during the last 4 years. South Dakota, like New Mexico, has a law prohibiting the use, possession, or transportation of peyote. A charter of incorporation, costing \$3.50, enables these Indians to circumvent the law, for the Secretary of the Interior says that "the resources of the Department will be used to protect the religious liberties of the minority."

As further evidence of the trend of the religious policies of the Bureau officials. I offer in evidence "Indians at Work" for December 1, 1937, and for the record, marked "Exhibit 103," the article on pages 29 and 30, entitled "The Straddle Between Cultures." This is a very favorable review of the book *The Enemy Gods* by Oliver LaFarge, friend and champion of Commissioner Collier. The publisher and price of the book are given and the review was written by D'Arcy McNickle, administrative assistant—Office of Indian Affairs. From this article I quote:

"The Indian has always had friends and it has sometimes seemed that the friends have been his worst enemies. We wince when we recall the days when hairy-chested frontiersmen set about systematically to rid the public domain of vermin who pestered the overland trails. Colonel Chivington at San Creek, Colo., was forthright. Vermin was vermin. But really, it was after his time that the Indian fell upon evil days. The abolitionists, the humanity lovers, out of employment after the Civil War, found the naked, hounded red man and cuddled him close. They offered him Bibles instead of bullets, and there were Indians who thought it was a poor exchange. A dead Indian, they would say, is better off than Mr. LaFarge's Myron Begay (born Ashin-Tso-n's son; Big Salt's son, that is), at the moment when, frenzied by the cheap rascality of Christian soul-saving, he stood up in a mind of missionary pep meeting and denied his gods."

"The Cheap Rascality of Christian Soul Saving"—let those words sink into the consciousness of every Christian American. In December, the month held sacred to the birth of the crucified Christ child, that unmistakable expression of hatred for the Christian religion was hurled broadcast in 12,000 or more copies of a magazine published by the Government of the United States, and edited by an official of the United States whose rank is slightly lower than that of a Cabinet officer and who is charged with the duty of caring for the Indian wards of a Christian Nation. Those words were written by an "administrative assistant." I refrain from personal comment with difficulty. I enter in evidence "The Calvin Forum" for March 1938, and for the record, marked "Exhibit 104," the editorial on pages 171-172, from which I quote:

"We thought this was a Christian country.

"We were under the impression that the President of the United States, the superior of both Mr. Collier and Mr. McNickle, assumed the highest office of the Nation with a solemn oath to Almighty God and with his hand placed in reverence upon the Bible.

* * * * *

"The cheap rascality of Christian soul saving!

"We would not think of using designations such as these for any honest effort, whether in the religious or the governmental sphere. But if the terms must be used, we do not hesitate to say that this latest utterance from a subordinate of Mr. John Collier against the greatest civilizing and uplifting force for the American Indian that has ever come to him is the cheapest bit of rascality that has issued from a Washington office for some time. * * *

"Shall we deny our Lord and Savior by silence?

"Shall we allow sinister forces in our national life to jeopardize the religious and civil freedom which has ever been the boast of America?"

The American Indian Federation concurs in all of the above quotation.

Without a doubt, the results of this anti-Christian policy of the present Indian Bureau officials can never be measured or even estimated. Those results will be both too intimate and too intangible as they manifest themselves throughout the courses of individual lives. However, there are already some tangible evidences of the results of this anti-Christian policy. I enter in evidence, marked "Exhibit 105," the Sunday School Times for July 11, 1936. From an article about the present Bureau policy in regard to religion on page 470, the following is quoted:

"* * * a recent case: An Indian woman living in one of the New Mexico pueblos was given a Bible. By the study of the Scriptures she was led to embrace the Christian religion. When the news of this reached the governor of this pueblo, he brought the case before his council. The woman appeared with her Bible and told the elders that she believed in its teachings. Firm in her refusal to renounce her new-found faith, she was sentenced to a public whipping."

Did the Secretary of the Interior order the governor of this pueblo to make restitution and allow this woman to worship as she pleased as he did in the case of the peyote cult leaders?

I enter in evidence, marked "Exhibit 106" photostat copy of a newspaper clipping from a New Mexico paper of December 8, 1936, headed "Navajo Attack Morgan." This is a report of a lengthy statement issued by the Bureau-controlled executive committee of the Navajo Tribal Council and among other things it says:

"It is high time an answer is given to this rabble rouser who presumably because of his antagonism to the Commissioner's policy which grants to Indians the same religious freedom as is granted to whites under the Constitution, is doing everything in his power to misrepresent facts. * * * We believe the Navajo people as a whole are sick of religious zealots who climb soap boxes at every opportunity to damn the Government as well as law-abiding Navajo citizens. We believe in other words that the Navajo are sick of the tactics of Jake Morgan. * * * Jake Morgan is a missionary. He should, therefore, confine his activities to the promotion of peace and not incite his people to war. Through his blind, ignorant efforts to incite the Navajo people against the Government, he is doing untold damages * * *"

This attack, supposedly issued by Indians, was against J. C. Morgan, an educated and cultured full-blood Navajo Indian, who has been a missionary among his people for more than a quarter of a century. The rejection of the so-called Wheeler-Howard act by the Navajo was largely the result of the single-handed campaign which Mr. Morgan made against it.

Lastly, a Christian minister in Minnesota was brutally beaten by two Indians in 1936 and died as a result of his injuries. During the last session of Congress, the Congress had before it a bill, S. 2120, to compensate his widow and children in the sum of \$3,000.

"The cheap rascality of Christian soul-saving"—in those words perhaps can be found the philosophical trend of those who administer the present Bureau of Indian Affairs and upon which is based the formalized educational program of the Indian Bureau.

John Collier took office as Commissioner of Indian Affairs on July 1, 1935. In August of that year, he had Dr. Moises Saenz, a Mexican educator, come to this country with his expense paid by our Government to make a survey of the Indian schools and to "advise" the Government of the United States how to run its Indian schools. I call attention to pages 704 to 709 and 900 to 901 of the Murdock hearings, exhibit 26, in evidence. At that time Commissioner Collier testified that he had spent two summers in Mexico going around with Dr. Saenz; that Dr. Saenz was invited to come to this country by the Secretary of the Interior at the suggestion of Mr. Collier himself, and Dr. Carson Ryan, then Director of Indian Education of the Indian Bureau.

Dr. Saenz was a personal friend of Mr. Collier's over a period of several years, and at one time served on the board of directors of the American Indian Defense Association, which has an interlocking directorate with the American Civil Liberties Union and of which Mr. Collier was executive secretary. Dr. Saenz was Undersecretary of Education in Mexico for several years. I enter in evidence, marked "Exhibit 107," Indians at Work, March 1, 1935, issue and call the attention of the committee to the article on pages 5 to 10, an article

entitled "The Handmade Education of Mexico (Notes from A Talk by Catherine Vesta Sturges Given at the Southwest Field Conference on Community Work, August 1934)." At that time, Miss Sturges was employed as a coordinator of the Indian Bureau, and as far as I know is still so employed. In this article, Miss Sturges said:

"In the years which I shared the fortunes of the people's educational movement which evolved with the developments upheaved by the 10-year social revolution in Mexico, the realization deepened with me of the power of this capacity for direct creation. However, it was through the great comprehension of it in the mind of Don Moises Saenz that I measured by my own understanding the depth, the volume, the pull of it as a human and a social dynamic in the life of his people. Under the leadership of this devoted educator it was my privilege to work during 8 years in which his hand was shaping much of the growth and change surging into being through the medium of education in the life of Mexico."

I call the attention of the committee to pages 99 to 111 of "Progressive Education" magazine, in evidence as exhibit 19. This is an article entitled "The Social and Culture," by Moises Saenz, which deals with the "Mexican revolution." Dr. Saenz says:

"* * * The revolution had to create a school of its own * * * The school of the past—the school of the "three R's," of fragmentary, bookish, rote-learning—has been disqualified."

Incidentally, I call to the attention of this committee that other contributors to this issue of the magazine include Dr. Carson Ryan and Rose K. Brandt, jointly, Dr. Ryan being director of Indian education, and Miss Brandt supervisor of elementary education of the Bureau; Helen E. Lawhead, Mrs. Nancy Irene Heger, and Edward L. Keithahan, all employed in the Division of Education of the Indian Bureau; Oliver La Farge, heretofore mentioned; Catherine Vesta Sturges, above mentioned, and John Collier. In the article on pages 95-98, entitled "Mexico, A Challenge," Mr. Collier states:

"Mexico has lessons to teach the United States in the matter of schools and Indian administration, lessons which are revolutionary and which may be epoch-making."

I call the attention of the committee to page 705 of the Murdock hearings (exhibit 26) on which is reproduced the antireligious pledge which it is necessary for all school teachers to sign in Mexico, as follows:

"In the presence of the board of education, I ———, declare that I unconditionally accept the program of the socialist schools and that I will make it known and defend it. I declare that I am an atheist, irreconcilable enemy of the Catholic, apostolic, and Roman religion and that I will endeavor to destroy it, detach the conscience from any religious worship and I am disposed to fight the clergy everywhere and wherever it shall be necessary.

"I declare my readiness to take a main part in the campaign to attack the Catholic, apostolic, and Roman religion wherever it may appear, and I will not permit any kind of religious practice at my home nor the presence of religious pictures.

"I will not permit any of my relatives living under my roof to attend any religious ceremony."

When this was called to the attention of the Commissioner of Indian Affairs by the members of the Murdock committee Mr. Collier replied that he knew nothing about it and doubtless it was all a big fraud. I call the attention of the committee and ask to have included in this record exhibit K shown on page 900 of these Murdock hearings. This is a reproduction of a letter addressed to Mr. Joseph Burner, by Vincent DePaul Fitzpatrick, managing editor of the Baltimore Catholic Review, dated April 2, 1935, regarding the authenticity of this oath. Among other things, Mr. Fitzpatrick says:

"I saw an original copy of the oath as issued in Mexico, had it translated and the translation affixed. * * * Representative Higgins of Massachusetts defied the Mexican Ambassador to disprove any of the statements which it has published and any of the documents which it uses. No effort has been made to disprove the Review's statements, either regarding the oath or of conditions in Mexico. * * * I wish you to understand that we publish no statements until we have absolute proof concerning them. * * *"

I call the attention of the committee to the report of the Committee on Un-American Activities, given on the floor of the House of Representatives, Seventy-fourth Congress, February 27, 1935, at which time Congressman Fennerty said:

"The gentleman from New York was absolutely correct a moment ago when

he intimated that Communists are active in Mexico. As a matter of fact the entire Government and its 6-year plan are modeled on soviet principles. Mexican delegates have been sent to Moscow to study the Russian principles and methods of Government; 'red' Russian has spent \$18,000,000 for Communist propaganda in Mexico, in the belief, as Russian representatives in Mexico have admitted to news correspondents, that once Mexico is Russianized, America is next. * * * The 'red' frontier is not now in Europe; it is at our own door."

I enter in evidence, marked "Exhibit 108" a report of a deputation to Mexico appointed by the American Committee on Religious Rights and Minorities, dated September 1935, entitled "Religious Liberty in Mexico," and signed by three members of a nonsectarian committee representing the Catholic, Protestant, and Jewish faiths. This report states that even after the adoption of drastic anti-clerical provisions in the Constitution of Mexico in 1917, the literal interpretation was not applied for several years. From page 7 of this report I quote as follows:

"It is now apparent that the National Revolutionary Party which controls the Government of Mexico has with deliberation embarked upon a program aimed at the destruction of the Roman Catholic Church and with it the destruction of all religions. This policy can succeed if the National Revolutionary Party can accomplish:

"1. Its announced primary purpose, to prohibit the teaching of any religion to children in public or other schools.

"2. Its often disavowed but nevertheless plainly unconcealed purpose to at first limit the clergy and the number of churches as to make the influence of the clergy insignificant, and later, wherever possible, to entirely prohibit the existence of churches and clergy."

On page 9 the report states:

"Radical labor-party leaders, however, * * * while disavowing an intent to abolish capitalism and adopting communism, admit that their anti-religious, anti-clerical, and rationalistic education policies are taken bodily from the Communist program."

On page 13, the report gives a compilation showing the shrinkage in the number of priests and churches permitted in Mexico, in approximate figures. Before 1926 there were approximately 4,493 churches and in 1935 there were 197.

Catherine Vesta Sturges wrote in 1935 that she had worked in Mexico for 8 years under Dr. Moises Saenz when "his hand was shaping much of the growth and change surging into being through the medium of education in the life of Mexico."

I further call the attention of the committee to page 022 of the printer's page proof of the Cherokee Investigations of 1936, exhibit 28 in evidence, and to the item reproduced from the December 14, 1935, issue of Industrial Control Reports, which states:

"Promotion of 'social science' is resulting in the perversion of youth to an alarming extent as was the case in Germany before Hitler. In one instance vouched for by an eminent authority recently returned from Mexico, a number of very young girls were sent to entertain a group of Mexican Government officials. When they did not return until the next day and had been misused, the parents appealed to the authorities. They were told that all that bourgeois sex superstition was a part of religious superstition and that, since the girls would have sex experience some day, it was just as well that they did so now, under Government supervision.' Because of widespread incidents of this kind, including the stripping of children to teach sex by illustration, outraged parents have killed and maimed Communist school teachers."

In reply to a direct question in 1935, Commissioner Collier told the Murdock subcommittee: "I think that the rural schools serving the Mexican ajitas are almost the most perfect schools in the world."

During the summer following the Murdock hearings, Dr. Carson Ryan, Jr., was released from his position as Director of Indian Education to do research work for the Spellman Foundation. In February 1936, Dr. Willard W. Beatty was given a temporary appointment as Director of Indian Education. This became a permanent appointment about a year later in 1937. The radical associates and the record of Progressive Education Association of which he was national president have already been discussed herein. It has been established that progressive education is founded upon the philosophy of John Dewey and that his philosophy is antireligious. Whenever criticism is leveled at the Bureau program of education concerning anything which happened before Dr. Beatty became director, the officials of the Bureau always say

that Dr. Beatty cannot be charged with the occurrences which took place before he became director. That answer is not convincing in view of the fact that Dr. Ryan became national president of Progressive Education Association in 1937 about the same time that Dr. Beatty received his permanent appointment in the Indian Bureau. In other words, Dr. Ryan and Dr. Beatty just exchanged positions and the program started under Dr. Ryan has been continued under his associate in progressive education, Dr. Beatty. The evidence seems conclusive that Mexico and the Progressive Education Association are the sources of inspiration of the present program of formalized education in Government-maintained Indian schools.

The Communist program of education, as shown in House Report No. 2290, Seventy-first Congress (exhibit 29 in evidence) and as contained in the books, "The Soviet Challenge to America," by George S. Counts, and "Remakers of Mankind," by Carleton Washburne, both heretofore mentioned, as associates in progressive education with Dr. Beatty, Director of Indian Education, and commonly known to be in entire sympathy with the Russian program, can be summarized briefly as follows:

Children are taught:

1. Hatred of God and all forms of religion; to hold in contempt and disobey parents who believe in religion and to mock all religious ceremonies.
2. Hatred of the capitalist system of private ownership of property, private production, and inheritance.
3. Hatred and disrespect for all forms of Government except communism.
4. The Marxian theory of "production for use and not for profit."
5. Social science as a substitute for spiritual religion and practical experience in the art of living.

House Report No. 2290 states:

"Documents and books presented to this committee indicate that the most terrible kinds of vice are encouraged among the young school children in order to break down family influence, which is the foundation of all religion."

In attempting to establish communism in other countries, the Communist program seeks to indoctrinate all of the above into the school system of other countries and to arouse class hatreds and race prejudice on the one hand and promote social equality on the other to win members for the Communist cause. In this statement, I shall confine my remarks about the educational program of the Indian Bureau to those things which we believe to be in line with the Communist program of education and destructive of the American system of education.

RELIGION

In addition to those things which have already been stated about the religious policies of the present Bureau regime, there are some things which apply directly to the schools. In all boarding schools maintained by the Government, it had always been compulsory for children to attend church or Sunday school services on Sunday, either at the school or in nearby churches. On January 15, 1934, following his first order of January 3, 1934 (in evidence as exhibit 97) Commissioner Collier issued an additional order concerning religious activities in the schools, which I offer for the record, marked "Exhibit 110."

Briefly this sets forth that hereafter no Indian child shall be compelled to attend religious services; that no employee of the Bureau shall be compelled to hold Sunday school services; that "any missionary, including any representative of a native Indian religion, may be granted as a privilege the use of rooms or other conveniences in the buildings or premises of boarding schools," if parents (or pupils over 18) request the services of such missionary or denomination; that "proselyting in the Indian boarding school is prohibited"; and that superintendents or principals of boarding schools shall notify missionaries if the parents appear in person before said officials and "knowingly and voluntarily, in writing" register a request for teaching the ministrations for the child by a missionary or denomination. All of which again sounds like the fullest religious freedom. However, it must be remembered that many Indian children in boarding schools come from homes at some distance away, which would prohibit their parents from appearing "in person" before any superintendent to request religious ministrations for their children. It must also be noted that there is no instruction to the superintendents to make this order known to parents, or to give it the "widest circulation" possible, as was the case in the letter of January 3, 1934.

At Cherokee, N. C., teachers were given to understand 'at blanks for the parents to sign would be forwarded from the Washington office and that nothing was to be said until their arrival. The parents have never received the blanks and Sunday school services were abandoned at the boarding school. For information about this situation at Cherokee, I call the attention of the committee to pages 035-038 of the printer's page-proof of the Cherokee Investigations of 1936 (exhibit 28 in evidence), and for this record the letter of W. F. Sinclair on page 036. Reverend Sinclair was a missionary living near the school who left the reservation because of the unfriendly attitude of agency officials. After relating that there had been a fine Sunday school and harmonious relations had existed between the agency personnel and himself, Mr. Sinclair states:

"This condition existed until the present administration took charge. After Mr. Kirk was transferred from from Cherokee, I was never able to get enough children together for a religious service. And, while I have no positive proof, I was led to feel that the present administration was, and is, unfriendly to any religious efforts on the part of the Indians. Several months before leaving Cherokee, I came to the realization that efforts were being made, quietly, and under cover, to discredit religious instruction among the Cherokees, and it was my feeling that if I remained there as missionary I would be compelled to express myself in such way as to perhaps embarrass the denominational board under which I was working."

I call the attention of the committee to page 901 of the Murdock hearings (exhibit 26 in evidence), and for this record the letter of Miss Mary Gladys Sharp, dated at Arkansas City, Kans., April 3, 1935. Miss Sharp is a missionary at the Chilocco Indian school at Chilocco, Okla. Among other things, she says:

"This the Indian Office of Washington has done this year. First, rules were that no boy or girl could be required to go to church—it was left up to the boy or girl whether they went or not but the employees were to encourage them to go. And the attendance held up very well. But March 25, 1935, two people were here from Washington and now they won't even let the employees encourage them to go, for that was all they were doing and they were criticized for it. And last Sunday morning at the general Protestant and Baptist service in the auditorium, there were only about 103 boys and 90 girls, making a total of about 193 out of 600 students that should be there. These two people also stopped all Sunday night meetings—and that was when we had our Baptist meeting, every third Sunday night. Also, they won't let us give the invitation any more. * * * These children in boarding schools are not like the ones at home where their fathers and mothers can look after their religious training. They are at the formative age—send a boy away at 13 and get him back at 18 and he is a man—and try and do something with him after 4 years of godless living."

Relative to the situation at Chilocco Indian School, I enter for the record, marked "Exhibit 111," a photostat copy of letter addressed to five ministers, dated March 19, 1935, at Chilocco Indian School, and signed by L. E. Correll, superintendent. The letter says:

"I have recently received a letter from the Indian Office, calling my attention to instructions previously issued relative to religious worship in nonreservation boarding schools.

"Please be advised that in the future you will not be permitted to hold revival services, invitation meetings, or in any way hold services in which you ask children to join any religious body while they are students of this school. Of course we will be glad to have you continue to look after those that stated their preference previous to their enrollment in this school."

In other words, no Christian minister or priest could ask any child attending the Chilocco Indian School to accept the teachings of Jesus. At some of the boarding schools in Oklahoma, particularly those which were established by the Five Civilized Tribes themselves when they had independent governments, it has always been customary for Indian missionaries to hold Christian services in the Indian language for pupils attending these schools. It was difficult for the school authorities to know whether or not these Indian-speaking missionaries were asking the children to believe in the Christian faith or to join a Christian church. In one instance of this kind, a full-blood Cherokee Indian missionary, Rev. Jim Pickup, was told to "stay away," and he no longer conducts services at the Sequoyah School for Orphans at Tahlequah, Okla. I enter for the record, marked "Exhibit 112," photostat copy of letter from Rev. Jim Pickup to Mr. Joseph Bruner, dated September 27, 1935.

In at least one school, children who attended church services of their own volition at a nearby church and wish to join that church were prevented from doing so. At the Fifth Annual Convention of the American Indian Federation, held in Tulsa, Okla., August 18, 19, and 20, 1938, Miss Maxine Vaughn, daughter of Rev. and Mrs. Jackson Wolf of Salina, Okla., related that while she was a pupil at the Seneca Indian School at Wyandotte, Okla., she and seven or eight other pupils attended a church service at the First Baptist Church at Wyandotte and wished to be baptized and join the church. Rev. J. Grover Scales, an Indian minister, agreed to meet them at the creek near the school that afternoon and baptize them. When they returned to the school one of the girls told the matron about it and after dinner when they were to go to the creek to be baptized, the matron gave orders that no one was to leave the campus that afternoon, so they could not join the church. I enter in evidence, marked "Exhibit 113," the magazine *The Indian Revealer*, October 14, 1938, Post Convention Bulletin of the Federation, and call attention to the picture of Miss Vaughn and the article about this on page 1. I attended the convention and personally heard Miss Vaughn tell these facts. From other sources it has been determined that Reverend Scales and a Sunday-school teacher went to the school, when the children did not appear at the creek, for the purpose of setting another time when they could be baptized; that a matron met them at the door and refused them permission to see any of the children saying they were in their rooms, and when asked to deliver a message about a later date for the baptism, the matron said that they did not allow anything like at the school.

These three instances are all from the State of Oklahoma, where the Indians have been citizens since Oklahoma became a State and where the Indian Bureau has little or no control over the majority of Indians. As to the situation among those Indians who are directly under Bureau control, I ask that the letter of Miss Cecil Cate, of St. Louis, Mo., addressed to Hon. Dennis Chavez and found on page 19081 of the Congressional Record of August 20, 1937 (Exhibit 95 in evidence), be included in this record. Miss Cate sets forth at some length exactly what the results of the school program have been in South Dakota and I call particular attention to her statements relative to the mission boarding schools. This brings up another phase of Indian education—the Mission schools. In many of the treaties made by the Indians with the Government it was provided that any money belonging to the tribe as treaty or trust money could be used to defray the educational expenses for children of that tribe. The Government has used tribal funds thus made available through treaty provision to hold and maintain government schools on the reservations. It has likewise always been the policy of the Government to pay Mission schools a tuition fee out of these tribal funds for Indian children whose parents wished them to attend the Mission schools.

In 1907 the Supreme Court of the United States held that to deny Indians the right to send their children to the schools at their own expense would be "to prohibit the free exercise of religion" among the Indians. Under the new "five-point education program" for the Sioux Indians, in South Dakota, Indian parents could not enroll their children in mission schools if the Bureau decided that there were Government day-school facilities available near their homes, and no contract was to be entered into with any mission school until the proposed enrollment had been approved by the Director of Indian Education. The above-mentioned letter of Miss Cate sets forth the facts that many Indian parents were totally unprepared for such a change from boarding school to day school and that much suffering and hardship were brought to bear upon both children and parents who were forced to come and camp in tents to be near the school and that the mission school decided to enroll a few of the most destitute children on their charity list. When the Bureau found this out the superintendent of the mission school was removed from his position. The letter does not relate how the Mission board was persuaded to remove him but if the case of the Reverend Burnett, herein related is an example of the methods used, there can be no doubt that the Commissioner insisted upon the removal of this man. Miss Cate further states:

"For your information, Senator Chavez, I am attaching copy of the mission contracts which must be signed before the Interior Department will give grants to the South Dakota missions. Briefly this contract means that the freedom of religious education is gone when John Collier has a thumb on the institutions."

I do not have a copy of these mission contracts but they are available to this committee in the Office of Indian Affairs.

In conclusion, Miss Cate says:

"Let us review the Sioux situation as it is today; the rights of the parents are gone over the education of their children; pagan religions are taught little children; pagan marriages are permitted by the Department. The Department does not call it communism but broadmindedness and a beautiful dream that will make the Indians live in a land of plenty 20 years hence. However, if denying parents a God-given right and teaching youth paganism by active propaganda are not communistic principles, then, Senator Chavez, what is communism?"

For further information about the situation in South Dakota, I enter in evidence, marked "Exhibit 114," the magazine National Republic for April 1937, and for the record, the article beginning on page 17, entitled "New Deal for Indians," by Cecil Cate. The following quotation from this article is self explanatory of a question which arises in all minds relative to this anti-Christian program of the Commissioner.

"The Indian Bureau began to play the old game of forfeits with certain churchmen. 'Heavy, heavy hangs over your head,' said the Bureau as it jingled the 'treaty' and 'trust' moneys of the Indians. 'What shall I do to redeem it?' whispered the churchmen. 'Silence and cooperation' was the answer. This was the 'freedom of speech' allowed to the missionaries in Indian Territory."

Particularly do I call the attention of the committee to the following, quoted from the article:

"What was the reaction of the Indians to this school plan? Their children were lined up and treated like so many chattels so that a new experiment could be carried out by the Department. There were angry words and some defiance. There were parents begging for the right to put their children in the schools of their choice. There were some who stubbornly refused to put their children in school if they could not put them where they pleased. The Pine Ridge Sioux appealed to Mrs. Roosevelt. The Rosebud Indians had already appealed to President Roosevelt. A petition signed by hundreds of Indians and placed in a beautiful beaded cover with the words: 'Suffer little children to come unto Me' was sent to the White House with this letter:

"Dear Mrs. ROOSEVELT: We, the undersigned Indians of the Pine Ridge Reservation, write you as one parent to another. * * * Mr. Collier, the Commissioner of Indian Affairs, has started a program, which means the end of our mission boarding schools. * * * We know that you would not want some man who does not know your family affairs like you do to stop you from sending your children to a religious school at your own expense if you wanted to do so. We Indians have read and heard about you and we hope our cry to you will be heard. * * * As a mother you know that our children are more precious to us than anything else. Please help us Mrs. Roosevelt."

"This was a cry from the poorest mothers of the Nation to the First Lady of the Land, pleading for religious tolerance and individual liberty. The White House apparently turned a deaf ear and there was not even the courtesy of an answer."

All of these things, from three widely separated sections of the country, indicate that the school program is in line with the philosophy of John Dewey, an atheist and the founder of progressive education.

The new school program very definitely destroys accredited high schools on the reservations and children graduating from them cannot enter schools of higher education without additional work. For this reason, on some reservations Bureau employees send their own children away to attend high school. Industrial education consumes a great share of time and consists principally in having the children do the work around the school. In place of the usual courses in languages and arts, the Indian children are taught Indian languages, arts, and crafts, music, and dancing. In places where Indians have forgotten all of this, the Bureau has a trained staff of anthropologists to revive the language, arts and crafts, music, and dancing. These anthropologists are consulted about everything from educating the Indians to be Indians to the drafting of constitutions under which they are permitted to exist. Children are being trained in the "art of living" on Indian reservations and those youths who are helped to a higher education are being trained for service in the Indian Bureau.

All of this is distinctly un-American and it is contrary to the purpose for which the Bureau was established and the policy and program of Congress for the past 150 years. I digress to comment upon this. As a part of this Nation, known as America, the Indian children should be trained to be Americans and no effort made to make them more race conscious. Personally, I am definitely opposed to the policy of using academic school time to give instructions in Indian languages, arts and crafts, music, and dancing to the exclusion of other courses in similar subjects which are included in the public school curricula. No such effort is made on behalf of any of the many races or nationalities that make up the American population. In the years past, silly sentimentalists have hysterically denounced the Government because children attending Government schools were forbidden to speak their native tongues, and were taught in the English language. Irrespective of administrative abuses which have from time to time existed, it must be admitted that this policy was no different than the one pursued in public schools.

The United States is an English-speaking country. Any semblance of unity in this country demands that all people speak the same language. Thus no classes are conducted in native languages for the foreign-born children, or the children of foreign-born parents, who attend our public schools. Without a doubt, it is a hardship for these foreign children to enter our public schools and receive their instructions in English. But equally without a doubt, through those instructions given in the English language, they become an inseparable part of America, an English-speaking Nation. I have lived in the city of Buffalo, N. Y., which has a large foreign-born population and through my work have come intimately in contact with the foreign-born and their problems. From personal observations I am convinced that the free public schools of America have been one of the greatest forces for welding the polyglot population of America into one united people—Americans. The effort of the Commissioner to revive Indian languages and to have anthropologists spending large sums of the taxpayers' money to compile grammars in various native tongues for use in Indian schools is absolutely and totally unjustifiable. To my mind, it constitutes a crime against the Indian children to thus try to handicap and hobble them by teaching them in their native language. Would Nathan R. Margold, who started into our schools a foreign-born child, be the present solicitor of the Department of the Interior if he had been taught in the Hebrew language?

To return to the school program, "cooperative" training starts early in life and every class has community projects either as a class or as a part of the whole school. The classes have "our pets," "our garden," "our sand table," "our chickens," "our rabbits," and "our" everything else. Occasionally there is rebellion. One little girl with capitalistic ideas, took a turtle to school and when the teacher referred to it as "our turtle," the youngster said most positively "That is not 'our' turtle, that is 'my' turtle." Social science is stressed in all the classes, beginning as early as the second grade. I enter in evidence, marked "Exhibit 115," Indians at Work and call attention to a report of work in a second grade social-science class in a South Dakota school. In another locality sex instructions apparently start in the same grade as a second grade youngster came home and startled her mother by explaining why some eggs were fertile and hatched into chickens and why others did not as she had learned it while studying "our chickens."

I call to the attention of the committee that teachers to fill positions in the Indian schools are not selected from the available civil-service list of regular teachers. The newly appointed teachers and principals are no longer designated as such. They are called "community workers" and "head community workers" respectively and special training in social service is a necessary requirement. Many of the Indian boys and girls to whom loans are being made by the Bureau are being trained in advance courses of social service preparatory to taking up work in the Indian Office. In this connection I wish to point out that no loans are made to pupils until the Bureau has approved of the school to be attended. Examination of the Bureau records will disclose that many are sent to the University of Wisconsin and Columbia University in New York City, both known to be schools of radical thought.

In 1935, the council of the Eastern Band of Cherokee Indians conducted an investigation into the new educational program which was put into operation at Cherokee, N. C. This was followed by individual investigations by Mr. and Mrs. Fred B. Bauer, Federation members at Cherokee, by Mr. O. K. Chandler,

then Americanism chairman of the Federation, and by Mr. Frank Waldrop, a newspaperman of Washington, D. C., in 1936. These investigations disclosed that:

1. A compulsory bathing rule had been adopted for the day schools; that the older girls spent several hours each week bathing the younger pupils in groups; that children had to be bathed in school twice a week or they could not attend the school; that some children were not in school because their parents objected to the mass bathing.

2. That Sunday-school services had been discontinued at the boarding school and school activities had been instituted for Wednesday evenings when prayer services were held in a nearby mission church.

3. That in violation of a Bureau regulation adopted many years ago, flag-raising and flag-lowering ceremonies had been abandoned; that the flag seldom was displayed over any of the schools or agency buildings; that the children did not have the pledge of allegiance to the flag in assembly meetings and did not sing the patriotic songs of America.

4. That sex was being subservicely taught to pupils of girls and boys ranging from 13 to 22 years of age.

5. That books used in the social science classes were supplied from the private libraries of Dr. Harold W. Foght, superintendent of the agency, and C. D. Stevens, community worker who had taken the place of the principal.

6. That John D. Kirk, superintendent, and Dr. Hawkins, doctor for the school, had been transferred from the reservation, over the written protests of the Cherokees, after the said employees had helped to organize a post of the Veterans of Foreign Wars among the Indian World War veterans.

7. That teachers and employees had been instructed to teach socialism and communism.

8. That the books, "Instruction to American Civilization" and "Modern History" by Harold Rugg, member of the Progressive Education Association, were in use in the class rooms, and that these books had been taken out of the schools of the District of Columbia because of their radical teachings.

9. That the books used in the social science classes for pupils in the high school included:

(a) New Russian's Primer, by M. Illin, a Communist, translation by George S. Counts.

(b) Brown America, by Edwin Embrey, a radical.

(c) Rope and Faggot, by Walter White, a Negro radical.

(d) Criminology and Penology, by John Lewis Gillin.

(e) Problems of the Family, by Willistine Goodsell.

10. That Commissioner John Collier considered the use of New Russia's Primer as "collateral reading" in an industrial-geography class as "eminently proper."

This situation is covered in the printer's page proof of the Cherokee Investigation of 1936 (exhibit 28 in evidence) and the transcript of testimony given in the Cherokee Investigations of 1937. (See No. 2 on list of unprinted hearings, exhibit 5.)

I ask to have included in this record from exhibit 28 the following:

Page 020: Statement of Mindy Reed, relative to absence of patriotic songs, etc.

Page 019: Statement of Catherine A. Bauer, relative to absence of flags, etc. Pages 023-024: Notice signed by Dr. Foght warning parents that opposition to school program will mean loss of work relief.

Page 024: Affidavit of Cas Sneed, relative to his loss of employment because of his opposition to the program.

I enter in evidence, marked "Exhibit 116," "Exhibit 117," "Exhibit 118," "Exhibit 119," and "Exhibit 120," respectively, the books above mentioned, New Russia's Primer, Brown America, Rope and Faggot, Criminology and Penology, and Problems of the Family, and for the record the short statement concerning each which is thereto attached.

In further support of the findings listed above, I enter the following exhibits as listed:

Exhibit 121: Photostat copy of letter from Mr. Harry Hardin, white World War veteran, to Hon. Victor E. Devereaux, director, Department of Americanism, Veterans of Foreign Wars, relative to un-American and anti-Christian activities at Cherokee.

Exhibit 122: Affidavit of Mr. Harry Hardin, above mentioned, relative to the same.

Exhibit 123: Photostat copy of the affidavit signed by Fred B. Bauer, Cherokee, N. C., relative to the use of New Russia's Primer in the schools.

Exhibit 124: Newspaper clipping from New York American, April 1936, an article written by Mr. Frank Waldrop, relative to the Cherokee Indian schools in North Carolina.

Exhibit 125: Affidavit of Mrs. Maud Walsh, parent, of Cherokee, N. C., relative to fact her girl is not in school.

Exhibit 126: Affidavit of Mrs. Lucinda Bradley Queen, former employee at Cherokee boarding school, relative to several matters.

Exhibit 127: Affidavit of Newman Arneach, pupil at Cherokee boarding school, relative to subversive teaching of sex in high-school art class.

Exhibit 128: Photostat copy of statement made by Newman Arneach, relative to efforts of agency employees to have him repudiate his affidavit.

Exhibit 129: Photostat copy of letter from Commissioner Collier to Hon. Elmer Thomas, March 19, 1937, stating use of New Russia's Primer is "eminently proper."

I also enter for the record, marked "Exhibit 130," photostat copy of an affidavit by Dr. Ellis Bond, former physician at Pine Ridge Agency, S. Dak., in which he relates that the teachers at Pine Ridge were instructed by a representative of the Washington office to familiarize themselves with communism and to teach it.

The things related above happened in part before Dr. Willard W. Beatty became Director of Indian Education. But I recall to the attention of the committee the facts concerning the close association in progressive education of Dr. Beatty and the former Director of Indian Education, Dr. Carson Ryan, Jr. Since Dr. Beatty was appointed as Director, not only the teachers but also some of the superintendents of Indian reservations have been sent to attend conferences of the Progressive Education Association. Teachers have also been encouraged to spend their vacations in Mexico and I know personally of several who have gone to Mexico for their summer vacations. This year it was planned to send teachers down to Mexico to attend a Progressive Education Association institute during this past summer, as was indicated by Bulletin No. 23, of Indian Education, a publication of the Division of Education, Bureau of Indian Affairs. I offer in evidence, marked "Exhibit 131," Bulletin No. 24, of the same publication, Indian Education, and for the record, the item on page 3, entitled, "Summer School Notes," which sets forth some facts in this matter.

As the Washington representative of the American Indian Federation, I appeared before the House Subcommittee on Appropriations which considered the Interior Department appropriation bill for 1939, to make our annual plea to the committee to stop all appropriations for the Bureau of Indian Affairs until the radical officials had been removed from office. I called the attention of the committee to this plan to send Indian Bureau teachers to Mexico to study and as a result the committee inserted language into the appropriation act prohibiting the use of travel funds for study outside of the territorial limits of the United States. In the report submitted by the Appropriations Committee on this bill, it is stated, on page 10:

"The committee is definitely not in accord with the proposed plan for Indian Service personnel to make a study tour of schools outside the continental limits of the United States as described in issue No. 23 of Indian Education, published by the Division of Education."

Relative to the school program under Dr. Willard W. Beatty, I enter in evidence, marked "Exhibit 132," Indians at Work, March 1, 1937, issue, and call attention to pages 20 to 23, reprint of a speech made by Dr. Beatty in January 1937, in which he said:

"During the high-school course if boys and girls wish to get married they may do so and continue their education. If they can have practical experience in living together they will be much better off after they are through school. In many schools where there are many, many thousand acres of land, cottages will be built on plots of 100 acres each for these young couples and they will be trained among other things in child care and guidance."

Does Dr. Beatty plan to add a maternity ward to the school hospitals or include a course in the use of contraceptives in the high-school curricula?

For my own part, as a mother, I would not care to have either my 18-year-old son, or my 15-year-old daughter attending a high school of this kind where they could either secure "practical experience in living" under Government supervision, or have the example of it constantly before them. Particularly I

would not care to have them exposed to such a school operated by officials who encourage so-called "tribal custom" marriages and divorces, the \$15 divorces of the Wheeler-Howard courts and the abolition of a Bureau regulation heretofore strictly enforced which prohibited male employees from associating with girl students. I doubt that there are any parents, either Indian or white, who would care to have their children attend such a school if they could prevent it.

I would like to call to the attention of this committee the new experiment in the Indian boarding schools which has been started by Dr. Beatty and which are known as the "unit-dormitories" or "cottage dormitories," in which both boys and girls are housed together with a man and his wife and an additional teacher, as is stated on page 8 of Indian Education No. 24, in evidence as exhibit 131. As far as I know there are now three schools having this type of dormitory for housing pupils—Standing Rock, at Fort Yates, N. Dak.; Riverside School at Anadarko, Okla., and Fort Sill School, at Fort Sill, Okla. The bulletin states that home economic and English literature classes can be conducted in these homes and given regular classroom credit, in those subjects. I recall to the attention of the committee that according to the article in Indians at Work for March 1, 1936, (exhibit 24 in evidence) Dr. Beatty "acquired his educational philosophies from the fountain of progressive wisdom in Winnetka, Ill., from Prof. Carleton Washburne under whom he served for 4 years. With that thought in mind, I quote:

"Our minds flashed back to the commune we had visited a day or two before in Moscow. Here 30 or 40 boys and girls between the ages of 12 and 16 live cooperatively and without adult supervision. One woman cooks for them but the children prepare the vegetables and wash the dishes. They take entire care of the house—we saw one squad on their hands and knees scrubbing the floor; the house was immaculate. They are entirely self-disciplined, but a group of Young Pioneers has the responsibility for developing the right spirit among them. Certainly their spirit was everything one could ask for—free, natural, friendly, cooperative, enthusiastic."

And from page 195, I quote:

"There is no question but that in Russia, not only in the field of mental hygiene but that in that of education in general, there is a clearer vision as to the aims of education and a more thoroughgoing effort toward the achievement of those aims than in any other part of the world. * * * As an example of what can be done in recreating human society through organized, well-thought-out education toward a definitely envisaged goal, Russia is an inspiring example to the rest of the world."

Keeping in mind that the educational philosophy of Dr. Beatty was acquired from Professor Washburne, I enter in evidence, Indians at Work, October 1938 issue, and for the record, marked "Exhibit 133," the article on pages 4 to 8, entitled: "Indian Service Schools, Their Aims and Some Results," by Willard W. Beatty, Director of Indian Education, Indian Service, from which I quote:

"The United States Indian Service has a unique educational opportunity. It enrolls almost 40,000 children in 350 schools ranging from Point Barrow, Alaska, to Brighton, Fla. * * * No single pattern of education will adequately meet the needs of these diverse groups. Least of all can we assume that the traditional pattern of American public education will be suitable to their training. * * * The Indian Service has the advantage that while it cooperates closely with the public schools of the States in which it operates, it is in no case subject to the courses of study required by the public schools of these States. Our problem is distinct and we are under no necessity of conforming to educational patterns drafted in disregard to the situations with which we are confronted. * * * It is believed that our ultimate goals may be more clearly seen in terms of what has already been accomplished than through many pages of theorizing. To this end, a few citations are offered at random:

"5. Fort Sill in Oklahoma, where the children from the first grade through high school are engaged in agriculture, and the beginning class operates a 5-acre farm from which it produces and preserves enough food to supply its own noonday meals throughout the year, applying the farming experience toward a mastery of speaking English, reading, and number. Here, the junior high-school students operate a farm cooperative in which each has a personal financial interest and from which each is making money. And here the students of the senior high school, almost all of whom own or have access to agricultural land, are prepared through actual experience to operate their own land as successful self-supporting farmers."

From the same magazine, I enter for the record, marked "Exhibit 134," the article on pages 16 to 19, entitled "The Little Red Schoolhouse. What Children Five to Nine Can Do," by Ruth E. Lechlitter, teacher, Fort Sill School, Oklahoma. I particularly request the committee to read this entire article and to examine the pictures of the children which accompany it. This article recounts that children 5 to 9 live in the little red schoolhouse, that the boys milk the cow and do the chores, that the girls keep house, sew, take care of the milk, churn the butter, can vegetables; that the children operate a 5-acre farm and raise broomcorn, oats, kaffir corn, and cotton; that they butchered a hog, rendered lard, made sausage, cured the hams, and made soap. From the article:

"But when do they learn to read, write, spell, figure, and speak English? the visitors ask. * * * Marketing their vegetables, chickens, eggs, pecans, hogs, calves; weighing their butter, handling milk and vegetables; counting chickens, geese, guineas; keeping a breeding chart; learning by living and doing. * * * They sit around the fireplace and talk about the problems of dogs who catch their chickens; about the calf that is about to be born; the time to breed the pony. English and spelling? They get lots of it. And all of this comes not out of the book, but out of life."

Does any member of this committee consider such subjects as the "calf that is about to be born" and the "time to breed the pony" fit subjects for boys and girls aged 5 to 9 years to sit around the fireplace and discuss? Does any member of this committee recommend that children be taught arithmetic by the process of keeping a breeding chart. The avenue of discussion awakened in infant minds can be judged from the following, quoted from the same article:

"One little girl working earnestly on a quilt block looked up and said seriously, 'You know Wobbly Knees (the sow) has a house and eight babies but she don't have a husband.'"

On page 50-51 of the same magazine, is an article entitled: "The Practice Cottage Plan," written by Frances Clifford, student, Oglala Community High School, Pine Ridge, S. Dak. It says, in part:

"The practice cottage plan was put into effect here to teach the boys and girls the work, business, and fun that may be had in carrying a real home.

"The girls' practice cottage at Kyle has been in operation for about a year. Four girls and a teacher occupy this house. Last year there were only three girls and a woman teacher in the girls' cottage and three boys and a man teacher in the boys' cottage. All ate in the girls' cottage so they agreed to help one another with all their work. * * *

"All grades from the fourth through the ninth go to this cottage. They group themselves accordingly. Each group has two chances to live at the cottage in 1 year.

"In the evening after all the work is finished, the boys and girls with their cottage teachers, meet in the living room of the girls' cottage. At this meeting all problems of discipline are settled which come up at the practice cottage. * * *

"The boys and girls learn to plan their work ahead of time; they execute or really do do the work; then they evaluate or criticize their work with the idea of improvement. By so doing, they learn self-expression. They talk over in an informal way what they do and what they wish to learn at the practice cottage.

"All the babies that have stayed at the cottage were nursing babies. The mother stays at the cottage, too, but she is relieved of all care for this baby except at feeding time.

"So effective were the lessons learned by last year's occupants of the cottage that a couple, Rufus Two Crow and Lollie Pawnee Leggins, were married not long ago. Soon Lollie will come back to the cottage to take special training to help her in her new home."

Please note that the oldest pupils were first-year high-school pupils. These are the schools Dr. Beatty is instituting among the Indian children, inspired by the educational philosophy which he acquired from Carleton Washburne. These are the schools of the "new social order" as Robert Gessnor, friend of the Commissioner and chairman of the Indian committee of the American Civil Liberties Union, called the program of the Commissioner—an order "which might well point the way for all of us."

Whatever else may be said of them, these schools without a doubt are an experiment. In the March 1, 1937, issue of *Indians at Work* (exhibit 132 in evidence), Dr. Willard W. Beatty says:

"If things work out the way we hope they will, the Indian Service in the next 5 years will be able to show American education in general a few things about educating young people in life success."

And if they do not work out as anticipated the responsibility for permitting this Communist experimentation in education among Indian children rests squarely upon the Congress of the United States.

The Commissioner enlarges upon the idea and includes the entire Indian Service in an article in *Indians at Work*, April 1, 1937, issue, wherein he is discussing the achievements of the late Dr. William A. White of St. Elizabeths Hospital for the Insane. I enter the magazine in evidence, marked "Exhibit 135," and quote from the editorial by John Collier, as follows:

"But just as truly as St. Elizabeths, and in an even more many-sided way, Indian Service presents the *opportunity for making new discoveries*—the opportunity for clinical experimentation in a large number of branches of social science, most of all, the science of human management." [Italics his, not ours.]

Conclusions on my part regarding any part of this program as herein presented are superfluous. The Commissioner himself has made them. Social science is the theme song of the Communists. Today, the Indian wards of a Christian nation are the subjects for "clinical experimentation in a large number of branches of social science."

I wish to call to the attention of this committee that John Collier has had more money to carry on his "clinical experimentation" than any previous Commissioner of Indian Affairs. Since he was appointed Commissioner on a platform of curtailing the Indian Bureau and Government supervision of the Indians and reducing the Bureau expenditures, in 1933, the sum of approximately \$260,695,450.44 has been directly appropriated by Congress and allocated from various public works funds to the Indian Bureau. This is an average appropriation of about \$43,000,000 per year for 6 years to administer the affairs of the less than 225,000 Indians who are directly under control of the Indian Bureau. There has been an increase of 1,200 or more regular employees and nobody knows how many part-time employees, any of whom are "coordinators," "administrative assistants," anthropologists, social-service workers, and "community workers." The results upon the reservations have been what?

There has never been a time since the reservations were created when there was greater strife, turmoil, and confusion, amounting in some places almost to revolution, than at the present time. There has not been a single year since the Commissioner was appointed that some Indians have not starved to death on some reservations and most years several. I know of my own knowledge that unless there are some drastic changes in both program and personnel, that there will be many more Indians starve to death this winter. One enterprising superintendent has prepared for this situation by using about \$1.200 of tribal funds, without the consent of the tribal council, to purchase coffins in which the bury indigent Indians, and almost with the same breath denying the tribal council the right to use tribal funds to allay some of the suffering in their midst. I call to the attention of the committee that it is against the policy of this administration to pay per capita payments out of their own funds to the Indians. I enter in evidence, marked "Exhibit 136," *Indians at Work*, October 1, 1937, and call attention to pages 12 and 13, an article entitled "President Roosevelt Affirms Principle of Conservation of Indian Assets by Veto of Per Capita Payment Bills," from which I quote:

"Putting the seal of executive approval on the Indian Service policy of conserving Indian assets for productive uses, President Roosevelt has vetoed two bills providing for per capita payments to Indians.

* * * * *

"Agitation for per capita distributions to Indians, from tribal funds, emanates from many sources, and because such payments sometimes seem to be justified by equity and democratic tradition, refusal is occasionally fraught with tension. The Department steadily maintains, however, that future Indian welfare depends to a large extent on the building up of assets for investment in definitely productive enterprises."

Apparently it is the intention of this present regime to carry out their "clinical experimentation in social science" among the Indians regardless of how many

individuals perish in the laboratory and then use our own money to bury us. In another editorial the Commissioner quoted with approval the statement of a Chinese scholar who died in 1086, and who said:

"It is better that the few should suffer, rather than that the many should be corrupted."

I enter in evidence, Indians at Work, May 1937, marked "Exhibit 137."

There are other matters which could have been presented here to further verify the charges of the American Indian Federation, but they are matters upon which others are better informed through personal knowledge than I am, so no mention has been made of them.

The Federation has asked continuously for the past 4 years that the radicals in the Department of the Interior and the Indian Bureau be removed from office or transferred from control of Indian Affairs. If it is within the power of this committee to do anything about this situation, then I respectfully ask that it be done. On behalf of the officers and members of this Indian organization, I thank the committee for this opportunity to bring this to their attention.

In conclusion, I have only this to say. The record as herein made, almost entirely out of the written statements of those administering the Department of the Interior, speaks for itself in unmistakable language. It is the record of Indian administration under that great and noble captain of civil liberties, Harold L. Ickes, Secretary of the Interior, so fittingly called by his friend William Allen White, "Sir Galahad of the Underdog, this our national dog pound"—the American Civil Liberties Union whose executive director says "communism is the goal."

The CHAIRMAN. The witness may proceed. Mrs. Jemison, I think the Chair tried to make it clear, and if you misunderstood the Chair, I am sorry. The Chair told you repeatedly to proceed, and Mr. Schafer and I have both indicated along what line we hoped you would proceed, and that if you did not proceed along that line we could so indicate. We have not made any attempt to cut you off, but we do want you to get down to cases as soon as possible.

Mrs. JEMISON. This is all in this part which has been inserted in the record, but I want to call the attention of the committee to the fact that when the Wheeler-Howard Act was under consideration by the Congress of the United States there was much opposition from Indians all over the United States and at that time the Secretary of the Interior issued a letter addressed to all employees of the Indian Service in which he said that any employees who opposed his program henceforth, his new program, would be summarily dismissed from the service. That was the sum and substance of the letter.

Mr. MUNDT. Who was that Secretary of the Interior?

Mrs. JEMISON. Harold L. Ickes.

Mrs. BOLTON. When was that letter written, Mrs. Jemison?

Mrs. JEMISON. It was written April 30, 1934, and it is part of this material which has been submitted here.

Mr. SCHAFER. Do you mean to tell me that a Cabinet officer wrote to Government employees and told them that they would be dismissed for those activities?

Mrs. JEMISON. That letter was not only sent out to all regularly employed members of the Indian Bureau—those on Indian Bureau pay rolls. It was mimeographed and distributed on all reservations where Indians were under work relief, and I want to say this, in that connection, in 1934 when the Wheeler-Howard Act was introduced you had a condition of depression in this country, and the Indians are always among the first to suffer. When Indians are employed among whites, they are the first to be dismissed because people say, "Well, you are a ward of the Government; go back to the reservation and let the Government take care of you." So, they are among the

first to be laid off. Also, in many places, particularly in the Sioux country, as Mr. Mundt will bear me out, you were dealing with people who had been living under conditions of drought there for 4 or 5 years, and they were in desperate circumstances, and, consequently, a good many of the Indians were solely dependent for their livelihood upon the work relief programs which were administered by the Bureau of Indian Affairs, and this letter, while it was not addressed to those part-time employees, was sent out and circulated on all of the reservations among the employees, and they were given to understand that that letter meant exactly what it said. In that connection I want to ask that the committee read the testimony which is inserted in the record dealing with this letter and some of the efforts which have been made to dismiss Indians from their positions and deprive them from their livelihood for opposing the present program of the present Bureau of Indian Affairs. That is what I was trying to tell you by the statement that I first read into the record, that these Indians are helpless. This Bureau is controlling all of their money, all of their property, and in many cases their person. They have the right to forbid them to go off the reservation. They are controlled, there is no doubt about that, and they are coerced and intimidated as the record will very well show. I refer you to the hearings which have been held before the Senate committee on the matter.

Mr. SCHAFER. Referring to this letter of the Honorable Harold L. Ickes, dated April 30, 1934, to all employees of the Indian Service, threatening dismissal if they interfered directly or indirectly or opposed any program of the Indian Bureau which was under the supervision of said Harold L. Ickes: Do you not believe it is rather remarkable that this Mr. Harold L. Ickes did not threaten to discharge employees who were propaganda agents for that program? We apparently singled out one side to threaten them with dismissal for what he called so-called pernicious practices, but he did not say anything about the other side and their practices of whooping it up for legislation which he approved of.

Mrs. JEMISON. No; Congress appropriated money so that he could hire people, both white and Indian, to go out and propagandize his side of it.

Mr. SCHAFER. Would the proper method have been to have this apply to the minority which Mr. Ickes threatened with dismissal as well as the majority?

Mrs. JEMISON. I do not know whether that could be done or not, for this reason: In 1937 I believe it was, the Senate record shows the Cherokees of North Carolina brought charges against the superintendent that he had interfered in tribal elections there. They brought them to the attention of the chairman of the Civil Service Commission, Mr. Mitchell, and appeared before the Civil Service Commission and a hearing was held on the matter. After some length, Mr. Mitchell wrote and stated that under the Wheeler-Howard Act the Secretary of the Interior had control over the civil-service employees, and that if he ordered them to do anything that was in line with their duties there was nothing the Civil Service Commission could do about it.

Mr. MUNDT. That would indicate that it is a problem for the civil service rather than to be taken up under the Hatch bill. The Hatch bill deals with political appointees and the civil service is allegedly dealing with employees selected upon the merit basis. Either the

Commission's interpretation was fallacious, or else some new legislation is further required to further restrict political activity.

Mrs. JEMISON. It is a question of whether you want the Secretary of the Interior to have that right under the Wheeler-Howard Act.

The CHAIRMAN. Could he exercise this right if he did not have the Wheeler-Howard Act?

Mrs. JEMISON. I seriously doubt it.

The CHAIRMAN. What in the Act would give him that right?

Mrs. JEMISON. I will find Chairman Mitchell's letter if you want to read that. Section 12 of the act says the Secretary of the Interior is directed to select Indians without regard to the civil-service qualifications for the various positions maintained. That is the only thing in there.

The CHAIRMAN. The Wheeler-Howard Act does not apply to all Indians, but this letter that the Secretary sent out did apply to all employees?

Mrs. JEMISON. Yes; the letter the Secretary sent out applied to all employees.

The CHAIRMAN. The Wheeler-Howard Act does not apply to all Indians.

Mrs. JEMISON. That was when the Wheeler-Howard bill was before Congress.

The CHAIRMAN. What difference does it make whether we have the Wheeler-Howard Act as far as the Secretary writing such a letter is concerned.

Mrs. JEMISON. I was answering his question as to whether the Hatch bill should apply.

The CHAIRMAN. My question was: Did the Wheeler-Howard Act have anything to do with it. Could he have written that letter if we had not had the Wheeler-Howard Act?

Mrs. JEMISON. We did not have the Wheeler-Howard Act when he wrote that letter.

The CHAIRMAN. It does not have anything to do with it, then.

Mr. SCHAFFER. The Wheeler-Howard Act was approved June 18, 1934, and the threatening un-American dictatorial letter of the Honorable Harold L. Ickes, Secretary of the Interior, to all employees of the Indian Service was dated April 30, 1934, and was no doubt sent out as a big stick to beat off any opposition.

Mrs. JEMISON. That is correct.

Mr. SCHAFFER. Any opposition to the enactment of the so-called Wheeler-Howard Act?

Mrs. JEMISON. That is correct, it was used to stop the Indians from opposing the so-called Wheeler-Howard Act.

The CHAIRMAN. It applied to employees, it did not say the Indian Service?

Mrs. JEMISON. It applied to employees. It was mimeographed and circulated among all Indians who were on work relief.

Mr. SCHAFFER. When a man is employed on W. P. A., where he receives wages from the Treasury of the United States he is an employee of the United States, is he not?

Mrs. JEMISON. All work relief is handled through the Indian Bureau.

Mr. SCHAFFER. All work relief is handled through the Indian Bureau, and the Indian Bureau has under its supervision work relief employees

who receive checks for their work from Uncle Sam, so that the work relief people who receive their Government checks for working on work relief projects are employees of Uncle Sam.

Mrs. JEMISON. That is correct.

Mr. SCHAFER. They are employed under a subdivision of Uncle Sam's Government which is in charge of Hon. Harold L. Ickes.

Mrs. JEMISON. That is correct.

Mr. SCHAFER. And when he sends out a letter from his office dated April 30, 1934, United States Department of the Interior, addressed to all employees, that letter clearly covers W. P. A. workers who are employees of Uncle Sam.

Mr. SWEET. The receipt of that letter in April 1934, whether or not it applied after the passage of the act, the receipt of it just before the passage of the act would lead to the assumption that, possibly, some of the votes in favor of the acceptance of the act later might have been inspired or influenced by Mr. Ickes' threatening letter.

Mrs. JEMISON. That is exactly the point I am trying to make. I want to say this, that the Bureau employed every means among the Indians. Congress did not appropriate any money before 1935. The act was passed in 1934 and there was no money appropriated until 1935.

Mr. MUNDT. It seems to me that evidence destroys the assumption of Mr. Schafer that this was a free and open election in which the Indians voiced their own opinions without undue influence on the part of white officers.

Mrs. JEMISON. That is what I have been trying to build up to.

Mr. SWEET. The same tactics were used during the progress of the A. A. A. program in Western States.

The CHAIRMAN. Of course, that is merely an assumption now. You can interpret it that way too, if you want to.

Mr. MUNDT. Is it not a fair assumption?

The CHAIRMAN. It is an assumption that this would influence votes.

Mr. MUNDT. The Chairman surely will not deny the assumption that a letter of that kind coming from the Secretary of the Interior would have some influence.

The CHAIRMAN. That is merely an assumption, and not a fact.

Mr. MUNDT. Nobody knows what controls the vote which was necessary to make a majority for it, but, surely, the Chairman will have to admit that letters like that to poor hungry Indians needing work relief, conveying a threat from the Secretary of the Interior, the Honorable Harry L. Ickes, is going to influence some Indians in voting for his demands.

The CHAIRMAN. The Chairman is not speaking for the entire United States, but the Chair knows as a matter of fact, because he keeps pretty close in contact with the Indian affairs in his State, and he knows those letters were sent to the employees of the Indian Department, and it was interpreted as being applied to them and not to anyone receiving a relief check, but the Chair cannot answer for other States.

Mr. MUNDT. There is a considerable difference between the status of the Indians in the State of Oklahoma and those in South Dakota. We do not have oil wells out there as yet. We are looking for them, but our Indians are in a pretty poor shape financially.

The CHAIRMAN. Our Indians do not all have oil wells. We have a good many of them on relief right now.

Mr. MUNDT. I have been on fishing trips up in Minnesota with some Indians in big Packard cars.

Mr. SCHAFER. This letter is addressed to all employees of the Indian Service. Certainly a poor, hungry Indian who has been forced to take W. P. A. employment to feed his family is certainly employed, and a letter from the Honorable Harold L. Ickes, Secretary of the Interior, sent out to all employees of the Indian Service would include all employees. I am certainly somewhat surprised to find a letter sent out by the Honorable Harold L. Ickes like that, in view of his claims about being a liberal.

The CHAIRMAN. What is the date of this letter?

Mrs. JEMISON. The letter from Mr. Ickes?

The CHAIRMAN. Yes.

Mrs. JEMISON. April 30, 1934.

(The letter referred to is as follows:)

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, April 30, 1934.

To All Employees of the Indian Service:

The authorities in Washington have endeavored during the past year to develop a coordinated, modern Indian policy. Its purpose is to conserve the health and estate of the Indians and to train them to manage their own affairs. This involves the elimination of repression, the stimulation of initiative, and an opportunity for them to develop their own culture.

Those responsible for the policy realize the difficulties of any effort to adjust human relations, and consequently they do not ignore the right of those sincerely interested in the Indian to hold opposite views. It is not believed, however, that anyone can deny the need for establishing firmly a forward-looking policy instead of the random, divergent plans without number that have replaced each other for generations, frequently to the detriment of the Indians.

It was anticipated that there would be resistance to any plan designed to increase the protective features of the Indian policy and at the same time to decrease Federal overlordship; but it was not expected that employees of the Indian Service would deliberately attempt to obstruct the program that has been developed by those carrying the administrative responsibility. I fully appreciate the faithful service of the great majority of the employees, across many years, and their loyalty to the new program. Unfortunately, however, I have increasing evidence that there is a subtle, misleading propaganda against the new Indian program emanating from a minority of employees within the Indian Service. Their action can only be characterized as disloyal and pernicious.

My purpose in addressing you is to notify all of those engaged in this scheme to defeat our program that a continuance will be under penalty of dismissal from the Service. It is not intended to deny to any employee the freedom of expression or the right to petition Congress, but these privileges do not carry with them the right to interfere with administration by under-cover methods. There is a point at which such interference can be defined as insubordination to the detriment of the Service.

If any employee wishes to oppose the new policy, he should do so honestly and openly from outside of the Service. This would mean his resignation. Any other course is unscrupulous and is detrimental to the Indians, because it acts on the Service like a canker. This condition has existed in the ranks for many years and has been partly responsible for the failures of the past. It retards and defeats the most conscientious effort toward good administration, and it will be summarily eliminated, wherever found, by dismissal.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

The CHAIRMAN. When was the W. P. A. started?

Mrs. JEMISON. In 1933.

The CHAIRMAN. 1933?

Mrs. JEMISON. Yes, sir.

Mr. Schafer. Yes, and we had the C. W. A. and F. E. R. A. prior to W. P. A.

Mr. SWEET. I think the letter will put the gentleman from Wisconsin back on the right track. My assumption is that there is a suspicion of coercion in the way these elections were conducted.

The CHAIRMAN. But you will have to admit it is only an assumption.

Mr. SWEET. Yes; it is an assumption.

Mr. SCHAFFER. Perhaps I might get back on the wrong track, I believe the gentleman from Wisconsin is on the right track. I believe the whole thing could be cured if you voted out my amendment, and let the Indians have an election to nullify these votes, and not try to nullify them by congressional action based on statements of a very small minority or by petitions. You and I know you can get 100 people inside of the next hour to sign a petition to stop the sun or moon from rising or setting.

Mr. MUNDT. Would the gentleman be sure such an election if held would not be influenced from the proponents or opponents.

Mr. SCHAFFER. We can put an amendment in the bill, or maybe we can steal and insert a section of the Hatch Act which will bar pernicious political activity by Hon. Harold L. Ickes and the Indian Bureau.

Mr. MUNDT. We should have a free and open election.

Mr. ZIMMERMAN. My question is a parliamentary one. I have observed that your committee frequently engages in long debates after a witness has made a statement, when I think the witness has been in error, and I would like to ask the committee if I or any other witness here from the office might correct such statements at the time they are made. Mrs. Jemison is in error when she says all work relief for Indians is handled by the Indian Service, and your present debate has all been based on the statements that the assumption is correct. It might only involve a longer wrangle, or it might avoid some.

Mr. SCHAFFER. I ask unanimous consent that the Assistant Commissioner of the Bureau of Indian Affairs be permitted to ask any member of the committee or any witness to yield when he wants to keep the record straight.

The CHAIRMAN. Without objection it is so ordered. The Chair hears no objection, and the request is granted. You may proceed.

Mrs. JEMISON. Now, coming back to the civil-service matter which we started out from, I will read to you exhibit 19 (b) in the hearings for the Eastern Band of Cherokee Indians, held beginning July 12, 1939. This is a letter of the United States Civil Service Commission, Washington, D. C., August 4, 1937:

Mr. L. B. BAUER,

Vice Chief, Eastern Band of Cherokee Indians, Cherokee, N. C.

MY DEAR MR. BAUER: I am in receipt of your letter of July 3, 1937, in which you enter protest, concerning the activities of certain employees of the Indian Service with respect to their participation in local Indian elections. The facts presented in your communication have been given careful consideration, but the matter does not appear to be one over which Civil Service Rule 1, the so-called political activity rule, gives this Commission jurisdiction. The law vests in the Interior Department the management of all Indian affairs, and all matters arising

out of the Indian relations. You are no doubt familiar also with the recent act of June 18, 1934 (48 Stat. 984), which authorizes the Interior Department to conduct an extensive program affecting the political, social, and economic life of the Indians. In view of this specific authorization of law Civil Service Rule 1 cannot be construed to restrict activities of agents of the Office of Indian Affairs when carrying out their prescribed functions.

Accordingly, so long as the employees to whom you refer are acting within their delegated authority the Commission cannot undertake to limit the extent to which they may participate in Indian elections. Such a function is more properly within the jurisdiction of the Interior Department. I would suggest that you communicate with the Secretary of the Interior in this matter.

Very sincerely yours,

HARRY B. MITCHELL, *President.*

The CHAIRMAN. Will the witness yield?

Mrs. JEMISON. Yes.

The CHAIRMAN. It is evident now that we are not going to be able to hear you through this morning, and, Mrs. Jemison, if you can get to a place pretty soon where you can stop, the Chair is sure the committee would be glad to hear you further at some other time, but we are going to have to stop in a few minutes. If you can, get your material in shape so that you can close within the course of a few minutes.

Mrs. JEMISON. I read that letter in reply to the questions of the committee to point out the sections of the so-called Wheeler-Howard Act which prevented the Civil Service Commission from taking cognizance of these political activities of civil-service employees. This is his opinion, and he is chairman of the Civil Service Commission. He says it is due to the specific authorization of the Wheeler-Howard Act that he cannot forbid those superintendents on the reservations from taking part in the elections if that is part of their duty.

Mr. SCHAFER. Then you could put in an amendment to make the requirements of the Civil Service Act apply to these elections.

Mrs. JEMISON. If you want my amendment right now I would not be willing to accept an amendment for that election unless you will put in there that it is a felony for any employee of the Indian Bureau to use any funds of the Government or any facilities of the Government in any Indian elections or to use the powers of their offices in one way or the other in Indian elections, and provide a penalty therefor.

The CHAIRMAN. The Chair is sure something along that line will be satisfactory to the members of the committee.

The CHAIRMAN. I am sure something along that line will be satisfactory to the members of the committee.

Mr. SCHAFER. I ask unanimous consent that Mrs. Jemison be permitted to incorporate in the record any amendment that she might have to make to my proposed amendment.

Mr. MUNDT. Reserving the right to object, I would like to observe that she might also have the right to insert in the record any other amendment she might wish to propose instead of yours. Let her also do that as she chooses.

The CHAIRMAN. You make your request to that effect?

Mr. MUNDT. Yes.

The CHAIRMAN. Mr. Schafer has made the unanimous consent request that Mrs. Jemison be permitted to incorporate in the record any amendment she might care to make to his amendment.

Mr. SCHAFFER. Yes.

The CHAIRMAN. Without objection it is so ordered. And Mr. Mundt makes an additional request that she can supply any other amendment she might wish to propose. Without objection it is so ordered.

Mr. SCHAFFER. Reserving the right to object I believe there should be included in the record a request that the Department at this point insert a brief resume outlining the procedure for calling elections and the set-up for the election machinery. Can you do that?

Mr. ZIMMERMAN. Yes, sir.

Mr. SCHAFFER. So that we can get a picture of how these elections are held.

Mr. ZIMMERMAN. Yes.

Mr. SCHAFFER. They are all ballot elections, are they not?

Mr. ZIMMERMAN. Yes.

The CHAIRMAN. Is there any objection to Mr. Mundt's request? The Chair hears none. It is so ordered.

The Chair now asks unanimous consent that the officials of the Bureau of Indian Affairs submit such information as Mr. Schafer has indicated relative to the elections.

Mr. MUNDT. Will you explain why it is among the Yankton Indians of South Dakota you have changed the polling place from the place where they ordinarily vote, having a different site or voting place where they vote on these Indian affairs? I wonder what reason the Department has for voting at a different place.

The CHAIRMAN. Mr. Mundt makes the request that the officials of the Bureau of Indian Affairs furnish us information as to why these polling places have been changed in certain reservations. Is there any objection? The Chair hears none. It is so ordered.

Mr. DAIKER. I take it, Mr. Chairman, that Mr. Schafer's request has to do with the original elections which were held on the acceptance of the Act.

Mr. SCHAFFER. Yes; the Wheeler-Howard Act, so that we can get a picture as to just how those elections were conducted.

Mr. DAIKER. Yes.

Mr. SCHAFFER. I ask for that because I have had people call me and tell me we should vote for the Senate dictatorial bill which nullifies and overthrows the election of the Indians on the ground that the elections are not held properly, and that there is Bureau control of the machinery. I told some of those people when my party is out of power we do not control the election machinery, and when my party is in power the other party does not control the election machinery. I want to be certain that there is really a free election in which the Indians can go into the balloting place and vote without being interfered with on voting day and that their ballots be properly counted.

Mr. DAIKER. All right.

Mr. MUNDT. Mr. Schafer, I do not believe that there is any question about the fact that the Indians use the secret ballot. I do not believe that there has been any evidence submitted that they are forced to go to the open. The evidence would seem to indicate, what some of us call an assumption, and what others refer to as a conviction, that there is frequently coercion exercised upon the Indians before they go to the voting places.

Mr. SCHAFER. I have a complaint that the election machinery was not such as would insure a real election. It is my understanding, and if the lady will yield I would like to ask the representative of the Indian Bureau, is it not a fact that the Indians have control of the machinery and the ballot clerks and your people have charge of the election?

Mr. DAIKER. The people in charge of the election and everything are Indians.

Mr. SCHAFER. Your Bureau does not tell them who should be employed in the elections as ballot clerks, and election inspectors?

Mr. DAIKER. I could not tell you that, sir, how they were selected. We can put that in the record.

Mr. SCHAFER. Would you put in the record how you select these ballot clerks and election judges?

Mr. DAIKER. We will give you a copy of the general instructions and regulations which went out for the holding of these elections, which will include the interpreters, inspectors, and the judges holding the elections, and a copy of the sample ballot.

Mr. SCHAFER. You sent out the instructions?

Mr. DAIKER. Yes, sir.

Mr. SCHAFER. But the Indians themselves determine who is to carry out those instructions, do they not?

Mrs. JEMISON. No, the superintendent did that.

Mr. DAIKER. The superintendent has control over it, to a certain extent.

Mr. SCHAFER. I want to find out if there is any truth about these being controlled elections. Who appoints the election officials, the Indians or the superintendent?

Mr. DAIKER. As I say, I cannot answer that question off-hand. That will be shown by the instructions that went out. This was 6 years ago, and I would not be able to answer you correctly now.

Mr. SCHAFER. I want to offer an amendment to perfect the election set-up, because even in the case of congressional elections we find this year that the laws in many States have been changed, and perfected. They are changed as our form of government progresses, and if there are any loopholes in the set-up I think we ought to buy to close them, so that we can amend this Wheeler-Howard Act and give the Indians the right to vote to come out from under it as well as to come under it and then there will not be any valid reason for a small minority to run down to Washington and raise hell, and say that the vote is not the will of the Indians.

Mrs. JEMISON. I would like to say one thing about that myself.

The CHAIRMAN. As soon as we finish this point we will have to adjourn.

Mrs. JEMISON. What I want to say is this: I have heard Indian witnesses from many Indian reservations in the United States and have been on five different reservations where they voted on the Wheeler-Howard Act myself in the past 6 years, and the information that I received from the Indians is this: The Indian Bureau prepared a poll list of the voters. The Indians were not allowed to pass upon that poll list. No provisions were made for Indians who were insane, and some Indians who were insane or dead were in this poll list, and some who were absent from the reservation for 45 years were included in the poll list. The superintendents appointed the judges,

the clerks, and everybody else, and designated the place where the election should be had. In that connection I point out to you section 18 of the Act:

Sec. 1. 8. This Act shall not apply to any reservation wherein a majority of the adult Indians, voting at a special election duly called by the Secretary of the Interior, shall vote against its application. It shall be the duty of the Secretary of the Interior, within one year after the passage and approval of this Act, to call such an election, which election shall be held by secret ballot upon thirty days' notice.

It does not contain the language which is usually contained in provisions referring to a majority vote. It does not contain the language which is provided in section 16, and it does not contain the language in section 17. In other words, the Indians have to cast a majority vote against it before they could be excluded. In 1935 it was the Indian Bureau's interpretation of the law that if a majority of the Indians actually voted against the act, but that was not the majority of the poll lists that were prepared by the Indian Bureau, the tribe was included under the act.

It was because of the testimony given before the so-called Murdock subcommittee in the hearings on H. R. 8777, and other matters that the amendment was offered to the Wheeler-Howard Act and passed Congress providing that it would have to be a majority of the votes that were cast.

The CHAIRMAN. That corrected that bill.

Mrs. JEMISON. Yes.

Mr. SCHAFER. But it was not retroactive?

Mr. DAIKER. Yes, it was retroactive.

Mrs. JEMISON. But I am citing it to show you the determination of this group to put that program over on the Indians.

Mr. SCHAFER. I believe that if we all look at this in a calm manner and carefully consider it perhaps we can get together and get behind a real bill which will provide a real sound solution.

Mr. MUNDT. Mr. Chairman, we have been here every day this week holding hearings, and if it is agreeable to the Chair I would like to move to recess our hearings until Monday morning. We have a lot of witnesses here at Government expense, and we do not want to keep them here any longer than necessary.

Mrs. JEMISON. They are here at their own expense.

The CHAIRMAN. The Chair is willing to do whatever the committee wants to do.

Mr. SCHAFER. I am a week behind in my office work now.

Mrs. BOLTON. So are we all.

Mr. MUNDT. We should proceed as speedily as possible with hearing witnesses, but at the same time I think we should recess until Monday. (After discussion off the record the following occurred:)

Mr. SCHAFER. I understand these galley proofs are being sent down before the members of the committee, the Department, and the witnesses have checked their testimony. We ought to have this testimony checked before sending it down for galley proofs. I ask unanimous consent that the members of the committee, the witnesses and the Department have a chance to go over and check the transcript of the record before it is sent down for galley proofs.

The CHAIRMAN. That is what the Chair insists be done.

Mr. MUNDT. That is going to slow the whole procedure up.

Mr. SCHAFFER. It will not slow anything up. When you check the galley proofs it is much more difficult than checking the transcript.

Mr. MUNDT. But it is quicker.

The CHAIRMAN. The only trouble is you have to make so many corrections.

Mr. SCHAFFER. Yes; there are so many corrections that it has to be gone over again.

The CHAIRMAN. Mr. Schafer asks unanimous consent that the galley proofs be not secured until the witnesses and the members have a chance to check their testimony.

Mr. MUNDT. I shall object to that. I am very much interested in having the whole picture before me, and I know if we wait for each member of the committee and the representatives of the Department, and the witnesses to check their testimony it will be several weeks behind.

The CHAIRMAN. It will be several days, of course.

Mr. SCHAFFER. I have never seen anything like this before where these galley proofs go down before we even have a chance to go over and check the testimony of a complicated hearing.

The CHAIRMAN. The Chair has always followed the policy of giving the members and witnesses a chance to correct the record before getting the galley proofs, a reasonable length of time, and the Chair would say that should be done within 2 or 3 days after the testimony is taken.

Mr. MUNDT. If the chairman will enforce that interpretation of a reasonable time there is no objection on my part.

(After further discussion off the record.)

The CHAIRMAN. Mr. Mundt has moved that we adjourn to meet at 10:30 Monday.

(A vote was taken.)

The CHAIRMAN. The ayes have it, and it is so ordered.

(Thereupon, at 12:55 p. m., an adjournment was taken until Monday, June 17, 1940, at 10:30 a. m.)

WHEELER-HOWARD ACT, EXEMPT CERTAIN INDIANS

MONDAY, JUNE 17, 1940

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.

The committee met at 10:30 a. m., Hon. Will Rogers (chairman) presiding.

The CHAIRMAN. The committee will be in order. The committee has met this morning to resume the hearings on the bill, S. 2103. When we adjourned last Friday, Mrs. Jemison was testifying, and the understanding was that she would continue her testimony this morning. However, Mrs. Jemison is sick and will be unable to be heard today.

Mr. SCHAFFER. In view of the fact that we have a reporter present, and Mrs. Jemison is sick, I ask unanimous consent that we postpone the additional testimony by Mrs. Jemison, and obtain as much other material as we can for the record. I notice that we have some information here with reference to the elections, and I think that is very important. That will be very important when we consider this bill.

The CHAIRMAN. You have heard the unanimous consent request of Mr. Schafer. Is there objection?

Do you ask that the Commissioner present that matter pertaining to elections at this time?

Mr. SCHAFFER. Yes.

Mr. DAIKER. The Commissioner was not here on Friday when that request was made, and I do not think he knows what this contains.

Mr. COLLIER. These are records with regard to elections?

Mr. DAIKER. Yes, sir.

Mr. SCHAFFER. There are a couple of questions I want to ask to clear up my mind on this matter.

The CHAIRMAN. Mr. Schafer asks unanimous consent that this matter pertaining to elections, containing instructions and regulations governing the holding of the referendum vote under section 18 of the Wheeler-Howard Act of June 18, 1934, be inserted in the record. Without objection, it is so ordered.

(The matter referred to is as follows:)

OCTOBER 26, 1934.

Mr. N. O. NICHOLSON,
Superintendent, Taholah Agency.

DEAR MR. NICHOLSON: In connection with the question of the eligibility of Indians to vote in the referendum to be held under the Indian Reorganization Act of June 18, 1934, the Solicitor for the Department has just rendered an opinion, approved by the Department. This opinion affects some of the instructions or statements heretofore made by the Office as to the right of Indians to vote in the referendum elections on the act.

In the memorandum accompanying our letter of September 24, there was set forth, in a definition of those eligible to vote, that nonresident members might be supplied with ballots to be executed and returned by mail, and that proper record should be kept of the latter, both of those sent out and those returned. For the purpose of the referendum to be held on October 27, these instructions will stand. However, it is necessary to keep an accurate record of the ballots cast by absentee voters, including the number of absentee ballots cast for and cast against acceptance, and to keep these ballots separate from the others.

In making your report to Washington, give the total number of ballots cast for and against and also report how many in each group were absentee votes.

It should be made clear to all concerned that the right to vote in the referendum does not in itself give the individual any interest or right in tribal property which he did not have theretofore. In other words, the right to vote on the Indian Reorganization Act vests no property rights in such individual, if such right does not already exist. Furthermore, the right to vote in the referendum does not in itself give the individual a right to vote on the ratification of a constitution under section 16 or to vote for ratification of the charter under section 17. The qualifications or eligibility of voters under sections 16 and 17 will be different from those necessary to vote under section 18 on the acceptance of the act. This will be made clear in information to be furnished at a later date. The Solicitor will rule on this phase and appropriate instructions will be given at the proper time.

The Solicitor in his opinion as to the interpretation of section 18 holds that:

Section 18 gives the Indians on all reservations the right to exclude themselves from the application of the act. This exclusion can be brought about only if a majority of all the adult Indians on the reservation cast their ballots against the application of the act. If less than a majority vote against the act, even if the negative votes should outnumber the affirmative ones, the act still applies.

The Solicitor also holds that residence on a reservation is insufficient by itself to give an adult Indian the right to vote on the question of rejecting the act. In addition to residence, the Indian must have a demonstrable legal interest in the property or other affairs of the tribe. In the words of the Solicitor, he must "belong" on the reservation in addition to living thereon.

This ruling excludes from the referendum vote on any given reservation all Indians who do not "belong" there, who have no demonstrable legal interest in the property or affairs of the tribe or tribes occupying that reservation. By virtue of this interpretation only those adults, men or women, who have some tie-up with the tribe or a right to reside on the reservation and are actually or constructively living there, may cast their ballots for or against the application of the act.

Unaffiliated Indians who have no claim to tribal property or interest in tribal affairs cannot vote at the election even though they reside on the reservation. There must be both a legal tie-up with the tribe and actual or constructive residence.

Residence is interpreted to mean the maintenance of a home on the reservation. This home need not necessarily be actually occupied by the otherwise qualified voter. Men engaged in emergency conservation work away from the reservation, students and others whose duties compel them to be absent, but who intend to return to their home on the reservation, may vote by absentee ballot. Mere enrollment does not ipso facto establish residence.

Hereafter in sending out ballots to absentee residents, superintendents should include a statement to be signed by the absentee and returned by him with his marked ballot. The statement, which should be typewritten or mimeographed in the field, should read as follows:

THE COMMISSIONER OF INDIAN AFFAIRS:

"I, the undersigned, a member of the _____ Tribe,
 am temporarily living in _____ (To be filled in at agency)
 _____ City _____ County _____ State
 but I regard the _____ Reservation as my
 _____ (To be filled in at agency)
 permanent home and legal residence.
 " _____ "
 Signature

Special cases involving changes of residence, abandonment of tribal relations, adoption, etc., will be decided by the Commissioner of Indian Affairs by virtue of United States Code, title 25, section 2, and other related statutory provisions,

where necessary or important, until the method of referring such cases to the recognized authorities of the tribe concerned can be worked out.

A copy of this letter is being sent direct to those jurisdictions where the referendum is to be held October 27. You are requested to supply a copy to all other jurisdictions under your leadership.

Sincerely yours,

WILLIAM ZIMMERMAN, JR.,
Assistant Commissioner.

INSTRUCTIONS AND REGULATIONS GOVERNING THE HOLDING OF THE REFERENDUM
VOTE UNDER SECTION 18 OF THE WHEELER-HOWARD ACT OF JUNE 18, 1934

(Edition of October 13, 1934)

Under the authority of the Secretary dated _____ authorizing referendum vote among certain designated tribes or jurisdictions, there should be posted immediately notices throughout the reservations designated that on the date under the terms of section 18 of the act of June 18, 1934, Public, No. 393, to determine whether the Indians want the Indian Reorganization Act, which was finally passed in place of the Wheeler-Howard bill, to apply to them. It is necessary that the notices posted throughout the reservation are complete, containing the date of the Secretary's authorization and the date of election. Notices may be posted later as to the places of election and such other information as may be necessary.

The act provides that this election shall be held upon 30 days' notice. Therefore, this notice should be posted so as to come within the provisions of said act and so that the election may be held on the date specified.

It must be stated very definitely that no funds have as yet been appropriated under the act for the expenses of organizing the tribes and, therefore, all expenses incident to holding this election must come from your present budget. Official ballots will be sent from Washington to designate superintendents in sufficient number to care for the adult population of each jurisdiction. These ballots should be counted and carefully guarded at all times both prior to and subsequent to the election.

Election booths shall be provided at various places throughout the reservation in order to meet the needs and convenience of the Indians. The selection of those places where other elections are usually held will be satisfactory; likewise, the selection of those places on and within the reservation where the State or county usually establishes such booths are acceptable.

There should be provided several lists of eligible Indians, arranged according to voting district, one copy to be provided to the person in charge of such voting precinct. This list is for the purpose of checking off each name as the ballots are cast and to be used in the event of any question as to the right of any person to vote under this act. Another copy should be retained at the agency office furnishing a complete list of voters.

Those eligible to vote are all Indians, male and female, who are adults and whose names appear on an approved roll. An adult is any person 21 years of age or over. Indians for the purposes of this act are defined as (A) "all persons of Indian descent who are members of a recognized tribe," (B) "all persons who are descendants of any such members of recognized Indian tribes and were residing within an Indian reservation on June 1, 1934, regardless of degree of blood." The Office has construed that the date of residence applies to the descendants.

Nonresident members may be supplied with ballots so that they may be executed, returned by mail, and received not later than the date of the election. They are not to be opened until other ballots are counted. Proper records should be kept of all those ballots sent out and, likewise, of all ballots returned and which are cast. It is necessary again to mention the fact that all such ballots are to be secret.

All ballots of resident Indians must be executed by the individual and by him placed in the box. No one should be present when such ballot is executed. Interpreters shall be provided who should explain to those desiring it what the ballot calls for or means. They are not to mark the ballot for the individual nor to influence the person in his or her decision or action. Where necessary, two interpreters may be provided for the purpose of checking on each other and thus eliminating any effort to influence the voter. It will not be possible to compensate these interpreters and this service should be considered by them as one of a public nature to their own people.

Election booths will be kept open from 8 a. m. to 5 p. m. Voting districts must be delimited throughout the reservation. The Indians should know in advance

where the voting places are and, likewise, in what districts they are expected to cast their vote. Voting lists should be posted throughout the reservation containing such information. Where possible and desirable, the voting equipment should be borrowed from the local authorities.

Tellers should be provided at each election booth merely to see that the person voting is on the approved list, that his name is checked off, that his ballot is secretly executed and cast, and to take charge of such ballots, turning them over to the superintendent after the close of the polls. These boxes should be locked at all times, the keys being only in the possession of the superintendent.

The superintendent will upon receipt of these ballots and lists on the evening of the election take them into his custody and safekeeping. A committee comprising both Indians and employees should be chosen in advance who, together with the superintendent, will count and check the votes cast and make the necessary tabulation and return to the Commissioner of Indian Affairs. There will be no objection to giving out to the Indians the result of the votes cast. Telegraphic report should be made to the Indian Office. All ballots and other material should be kept by the superintendent pending further instructions.

Employees are not precluded from giving the Indians information or explaining any feature of the bill about which information may be sought. It is expected, however, that such information shall be in harmony with the official interpretation of this legislation as contained in memoranda issued by the Indian Office.

BALLOT

Shall the Indian Reorganization Act (modified Wheeler-Howard bill) apply on this reservation?

Yes

No

If you want this act to apply, make X in left square. If not, make X in right.

Mr. W. R. CENTERWALL,
Superintendent, Tongue River Agency.

NOVEMBER 20, 1934.

DEAR MR. CENTERWALL: Recent events in connection with the referenda held under the Indian Reorganization Act indicate the possibility that our area leaders have not understood fully their responsibilities.

One very definite part of your work is to be satisfied that the Indians understand this legislation, its effect upon them, and its purposes and principles before they are asked to vote, and that when a date is recommended by you, the Indians know what they are doing and on what matters they are taking action.

Several jurisdictions or groups of Indians have cast a larger number of votes against the application of the act than for it. In no case has such vote been sufficient to exclude themselves from its application because under the Solicitor's ruling such majority must be of the total voting population, and not merely of those who vote. This distinction is quite important. However, the Indians may not always understand this, and feel that they have voted themselves out.

We have found that after a date has been set for the referendum, the superintendent or area leader will request additional outside help either from the office or some particular individual in the field to meet and discuss with the Indians this legislation. While we should like to give this assistance, the Washington staff is too small and has too many problems to handle to permit of its assignment to such work. It is the duty of the area leader, as heretofore stated, to see that the agency personnel as well as the Indians are informed regarding this legislation. You were selected because we had confidence in your ability to do this educational work. With the benefits to be obtained such as land, funds, etc., it is believed that these facts have not been presented to all the Indians and that they have not understood these and other features of this legislation.

It has also been found, after such date for the referendum has been fixed, that information reaches us that the Indians are not ready to vote.

Holding such referenda is more than a formality in the execution of the law. It means much to the Indians and their future and we believe that each area leader

should be thoroughly satisfied that the Indians understand this legislation and that they are ready to express themselves, through such ballots. We do not want to give the impression that the referendum should not be held until the Indians are ready to vote favorably, but we do want it understood definitely that they should not be asked to vote until they understand the act, etc. That is your responsibility, and a date should not be fixed until you and the local superintendent and his staff are satisfied that the Indians are ready.

We realize the amount of work that you have to do and appreciate the additional duties and responsibilities that we have added, but we feel that it is necessary to impress upon you the importance of your part in this program.

Sincerely yours,

WILLIAM ZIMMERMAN, Jr.,
Assistant Commissioner.

INSTRUCTIONS AND REGULATIONS GOVERNING THE HOLDING OF THE REFERENDUM VOTE UNDER SECTION 18 OF THE INDIAN REORGANIZATION ACT OF JUNE 18, 1934 (PUBLIC, No. 383, 73rd CONGRESS) WHICH WAS FINALLY PASSED IN PLACE OF THE WHEELER-HOWARD BILL

(Edition of February 19, 1935)

Upon receipt of definite advice that the Secretary of the Interior has called an election for a referendum vote by certain designated tribes or jurisdictions, there should be posted immediately notices throughout the reservations designated that on the date specified there shall be a vote by secret ballot among the Indians under the terms of section 18 of the act of June 18, 1934, Public, No. 393, to determine whether the Indians of such reservation want to exclude themselves from the application of the Indian Reorganization Act.

The act provides that this election shall be held upon 30 days' notice. Therefore, this notice should be posted so as to come within the provisions of said act and so that the election may be held on the date specified. Additional notices may be posted subsequently to assist in getting information to all entitled to vote. The reservation should be thoroughly posted so that all entitled to vote may know of the election and when and where they are to vote.

For the information of each superintendent involved, it must be stated very definitely that no funds have as yet been appropriated under the act for the expenses of organizing the tribes and, therefore, all expenses incident to holding this election must come from his present budget. Official ballots will be sent from Washington to the designated superintendents in sufficient number to care for the adult population of each jurisdiction. These ballots should be counted and carefully guarded at all times both prior to and subsequent to the election.

Election booths shall be provided at various places throughout the reservation in order to meet the needs and convenience of the Indians. The selection of those places where other elections are usually held will be satisfactory; likewise, the selection of those places on and within the reservation where the State or county usually establishes such booths will be acceptable.

There should be provided several lists of eligible Indians, arranged according to voting district, one copy to be provided to the person in charge of such voting precinct. This list is for the purpose of checking off each name as the ballots are cast and to be used in the event of any question as to the right of any person to vote under this act. Another copy should be retained at the agency office furnishing a complete list of voters.

For information as to what Indians are eligible to vote, see office letter of October 26 to the group leaders. Indians, male and female, must also be of the age of 21 years or more in order to be eligible to vote.

Eligible nonresident members whose addresses are known, should be supplied with a ballot so that they may be executed, returned by mail, and received not later than the date of the election. They are not to be opened until other ballots are counted. Proper records should be kept of all those ballots sent out and, likewise, of all ballots returned and which are cast. It is necessary again to mention the fact that all such ballots are to be secret. See above-mentioned letter of October 26 for instructions relative to absentee voters and their ballots.

All ballots of resident Indians must be executed by the individual and by him placed in the box. No one should be present when such ballot is executed. Interpreters shall be provided who should explain to those desiring it what the ballot calls for or means. They are not to mark the ballot for the individual nor to influence the person in his or her decision or action. Where necessary, two

interpreters may be provided for the purpose of checking on each other and thus eliminating any effort to influence the voters. It will not be possible to compensate these interpreters and this service should be considered by them as one of a public nature to their own people.

In the case of eligible voters who are blind or otherwise incapable of marking their own ballot, such voter may upon application to and approval of the judge, clerk, or other person in charge of the election, select an Indian to assist in the marking of his or her ballot.

Election booths will be kept open from 8 a. m. to 5 p. m. Voting districts must be delimited throughout the reservation. The Indians should know in advance where the voting places are and, likewise, in what districts they are expected to cast their vote. Voting lists should be posted throughout the reservation containing such information. Where possible and desirable, the voting equipment should be borrowed from the local authorities.

Tellers should be provided at each election booth merely to see that the person voting is on the approved list, that his name is checked off, that his ballot is secretly executed and cast, and to take charge of such ballots, turning them over to the superintendent after the close of the polls. These boxes should be locked at all times, the keys only in the possession of the superintendent.

The superintendent will upon receipt of these ballots and lists on the evening of the election take them into his custody and safekeeping. A committee comprising both Indians and employees should be chosen in advance who, together with the superintendent, will count and check the votes cast and make the necessary tabulation and return to the Commissioner of Indian Affairs. There will be no objection to giving out to the Indians the result of the votes cast. Telegraphic report should be made to the Indian Office. All ballots and other material should be kept by the superintendent pending further instructions.

Employees are not precluded from giving the Indians information or explaining any feature of the bill about which information may be sought. It is expected, however, that such information shall be in harmony with the official interpretation of this legislation as contained in memoranda issued by the Indian Office.

ADDITIONAL STATEMENTS OF JOHN COLLIER, COMMISSIONER, OFFICE OF INDIAN AFFAIRS, AND FRED H. DAIKER, ASSISTANT TO THE COMMISSIONER

Mr. SCHAFFER. Mr. Commissioner, I notice in this report, containing the election procedure, the following language:

The superintendent will upon receipt of these ballots and lists on the evening of the election take them into his custody and safekeeping. A committee comprising both Indians and employees should be chosen in advance who, together with the superintendent, will count and check the votes cast and make the necessary tabulation and return to the Commissioner of Indian Affairs.

Now, this portion of the election machinery provides for a committee, or a supervisory committee, comprising both Indians and employees: Who selects the Indians on this committee? Is the selection made by the tribe or by the Indian Bureau?

Mr. DAIKER. I think that in most instances those acting in that capacity are selected by the superintendent.

Mr. SCHAFFER. Do you not believe that it would be a good idea to provide under this election machinery that the tribe shall choose a portion of the election officers?

Mr. DAIKER. They do that now.

Mr. COLLIER. Some of the tribes that held the initial referendum elections were not organized, and they had no machinery for doing that in the first instance.

The CHAIRMAN. In other words, it was a matter of getting a start.

Mr. SCHAFFER. In case an arrangement was made and we were to adopt a proposal along the line I have suggested, providing for an

election to go under the Wheeler-Howard Act or get out from under the act, would the tribe be permitted to choose some of the election officers themselves?

Mr. DAIKER. Where they are organized, they could do that.

Mr. COLLIER. Also where they were organized outside of the act, they could. For instance, the Navajos would choose their representatives.

Mr. SCHAFER. Under this election set-up, the Indians, then, have a chance to select some of the election officials, so that they can watch to see that everything is on the up-and-up?

Mr. COLLIER. Yes, sir; that is true.

Mr. SCHAFER. That is what I wanted to be certain about, because one argument in opposition to providing this election set-up has been that the elections did not afford an opportunity for a real expression of the views of the Indians, and that there was interference by the Indian Bureau agents. Now, if the Indian Bureau agents, who are appointees of the Indian Bureau, count the ballots and supervise the elections, without representation on the part of the Indians, would not the elections be open to that criticism?

Mr. COLLIER. Where there exists a tribal council, or some other tribal body able to select these committees, the committees will be selected by such a body.

Mr. SCHAFER. I think that there should be representation for both sides. I believe that the Indian Bureau should select some of the election officials and that the Indians should select some of the election officials, so as to have one as a check against the other.

Mr. COLLIER. As a matter of fact, the officials should be chosen from both sides by some arrangement; I mean, the people who want to be under the act and those who do not want to be under the act.

Mr. SCHAFER. Yes. One group would be a check on the other. In party elections, for instance, we have election officials representing both sides. In my State we have representatives for both parties, so that one can operate as a check against the other. What I am trying to do is to make certain that there will not be any opportunity for anyone to say that the elections did not express the opinions of the Indians. I believe that there should be some representatives chosen by the Indians themselves among the election officials. Then we can have some representatives of the Indian Bureau to act as a check.

Mr. COLLIER. You might put in language providing that where the tribal council names only those favorable to one side of the issue, then it shall be the duty of the Department to name an additional number of people on the opposite side.

Mr. SCHAFER. That is what I had in mind.

Mr. COLLIER. That would be entirely acceptable to us.

Mr. SCHAFER. There is one more point on which I would like to obtain information: These instructions seem to indicate that there is a scarcity of money with which to hold elections. Do you have sufficient money with which to hold these elections?

Mr. COLLIER. No, sir; there would have to be an authorization for an appropriation for that purpose.

Mr. SCHAFER. In order to obtain a real expression of their views, there would have to be additional money provided to take care of the election expenses. In many cases you would have to have interpreters

such as we have in some other elections throughout the country, where we have election officials to assist those who ask for assistance at the election booths.

Mr. COLLIER. Yes, sir. The authorization does not mean that so much would be required, but it would authorize up to that total amount.

The CHAIRMAN. That is included in the draft of the bill?

Mr. COLLIER. Yes, sir; that is included in the draft of the bill.

The CHAIRMAN. The Chair would like to inquire how many witnesses we have present this morning who want to be heard.

Mr. CASE. There are some representatives of the Cheyenne River Reservation who would like to be heard later. I had not intended to make a statement today, and I do not have my papers with me, but at some time I would want to ask for some little time. I could proceed at this time, but, as I have said, I did not bring my papers.

The CHAIRMAN. The Commissioner called and asked if there would be any other witnesses this morning. I did not think there would be. The Commissioner said that if there were no other witnesses, he would be glad to make some statements in reference to some of the testimony that has been taken. If Congressman Case will indicate about how much time he would want, we might give him some time now, and then let the Commissioner make his further statement.

Mr. SCHAFER. Do these other witnesses who are present want to be heard?

The CHAIRMAN. Yes; they will be heard later.

The Chair now recognizes Congressman Case. The Chair wishes to say that Mr. Case was formerly a member of this committee, and, in the opinion of the Chair, he was one of the most valuable members of the committee since the present occupant of the Chair has held that position. The Chair appreciates very much the fine work Mr. Case performed while a member of the committee, and since that time of the splendid help he has given the committee on the floor of the House.

How much time do you want, Mr. Case?

Mr. CASE. About 10 minutes.

The CHAIRMAN. Mr. Case is recognized for 10 minutes.

STATEMENT OF HON. FRANCIS CASE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH DAKOTA

Mr. CASE. The remarks of the chairman are highly appreciated by me.

I do not make any apology for seeking to protect the interests and welfare of the Indians. A large number of the people in the district I represent are enrolled members of Sioux Indian Tribes, located on five different reservations. I feel a real interest in the welfare of those Indians, and in the welfare of the Indians generally, and, on my part, I deeply appreciate the splendid cooperation of this committee and of the chairman in all matters affecting the welfare of the Indians, and especially of the members of the Sioux tribes located in my own State.

Now, with respect to this bill S. 2103, there is admittedly a difference of opinion among the Indians residing on these several Sioux reservations. The four Indians who are present this morning are from the Cheyenne River Reservation and are appearing here as the

accredited delegates of the Sioux Tribal Council of the Cheyenne River Reservation. They will speak for themselves in due time.

I have several communications at my office which I did not bring with me, because I did not expect to testify this morning. However, I do have a telegram addressed to me by Eugene Younghawk, chairman of the Standing Rock Tribal Business Council, that I would like to have inserted in the record.

Mr. SCHAFFER. Mr. Chairman, I ask unanimous consent for the insertion of the telegram referred to by Mr. Case.

The CHAIRMAN. Without objection, it is so ordered.

(The telegram referred to is as follows:)

McLAUGHLIN, S. DAK., June 12, 1940.

FRANCIS CASE, M. C.,
Washington, D. C.:

As to hearing held on S. 2103 by Senate committee and now by House committee, the report and action taken by Senate is amply convincing to be passed by the House. Also John Collier is not speaking for us as the majority group. Still deplore his confiscatory proposed program on our properties illegally.

EUGENE YOUNGHAWK,
Chairman, Standing Rock Tribal Business Council.

Mr. CASE. On the Standing Rock Reservation the situation is one where the Indians voted to accept the Wheeler-Howard Act, but at a subsequent election they voted not to incorporate or accept a charter. The Cheyenne River group is one of the most highly organized tribes under the act. The Lower Brule people are highly organized under the act, and the Rosebud Reservation Indians are pretty well organized under the act. The Pine Ridge Reservation accepted the act and adopted a constitution, but they have not accepted a charter. The Pine Ridge and Rosebud are the two largest reservations. The Cheyenne River is third, the Standing Rock Reservation fourth, and the Lower Brule fifth in point of population.

Mr. SCHAFFER. Then, the Pine Ridge and Lower Brule Indians have voted to accept the Wheeler-Howard Act, but have not voted to accept a charter?

Mr. CASE. The Lower Brule Indians adopted a charter, but the Pine Ridge Indians did not.

Mr. SCHAFFER. Both of them voted to accept the provisions of the Wheeler-Howard Act?

Mr. CASE. Yes; both voted originally to do so.

Mr. SCHAFFER. Did the Pine Ridge Indians vote to adopt a constitution?

Mr. CASE. Yes; they adopted a constitution, but subsequent to that they voted on the question of a charter, and did not accept a charter.

Mr. SCHAFFER. Did they vote to reject a charter because of the provisions of the charter, or because this reservation was confused and decided that they did not want to come under the provisions of the Wheeler-Howard Act?

Mr. CASE. That, of course, would be a matter of opinion, but my own judgment is that a large percentage or a majority of the Pine Ridge Indians would not vote today to organize under the Wheeler-Howard Act. I might say in that connection that I can file many letters and correspondence on that subject. However, that is purely a matter of opinion.

Mr. SCHAFER. In any event, they have voted to reject a charter?

Mr. CASE. Yes.

Mr. SCHAFER. May it not have been an election in which the bureaucrats put on high pressure and controlled the election machinery? I suggest that because the result of the last election was in opposition to the Indian Bureau's program to bring them under the Wheeler-Howard Act.

Mr. CASE. That, of course, is a matter of opinion, and the only factual evidence is that in successive elections the vote has gone away from the program. There is great unrest on the Pine Ridge.

Mr. SCHAFER. I want to get some information with regard to it. I believe the record seems to indicate that, insofar as these elections are concerned, they are only one-way elections. In the first election, the Pine Ridge Indians voted to come under the provisions of the Wheeler-Howard Act, and then they voted to accept a constitution. Then, they voted to reject the charter. Now, if the Indian Bureau or some outside source could control the election, or interfere with the election, so that as a result of the original election they voted to come under the provisions of the Wheeler-Howard Act, certainly the same control could have been exercised in the election where they voted on the acceptance of a charter, could it not?

Mr. CASE. At the outset the Indians were very much confused, and a good many of them are still confused as to the full meaning and effect of coming under the act, as to the meaning of the incorporation under the act, or the powers and benefits under the act.

Mr. SCHAFER. That is generally true in any democracy. It is true of congressional elections, for instance. A great many people become confused. They vote one way at an election, and then 2 years later vote another way.

Mr. CASE. That is particularly true, I think, in a situation where you propose to set up a new system for Indians who have not fully become adjusted to the last new system given to them in the name of civilization. This much should be said, that the Indian's initial tendency, if he does not understand a thing, is to do nothing. He is inclined to stay at home and not vote. If he does vote, and is not fully satisfied with the proposal, his tendency is to vote no. So, in the case of this particular Pine Ridge Reservation group, the picture became more complicated to them, and when it came to the charter election, they were inclined to vote no. In addition to that, what they saw of the so-called law and order code the Pine Ridge Indians did not like and as they voted at successive elections, they became increasingly unfavorable to participation under the act. Now, at the same time, the fact is that the Pine Ridge Indians, because of not incorporating, have not had the benefit of the revolving fund or credit system which the act authorizes, and which is an inducement to come under the act.

Mr. SCHAFER. There are some benefits under the Wheeler-Howard Act?

Mr. CASE. Yes. The thing that has appealed to the Indians most has been the credit system or revolving fund.

Mr. SCHAFER. If Congress would provide sufficient appropriations to make the credit system and revolving fund work so as to give additional benefits to the Indians, it might result in quieting some of the unrest.

Mr. CASE. That might be but Congress should provide a credit system for them whether they have the Wheeler-Howard Act or not. Of course, Congress has never appropriated the full amount authorized for the revolving fund under this act. Also, it has been limited in its application to those reservations that are incorporated. I might say, in that connection, that a year ago, during the consideration in the House of the appropriation bill for the Interior Department for the present fiscal year, I offered an amendment which the House accepted. That amendment, as written, was legislation on the appropriation bill, but it was accepted without a point of order.

The amendment provided that money in the revolving fund should be available to the reservations that have accepted the Wheeler-Howard Act. It struck out the words that limited the funds to those that were incorporated under the Wheeler-Howard Act. Under my amendment, the credit system would have been made available to the Pine Ridge Indians, who had originally accepted the Wheeler-Howard Act, but had not been incorporated under the act. It would also have extended the credit system to the Standing Rock Reservation, which does not have access to the credit system at the present time. The Standing Rock Reservation voted to accept the act, but they did not accept either a constitution or charter. However, if my amendment had been accepted by the Senate, it would have made the credit system available to both the Standing Rock and Pine Ridge Reservations.

Mr. SCHAFER. You have given considerable time and study to Indian problems, and you have a considerable number of Indians in your State: Now, do you not believe that it would be a wise policy for Congress to extend or enlarge the appropriations for loans to Indians, so that these revolving loans could be made not only to cooperative organizations, under the Wheeler-Howard Act, but to individual Indians along the lines of the so-called Farm Security Act?

Mr. CASE. I certainly do. In fact, I introduced a bill in the Seventy-fifth Congress for exactly that purpose. I felt also that it should be possible for Indian groups of 10, if they wanted to, without regard to the entire tribe, to get loans if they wanted to form a stock association. That could take the form of an association like the white man's Production Credit Associations or a regular corporation. I might say, incidentally, my feeling is that some of the problems that have arisen in connection with this matter would be eliminated if the tribal organizations were on an incorporated basis rather than a community basis, and thereby give each Indian the rights and the protection of stockholders. The Sioux people, at least, believe in individual property rights. However, I had not expected to go into that phase of the problem in the 10 minutes' time allotted to me this morning.

There are one or two more points I want to make.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCHAFER. I ask that the time of the gentleman be extended for 5 minutes.

The CHAIRMAN. Without objection, it is so ordered. Mr. Case, you may proceed.

Mr. CASE. If this bill, S. 2103, were passed in its present form as a blanket repealer for these tribes of all sections in the act, regardless of any of the benefits claimed under the reorganization program, it would be a direct blow at what are known as Sioux benefits, which this

act did not originate. Sioux benefits are still payable on two reservations to Sioux Indians when they become 18 years of age if they meet certain conditions of eligibility. Under the original Act of 1889, to carry out the purposes of certain treaties and to settle the Sioux on farms, Congress provided for the issuance of certain livestock and implements to go along with the allotments of land. That was modified by subsequent legislation in 1908, 1928, and other years, changing the acreage of allotments and changing the benefits to payments in cash when they became 18 years of age if they had allotments of land. You understand that when a reservation had no more land to allot, Sioux benefits also stopped for those who were born too late. Now, the Indian Reorganization Act stopped allotments even where land remained to allot. It did protect Sioux benefits, however, by section 14, which specifically provides that Sioux benefits should be continued, but changing the basis for their payment. At that time, under the previous modification of the original 1889 act, Sioux benefits were payable on an allotment of 160 acres of land. Section 14 of the act of June 18, 1934, changed that basis to 80 acres.

That meant, then, the doubling of the number of Sioux benefits that would be payable. The land would go twice as far. When the land became exhausted on an Indian reservation, the Sioux benefits automatically stopped on that reservation; but on the Pine Ridge and Cheyenne River Reservations they still had land left. Consequently, on these two reservations there would be twice as many Indians who would be entitled to receive Sioux benefits. That matter is mentioned in the letter of the Secretary of the Interior to the Senate Indian Affairs Committee in the hearings, the letter from the Secretary, of June 13, 1939, which refers to the situation on the Pine Ridge Reservation. I quote:

Section 14 of the Indian Reorganization Act provided for the payment of Sioux benefits to the members of the tribe 18 years of age or over and otherwise eligible, until such time as the land available for allotment, 80 acres to the individual, should be exhausted. The land available on the Pine Ridge Reservation has been determined as sufficient to authorize Sioux benefits for 2,097 individuals and of this number 936 have received such benefits, leaving 1,161 separate benefits for others as they reach age 18 and are otherwise eligible. The elimination of the Pine Ridge Reservation from the provisions of the Indian Reorganization Act would deprive many hundreds of young people of Sioux benefits, approximately \$600 in each case.

That is to say, if S. 2103 should be passed in its present form, without any saving provision, it would cut in two this 1161, and it would mean only 580 Sioux benefits that would remain payable on the Pine Ridge Reservation.

Mr. SCHAFER. Were those benefits provided for under the Wheeler-Howard Act?

Mr. CASE. No; they go back to the act of 1889.

Mr. SCHAFER. If those benefits were not provided for under the Wheeler-Howard Act, how would the repeal of the Wheeler-Howard Act take away the benefits?

Mr. CASE. Because the repeal of the Wheeler-Howard Act would repeal section 14 which changed the basis of allotment. For example, if you had 1,600 acres left to allot on a reservation, and it was allotted on the basis of 160 acres, there would be 10 Indians receiving allotments, and consequently, 10 entitled to receive benefits. Section 14 of the Wheeler-Howard Act changed the basis of the theoretical allot-

ment of land to 80 acres, and, consequently, there would be 20 Indians receiving allotments on that basis, and there would be 20 who would get Sioux benefits.

Mr. SCHAFFER. What do you want done for the Sioux Indians? Do they want the 80-acre allotments provided under the Wheeler-Howard Act, or do they want the 160 acres provided before the Wheeler-Howard Act was enacted?

Mr. CASE. You see, they don't get the land; it has become tribal land.

The CHAIRMAN. The gentleman's time has expired.

Mr. SCHAFFER. I ask that the gentleman's time be extended 5 minutes.

The CHAIRMAN. Mr. Schafer requests that the time of Mr. Case be extended for 5 minutes. Without objection, it is so ordered.

(There was no objection.)

Mr. CASE. You see, they don't get the land; the land is not allotted any more and the value of having a theoretical allotment is, primarily, the value of getting Sioux benefits.

Mr. SCHAFFER. I see the point. Then the Wheeler-Howard Act did give the Sioux some benefits?

Mr. CASE. On those reservations where allotments have not been completed and theoretical allotments could be made, it doubled the number of Sioux benefits that could be obtained. That particularly benefited the Cheyenne River Tribe and particularly benefited the Pine Ridge Tribe.

Mr. SCHAFFER. And if you enact the Senate bill that has come to us, repealing the Wheeler-Howard Act with reference to the Sioux Tribe, then the Indians would have something taken away from them which they now have?

Mr. CASE. It would deny 580 Pine Ridge Indians their chance for Sioux benefits, and would also deny a larger number than that of the Cheyenne River Indians. Of the Cheyenne River situation, the Secretary on June 28, 1939, wrote:

The number of Indians who may receive the so-called Sioux benefits has been doubled owing to the provisions of section 14 of the act, which reduced from 160 acres to 80 acres the area of the allotment to which an Indian must be entitled in order to be eligible for the benefits. If the Indians of the Cheyenne River Reservation should now be excluded from the provisions of the act, a large number would be deprived of \$581.50 each, which is the present commuted value of the Sioux benefits.

Mr. SCHAFFER. So that, then, your Pine Ridge Indians apparently would not be in favor of the Senate bill which we have before us, in its present form?

Mr. CASE. Not in its present form. At least, if you pass that bill, you should put in some saving clause that would provide for protection of section 14, as it is called. And this is also true so far as the Cheyenne River people are concerned.

Now, having called attention to that, I hope if you adopt the Senate amendments, or do anything with regard to the act, you will at least keep in mind the protection of those Sioux benefits.

Mr. DAIKER. If I may interrupt, I somewhat hesitate to make this statement, but I think Mr. Case is in error in one respect. You say if this is repealed, there are some 580 on Pine Ridge that would not get it. As a matter of fact, I do not think any of them would get it,

because the allotment would have expired. I think they would all lose the Sioux benefits—not half of them, but all of them.

Mr. CASE. You think all of them?

Mr. DAIKER. All that do not hold allotments would lose the Sioux benefits. It strengthens your point.

Mr. CASE. Then it would be that much worse than I said. I had thought that the land, even though it be bad land, might be restored, that is, the allotment of the land would be made.

Mr. DAIKER. That would be the only condition under which they could get it—that is, the allotments would have to be made if this act is repealed; but, unless they got allotments, they would not get any benefits.

Mr. CASE. Then Mr. Daiker's comment does strengthen the conclusion I make, that you should protect the Sioux benefits.

The CHAIRMAN. Is Mr. Frank G. Wilson here?

Mr. CASE. He is president of the Pine Ridge Tribal Council, the organization under the act.

The CHAIRMAN. Is he here?

Mr. CASE. He is not here.

The CHAIRMAN. The chair has a letter from him, as president of the tribal council, in which he indicates that the Pine Ridge Indians would like to retain the Wheeler-Howard Act.

Mr. CASE. That certainly would be true for those that he represents.

I would like to ask permission of the committee to file some supplemental correspondence. I want to be fair to the Indians on both sides. Many of them have written me about this, but not expecting to testify this morning—

Mr. SCHAFER. I ask unanimous consent that the gentleman be permitted to file the data which he has just mentioned.

The CHAIRMAN. Without objection, it is so ordered.

(There was no objection.)

(The matter above referred to is as follows:)

Mr. CASE. Mr. Chairman, I submit herewith, sundry resolutions and communications sent to me by members of different Sioux reservations relative to the bill under consideration.

FROM THE STANDING ROCK

Favoring passage of exemptions

MCLAUGHLIN, S. DAK., June 12, 1940.

FRANCIS CASE, M. C.,
Washington, D. C.

As to hearing held on S. 2103 by Senate committee and now by House committee, the report and action taken by Senate is amply convincing to be passed by the House. Also, John Collier is not speaking for us as the majority group still deplore his confiscatory proposed program on our properties illegally.

EUGENE YOUNGHAWK,
Chairman, Standing Rock Tribal Business Council.

DISTRICT TRIBAL COUNCIL,
Bullhead, S. Dak., January 26, 1940.

Mr. FRANCIS CASE, M. C.,
Washington, D. C.

DEAR MR. CASE: In response to a telegram received by Lippert from John Collier, Commissioner, the tribe of this district voted overwhelmingly to exclude themselves from the benefits of the Indian Reorganization Act; this is the fifth

time they voted against the application of said act. The vote was taken today at a district council held at the community hall. We ask Congress that the Indian Office will not pester us any more but to have our exemption bill passed and enacted. About a dozen Indians, calling themselves the minority group, are very active to disrupt our wishes and desires. We hope no appropriation be allowed under the act for our tribe.

Very sincerely yours,

JAMES BEAR RIBS,
Chairman, District Council.

Attest:

EUGENE YOUNGHAWK,
Chairman, Standing Rock Business Tribal Council.

LITTLE EAGLE, S. DAK., *January 29, 1940.*

FRANCIS CASE,
House of Representatives, Washington, D. C.

DEAR MR. CASE: The Little Eagle District of the Standing Rock Reservation maintains its former position and wishes to be excluded from the provisions of the so-called Wheeler-Howard Act, and we support S. 2103.

Sentiment of the Standing Rock Tribe toward the benefits of the Wheeler-Howard Act is evidenced by the tribe rejecting the constitution and bylaws and charter at three different times.

Very truly yours,

BLACK HILLS CLAIM AND TREATY COUNCIL.

Approved by:

EUGENE YOUNG HAWK,
Chairman, of Tribal Business Council.

JOHN WHITE SHINE,
Local Chairman.

JOSEPH EAGLEMAN,
Local Vice Chairman.

FOUR DISTRICT COUNCIL,
Bullhead, S. Dak., February 3, 1940.

Subject: The Collier telegram of January 20, 1940, relative to the Wheeler-Howard Act; and seeking aid and advice as to sending a delegation to Washington, D. C., to represent the majority wishes of the tribe from C. T. Holm who was requested to attend council and was present.

Meeting presided by district chairman, James Bearribs.

Invocation by John Standingcloud.

Explanatory talks on purpose of the meeting were given by the chairman, and, first, Joseph Redbear, vice chairman district council; second, Eugene Younghawk, chairman Standing Rock tribal council; third, Willis Mountain, acting secretary.

Districts represented.—Little Eagle district: Abraham Buckley, John White-shield, Garfield Driver, Isadore Waters, Louis Loveswar, Joseph Eagleman, Louis Whitehorse, John Standingcloud. Wapakala district: John Tiger, Standing Rock tribal councilman; Martin Medicine, Standing Rock tribal councilman; and James McClean. Konel district: Joseph Badger, Standing Rock tribal councilman; Aloysius Blackcloud, Standing Rock tribal councilman; Paul Ironwing; and Maurice Shootsthebear. Bullhead district: James Bearribs, chairman district council; Joseph Redbear, vice chairman; Willis Mountain, acting secretary; Eugene Younghawk, chairman, Standing Rock tribal councilman; John Archambault, Standing Rock tribal councilman; and 40 other members including Dan Y. Harrings, former acting farmer.

Summary of talks and actions taken.—Reports by districts relative to Collier's telegram were that Bullhead district, Little Eagle district, and Wapakala district were still opposed to the Indian Reorganization Act benefits and have therefore sent in telegrams and letters to Senator Elmer Thomas and other Senators and Congressmen to have Standing Rock Tribe excluded from the benefits of the Indian Reorganization Act and furthermore since the minority group are striving now to send a delegation to Washington, D. C., to favor Collier's pet program it was the consensus of opinion by all who spoke were in favor of sending a delegation too to represent the majority sentiment of the tribe. Hence a telegram was sent to Senator Elmer Thomas to provide transportation for four delegates from the

majority side; reasons were numerous in sending a delegation especially the exemption bill. The four districts were unanimously in favor of G. T. Holm's talk by electing him as one of the delegates to represent the tribe before Congress.

Election of four delegates then took place as follows: Eugene Younghawk, Abraham Buckley, Willis Mountain, and James McClean for the Standing Rock portion of the reservation.

JAMES BEAR RIBS,
Chairman District Council.

MARTIN YELLOWFEAT POST, No. 232, AMERICAN LEGION,
Kenel, S. Dak., February 12, 1940.

FRANCIS CASE,
House Office Building, Washington, D. C.

MY DEAR CONGRESSMAN: I am 73 years old, and I believe that the new Indian Reorganization Act is our only salvation, and that it should never come to pass that we, the Standing Rock Sioux, be exempted from the act.

Yours sincerely,

FRANCIS MANY HORSES.

P. S.—I am enclosing copy of resolution adopted by our committee which is self-explanatory.

FORT YATES, N. DAK., January 25, 1940.

HON. ELMER THOMAS,
Chairman, Indian Affairs, United States Senate,
Washington, D. C.

HON. WILL ROGERS,
Chairman, Indian Affairs, House of Representatives,
Washington, D. C.

GENTLEMEN: There is a bill (S. 2103), exemption of certain tribes from the Wheeler-Howard Act, now pending in the Senate; and

Whereas the bill if enacted into law, we the Standing Rock Sioux Tribe on the Standing Rock Reservation will be affected and although we have not as yet completely organized under all the provisions of the Wheeler-Howard Act we have enjoyed many of its benefits, such as the following:

Lands acquired under funds appropriated under the Indian Reorganization Act

| | <i>Acres</i> |
|----------------------------|--------------|
| North Dakota..... | 1, 798. 54 |
| South Dakota..... | 1, 498. 64 |
| Total for reservation..... | 3, 297. 18 |

Unentered or relinquished homestead lands which reverted to the tribe under secretarial order of Sept. 19, 1936, as provided under the Indian Reorganization Act

| | <i>Acres</i> |
|----------------------------|--------------|
| North Dakota..... | 10, 583 |
| South Dakota..... | 117, 392 |
| Total for reservation..... | 127, 975 |

In every district there have been families assigned to lands purchased from Indian Reorganization Act funds, and, in some cases, to homestead lands which have reverted to the tribe.

Educational loans as provided under the Indian Reorganization Act, since 1935: Loans to 31 students for college and vocational schools; and

Whereas if said bill becomes a law we will be deprived of the above benefits; and

Whereas, the unlettered Sioux have been high-pressured into expectation of great sums of money if they exempt themselves from the Indian Reorganization Act by certain Indians and white people bent on further exploitation of our remaining properties; and

Whereas the opposition to the Reorganization Act have misconstrued the language of our constitution and bylaws and the charter and induced the unlettered to reject the said constitution and bylaws; and

Whereas we of the minority side of this question who are working to become self-sustaining citizens wish to be heard on this bill before enacted into law: Therefore, be it

Resolved, That we, the undersigned officers of the reorganization committee, representing the minority side of the exemption question, wish to go on record as opposing bill (S. 2103); and, therefore, be it

Further resolved, That copies of this resolution be forwarded to Senator Frazier, Senator King, Senator Chavez, Congressman Case, and Congressman Burdick.

JAMES REDFISH,
Chairman, Reorganization Committee.

JAMES BULLHEAD,
Vice Chairman, Reorganization Committee.

RALPH WHITE,
Secretary, Reorganization Committee.

FROM THE LOWER BRULE

LOWER BRULE, S. DAK., *June 16, 1940.*

Hon. Mr. CASE:

In reply to your telegram of June 10, 1940.

Just came back from Red Scaffold, to a Black Hills Sioux National Council on the date of June 11-14, 1940.

My opinion is that a hearing should be held. Look over your bill you had presented once before. We are not getting the full issues as stated in the Indian Reorganization Act of 1935.

THOMAS E. THUNDER.

FROM THE CHEYENNE RIVER

AGAINST PASSAGE OF SENATE BILL

CHEYENNE AGENCY, S. DAK., *June 1, 1940.*

Hon. FRANCIS CASE,

House of Representatives, Washington, D. C.

It is the wish of practically all mixed bloods, Cheyenne River Sioux, representing more than one-half the tribe, that you protest passage S. 2103.

ALLEN FIELDER,
Chairman, Local Indian Club.

CHERRY CREEK, S. DAK., *January 19, 1940.*

Hon. CHAN GURNEY,

Hon. FRANCIS CASE,

Washington, D. C.

DEAR FRIENDS: We the Siouxs of the Cherry Creek District No. 3, met in council at Cherry Creek, S. Dak., in the Federal Administration Building on January 19, 1940, and adopted the following resolution protesting against the inclusion of the Cheyenne River Sioux Tribe in the exemption bills Nos. S. 2103 and S. 2317, and in unison desire to strike out the Cheyenne River Sioux Tribe from these bills.

We feel that the Cheyenne River Sioux Tribe has made such progress under the Reorganization Act, that to bring them under the provisions of these bills Nos. S. 2103 and S. 2317 (if enacted) would be detrimental to their continued advancement, both economic and social. We are satisfied with the protection afforded by the present law, and feel that the passage of these bills including the Cheyenne River Sioux Tribe would hasten pauperism to a large percent of the Cheyenne River Sioux Tribe, and fitting them to an objectionable maniac, placing unwarranted burden on the economic and social structures of our county and State, which is ridiculously absurd at this time of depression.

Since the acceptance of the Reorganization Act the Cheyenne River Sioux Tribe have initiatively taken advantage of the opportunities of that act, and have entered upon a program of constructive social and economic enterprises. The most important and immediate material benefits which the bills, Nos. S. 2103 and S. 2317, would destroy (if enacted) would be our student loan fund of the act, and the future Sioux benefits of our children, which would deprive them of \$581.50, the present commuted value of the Sioux benefits.

We opposed to the exemption bills Nos. S. 2103 and S. 2317 as our inclusion did not originate from the majority that accepted the Reorganization Act. It originated from the unintelligent element in small minority. There is no need for such legislation for the Cheyenne River Sioux Tribe at this time, as majority are still incompetent and incapable of merging into the advanced white civilization.

This council now in session request you to file a copy of our protest and sentiment with the House Committee on Indian Affairs.

Very respectfully,

JAMES SWAN,
DAVID SWAN,

Committee in Behalf of the No. 3 District Council.

FOR PASSAGE OF THE EXEMPTION BILL

JUNE 8, 1940.

Whereas the Black Hills Treaty and Claims Council of the Cheyenne River Reservation has duly pledged itself to uphold and support the Constitution of the United States of America; and

Whereas the Black Hills Treaty and Claims Council of the Cheyenne River Reservation has appealed to the United States Congress for an exemption from a grievance (the Wheeler-Howard Act or Colliers' Indian Reorganization Act of June 18, 1934, and as amended June 15, 1935), as provided for in article I of the Constitution of the United States of America; and

Whereas the Black Hills Treaty and Claims Council deems the Indian Reorganization Act as unconstitutional and which has encroached upon our constitutional laws, subsequently our treaties and objectives; and

Whereas the Black Hills Treaty and Claims Council of the Cheyenne River Reservation and various Sioux Indians of the eight reservations and other tribes of Indians have appeared before the committees of Congress and produced oral statements, filed affidavits, complaints, and petitions, and many others which has not been stated to date, all bear witness and assert to facts from the experiences with the Indian Reorganization Act thereof; and

Whereas there is now before the House committee of the House of Representatives, a bill, S. 2103, to exempt certain Indians from the Wheeler-Howard Act or Colliers' Indian Reorganization Act of June 18, 1934, and as amended June 15, 1935; and

Whereas there is embodied in S. 2103 a bill, S. 2317, which is accompanied by the treaty of 1781 and consecutively to treaty of 1868 and C-531, section 1, section 2, sections 14 and 15 (see Pub., No. 383, 73d Cong.) and S. 001, by Senator Wheeler; and be it

Resolved, That the Sioux Indians of the Cheyenne River Reservation Black Hills Treaty and Claims Council declare and maintain that all the foregoing resolutions be respected and kept intact; and

Resolved, That these resolutions are intended as petitions to the Congress of the United States of America.

Arguments advanced against the Wheeler-Howard Act in general, can be summarized as follows:

1. Acceptance of the act changed the status of the Indians from that of involuntary wardship to voluntary wardship.

2. That the act provides for continued wardship of the Indians and gives the Secretary of the Interior increased authority.

3. The act is contrary to the established policy of the Congress of the United States, to eventually grant the full rights of citizenship to the Indians.

4. The act provides for only one form of government for the Indians, viz, a communal government, with all property, real and personal, held in common; and it compels the Indians to live in communities segregated from the rest of the American citizens.

5. The act itself and the administration of the act violates the right of citizenship which the Indians have won through long efforts.

6. That the Indians prefer to be under the jurisdiction of the laws of the respective States wherein they reside.

NOTE.—These resolutions were adopted June 8, 1940, by Cherry Creek District, signatures of chairman and secretary affixed thereto and approved by the Cheyenne River Reservation Treaty Council Chairman Edward Owl King or Two Bear on June 10, 1940. M. B. McWhirter, secretary.

CHERRY CREEK, S. DAK., *January 22, 1940.*

HON. FRANCES CASE,
House of Representatives, Washington, D. C.

DEAR SIR: The Black Hills Treaty and Claim Council of Cheyenne River Reservation representing the majority of adults of the Sioux Tribe, do hereby object to and disapprove of any factions or agitating reports or of any influencing intervention that may be actuated by the members of Collier's Indian reorganization against any resolutions, statements, or affidavits, now before the Congress of the United States in the name of the Black Hills Treaty and Claim Council of the eight reservations of Sioux Tribe; the said resolutions, statements, or affidavits have been approved of and resolutely passed on by the eight reservations of the said council.

The object of the above protest by the treaty council ensued out of a meeting held by the members of the Indian reorganization held here on January 19, 1940, for adverse reasons and according to Calendar No. 1094 and the remarks made by the Secretary of the Interior contained therein. The treaty council objects to a minor group actuating any intervention on the said resolutions, statements, or affidavits.

The tribal council does not understand the resolutions of the treaty council. It is understood by them that the exemption covers everybody, including the members of the Indian reorganization on this reservation. And that through the exemption, the reservation would automatically come under the State and become taxpayers as full-fledged citizens. On the other hand, the treaty council as you can understand by the treaty councils resolutions that it has voiced a desire to retain pre-New Deal status and to retain the promise made by Spotted Tail and upon this promise we want the trust periods to enable those who are eligible to become full-fledged citizens to do so, while those who are not eligible be allowed to retain the treaty rights. Therefore we deem the understanding of the Indian reorganization members as erroneous. Through exemption from the Indian reorganization we expect to stand aside from the practices of un-Americanism. And the treaty council also wishes to have section 1, section 2, section 14, and section 15 protected and that these articles be removed from the law of the Indian Reorganization Act and to accompany S. 2317.

This council wishes to have you watch out for these reports that will reach you from the members of the Indian reorganization who are against the exemption bill S. 2317.

Other particulars will be mailed to you later.

Let us hear from you. Thanking you in advance, we are,

Yours truly,

EDWARD OWL KING OR TWO BEAR,
Chairman Treaty Council, Cheyenne River Reservation.

JAMES J. BLACK,

Recording Secretary.

FROM THE PINE RIDGE TRIBAL COUNCIL AGAINST THE PASSAGE

MARTIN, S. DAK., *June 8, 1940.*

HON. FRANCIS CASE, M. C.,
Washington, D. C.

MY DEAR SIR: I understand the bill to repeal the Howard-Wheeler Act will be heard Monday, June 10, 10:30. I am writing this for you to report to the committee to await a delegation from the Pine Ridge Indian Reservation. If you still want to pass this issue just strike Pine Ridge out and pass us up, as we are satisfied with this law. Its better than anything we have had before.

The Oglala Sioux Tribal Council has been begging to be heard on the defensive side of this bill. There have been few Indians, like Blunt Horn and American Horse, who have been before the Senate investigating committee to make complaints against this issue. We have been asking for the opportunity to be heard in this case.

We know that great deal of talk has been done by the Honorable Chavez, of New Mexico. Maybe the things he refers to about the Navajo is right as it applies to those people.

I also know that certain Indians of this reservation are not fully in favor of this law for the reason as if checked will be shown that they have at some time committed offenses or served in pen. It is this type of Indians who are out trying to repeal the present law on the Pine Ridge Indian Reservation.

I have lot of proofs to present to the committee, but I am not doing it through a letter, as I have written you lot of letters which you did not answer in full. We want to appear personally and testify before the committee. W. O. Roberts wired today to the Indian Office to authorize a delegation to appear. Now Collier is not representing us on this matter we want grass root testimony on this repeal. I understand that American Horse through the State has already left. We want about five capable men to testify in this case before the committee contact the Indian Office for us at once.

Sincerely,

FRANK G. WILSON,
President, Oglala Sioux Tribal Council.

TREATY COUNCIL ASKS FOR PASSAGE

MANDERSON, S. DAK., May 23, 1940.

RESOLUTIONS ADOPTED BY THE BLACK HILLS CLAIM AND TREATY COUNCIL,
ASSEMBLED AT ALLEN, S. DAK., ON MAY 14-15, 1940

Whereas the Black Hills Claim and Treaty Council hereby, in behalf of the Indian people of the Pine Ridge Reservation, representing majority (3,742) signatures in council assembled, pledge its support to protect its rights under the Constitution of the United States of America.

[Bill S. 2103]

Be it therefore resolved, That we favor and endorse passage of bill (S. 2103) now pending in the House of Representatives. We urge each Member of Congress and appeal for its passage, for the welfare of the Indians of the Pine Ridge Reservation. Disregarding minority opposition by Collier's men or the Indian Bureau.

[Bill S. 3083]

Whereas there is proposed to the Congress of the United States, class legislation known as the Attorney General's bill (3083):

Resolved, That the Black Hills Claim and Treaty Council oppose the passage of bill (S. 3083), as such proposed legislation would establish a precedent that may constitute a threat to repeal the Jurisdiction Act of June 3, 1920, which the Indians and their attorneys have considered the most important feature of bringing about settlement of due compensations in Court of Claims, etc.

Resolved, That copies of this resolution will be sent to the President of the United States, F. D. Roosevelt; Senator Henry F. Ashurst, chairman of the Judiciary Committee; Hon. F. H. Case, United States Representative in Congress; Hon. Chan Gurney, United States Senator.

Be it further resolved, That this organization, incorporated under State charter, demand recognition and protection of their rights under the Constitution of the United States of America, and universal respect of their treaties.

Approved on May 23, 1940, by:

BENJ. AMERICAN HORSE,
Chairman of Black Hills Claim and Treaty Council.

Attest:

DAVID RED STAR, Sr.,
Secretary of Council.

FROM THE ROSEBUD

ROSEBUD INDIAN AGENCY,
Rosebud, S. Dak., June 18, 1940.

HON. FRANCIS CASE,

House of Representatives, Washington, D. C.

DEAR MR. CASE: This acknowledges the receipt of your telegram, dated June 10, 1940. I am very thankful for the information. The Indians are all excited over the news and are wondering why they are not invited there to give their side of the argument before the House committee and the Commissioner of Indian Affairs. Naturally, the Commissioner will avoid delegations going in for his own conveniences. The Indians should be given an opportunity to be heard, as they

are the ones getting exempted and not the Commissioner. However, I for one, would like to see it happen, exempting the Commissioner.

Inasmuch as the Rosebud Sioux Tribe is not on S. 2103, there is some danger of an amendment, including them on the bill. Even if the bill was not enacted this session of Congress, there are chances of exposing the conditions on the reservations under the Indian Reorganization Act, which will be of some benefit to the tribes and possibilities of changes in the future.

Most respectfully yours,

THOMAS A. FLOOD,
Secretary, Rosebud Sioux Tribal Council.

THE ROSEBUD SIOUX MOURNS UNDER THE AMERICAN FLAG

(By Bernard Flood, Okreek, S. Dak.)

The Rosebud Sioux Indians of Rosebud Reservation of South Dakota, just like any other nation of people, have their country's flag fluttering with the breeze over their lowly homes.

We sit in the scant shade of our tar-paper-covered shack watching the flag of our country idly flag in the hot, hot wind off the near desert of the last home to which we have been assigned. Inside this one particular shack rest the wife and five children of one Sioux who wonders what it's "all about".

Winter is coming and the two shell-like rooms will be cold, there is nothing he can do to prepare for that coming winter, an age-old instinct warns him to lay up a surplus of food while it is yet summer but every instinct is buried under the overpowering idleness forced upon this ward of a paternalistic government.

Many of his brethren have not even a tar-paper shack to call home, there are no horses for the gathering of wood, no cows for milk and meat, no implements with which to farm, if the land was fit to farm; a heart-broken future is all there is to look forward to.

This member of what is called a stoical race sheds tears in contemplation of what is before him and his family. His ancestors have been loyal to their conquerors, they have tried to become citizens, but it is hard to bow down your proud head and become a pauper and a beggar when you are only one generation removed from a chief of a proud nation.

Now, they are loyal citizens of the United States, proud of their American flag, to him it is sacred, worth living for and worth dying for. During the last war many of the young men of the Sioux left their homes and under the stimulus of their love for Old Glory they offered their lives in union with their white brothers for democracy. Many relatives of this one of which we speak offered their lives and some of those lives were sacrificed in that great cause. This man now faced with the near starvation of the coming winter was a sailor on one of Uncle Sam's great battleships.

A member of a great race, he looks with pride upon the achievements of this, his country. He remembers from the history books of the boarding school how George Washington and his brave soldiers freed this land from foreign dominion, how good Abe Lincoln freed the black race from that portion of the white race who would enslave them. The phrase, "With liberty and justice for all," still rings in his ears.

He has been educated to know and appreciate liberty and freedom—and then goes back to the reservation, to be shoved about, without the privilege of working like a man for his family, to be looked down upon as "inferior" and to lead a begger's life.

What wonder this man wonders, while the secret tears flow what the white man meant by teaching him the white man's definition for freedom. Does the American flag, that heroic symbol of liberty, mean liberty only to the conquerors and not to the conquered?

The Indian Bureau, with its totalitarianism, dictatorship form of government, has colonized the Indian on the poorest section of land in the United States and they must like it or else. The Sioux is crying, he sees no future for himself or for his children. Without a voice in what is being done to him he has no way to change his condition. All his being is invested in New Deal machinery, Indian Bureau without heart or soul.

After having been privileged to give his life for democracy he is denied the rights to that democracy, his rights are nil. He can eat, when he gets something

to eat, he can sleep, God knows there is little else to do, outside of that he is under bondage. His poor lands have been sold, when a good year comes and there is grass the white man brings in herds of cattle and eats up the grass. The Indian must keep quiet as he has no consent to give. Laws are made without his voice, without his knowledge, and he must obey. He is called an American Indian, the first American but if this treatment keeps up there will be some who will arouse and arouse others and then, perhaps, he will be called a "fifth columnist."

True, there is an Indian court, a group of picked men who toe the Collier mark, who do as they are told, they live well, but what of that great company who do not know what they are supposed to do to "get in" with the authorities? Shall they starve? Why can't all of them have a voice in governing themselves? Why has Collier been allowed to create such a political machine on the reservation?

Recently a meeting was held at the Rosebud boarding school to explain to the Indians the inner workings of the Wheeler-Howard Act. Superintendent Roberts instructed his reservation staff not to compel the Indians to vote either yes or no. They were to use their own judgment.

But the Indians did not have the proper instructions on how to make up their minds which way to vote. They were not told the significance of their vote and so were lax in using their rights. The better educated Indian is taught that to do as the white man says is the best for his own good and so he tries to teach the same philosophy to his brethren, somewhat to the brethren's inconvenience at times. The appropriations of money are spent right and left without reason and for unreasonable purposes, in the minds of the Indians. As a welfare worker in the service of the Government this Indian was compelled to spend money for unecessaries when he saw small children undernourished, underclothed, and to say nothing about the way they were housed. When there was enough money to have kept them in sufficient food they were left hungry.

Instead of trying to start a herd of cattle with which to keep him, honorably fed, he is forced to take a small dole of food and see it charged up to his expense and to know that he must pay it back some day and with what?

The Indian is helpless under this system, he is without incentive to do anything to better himself, he is without self-pride and in the hopeless depths of melancholy he sees himself sink deeper and deeper into a so-called slavery that is little better than the slavery of the pre-Civil War.

After spending countless thousands of dollars in trying to civilize the red man the Great White Father is now taking away the one privilege that the schools have taught him to appreciate, the privilege of governing himself.

Mr. SCHAFFER. I also ask unanimous consent that the gentleman be permitted to file, at this point in the record, his views with reference to a proposed substitute which I intend to offer to this bill. I will give the gentleman, Mr. Case, a copy of it.

The CHAIRMAN. Without objection, it is so ordered.
(The matter above referred to is as follows:)

MR. SCHAFFER'S PROPOSED SUBSTITUTE

AN ACT To amend an act entitled "An Act to define the election procedure under the Act of June 18, 1934, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of June 15, 1935 (49 Stat. 378), entitled "An Act to define the election procedure under the Act of June 18, 1934, and for other purposes," is hereby amended to read as follows:

"(a) It shall be the duty of the Secretary of the Interior to hold an election on the question of whether any Indian reservation shall be excluded from, or included within, the application of the Act of June 18, 1934 (48 Stat. 964), upon receipt of a petition for such an election signed by one-third of the adult Indians of the reservation.

"(b) The result of such election shall determine whether the said Act of June 18, 1934, shall apply, continue to apply, or cease to apply, to such reservation.

"(c) When any such election has been held, no similar election shall be held on the same reservation for a period of two years.

"(d) In the event that the Indians of any reservation, having voted that the Act of June 18, 1934, shall apply to the said reservation, have secured a charter of incorporation or adopted a tribal constitution under the said Act, such Indians may take such action as is required by law to annul such charter, to rescind

such constitution, and to discharge or liquidate all corporate or tribal obligations entered into pursuant to such charter or constitution, including, without limiting the generality of the foregoing, all obligations embodied in corporate or tribal loan agreements, trust agreements, leases of tribal land, permits, timber contracts, attorney contracts, land assignments, contracts for the acquisition of land, and contracts for personal services; and no election requiring the exclusion of any such reservation from the said Act shall be effective until the prescribed action has been taken and all obligations of the character specified have been discharged or liquidated and a proclamation by the Secretary of the Interior so declares.

“(e) There is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, a sum not to exceed \$20,000 in any fiscal year to defray the expenses of election held under this Act.

“(f) This Act shall not apply to any reservation in the State of Oklahoma or in the Territory of Alaska.

COMMENT BY REPRESENTATIVE CASE ON SUBSTITUTE AMENDMENT

Mr. CASE. Mr. Chairman, I have read the substitute amendment. It provides a way for exemption, but I am afraid the Indian will find it a long and difficult road. I am even more fearful that it will make the Indian tribes liable for offset claims for any money that may have been expended on their reservations, during the time the act was operative, even though comparable relief money is not charged against other tribes. And I see no protection for Sioux benefits which I discussed in my testimony before the committee. In support of my fears, I offer for the record two letters, one by the Secretary of the Interior, and the other by Maj. Ralph H. Case, attorney for the Sioux Nation.

(The letters follow:)

DEPARTMENT OF THE INTERIOR,
Washington, March 13, 1940.

Hon. FRANCIS CASE,
House of Representatives.

MY DEAR MR. CASE: I have your letter of February 21 referring to the action taken on February 19, when the Senate passed S. 2103, an act to exempt certain Indian reservations from the act of June 18, 1934. Since that action, the bill has been moved for reconsideration, and at the present moment is again before the Senate.

You ask what effect repeal of the Indian Reorganization Act would have on those Sioux reservations, Pine Ridge and Cheyenne River, where Sioux benefits are being paid—the payments at Rosebud, as you know, are practically completed. You also ask what effect such repeal would have on section 15 of the act, so far as Sioux claims are concerned.

Repeal of the Indian Reorganization Act would return the conditions obtaining before its enactment. The granting of Sioux benefits would not terminate entirely, since benefit payments were being made prior to the legislation, in accordance with previous law. However, the Indian Reorganization Act increased the number of Sioux benefit payments that could be made by adopting 80 acres as the standard allotment selection. This had the effect of adding to the number of persons who would have been eligible for allotments in proportion to the amount of tribal land. Of course, if further allotments were prohibited on the Sioux reservations, and it is conceivable that this would be the case, Sioux benefits would not be paid except to persons previously allotted and eligible under previous law.

Repeal of section 15 of the act would leave an Indian tribe liable for any benefits it may have received through the act, in the form of an offset equal to the amount of the money benefit expended in its behalf.

You probably know that on February 1, 1940, Senator Gurney offered an amendment to S. 2103 which would except sections 14 and 15 from the repeal action. This amendment has not been acted upon, so far as I know.

Sincerely yours,

E. K. BURLEW,
Acting Secretary of the Interior.

WASHINGTON, D. C., February 23, 1940.

HON. FRANCIS CASE,

House of Representatives, Washington, D. C.

MY DEAR MR. CASE: In reply to your letter of the 21st and your questions in regard to the effect of S. 2163 on Cheyenne River and Pine Ridge Sioux benefits I have the following to suggest:

Pine Ridge: The decision of December 18, 1936, allocated 979 individuals the right to allotment of 160 acres of land and these allottees were paid for that land. I doubt this land is subject to allotment now, therefore no further allotments can be made on Pine Ridge, hence no further Sioux benefit rights could possibly arise. All of those of the 979 who qualified for Sioux benefits have already been credited with the fund or their claims have been allowed, hence they are in the clear. A corresponding number, that is 979, heretofore were entitled to "Ghost Allotment" by reason of the 80-acre provision in section 14 of the Indian Reorganization Act. These would not at any time in the future have the qualifications necessary for the payment to them of Sioux benefit money. A few additional acres were computed in under section 14 and the 80-acre provision as "ghost allotment." The total loss on Pine Ridge would be 1,000 or more Sioux benefit payments.

Cheyenne River: I do not have the exact figures as to the unallotted area on Cheyenne River as of June 18, 1934. My recollection is there were unallotted some 400,000 acres; enough to allot 2,500 children.

Allotments were made up to the date of the Indian Reorganization Act and then stopped. Under the "ghost allotment" provision of section 14, 5,000 children became entitled to Sioux benefit, but only when they reached 18. The current Sioux benefit payments on Cheyenne River are those to children reaching the age 18 in each fiscal year. All newborns were allotted up to June 18, 1934, hence children entitled to the "ghost allotment" at the most are only 6 years old now.

However, should the act be repealed allotments would then be made to these children born since June 18, 1934, and would continue to be made with resultant Sioux benefits when they reach 18, but the allotment could be made to only 2,500 on the basis of 160 acres each and the other 2,500, which by the way have not yet been born, could never qualify. So for Cheyenne River the loss begins at some future date.

For Pine Ridge the loss occurs now.

Yours very truly,

RALPH H. CASE.

It will be noted that repeal of section 15, according to the Secretary of the Interior, would make an Indian tribe that withdrew subject to a demand for repayment of monies that would not be made of tribes who never organized or having organized continue. That certainly is not fair.

Presumably, all Indian tribes have received some form of relief during the past several years. Why should some of the tribes be asked to repay it while others are not? Such a situation will cause bitterness.

Already, the Indians feel that the so-called revolving loan fund provided in the Wheeler-Howard Act is used as a bribe to cause them to submit to certain Bureau regulations they dislike. If they are now told that it will cost them money to get out, they will once again feel that they have been betrayed.

Accordingly, it seems to me that either there should be an amendment which would permit the Indians to exclude themselves from certain sections of the act. In that way they could preserve their entitlement to Sioux benefits, revolving fund and educational loans, and protect themselves against claims for offsets on expenditures they did not seek or control.

Mr. SWEET. Mr. Chairman, may I ask the gentleman a question for my information?

The CHAIRMAN. Will the gentleman yield?

Mr. CASE. I yield.

Mr. SWEET. Because of my ignorance of the background of what you have been mentioning, Mr. Case, will you tell me what those Sioux benefits are, briefly?

Mr. CASE. Originally, the Sioux benefits were articles or implements, or livestock, to be used in the development of an allotment of land, and originally they provided—I cannot give you the exact items, but the result was a team of oxen, a wagon, harness, or other things like that, to be used in the development of land. As time went on, Congress, or somebody, determined, instead of actually issuing the articles, they should have a commuted cash value and the cash would be paid to the Indian in lieu of the articles. The value of the Sioux benefits is now computed each year by the General Accounting Office and varies a little bit each year. Sometimes it may be \$580 and sometimes \$590, but along in that neighborhood, a little under \$600 is the average each year since I have been familiar with it.

In conclusion, I may say that, fundamentally, I think matters like this are matters for the Indians themselves to decide. I have always felt it was poor legislative policy for the Congress either to force a jacket on the Indians, or to force a jacket off the Indians if they wanted to keep it on. My personal conviction is that these matters, as far as possible, should be determined by the Indians themselves and some provision should be made in the legislation, if a reservation decides that it wants to go out from under the Wheeler-Howard Act, for the liquidation of the contracts or obligations that may have been entered into by that tribe during the period it was operating under that act.

In general, then, my feeling is that the fair thing to do is to give the Indians themselves an opportunity either to continue under or to withdraw from the act, but to let them make the decision themselves.

Mr. SCHAFER. My proposed amendment, which I handed you and asked for your views on, was drawn for that specific purpose. It gives the Indians an opportunity either to come under the provisions or to get out from under the provisions of the Wheeler-Howard Act. And when you put your statement in the record, I would like to have you put in some suggestion as to how to handle that Sioux allotment proposition. If the Sioux Indians receive some benefits under that act, I would not want to have them vote to take away these benefits, if a safeguarding amendment could be put in. And, of course, naturally, there might not be any necessity to do that, because they cannot have their cake and eat it, too. They cannot come under the provisions of the Wheeler-Howard Act and receive the benefits and then renounce the Wheeler-Howard Act and only accept certain portions which they like.

Mr. CASE. Bear this in mind, that the act of 1934 did not start Sioux benefits. Also bear in mind that the reservations where the land was all allotted, their Indians, upon reaching the age of 18, do not receive Sioux benefits, and they are not concerned on this point. There are only a relatively small number of the reservations where the Sioux benefits will apply. And some Indians who are not familiar with the detailed sections of the bill are not necessarily aware of the fact that a repeal of the act would repeal section 14.

Just hastily scanning this preliminary draft here of your suggested amendment, I might say if this bill only amends section 2 of the act, I do not know that it would touch section 14 at all.

Mr. COLLIER. It amends the whole act.

Mr. CASE. It amends the whole act?

Mr. COLLIER. It amends the amendatory act, which extends the option of the Indians for 2 years to vote. This extends it permanently.

Mr. CASE. This amends the act of June 13, 1935?

Mr. COLLIER. Yes.

Mr. CASE. Instead of the act of June 18, 1934?

Mr. COLLIER. Yes.

Mr. SCHAFER. And, as a matter of self-government, it lets the Indians, if they so choose, come under the act, and lets them get out from under the act if they so choose.

Mr. CASE. Of course, section 14 of the act is not an integral part of the whole Indian reorganization plan; it is simply an additional section put in when passing the act. I do not think it has any effect at all upon the Indians' reorganization.

Mr. COLLIER. That is simply a matter of conclusion.

Mr. CASE. That is my conclusion, but Sioux benefits were provided 45 years before the Reorganization Act and they should be completed where allotments were stopped before the land was exhausted. Tribes organize or fail to organize under the act regardless of whether Sioux benefits are available to them. The same thing could be said of the section dealing with educational loans, and so forth. I do not think that the availability of educational loans should have anything to do with Indian reorganization.

Mr. SCHAFER. Will you repeat that last statement there about educational loans?

Mr. CASE. I do not think the provision which authorizes educational loans should have anything to do with the organization of the tribe, as an organized tribe under the Wheeler-Howard Act. We should provide an adequate system of educational loans for Indians as a sound part of Indian rehabilitation and treaty obligation and they should be available without regard to whether tribes organize under the act or not.

Mr. SCHAFER. Now, prior to the enactment of the Wheeler-Howard Act, were the same educational loans available to the Indians as was available subsequent to the enactment of the Wheeler-Howard Act?

Mr. CASE. No.

Mr. SCHAFER. Therefore, let us look at the facts and see whether we should take parts of it out and leave parts of it in. If the Wheeler-Howard Act is repealed, insofar as it affects these 77 tribes covered by S. 2103, we are not only going to take some Sioux benefits away from the Sioux, but we are going to take some benefits away from the entire 77 tribes.

Mr. CASE. I presume you will. I presume there are other sections of the act, if you are going to consider an outright repeal, that you ought to give consideration to.

Mr. SCHAFER. That is what I am trying to get at. I am very glad the gentleman brought that information to the attention of the committee.

The CHAIRMAN. Are there any further questions?

Mr. SCHAFER. That is all.

The CHAIRMAN. Does any other member of the committee have any questions? If not, we thank you, Mr. Case.

The Chair recognizes Commissioner Collier.

STATEMENT OF HON. JOHN COLLIER, COMMISSIONER OF INDIAN AFFAIRS

Mr. COLLIER. Mr. Chairman, inasmuch as this morning there is a shortage of witnesses, I take this opportunity to deal with just one thing which has been completely presented already by Mrs. Jemison—the charge of atheism or antireligion as being a policy of the Indian Service and, specifically, a policy and philosophy of my own.

The charge has been made consecutively across a number of years, and I should like to offer for the record a copy of a letter, which the Chair will certify, dated March 30, 1938, by Henry Allen, whom I previously identified, of Los Angeles. In that letter, he refers to an enclosure he is broadcasting. The enclosure is signed by Mrs. Jemison, on the letterhead of the American Indian Federation, and Allen says:

The matter contained in this open letter is pursuant to our program of cooperating with the American Indian Federation, for the purpose of killing any appropriation for John Collier's program and for the purpose of bringing about a repeal of the Wheeler-Howard Act.

In other words, Allen avers that this letter by Mrs. Jemison has been prepared pursuant to an arrangement between him and Mrs. Jemison. The first averment in that letter I will read:

Do you know that under the present administration of the Department of the Interior, the Indian wards in a Christian nation are being forced into a program of anti-Christian communism; that Christian activities among the Indians are being hampered and hamstrung and that no missionary can ask a child who is attending a Government-maintained school to accept the teachings of Christ?

I am going to show you that that statement is a complete, comprehensive, categorical falsehood. It has been proved false on every occasion and in every place, including hearings of this committee in the early years, and including the Senate committee hearings; but the American Indian Federation people go right on making it.

Mr. SCHAFER. Whose statement is that?

Mr. COLLIER. This is Mrs. Jemison's statement, prepared, according to Henry Allen, for him to circulate, which he did circulate. It could be duplicated 100 times in statements by Mrs. Jemison, O. K. Chandler, Bruner, and that group, that I am an atheist; that I am impressing upon the Interior Department a policy of "Christ mocking," one of their favorite words. They have gone on saying this, in spite of the categorical disproofs.

(The letter above referred to is in full as follows:)

AMERICAN WHITE GUARD, DIVISION HEADQUARTERS,
Los Angeles, Calif., March 30, 1938.

DEAR MR. CURTIS: Under separate cover I am expressing to you by railway express a package containing 2,000 handbills which I hope you will be able to distribute in San Diego. If possible we hope you will be able to put these out in the following manner:

Select five of the buildings which have access to the roof so that your distributor can throw over onto a sidewalk below an untied package containing these handbills. The wind will do the rest.

I trust you will be able to procure a suitable number of men or women qualified to perform this service. Each one could be given a package containing approximately 300 each.

Received the envelope containing your handbill ("Traitor") and must say it was excellent. These were all put out.

I am enclosing herewith some open letters which issue from the American Indian Federation and I will ask you to see that these are placed in proper hands.

The matter contained in this open letter is pursuant to our program of cooperating with the American Indian Federation for the purpose of killing any appropriations for John Collier's program and for the purpose of bringing about the repeal of the Wheeler-Howard Act. As you will note, actions in Congress on the matter of appropriations will probably come up on April 1, hence the necessity for getting these out quickly in order to stimulate the flow of telegrams in the proper direction.

With kindest regards and best wishes to both you and Mrs. Curtis, I am,
Most sincerely yours,

HENRY ALLEN.

P. S.—I have more of these if you need them.

(The following notation appears in pencil at top of letter:)

(Distributed through the German-American (Nazi) Bund)

THE AMERICAN INDIAN FEDERATION

NONSECTARIAN AND NONPARTISAN

Washington office, 638 C Street NE.

WASHINGTON, D. C., March 23, 1938.

To Americans:

As an American citizen, you are part of the guardianship which is maintained over the Indian wards of the United States. Your Senators and Congressmen control that guardianship. Your money is spent to administer it.

What do you know about it?

Do you know that under the present administration of the Department of the Interior, the Indian wards of a Christian nation are being forced into a program of anti-Christian communism; that Christian activities among the Indians are being hampered and hamstrung; and that no missionary can ask a child who is attending a Government-maintained school to accept the teachings of Jesus?

Do you know that the educational program of the Indian Bureau was imported from Mexico where all teachers must sign a pledge to be actively antireligious; that teachers employed by the Indian Bureau have been and are being encouraged to spend their vacations in Mexico to study the Mexican school system which the present Commissioner of Indian Affairs considers "almost the most perfect in the world"?

Do you know that the Indians themselves have been opposing this program to the best of their ability for the past 4 years; that Indians are being deprived of their rights of free speech, free press, and free assembly; that Indians are being arrested, convicted, fined, and jailed without benefit of trial by jury or representation by counsel in courts which the Indian Bureau maintains without authority of law; that Indians are being coerced, intimidated, beaten, and starved into submission to this program and some have died of starvation; that Indians, individually and collectively are being deprived of title to their property and the right of private enterprise; that tribes of Indians are being stripped of their tribal funds and resources to promulgate programs of collectivist production which are operated by the Government; and that Indian children are being educated to be atheist Communists?

Do you know that the entire program of the present Indian Bureau regime, legislative, administrative, and educational, was designed and is being administered by people who have been actively associated for a long period of time with atheists, anarchists, Communists, and other radical subversive forces in the United States and that the condition of the Indian wards today, mentally, physically, and spiritually, is the worst it has ever been in the history of this Nation?

Do you know that more than \$223,000,000 of your money has been appropriated and allocated to the Indian Bureau to promulgate this anti-Christian and un-American program during the past 5 years?

Your Senators and your Congressmen are appropriating this money over the protests of the Indians. The American Indian Federation has opposed these appropriations for four sessions of Congress. In 1937 the federation testimony given before the House and Senate Appropriation Committees was printed into the record. In 1938 federation testimony given before the House Appropriations Committee was not printed into the record, and to date, the Senate Appropriations

Committee has not granted the Indians an opportunity to be heard in opposition to the appropriations for the Indian Bureau.

The American Indian Federation is opposed to the appropriation of one penny for the Indian Bureau until John Collier, Commissioner of Indian Affairs; Allen G. Harper, Special Assistant to the Commissioner, Dr. Willard W. Beatty, Director of Indian Education; Nathan R. Margold, Solicitor for the Department of the Interior; Harold L. Ickes, Secretary of the Interior, and all other radicals now employed in the Department of the Interior are removed from the positions of public trust which they occupy in the Government of the United States. This Indian protest has been made a matter of written record in the 1936, 1937, and 1938 sessions of Congress.

Do you want your money spent to continue this program? As an American, are you willing to accept responsibility for maintaining this kind of a guardianship over your wards? If not, please come to the aid of the Indians, who have been opposing this program since 1934, by writing now to your Senators and Representatives to oppose all appropriations for the Indian Bureau until the above-named people are removed from public office. Within a short time, about \$38,000,000 more is to be appropriated for the Indian Bureau in the 1939 appropriation bill for the Department of the Interior. The bill will soon come before the Senate for consideration.

As individuals or organizations, or both, will you please wire your Senators now about this matter and follow it up with a letter.

Respectfully submitted,

THE AMERICAN INDIAN FEDERATION,
Per ALICE LEE JEMISON, *Washington Representative*
of Joseph Bruner, *National President, the American Indian Federation.*

Now, I want to read something which has been widely circulated and which, among other documents, is in the possession of Mrs. Jemison, because she gets all of our documents. These are words used to the graduating class of the Bacone College, which is a Baptist missionary college attended by Indians, and in some ways the best Indian educational institution in existence. These were my words:

And now I shall venture to say something which may not seem appropriate as coming from the Commissioner of Indian Affairs.

Among the world forces with which you are in contact here at Bacone is the religion of the white race, now for most of you your religion too. That light which streams from 2,000 years ago—from the impenetrable, awful mystery, hidden by the remote historical veil yet nearer to us than our own limbs—was kindled for you as truly as for the Galileans, the Greeks, the Romans, or the Celts. Being the Spirit itself, that light never changes, never need change through all the times and worlds, but again, being the Spirit, it penetrates and merges itself with all the forms of life, all the dreams of life, all the passions and loyalties, and seems—indeed, surely is—inwardly native to all the races, all the cultures, all the “many mansions.”

I want to offer that whole page for the record.

The CHAIRMAN. What is the date of this?

Mr. COLLIER. The title and date are “Talk to the students of Bacone College, Oklahoma, by John Collier, Commissioner of Indian Affairs, March 22, 1934.”

Mr. SCHAFER. I ask unanimous consent to incorporate that in the record.

The CHAIRMAN. Mr. Schafer asks unanimous consent that the material referred to be incorporated in the record. Without objection, it is so ordered. (There was no objection.)

(The matter above referred to is as follows:)

And now I shall venture to say something which may not seem appropriate as coming from the Commissioner of Indian Affairs.

Among the world forces with which you are in contact here at Bacone is the religion of the white race, now for most of you your religion, too. That light which

streams from 2,000 years ago—from the impenetrable, awful mystery, hidden by the remote historical veil yet nearer to us than our own limbs—was kindled for you as truly as for the Galileans, the Greeks, the Romans, or the Celts. Being the Spirit itself, that light never changes, never need change through all the times and worlds, but again, being the Spirit, it penetrates and merges itself with all the forms of life, all the dreams of life, all the passions and loyalties, and seems—indeed, surely is—inwardly native to all the races, all the cultures, all the “many mansions.”

Why am I perhaps justified in making this reference when speaking to you? It is because religious-mindedness is one of the most universal and emphasized traits of your Indian race; and the cultivation of first-hand, personal, truly original religious experience has been—across thousands of years—the controlling aim of the disciplines and institutions of many of your ancestral tribes. And for this trait, more than for any other, the present-day American world needs you, and present-day Christianity needs you. For reasons which are in the nature of things, socially and economically speaking, religion has come to run thin in our general white and American life. Not forever, but for a while, the supreme Light of the World is filtered through such complexities of a possessive society and reflected through such distorting mirrors of doctrines of prudence, force, and external control, that it seems often to be a mere picture of a light or a mere recollection of a picture.

Bring your native endowment to the renewal of religion. Bring your native expectation that suddenly, though after long distress, in your waiting soul the light shall blaze. Keep that almost adoring relationship, which has been peculiar to your Indian race, to earth, to creatures and things and the air and sky. Seek, if you do not already possess it, that added hunger for the Mystical Rose, the Christian gift of universal compassion and of the beyond-earth, the vision “whose wings are shaken in intensity of fire beyond the years, beyond the tomb.” Do this as Indians, dearly reverencing and loving your own racial genius; and so you may become agents of the renewal of the Spirit.

Mr. COLLIER. I next offer a document that has been very widely circulated, and which was incorporated in the hearings of the Senate committee, which Mrs. Jemison brought here the other day. This document was prepared in 1936 at the request of the Oklahoman Indian magazine called *The Tuskahoman* and its title is “The Policy of the Office of Indian Affairs on Religious Liberty Among Indians.” It has been available for continuous circulation ever since and it describes the past attitude, and the present attitude and practice of the Department.

The CHAIRMAN. The Chair asks unanimous consent that the document mentioned be printed in the record at this point. Without objection it is so ordered.

(The document follows:)

THE POLICY OF THE OFFICE OF INDIAN AFFAIRS ON RELIGIOUS LIBERTY AMONG INDIANS

(Letter from John Collier, Commissioner of Indian Affairs, to Mr. Ben Dwight, Editor of the *Tuskahoman*, Stroud, Okla., February 19, 1936)

OFFICE OF THE COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C., February 19, 1936.

Mr. BEN DWIGHT,
Editor, The Tuskahoman,
Stroud, Okla.

DEAR MR. DWIGHT: I am very glad to have your inquiry, because it provides a legitimate occasion for me to state that many things recklessly untrue have been circulated with respect to the policies of this administration toward Christian work among Indians. Reckless untruths have been circulated also concerning my own personal religious beliefs.

I use the characterization “untruths” thoughtfully. Nothing said or left unsaid, nothing on or off the record, provides even a specious foundation for many statements which persistently have been circulated.

It has been asserted that the regulations of the Department dealing with religious instruction in Indian schools have as their object the forbidding of religious instruction, and consequently I shall discuss this matter in detail.

The general policy of the Indian Office concerning religion is stated in Office circular of January 3, 1934, entitled "Indian Religious Freedom and Indian Culture," and is therein summarized as follows:

"The fullest constitutional liberty, in all matters affecting religion, conscience, and culture, is insisted on for all Indians."

This injunction to the Indian Service is in harmony with the first amendment to the Constitution of the United States, which provides that "Congress shall make no law respecting an establishment of religion, and prohibiting the free exercise thereof." As public officials who have sworn to uphold the Constitution, and as Americans who believe utterly in the ideal of freedom of conscience, Secretary Ickes and I felt compelled to issue the order from which the above sentence is quoted. We did so because we discovered that the Indian religions and the free choice of the Indians in religious matters were not given this constitutional protection. We found, for example, that Indian children in the Government schools were subjected to compulsory denominational instruction, not through parental choice but by official coercion. School teachers were required to exact attendance and to maintain discipline at purely religious meetings. Physical persecution against the Indian religions has been indulged in from time to time, down to very recent years. Our present policy is to give to the Indians the same rights that other people in the country have, and have had, without question.

Regulations dealing with religious worship and instruction, approved January 15, 1934, applied this general policy to the religious training of Indian children in Government schools. While we sternly insist that coercion shall be eliminated, we are going much further than previous administrations in cooperating with the denominations in placing the Christian invitation on a voluntary basis. The heart of these regulations is contained in the following paragraphs:

"Any denomination or missionary, including any representative of a native Indian religion, may be granted as a privilege the use of rooms or other conveniences in the buildings or premises of boarding schools, on condition that there are pupils who, by parental choice or by personal choice if the pupil is 18 years of age or over, request the services of such missionary or denomination."

"Any child at an Indian Service day school upon written request of his or her parents, knowingly and voluntarily given, shall be excused for religious instruction, including instruction in the native Indian religion, if any, for not more than one hour each week."

These regulations further direct employees "to cooperate with the missionaries by encouraging and facilitating attendance at the specified religious services," forbid compulsion upon the children, and proselytizing, and also direct that employees shall not be compelled to teach at Sunday school.

It is this administration which introduced the general policy into Indian day schools of releasing children during school hours for religious instruction. The extent to which we have gone is instantly grasped when the Office regulations are compared to the general practices in other tax-supported day schools. Only a relatively few of such institutions release children during school hours for religious instruction.

Allow me to call your attention to a bulletin of the Office of Education, issued in 1933, entitled "Week Day Religious Instruction," which describes the situation in those public school systems which release children during school hours for religious training. Of 2,043 systems studied, less than 11 percent reported cooperation with the churches by releasing pupils on school time. Even those school systems which cooperated in this movement did not generally release pupils from both the elementary and high-school grades. Only about one-fourth released high-school children during school hours for religious training. It is interesting to note, from figures available, that only about 38 percent of all the children in the elementary schools are released from school for religious training.

This bulletin also points out that in the public schools, children are released for religious instruction "only on written request of parents," and that attendance at such services is not compulsory.

In contrast to the relatively few public schools releasing children during school hours, the Government's Indian day schools without exception will release children for religious instruction during school hours, on request of parents. All boarding-school officials cooperate by making necessary arrangements for religious instruction of the children whenever parents make written request for such instruction.

The question naturally arises: Why the distorted and unfair criticism of these regulations? The answer is plain. In the past, Indian religions were persecuted and Indian school children were forced to attend denominational services in utter disregard of the constitutional guarantee of religious freedom. A basic governmental principle of complete separation of church and state was openly flouted by the Indian Bureau, which boldly supported a complex interdependent relationship of the Indian Service and various missionary bodies.

A letter of Mr. D. M. Chase, a missionary to the Indians at Lovelock, Nev., analyzes the objections of some of the critics of the present policy as follows:

"A great deal of the discussion of the new Indian policy reveals a patronizing attitude on the part of the writers toward the Indians. It is constantly assumed, even by otherwise generous-minded persons, that Indians should have no right to religious choice. I am compelled to include our editor in this category because he has constantly assumed that a policy of giving Indians free choice is equivalent to denying them Christianity. (Incidentally, do we really have so little faith in our religion as to feel an injustice has been done if the Government does not force it upon the Indians?)

"The attitude of Mr. Ickes and Mr. Collier is not that of partisan promoters of Christianity. Such attitude would be perfectly proper on the part of a Christian editor or minister, but quite improper on the part of administrators of Indian affairs. However much they may be personally committed to Christianity, they could not properly pursue the partisan policies requested of them by the critics. Now I do not really believe the editor wishes to be unfair. Yet the policies he objects to are nothing more than a neutral attitude toward the Indians' religion. The constitutional right of free religious choice may not have been respected in the past. When Ickes and Collier now maintain that right they are called enemies of the Christian faith, and are charged with being determined to paganize the Indian."

The Department's position and my own has been the reverse of negative in this matter of cooperation with the denominational bodies. A single example is here mentioned. Upon our, and in fact, upon my personal initiative, Congress last year adopted the policy that gratuity moneys could be used to pay for the physical care of Indian children in private, including denominational, institutions. This enactment has greatly broadened the possibility of a discriminating and united action between the Department and the missionary bodies. Congress did not act upon the initiative of any missionary body, nor did I act upon the pressure or even the initiative of any of them. The action was taken because the Department thought and because Congress thought that a better systematized use ought to be made of the private and denominational schools in behalf of the Indian children, and because we wished to remove superficial handicaps under which these institutions have labored in contrast to the better-financed Government schools.

It has been stated that I am and the present administration is hostile to the Christian religion because we recognize liberty of conscience for Indians who profess religions other than the Christian. Again we are back upon the Constitution, and the indictment should be leveled against the framers of the Constitution. Liberty of conscience in America never was meant to be liberty only for those who profess Christianity. Long before the Constitution was drawn, the matter was sufficiently stated by Roger Williams, and I quote his words: "True civility and Christianity may both flourish in a state or kingdom, notwithstanding the permission of divers and contrary consciences, either of Jew or Gentile."

Going further, I consider that our policy toward the native Indian religions should be a positive one—not less positive than in the case of Christian religions. There exist Indian tribal religions which have been forged out through thousands of years of striving and endurance, and of search for truth, and which contain deep beauty, spiritual guidance, consolation, and disciplinary power. These native religions, on their side, do not contend against Christianity. Indeed, it is worth pointing out that in no instance, to date, has a native Indian religion, through any spokesman, asked for the provision of facilities or encouragement by the Government. But should one of the native religions make such a request, out duty would be clear. Within the limits of the regulations, we should cooperate.

Finally, persistent innuendo and even direct statement have been circulated to the effect that I personally am hostile to religion and am alien to the Christian religion and am an "infidel," "atheist," and other such epithets. No facts have ever been cited; the statement simply has been made, and made persistently. It has been made although I have written extensively on these matters and although my writings are accessible. It suffices here merely to declare that the

statements are false and without any basis, and that the facts are exactly the opposite from the statements.

I repeat that I am grateful to you for sending me your inquiry. I am glad to supply my answer although I know in advance that sentences will be lifted out of their context by some critics and will be used to further misrepresent the policies which I have defined.

Sincerely yours,

JOHN COLLIER, *Commissioner*.

Mr. COLLIER. I merely refer to one item to which I particularly invite the committee's attention:

As we all know, in American public schools, religious instruction, using the school building and taking place in school hours, is generally not permitted. That is why parochial schools are established by some of the denominations. It is a rather fundamental American tenet not to teach religion in the schools; at least, not to have missionaries coming into the schools, or ministers. The exception that we find among governmentally supported institutions are the Indian schools. In them, and I think in them alone, definite provision is made for missionary work to be done in the schools and during school hours.

Mr. WHITE. Would it be in order to ask a question now of the Commissioner?

The CHAIRMAN. Does the Commissioner yield?

Mr. COLLIER. Yes.

Mr. WHITE. Mr. Commissioner, as long as the Indian Affairs Bureau has a policy of not permitting religious instruction in the Indian schools maintained by the Indian Department, I am wondering what policy has been worked out to inculcate in the Indians the principles of Christianity, the Ten Commandments, and the fundamentals of dealing one with another—the Golden Rule, and things of that kind. Is there any thought in the policy of the Bureau of Indian Affairs, or any provision made for giving non-sectarian Christian fundamentals and Christian principles?

Mr. COLLIER. The Congressman evidently did not hear what I was saying, which was that it is the policy and the practice to have religious instruction given by ministers and missionaries in the Indian schools; that they are the only governmentally supported schools where it is the practice and policy, and where it is done.

Mr. WHITE. Well, there are a great many schools where Indians are educated without that, are they not?

Mr. COLLIER. If that is so, it is because the missionary has not arrived and has not presented himself. I am referring to the Government's Indian boarding schools.

Mr. WHITE. Then it is up to the initiative of the Indian to impart those high principles of civilization and Christianity that we find?

Mr. COLLIER. Oh—

Mr. WHITE. I want to get to the policy of the head of the Indian Department, who happens to be testifying here at the moment.

Mr. COLLIER. That is exactly what I am endeavoring to explain. I am dealing with the allegation that we do not allow missionaries to have any contact with Indian children in the schools—that is the allegation, and that we do not do it because I am an atheist. I have denied, first, that I am an atheist; secondly, I am proceeding to explain that we do allow and invite the missionaries to have contact

with the Indian child in the school. And I want to go a little further at this point—

Mr. WHITE. I will yield now, but I want to interrogate you further on that point.

Mr. COLLIER. I am not dealing with ethical education in general now, but a specific matter—the religious instruction of Indians in schools.

Mr. SCHAFER. Do you have churches on the reservations?

Mr. COLLIER. Oh, yes; we have churches on nearly all of the reservations, but those outside—

Mr. SCHAFER. I mean on the reservation.

Mr. COLLIER. Oh, yes.

Mr. SCHAFER. There are churches where people can go to, Indian children and adults, if they so desire?

Mr. COLLIER. Oh, yes.

Mr. SCHAFER. Here is another thing: But, as a part of the course, you do not teach any specific religion, do you?

Mr. COLLIER. We do not teach it.

Mr. SCHAFER. In fact, in the public schools in my State, and throughout the country, if we were to teach religion, we would run into pretty deep waters.

Mr. COLLIER. But there is a special situation in connection with the Indian boarding schools, which excepts them, which has been taken into account by the prior administration and by our administration; that is, the child is continuously in a boarding school over a long period of time, and in most cases his family is affiliated with one or another denomination, so that we have adopted the policy that, where the parent desires it, the missionary of his choice or any minister of his choice may come into the school and may give teaching to the child during school hours. We think that is proper, because the child is continuously in school and, if it were not done that way, then we would be expected to do the quite impossible thing—to assume, ourselves, officially, the responsibility of teaching him in Methodism, or Catholicism, or what you will.

Mr. SCHAFER. But you do not have in the Indian schools any course on religion?

Mr. COLLIER. No.

Mr. SCHAFER. Similar to a course in grammar, English, or spelling?

Mr. COLLIER. We merely welcome the minister or missionary and provide the facilities, and release the child, on the parent's request, to him. We do not allow that missionary to go and teach the children of other denominations than his own, without the consent of the parents.

Mr. SCHAFER. You could not very well do that with all religions. If you did, you would have a fight on your hands all of the time.

Mr. COLLIER. We would have a very confused situation, and a very improper situation, if we did.

Now, I want to go further. When I came into office, a situation of some difficulty existed. There was a large number of mission schools receiving Indian tribal funds for their support, subsidized by Indian tribal funds. That condition existed in spite of earlier statutes, the statutes of June 7, 1897, and March 2, 1917, which forbade the use of any funds in the Treasury for sectarian teaching. In the

earlier regime, the law was evaded by having individual Indians sign up that their share of the tribal fund could be used, even though the tribal fund had never been individualized. It created an embarrassment for the churches. They were in the shadow of receiving the money illegally, and they were put under obligations to the Department. I laid the entire situation before the Appropriations Committee and proposed language that would allow any funds, gratuitous or tribal, that Congress might allow, to be paid for the physical care of Indian children in sectarian or private schools—for their physical care. Under that arrangement, we have been able to go forward, with congressional authority, openly and properly, using tribal and gratuity money for the physical support of Indian children in missionary institutions.

Mr. WHITE. As a matter of fact, then, the law was amended along the lines you suggested?

Mr. COLLIER. The law was amended along the lines I suggested in such a way as to relieve the church groups of the embarrassment, the danger, of being interfered with by injunction, and obtaining a straightforward congressional sanction of the use of public funds to help the sectarian schools.

Mr. WHITE. You say "to relieve the church." You mean to relieve the schools dedicated to training Indian groups?

Mr. COLLIER. I merely mean this—this was not proposed by any Indian groups, but was proposed by me, because I wanted to be sure of public support of these excellent denominational schools.

Mr. WHITE. Those sectarian schools you referred to existed many, many years ago, long before civilization penetrated that country?

Mr. COLLIER. Yes.

Mr. WHITE. And this training in the ideals of Christianity and civilization was brought to the Indians by those schools?

Mr. COLLIER. That is correct. I merely mention this for the record, that subsequently to this arrangement the House Appropriations Committee developed a rather hard-boiled attitude, and we have the picture of this "atheistical" Commissioner endeavoring to persuade the House committee to allow larger funds for use in the mission schools and their refusal to do so.

We would like to extend that type of support to a good many other sectarian schools, because we have not the funds to take care adequately of the population that can benefit by boarding schools in certain areas.

Mr. SCHAFER. If any of those Indians want to follow their own religion, which they followed prior to the time the white man drove them off of their property and put them into concentration camps called "reservations," the Department does not try to interfere with them?

Mr. COLLIER. No; that is an element I was going to come to, but I am limiting myself now to a discussion of the teaching of religion in the schools and denying the allegation that I do not permit it.

Mr. WHITE. It is more or less permissive on the part of the Bureau of Indian Affairs; it is not mandatory? They are permitted to embrace any religion?

Mr. COLLIER. Any religion they want to.

Mr. WHITE. And then you have certain rules which permit religious teaching?

Mr. COLLIER. I will offer for the record the regulations dealing with the matter, which are simply that, where the parent so desires, the missionary may come into the boarding school and take the child, during school hours, for instruction; also, our own employees have authority to run Sunday-school classes.

The CHAIRMAN. The Chair asks unanimous consent that the regulation referred to be printed in the record at this point. Without objection, it is so ordered.

(The matter referred to follows:)

REGULATIONS FOR RELIGIOUS WORSHIP AND INSTRUCTION, AMENDMENT NO. I

Paragraphs 129 to 144, both inclusive, of the Regulations for Indian Schools, approved January 30, 1928, are hereby rescinded and the following rules and directions substituted in lieu thereof

In the long history of the Indians' relations with the white men, missionaries have furnished a contribution of good, possibly greater than that of all the governments.

The missionary's work is usually carried out among a group of Indians, whether on a reservation or in a school, whose religious allegiances are not one but several. Complete homogeneity of religion is the exception among Indian groups. Hence, careful planning, with self-restraint and mutual forbearance, between the missionaries and the Government employees, and between all of the white elements and the Indians themselves, is necessary to the greatest usefulness of the missionary endeavor.

The following precepts and regulations deal exclusively with the Indian schools. Inasmuch as the varied situations require practical judgment, and mutual tolerance and individual self-restraint, the items which follow are not set down as immutable requirements or limitations, but they are to be adhered to in spirit by all employees of the Indian Service, and they are to be enforced in letter unless a modification be granted in a particular case after correspondence with the Office.

(1) Indian schools are supported from funds raised by general taxation or from trust funds administered by the United States as guardian in behalf of the entire membership of the tribes, and attendance is compulsory.

Subject to the necessary qualifications indicated below (2) the controlling principles respecting sectarian or religious activity in the Indian schools are identical with the controlling principles respecting the identical matters in tax-supported schools for others than Indians.

(2) There is, however, a distinction of practical moment, due to the residential feature of the Indian boarding schools.

(a) Any denomination or missionary, including any representative of a native Indian religion, may be granted as a privilege the use of rooms or other conveniences in the buildings or premises of boarding schools, on condition that there are pupils who, by parental choice or by personal choice, if the pupil is 18 years of age or older, request the services of such missionary or denomination.

(b) When the parent or natural guardian of an Indian child, appearing in person before the superintendent of the agency where such parent or guardian resides, or before the superintendent or principal of the boarding school where such child is in residence, knowingly and voluntarily, in writing, registers a request for teaching or ministrations for the child by a missionary or a denomination, it shall be the duty of the superintendent of the reservation or the superintendent or principal of the school to make the request known to the missionary or the denomination. Parents shall be clearly informed by the Indian Service officials in question that they are under no requirement to register any request, and officials shall not attempt to influence the choice, if any, by parents or guardians. When such request is made by a parent or guardian, the missionary or denomination thus selected shall be invited and enabled to make contact with the child, at such times and places as do not conflict with the requirements of classroom work, the group activities of the school, or the tasks assigned to the children.

(c) With respect to the children specified in (b) above, the officials of boarding schools shall cooperate with the missionaries by encouraging and facilitating attendance at the specified religious services. Compulsion, however, shall not be used upon any child.

(d) Sunday-school exercises may be conducted on Sunday mornings by the employees of the school, but compulsion shall not be used upon the employees to teach at Sunday school, or upon the children to attend it.

(e) Proselytizing in the Indian boarding schools is prohibited.

(f) Nothing contained above shall be interpreted as a prohibition or advice against the fullest participation by missionaries, ministers, or outside members of denominations, in the secular activities of the school, as in the case of Boy Scout, Girl Scout, and Camp Fire Girl activities, adult-education activities, lectures, entertainments, etc.

(3) Any child at an Indian Service day school upon written request of his or her parents, knowingly and voluntarily given, shall be excused for religious instruction, including instruction in the native Indian religion, if any, for not more than 1 hour each week. Religious exercises are not to be held in the premises of day schools during regular school hours, but facilities at the school may be provided for the use of religious instructors, at times and under conditions not in conflict with the uses of the buildings by the Indian Service or the community. Paragraph 2 (f) above shall apply to day schools as well as to boarding schools.

(4) These regulations shall supersede all prior regulations and/or instructions dealing with religious teaching in Indian Service schools.

JOHN COLLIER, *Commissioner*.

Approved January 15, 1934.

HAROLD L. ICKES,
Secretary of the Interior.

REGULATIONS FOR RELIGIOUS WORSHIP AND INSTRUCTION, AMENDMENT No. 1

Section 2 (b) of the Regulations for Religious Worship and Instruction, Amendment No. 2, was modified by the Secretary of the Interior, under date of February 7, 1935, by insertion of certain language.

Please attach a copy of this modification to each copy of the religious regulations in your possession.

The section, as modified, reads as follows:

(b) When the parent or natural guardian of an Indian child, appearing in person before the superintendent of the agency where such parent or guardian resides, or before the superintendent or principal of the boarding school where such child is in residence, or before any responsible school or agency official duly authorized by the superintendent or principal to act for him in this matter, knowingly and voluntarily, in writing, registers a request for teaching or ministration for the child by a missionary or a denomination, it shall be the duty of the superintendent of the reservation or the superintendent or principal of the school to make the request known to the missionary or the denomination. Parents shall be clearly informed by the Indian Service officials in question that they are under no requirement to register any request, and officials shall not attempt to influence the choice, if any, by parents or guardians. When such request is made by a parent or guardian, the missionary or denomination thus selected shall be invited and enabled to make contact with the child, at such times and places as do not conflict with the requirements of classroom work, the group activities of the school, or the tasks assigned to the children.

Approved February 7, 1935.

HAROLD L. ICKES,
Secretary of the Interior.

CIRCULAR NO. 3182. REGULATIONS FOR RELIGIOUS WORSHIP AND INSTRUCTION, AMENDMENT No. 2

OCTOBER 31, 1936.

To All Superintendents:

It has been brought to our attention that in some areas in the country non-reading Indian parents are reluctant to sign a printed form requesting religious instruction for a child. The enclosed modification of the religious regulations is intended to give an opportunity to such parents to express their preference in the way of religious training for their children in a manner acceptable to themselves.

In view of the present difficulty in securing individuals on the various reservations who are familiar with the written native language, no provision for this method of dealing with the matter is incorporated in the modification.

Please see that the provisions of the modification are known to the Indians and all other interested persons in your locality.

JOHN COLLIER, *Commissioner*.

The regulation for religious worship and instruction, as amended under date of January 15, 1934, are hereby further amended so as to insert the following provisions as section (a) under paragraph 3.

PAR. 3. (a) In any situation in which Indian parents do not read or understand the English language and, therefore, hesitate to sign any document in that language, it shall be permissible that the request for religious instruction may be made verbally in the presence of witnesses, which must include the reservation or school superintendent or an official representative of either, and may include a representative of the religious denomination affected. Care must be taken to see that a full understanding of what is involved be made available to the Indian parents through the services of an impartial interpreter.

The request must be made in the form of a direct, complete statement of the parents' desire concerning the child's instruction, translated into English, and made part of the written record concerning the child, and witnessed by the official Government representative and, if so desired, by the representative of the religious denomination as well. A simple affirmation in response to a directed inquiry is not to be considered as an adequate statement.

JOHN COLLIER, *Commissioner*.

Approved October 28, 1936.

W. C. MENDENHALL, *Acting Secretary*.

MR. SCHAFER. If any of the parents want to follow the old Indian religion, they can do so?

MR. COLLIER. Our position about that is that "religious liberty" is "religious liberty"; that "liberty of conscience" is "liberty of conscience"; that any man may profess any religion he wants to, and any Indian may profess any religion he wants to; that it is not for the Government to restrict his "liberty of conscience." That seems elemental. As a matter of fact, a great many of the Indians, as some of you know, are in this interesting relationship, that they are members of Christian denominations, thoroughgoing, yet they have not wholly abandoned their earlier creeds. Half of our Indians are Roman Catholics, and of that number a substantial percentage are still loyal to their pre-Columbian creeds, and the Catholic Church seems to see no impropriety in this fact. They are good Catholics; they have even gone so far in some tribes as completely to abolish divorce. Monogamy is absolute and unmodifiable. They have adopted the Christian tenets to that extent.

I am going to deal also with this book review, but I am trying to give you the whole framework of the situation, and I repeat that these attacks against the so-called atheism of the Indian Bureau have been primarily attacks against my alleged atheism.

It happens that I have written largely upon religious matters and it happens that Mrs. Jemison knows about all I have written, because she has even gone to the Congressional Library and gotten out my books in an attempt to discover something. It happens my position is very well known, which is, that I am thoroughly and consistently Christian, actively and affirmatively Christian, though not denominationally Christian.

Now, these allegations have been made again and again, and even before this committee that witness goes right on reiterating identical, completely false, allegations, including the allegation that no missionary is allowed to convey the teachings of Jesus to the Indian child in a school.

I have been very glad to dwell upon this, because it is an illustration of the type of propaganda that has been laid before this committee. I insist not only that it is baseless, but the author of the propaganda knows it is baseless. It has been proved baseless, exhaustively, year

after year; yet not a word is changed in the iteration. It might as well have been an old phonograph record, the way it has been reiterated over and over again.

I will just touch upon the testimony about the minister who was killed. Two young Indians got crazy drunk, and they were going down the road. The minister's house was on the road and the minister's wife and child were out in the front yard, and these crazy drunk Indians attacked the wife and started to beat her, and she fled into the house and the minister interposed, and they turned on him and beat him up terribly. They are both in prison at the present time, serving 5 to 25 years, and there was nothing of religious significance about the unfortunate episode.

Mr. MUNDT. Now, are you coming to the book review by Mrs. Vorse?

Mr. COLLIER. No, Mr. McNickle. Since you have brought up Mrs. Vorse, I will merely say this, that I had intended to bring to the committee her book on *Footnotes to Folly*. Mrs. Vorse, as far as our knowledge goes, is not and never was a Communist, and the fact that her long-divorced husband is or was a Communist is no evidence that Mrs. Vorse is a Communist. She is a labor worker, a labor writer, and a very competent editorial writer. She is not a Communist and never was a Communist, so far as I have been able to ascertain. The fact that she works for organized labor does not prove she is a Communist.

Mr. MUNDT. Is she still with the Bureau?

Mr. COLLIER. No; she has not been with us for several years. But she is a woman of dignity, decency, and ability.

Mr. MUNDT. According to the testimony that Mrs. Jemison offered, this book called *Footnotes to Folly* was a review of her activities, and Mrs. Jemison alleges that, in that book, she claims to have been a Communist.

Mr. COLLIER. She does not.

Mr. MUNDT. Have you read that book?

Mr. COLLIER. Yes; I will bring that book the next time I come. I would have brought it this morning, but did not know I was going to be testifying.

Mr. MUNDT. What is that—*Footnotes to Folly*?

Mr. COLLIER. *Footnotes to*. It would be just about as sensible, in relation to another book which has come out lately, and which is a more interesting book, by Hutchins Hapgood, called *Autobiography of a Victorian*, to claim that Hapgood is a Communist. Hutchins Hapgood is a particularly stanch, old-fashioned New England type of democrat. I do not imagine there is anybody in this country who has more consistently and persuasively stood for simple democracy than Hutchins Hapgood. Hapgood was a newspaper man in New York and this book deals with innumerable personages who have passed across his world, through a long term of years, and they include literally the whole range of human life; and, from the fact he has written this book you might just as well say that Hutchins Hapgood is a Communist as to say Mrs. Vorse is a Communist from the fact she wrote a similar book. Everybody writes reminiscences; everybody knows all kinds of people—

Mr. WHITE. Who made the charge that the present Commissioner is a Communist?

Mr. COLLIER. Mrs. Jemison. She charged I was an atheist, but she says I am a Communist, too.

Mr. WHITE. That is a rather loosely used term, and do not you think we ought to establish just what you mean when you use the word "communist"?

Mr. MUNDT. The Commissioner did that.

Mr. COLLIER. I guess we might explain how the Communists got started, and then the place they wound up as being now a bloody tyranny.

Mr. WHITE. Do you think it is necessary for the Bureau of Indian Affairs or the Commissioner of Indian Affairs to defend the policies of the Department against attacks of people who write books?

Mr. COLLIER. In an attack on me, a witness stated that this lady we are talking about, who once held a job with the Indian Bureau, is a Communist, and I am saying she is not.

Mr. SCHAFER. This morning I just looked at Funk & Wagnall's dictionary, the 1935 edition, and on page 139 it defines "communism" as—

Co-ownership of property; the abolition of private property and State control of labor, religion, social relations, etc.

Mr. WHITE. And unless you subscribe to those principles, you cannot really be described as being a Communist, yourself.

Mr. COLLIER. You can be a member of the Communist Party without consciously subscribing to all of its principles, and communism has been frequently modified in many directions.

Mr. WHITE. I think in dealing with the Government, and the facts and declarations of this committee and of the Congress, the word "Communist" should be used in the literal sense, rather than in the looser sense that you do not agree in the idea of communism or Communists. I think we are being confused and misled and do not know what you are talking about.

Mr. COLLIER. Now, I come to this unfortunate—and it was unfortunate—article or book review, which is already in the record. It is a review written by Mr. McNickle, concerning a novel of Oliver La Farge. I have here a letter to and a letter from Dr. Somerndike, now deceased, who was head of the Presbyterian Missionary Society in this country:

BOARD OF NATIONAL MISSIONS OF THE PRESBYTERIAN CHURCH
IN THE UNITED STATES OF AMERICA,
New York, N. Y., March 2, 1938.

HON. JOHN COLLIER,
*Commissioner of Indian Affairs,
Department of the Interior, Washington, D. C.*

DEAR MR. COLLIER: I deeply appreciate the fine courtesy of your letter of February 28, and I realize the unfortunate position in which Mr. McNickle placed your Department in the unbridled speech in which he indulged in his comment upon Oliver La Farge's book. I read the book as soon as it was published. It is not at all up to Mr. La Farge's former literary productions. The thesis is weak and the argument exceedingly unconvincing. I felt a little sorry, when I read it, that Mr. La Farge should have used his genius to such poor effect as he did in that book.

I knew how you would feel about it, but I could not refrain from expressing my feeling of resentment against a mere underling who would break into print in such unrestrained fashion as Mr. McNickle did in his review. He has used a good many large words whose meaning is quite as obscure to himself as it is to the reader.

I appreciate your letter, and I appreciate your attitude of cooperation. As you know, I have always taken advantage of every opportunity to refer in commenda-

tory terms to the good things that you have done as Commissioner of Indian Affairs, and to the sincerity of your cooperation.

With warm personal regards, and thanking you for your letter, I am,
Faithfully yours,

J. M. SOMERNDIKE.

FEBRUARY 26, 1938.

Dr. J. M. SOMERNDIKE,

Board of National Missions of the Presbyterian Church, New York City.

DEAR MR. SOMERNDIKE: Your February 18 letter is one of a number which have come to me. I just don't know whether Mr. McNickle's second paragraph, and particularly the phrase you quote, is "fair comment" on that part of Mr. LaFarge's book. Certainly, had the manuscript come to my own attention I should have stricken the phrase. It is in bad taste, provocative, and not even a seeing-whole of the narrow or negative fringe of missionary endeavor. I am truly sorry that the paragraph is distasteful to you and I regret any offense it may have caused.

However, I do think it is fair to point out that (a) my own affirmative attitude concerning Christianity and missionary work has been repeatedly and publicly stated, and (b) the Indian Office always, and this administration in particular, has carried appreciation into action. I would refer, by way of illustration, to the privileges granted missionaries in the Indian schools, which are, of course, exceptional and which go far beyond the general American practice; and to the change in the appropriation act, procured by us, which has made it possible to use gratuity moneys for the support of Indian children in mission schools. There are many other examples, which we have not publicized, and which indeed have received hardly any commendation from missionary groups.

Against this perspective, I am not too deeply impressed by most of the protests which have come in on account of this book review by Mr. McNickle. But I am always impressed by anything you send me, because I know your attitude at all times has been objective and cooperative and I regard highly your wisdom.

In the present instance the phrase under discussion is merely comment on a work of fiction, written by a man who, because he is himself Indian, has deep and sincere emotions concerning any interference with what he calls the "stream of race consciousness." He mentions one scene in the La Farge book (I do not know whether you have read the book). This scene, I think, exemplifies what true missionary teaching ought not to be—an effort to change faith by denial and destruction of the spiritual values through which the convert has heretofore been upheld; instead of following the methods of the greatest Missionary of all who sought in His own words "not to destroy but to fulfill." It is a mistake, I believe, to assume that the mention of this passage is an indictment of all missionary effort.

All of which gainsays not at all that the phrase in Mr. McNickle's book review was unfortunate—intrinsically as well as politically.

With many wishes,
Sincerely yours,

JOHN COLLIER, *Commissioner.*

Mr. MUNDT. I ask unanimous consent that the Commissioner be permitted to insert in the record the letter of protest which he received and his reply thereto.

Mr. COLLIER. I was offering that, with another one from Bishop Cushman, of Denver.

The CHAIRMAN. Without objection, it is so ordered.

(The two letters referred to by Mr. Mundt appear in the record above; the letter of Bishop Cushman is as follows:)

DENVER AREA METHODIST EPISCOPAL CHURCH

COLORADO, NEW MEXICO, MONTANA, WYOMING, UTAH

DENVER, February 21, 1938.

JOHN COLLIER, Esq.,

*Commissioner of Indian Affairs,
Washington, D. C.*

MY DEAR MR. COLLIER: I thank you for your letter of February 17 in answer to mine concerning McNickle's article. Thank you for your attitude in the

matter and I hope that in the future we may all show you and Mr. McNickle a desire to cooperate in the important problems facing us. I especially want to thank you for your manuscript on "The Policy of the Office of Indian Affairs on Religious Liberty Among Indians." I have read it carefully and as far as I am concerned your attitude is perfectly satisfactory.

Cordial regards, I am,
Sincerely yours,

RALPH S. CUSHMAN.

FEBRUARY 17, 1938.

Rt. Rev. RALPH S. CUSHMAN,
*Resident Bishop, Denver Area,
Methodist Episcopal Church, Denver.*

DEAR BISHOP CUSHMAN: Yours of February 10. Certainly the phrase which you quote, from Mr. McNickle's article, was unfortunate because it was likely to be scrutinized outside its context. Whether it is a fair commentary upon the narrative or picture in the LaFarge book, I don't know. It would have been stricken had the manuscript come to my attention.

I had occasion to discuss this item with the representative of the Home Missions Council of the Presbyterian Church, and I raised with him the question of how it was possible for members of that council to doubt the attitude of the Indian Office and, specifically, my own attitude, in the light of the various actions which have been taken, all in the direction of extending privilege to missionaries in ways going quite beyond customary American practice. As a matter of fact, I suspect that because we have not publicized these measures, most of the missionaries and their Boards do not effectively know about them. You may be interested in a statement prepared some little time ago for an Indian newspaper in Oklahoma, which I enclose.

I am glad to have your letter and should be still more for an opportunity to talk with you.

Sincerely yours,

JOHN COLLIER, *Commissioner.*

Mr. MUNDT. May I ask the Commissioner, is this Mr. D'Arcy McNickle?

Mr. COLLIER. Yes.

Mr. MUNDT. He is still with the Department?

Mr. COLLIER. Yes; and a very good worker.

Mr. MUNDT. What is his official position?

Mr. COLLIER. He is an administrative assistant. He works primarily upon Indian organization matters; and is an excellent worker.

Mr. MUNDT. Have you had any other indications anywhere that Mr. McNickle might be anti-Christian, outside of this article?

Mr. COLLIER. Definitely not. I hate to burden the record, but I have here an explanation that Mr. McNickle supplied me as to what he meant by this article, which I should be very glad to offer for the record.

The phrase in his book review was perfectly indefensible. I am the editor of this magazine, among about 100 other jobs. It is impossible for me to read all of every issue. Often I am away and somebody else reads it. As a matter of fact, it is not only read by me, but is read in the Interior Department, the head of the Information Service. But that will not guarantee that something foolish will not creep in from time to time.

(The memorandum referred to is as follows:)

MEMORANDUM

I suppose we all know that Indians at different times and in different places have resented the intrusion of the white man. The resentment was directed toward the white man's religion as well as toward his grasping ways in regard

to land and his lack of common honesty in treaty matters. From the days of the destruction of the gods of the Aztecs and the Incas, down to the massacre of Wounded Knee, and even into the present, there have been Indians who were cut to the quick by the sight of their gods being thrown down and who fought to set them up again in secret places.

The Pueblos of the Southwest learned a tightmouthedness about their tribal rites, which, in some cases, no outsider, Indian or white, has ever persuaded them to relax. Pontiac and Tecumseh planned systematically, not only to rid the country of the invader but to restore the old ways of belief and custom. The Ghost Dance religion came to birth among a people who had seen and tasted the new way and rejected it. And today there are Indians who go their own way, scorning and condemning the white man and all his works.

Such Indians—a Pope who drove the Spaniards out of New Mexico in 1680, a Shawnee Tentskwatawa, a Seneca Skaniadarji, a Nez Perce Smohalla, a Paiute Wovoka—such as these were capable of putting their resentment into action. It is no wild guess to assert that they would have felt only contempt for Myron Begay in the situation described by Mr. LaFarge and to which I alluded in my review. They would have considered death a better thing for him. This isn't to indict missionary effort as worthless or harmful; it is simply to comment on a fact which I thought most people were aware of—the fact that the Indian has not always liked the things which white men believed were for his own good.

As for the situation in the book, the moment in which Myron Begay stands up to deny and ridicule his tribal gods, that would seem to be clear enough, all the implications of it.

Reviewing that scene a second time, I cannot find other words to describe the people and the motives displayed than to call them cheap and dishonest—rascally. And again I repeat: This is not to indict all missionary effort. It is to characterize an episode in a book.

One doesn't indict a profession. One tries to avoid gratuitous generalizations. But surely it is healthy to raise questions, to be skeptical.

For anyone born on an Indian reservation, who has been to a mission school and to an Indian Service boarding school, and who is in some degree familiar with the history of the tribes and of Indian Service policy, questioning is inescapable. A book like Mr. LaFarge's *The Enemy Gods* brings the question sharply to mind.

One must ask: Why is it that friends of the Indian can visualize, and resent, his losses in physical property, can fight valiantly for him in simple questions of equity, and yet can participate in an effort to destroy that which some Indians at least consider more valuable than all the land and all the treaty rights they ever owned? Can destroy, and feel that they are above reproach in so doing?

The thing destroyed is not paganism alone. It isn't as simple as that. The European misunderstood the Indian in many ways, but in no instance more thoroughly than in the conception he formed of Indian religious life. Tom-toms, medicine men, crude animisms—these seemed to be the sum total of native expression of the spiritual life. It would be an easy matter to uproot such meager growth and replant the soil.

That was the error, assuming that native religion did not bite into the life of the people, that no sustenance was drawn from it. We are now beginning to understand that the Indian's life was completely saturated by his religion. It was a thing which went with him in everything he did from birth. If he were a hunter, then everything about the hunt was a matter of religious discipline. If he were a village-dwelling farmer, everything connected with village life and with planting had its place in a pattern. Religion was not a matter of being baptized, of confessing a certain creed, and of having stated times for prayer and reflection. It was a continuing thing which began at the hour of first consciousness and remained in perpetual flux.

When the supposed idols were cast down, when the more obvious attributes of Indian religion were suppressed and banished, that was no mere routing of the devil. That in a very real sense was the destruction of a people. It was a darkening of the light by which they lived.

If Indians in these later years have had a sense of inferiority, if they have seemed dispirited, willing to drift and to have a few crumbs handed to them, it is not because they have lost their lands or because the Government has broken treaties with them. True, they are aware of those things and are forever flinging them in our faces. But what has really happened is that they have been ridiculed. Their way of life, their gods, have been belittled. You cannot ridicule an Indian and expect to win his respect or to build him up as an individual. Losing himself

to find himself is a paradox which eludes him. The reservations are full of Indians who have become lost.

The article I wrote was in effect a plea for the realization of these things, a plea for greater tolerance in Indian matters. It is difficult to understand why offense should be taken at such a plea.

D'ARCY McNICKLE,
Administrative Assistant.

Mr. MUNDT. May I ask at this point whether this is the same magazine about which Congressman Jack Nichols, of Oklahoma, delivered a rather impassioned speech on the floor of the House some time ago?

Mr. COLLIER. No. He was talking about a paper prepared by an anthropologist named Petrullo.

Mr. MUNDT. That had to do with Indians using peyote?

Mr. COLLIER. It had to do with the Native American Church, which centers around the peyote cult.

Mr. MUNDT. It had something to do with the use of drugs?

Mr. COLLIER. Peyote is a cactus product, which is used ceremonially in the observances of the Native American Church.

Mr. MUNDT. Is this man McNickle involved in that travesty?

Mr. COLLIER. McNickle has nothing to do with that.

Mr. SCHAFER. That article about peyote appeared in *Indians at Work*, did it not?

Mr. COLLIER. It was among the papers prepared by the American group to the First Inter-American Indian Congress.

Mr. SCHAFER. It was published in *Indians at Work*?

Mr. COLLIER. All those papers came out in a double print, of which part went into *Indians at Work* and part was superfluous or too much to get into *Indians at Work*. I don't recall whether Petrullo's article appeared in both prints or in only one.

I would be glad to see the Petrullo article inserted in the record. It is an extremely interesting article which I think you would all find worth while reading.

The Native American Church is not something to be laughed at. It is an earnest church stemming from Oklahoma. Senator Thomas has often spoken about it, and has testified to its genuine religious character.

Mr. MUNDT. Getting back to Mr. McNickle, I can well appreciate that you cannot expect to indict a man on the basis of one single indiscretion, no matter how indefensible it may have been. In my opinion, his review was highly inexcusable, and I am glad to note that the Commissioner agrees with me there.

Mr. COLLIER. Yes. I have told other people that.

Mr. MUNDT. Will you tell us something about this man McNickle's background?

Mr. COLLIER. Mr. McNickle is a Flathead Indian of Montana, with a very good education, a very good higher education. He writes very well. He has published one book, a book about his own people.

Mr. WHITE. Was he educated in one of those denominational schools?

Mr. COLLIER. I do not know. Mr. McNickle is here and can tell you about it.

Mr. McNICKLE. I attended a mission school as a child. Afterwards I attended a Government boarding school from the age of 9 to 12. Afterwards, I attended the University of Montana. I have also

attended Oxford, and the University of Grenoble, in France, and Columbia, in New York.

Mr. WHITE. You got your elementary training in the denominational schools, though?

Mr. McNICKLE. I started out in a denominational school; yes.

Mr. WHITE. That was the basis of your education?

Mr. McNICKLE. Yes.

Mr. MUNDT. Are you a member of any church at this time?

Mr. SCHAFER. Just a moment, now. I think the gentleman will withdraw that question, after a moment's thought.

Mr. MUNDT. Let me put it this way. Do you consider yourself at this time as an atheist?

Mr. McNICKLE. I certainly do not.

Mr. MUNDT. You do not?

Mr. McNICKLE. No; by no means.

Mr. WHITE. Were you raised on the Flathead Indian Reservation?

Mr. McNICKLE. Yes.

Mr. WHITE. What is your native town?

Mr. McNICKLE. St. Ignatius.

Mr. WHITE. The school was conducted by the Jesuits?

Mr. McNICKLE. That is right.

Mr. SCHAFER. You do not consider yourself an anti-Christian, do you?

Mr. McNICKLE. No; I do not.

Mr. MUNDT. In other words, you are pretty much agreed with the Commissioner that you made an unfortunate statement in that book review?

Mr. McNICKLE. The phrase is unfortunate. I was trying to describe something which I thought people were not fully enough aware of, namely, that Indians have not always agreed that what the white man brought to the Indian for the Indian's own good, was, from the Indian's point of view, necessarily for his own good. In the case of religion, we know that the Indians were strongly religious. They fought many wars over this very thing. When Tecumseh contrived his conspiracy, at one time a very serious affair, he was primarily fighting to preserve Indian custom—Indian religious practices, if you please. It was not only that he wanted to throw the white man out of the Ohio Valley. He wanted to preserve the old Indian ways.

When the Ghost Dance religion started in the last part of the last century, and swept the country—it started from Nevada and it went up into the Sioux country—that was largely a protest of the Indians against the incoming of the white man and his religion.

I was trying to show in the book review that Indians have not always been satisfied with the white man's ways or his religion, and that there are Indians who feel that an Indian who denied his gods was betraying his people.

Mr. SCHAFER. Under our Constitution, the provision with reference to religion or religious liberty, the Indians have the right to worship a different god than we do.

Mr. McNICKLE. I should think so; yes.

Mr. SWEET. That also is an attribute of the white man. We do not always subscribe to the religious beliefs of our neighbor.

Mr. McNICKLE. That is right.

Mr. WHITE. Your first knowledge of the Ten Commandments and the Golden Rule and some of the basic principles of religious training were obtained at the denominational schools that you went to?

Mr. McNICKLE. Yes.

Mr. WHITE. You still subscribe to those principles?

Mr. McNICKLE. Fundamentally; yes.

Mr. WHITE. You believe in the Ten Commandments?

Mr. McNICKLE. Yes.

Mr. WHITE. And live up to them?

Mr. McNICKLE. Yes; as well as I can.

Mr. WHITE. And the Golden Rule?

Mr. McNICKLE. As well as I can.

Mr. SCHAFER. Mr. Chairman, I believe that we are getting far afield. In view of the fact that some people have been designated as anti-Semitic and have been hooked up with "fifth columns," I would like to read into the record at this time from Funk & Wagnall's dictionary, 1935 edition, page 531, a definition of the word, "Semitic," which is as follows:

Pertaining to the descendants of Shem, including Assyrians, Hebrews, Phoenicians, Arabs, Abyssinians, etc.

It seems in these days—and that is why I do not want to criticize the gentleman who has just testified—that it is very easy to call somebody "anti" this or "anti" that. In fact, if St. Matthew, St. Mark, St. Luke, and St. John, and Jesus Christ Himself were to come to the Nation's Capital today and again denounce the Sadducees, Scribes, and the Pharisees, it would appear in the headlines of certain newspapers that St. Matthew, St. Luke, St. John, and St. Mark, and the Saviour were anti-Semitic.

Mr. WHITE. You do know that Christ said something about driving out the money changers, about driving them out of the Temple?

Mr. SCHAFER. And he also said, "How can Satan cast out Satan? How can money changers drive money changers out of the Temple?"

The CHAIRMAN. Mr. Commissioner, you have already submitted Mr. McNickle's answer?

Mr. COLLIER. Yes. The document is self-explanatory.

Now, I do not want to leave the committee with any incorrect impression. I am a 100-percent believer in Christianity and in the work of the missionaries. That is not saying that I do not think some missionaries have been foolish. I will give you one example. There is a tribe out in Arizona, the Hotevilla. That tribe, for a long term of years, has stood like iron against Christianity and until recently against anything the Government tries to do; against the white man. Why? There came to what is called the Third Hopi Mesa an unwise missionary. That missionary made a convert of an old man who had in his keeping a large number of the sacred objects, going back to prehistoric times, belonging to those people, to the secret societies and the clans. They were only his until he passed them on to his successor.

Under the unwise guidance of the missionary, this old Indian out in the plaza conducted a widely heralded bonfire. Before the appalled onlookers, the Indians, he burned up all these sacred feathers, fetishes, symbols,—the things with which the sentiments of the patriotic as

well as religious of the tribe were entwined. That action created a revulsion against the white man's world which today, after 15 years, no missionary can break down.

It was a foolish thing for that missionary to have encouraged that old Indian to do. It hurt that old Indian for the balance of his life with his people. It helped to organize the whole of Hotevilla against Christian influence and against the Government.

Missionaries are like other people and like other people sometimes do not have good sense. But by and large, any one who knows the history of the white man's relation to the Indian knows that the most important chapters of well-doing have been the chapters written by the missionaries, often battled for by the missionaries.

There are missionaries who, practically alone, had the courage and the power to reverse the horrible Spaniard practices and to procure the new laws of the Indies, which were humane. In this country, the missionaries have fought the battle of the Indians beginning away back in Revolutionary times.

It was the missionaries who understood and stood by the Cherokees through all their time of destruction and agony. And during the years, it has been the missionaries who have been fighting for the Indians.

The Indians owe a boundless debt of gratitude to the missionaries. And the Indians are Christian. About 85 percent of all the Indians are Christians.

Mr. WHITE. I would like to go into that a little with the Commissioner. You speak of one of the most important chapters in the history of the dealings between the white man and the Indian, and you mentioned the Spanish practices.

Mr. COLLIER. Yes.

Mr. WHITE. In your study of the Indian, did you ever stop to consider that the reason for the innate opposition to the whites was the effect of the first contacts of the Spaniards with the Indians, when they invaded the country and enslaved them and left them to die? That hatred for the white man was handed down, and originally it was engendered by those white men because of what they did. The Indians expected nothing but the worst from the white man.

Mr. COLLIER. That is true. But the missionaries did not do that. The missionaries fought against it from the beginning and the missionaries were able to reverse the Spanish policy.

You could see the same thing in this Cherokee record. The Cherokee record is as black as any.

Mr. WHITE. You do know that the Spaniards came up into what is now Kansas, into what is now the heart of the United States, and impressed the Indians into slavery and left them to die, when they were here hunting gold?

Mr. COLLIER. Yes; let us come nearer home. The history of the Cherokees laid the foundation of much of the bad record that came after. It was primarily the State of Georgia that forced action by Congress, and the other Southern States. From the very beginning of that battle, down to its end, Protestant missionaries stood by the Cherokees. There was nobody else to fight their battle.

Mr. WHITE. You would say the same of the Catholic missionary, would you not?

Mr. COLLIER. I am indicating that both groups were involved. Sometimes it was the Catholic, sometimes the Protestant.

So that to be called anti-Christian, in Indian matters, is to me particularly galling. I know the history. I know what the Indians owe to the Christian church and how much they still depend on the Christian church.

Mr. MUNDT. I would like to say this in substantiation of what the Commissioner has said, that my experience with the Indians on the reservation east of the river in South Dakota leads me to believe that regardless of anything which may or may not be written in this Indian magazine, intentionally or accidentally, that our Indians out there are highly religious, definitely Christian, and that they have admirable church facilities available to them; and that the Indian teachers, sometimes the Indians themselves—sometimes the white teachers in Indian communities—are contributing very definitely and very successfully to the development of the Indian in that territory.

Mr. SCHAFER. On these reservations, the missionaries of any church have the opportunity of preaching their gospels as they see them?

Mr. COLLIER. Yes.

Mr. SCHAFER. And it is not restricted alone to the Protestant or the Catholic.

Mr. COLLIER. I think that all or nearly all of the churches are represented.

Mr. SCHAFER. Under that procedure, a rabbi could come in and preach.

Mr. COLLIER. And the Mormons are active; the Seventh Day Adventists, and all of the Evangelical groups. As far as I know, all of the churches have some activity there.

Mrs. BOLTON. It must be very confusing to the Indian.

Mr. MUNDT. It is confusing to the white man, too.

Mr. COLLIER. They often speak of it as being confusing, this competition between denominations. But I do not know what we can do about it.

Mr. SCHAFER. You could not have a monopoly of one denomination; if you had, you would be open to justifiable criticism.

Mr. COLLIER. Actually, at one time, the Indians of the country were geographically parceled out to the denominations by departmental order. It was a high-handed thing to do, and the excluded denominations never accepted their exclusion. But that is not a thing that we can do.

Mrs. BOLTON. You spoke of the Native Indian Church. What do you mean by that?

Mr. COLLIER. That is the name it goes by. It is an incorporated church in Oklahoma.

Mrs. BOLTON. Of what denomination?

Mr. COLLIER. It is itself the Native American Church.

Mrs. BOLTON. Of what does it consist?

Mr. COLLIER. I would like to tell you more about it at this time. The Native American Church took its rise back in the eighties, perhaps as early as the seventies, in Oklahoma, among the tribes of the West, the Comanches and others.

It was a curious blend of pre-Christian and Christian tenets, symbols, and modes of worship. It incorporated, for example, abstention

from alcohol, poverty, chastity, obedience. But it tied back to pre-Columbian symbolic forms. So it was a halfway house, between the pre-Columbian religions and Christianity.

Mrs. BOLTON. Did I misunderstand a casual remark a moment ago, to the effect that peyote is used in the services?

Mr. COLLIER. The sacrament of the Native American Church is a product of the cactus, called peyote, which is chewed, and which has an action upon the centers of vision of the brain and causes beautiful pictures to be formed. Peyote has been used immemorially by some tribes south of the Rio Grande. Then after the thing got going in Oklahoma, it appeared as a religion with an expanding program. It sent out missionaries, and it spread into many other States, clear up to the Canadian line, and out into the intermountain area.

Mrs. BOLTON. That is very easily understood, considering that peyote is said to be a most vicious drug, like marihuana, and that it is fast becoming one of the most dangerous drugs of the country.

Mr. COLLIER. It is not like marihuana. The Department of Agriculture refuses to classify it that way. There is a vast literature on peyote.

Mrs. BOLTON. I know that.

Mr. COLLIER. Four hundred titles, at least, have been compiled in my office, but the absolutely decisive, comprehensive studies that are needed have still to be made.

Away back in the days of Secretary Work, the Government tried to get adequate studies made and put it up to the National Council of Research to conduct the necessary scientific studies—psychiatric, pharmacological, biological, and social. For one reason or another, it never went over, and all we have is a great mass of incomplete, inconclusive studies.

Mr. MUNDT. Is peyote a habit-forming drug?

Mr. COLLIER. It is not habit forming.

Mr. MUNDT. It is not?

Mr. COLLIER. It may be deleterious, although not habit forming.

Mrs. BOLTON. Is it cell destructive, like heroin?

Mr. COLLIER. No; it is not like heroin. But I am just giving you what I know from the literature. A prepsychotic patient, somebody on the border line, using peyote, may be thrown across into the insane. He may just topple over.

There have been clinical experiments where excessive dosages of peyote were given to mice and other animals under vivisection, and in excessive dosages it is cell destroying.

Mr. MUNDT. May I ask whether its use is illegal under any of the laws of the land?

Mr. COLLIER. A number of the States, about 15 or 20 years ago, passed State laws forbidding peyote. There is no Federal law.

Mr. WHITE. How is it derived?

Mr. COLLIER. From the cactus.

Mrs. BOLTON. It is like pulp, is it not?

Mr. COLLIER. It is a sort of a button like product that grows on a certain species of cactus. It is grown in southern Arizona, southern New Mexico, in Texas, and across the line in Mexico.

Mr. WHITE. It is processed from the cactus plant?

Mr. COLLIER. This button is taken and dried, and it is chewed, and it is said to have an exceedingly bitter taste. It usually nauseates anyone who tries to use it.

Mrs. BOLTON. Does it affect the muscles?

Mr. COLLIER. Its effect seems to be entirely on the central nervous system; most typically causing visual disturbance. It produces also a feeling that—they say, when they use peyote in their ceremonies, they feel that they have the power to have their prayers answered. It is a sort of euphoria, a feeling of power and well-being.

Mr. WHITE. It is exhilarating?

Mr. COLLIER. In that sense, and it creates an insomnia. The peyote ceremony goes on all night, and one effect of the drug is to make that easy, because it enables them to stay awake, or at least it makes it difficult to go to sleep.

Mrs. BOLTON. And makes it difficult to go to work afterward, I imagine.

Mr. COLLIER. It has been important in some groups. The Osages, a large number of them, have taken to the peyote cult or native American Church and have stopped the use of alcohol by that means.

Mrs. BOLTON. It would look as though it were just another form of a nice opium den.

Mr. COLLIER. No; it is a real institution.

Mrs. BOLTON. And all the more dangerous.

Mr. COLLIER. What part the drug plays in it is still problematical. But it is a complicated cult in its form of prayer, and so on.

Mrs. BOLTON. There are cults outside of the Indian cults that do not use peyote, but use other things, which we do not permit. I wonder why we permit this.

Mr. COLLIER. I am not attempting to pose as an authority on this. I am just giving you the information that I have.

To the Indians it appears as a religion. I may say this—that in the case of this effort by Secretary Work to get an adequate investigation, the Native American Church members at the only pueblo which has a peyote cult—Taos Pueblo—offered to submit themselves to the most exhaustive studies of any sort or kind, because they believed that those studies would exonerate peyote. I presume they are still ready to submit themselves in that way.

I took up with Dr. William A. White, before he died, this matter, and he was getting ready to make a study of it in St. Elizabeths.

It is a very interesting subject.

Mr. MUNDT. Is the Department doing anything to discourage the use of peyote among the Indians?

Mr. COLLIER. We are not doing anything about it. Some of the tribes are excluding peyote. The Navajos, only last week, passed an ordinance forbidding the importation or possession of peyote in the Navajo Reservation. It was just beginning to come in there.

Mr. MUNDT. One other question. This Native American Indian Church, does it have its bible? Do they have a bible of their own, or is it based on the Holy Bible? Do they have any sort of Biblical background? What is it based on?

Mr. COLLIER. It is partly Biblical. They draw upon the New Testament, especially, But they also have their own oracles. They have had their visions. It is a compound thing, quite different from

any pre-Columbian or ancient Indian thing, and quite different from any Christian institution as we know it.

Mr. MUNDT. Have they compiled a bible of their own?

Mr. COLLIER. I have not seen it, if they have. It is more a thing based on oral teaching. I do not think we would be justified in interfering with the peyote church.

Mr. MUNDT. We would be, in the use of a drug?

Mr. COLLIER. Insofar as the drugs were not used ceremonially. Insofar as they are used ceremonially, until it were proved that it were deleterious, we could not interfere.

Mr. MUNDT. If it were proved that it is detrimental to the Indian, regardless of whether it is used ceremonially or not, you would be justified, would you not?

Mr. COLLIER. There are two sides to that argument. That would be a matter of opinion. For example, we all admit that the members of the peyote church are "drys." They do not drink. It is asserted against that that sometimes they are lazy, that they are lacking in ambition.

On the other hand, you have, for example, Senator Thomas, who has insisted that the more thrifty and energetic members of some of the tribes that he knows are members of the Native American Church. So it would not seem to be a thing that we could be dogmatic about.

Mr. SCHAFER. You could, insofar as its nonreligious use prohibit it. The Federal Government could regulate it, just as it did during prohibition. We know that an excessive use of alcohol is injurious. We know that the Lord used fermented wine when he attended the wedding feast, although at a later date some ministers tried to tell us that he turned water into grapejuice. But even during our recent prohibition fanaticism, in this country, we recognized the right of the use of the fermented beverage in religious services, did we not?

Mr. COLLIER. That is correct.

Mr. SCHAFER. Even though it had been admitted that the excessive use of alcohol is injurious to a person's physical and mental well-being.

Mr. COLLIER. Still, I would say this: If Congress had made a finding that even the use of wine ceremonially was socially injurious, it would have stood up constitutionally, I think. I think it would be within the power of Congress, if it decided that peyote ought to be outlawed even as a religious observance, to outlaw it.

But it is not a thing to dispose of without knowing all the facts.

Mrs. BOLTON. There is a group of physicians who are deeply troubled over the growing use of peyote. Some of them are making studies of it, and they are inclined to believe that it is most injurious to the Indian; and that it is being not only permitted but being encouraged in order to give the Indian a wrong attitude and to make it more difficult for him to become a full-fledged citizen; that it causes him to become unable to work at least some days during the week, after ceremonials. It is claimed that it is being given to them purposely in order to give them a bad name.

Some of the physicians who are exceedingly sympathetic toward the Indian are inclined to feel that it is high time that something was done to make the Indian more intelligent, perhaps, about the use of it, to tell him how detrimental it is to him, and to get his cooperation in an effort to stop it rather than encourage it.

There is a report to be made before very long in the medical field. I happen to be in close touch with that.

Mr. COLLIER. I hope that report will throw more light on it. As I say, the literature on the subject is enormous. It has been worked on in a great many countries.

Mrs. BOLTON. There is a strong feeling that this is one of the most destructive forms of activity that has been permitted on the reservations.

Mr. COLLIER. The most comprehensive recent report upon peyote was done by a psychologist attached to the Menninger Clinic, of Topeka, a few years ago. It seems to cover the whole field, and the conclusion there is not of the kind you recite. Any light that we can get on that subject, we will be glad to have.

Mrs. BOLTON. It has rather the same relation to the Indians that marihuana has had to colored people. Marihuana was brought to the attention of official groups long before it was taken hold of by them in the matter of permitting the spread of it.

Mr. COLLIER. Marihuana is almost the worst of the rapid habit-forming and rapid nerve-destroying drugs. Peyote does not fall into that group, because it has been used by successive generations with, apparently, no ill effects on longevity or anything else. It is not a subject to be disposed of too lightly. There has been a ceremonial use of it for a long time.

Mrs. BOLTON. The cult is a rather new one.

Mr. COLLIER. About 70 years.

Mrs. BOLTON. That is not old.

Mr. SCHAFER. In their religious service, do they take it to excess? Other religious services follow the Lord and use fermented beverages.

Mr. COLLIER. They say they do not take it to excess.

Mr. SCHAFER. If it has an injurious effect on them physically and mentally, that should be taken into consideration. But where in their religious ceremonies Indians use a limited amount of peyote, we had better look where we are going before we prohibit that, in view of the religious guaranties of our Constitution. Let us confine our efforts first to prohibiting its use, if it is found to be injurious, outside of the religious services.

Mr. COLLIER. It is not much used outside of religious services, but there might be some other use of it.

Mrs. BOLTON. In almost all religions, they have some form of stimulation in their practices. That goes back to the beginning of time.

Mr. SCHAFER. We had a great crusade led by Bishop Cannon, who was trying to tell us that at the Lord's Supper they used unfermented beverages.

Mr. MUNDT. Is that the Bishop Cannon who was trying to get us into the war?

Mr. SCHAFER. Yes; I advised him that if the fighting liberal-talking people like him wanted to go to war, they could go to Canada and join the British or French Foreign Legions or the Canadian Expeditionary Force and also hand foreign belligerent nations their own worldly wealth. Is there any report from the Public Health Service as to the effects of peyote? Have they made an investigation of it?

Mr. COLLIER. Nothing of any consequence. The Food and Drug Department have from time to time made investigations, but most of the work has been done in the laboratories of universities and by field anthropologists.

Mr. SCHAFER. How about the department of the Government which regulates the use of morphine and similar drugs?

Mr. COLLIER. They refuse to bring peyote within any such classification as that.

Mrs. BOLTON. The whole drug situation is a complicated thing. There are many things that should be under the Food and Drug Act that are not included. I have followed this situation for over 20 years very closely and intimately.

Mr. COLLIER. I was glad to take this opportunity, in the absence of other witnesses, to make this statement about religious matters among the Indians. When the other witnesses have finished their testimony, I will ask permission to be heard again.

The CHAIRMAN. Are there any further questions?

Mr. SCHAFER. How about the other witnesses? I understand that James True wants to be heard.

The CHAIRMAN. How many wish to be heard?

Mr. MUNDT. These Indians want to be heard tomorrow morning.

The CHAIRMAN. We will hear them tomorrow. The committee will now stand adjourned.

(Thereupon, the committee adjourned to meet tomorrow, Tuesday, June 18, 1940, at 10:30 a. m.)

WHEELER-HOWARD ACT, EXEMPT CERTAIN INDIANS

TUESDAY, JUNE 18, 1940

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.

The committee met at 10:30 a. m., Hon. Will Rogers (chairman) presiding.

The CHAIRMAN. The committee will be in order. We have met this morning to resume the hearings on Senate bill 2103.

Some time last week, I think, the committee members were advised that Mr. James True wanted to be heard, since his name had been brought into the controversy relative to this bill. The committee members expressed a desire that Mr. True be extended an invitation to come before the committee. Mr. True is present this morning, and the Chair will recognize him at this time for 15 minutes.

STATEMENT OF JAMES TRUE, WASHINGTON, D. C.

Mr. TRUE. Mr. Chairman and members of the committee, I have been the publisher of Industrial Control Reports since July 10, 1933, and I have been a writer on business and economics for many years.

It has been called to my attention that Mr. Collier in his testimony before your committee, Mr. Chairman, made a number of statements concerning my activities. The first I am able to find in the record of the hearings of June 10, is this statement:

It (the matter) thereafter was taken up by the so-called American Indian Federation, through its own mouth (Mrs. Jemison, Mr. Bruner, Mr. Chandler, Mr. Bauer) and through the mouths of associated and collaborating organizations including the James True Associates, Mr. Pelley's Silver Shirts, the German-American Bund, the Militant Christian Patriots and the cover-all American Nationalist Confederation, whose official emblem was the swastika.

I would like to say that I am not associated and never have been associated with any of those organizations, and there has been no official collaboration with any of them. At times we have exchanged information. I have been on the mailing list of several of them, and they have been on my mailing list, but there has been no collaboration, and certainly not in anything concerning Indian affairs. That statement I have quoted is not true.

The CHAIRMAN. You did have an organization known as the James True organization?

Mr. TRUE. The James True Associates. That is just a little partnership.

The CHAIRMAN. What is the purpose of the organization?

Mr. TRUE. We publish weekly reports for business men. It is a four-page typewritten report.

Mr. SWEET. Is that a report relative to commercial activities throughout the United States?

Mr. TRUE. It started out that way. Then when the Communist question was injected into the New Deal, of course, we began to report on that, and as that became more important as time went on, we, of course, gave it more space.

The CHAIRMAN. What was your position, or what was the position of your association relative to communism?

Mr. TRUE. We were certainly against it in every way. We have always stood for absolute Americanism. We have repeatedly published statements that we were not pro-German, pro-British, or pro-anything except pro-truth and pro-American.

Mr. SCHAFFER. You say you are opposed to Communism. I hold in my hand a 72-page booklet entitled *Why Communism*, by Mr. M. J. Olgin. This booklet is published by a Communist concern called Workers Library, Publishers, post-office box 148, Station D, New York City. I read from page 71 of this booklet, the last paragraph which is just above the hammer and sickle, as follows:

The Communist Party of the U. S. A. is thus part of a world-wide organization which gives it guidance and enhances its fighting power. Under the leadership of the Communist Party the workers of the U. S. A. will proceed from struggle to struggle, from victory to victory, until, rising in a revolution, they will crush the capitalist State, establish a Soviet State, abolish the cruel and bloody system of capitalism and proceed to the up-building of socialism. This is why every worker must join the Communist Party.

This booklet states that the Communist Party will get control of and destroy our democracy from within—not by peaceful means, but by murder and bloodshed along the lines followed by the Communists in Moscow, when they butchered 10,000,000 people in Russia under the Communist leader, Leon Bronstein, alias Leon Trotsky, who left the United States to go to Russia and direct the Communist revolution. The testimony so far has been trying to link up the Communist organization which you say you oppose with some of the principles and actions which the New Deal calls the fifth column. Now, do you represent, or do you not represent, directly or indirectly, or are you on the pay roll, directly or indirectly, of any foreign government?

Mr. TRUE. Absolutely not.

Mr. SCHAFFER. By reason of literature and articles appearing in various papers, we have been led to believe that the publication of certain articles and literature links certain people with the fifth column. Now, bearing in mind that this is Communist literature, I have in my hand a piece of the Communist political literature circulated in Wisconsin in the 1938 election campaign. This is campaign literature authorized by, circulated by and paid for by the Communist Party of Wisconsin, located at 744 North Fourth Street, room 329, Milwaukee, Wis. From this literature, I quote the following:

Keep Wisconsin a progressive New Deal State.

This literature also states:

If we want to improve the gains made under the New Deal and the progressive administration now is the time to do it.

It goes on to say—

A smashing victory for the New Deal nationally and for the progressive administration in Wisconsin will consolidate the gains of the New Deal and make possible a new push forward.

That is quoted from this Communist literature which was circulated in the 1938 election campaign in Wisconsin. This Communist literature circulated in Wisconsin in 1938 also states:

Elect progressives and New Dealers to Congress and the Senate who will give active support to the New Deal, and who will not join with the reactionary opponents of Roosevelt.

Now, if we are going to take as a yardstick the fact that certain publications carrying articles written by any individual, constitutes a link between the author or the publication with the fifth column, as a stooge agent of a foreign government, should not the same yardstick be applied to this Communist literature as linking the New Deal with communism?

Mr. TRUE. In every country the Communist-Jewish-directed dictatorships have used the same methods indicated by what you have quoted there. Here they call themselves the New Deal. In France it was the Popular Front, and in England it was the P. E. P. In every other country it was something of that kind. If you will look into it, you will find that in every instance they have all been broken down by false promises or by legal measures that caused a great expenditure of money, great indebtedness, and a financial communistic crash.

Now, on page 28 of this hearing—

Mr. SCHAFER (interposing). Just a moment. I want to get your views on this matter, in view of the testimony which has been developed. I refer you to Funk and Wagnalls' Dictionary 1935 edition, page 531, where "Semitic" is defined as follows:

Pertaining to the descendants of Shem, including Assyrians, Hebrews, Phoenicians, Arabs, Abyssinians, etc.

Anybody who is a Semitic would be a person of one of those classes of people.

Mr. TRUE. Yes, sir.

Mr. SCHAFER. Are you opposed to those classes of people?

Mr. TRUE. No, sir; I am not anti-Semitic.

Mr. SCHAFER. You are not anti-Semitic any more than St. Matthew, St. Mark, St. Luke, St. John, or Jesus Christ, when they denounced the self-righteous Sadducees, Scribes, and Pharisees.

Mr. TRUE. I thank you for putting me in such distinguished company.

Mr. SCHAFER. Because they denounced the self-righteous Sadducees, Scribes, and Pharisees, should they be classed as anti-Semitic, in view of the fact that, according to this dictionary definition, the word "Semitic" includes only the descendents of Shem, including Assyrians, Hebrews, Phoenicians, Arabs, Abyssinians, and so forth.

Mr. TRUE. Of course, that was the first word used to smear people who were disposed to vote against the New Deal. If anyone mentioned the name "Jew," he was immediately called anti-Semitic throughout the entire Jewish press. It was stated in many Jewish publications that I was a Nazi agent, getting rich on Hitler's pay roll. That went all over the country. If one were called Fascist, it meant that he was anti-Jewish. Those terms were interwoven.

Mr. SCHAFER. If you are against the self-righteous Sadducees, Scribes, and Pharisees, it might mean that you are against the warmongers who are today trying to get us into the new European war.

Mr. TRUE. Yes, sir; it is claimed that if you are a Communist, you must prove that you are a member of the Communist Party. Now,

I have never known of anyone who was a member of the Fascist Party or the Nazi Party, but I know of thousands of people who have been smeared and insulted by that charge.

Mr. SCHAFER. You are familiar with the New Testament of Holy Writ, and you have read where Jesus Christ vitriolically denounced the self-righteous Sadducees, Scribes, and Pharisees?

Mr. TRUE. Yes, sir.

Mr. MURDOCK. Mr. True, I understood you to mention a moment ago a certain organization that had to do with the Indian problem.

Mr. TRUE. Yes, sir.

Mr. MURDOCK. And one of those organizations used the swastika as an emblem?

Mr. TRUE. Yes, sir.

Mr. MURDOCK. I was just wondering why you mentioned that fact specifying the swastika.

Mr. TRUE. I read that in the record.

Mr. MURDOCK. You are not intending to imply that because the swastika is used as an emblem by an Indian organization there is anything to be criticized about it?

Mr. TRUE. No, sir; that was in the record. That was not an Indian organization. That was George Deatherage's organization of the White Camelias. He told me a little incident regarding that: Deatherage adopted the swastika, so he told me the other night. He was in town and I had quite a talk with him. He reorganized the White Camelias, which was a very effective organization during the reconstruction period in the South. There were two of those organizations, the White Camelia and the Ku Klux Klan. He revived the White Camelias, which was a strong reconstruction organization, and it was very effective for a while. It seems that things got very bad, and there was nothing for the boys to do. They began to get restive, and he was afraid that they would go out on their own. They raised a lot of fuss, and he adopted the swastika as an emblem. That was to give them publicity. It was because of the furor all over the country about the swastika. They adopted it, thinking that by doing that they would bring in members. However, it was not successful.

Mr. MURDOCK. That Indian emblem was known long before the white man ever came here. Now, it is a very remarkable thing that on the inner wall of a room of the Casa Grande, in Arizona, there is a very intricate maze. It has not been found anywhere else in the world except on the Island of Crete, or on a coin of the Island of Crete, which shows the same thing. It shows that 2,000 years ago this emblem was used on the Island of Crete, the same as in Arizona, 2,000 years ago, indicating that they had about the same mathematical ideas. The swastika is the core of the maze. I would not want to have any implication raised against the significance of this Indian emblem because a certain nation in Europe is using it now. The swastika was a very significant emblem to pre-historic men in Arizona at a time when the inhabitants of central Europe were wild men in the forests.

Mr. SCHAFER. It has been testified, if I recall it correctly, that the swastika had been an emblem of American Indians for a long period of time. I believe it has been said that the one which the Nazis use as an emblem is this Indian swastika turned upside down.

Mr. TRUE. I do not understand that the swastika has ever had any occult significance.

Mr. SCHAFFER. The testimony indicates that you were linked up with the Nazi government, which has the swastika as its emblem. Certainly you ought to be in a position to let us know whether the Nazi swastika is an exact copy of the Indian swastika, or whether it is the Indian swastika placed upside down, as one of the witnesses testified.

Mr. TRUE. It happens that I have, had no connection with any foreign government.

Mr. SCHAFFER. You are not familiar with the swastika, and therefore you are not able to testify whether it is the old Indian swastika turned upside down?

Mr. TRUE. Not of my own knowledge. I do not know that I have ever heard the statement that the Nazi swastika was the Indian swastika turned upside down.

Mr. SCHAFFER. I believe there was some testimony before the committee with regard to the Indian swastika, and it was said that the Nazi swastika was not a copy of the Indian swastika, but that it was the Indian swastika turned upside down.

Mr. TRUE. Since mention was made of my connection with foreign countries, I want to put this statement in the record: I have never had any connection whatever with a foreign government. The custom all over the world of the Jewish press has been that if you publish any facts they do not want people to know, they immediately turn on their propaganda and say that you are connected with a foreign government and are being paid for it by them. I have never received anything from any foreign government in the way of contributions or fees, nor have I had any such offer. Now, some Jewish interests made a complaint to the State Department a year ago to the effect that we were connected with the German Government.

The CHAIRMAN. The time of the gentleman has expired. A good deal of his time has been taken up with questions, and if it is satisfactory with the committee, the Chair will recognize him for additional time.

Mr. SCHAFFER. I ask unanimous consent that Mr. True may proceed and finish his statement.

The CHAIRMAN. Without objection, the gentleman will be recognized to finish his statement.

Mr. TRUE. At the request of the State Department, the F. B. I. made an investigation. That was the first Government investigation made of our organization. The F. B. I. representatives went into our organization very thoroughly, with the result that the State Department gave us an absolutely clean bill of health.

Now, on page 28 of this record, Mr. Collier makes this statement:

I have stated previously this morning that the propaganda and the drive by Mrs. Jemison, by James True, and by Pelley, by Towner and the bund and the American Indian Federation, has been without important effect upon the Indians.

Then, he seems to be implying that this propaganda, as he calls it, did have a marked effect on the Senate Committee on Indian Affairs. As to that, I do not know. I do not know any member of that committee, unless I may happen to know some Senators who may be on it. I have never gone before that committee. This is the first time I have testified before any committee with regard to Indian affairs.

Mr. SCHAFFER. The testimony indicates that a fifth-column Joan of Arc led a blitzkrieg which overcame the Senate Indian Affairs Com-

mittee and the Senate itself, and that the Senate committee report on this bill, according to that testimony, is a fifth-column report. If that be so, and if Stalin or Hitler agents, or any other foreign government agents, are responsible for it, their names should appear on the report. Now, I want to ask you this question: Did you write this Senate committee report?

Mr. TRUE. No, sir.

Mr. SCHAFER. Did you write any paragraph or section of the Senate committee report?

Mr. TRUE. No, sir; unless some stuff is quoted in it that I wrote.

Mr. SCHAFER. I mean the actual writing of the report.

Mr. TRUE. No, sir; I did not know anything about it. I did not attend the hearings and have never seen the report.

Mr. SCHAFER. Do you know of any other people who are mentioned as your associates here who had any part in writing the report, or any paragraphs of the report?

Mr. TRUE. I have no knowledge as to any of them having anything to do with it.

Mr. SCHAFER. You realize that it is a very serious matter if fifth-column agents of foreign governments are really carrying on a blitzkrieg right here in the Nation's Capital, overcoming the Senate Indian Affairs Committee, and writing a report for the committee which sponsors their own interests. It appears from the testimony that a fifth column overcame the Senate committee, and even the Senate, because the Senate passed the bill unanimously, and it is a serious matter if the Senate unanimously passed the bill on the basis of information contained in a fifth-column report disguised as the report of the Senate Indian Affairs Committee.

Mr. TRUE. It certainly would be exercising a tremendous power.

Mr. SCHAFER. I wonder if you know of anybody who had anything to do with the writing of this report.

Mr. TRUE. According to my information, the fifth column would object to it.

On page 43 of the record, Mr. Collier makes this statement:

The following organizations and individuals took part, one way or another, in this attempt to create a united Fascist movement:

Knights of the White Camellia (George Deatherage); Militant Christian Patriots (Mrs. Leslie Fry); William Dudley Pelley; Gerald B. Winrod; Charles B. Hudson; James True; National Liberty Party (Frank W. Clark); E. H. Sanctuary; Robert E. Edmondson; the American Rangers (J. J. Peyton); the American White Guard (Henry D. Allen); the Constitutional Crusaders of America.

So far as my knowledge goes, there has been absolutely no attempt to create a united Fascist movement of this sort. Several times three or four men who were interested in preserving the Constitution and Americanism have met here in Washington and have had informal talks trying to arrive at some conclusion as to what could be done with very limited resources toward educating the people generally as to the progress of the Communist movement in this country. If that be fascism, they are guilty. I do not know enough about fascism to make such a charge, but I know it was done from a desire to preserve this Nation.

Mr. SCHAFER. In view of the fact that the testimony indicates that Fascists, Nazis, and Communists are all united in a fifth-column front, I want to ask you this question: Have you changed your opposi-

tion, or violent opposition, to communism, or the position you have taken heretofore, or do you approve of the so-called united front of Nazis, Fascists, and Communists into a fifth column?

Mr. TRUE. No, sir; I do not.

Mr. SCHAFER. You still maintain your opposition to communism and are in favor of preserving our American idea of American constitutional democracy of a Christian democracy?

Mr. TRUE. Absolutely. A very interesting point there is the fact that the Jewish element is now dropping communism and are organizing under the Trotsky idea.

Mr. SCHAFER. The element which you refer to is that composed of the self-righteous Sadducees, scribes, and Pharisees?

Mr. TRUE. Yes, sir. Now, in regard to some testimony before the Dies committee, about 2 years ago a number of witnesses volunteered to testify, and they testified that certain people were members of my organization who had no connection with it. Among others there was a man named Sullivan, who previously had been chief investigator for the Dies committee. He had never had any connection whatever with my organization; yet a Jewish witness testified that he had been a member of my organization. He testified that he was a member of my organization, and that I was getting rich on Hitler's pay roll. He had absolutely no evidence of that kind, because it did not exist. Then one Jew testified that I was a Communist, and I wrote to Mr. Dies asking the privilege of correcting that testimony, but I never heard from him. Some months later I telephoned him, and he said he would allow me to come before the committee, but I never had that privilege. If I do not have the opportunity of coming forward and denying these charges, and telling the members of the committee that this man lied, I shall write an open letter to the committee, swear to it, and publish it very widely.

On page 51 of this record, Mr. Collier inserted a circular letter which we sent out with our reports in October 1937, in which we referred to the work of Mrs. Jemison. I had known Mrs. Jemison for some time before that, and I had never known of anyone in this world who had worked more sincerely and diligently to correct the Communist evil among the Indians. A few days before we sent this circular out, a friend of Mrs. Jemison told me that her family was in great poverty, and that she had spent everything that she had in doing patriotic work. I was told that the children had nothing but mush and milk to eat for something like a week. I asked Mrs. Jemison to come to the office, and I told her that we were going to put out this circular. She was not very enthusiastic about it, but I assured her that it was not a matter of charity, and that loyal Americans owed her a great deal. We put the circular out, and I understand that it brought in enough to feed her family for a few weeks, and to meet her immediate pressing needs. That was done with the best of motives. If we had had the money, we would have supplied her needs, but we did not have it, and that was the next best thing to do. I think that all decent Americans would have done the same thing, and it is surprising to me to find anybody who would bring anything like that forward as something that was improper.

Mr. SCHAFER. Particularly so when they denounce anyone who tries to raise some funds to relieve the hunger and distress of an American

citizen—a real American citizen, who is an Indian—and indicating that it is wrong. This is remarkable in view of the widespread propaganda which we have in favor of relieving distress in lands which are 3,000 miles away from our shores.

Mr. TRUE. It is just another one of the thousands of cases of the exploitation of human needs.

Again, on page 55, Mr. Collier inserted in the record a letter I wrote to one Henry D. Allen, in California. Mr. Allen had been trying to induce a paper out there, the Christian Free Press, to accept and pay for a series of articles by Mrs. Jemison. I was very glad to see that, because I thought it would give her some income, and I wrote this letter. Again Mr. Collier picks out a very innocuous piece of correspondence and tries to make smearing material out of it.

Mr. SCHAFFER. Who publishes the Christian Free Press?

Mr. TRUE. It is out of print now. It was published by a little organization out there. It was an anti-Communist publication. It was very vigorously anti-Communist.

Mr. SCHAFFER. Was it pro-Christian?

Mr. TRUE. Yes, sir; its title was Christian Free Press.

Mr. SCHAFFER. You are a newspaperman yourself?

Mr. TRUE. Yes, sir.

Mr. SCHAFFER. You do not think there is anything wrong about an American citizen receiving \$100 for writing an article for an American Christian publication, while it is absolutely all right to write some false articles and receive, perhaps, a thousand dollars, from Collier's Weekly?

Mr. TRUE. No, sir. I see nothing wrong in what she did.

Mr. SCHAFFER. You believe that under the provisions of our Constitution, any citizen, particularly a real American, or one of the first Americans, an Indian citizen, as well as any other citizen, still has a right to write articles for daily, weekly, monthly, or any other kind of papers or magazines, do you not?

Mr. TRUE. Yes, sir. A very interesting point there is that these articles could not have found space in any orthodox newspaper in this country. You speak of a free press, but there are many subjects that you cannot write on for the press. There is much factual material that the papers refuse to publish.

Mr. SCHAFFER. You mean some papers?

Mr. TRUE. Yes, sir; it is the great metropolitan newspapers in this country that are under control.

Mr. SCHAFFER. I do know that there are a great many metropolitan newspapers which are fair in trying to discuss both sides of public questions.

Mr. TRUE. Ask the publishers, and they will tell you.

On page 60, Mr. Schafer asked Mr. Collier this question:

Have you any definite proof outside of your own supposition, have you any definite proof indicating that Mrs. Jemison or the organization she represents is linked directly or indirectly to any foreign country, whether Nazi, Fascist or Communist? That is my understanding of fifth column—they are foreign subversive agents.

In that connection, I would like to repeat again that none of the people mentioned by Mr. Collier in his testimony, so far as I know, and I know some of them quite well, has any connection with any foreign government. So far as I know Germany and Italy are not

spending anything here. So far as Germany is concerned, I do not think that Germany cares what this country does. I have seen no evidence whatever myself of any Nazi or Fascist groups attempting to take over this Government. That simply does not exist so far as I know.

Mr. SCHAFER. You indicate that there is no evidence of any foreign groups operating here: How about the people who are perfectly willing to use all the money they can get to disseminate propaganda designed to push us into the new European war? I have told those people that we have no statute on the books which would prevent them from going to Canada and enlisting in the British or French Foreign Legions or in the Canadian Expeditionary Force. These people apparently do not realize that there are no laws on the statute books which would prohibit them from handing over any portion of their wealth to the cause which they so vociferously expound. They are truly great liberals when it comes to spending other people's money, and they are very liberal blood spillers when it comes to spilling other people's blood.

Mr. TRUE. That propaganda comes from the same source that gave rise to the Russian revolution, the revolution in Germany, the revolution in Spain, and so forth.

Mr. SCHAFER. Is it not a fact that only a few years ago the French Government was under complete control of the Communist-Socialist front, under Blum, and is it not true that the sit-down strikes and other programs of the Communists and Socialists weakened the national defense of the French Government?

Mr. TRUE. Yes, sir; and it weakens ours. We see a perfect illustration of that. On page 4 of the record, Mr. Collier refers to E. B. Towner, who—

attacks the President as a Jew in disguise, extols Hitler and nazi-ism and calls for a revolution to put the United States in the hands of the Germans and calls on the Indians to join this revolution.

He says that when E. B. Towner does that, "he is acting as a 'fifth columnist.'" Then he refers to me in the following language:

When James True, advocate of fascism and virulent anti-Semites, first circularizes his own constituency in behalf of Mrs. Jemison and then writes to Henry D. Allen, notorious bund agent in California, "I can't tell you how wonderful it is that you are supporting Pocahontas (Mrs. Jemison)," and when members of Mrs. Jemison's organization attend bund meetings and make speeches there; when Mrs. Jemison's literature is distributed through bund headquarters; and when the conglomeration of these persons and agencies depict the United States as horribly persecuting its Indian minority, I call this "fifth column" activity.

Then he continues:

When evidence passes into the possession of the Government Secret Service that Mrs. Jemison has been receiving money from bund-connected individuals, this evidence bears upon the "fifth column" matter.

Now, I do not know what he means by that. I do not know Mr. Towner. I never met him to my knowledge. With regard to the bund, I have never met a member of the bund that I know of. I have never met officially anybody who had any connection with it at all.

I think that is about all I wish to say.

The CHAIRMAN. The Chair dislikes to cause the witness to go beyond his statement, but you made the statement earlier in your testimony that information you have leads you to believe that those

who oppose the Senate report are connected with the "fifth column." What information do you have on that?

Mr. TRUE. That is simply a radical element—

The CHAIRMAN (interposing). What information do you have that leads you to believe that?

Mr. TRUE. Only what I have read in the record.

The CHAIRMAN. What record?

Mr. TRUE. It is right here. He goes on to say that these people are members of the "fifth column."

The CHAIRMAN. Your statement was that information you have leads you to believe that the ones who are opposing this Senate report are connected with the "fifth column." What information do you have that leads you to believe that?

Mr. TRUE. The only information I have comes from a good many years of study of Communist activities.

The CHAIRMAN. Do you mean that your information leads you to believe that those who opposed the Senate report are connected with the "fifth column"?

Mr. TRUE. No, sir; I said that is the way they work. That has been the same thing in every country in the world. That has been the thing that has been back of the Communist element.

The CHAIRMAN. You do not want to be put in the position of saying that anybody who opposes the Senate report is connected with the "fifth column"?

Mr. TRUE. No, sir. I meant that those who are attacking us are in a "fifth column."

The CHAIRMAN. You referred to information that you have that led you to believe that.

Mr. TRUE. That was regarding the Communist element. Their way of working would convince me of that.

Mr. SCHAFER. In view of that statement, let me say that I know how communism works. The Communists certainly do not support me politically or in any other way. In fact, the Communists picketed my home and threatened my life in the 1938 campaign. They would have found me well armed, and some of my World War comrades well armed. The other evening, after making a speech in favor of the deportation of Harry Bridges, I received an anonymous telephone call late at night. I was told that if I made any more such speeches I would be in a position where I could not make any more speeches at all. I told my caller that the Lord says that those who die in His name shall have everlasting life, and that therefore I had no fear of their threats. I do not want to be classed as being a part of the Communist front because I am opposed to this bill in the form that it came from the Senate.

I intend to offer an amendment. People who have been opposed to communism have been attacked for extending the right of self-government to the Indians. The Senate bill as it came over to the House, and as it is now pending before this committee, provides that a manifesto passed by Congress and signed by the President will set aside the choice or will of the Indians as expressed in elections in which they voted. Therefore, I intend to offer a substitute providing that the Indians can determine in elections whether to remain under the provisions of the Wheeler-Howard Act or come from under the provisions

of that act. If they have voted to go under the act, they will have the opportunity to vote to get out from under it. There is nothing wrong in that provision, if the Government is to provide proper election machinery through which they may express their choice.

Mr. TRUE. Of course not. You are not supported by any communist element because you are an American. You were standing for Americanism, and, of course, the communists could not support you.

I would like to put in the record a statement from *The Roosevelt Red Record and Its Background*, by Elizabeth Dilling.

The CHAIRMAN. What is the pleasure of the committee?

Mr. SWEET. I ask unanimous consent that it be inserted.

The CHAIRMAN. Mr. Sweet asks unanimous consent that the matter referred to by Mr. True may appear in the record. Without objection, it is so ordered.

(The matter referred to is as follows:)

From *The Roosevelt Red Record and Its Background*, by Elizabeth Dilling (p. 398):

"COLLIER, JOHN: Commr. Bur. of Indian Affairs, Dept. of the Interior; dismissal asked, p. 65; Am. Indian Defense Assn., p. 67; poem to anarchist Ferrer, p. 71; enthusiastic supporter of A. C. L. U.; Sacco-Vanzetti Nat. Lg.* (a Communist agitation), 1928; on 1933 'honor roll' of 'The Nation', 'revolutionary Socialist' weekly; see chapter 'Communizing the Indians', p. 64; also p. 134."

Mr. TRUE. I have a list of some of the communistic element employed in the Government service, with a statement of their qualifications, and so forth, and I would like to have it inserted in the record.

Mrs. BOLTON. I beg your pardon; I did not hear what that was.

Mr. TRUE. It is a list of Communist people he has employed.

Mrs. BOLTON. Who has employed?

Mr. TRUE. Mr. Collier. This has been brought out in testimony before other committees.

The CHAIRMAN. Mr. True submits a paper from the American Indian Defense Association, Inc., and the American Civil Liberties Union. What is the pleasure of the committee?

Mr. SCHAFTER. I ask unanimous consent that it be inserted in the record.

The CHAIRMAN. Without objection, it is so ordered.

(The matter referred to is as follows:)

AMERICAN INDIAN DEFENSE ASSOCIATION, INC., AND AMERICAN CIVIL LIBERTIES UNION

Mr. Collier was executive secretary of the American Indian Defense Association for 10 years. On March 29, 1935, he testified before a subcommittee of the House Indian Committee that the directorate of his organization and the American Civil Liberties Union was interlocking. (See p. 675, hearings before the Subcommittee on General Bills of the Committee on Indian Affairs, House of Representatives, on H. R. 7781, February 11, 1935.)

Page 693 (same hearing): Mr. Collier stated: "Now among the agencies that have been fighting resourcefully for a long time for this freedom of speech, freedom of press, freedom of assemblage, is the American Civil Liberties Union. They are an extraordinarily effective organization. Roger Baldwin is an extremely effective person."

Page 694 (same hearing): Mr. Collier: "As I say, I have considered the American Civil Liberties Union was entirely honest, that it was fearless, and that it was a good fighter as an organization. I have great admiration for Roger Baldwin as a man."

Page 700 (same hearing): Mr. Collier: “* * * I think the American Civil Liberties Union is a very useful organization.”

(The above committee tried to find out whether or not Mr. Collier was a member, but he said that he did not know.)

* * * * *
John Collier is listed as a member of the National Committee of the Sacco-Vanzetti National League. (See p. 225, The Red Network.)

* * * * *
John Collier was listed as one of the faculty members for the “Eleventh Seminar in Mexico, Cuernavaca, and Mexico City, July 9-29, 1936,” held by the Committee on Cultural Relations with Latin America. (See page proof of Senate hearings.)

* * * * *
Among Mr. Collier’s employees are the following:
1934-36: Mary Heaton Vorse, Communist author, employed as editor and publicity director.

1936: Willard W. Beatty, president of Progressive Education Association, employed as Director of Indian Education, which position he still holds. Mr. Beatty is included in the Dies list of those associated with the American League for Peace and Democracy.

1936 or 1937: René d’Harnonecourt, an Austrian, who had first papers and has now received final papers, employed as general manager, Indian Arts and Crafts Board. (Collier’s publication Indian at Work reported that this man had been in Mexico working with Indian arts and crafts there, p. 170, Aliens in Government Employ, S. Doc. 30, 1939.)

1935: Dr. Eshref Shevky, a Turkish citizen, who took out first papers to secure a position in the Soils Conservation Service, at Mr. Collier’s recommendation (p. 179, Aliens in Government Employ, S. Doc. 30, 1939; also pp. 618, 715, hearings on H. R. 7781, House Indian Committee, 1935).

1938: Otto Walker, Austrian, employed as assistant medical technician at Pawnee Agency, Okla. (p. 171, Aliens in Government Employ).

1934: William A. Barrett, Englishman, employed first as camp assistant in Indian emergency conservation work, now serving as accounting and property clerk. Has first papers.

1935: Allen G. Harper, who has had various titles, all administrative, who is a member of the Pennsylvania American Civil Liberties Union and was State secretary for 3 years (pp. 1038-1039, hearings on H. R. 7781, House Indian Committee, 1935).

1933: Sent to Mexico to have Dr. Moises Saenz come to America at expense of taxpayers to advise this Government how to educate the Indians. Mr. Collier said he “heartily approved the Mexican school system” (pp. 704-709, hearings on H. R. 7781, House Committee on Indian Affairs, 1935). (For information about Dr. Saenz, who also was an officer of Collier’s organization, American Indian Defense Association, see pp. 2495-2497, vol. 4, Dies hearings.)

* * * * *
(Secretary Ickes and Nathan Margold, Solicitor for Department, both members of American Civil Liberties Union.)

Mr. ZIMMERMAN. I wonder if Mr. True submits this document on his own behalf, or if it is quoted from some other public record. I think it has been repeatedly printed in the hearings of the committee, and I simply ask if Mr. True submits this because it appears in Mrs. Dilling’s book, or as a direct charge of his own.

Mr. TRUE. I refer to those books of Elizabeth Dilling because they are standard references on this subject. They have gone before courts and they have been used as authoritative sources.

The CHAIRMAN. You are submitting a quotation from a book?

Mr. TRUE. Yes, sir.

Mr. ZIMMERMAN. Your statement referring to this as a standard and authentic account is very interesting.

Mr. TRUE. There has never been any lawsuit or libel suit on account of the book.

Mr. MURDOCK. Mr. True, you are a man of wide observation, and from your many years of study of human nature and social matters, have you not found this to be true, that name-calling is indulged in by both sides on every controversial issue?

Mr. TRUE. Usually on political issues. If you will study the experience of other countries, you will find that for hundreds of years it has been the habit and a large part of the technique of subversive interests to do that. They not only smear you when they are trying to keep the truth undercover, but if you attempt to bring it out, you are discredited immediately.

Mr. MURDOCK. The effects of a bad name was early impressed upon me. My father died when I was 12 years old, but I recall, when I was a very small boy, that he said a significant thing referring to a Quaker who had been bitten by a dog. The Quaker said, "My poor dog, I would not harm thee, but I will give thee a bad name." He called it a mad dog, and the neighbors shot it.

You are having some trouble, and we are having trouble too, in the matter of definitions. I cannot adequately define a lot of those terms. I cannot define socialism, communism, fascism, or nazi-ism very well. In the religious field I am not sure that I can define "orthodox." I have come to the conclusion that the unorthodox man is the one who disagrees with me. Whenever I find a man who disagrees with me, I am apt to apply that term to him, and he is apt to apply it to me. I wonder if that is not especially common today and explains the prevailing name calling. It is largely a matter of definition. I wonder if that has been your observation.

Mr. TRUE. Yes, sir; I think that touches on a very familiar form of human weakness.

The CHAIRMAN. Is there anything further?

Mr. SWEET. I would like to ask a question about Mr. Collier's testimony upon which you have commented this morning. I would like to ask you if you think John Collier, the Commissioner of the Indian Bureau, is a Communist.

Mr. TRUE. He is what?

Mr. SWEET. If you think John Collier, the Commissioner of the Indian Bureau, is a Communist.

Mr. TRUE. I do not think he is a member of the Communist Party. I think he would fall very clearly into the category of fellow-travelers.

Mr. SWEET. Upon what do you base your opinion?

Mr. TRUE. Upon his testimony.

The CHAIRMAN. Are there any further questions?

Mr. SCHAFFER. Yes.

The CHAIRMAN. Mr. Schaffer.

Mr. SCHAFFER. I have been looking through the dictionary, to find some definitions, and I am trying to find a definition of "fifth columnist."

Mr. TRUE. You know where the word started, do you not?

Mr. SCHAFFER. In politics we have a great many political slogans, such as "Make the world safe for democracy." Another one is, "Save the world for democracy," and another one, "Drive the money-changers from the temple." Another one, "princes of privilege;" another one "economic royalists." Now we have a new one, the "fifth column." What is your definition of the "fifth column?" In the sense in which it is used today it seems to me that "fifth column" is merely part of a smoke screen to cover a third-term blitzkrieg.

Mr. TRUE. It is a perfect illustration of the fact that the subversive elements always charge the patriotic elements with the things they are doing themselves. The "fifth column," as I understand it, started out as a very patriotic movement. It was during an attack by the Franco forces on Madrid when the general in charge of the army said that he would be assisted by his "fifth column" which was inside Madrid, the patriotic people who were within the city limits under bombardment. Now the subversive element has taken it up to use to smear those who are opposing it. Evidently, they did not approve the "fifth column" at that time.

Mr. SCHAFER. Mr. True, I have been fighting communism in and out of Congress, and the Communists and many of those working on their united front, denounced me as a Nazi for so doing. At the same time I introduced a bill in Congress to register firearms, and another man mentioned in this testimony as a part of the "fifth column" front, Mr. Robert Edward Edmondson, denounced me as a stooge for the Communist Jewish people, who, he claims are trying to overthrow the Government. Realizing that our Lord said, "No man can serve two masters," I have been wondering how a person can serve the Nazis who have been fighting the Communists, and serve the Communists who are fighting the Nazis.

Mr. TRUE. I think, Mr. Schafer, that you are going to receive an apology from Mr. Edmondson for that. He was mistaken, and I understand he has made the statement he was mistaken. I think you are going to have a retraction. The disarming legislation has been quite a problem, and when that has been up it usually has been fought by the people that he mentioned. He did not know you, and did not know anything about your record and jumped to a very erroneous conclusion. I know him, and I know that that is very unlike him. I am going to see him in a few days.

Mr. SCHAFER. I brought that up to confirm what the gentleman from Arizona, Mr. Murdock, has indicated, that a great many people resort to name calling in order to strengthen their case, and that is why we now have a "fifth column" foundation for the third-term blitzkrieg.

Mr. TRUE. I think you better withdraw that Edmondson statement.

Mr. SCHAFER. Before you leave I just want to find out one more thing. I quote here, in view of the record, from pages 531 of Funk & Wagnalls dictionary, 1935 edition, defining the word "Semitic," as pertaining to the descendants of Shem, including Assyrians, Hebrews, Phoenicians, Arabs, Abyssinians, and so forth. Are you "anti" all of these people?

Mr. TRUE. No; I am not anti-Semitic.

Mr. SCHAFER. Then you are not anti-Semitic?

Mr. TRUE. No.

Mr. SCHAFER. Perhaps anti-Semitic may be part of a smoke screen, just like "fifth column," "economic royalists," "princes of privilege," "make the world safe for democracy," and "save the world for democracy."

Mr. TRUE. Certainly.

Mr. SCHAFER. And, so far as your views are concerned, you are not anti-Semitic, and you are not pro-Communist, are you?

Mr. TRUE. No; no, indeed.

Mr. SCHAFER. Are you pro-Nazi?

Mr. TRUE. Indeed not.

Mr. SCHAFER. Are you pro-Fascist?

Mr. TRUE. No, indeed.

Mr. SCHAFER. Are you pro-American?

Mr. TRUE. Absolutely.

Mr. SCHAFER. Are you pro-Christian-American?

Mr. TRUE. Absolutely.

Mr. SCHAFER. And you are anti-self-righteous, Sadduces, scribes, and Pharisees, the same as was Jesus Christ according to the Gospel of St. Matthew, St. Mark, St. Luke, and St. John?

Mr. TRUE. Correct.

The CHAIRMAN. Thank you, Mr. True.

Mr. TRUE. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Luke Gilbert.

STATEMENT OF LUKE GILBERT, REPRESENTING THE CHEYENNE RIVER SIOUX TRIBE, CHEYENNE AGENCY, S. DAK.

The CHAIRMAN. The Chair recognizes Mr. Gilbert for 10 minutes.

Mr. GILBERT. Mr. Chairman and members of the Committee on Indian Affairs, first I want to express my appreciation to you, Mr. Chairman, for the privilege extended to the delegations of American Indians that are here to be heard on bill S. 2103, known to us as the exemption bill. We have traveled many, many hundreds of miles to tell the committee and to appeal to this committee and to state that we do not want any legislation that will destroy and take away the benefits to our young people. Before going ahead, I wish to make a sort of review.

The CHAIRMAN. You are appearing, then, against the Senate bill as it is written?

Mr. GILBERT. Yes.

The CHAIRMAN. You may proceed.

Mr. GILBERT. The Indian Bureau has been in existence for some fourscore or more years, and we have had laws and policies under different administrations, until within the last 6 years we saw a change coming about at this time.

Mr. Chairman, much has been said in criticism of the Indian Reorganization Act, commonly known as the Wheeler-Howard Act, which went into effect June 18, 1934.

The need for such reform legislation was studied for years by the friends of the Indians, as far back as 1920.

In the year 1929, to the early part of 1934, there proceeded a lengthy and vigorous investigation on the survey of conditions of the Indians of the United States by a subcommittee of the Committee on Indian Affairs of the United States Senate. Hearings were held on practically every Indian reservation by the subcommittee of the Senate Indian Committee. Hundreds of Indians and friends of Indians all over the Indian reservations throughout the United States had their day before the subcommittee on Indian Affairs and related their grievances and criticisms, hurled charges of mismanagement, mistreatment, exploitation, and autocratic rule against the Indian Bureau and its system and field personnel.

In many instances the grievances and the charges were well founded and justified. The system under which Indian affairs were administered for over 4 score years was bitterly denounced. Subsequent to the investigation and the survey, the Indians wondered in amazement at the outcome of this survey. The hope of the Indians was reformation in the Government's policy toward its wards. It is to be admitted at this time that the application of the Indian Reorganization Act is not 100 percent perfect, but it is a solution of the old system to some extent. Tribal councils organized under proper constitutions and bylaws and the act give the councils more responsibility in their deliberations and control of tribal lands and of property. This is an authority by law which the old tribal councils did not have. The principles of the act contemplate the protection of tribal property and life.

The Indian Reorganization Act provides for the discontinuance of the allotment system and the remaining Indian lands are protected from further loss, which seems to be the backbone of the land problem.

Surplus lands which have been thrown open to homesteaders by acts of Congress and which have not been entered, may be restored to tribal ownership. Non-Indian lands may be purchased under the act and added on to the reservations for landless Indians and for Indian use. Tribes may organize for their mutual benefit and enjoy self-government under Federal guardianship. The tribes may incorporate for business purposes and be eligible to participate in a revolving-loan fund to enable them to work toward self-support.

Educational loans are offered to worthy students to pay tuition and other expenses in high schools, colleges, and vocational schools to enable such students to receive further educational training. Qualified Indians can enter the Indian Service easier under rules established by the Secretary of the Interior. These seem to be the fundamentals of this new law.

Mr. Chairman, I wish to state that the Cheyenne River Sioux Tribe voluntarily came under the provisions of the Indian Reorganization Act at an election held on the reservation on October 27, 1934, by a sufficient majority of votes. We are organized and functioning under appropriate constitution and bylaws approved by the Department.

An election on the adoption of a charter of incorporation was held on October 30, 1936, and was rejected by a 21-vote majority. We admit that without a charter there is no financial credit for the Indian people and there is a vital need for the same; therefore, we are making slow progress toward self-support.

In the meantime, we are falling back on our tribal funds with which to purchase cattle and supervise the same under a repayment system program which has now been accomplished. I am convinced we have made some progress in self-government, besides receiving much civic understanding and responsibility.

I will also state that 30 of our young Indian people have taken advantage of the educational scholarship loans offered by the act. Some have completed their courses and are now employed by the Indian Service and are paying back on their loans. This is one of the outstanding benefits and opportunities offered by the act for the young Indian people, because, after all, the hope of our race lies in the rising generation of today.

Mr. Chairman, at this point, I wish to interject into the record a list of names of our young people who have received educational loans under the act, the total amount of the loans, and the balance of the loans.

The CHAIRMAN. You have heard the request of the witness. What is the pleasure of the committee?

Mr. SCHAFER. He desires to put something into the record?

The CHAIRMAN. Yes.

Mr. SCHAFER. I ask unanimous consent that it go in.

The CHAIRMAN. Mr. Schafer asks unanimous consent that the list referred to by the witness go into the record. Without objection it is so ordered.

(The list above referred to is as follows:)

OFFICE OF INDIAN AFFAIRS,
CHEYENNE RIVER INDIAN RESERVATION,
Cheyenne Agency, S. Dak., February 6, 1940.

Mr. LUKE GILBERT,
Chairman, Tribal Council, Cheyenne Agency, S. Dak.

DEAR MR. GILBERT: Reference is made to your communication of the date in regard to status of educational loan students. The following information is submitted:

Hazel Gilbert, employed, commercial.
Luther Claymore, employed, radio technician.
Allen Arpan, employed, Civilian Conversation Corps, Indian Department.
Hazel Iron Moccasin, in school, commercial.
Eloise La Plant, unemployed, normal.
William Pretty Bear, in school, normal.
Kenneth Pretty Bear, in school, normal.
Anna Hollow Horn, in school, normal.
Johanna Ryan, in school, commercial.
Martha Half Red, unemployed, religious training.
Hazel Elk Head, employed, arts and crafts.
Minnie Ear Ring, in school, nursing.
Marie Fielder, in school, commercial.
Aurelia Dupris Rave, unemployed, normal.
Eugene Ryan, unemployed, agriculture.
Benjamin Dupris, employed, industrial arts.
Marie Crow Feather, unemployed, nursing.
Irene LeBeau Bowker, in school, commercial.
Marie Dupris, employed, commercial.
Eunice Dupris, employed, commercial.
Arthur Bridwell, in school, agriculture.
Maude Powell, employed, commercial.
Leona Rivers, employed, commercial.
Dorothy Webb, employed, normal.
Louise Le Beau, employed, beauty culture.
Lucille Le Beau, employed, nursing.
Mary Hill, employed, nursing.
Grace Poitras, employed, nursing.
Lyle Poitras, employed, Crayton University.
Melvina Poitras, employed, commercial.
(The average of the above loans is \$300 to \$400.)

The CHAIRMAN. The time of the witness has expired.

Mr. SCHAFER. I ask unanimous consent that the witness' time be extended. I believe we have spent a great deal of time listening to too much testimony which has no bearing on this bill. I believe that representatives of our American Indians should have all the time which they desire.

The CHAIRMAN. Mr. Schafer asks unanimous consent that the witness be allowed to finish his statement. Without objection, it is so ordered. You may proceed.

Mr. GILBERT. It was stated here yesterday morning that the educational loans did not have any effect on the desire to withdraw from the act, something to that effect. Now, we look at it in a different way. We think the educational loans are what we need for our young people. Heretofore they have not been getting them.

The CHAIRMAN. In other words, you would hate to see Senate 2103 enacted as written, because it would deprive you of your educational loans for your young people?

Mr. GILBERT. Certainly; that is it.

The CHAIRMAN. That is one of the reasons?

Mr. GILBERT. Yes, sir; that is one of the reasons.

Mrs. BOLTON. If you were assured that you would have loans for educational purposes you would not be very much in favor of continuing the act?

Mr. GILBERT. We would like to hold onto our benefits under this act.

The CHAIRMAN. In other words, there are other benefits, but this is one of the main benefits?

Mr. GILBERT. This is one of the benefits.

The CHAIRMAN. The witness did not intend to say that was the only benefit.

Mr. SCHAFER. You believe that if the Congress enacts into law the Senate bill in the form in which it passed the Senate that automatically you will lose those educational benefits?

Mr. GILBERT. For our young people; yes, sir.

The CHAIRMAN. The witness will proceed.

Mr. GILBERT. Section 14 of the act continues the payment of the Sioux benefits on the basis of 80 acres for our young people when they reach the age of 18 years. We do not want any legislation that will impair and destroy these benefits which mean several hundred thousands of dollars for our young people for years to come. I might add, Mr. Chairman, that this is one item we believe that has come down from our treaty obligations with the United States Government, and our people are very much set with our treaties, and we do not want to lose these Sioux benefits. We figure in the long run that the Cheyenne River Reservation will be the only Sioux reservation that would be benefited by section 14. We do not want to lose that for our young people. I want to make that clear.

The CHAIRMAN. In other words, if the Senate bill were enacted, you would lose these benefits, too?

Mr. GILBERT. That is the way we feel about it.

Mr. SCHAFER. I want to have something cleared up in my mind. Yesterday Congressman Case pointed out that the Sioux Tribe would lose the Sioux benefits. Now this witness indicates that his tribe would lose the Sioux benefits. Is he a Sioux, and is he a member of the Sioux Tribe, or do other tribes receive Sioux benefits in addition to the Sioux Indians?

Mr. GILBERT. I am a Sioux Indian. I am from the Cheyenne River Reservation of South Dakota.

The CHAIRMAN. Are you a delegate of your tribe?

Mr. GILBERT. Yes, sir.

The CHAIRMAN. Sent here to represent them on this legislation?

Mr. GILBERT. Yes.

Mr. SCHAFER. You have been elected by your people in an election as a delegate?

Mr. GILBERT. By the tribal council.

Mr. SCHAFFER. Yes; but the tribal council has been elected by the Indian voters, and then the tribal council selected you to come down here in the same manner that the stockholders would elect directors of a corporation, and they would send somebody to represent the corporation?

Mr. GILBERT. Mr. Chairman, I might add that I have been elected as chairman by the people at large.

Mr. SCHAFFER. That is what I wanted to find out.

Mr. GILBERT. Yes.

The CHAIRMAN. You are also a member of the council?

Mr. GILBERT. Yes, sir; I am a member of the council.

Mr. SCHAFFER. And you speak as representative of your tribal council which has been elected in an election in which the members of the tribe voted?

Mr. GILBERT. Yes, sir.

Mr. SCHAFFER. About how many members of your tribe are there who are eligible to vote?

Mr. GILBERT. There are 3,500-and-some on the census books and about 1,500 eligible voters.

Mr. SCHAFFER. I am glad to hear that, to find out that we have some Indians appearing to give us some information and testimony on Indian legislation who have been elected by the Indians themselves.

The CHAIRMAN. The witness may proceed.

Mr. GILBERT. Another reason why we believe Cheyenne River jurisdiction should not be disturbed at this time by any legislation is the salvaging of Indian lands under the act which is very important and the backbone of the land problem. You will note, Mr. Chairman, that I am confining myself directly to the Cheyenne River tribe now. The sponsors of the General Allotment Act of 1887 believed that the division of the tribal lands among the members of the tribe would create in the Indian the pride of individual ownership and induce him to make use of his own land for the support of his family. They overlooked the fact that capital in some form is needed to transform the lands into a productive farm or ranch. Because of the lack of financial credit, the average Indian family proceeds to sell and lease their land to white farmers or stockmen for cash. The leasing system is demoralizing to the Indians.

On April 7, 1900, Cheyenne River Indian Reservation comprised about 2,804,090 acres, all Indian land. I refer to this date because this was the date of the departmental order which instructed allotments of land be made to the Cheyenne River Sioux Tribe. Subsequently, after a period of 34 years, approximately 1,321,116 acres of choice Indian lands was alienated by reasons of sale of allotments, fee patents and the opening of a large portion of our reservation to the homesteaders by act of May 29, 1908, very much against the wishes of our people.

At the rate of alienation of Indian land during this period what would happen to the Cheyenne River Sioux Tribe in the next 50 years was the landless goal. The Cheyenne River Sioux Tribe today owns and holds in the name of the United States Government in trust for the tribe approximately 440,067 acres of tribal land thus salvaged by this act.

For many years the Cheyenne River Sioux jurisdiction was administered with our tribal funds for administrative and personnel which was recommended by the Indian Office and appropriation made by the Congress much against the wishes of the people. Since the Reorganization Act went into effect the Tribal Council have been advised and presented with budgets for consideration and approval. To date, as far as we have knowledge of, no tribal funds are used for administrative purposes.

In conclusion I wish to state that, to exclude the Cheyenne River Sioux Tribe from the benefits of Reorganization Act will be wholly injustice to us without any alternate program which may be more beneficial to us. We, therefore, protest any legislation which will deprive us of benefits and especially impair the program set for our young people by Indian reorganization.

Mr. Chairman, at this point I wish to interject into the record some petitions hereof which I have photostatic copies which indicate that our people are willing to go ahead some time and take a revote on the charter. There are, I believe, 497 names on there.

The CHAIRMAN. You will not want this back; you have your original?

Mr. GILBERT. Yes; I have the original.

The CHAIRMAN. You have your original?

Mr. GILBERT. Yes; and I can safely say that averaging these families up on the basis of the number in the family there are well over 2,000 Indians represented by this petition.

Mr. MUNDT. Will the gentleman yield?

The CHAIRMAN. Will the witness yield?

Mr. GILBERT. Yes, sir.

Mr. MUNDT. I am sorry I came in after the gentleman had started his testimony, but I was detained in another committee meeting this morning, and I have just arrived. I would like to ask you whether the Indians on your reservation are satisfied with the Wheeler-Howard Act as it now functions, or whether, providing the claims which you wish to have retained for your tribe, and which you should have retained, can be guaranteed, whether you would like to have the Wheeler-Howard Act repealed? What would be your estimation of the sentiment out there?

Mr. GILBERT. I believe, Mr. Mundt, that in order to be fair to the Indians of my reservation, I will admit that we have a minority there who are opposed to the Reorganization Act, but in order to be fair, so that we can be guaranteed by the Congress that we will not lose any of these benefits the proper thing is to put it back to a vote of the people.

Mr. MUNDT. Then you think an amendment such as the one Mr. Schafer has submitted that would give the Indians the right to vote on a secret ballot as to whether they should be under the act or out of the act, would be the best solution?

Mr. GILBERT. If there is such an amendment I have not heard of it.

Mr. MUNDT. Mr. Schafer suggested such an amendment and Mr. Collier has also indicated that it would meet with his approval, that is, he is merely trying to do for the Indians what is best.

Mr. SCHAFFER. I have offered a proposed substitute to strike out all after the enacting clause of the Senate bill and substitute provisions under which the Indian tribes can hold elections to come under the

act or to get out from under the act with a safeguarding provision that no elections shall be held on the same reservation on the same question for a period of 2 years. This proposed amendment of mine also has safeguarding provisions with reference to liquidating the corporate activities of the tribes which have been operating under the act, and would extend to the Indians the right to vote in their elections. Now, if some of these tribes which we have been told voted to come under the act under a misapprehension, feel that they want to get out from under the act, that is, a majority feels that way, I believe that should be for the Indians to decide and not the Congress and the Great White Father to decide by a legislative manifesto issued in Washington thousands of miles away from the Indian reservation.

Mr. GILBERT. Well, speaking for the Cheyenne River Reservation, if we can be assured and guaranteed that we are not going to lose these rights, I have no objection to your amendment.

Mr. MUNDT. I am confident that before this committee reports out a bill with this amendment or some modification thereof we will see to it that no Indian benefits will be lost by the repeal of the Wheeler-Howard Act, because we have the word of the Commissioner that there is no intention whatsoever to use a club in the nature of Indian benefits to be withheld or educational benefits not to be granted. No club is to be used in an attempt to get Indians to vote one way or the other on this bill.

Mr. SCHAFFER. Would not the word "bribe" or "bait" be more appropriate?

Mr. MUNDT. I live out in the land of the Indians where "club" carries a definite meaning.

Mr. SCHAFFER. In other words, "The Big Stick."

The CHAIRMAN. Nobody could guarantee that any tribe that voted to come out from under the act would retain those benefits, because if we adopted the amendment suggested by Mr. Schafer and the tribe did vote to go out from under the act, then it would lose those benefits. We cannot give the tribe the choice of deciding whether it wants to stay in or not, and at the same time, guarantee the benefits if it decides not to stay under the act.

Mr. MUNDT. I was talking about the Sioux benefits which were specific.

The CHAIRMAN. I am talking about all the benefits of the act.

Mr. MUNDT. Yes.

The CHAIRMAN. Some of the tribes benefit one way, and some of the tribes benefit another way, and, of course, it is taken for granted that if a tribe voted to come out from under the act it would, of course, then lose the benefits.

Mr. MUNDT. It would not lose all of the benefits which are inherent in the rights of the tribe itself because the Wheeler-Howard Act has no rights to tie the benefits up to that act.

The CHAIRMAN. These tribes the gentleman has mentioned are all under the Wheeler-Howard Act.

Mr. SCHAFFER. I believe an amendment would be considered later on to retain the benefits which were taken away under the act.

The CHAIRMAN. If the gentleman will yield, no benefits were taken away under the act.

Mr. SCHAFFER. Judge Case seemed to indicate that benefits which existed prior to the act would be lost if they voted to come out from under the act.

The CHAIRMAN. No; I think the gentleman misunderstood him.

Mr. SCHAFER. In order to expedite action I ask unanimous consent that at this point the Chief be allowed to insert the body of the petition and the number of names appearing thereon. It is not necessary to print all of the names, but just the body of the petition, this short paragraph, and the number of names signed to such petition.

The CHAIRMAN. You have heard the request. If there is no objection, it is so ordered.

(The text of the petition referred to is as follows:)

We, the undersigned, enrolled adult members of the Cheyenne River Sioux Tribe of Indians, residing on the Cheyenne River Reservation in the State of South Dakota, having adopted a constitution and bylaws, ratified in an election held December 7, 1935, and approved by the Secretary of the Interior December 27, 1935, pursuant to section 16 of the act of June 18, 1934, do, and hereby respectfully petition you to issue a charter of incorporation to our said tribe, in accordance with the provisions of section 17 of said act, supra. We, individually certify that we have not signed any other petition of this character.

(There was a total of 497 names signed to this petition.)

Mr. SWEET. Mr. Chairman.

The CHAIRMAN. Mr. Sweet.

Mr. SWEET. Mr. Gilbert, you mentioned a moment ago an election of the tribal council. About how many persons voted on the tribal council out of the total population of 3,500?

Mr. GILBERT. Our census roll shows we have a little over 3,500 Indians. Out of that number we can safely say that there are at least 500 who live off the reservation out in the commercial world. We can safely say that there are 1,500 qualified voters, that is, of the age of 21 years and up.

Mr. SWEET. Did they all vote on this?

Mr. GILBERT. I cannot say that they all voted, of course.

Mr. SWEET. You do not know just about how many?

Mr. GILBERT. Our elections have shown all the way from 800 to 900.

Mr. SWEET. I asked to find out how many people in the tribe, the Cheyenne River Sioux Tribe, did vote in the election for the tribal council. Do you hold any position with the Federal Government or are you on the Federal pay roll at this time?

Mr. GILBERT. I am on relief work.

Mr. SWEET. You are on relief work?

Mr. GILBERT. Yes, sir.

Mr. SWEET. On W. P. A.?

Mr. GILBERT. On Federal relief work.

Mr. SWEET. Are you an officer?

Mr. GILBERT. No.

Mr. SWEET. A supervisor or a foreman?

Mr. GILBERT. I am a supervisor.

Mr. MUNDT. When you vote out on your reservation, just on Indian matters, do you vote in the same polling place that you vote in when you vote for Governor, for instance?

Mr. GILBERT. No; we have our own district. We have 13 districts or divisions on our reservation. They are all numbered and named, and that is where we hold our elections.

Mr. MUNDT. When you have an Indian election, you vote one place, and when you vote for Governor or President you vote in another place?

Mr. GILBERT. Yes; but sometimes at the same hall or the same place.

Mr. MUNDT. Has that caused any confusion or difficulty on your reservation?

Mr. GILBERT. We arrange it so that our voting days are kept apart.

Mr. MUNDT. The reason I asked that is down among the Yankton Indians they have complained to me frequently because they cannot vote in the same polling place in every election. In an Indian election they have to go many miles further sometimes to voting places which are inconvenient for them to reach, whereas, in the regular political elections, for county commissioner, or governor, or President, they vote in the same voting place as the whites, and they prefer to vote in the same place all the time.

Mr. GILBERT. We carry on our own voting, and have our own ballot boxes, and so forth. When State or national elections come along we go to their voting precincts and vote.

Mr. ZIMMERMAN. I would like to ask the committee's consideration of this comment: On the list of students who have borrowed money, the list submitted by Mr. Gilbert, it occurs to me that it might prove embarrassing to them. I think I see his purpose in submitting that for the record. He gave a list of the students who borrowed money and of their present balances. I have no objection to that, but it seems to me it might be objectionable to some of those borrowers who have their names recorded in that way. I take it the purpose in submitting the list was to show that they had actually received some benefits from the act.

The CHAIRMAN. What do you think of that, Chief?

Mr. GILBERT. That was the object.

The CHAIRMAN. The Commissioner thinks it might be a little embarrassing to some of the students whose names appear there to show how much money they owe, and so forth.

Mr. SWEET. I ask unanimous consent that the amounts be left out of that list.

Mr. ZIMMERMAN. I see no objection to that.

The CHAIRMAN. Mr. Sweet asks unanimous consent that the amounts the students owe be deleted, and that the names be included in the record. Without objection, it is so ordered.

Mr. MUNDT. If that is done I wonder if it would not be helpful at the conclusion of the statement to say that the average loan is about so much, so that we would have some idea of the amounts.

The CHAIRMAN. Does it show the total?

Mr. GILBERT. No; it does not.

Mrs. JEMISON. All of that information was submitted by the superintendent of the Cheyenne Agency and it appears in the record of the Senate committee, the amount that the students owe, and everything.

Mr. ZIMMERMAN. I do not know whether that is true or not.

The CHAIRMAN. If it does, it would not make any difference.

Mrs. JEMISON. It is already of record.

The CHAIRMAN. Are there any further questions? Are you through, Chief?

Mr. GILBERT. Yes.

The CHAIRMAN. Thank you, Chief.

Mr. Powell is the next witness.

STATEMENT OF DAN POWELL, REPRESENTING THE CHEYENNE RIVER RESERVATION, EAGLE BUTTE, S. DAK.

The CHAIRMAN. Are you a member of the tribal council, Mr. Powell?

Mr. POWELL. Yes.

The CHAIRMAN. Are you sent here as a delegate along with the chairman?

Mr. POWELL. Yes.

Mr. SCHAFFER. Were you elected as a delegate by the tribal council, or by the vote of the tribe in an election?

Mr. POWELL. I was elected in my district as a councilman, and I am one of the council members, and then I was elected by the council members as a delegate.

The CHAIRMAN. You may proceed.

Mr. SCHAFFER. Do you hold any position on the Government pay roll at the present time?

Mr. POWELL. No, sir; and about all I have to say to the committee is that we all endorse Mr. Gilbert's statement made here. It has been going along as he said, slow, but we think it is all right.

The CHAIRMAN. In other words, you feel that, as the program is going right now, you are receiving benefits?

Mr. POWELL. Yes, sir.

The CHAIRMAN. You do not want to lose those benefits?

Mr. POWELL. No, sir.

The CHAIRMAN. In other words, as the Senate bill is written you are opposed to it?

Mr. POWELL. Yes, sir.

The CHAIRMAN. You think, Mr. Powell, that a majority of your Indians are opposed to it; what is your position on that? Mr. Gilbert mentioned the fact that you had a minority who are opposed to it. Do you think the majority are for the organization as it is now, or do you think it is the other way around?

Mr. POWELL. I think the majority are for it now.

The CHAIRMAN. In other words, you think the majority of your Indians on your agency are satisfied with the program as it is progressing?

Mr. POWELL. Yes, sir. It is just like Mr. Gilbert stated. There are friends of the old deal and friends of the New Deal. The old dealers are the old members, and I do not think that they quite understand it, the New Deal, and, of course, the council has gone slow.

The CHAIRMAN. Mr. Powell, the reason the Chair asked this question is because he has a situation like this in Oklahoma: In most of the tribes the full-bloods are in the minority.

Mr. POWELL. Yes.

The CHAIRMAN. Is it that way in your tribe?

Mr. POWELL. Yes.

The CHAIRMAN. Have you found that some times they may feel that those who are not full-bloods, since they outnumber them and outvote them, do not properly represent them?

Mr. POWELL. Yes.

The CHAIRMAN. That may be the reason for the attitude on some of the work of your council.

Are there any further questions?

Mr. SCHAFFER. Is your tribe, the tribe which you represent as a delegate, covered by the pending bill, S. 2103?

Mr. POWELL. Yes.

Mr. SCHAFFER. And if the Senate bill is passed in its present form, then Congress by an arbitrary act would nullify and ignore the desire of your Indians who, at an election, voted to accept the Wheeler-Howard Act?

Mr. POWELL. Yes.

Mr. SCHAFFER. Would you have any objection to amending this bill so that any Indian tribe which has heretofore or shall hereafter accept the provisions of the act can get out from under the act if they vote at a regular election to get out from under the act?

Mr. POWELL. The question was: "Would I have any objection?"

Mr. SCHAFFER. Yes.

Mr. POWELL. No; I do not think I would.

Mr. SCHAFFER. You believe, in the interest of self-government, then, that the Indians should have an opportunity to vote in an election to get out from under the act as well as to get under the act?

Mr. POWELL. Yes.

Mr. SCHAFFER. Do you have any complaint about the method or procedure of conducting elections of your tribe?

Mr. POWELL. No.

Mr. SCHAFFER. Is sufficient election machinery set up so that the elections can be free and properly express the desires of the Indian voters?

Mr. POWELL. Yes, sir; that is the way we hold our elections, just the same as the white people.

Mr. SCHAFFER. You have not found at any time any Indian Bureau agents who indirectly or directly campaigned in these elections in order to influence members of the tribe with reference to their voting?

Mr. POWELL. No; that has never been done yet, that anybody knows of.

Mr. SCHAFFER. Have you found in any of these elections during the campaign where any agent or employee of the Indian Bureau of the Federal Government has held out benefits as bait in order to attract votes of Indians, so as to get Indian votes to come under the Wheeler-Howard Act?

Mr. POWELL. No; I do not think that any of that has been done, not to my knowledge, anyhow. I never heard of it.

The CHAIRMAN. Are there any further questions?

Mrs. BOLTON. I would like to ask the witness who is covering the expenses of his trip here.

Mr. POWELL. Who is covering our expenses?

Mrs. BOLTON. Is the Bureau paying your expenses?

Mr. POWELL. They are paid out of our own tribal funds.

Mrs. BOLTON. Paid out of tribal funds and O. K.'d by the Bureau?

Mr. POWELL. Yes; the entire delegation, out of tribal funds, revenue that the council is authorized to use.

Mrs. BOLTON. But your expenses are covered?

Mr. POWELL. Yes.

The CHAIRMAN. I would like to say for the information of the new member of the committee that possibly there is never a time while

Congress is in session but what some Indians are here in the interest of legislation who have been sent here by their tribal councils with the approval of the Department. They often have other matters on which they come here. There are other agents that would like to be here, some have gone, and some that will probably come later.

Mrs. BOLTON. Yes.

The CHAIRMAN. We have that all the time. The law provides that tribal funds can be used to pay the expenses of delegates on tribal business when approved by the Department.

Mrs. BOLTON. It has to be approved by the Department?

The CHAIRMAN. Yes; it has to be approved by the Department, but we hardly ever have a hearing on a bill when they do not have some Indians from some tribe here at that time.

Mrs. BOLTON. I am asking particularly because I remember at one point in the hearings it was brought out that certain Indians who wanted to be here could not get an O. K. from the Bureau for the payment of their expenses, and I simply wanted to know if this group had gotten that.

The CHAIRMAN. Probably 30 or 40 requests have been made to the chairman of the committee to intercede with the Commissioner to let them come, to approve their authority to come and be heard on this bill. They fear that we are going to pass this S. 2103 without hearing them, and almost without exception they are opposed to the Senate bill. Evidently, the Commissioner has been loath to approve those requests, because it is an expense and we might be able to work the thing out without putting those Indians to all that trouble.

Mrs. BOLTON. The Chair will remember that it was brought out that it is very difficult for those who are wanting to give evidence against the Bureau or against the act, to secure the payment of their expenses. I was just wondering about that.

The CHAIRMAN. The Chair will have to differ with the gentlewoman on that, because since the present occupant has been Chairman of this committee we have had many Indians here opposing the Department, who have been here with their expenses paid from tribal funds. It works both ways and breaks about even.

Mrs. BOLTON. I was just inquiring under what status these Indians had come.

The CHAIRMAN. Are there any further questions?

Mr. DAIKER. So far as this delegation is concerned, the office actually wired them not to come. They did come on their own. We do not have to approve their coming. We do not have to approve their expenditures of money. It is money within their own control. It is not the type of money that the chairman refers to in the appropriation bill.

The CHAIRMAN. Yes, Mr. Daiker; there are certain tribes that have funds of their own that they can use, and the Chair did not know that this tribe had funds they could use.

Mr. DAIKER. I just wanted to make that clear.

The CHAIRMAN. The Chair thought that these delegates had to be approved by the Department, but Mr. Daiker says that is not true. The Chair would like to say that this committee, since the present occupant has been chairman, has approved legislation at various times giving Indian tribes the privilege of using their own funds for their delegates without departmental approval.

Mr. DAIKER. That is one of the benefits they have gotten under their act. They can make their own leases of tribal lands, they can make their own collections, they can deposit that money in the banks or with the superintendent, and they can expend it without the supervision of the Department.

The CHAIRMAN. So, here we have a case where the Commissioner wired them not to come, but they came anyway, and used their own money, though he advised them not to come.

Are there any further questions? We thank you, Mr. Powell.

Mr. POWELL. Well, gentlemen, I think that is about all I have got to say.

The CHAIRMAN. We thank you, Mr. Powell.

Mr. POWELL. Thank you.

(Thereupon, at 12:25 p. m., the committee adjourned until tomorrow, Wednesday, June 19, 1940, at 10 a. m.)

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WHEELER-HOWARD ACT, EXEMPT CERTAIN INDIANS

WEDNESDAY, JUNE 19, 1940

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.

The committee resumed hearing at 10:30 a. m., Hon. Will Rogers (chairman) presiding.

The CHAIRMAN. The committee will be in order.

The committee is ready to resume hearings on S. 2103.

I would like to inquire if Mr. John Littlecloud is present and ready to testify. I understand Mr. Littlecloud expects to speak through an interpreter, and Mr. Luke Gilbert, who testified yesterday, is going to act as interpreter for Mr. Littlecloud.

STATEMENT OF JOHN LITTLECLOUD, GIVEN THROUGH INTERPRETER LUKE GILBERT

The CHAIRMAN. You may proceed, Mr. Littlecloud.

Mr. LITTLECLOUD. Mr. Chairman, I am one of the delegates selected by the Tribal Council of the Cheyenne River Sioux Tribe, to testify in the hearings on the so-called exemption bill.

The committee has heard yesterday the testimony of Mr. Gilbert making an effort to have the committee see and understand what the Cheyenne Sioux Tribe is trying to do under this act.

I represent the particular district on my reservation, and I can safely say that I represent those people who are trying to move forward toward the goal of self-support, and those are the classes of people, my people, that are in opposition to S. 2103.

One of the reasons, the first reason, why my people and my particular district object to being thrown out of the Reorganization Act is that they fear that they would be thrown into the State Jurisdiction without their consent.

Probably two of the main things that my people would ask me to have you remember specifically is the fact that most of my people still retain their allotments among the full-blood element, and the tribe also retains a large area of tribal lands, and with these amounts of lands that they have, they still desire to continue under Federal guardianship.

The status of the Cheyenne Sioux people now is, and for a few years back has been, going down to the lowest level, and we are trying to build it up now, and during that period we would like very much to have the assistance of the Federal Government and to stay under this act.

There are also Sioux benefits that are in this act for our young people that the older people want to keep for the young people for years to come.

We have a minority of the Indians on the reservation who are opposed to this new act, and their fear is based on the promises of the previous administrations, where the Indians were given rations and some other classes of gratuities, and they are so set in that policy that they do not like to change or get out and try to work for themselves; and I think when the Indian people realize that we must get out and do what the Bible says, earn our bread by the sweat of our brow, they will do what some of the young people have undertaken to do now, and they feel that this act will give them some certain credit, and some of the younger people educational loans by which they can work themselves up to a point of self-support.

There seems to be a lot of misunderstanding among the minority on just what would happen in case the tribe was excluded from the act. They have the impression that they would be taken back 50 years when the Government was feeding them, clothing them, and giving them gratuitous things, and that they would enjoy those again; and that they do not realize the fact that the world is changing, conditions are changing in the education of the young people, and changing among the older people, and there seems to be some misunderstanding right there as to what would happen if the tribe is excluded from the act, that they would get away and start over again. I think that is the misunderstanding that they have.

As we are functioning under the act, there were certain members of the tribe that came to this city and induced or influenced the higher-ups, the authorities, to introduce a bill to exempt my tribe from the provisions of this act, without any understanding and without the consent of the majority of my people.

As we sit here, you have your rights. You want to think for yourselves; you have your own responsibilities. But we feel that we want to think for ourselves and we want to have a little more responsibility for ourselves, to take some part in the affairs of life; that is what we want. We do not want to be ruled by an ironclad ruler, but we want to have the responsibility of citizens.

Strictly speaking for the Cheyenne River Tribe, as I said, that tribe owns and holds considerable tribal lands, as well as allotments owned by the Indians, and our situation, condition on the reservation, is not like some other reservations that are included in this bill. We have some things that we are worried about. We have some benefits that we want to hang onto for our young people, and I think our reservation should be given a survey and a study of the situation and conditions and resources, and conservation of those resources.

I think the sentiment of the Cheyenne River people on the exemption bill, S. 2103, is just like the sentiment of the American people now toward what is going on in Europe—Hitler making this war. We are sympathetic to these little missions that have grown up. It is the same way with the Cheyenne River people. We do not know what the future will be if we are excluded from this act without any alternative program; we are worried, and we do not like that.

In concluding my remarks, I wish to state that heretofore the Indians did not have any voice in their affairs. At the present time we are given a little responsibility and voice in the expenditure of our funds and our property.

I want to express my appreciation to the chairman and the committee for sending out this notice and giving the opportunity for those

who wanted to be heard on this bill. It is a great privilege to us to be here and to testify and tell the committee how we feel about this.

A year ago I was here. I met with the delegation of Papagoes, Indians from Arizona, and they told me they were not permitted to vote in their State. But I am glad to tell the committee that is one of the privileges that has been allowed by the State of South Dakota, and we try to exercise it.

We know that all of the people on this committee are God-fearing people and that you will consider this Indian legislation from the basis of justice for my people.

That is all.

The CHAIRMAN. Any questions?

Mr. MURDOCK. May I ask the witness a question?

The CHAIRMAN. Yes.

Mr. MURDOCK. I would like to ask how long your tribe has been operating under the Wheeler-Howard Act?

Mr. LITTLECLOUD. Since June 1934.

Mr. SWEET. He has given the date of the act.

Mr. MURDOCK. The tribe accepted it soon after the passage of the law?

Mr. SCHAFER. Mr. Chairman, I asked the Commissioner the other day to supply the information concerning that point, giving the date that this Cheyenne River Tribe voted to come under the provisions of the Wheeler-Howard act, the vote in that election, the date they voted to accept the constitution and charter and the vote, and the total number of members of that tribe who were eligible.

Mr. MURDOCK. I think it would be well to have that appear in the record at this point.

Mr. SCHAFER. I wonder if Mr. Daiker can give that at this time.

The CHAIRMAN. Have you that information?

Mr. DAIKER. Yes.

The CHAIRMAN. Suppose you supply that now.

Mr. DAIKER. They voted on October 27, 1934, to accept the act. The eligible voters number 1,420; 653 voted to accept it and 459 voted against it.

They voted then on a constitution on December 2, 1934. They accepted the constitution by a vote of 576 to 366.

And, they voted on a charter on October 30, 1936, and it was rejected at that time by a vote of 409 to 388.

Mr. GILBERT. Mr. Littlecloud states that the date of the acceptance of the constitution was December 8, 1935.

Mr. DAIKER. 1935?

Mr. GILBERT. Yes.

Mr. MURDOCK. I gather from what the witness has said that he is well satisfied with the operation of the act and that he wishes to remain under the act, under the law?

Mr. LITTLECLOUD. Yes; since there is no other program proposed, I wish to remain under the act.

Mr. MURDOCK. The chief reason, as I get it, was that there were certain benefits which come to the young people and which they might not have in any other program.

Mr. LITTLECLOUD. Yes.

Mr. MURDOCK. Another point: I believe I got from him that there is a degree of self-government and some responsibility, individual

responsibility with the members; in other words they feel they are not clamped down by the administration; they do feel there is a certain amount of liberty.

Mr. LITTLECLOUD. That is correct.

Mr. MURDOCK. Do you feel then that they have more of self government now than under the former plan, under the law prior to 1934?

Mr. LITTLECLOUD. Yes; that is right.

Mrs. BOLTON. May I ask the witness a question?

The CHAIRMAN. Yes, Mrs. Bolton.

Mrs. BOLTON. I would like to ask, to continue the same thought, that if you were presented a plan that would leave the benefits that have accrued under the act and would give the Indians a sense of real freedom rather than a sense of wardship, whether he would not be more inclined to that than he would be to stay under the act? He would have to be assured, of course, that it would really be so.

Mr. LITTLECLOUD. I will answer the lady's question in this way. Any proposal, amendment to this act, I think should be studied by our people first to know what it is before I can commit myself to it.

Mr. SCHAFER. I have a few questions.

The CHAIRMAN. Before recognizing you I would like to make this observation, if any member of the committee has such a plan as Mrs. Bolton suggests, I think it would be wise to present it. If we could work out some plan in line with her suggestion it would be ideal.

I think in asking the witness if he would be willing to go out from under the existing act and still retain the benefits of that act would be like asking a child if he would like to have "this ice cream" and then immediately take it away from him.

In other words, the benefits that the Indians have under the act could not be retained if they were taken out from under the act.

Mrs. BOLTON. May I add this thought?

The CHAIRMAN. Yes.

Mrs. BOLTON. My question was for the purpose of ascertaining whether the act in itself is so perfect, or whether they think it is so perfect, that they would like to stay under it, and if this committee has nothing further in mind than trying to find out whether they are to stay under the act I think it is not doing its full duty. I think it should be ready to formulate a plan and therefore I thought it would be very advisable to get some opinion, even though it is a childlike opinion, because it is not really a question of having your cake and eating it too.

The CHAIRMAN. The Chair thinks it is, Mrs. Bolton.

Mrs. BOLTON. Of course that is just a difference of opinion.

The CHAIRMAN. The Chair would like to say this: That if you study the provisions of the act and know what it does, then you will realize that if the Indians are taken out from under the act they can not possibly retain the benefits.

Mrs. BOLTON. Not unless something else were put in its place.

The CHAIRMAN. What would be the difference?

Mrs. BOLTON. You might have a very different procedure.

The CHAIRMAN. The rose is the same whether you call it a rose or not.

Mrs. BOLTON. It might not be a rose; it might be a chrysanthemum.

The CHAIRMAN. What would be the difference? The Chair hopes the gentlewoman will not think I am facetious.

Mrs. BOLTON. Not at all.

The CHAIRMAN. But the Chair foresees that it would be impossible for the Indians to retain the benefits that they are receiving under the act if you take them out from under the act, or let them vote themselves out from under the act; that would be an impossibility.

Mrs. BOLTON. I am not trying to be facetious either, Mr. Chairman. I just thought we ought to find out how the Indians feel about it.

The CHAIRMAN. But the Chair still thinks it would be impossible.

Mrs. BOLTON. I do not think so.

The CHAIRMAN. Of course, the gentlewoman may be able to do the impossible.

Mr. MURDOCK. May I ask a question right there?

The CHAIRMAN. Certainly.

Mr. MURDOCK. Not as to the difference between a rose and a chrysanthemum, but we have heard many complaints of administration under the act, and I am hearing some good about the administration. And, one of the things that we are hearing is that there is a degree of self government permitted under this act that they were not able to have under the prior act. Now, if those matters were straightened out might not it make this act a satisfactory act?

Mrs. BOLTON. To my mind this act perpetuates wardship instead of citizenship; that the Indians are retained indefinitely under Bureau control; we are keeping them under domination instead of making them citizens, and as we say, we are a free country and our purpose has been to see that we should free those within our borders; instead of that, with the Indians, we seem to be clamping down with a method of procedure that does rather the opposite.

I think the purpose of these hearings, and the purpose of the work of the committee as a whole, is to go very thoroughly into factual methods concerning the results of the act, and so on. I am sure that we have no brief for the act itself if it has not worked out, and as good American citizens, who believe in freedom of those within our borders, at least we can do this, we can make an honest study of it and if it does not work out in the way we thought it ought to work out, why, I am sure we are large enough to try to find a better way to work out some kind of a program.

Mr. SWEET. May I ask a question?

The CHAIRMAN. Mr. Murdock, have you concluded?

Mr. MURDOCK. Yes.

The CHAIRMAN. The Chair recognizes Mr. Sweet.

Mr. SWEET. I believe the witness said that he was grateful for the privilege of voting in the State of South Dakota in which his reservation is situated. For the sake of argument, how would he look upon the proposition of the entire abandonment of the present Federal policy of Indian affairs and assuming the rights of citizenship in South Dakota the same as any other citizens or residents of the United States?

LITTLE CLOUD. Mr. Chairman, during the administration of the Indian affairs, namely about 20 years ago, the late Major James McLaughlin, representative of the Cheyenne Department, was assigned to the work of conferring citizenship on certain Indians who the De-

partment had thought were competent and able to manage their affairs. This class of people were just getting started toward progress when that was done. They were not ready for citizenship and the result was that practically all of them lost their lands and have fallen way down. Now, during this economic depression my people are way down. We are on the lowest level. We are trying to work up. Just in the midst of that I am sure Congress will not throw us down deeper from the point of view of the citizenship of the Indians and asking them to assume the responsibilities of citizens. If you are going to do that you might as well tie our hands up and shoot us. I do not approve of that for the time being.

Mr. SWEET. In other words, then, the witness is testifying that the conditions as imposed by the so-called Wheeler-Howard Act, he would prefer to live and work under those conditions rather than assume citizenship under State government?

LITTLE CLOUD. My people are not ready for full-fledged citizenship.

Mr. SWEET. That is what I was trying to bring out.

Mr. MURDOCK. Will the gentleman yield to me at this point?

Mr. SWEET. Yes.

Mr. MURDOCK. Several times lately I have used the expression, "there are Indians and Indians," meaning thereby that Indians differ greatly in their degree of progress or in their organization. And I believe that there are Indian tribes who value the sort of thing we have discussed here—a large degree of independence of action, and self-government, and all that. I believe there are some Indian tribes that are mixed with white blood to such an extent they rather resent the idea of wardship. And on the other hand, I believe there are some Indian tribes proud of their ancestry and not having intermarried with the whites at all, who probably do not enjoy the wardship at all, but they would feel it a calamity just as this gentleman has remarked, to be thrown on their own and mixed with the white population and told, "You get along just the same way as any white man now would be expected to get along." That would be the cruelest and unwise thing that we could possibly do. Mr. Chairman, I heard a gentleman down in Phoenix, Ariz., some years ago say, "You have 50,000 Indians here in Arizona. Would you just as lief see them out from under the control of the Government altogether and have them take their place among citizens of Arizona, each on his own basis of support?" Well, in certain cases that would be a very unwise thing to do, it seems to me.

Mr. SWEET. Well, Mr. Murdock, I have been in your State every winter for 12 years and I have had the happy faculty of discussing this matter with many of the Indians in your State. They do not agree with your statement.

Mr. MURDOCK. Is that true?

Mr. SWEET. My question of the witness was prompted by the fact that during the many days we have sat here on the committee we have had some very confusing statements made and my mind is very much confused so far with the evidence. We have the evidence of Mr. Collier opposing the bill, opposing bitterly the abrogation of the act or any particular amendment of it. And on the other hand we have had witnesses who point out that the act is not working. And, of course, my question was prompted by that. I want the opinion of this man from South Dakota, who, I think, is representative of a very

large tribe not far from my own State. I want to get that point for my own satisfaction. It was not an expression of my own opinion. It was an effort on my part to find out how the witness really felt.

Mr. MURDOCK. If the gentleman will yield just a little bit further. I am trying to find out too. I imagine from what you just said, you are better acquainted with Arizona Indians than I am.

Mr. SWEET. I am acquainted with some of them.

Mr. MURDOCK. I was just wondering how that would be answered by the Navajo Indian, for instance, which is one of the largest Indian reservations in my State. Would the Navajos prefer to become as individual citizens of Arizona without any further help from Washington or guidance or anything of that sort?

Mr. SCHAFFER. Will the gentleman yield?

The CHAIRMAN. Mr. Sweet has the floor.

Mr. SWEET. All I wanted to say is that those with whom I talked were Navajos. They seemed to be disappointed and rather disillusioned about certain aspects of the Federal Government's guidance of their affairs. But that may not have been indicative or representative of the thought of the Navajo Nation as a whole, of course.

Mr. MURDOCK. I have heard some criticism by the Navajos too.

Mr. SCHAFFER. Will the gentleman yield?

Mr. SWEET. Yes.

Mr. SCHAFFER. Doesn't it appear that the complaint of the Navajo Indians is that the condition which they are in was brought about by the scarcity of land?

Mr. MURDOCK. That is right.

Mr. SWEET. It is the scarcity.

Mr. SCHAFFER. In view of that fact, would it not have been more appropriate to use some money to buy them some more land and some cows and cattle and sheep and pigs and chickens than to have built their great big expensive and expensive Navajo Indian capitol?

Mr. MURDOCK. I would not want to answer that, or try to. It is just a question of whether these nomadic people could settle down on a farm if thrown all at once on their own responsibility.

Mr. SCHAFFER. That big Navajo capitol, expensive and expensive, was part of Uncle Sam's program, not the Indians.

Mr. Chairman, I would like to ask a few questions.

The CHAIRMAN. Are you through Mr. Sweet?

Mr. SWEET. Yes; I am through.

The CHAIRMAN. The Chair recognizes Mr. Schafer to question the witness.

Mr. SCHAFFER. Chief, the testimony indicates that the tribe which you represent voted to accept the provisions of the Wheeler-Howard Act and then voted to accept a constitution, and then on October 1936 by a vote of 409 to 381 voted to reject the charter; is that correct?

Little CLOUD. Yes; that is correct.

Mr. SCHAFFER. No, since your people voted to reject the charter under the Wheeler-Howard Act, your tribe cannot receive any benefit, and has not received any benefits from the so-called revolving fund in the way of loans; has it?

LITTLE CLOUD. That is true on that particular revolving fund. There are other benefits we share in there.

Mr. SCHAFFER. Just what are those other benefits which your tribe receives now under the Wheeler-Howard Act, in view of the fact

that your tribe while voting to come under the Wheeler-Howard Act voted to reject a charter by a vote of 409 to 381?

LITTLE CLOUD. Our younger people are benefited by the scholarship loans offered by the Act, which is a very big item for our young people. It continues payment to Sioux benefits which we believe is one of the benefits of treaty obligations and we still retain that. And we also have authority to lease our tribal lands and make our own collections; and set up our own budget for our tribe to operate on. And this year we are setting up a budget extending individual loans to members of our tribes for various purposes. All that has been initiated by our council and we have that responsibility. Those are what we call the benefits we exercise.

Mr. SCHAFFER. Where do you get the money to make individual loans to members of the tribe if you do not receive the benefit of the revolving fund?

Mr. GILBERT. I think you misunderstood Mr. Little Cloud. He just said he is going to set up a project to make such loans now.

Mr. SCHAFFER. But where are you getting the money from if you do not get money from the revolving fund because you rejected the charter.

Mr. GILBERT. I think he told you that they are leasing tribal lands and that is the fund from which they set up the project.

Mr. SWEET. Will you yield to me, Mr. Schafer?

Mr. SCHAFFER. Yes.

Mr. SWEET. I believe Mr. Gilbert said yesterday that because of the lack of financial credit the average Indian family proceeds to sell or lease lands to the white farmer, or his stock, for cash. I am quoting from his testimony. And the leasing system is demoralizing to the Indians. Is that the leasing system?

Mr. GILBERT. I referred to that in previous times. That is the old system that is coming in.

Mr. SWEET. I see.

Mr. SCHAFFER. Well, was this leasing system which you have now which you indicated is the old time leasing system, set up under the Wheeler-Howard Act?

Mr. GILBERT. Well, to some extent heretofore our leases were held by the Department; the advertising and the collections are all deposited in the United States Treasury subject to appropriations or legislation by Congress.

The CHAIRMAN. It does not have to go through the Treasury.

Mr. SCHAFFER. But, it is the same Department which exercises the right to lease. So, in fact, the Department controls now as they have in the past. The Department, in other words, does not let the Indians go out and make their own leases which they want to, does it?

Mr. GILBERT. So far we have not seen any veto powers exercised.

Mr. SCHAFFER. Under your present system if you want to lease to John Doe or Richard Roe some Indian lands can your tribe lease it, and the lease is valid after your tribe executes it, or does that lease have to be approved by the Department in Washington?

Mr. GILBERT. Oh, that is what you mean?

Mr. SCHAFFER. Yes.

Mr. GILBERT. Of course, that is in the regulations prescribed.

Mr. SCHAFFER. Exactly; so, therefore, you do not have self-government except in name only. You have the opportunity to make the

lease subject to the approval or disapproval of the bureaucrats in Washington; is that a fact or not?

LITTLE CLOUD. That is right. That is subject to the law. Our lands are held in trust by the United States Government for the tribe and it has to be approved by the superior officers.

Mr. SCHAFFER. Is that unit grazing leasing system in operation with reference to these leases?

LITTLE CLOUD. Yes; they are numbered grazing units.

Mr. SCHAFFER. Do individual Indians sign powers of attorney and give the Indian superintendent the right to lease their land?

LITTLE CLOUD. That is right.

Mr. SCHAFFER. They do? Is that a general practice?

LITTLE CLOUD. I do not quite get your question.

Mr. SCHAFFER. Is that the general practice?

Mr. GILBERT. You mean of the whole Indian Service?

Mr. SCHAFFER. Is that the general practice?

LITTLE CLOUD. I cannot speak for the other reservations. I know it is being applied on the Cheyenne River Reservation.

Mr. SCHAFFER. It has been the practice on that reservation?

Mr. GILBERT. Yes.

Mr. SCHAFFER. So then under the Wheeler-Howard Act you really do not have much self-government. The bureaucrats really are in control?

LITTLE CLOUD. That is true since all the lands are held in trust in the name of the United States for the tribe.

Mr. SCHAFFER. Under the operation of the Wheeler-Howard Act with reference to self-government when the tribe elects a delegate to come to Washington can that delegate immediately leave or does he have to have the approval of the bureaucrats in the Indian Service?

LITTLE CLOUD. Heretofore our delegations that have visited Washington, their per diem expenses were paid from tribal funds appropriated by Congress from the general appropriation and controlled by the Indian Office which required the approval of a delegation coming in here. But in this particular case we are here, we have our own funds. We wired the Indian Office we were coming; that we had some business with them here when we got here.

Mr. SCHAFFER. You state, Chief, you have a great many individual allotments on your reservation and at the same time a great portion of the land of that reservation is tribally owned; is that a fact?

LITTLE CLOUD. Yes.

Mr. SCHAFFER. Do you believe that a program for Uncle Sam to lend individual owners of allotments several thousand dollars so that they might become self-sustaining would be a good one from the Indian standpoint?

LITTLE CLOUD. Yes, sir.

Mr. SCHAFFER. Do you also believe it would be good for the Indians if Uncle Sam would lend the tribe money so that the tribe could conduct cooperative operations of the tribally owned land?

LITTLE CLOUD. I approve of that also.

Mr. SCHAFFER. You understand that the Government of the United States has been spending millions of dollars in the name of farm security and in each county of the country taking a white farmer and lending him as high as \$6,300 to stock and operate his farm, do you not?

LITTLE CLOUD. I heard about that.

Mr. SCHAFFER. If Uncle Sam would lend each individual Indian owner of an allotment on your reservation half of \$6,300, or \$3,150, to buy stock and farm implements would that materially help the Indians to become self-supporting and progress along the lines of complete citizenship responsibility?

Mr. ZIMMERMAN. Mr. Chairman, may I interrupt just a moment to point out to Mr. Schafer.

The CHAIRMAN. Does Mr. Schafer yield?

Mr. ZIMMERMAN. The implication in the question you asked him was that the Farm Security Administration made no loans to Indians.

Mr. SCHAFFER. No, no. I call attention to the policy of the Government with reference to taking white men, one in each county, and handing them an average of \$6,300 to buy and stock and equip their farm and become successful farmers. I am trying to arrive at a real solution of this Indian problem which will make the Indians self-sustaining and save money for the Federal Treasury.

Mr. ZIMMERMAN. I merely wanted to bring out that the Farm Security Administration lends hundreds of thousands of dollars, or grants hundreds of thousands of dollars to Indians. I am not defending the Farm Security Administration, but it seemed to me that the implication was that the Indians were not eligible.

Mr. SCHAFFER. No; I want to find out the Indians' attitude. I have an alternate proposal which I have prepared for this bill.

Mr. MURDOCK. Will the gentleman yield?

Mr. SCHAFFER. I have only two more questions.

Mr. MURDOCK. Will the gentleman yield for a moment? Let me point out that we have not furnished much land to the whites for the buying of homesteads and I hope my friend will not lead the witness to believe that any program you might propose will include all American Indians.

Mr. SCHAFFER. All I wish to state to the gentleman is that the record shows that some favored whites had received farms worth as much as \$30,000 from the Government, under this Farm Security program.

Mr. SWEET. In my State.

Mr. MURDOCK. That might be true. But any proposal we might offer to the American Indian—

Mr. SCHAFFER. No; I am not offering any proposal. I am trying to obtain information along the lines of a proposed solution which I want to work out on this bill. I only have two more questions. Has the gentleman answered the question?

The CHAIRMAN. He has not answered.

LITTLE CLOUD. I approve of that plan.

Mr. SCHAFFER. Now, the gentleman stated that his Indians believed in self-government although he admitted that at the present time they were not in a position to assume the full responsibilities of American citizenship; is that a fact?

LITTLE CLOUD. Yes.

Mr. SCHAFFER. Therefore, in view of that fact, in the interests of self-government, what do you think of an amendment which I intend to offer as a substitute for this bill to give the Indians of your reservation and the other Indians covered in this bill the opportunity to vote themselves whether they shall stay under the Wheeler-Howard Act or get out from under it if they so desire?

LITTLE CLOUD. Well, your proposal would require study by my people.

Mr. SCHAFER. I will make it short and sweet to get an answer. The gentleman believes in self-government by the Indians. Does the gentleman oppose or does he favor a proposition which would give the Indians the right in an election to vote to get out from under the Wheeler-Howard Act as well as to vote to get under the act?

LITTLE CLOUD. That would be fair.

Mr. SCHAFER. This is my last question, and it is asked by reason of other testimony brought into the record.

Chief, you were sent down to Washington to oppose S. 2103 by the council of your tribe, which council was elected by the Indians; is that right?

LITTLE CLOUD. Yes.

Mr. SCHAFER. Are you now in the employ of Uncle Sam? Are you on any of Uncle Sam's pay rolls?

LITTLE CLOUD. No.

Mr. SCHAFER. Well, I want to thank you, Chief, for coming to this committee and presenting to us some of your Indian problems. I assure you that I, as one member of the committee, and I assure you that the other members of the committee really appreciate the fact you have come so far to Washington to discuss the problems of your tribe and discuss the facts which are material to the bill under consideration. We have listened patiently day after day and hour after hour to recriminations and highly prejudicial, immaterial, and irrelevant testimony and I appreciate the fact that I have had the opportunity of obtaining your views on the bill.

Mr. SWEET. I wish to join in that statement.

Mr. MURDOCK. I wish to join also in that statement.

Mrs. BOLTON. I am sure we would all want to join in that statement.

The CHAIRMAN. Are there any further questions?

We will call the next witness. We thank you Mr. Little Cloud.

**STATEMENT OF THOMAS EAGLE STAFF, FAITH, SOUTH DAKOTA
OF THE CHEYENNE RIVER SIOUX TRIBE (INTERPRETED
THROUGH MR. GILBERT)**

The CHAIRMAN. Mr. Gilbert will interpret for Mr. Eagle Staff. You may proceed.

Mr. SCHAFER. Pardon me, but can he identify himself?

The CHAIRMAN. Will the witness yield?

Mr. SCHAFER. Is he from the Sioux tribe?

The CHAIRMAN. Have the witness state what tribe he is representing and whether he is sent as a delegate by the tribe, and if he is, the tribe that selected him.

EAGLE STAFF. I am a full blood Sioux Indian of the Cheyenne River Sioux Tribe. I have been selected by the Cheyenne River Sioux tribal council to represent the reservation in Washington and in the interest of this bill that is under consideration, S. 2103.

The CHAIRMAN. Will the gentleman yield? What is your position on S. 2103, as written, are you in favor of it or opposing it?

EAGLE STAFF. The sentiment of my people is against the bill and that is what I shall speak on in protest to the bill.

I wish to say that we have been operating under a system for many, many years and within the last 5 or 6 years we have switched into something new, rather new.

We realize that under the old system, the policies, we were not making any headway and that I believe if the application of this law was conducted in a proper way that my tribe would benefit by it in time.

Reviewing the short period under which my tribe has functioned under this act I see a few of the benefits that we derive from this act.

The individual Indians still retain their allotments and the tribe retains the tribal lands.

Some of us feel that the land problems are the most important in the life of the Indian. I would like to see this law shaped so that our generations to come in the future for a thousand years would retain this Indian land and it would remain Indian land.

Heretofore the educational opportunities were inadequate and the Cheyenne River people were slow in attaining the proper education. With the short period of time our younger people have taken advantage of the scholarship loans and some of them have landed into positions now and are earning for themselves.

Mr. SCHAFFER. Will the gentleman yield right there.

How much are those scholarship loans now that you did not get heretofore? You do not refer to the NYA loans, do you?

Mr. GILBERT. Mr. Chairman, he does not seem to be able to answer that.

The CHAIRMAN. Will the gentleman yield to the Chair?

Mr. Schafer, these loans which he refers to are on the list that was put into the record yesterday, I believe. The Chair looked over that list and observed that the loans are from \$45 to \$1,400. Most of them run about three or four hundred dollars. That is the average. The amounts were listed after each name. The committee decided not to include the names.

Mr. SCHAFFER. That is for scholarship loans to attend what kind of schools, grade schools, high schools or universities?

EAGLE STAFF. It is for high schools, colleges, and vocational training.

Mr. SCHAFFER. Are those loans to individual Indians or did the tribe assume a guaranty of payment?

EAGLE STAFF. No.

Mr. SCHAFFER. They are individual loans?

EAGLE STAFF. They are individual loans.

Mr. SCHAFFER. And those individual loans are provided under the Wheeler-Howard Act?

EAGLE STAFF. Yes; that is my understanding.

Mr. SCHAFFER. Under the Wheeler-Howard Act do the Indians receive any better educational opportunities insofar as the grade schools are concerned?

EAGLE STAFF. I wish to put myself as an example. I have never gone to school. I have no education. I have two girls, two daughters, that have finished the 12th grade.

Mr. GILBERT. What he points out there is that some of our grade schools are having 12th-grade-school courses which they did not have some years ago.

Mr. SCHAFFER. And that is under the provisions of the Wheeler-Howard Act.

Mr. GILBERT. Mr. Chairman, he did not say that is under the provisions of the Wheeler-Howard Act, but it is under the present administration.

The CHAIRMAN. The gentleman is right about that, in the opinion of the Chair.

Mr. SCHAFFER. Exactly.

The CHAIRMAN. The money is appropriated, of course, each year.

Mr. SCHAFFER. Yes; but we were told and we had testimony here, a great deal of it indicating the provisions of the Wheeler-Howard Act extended educational benefits, wonderful educational benefits, which the Indians do not want to lose.

The CHAIRMAN. That is in regard to student loans, Mr. Schaffer.

Mr. SCHAFFER. Yes; then I want to know if the Wheeler-Howard Act has increased the educational opportunities for the Indian children who are in the grade schools, not a few selected ones who go to universities.

Mrs. BOLTON. Will you yield for an inclusion in that question, to ask if a student can choose the school which he goes to, or if a girl can choose. Will you include that in your question?

Mr. SCHAFFER. I do not want to interrupt your testimony, Chief, but I want to get as many facts as I can.

The CHAIRMAN. Will the witness yield? I think the witness does not understand your set-up, Mr. Schaffer.

Mrs. BOLTON. Will you just include that?

The CHAIRMAN. Of course, the Wheeler-Howard Act pertains only to student loans. The witness does not get your question. I think that is the reason he does not answer it.

Mr. SCHAFFER. Let us put it this way then: Does the Wheeler-Howard Act extend better educational opportunities to children who attend the graded schools, that is, up to the eighth grade?

EAGLE STAFF. As I said before, I never had any schooling. I have no education, and I cannot answer that intelligently but I know that our children are getting some education. We have had schools.

Mr. SCHAFFER. Maybe he can answer this question. It is my understanding that the Wheeler-Howard Act, if it is repealed will not take away any educational opportunities for children who go to grade schools up to the eighth grade. With reference to those pupils who receive the scholarships under the Wheeler-Howard Act, who designates which pupils are to receive the scholarship and how much they are to receive.

EAGLE STAFF. I am trying to think of the name of the principal of our school that heads up this committee that has to do with that.

Mr. SCHAFFER. In order to expedite matters, Mr. Chairman, may we have the Assistant Commissioner answer that question?

The CHAIRMAN. Will the witness yield to the Commissioner to answer?

The witness yields.

Mr. SCHAFFER. Who selects the individuals who are to receive the scholarships? Who determines the amount of the scholarship for each individual?

Mr. ZIMMERMAN. Mr. Chairman, in most cases there is a reservation or school committee. That committee makes the initial selection and makes the initial recommendations.

Mr. SCHAFER. Is that the school committee of the Indian bureau or the Indians?

Mr. ZIMMERMAN. May I go ahead?

Mr. SCHAFER. Yes; pardon me.

Mr. ZIMMERMAN. The committee usually includes a tribal representative, the school principal or the school social worker or somebody else. It usually comprises three people each of whom has some knowledge of the family conditions and the school conditions under which that child has been brought up. The selection of the school is usually made by the child after consultation with the principal and with the other educational people there.

Mr. SCHAFER. And the amount of money?

Mr. ZIMMERMAN. The amount of the loan will depend primarily on the need of the child.

Mr. SCHAFER. But this committee of three determines the amount of the loan?

Mr. ZIMMERMAN. No, no; excuse me. The committee makes the initial recommendation as to the child who is to receive a loan. The amount of the loan is finally approved in the Washington Office.

Mr. SCHAFER. In Washington?

Mr. ZIMMERMAN. Yes.

Mr. SCHAFER. That is what I am trying to get at. So they do not have self-government insofar as the loans—as the Great White Father in Washington takes care of that.

Mr. ZIMMERMAN. This is a gratuity, an appropriation by Congress.

Mr. SCHAFER. Yes; we are giving the Indians self-government under the Wheeler-Howard Act and we ought to let them determine who is to get the loans.

Mr. ZIMMERMAN. Well, they do make—if it were their money.

Mr. SCHAFER. Is the selection of the school subject to the approval of the Great White Father in the Indian Bureau at Washington?

Mr. ZIMMERMAN. Certainly.

Mr. SCHAFER. And the selection of the child who is to receive the scholarship, the final determination rests with the Great White Father in the Indian Bureau in Washington also?

Mr. ZIMMERMAN. Final approval is given in Washington also. Yes, that is correct.

Mr. SCHAFER. And what school the person who receives the scholarship is to attend that is also determined by the Great White Father in the Indian Bureau?

Mr. ZIMMERMAN. That is all part of the same principle. The selection of the child and the school which he goes to is all based on official knowledge.

Mr. SCHAFER. Then we could enact a short law and provide for these scholarships without throwing the scholarship benefits into the Wheeler-Howard set-up?

Mr. ZIMMERMAN. Yes; certainly.

Mr. SCHAFER. That is all.

The CHAIRMAN. The witness may proceed.

EAGLE STAFF. When my people accepted this act they were under the impression very strongly that in time if the applications of the

act were administered to them after a tribe had completed the essentials of organization provided by the act that they would benefit by it in time. And to take a tribe like ours and to exempt us from this act without any program, not knowing what our future would be, why, we are worried; my people are worried. We want to find out where we are going from here. When they do this to us we feel just like as if they were going to throw us into the river. That is the way some of us feel about it.

My people, realizing these things are at a loss to know just where we are going to go from here. If we are going to be excluded from the act, and that is what I am here to find out. And if there is nothing in sight for us I am protesting the passage of this bill. I think that the committee is broad-minded enough to consider the Indian problem, especially because from fairness and justice we have benefits in there we would like to retain. And I ask the committee to consider that in fairness to the tribe.

Mr. SWEET. Will the witness yield for just one question? The bill S. 2103 includes the Cheyenne River Sioux Indian tribe as part of the Indians to be exempted from the Act. Can the witness say that proportion of his tribe agree to having that inclusion placed in the bill?

EAGLE STAFF. I believe myself that the changing conditions coming so fast to the Indians, with different organizations springing up and popping up here and there, confusing the Indians, they are not concentrating their thoughts and their ideas on their problems along. They have all these things working in propaganda, and politicians talking to them. They have them all confused and without any intelligent understanding the minorities have presented the opinion our people to be exempted from the act. That is my honest belief.

Mr. SWEET. That is the reason I asked the question.

Mr. SCHAFFER. Then the members of your tribe are qualified eligible voters in the State of South Dakota, are they not?

EAGLE STAFF. Yes.

Mr. SCHAFFER. They are, therefore, competent and qualified to vote in the public elections, the congressional elections and Presidential elections?

EAGLE STAFF. Yes.

Mr. SCHAFFER. You believe in self-government and the right of Indians to vote, do you not?

EAGLE STAFF. Yes.

Mr. SCHAFFER. Would you favor amending this bill to provide that your tribe of Indians could vote to come under the provisions of the Wheeler-Howard Act and also vote to get out from under the provisions of the Wheeler-Howard Act, if they so desire?

EAGLE STAFF. In order to be fair to the tribes that are in this bill I think such a proposal should be studied by the tribe first. It would be a fair thing, but it should be studied by the tribe.

Mr. SCHAFFER. You have a great number of individual owners of allotments, do you not, on your reservation?

EAGLE STAFF. Yes.

Mr. SCHAFFER. You also have a great deal of Indian lands held jointly in tribal ownership, do you not?

EAGLE STAFF. Yes.

Mr. SCHAFFER. What is your idea about helping the Indians if Uncle Sam would make loans to individual Indian owners of allotments so that they could buy machinery and stock, etc., and progress along practical farming lines to become self-sustaining?

EAGLE STAFF. I approve such a plan.

Mr. SCHAFFER. What would you think about Uncle Sam making loans to a tribe so that the tribe can cooperatively develop and operate and farm the lands which are held in ownership by the tribe along the line of a cooperative movement?

EAGLE STAFF. I would approve such a plan.

Mr. SCHAFFER. How many acres are there in the average individual allotment ownership?

EAGLE STAFF. The heads of families receive 640 acres.

Mr. SCHAFFER. Is that land pretty good land for farming purposes, if you had the livestock, equipment, and machinery and so forth?

EAGLE STAFF. No.

Mr. SCHAFFER. It is not?

EAGLE STAFF. It is not.

Mr. SCHAFFER. So, for instance, if an Indian has four or five children and has an allotment of 640 acres of land and was loaned \$6,300 by Uncle Sam to purchase stock and machinery, and other farm equipment, would that Indian be able to make a living, a good living for his wife and himself and family on the 640 acres?

EAGLE STAFF. I think that in time and with a little supervision and guidance, why, he can make his farm go.

Mr. SCHAFFER. That is what I mean—lending the Indians who have the land and under the supervision and guidance of Uncle Sam, and, of course, in time they and their children will be able to work and be able to work themselves into a self-sustaining basis so they will be ready to assume all the responsibilities of American citizens and in the end it will save money for Uncle Sam's Treasury.

One more question and then I am through.

Chief, are you on the pay roll of Uncle Sam? I ask this question because of the prior testimony which has been developed.

EAGLE STAFF. No.

Mr. SCHAFFER. You have been elected by the council of your tribe to come to Washington and oppose S. 2103, is that a fact?

EAGLE STAFF. Yes.

Mr. SCHAFFER. And the tribal council which selected you to come to Washington to oppose S. 2103, that tribal council was elected by the qualified Indian voters of your tribe?

EAGLE STAFF. Yes.

Mr. SCHAFFER. Therefore, you are a representative in Washington of your Indian tribe, sent here through an election held by those Indians who, under the State law, could vote in all elections, is that a fact?

EAGLE STAFF. Yes.

Mr. SCHAFFER. Therefore, it would be highly proper in view of the fact that those Indians can vote to send their representative to Washington and in view of the fact that they can vote in all public elections in your State, to let them have an opportunity, if they so desire, of voting to get out from under the Wheeler-Howard Act?

EAGLE STAFF. I think that is fair.

Mr. SCHAFFER. I want to thank you as a member of this committee for having the benefit of your views. I appreciate the fact that your testimony was confined to the problems directly affected by this bill.

Mr. MURDOCK. Mr. Chairman.

The CHAIRMAN. The Chair was under the impression that the gentleman had not finished. I think he was giving his testimony when the questioning started. If you have anything further to say will you yield to Mr. Murdock first?

Mr. MURDOCK. I want to say this witness, as the witness who has preceded him, has been a very enlightening one to me. I feel it comes right straight from the field of operation. We want to know what these people think. And it has been a splendid testimony. I want to add my appreciation.

Will you also say for me that I feel that all of us who are sitting around this table, this entire membership, are striving earnestly to find out about the American Indian and what can best serve his purpose. We want to be helpful. I would not have the witness go away with the idea, certainly not from me, that from the testimony or statements made here this morning, that there would be any disposition to repeal a law without substituting something which we thought better in its place. And I would also like you to say to him that while it is our ideal to have the American Indian a citizen among us and self-sufficient, that we cannot be too hopeful about promising better things because we have 130,000,000 of citizens for whom we would like to do a better thing.

The CHAIRMAN. Are there any further questions?

Mr. SWEET. I would like to say on my behalf I hope the time may come when the Red Man, who is the original resident and discoverer of this country, may find it possible to self-sustain himself, if not in the present generation at some time in the future so we may not have governmental supervision and wardship over him. And I wish to thank the gentleman for his contribution.

The CHAIRMAN. Are there any further questions?

We certainly thank you, Chief.

Mr. GILBERT. He wants to conclude his remarks.

The CHAIRMAN. The witness says he was not quite through. He was glad to have the questions but he has not finished his testimony.

EAGLE STAFF. In concluding my remarks I wish to state that the white race for generations have learned the teachings of the Almighty. It was within about 300 years since the American Indian heard from the white man and eventually the teachings of Christianity were spread to the American Indian. The American Indian grasps that teaching because it is full of good things and we desire to live that way. And under our present Government we are protected. We are wards of the Government. We think that we are under good protection and we want that protection to continue. And we hope and pray that every man that is here who has questioned about it will not have any other thoughts interfere in his mind that would impair or destroy our rights or benefits that we have now.

I want to thank the gentlemen who have commented on my talk as well as those who have not. I want to express my appreciation to the chairman and the committee as a whole.

The CHAIRMAN. We certainly thank you, Chief.

Mr. SCHAFFER. I ask unanimous consent that this committee request the Commissioner of Indian Affairs to notify all of the Indian tribes included in S. 2103 of the fact that this committee is holding hearings on the bill in question and that we request them to send a resolution indicating their tribe's position on this bill and if any tribe desires to send a delegate to appear before the committee that they so notify the Commissioner and he notify the committee.

Mr. MURDOCK. Reserving the right to object, how many tribes would have to be notified?

The CHAIRMAN. Seventy-seven.

Mr. MURDOCK. Those are not named in the bill.

The CHAIRMAN. Some of them are by States.

Mr. ZIMMERMAN. Some of them are covered by States. Not all of them have funds to pay transportation.

Mr. SCHAFFER. If some want to come they can send one delegate. I do not think it is necessary to send more than one.

Mr. MURDOCK. I feel, Mr. Chairman, this is a mighty important matter. I would like to hear from all. But aren't we going into something pretty extensive here when we expect to hear from 77 tribes?

The CHAIRMAN. Yes; we are.

Mr. SWEEP. This is a revolutionary bill, Mr. Murdock.

The CHAIRMAN. So it is.

Mr. SCHAFFER. What percentage of the tribes do you think, Mr. Assistant Commissioner, would send a delegate down here?

Mr. ZIMMERMAN. Without going over the list of records of what has been sent in I would make a guess of not more than 10.

Mr. SCHAFFER. That would not be many. Under this unanimous-consent request of mine they would have an opportunity of expressing themselves. Do you think my unanimous-consent request covered that?

Mr. ZIMMERMAN. I think so.

Mr. MURDOCK. I do not want to object but I just want to make this observation. I have not been on this committee very long. I have a sort of feeling—I don't know whether the Interpreter wants to pass this on to the Chief or not—I have a sort of feeling that we invite Indians to come a great distance and sit in this room merely to be disappointed, and I do not want to say hoodwinked or anything of that sort, I am not referring to this particular bill, I am just wondering if these men who come from 3,000 miles away and sit in our councils here to hear the evidence on a bill which has no likelihood of passing perhaps do not carry home with them a wrong idea which may lead to further discontent.

Mr. SCHAFFER. I do not say this bill has no chance of passing. I believe if we amend this bill and take my alternate proposal that the bill would pass, and would pass the Senate too. It would act as a settling proposition.

Mr. MURDOCK. I believe so. In fact, if I know what amendment you are speaking of now.

Mr. SCHAFFER. The amendment gives the right to vote to get out from under the bill as well as to vote to get in. That would stop a great deal of this political missionary work we heard about this morning and the Indians would be able to settle down. When they get a chance to vote to get out from under the act, if they voted to come

out from under the act they will get out. The minority should then abide by the will of the majority. That is my view on this very bill, Mr. Chairman, because this bill arbitrarily by a manifesto of the Great White Father, Uncle Sam, acting through his Congress and the executive department, purports to overturn and nullify the choice of these Indians as expressed in elections.

Mr. SWEET. That is the reason I say it is revolutionary.

Mr. SCHAFFER. That is the reason, in view of the fact we have had hearings on this bill, why we should at least have the representatives of tribes involved send in resolutions indicating their position on this bill so that no one can say that the committee did not want to give them the right to exercise their right of petition. We also ought to couple with that a provision that if they desire to send a delegate to appear before the committee to speak for them that the committee would welcome the testimony of that delegate. I have been a member of this committee during this Congress although I have served 10 years in the House before. This committee has sat day in and day out listening to professional self-annointed and self-appointed spokesmen for the Indians. I have only a handful of Indians in my district. On an important bill as this, an autocratic, bureaucratic bill, which overturns the Indians' elections, I believe that the Indians involved should inform us of their position through their chosen representatives or through resolutions.

Mr. MURDOCK. I think the bill is important enough to have full and complete hearings.

Mr. SWEET. I agree with the gentleman from Wisconsin and I think the bill is revolutionary.

Mr. SCHAFFER. Can't we work it out this way: Notify the tribes we are holding hearings on this bill asking them if they want to send a resolution indicating the tribe's position on the bill in question and suggest that they wire the Indian Commissioner collect whether they deem it necessary to send a delegate. Then we will have an idea as to how many tribes want to send delegates and which ones they are.

Mr. ZIMMERMAN. We could do that.

Mr. DAIKER. Before such a statement went out to the Indians couldn't we have some assurance the committee is going to be in session? Some of these people will start immediately they get a telegram out there saying we are holding hearings.

Mr. SCHAFFER. They can say whether they desire to send a delegate but not to send one until they receive notification.

The CHAIRMAN. Let the chairman make a suggestion. Why don't we defer action on that and finish the testimony of Mrs. Jemison and the Commissioner? The Commissioner wants to finish. We have only 2 days left this week anyway. Then we will see what the situation is going to be so far as the House staying in session. We will know something about whether or not we can go on with the hearing. As Mr. Daiker says we might send out notices that would start some of these people on the way here.

Mr. SCHAFFER. This committee could sit and hear witnesses.

We have subcommittees of three and we ought to be able to gather three members of the committee together.

The CHAIRMAN. What if Congress adjourns?

Mr. SCHAFFER. The Congress is not going to adjourn. The President indicates he is going to send a message to the Congress on

universal conscription for men and women in the next 6 weeks. That doesn't indicate Congress is going to adjourn.

The CHAIRMAN. We might recess for 5 or 6 weeks.

Mr. SCHAFFER. Well, I will make another unanimous-consent request.

The CHAIRMAN. Do you withdraw the other request?

Mr. SCHAFFER. Yes.

The CHAIRMAN. Mr. Schafer withdraws his unanimous-consent request. There is no objection.

Mr. SCHAFFER. I ask unanimous consent that the Commissioner of Indian Affairs notify the councils of the Indian tribes covered by S. 2103 of the fact that this committee is holding hearings on this bill and ask those tribes to send resolutions or other communications indicating their position on S. 2103.

The CHAIRMAN. Is there any objection?

The Chair hears none. It is so ordered.

Mr. ZIMMERMAN. May I still crave the indulgence of the committee? I have another problem that perplexes me that I would like to share with you. It is apparent to me from some of the testimony and much of the questioning that there is considerable ignorance as to what actually goes on in the field of self-government. I asked two members of the committee if they had ever read a tribal constitution. They admitted they had not read one. I am convinced if the committee could approach the problem from that angle, I mean actually see what a constitution and charter do provide and how a constitution and charter do operate I think much of the questioning and some of the testimony could have been omitted. There isn't any way in which I can compel the members of the committee to read a constitution.

Mr. SCHAFFER. I ask unanimous consent that the Assistant Commissioner be requested to insert in the record at this point a sample copy of a constitution and bylaws and a charter adopted by one of the tribes.

The CHAIRMAN. You have heard the request. Without objection, it is so ordered.

(The documents submitted follow:)

CONSTITUTION AND BY-LAWS OF THE CHEYENNE RIVER SIOUX TRIBE OF SOUTH DAKOTA

PREAMBLE

We, the Sioux Indians of the Cheyenne River Reservation in the State of South Dakota in order to establish our tribal organization, to conserve our tribal property, to develop our common resources, to establish justice, and to promote the welfare of ourselves and our descendants, do hereby ordain and establish this constitution and by-laws for our tribal council as a guide to its deliberations.

ARTICLE I—TERRITORY

The jurisdiction of the Cheyenne River Reservation Sioux Tribe of Indians shall extend to the territory within the original confines of the diminished reservation boundaries, which are described by the act of March 2, 1889 (25 Stat. L. 888), and including trust allotments without the herein mentioned boundaries and such other lands as may be hereafter added thereto under any law of the United States, except as otherwise provided for by law.

ARTICLE II—MEMBERSHIP

SECTION 1. The membership of the Cheyenne River Sioux Tribe shall consist of the following:

(a) All persons of Indian blood whose names appear on the official census roll of the tribe as of June 18, 1934.

(b) All children born to any member of the Cheyenne River Sioux Tribe who is a resident of the reservation at the time of the birth of said children.

SEC. 2. The tribal council shall have the power:

(a) To admit persons of Cheyenne River Sioux Indian blood to membership upon a two-thirds ($\frac{2}{3}$) vote of the tribal council.

(b) To strike from the census rolls of the Cheyenne River Sioux Tribe any person who makes application to sever his tribal relations and thereafter such person shall cease to be a member of the Cheyenne River Sioux Tribe of Indians.

ARTICLE III—GOVERNING BODY

SECTION 1. The governing body of the Cheyenne River Sioux Tribe shall consist of a council, known as the Cheyenne River Sioux Tribal Council.

SEC. 2. The governing body under this constitution and by-laws shall be composed of one (1) tribal chairman, one (1) tribal secretary, and one (1) tribal treasurer; also fifteen (15) councilmen and such offices as from time to time may be created by the tribal council.

SEC. 3. The tribal chairman, the tribal secretary, and the tribal treasurer shall be elected at large by popular vote; councilmen shall be elected from each district or political subdivision of the reservation by the legal voters residing within the district or precinct from which such councilman is to be elected. There shall be thirteen (13) districts or voting precincts as hereinafter described in article III, section 4 of the by-laws. Councilmen shall be apportioned by and from each district or voting precinct of the reservation as follows:

1. Agency precinct, which shall include the Agency Swiftbird 1, and Shepard Bottom communities: One (1) delegate.

2. Bridger precinct, which shall include the Bridger community: One (1) delegate.

3. Cherry Creek precinct, which shall include the Cherry Creek community: One (1) delegate.

4. Red Scaffold precinct, which shall include the Red Scaffold community: Two (2) delegates.

5. Eagle Butte precinct, which shall include the Eagle Butte community: One (1) delegate.

6. Four Bear precinct, which shall include the Four Bear community: One (1) delegate.

7. Green Grass precinct, which shall include the Bear Creek, Green Grass, and Sans Arc communities: One (1) delegate.

8. Lantry precinct, which shall include the Upper Bear Creek community: One (1) delegate.

9. La Plant precinct, which shall include the La Plant and Ridgeview communities: Two (2) delegates.

10. Promise precinct, which shall include the Promise community: One (1) delegate.

11. Robertson precinct, which shall include the Black Feet and Swift Bird II communities: One (1) delegate.

12. Thunder Butte precinct, which shall include the Iron Lightning and East Thunder Butte communities: One (1) delegate.

13. White Horse precinct, which shall include the White Horse and the Black Tongue communities: One (1) delegate.

Provided: That the Cheyenne River Tribal Council shall have the power both to redistrict the reservation and its precincts and to reassign the number of councilmen to be elected from each district in proportion to the number of qualified voters residing therein, or on a population basis.

SEC. 4. The officers and councilmen provided for in section 2 of this article shall be elected for the following term of office; general elections will be held every two years on the first Tuesday after the first Monday in the month of September.

(a) The tribal chairman, tribal secretary, and the tribal treasurer first elected shall each serve until October 1, 1938; thereafter the term of office for these officials shall be four years.

(b) The councilmen elected at the first general election in no. 1, agency district or precinct; no. 2, Bridger district or precinct; one councilman from no. 4, Red Scaffold district or precinct; no. 7, Green Grass district or precinct; one councilman from no. 9, La Plant district or precinct; no. 11, Robertson district or precinct; and no. 13, White Horse district or precinct shall be elected and hold office until October 1, 1938, when there shall be a general election for councilmen in these districts; thereafter councilmen shall hold office for a term of four (4) years.

(c) All other councilmen elected at the first general election from the no. 3, Cherry Creek district or precinct; one councilman from no. 4, Red Scaffold district or precinct; no. 5, Eagle Butte district or precinct; no. 6, Four Bear district or precinct; no. 8, Lantry district or precinct; one councilman from no. 9, La Plant district or precinct; no. 10, Promise district or precinct; and no. 12, Thunder Butte district or precinct shall hold office until October 1, 1940; thereafter councilmen shall hold office for a term of four (4) years.

Sec. 5. The first election of the tribal council members shall be held on call of the provisional committee which shall consist of twenty-six (26) members of the Cheyenne River Sioux Tribe of Indians, two (2) from each of the voting precincts on said reservation on October 27, 1934, and five Indian Service employees, which committee the superintendent of said reservation may appoint to supervise the election of officers and councilmen, within thirty (30) days after this constitution and bylaws has been approved by the Secretary of the Interior.

Sec. 6. This committee shall issue its certificate of election to the persons receiving the highest number of votes in each district in accordance with the quota assigned hereby to each of said districts provided for in article III, section 3.

The officers and councilmen so elected and certified to shall report at the Cheyenne River Agency within ten days after the election and take the oath of office. The reservation superintendent shall administer the oath of office.

Said officers and councilmen shall convene within thirty (30) days after the election and organize for business and elect one assistant chairman from their own membership.

Sec. 7. The tribal council shall have supervision and authority over all subsequent elections as provided through bylaws or resolutions hereafter enacted.

ARTICLE IV—POWERS OF SELF-GOVERNMENT

SECTION 1. The tribal council of the Cheyenne River Reservation shall exercise the following powers vested in the present council under existing laws or conferred by the act of June 18, 1934 (48 Stat. 984) and acts amendatory thereof or supplemental thereto, subject to any limitations imposed by the statutes or the constitution of the United States, and subject further to all express restrictions upon such powers contained in this constitution and the attached bylaws.

(a) To enter into negotiations with the Federal, State, and local Governments on behalf of the tribe.

(b) To present and prosecute any claims or demands of the Cheyenne River Sioux Tribe of Indians. It shall have the right to assist members of the tribe in presenting their claims and grievances before any court or agency of government. It shall have the right to employ attorneys of record or representatives for such services, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other official or agency of government, provided that no tribal lands shall ever be sold, encumbered or leased for a period exceeding five years.

(d) To confer with the Secretary of the Interior upon all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of Budget and Congress.

(e) To receive voluntary relinquishments of allotments and heirship lands and to make assignments of tribal land to members of the Cheyenne River Sioux Reservation in conformity with article VIII of this constitution.

(f) To select subordinate boards, officials, and employees not otherwise provided for in this constitution and to prescribe their tenure and duties and to establish district councils; to authorize and establish any association or organization having for its purpose and sole object the benefit of the members of the Cheyenne River Sioux Tribe. Such association or organization shall have the right to engage in collective or cooperative bargaining or marketing, or purchasing of supplies, crops, equipment, seed, machinery, building or livestock, the council reserving the

right to establish ordinances covering the activities of such association or organization, and to enforce the observance of such ordinances.

(g) To administer any funds or property within the control of the tribe; to make expenditures from available funds for public purposes, including salaries or other remuneration of tribal officials or employees. Such salaries or remuneration shall be paid only for services actually authorized in a regular and legal manner and actually rendered. All expenditures from the tribal council fund shall be by resolution duly passed by the council to that effect and the amount so paid shall be a matter of public record at all times.

(h) The council shall have the power when just cause or extreme emergency exists, which shall create a hazard to the peace and safety of the tribe as a whole or to the individual members thereof, to require the individual members of the tribe or other residents upon the reservation to assist with community labor.

(i) To create and maintain a tribal council fund by accepting grants or donations from any person, State, or the United States, or by levying assessments of not less than ten cents, and not to exceed one dollar (\$1.00) per year, per capita on the qualified voters of the Cheyenne River Sioux Tribe, and to require the performance of community labor in lieu thereof, provided the payment of such per capita levy shall be made before any person shall vote in any election held more than six months after the date of said levy; and to levy taxes and license fees subject to review by the Secretary of the Interior, upon nonmembers doing business with the reservation. Any money so collected shall be disposed of as provided for in article IV, section 1 (g) of this constitution.

(j) To provide by ordinance, subject to review by the Secretary of the Interior, for removal or exclusion from the territory of the Cheyenne River Sioux Tribe of any nonmembers whose presence may be injurious to the members of the tribe morally or criminally.

(k) To promulgate ordinances for the purpose of safeguarding the peace and safety of residents of the Cheyenne River Reservation, and to establish courts for the adjudication of claims or disputes arising among the members of the tribe and for the trial and punishment of members of the tribe charged with the commission of offenses set forth in such ordinances.

(l) To purchase under condemnation proceedings, land or other property needed for public purposes, subject to the approval of the Secretary of the Interior.

(m) To protect the public health and morals and to promote the public welfare by regulating the use and disposition of property of members of the tribe.

(n) To regulate the inheritance of property, real and personal, other than allotted lands, within the territory of the Cheyenne River Sioux Reservation, subject to review by the Secretary of the Interior.

(o) To provide by ordinance for the appointment of guardians for minors and mental incompetents, subject to the approval of the Secretary of the Interior.

(p) To adopt resolutions regulating the procedure of the council itself and of other tribal agencies and tribal officials of the reservation.

SEC. 2. Manner of review.—Any resolution or ordinance which, by the terms of this constitution, is subject to review by the Secretary of the Interior, shall be presented to the superintendent of the reservation, who shall, within ten (10) days thereafter, approve or disapprove the same. If the superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within ninety (90) days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the tribal council of such rescission.

If the superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten days after its enactment, he shall advise the tribal council of his reasons therefor. If these reasons appear to the tribal council insufficient, it may, by a majority popular vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety (90) days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SEC. 3. Future powers.—The council shall have the power to act on such other necessary or emergency cases as may be delegated to the tribe by the Secretary of the Interior, or by any other official or agency of the Government.

SEC. 4. Reserved powers.—The foregoing enumeration of powers shall not be construed to limit the powers of the tribal council, but all powers of local government not expressly entrusted to the council by this constitution and bylaws shall be reserved to the legal votes of the Cheyenne River Tribe. Such powers may be exercised through appropriate bylaws and constitutional amendments.

ARTICLE V—ELECTIONS AND NOMINATIONS

SECTION 1. All enrolled members of the Cheyenne River Tribe, 21 years of age or over, who have maintained legal residence on the reservation for a period of one year immediately prior to any election shall have the right to vote.

SEC. 2. No person shall be a candidate for membership in the tribal district or council or other tribal office unless he shall be a member of the Cheyenne River Sioux Tribe, and shall have resided for a period of one year next preceding the election in the district of his candidacy, and he shall be over twenty-five (25) years of age.

SEC. 3. Any member of the tribe may become a candidate for any office upon the signed petition of at least ten (10) legal voters from the district where he is declared to be a legal resident.

Any legal member of the tribe shall be considered a candidate for office when certified by the district council or other authorized organization of the district presenting his candidacy.

SEC. 4. When any election is to be held on any or at all the districts, the chairman of the tribal council shall appoint a superintendent of an election in each of said districts, and the superintendent so appointed shall have power to appoint two (2) judges and two (2) ballot clerks, which will constitute the election board. The duties of this election board shall be to supervise the election.

ARTICLE VI—REMOVAL FROM OFFICE

SECTION 1. If any officer or member of the tribal council shall absent himself from any three (3) consecutive regular or special meetings without sufficient reason, the other members may declare the office vacant by two-thirds ($\frac{2}{3}$) vote of the council.

SEC. 2. Any officer or member of the tribal council convicted by Federal, State, or Indian court may be removed from office by two-thirds ($\frac{2}{3}$) vote of the council.

SEC. 3. If any vacancies occur in the membership of the tribal council through resignation, recall, impeachment, or death, the district council wherein he resides and is elected from shall proceed to elect a new councilman to finish the unexpired term of such member.

SEC. 4. *Recall.*—Every person elected to a tribal office by the Sioux Indians of the Cheyenne River Indian Reservation is subject to recall from such office upon petition of 40% of the electors of the reservation, or the district or voting precinct, qualified to vote for such office, but no recall election shall be held without the approval of the council.

SEC. 5. The ballot used at such election shall contain the question: "Shall _____ be recalled from office on the Cheyenne River Tribal Council?" and shall contain a space opposite such question, in which shall appear the words "Yes—No", and the voter shall indicate by making a mark as to whether he wishes to vote for or against the recall of the member so named.

SEC. 6. No member of the council shall take part in the deliberations of the council, nor shall he have a vote in balloting upon any matter pertaining to any recall election or the results thereof when such member shall be the one whom it is proposed to recall.

ARTICLE VII—REFERENDUM

SECTION 1. Upon a petition of at least three hundred (300) qualified voters of the Cheyenne River Sioux Reservation a referendum may be demanded on any enacted or proposed ordinance or resolution of the Cheyenne River Sioux Tribal Council, and the vote of the majority of the qualified voters in such referendum shall be conclusive and binding on the tribal council.

ARTICLE VIII—LAND

SECTION 1. *Allotted lands.*—Allotted lands, including heirship lands, within the Cheyenne River Reservation, shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the State of South Dakota or of the Federal Government, or by the tribe itself. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Cheyenne

River Sioux Tribe. Likewise it is recognized that under existing law the Secretary of the Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may then be mortgaged or sold.

The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Cheyenne River Sioux Tribe either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SEC. 2. Tribal lands.—The unallotted lands of the Cheyenne River Reservation and all lands which may hereafter be acquired by the Cheyenne River Sioux Tribe or by the United States in trust for the Cheyenne River Sioux Tribe shall be held as tribal lands, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Cheyenne River Sioux Tribe, or leased, or otherwise used by the tribe, as hereinafter provided.

SEC. 3. Leasing of tribal lands.—Tribal lands may be leased by the tribal council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In the leasing of tribal lands preference shall be given, first to Indian cooperative associations, and, secondly, to individual Indians who are members of the Cheyenne River Sioux Tribe. No lease of tribal land to a nonmember shall be made by the tribal council unless it shall appear that no Indian cooperative association or individual member of the tribe is able and willing to use the land and to pay a reasonable fee for such use.

Grazing permits covering tribal land may be issued by the tribal council, with the approval of the Secretary of the Interior, in the same manner and upon the same terms as leases.

SEC. 4. Grant of "standard" assignments.—In any assignment of tribal lands which are now owned by the tribe or which hereafter may be acquired for the tribe by the United States or purchased by the tribe out of tribal funds, preference shall be given, first to heads of families which are entirely landless, and, secondly, to heads of families which have no allotted lands or interests in allotted lands but shall have already received assignments consisting of less than an economic unit of agricultural land, or other land or interests in land of equal value, such unit to be determined from time to time by the tribal council.

The tribal council may, if it sees fit, charge a fee of not to exceed \$25 on approval of an assignment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians, and shall be known as "standard" assignments.

SEC. 5. Terure of "standard" assignments.—If any member of the tribe holding a "standard" assignment of land shall, for a period of two (2) years, fail to use the land so assigned, his assignment may be cancelled by the tribal council after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of section 4 of this article.

Upon the death of any Indian holding a "standard" assignment, his heirs or other individuals designated by him, by will or by written request shall have a preference in the reassignment of the land, provided such persons are members of the Cheyenne River Sioux Tribe who would be eligible to receive a "standard" assignment.

SEC. 6. Grant of "exchange" assignment.—Any member of the tribe who owns an allotment or any share of heirship land may voluntarily transfer his interest in such land to the tribe in exchange for any assignment to the same land or other land of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit.

Assignments made under this section shall be known as "exchange" assignments.

SEC. 7. Leasing of "exchange" assignments.—"Exchange" assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the tribe, or, if no individual Indian or Indian cooperative association is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians, in the same manner as allotted lands.

SEC. 8. Inheritance of "exchange" assignments.—Upon the death of the holder of any "exchange" assignment, such land shall be reassigned by the tribal council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heirs or devisees who are not members of the Cheyenne River Sioux Tribe, except that a life assignment may be made to the surviving widower or widow of the holder of assignment.

(b) Such lands may not be reassigned to any heirs or devisees who already hold more than a certain number of acres of grazing land, or other land or interests in land of equal value, either under allotment or under assignment, such amounts to be determined from time to time by the council.

(c) Such lands may not be subdivided among heirs or devisees into units too small for convenient management. No area of grazing land shall be subdivided into units smaller than sixty (60) acres, and no area of agricultural land shall be subdivided into units smaller than two and one-half acres, except that land used for buildings or other improvements may be divided to suit the conveniences of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the tribal council shall issue to such heirs or devisees grazing permits or other interests in tribal lands of the same value as the assignments of the decedent.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of section 4 of this article.

Sec. 9. *Inheritance of improvements.*—Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Cheyenne River Sioux Tribe or otherwise disposed of under such regulations as the tribal council shall provide. No permanent improvements shall be removed from the land without the consent of the tribal council.

Sec. 10. *Exchange of assignments.*—Assignments may be exchanged between members of the Cheyenne River Sioux Tribe by common consent in such manner as the tribal council shall designate.

Sec. 11. *Use of unassigned tribal land.*—Tribal land which is not assigned, including tribal timber reserve, shall be managed by the tribal council for the benefit of the members of the entire tribe, and any cash income derived from such land shall accrue to the benefit of the tribe as a whole.

Sec. 12. *Purchase of land by the tribe.*—Tribal funds may be used with the consent of the Secretary of the Interior, to acquire land, under the following conditions:

(a) Land within the Cheyenne River Reservation or adjacent to the boundaries thereof which is not now in Indian ownership may be purchased by or for the Cheyenne River Tribe.

(b) Restricted land, which is in heirship status at the time of the adoption and approval of this constitution, may be purchased by or for the tribe, with the consent of all the adult heirs, and the legal guardians of minor heirs, payment therefor to be made as may be agreed upon.

(c) Land owned by any member of the tribe who is over the age of sixty (60) years, or who is physically incapacitated, may be transferred by its owner to the tribe in exchange for a pension of not more than twice the usual rental value of the land for the life of the pensioner, to be paid out of available tribal funds.

(d) Land in excess of 320 acres owned by any member of the tribe may be purchased by the tribe, with the consent of the owner, payments to be made under such terms as may be agreed upon.

(e) Land owned by any member of the tribe who desires to leave the reservation permanently may be purchased by the tribe, under such terms as may be agreed upon.

Sec. 13. *Method of making assignments.*—Applications for assignment shall be filed with the secretary of the council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the secretary shall be posted by him in the agency office and in at least three conspicuous places in the district in which the land is located for not less than twenty (20) days before action is taken by the council. Any member of the tribe wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the secretary of the council, and may if he so desires appear before the council to present evidence. The secretary of the council shall furnish the superintendent or other officer in charge of the agency, a complete record of all action taken by the council on applications for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the tribe.

The council shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.

ARTICLE IX—AMENDMENTS

SECTION 1. This constitution and the appended by-laws may be amended by a majority of the qualified voters of the tribe voting at an election called for that

purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

SEC. 2. It shall be the duty of the Secretary of the Interior upon presentation of a petition signed by at least two hundred (200) legal voters of the tribe, and upon request by the council, to call an election on any proposed amendment.

BYLAWS OF THE CHEYENNE RIVER SIOUX TRIBE OF SOUTH DAKOTA

ARTICLE I—DUTIES OF OFFICERS

SECTION 1. It shall be the duty of the chairman to preside at all meetings of the council. He shall have a vote only when a tie occurs.

SEC. 2. In the absence of the regular chairman the assistant chairman shall preside and he shall have all powers, privileges, and duties of the regular chairman, and may cast a vote in the case of a tie.

SEC. 3. It shall be the duty of the tribal secretary to keep a true and accurate record of all matters affecting the tribal records and accounts, and to render a proper accounting of such records and statistics as are required by the tribal council. He shall be present at all meetings of the council and shall keep an accurate record of all council proceedings, including the minutes of each special and regular meeting.

(a) Minutes of all special or regular meetings shall be in triplicate, the original copy to be filed at the Cheyenne Agency Tribal Office, one copy to be presented to the superintendent, and one copy to be transmitted to the Commissioner of Indian Affairs.

(b) The secretary shall have voice in the deliberations of the council, but shall not vote.

SEC. 4. The duties of the treasurer of the tribal council shall be as follows: He shall accept, receive, receipt for, preserve, and safeguard all funds in the custody of the council, whether same be tribal funds or special funds for which the council is acting as trustee or custodian. He shall deposit all such funds in such bank or elsewhere as directed by the council, and he shall keep an accurate record, filing same in the tribal council's office, and he shall report all receipts and expenditures and accounts and the nature of all funds in his possession or custody, once every six months to the tribal council in writing, or at any time he is requested to do so by the tribal council.

(a) He shall not disburse any funds in his custody belonging to the council except when authorized by a motion duly passed and properly recorded by the council.

(b) He shall be present at all special or regular meetings of the council, but will have no voice or vote in the deliberations of the council, only when making reports or to furnish the necessary information required by the council.

(c) The treasurer shall be required to furnish a bond satisfactory to the council.

(d) The books and records of the treasurer shall be audited at least once each year by a competent auditor employed by the tribal council or under the direction of the Commissioner of Indian Affairs.

SEC. 5. There shall be a sergeant-at-arms and he will be appointed by the tribal council.

(a) It shall be his duty to be present at all meetings of the tribal council, and to maintain order and decorum within the council chamber; he shall serve all summonses emanating from the council, and shall perform such other duties as may be designated by the council. He shall have no voice or vote in the deliberations of the council, except when making reports or furnishing information requested by the council.

ARTICLE II—QUALIFICATIONS OF OFFICE

Any person elected as an officer or councilman must be a Sioux Indian, enrolled on the Cheyenne River Reservation, and over twenty-five (25) years of age at the time of his or her election.

(a) No employee of the Indian Service shall be elected as an officer or councilman.

(b) No person convicted of felony shall be elected as an officer or councilman.

(c) The tribal council shall be the sole judge of the qualifications of its own members.

(d) All councilmen must be elected from their respective districts, and be a resident of the district of which they are elected.

ARTICLE III—DISTRICT OR PRECINCT ORGANIZATION, ELECTIONS, AND CERTIFICATION

SECTION 1. Each voting precinct established under this constitution as provided in article III, section 4, shall elect at the first general election and biannually thereafter a president, secretary, and treasurer. These district officials shall hold office for a term of two years. The president shall call and preside over all councils of the community whenever necessary for the consideration of matters of local interest and may exercise such further powers as may be delegated to him by the tribal council. He shall file with the tribal council and certify all nominations for office within the precinct and at large, according to section 3, article V of this constitution. The actions of the precinct officers shall not be inconsistent with the constitution and by-laws and ordinances of the tribe. A tribal councilman, in addition to the office of tribal councilman, may hold any of these district offices if elected to such office by the voters of his district.

SEC. 2. It shall be the duty of the district council to see that all nominations for tribal office, including membership in the council, shall be made in strict accord with the provisions of the constitution, and to certify as to the legality of such nominations, otherwise it shall be considered illegal and ineffective by the tribal council.

SEC. 3. All tribal elections for officers shall be canvassed and certified by the council, or a board appointed by them, the results of such elections. No candidate shall be considered legally elected, nor shall he hold office until such canvass and certification shall have been made by the council within five (5) days after such elections.

SEC. 4. All necessary details concerning tribal nominations and elections not specifically covered in these by-laws or in the constitution, shall be more fully set forth in ordinances to be hereafter established by the council.

SEC. 5. Each district or voting precinct established under section 3 of article III of the constitution are hereby outlined by legal subdivisions, as follows:

No. 1. *Agency district*.—Beginning at a point on the west bank of the Missouri River, following the township line west to the SE. corner of section 36, township 14 north, range 29 east; thence south to the southeast corner of section 36, township 13 north, range 29 east; thence west to the southwest corner of said section 36; thence south along the range line to where it intersects the west bank of the Missouri River; thence north and east along the west bank of the Missouri River to the point of beginning.

No. 2. *Bridger district*.—Beginning at a point on the north bank of the Cheyenne River where the range line dividing ranges 19 east and range 20 east intersects said Cheyenne River; thence north to the township line dividing townships 8 and 9 north; thence west along said township line to the west boundary line of the Cheyenne River Reservation; thence south along said line to the Cheyenne River; thence east along the north bank of said Cheyenne River to the point of beginning.

No. 3. *Cherry Creek district*.—Beginning at a point on the north bank of the Cheyenne River where the range line between ranges 22 east and 23 east intersect said river; thence north following said range line to the township line dividing townships 10 and 11 north; thence west to the southeast corner of section 36, township 11 north, range 20 east; thence south to the southeast corner of section 36, township 9 north, range 20 east; thence west to a point to the range line dividing ranges 19 and 20 east; thence south along said range line to the north bank of the Cheyenne River; thence along the bank of the Cheyenne River to the point of beginning.

No. 4. *Red Scaffold district*.—Beginning at the southeast corner of section 36, township 9 north, range 20 east; thence north along the range line to the southeast corner of section 36, township 12 north, range 20 east; thence west along the township line to the west boundary line of the said Cheyenne River Reservation; thence south along said reservation boundary line to where the township line dividing townships 8 north and 9 north intersect said boundary line of the reservation; thence east along said township line to the point of beginning.

No. 5. *Eagle Butte district*.—Beginning at a point on the north bank of the Cheyenne River where the range line dividing range 26 east and range 27 east intersect said river; thence north to the right-of-way to the Chicago, Milwaukee and Pacific Railroad; thence along said right-of-way across section 36, township 13 north, range 26 east; thence north following the township line to the southeast corner of section 36, township 14 north, range 26 east; thence west to the southeast corner of section 36, township 14 north, range 22 east; thence south to the southeast corner of section 18, township 12 north, range 23 east; thence west to the

southeast corner of section 13, township 12 north, range 21 east; thence south to the southeast corner of section 36, township 11 north, range 21 east; thence east to the southeast corner of section 36, township 11 north, range 22 east; thence south along the range line to the north bank of the Cheyenne River; thence following the said Cheyenne River in a northeasterly direction to the point of beginning.

No. 6. *Fourbear district*.—Beginning on the west bank of the Missouri River at a point where the township line dividing townships 15 and 16 north intersect said river; thence west to the southeast corner of section 36, township 16 north, range 29 east; thence south along the range line to the southeast corner of section 36, township 14 north, range 29 east; thence east along the township line to where it intersects the west bank of said Missouri River; thence north along the west bank of the Missouri River to the point of beginning.

No. 7. *Green Grass district*.—Beginning at the southeast corner of section 36, township 14 north, range 26 east; thence north to the southeast corner of section 36, township 15 north, range 26 east; thence west to the southeast corner of section 36, township 15 north, range 24 east; thence north to the southeast corner of section 36, township 16 north, range 24 east; thence west to the southeast corner of section 36, township 16 north, range 23 east; thence north following the range line to the north boundary line of Cheyenne River Reservation; thence west to the northeast corner of section 2, township 17 north, range 22 east; thence south to the south boundary line of township 17 north; thence east to where the range line dividing ranges 22 and 23 east intersect said township line; thence south along said range line to the southeast corner of section 36, township 14 north, range 22 east; thence east along the township line to the point of beginning.

No. 8. *Laniry district*.—Beginning at the southeast corner of section 18, township 12 north, range 22 east; thence due north to the southeast corner of section 1, township 15 north, range 22 east; thence west to the southeast corner of section 1, township 15 north, range 21 east; thence south along the range line to the southeast corner of section 13, township 12 north, range 21 east; thence west to the point of beginning.

No. 9. *LaPlant district*.—Beginning at a point on the west bank of the Missouri River where the range line dividing ranges 29 and 30 east intersects said river; thence north following said range line to the southeast corner of section 13, township 15 north, range 29 east; thence west to the southeast corner of section 18, township 15 north, range 28 east; thence south to the southeast corner of section 31, township 15 north, range 28 east; thence west to the southeast corner of section 36, township 15 north, range 26 east; thence south following the range line to the north bank of the Cheyenne River; thence meandering along the banks of said Cheyenne River and the Missouri River to the point of beginning.

No. 10. *Promise district*.—Beginning at the southeast corner of section 13, township 15 north, range 29 east; thence north to the north boundary line of the said Cheyenne River Reservation; thence west along said boundary line to the northeast corner of section 1, township 17 north, range 27 east; thence south to the southeast corner of section 18, township 15 north, range 28 east; thence east to the point of beginning.

No. 11. *Robertson precinct*.—Beginning at a point where the north boundary line of the Cheyenne River Reservation intersects the Missouri River; thence west to the northeast corner of section 1, township 17 north, range 29 east; thence south following the range line to the southeast corner of section 36, township 16 north, range 29 east; thence east following said township line to the west bank of the Missouri River; thence north along the west bank of the Missouri River to the point of beginning.

No. 12. *Thunder Butte district*.—Beginning at the southeast corner of section 36, township 11 north, range 21 east; thence north following the range line to the southeast corner of section 1, township 15 north, range 21 east; thence east to the southeast corner of section 1, township 15 north, range 22 east; thence north following the section line to the north boundary line of the Cheyenne River Reservation; thence west following the said boundary line to the northwest corner of the said Cheyenne River Reservation; thence south following the west boundary line of said Cheyenne River Reservation to the south boundary line of township 12 north; thence east to the southeast corner of section 36, township 12 north, range 20 east; thence south to the southeast corner of section 36, township 11 north, range 20 east; thence east following the township line to the point of beginning.

No. 13. *White Horse district*.—Beginning at the southeast corner of section 31, township 15 north, range 28 east; thence due north to the north boundary line of the Cheyenne River Reservation; thence west to the northeast corner of section

1, township 17 north, range 23 east; thence south along the range line to the southeast corner of section 36, township 16 north, range 23 east; thence east to the southeast corner of section 36, township 16 north, range 24 east; thence south to the southeast corner of section 36, township 15 north, range 24 east; thence east to the point of beginning.

ARTICLE IV—MEETINGS AND PROCEDURE

SECTION 1. Immediately after the election of members of the tribal council and said elected members are duly certified as provided for in article III, section 6, the members shall assemble at the Cheyenne Agency and organize for business, and appoint one sergeant-at-arms.

SEC. 2. The council shall meet regularly on the first Tuesday of each month. The meetings shall be held at the agency office or other building provided for such purpose.

SEC. 3. Special meetings of the council shall be held at such times as are designated by the chairman, and he shall notify the members at least twenty-four (24) hours before the date of such meeting.

SEC. 4. At any special or regular meeting of the tribal council with two-thirds ($\frac{2}{3}$) of the members present it shall constitute a quorum, and the council may proceed to transact any business that may come before it. Without a quorum the chairman shall adjourn the meeting.

SEC. 5. Special meetings of the council shall also be held upon written request of either seven (7) members of the council or by petition signed by one hundred (100) legal voters of the tribe. Such written request shall be filed with the chairman or the secretary of the council, and he shall notify the council members twenty-four (24) hours before the date of such council meeting.

SEC. 6. All sessions of the tribal council (except executive) shall be open to all members of the tribe. Balloting at all sessions shall be either by acclamation or by secret written ballot, as the presiding officer shall direct.

SEC. 7. The council may, upon motion duly passed, go into executive sessions. At such sessions all persons shall be excluded from the council chamber, and any such person whose presence shall be required before the council shall be designated by the chairman, and no other persons shall be allowed to be present other than the members of the council and the secretary.

SEC. 8. The order of business at any regular or special meeting of the tribal council shall be as follows:

- (a) Council called to order for session.
- (b) Roll call.
- (c) Prayer by an authorized person.
- (d) Opening address by the presiding officer or by others.
- (e) Reading and acceptance of minutes of previous meeting.
- (f) Reports of standing committee.
- (g) Reports of council treasurer.
- (h) Reports of the special committees.
- (i) Reports of the board of directors or advisors.
- (j) Reading of communications and reports.
- (k) Impeachment trials.
- (l) Installation of new officers.
- (m) Unfinished business.
- (n) New business.
- (o) Appointment of committees and directors.
- (p) Adjournment.

SEC. 9. It shall be the duty of the council to exercise care and caution to the end that a complete record is preserved of all acts of the council and of all committees appointed therefrom. Accurate copies of all such records shall be preserved in the files of the council and accurate copies of all necessary records shall be transmitted to such bureaus, departments, or elsewhere as may be required.

SEC. 10. All records of the council and its committees or delegates shall at all times be a matter of public record, and any member of the Cheyenne River Sioux Tribe or his authorized representative, or any properly authorized officer or employee of any Government department shall have full access to same during business hours. However, it is provided that matters before the council while in executive session shall be, at the option of the council, withheld from the public or from individuals or their representatives, until after same shall have been acted upon or otherwise quietly disposed of.

SEC. 11. Copies of all leases, contracts, deeds, or assignments and all other papers or documents pertaining to lands of any nature on the reservation shall be

carefully preserved by the council, and insofar as it is possible all other documents affecting the rights and equities of the tribe as a whole, or the individual members thereof, shall be kept and preserved in order that such information shall at all times be available to the council and to the individual members of the tribe; and duplications of all such documents shall be deposited in the files of one agency.

ARTICLE V—TRIBAL COURT (JUDICIAL CODE)

SECTION 1. (a) It shall be the duty of the council to provide, through the necessary bylaws or ordinances, for the establishment of a tribal court upon the reservation.

(b) This court shall have jurisdiction over all such petty offenses not falling within the exclusive jurisdiction of Federal or State courts, as may be provided in the ordinances of the tribe.

(c) This court shall have jurisdiction over all Indians upon the reservation and over such disputes or lawsuits as shall occur between Indians on the reservation or between Indians and non-Indians where such cases are brought before it by stipulation of both parties provided that jurisdiction over Indian employees of the Indian Service shall be subject to rules and regulations prescribed by the Secretary of the Interior.

(d) The duties and jurisdiction of this court shall be more fully prescribed by appropriate bylaws or ordinances.

SEC. 2. It shall be the duty of the council to establish by ordinance a tribal police force which shall have full jurisdiction upon the reservation, the authority and duties of this police force under which it will function may be outlined by the council, such police to be employees of the council and shall be an agency of the tribal court.

ARTICLE VI—RELATION BETWEEN FEDERAL AND TRIBAL GOVERNMENT

SECTION 1. The Indians of the Cheyenne River Reservation recognize their inability to control or assume all responsibilities of administration, such as: The supervision of health and educational services; employees of the Federal Government through whom we must make contact with the administrative office in Washington to manage wholly our internal affairs; and matters over which the tribal council has no authority.

ARTICLE VII—LAW OF PROPERTY

SECTION 1. It shall be the duty of the council to pass rules and regulations to prevent unauthorized prospecting or mining of any kind upon the reservation and to see that such rules and regulations are properly enforced.

SEC. 2. The council shall pass ordinances for the control of hunting and fishing upon the reservation, not conflicting with any of the Federal or State game laws. The council shall enforce such ordinances and cooperate with Federal and State authorities for protection of game on the reservation. Further, the council may issue licenses for hunting and fishing and shall establish and act for same.

ARTICLE VIII—PUBLIC WELFARE

SECTION 1. *Charity.*—(a) The council at all times determines in careful manner what constitutes just cause for charity or financial aid or assistance to the indigent members of the tribe, and shall make proper provisions for recommendation to proper agencies for relief.

(b) The council shall designate persons who shall administer charity work on the reservation, and the solicitation and expenditure of charity funds conducted in a systematic manner and that the right to do so may not be abused. It shall seek and cooperate with such charity organizations and thereby render assistance or aid to the poor and needy.

(c) The council shall at all times endeavor to discuss and eliminate the cause for indigency, exercising wise and judicious supervision and management of the affairs of the finances of individual members of the tribe, to the end that need, privation, and financial distress may be entirely eliminated among the members of the tribe.

SEC. 2. *Education.*—(a) The council shall pass necessary ordinances to promote and increase learning and education among the members of the tribe, studying present school systems, and recommending plans for improving them to the proper bureaus or departments.

(b) The council shall enter into negotiations with nonreservation schools and procure for the members of the tribe the highest type of educational facilities, to the end that younger members of the tribe shall have every possible advantage, attaining that degree of education that will fit them to meet and take part in the modern civilization and advancement.

SEC. 3. *Social welfare.*—(a) The council shall encourage and promote among the residents of the reservation by every practical means a proper system of social and home education in home economics, hygiene, home demonstrations, agronomy and farm demonstrations, with the cooperation of State, county, and Federal departments, and agencies which seek to promote such social welfare and agricultural development work.

ARTICLE IX—LOANS

The tribal council shall act upon all applications for loans under a revolving fund or reimbursable regulations for the purchase of property, stock, or equipment, or loans to Indians, for the payment of tuition for higher education or trade schools, out of the allotment to the Cheyenne River Reservation as provided in the act of June 18, 1934 (48 Stat. 984), for such purposes.

ARTICLE X—APPLICATION FOR FUNDS

The tribal council shall act in an advisory capacity upon all applications to the superintendent for the withdrawal from the United States Treasury of trust funds, Sioux benefits, or the Cheyenne River Reservation 3% funds, or any other tribal funds, may adopt rules and regulations not in conflict with law, subject to the approval of the superintendent governing withdrawal of individual Indian money.

ARTICLE XI—TRIBAL CLAIMS

The council shall make a thorough survey, research, investigation, and study of the history and title of all lands which are now tribal in character or that have been tribal in character in times past and shall endeavor to reestablish the tribal equity, if any, in such lands so as to obtain through proper channels just compensation for such lands, which it shall find to have been unlawfully removed from the present jurisdiction of the tribe and without just compensation.

ARTICLE XII—GUARDIANSHIP

The council shall pass all necessary ordinances whereby the rights of minors and incompetents shall be properly safeguarded, and shall see that the administration of such funds and other assets shall be for the exclusive benefit of such minors or incompetents. It shall be the duty of the council to make semi-annual reports concerning all such guardianship funds or assets, and that such reports be matters of public record, with the exception of the trust funds and individual Indian money, upon the approval of the Secretary of the Interior, which is deposited and supervised by the superintendent.

ARTICLE XIII—NATIONAL SIOUX COUNCIL

The tribal council shall have the further power to select delegates to sit in national councils of the entire Sioux Nation. Said national council of the Sioux Nation shall be formed by the meeting of said delegates whenever five (5) of the following Sioux Tribes shall adopt a constitution containing a provision similar to this: Standing Rock, Cheyenne River, Lower Brule, Crow Creek, Pine Ridge, Rosebud, Santee, Fort Peck.

ARTICLE XIV—ADOPTION

This constitution and by-laws, when ratified by a majority vote of the qualified voters of the Sioux Tribe of the Cheyenne River Reservation voting at an election called for the purpose by the Secretary of the Interior, provided that at least 30 per cent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and, if approved, shall be effective from the date of approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved October 29, 1935, by the Secretary of the Interior, the attached constitution and by-laws were submitted for ratification to the

Cheyenne River Tribe of Sioux Indians and were on December 7, 1935, duly ratified by a vote of 576 for, and 366 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the act of June 15, 1935 (Public, No. 147, 74th Cong.).

HARRY F. C. WOODS,
Chairman of Election Board.

LUKE GILBERT,
Chairman of Cheyenne River Sioux Tribal Council.

JAMES E. HAWK,
Tribal Secretary.

WALTER F. DICKENS,
Superintendent.

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and by-laws of the Cheyenne River Tribe of Sioux Indians.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution or by-laws are hereby declared inapplicable to the Cheyenne River Tribe of Sioux Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and by-laws.

Approval recommended December 23, 1935.

JOHN COLLIER,
Commissioner of Indian Affairs.

[SEAL]

HAROLD L. ICKES,
Secretary of the Interior.

WASHINGTON, D. C., *December 27, 1935.*

CORPORATE CHARTER OF THE COVELO INDIAN COMMUNITY OF THE ROUND VALLEY INDIAN RESERVATION

A FEDERAL CORPORATION CHARTERED UNDER THE ACT OF JUNE 18, 1934

Whereas, the Covelo Indian Community of the Round Valley Indian Reservation in the County of Mendocino, State of California, is a recognized Indian Community organized under a constitution and by-laws ratified by the members of the Covelo Indian Community on November 7, 1936, and approved by the Secretary of the Interior on December 16, 1936, pursuant to section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Covelo Indian Community have petitioned that a charter of incorporation be granted to the Covelo Indian Community, subject to ratification by a vote of the adult members of the Covelo Indian Community living on the Round Valley Indian Reservation;

Now, therefore, I, Oscar L. Chapman, Assistant Secretary of the Interior, by virtue of authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this Charter of incorporation to the Covelo Indian Community of the Round Valley Indian Reservation to be effective from and after such time as it may be ratified by a majority vote of the adult members of the Covelo Indian Community living on the Round Valley Indian Reservation at an election in which at least 30 per cent of the eligible voters vote.

1. *Corporate Existence.*—In order to promote the social and economic development of the members of the Covelo Indian Community of the Round Valley Indian Reservation in the County of Mendocino, State of California, by conferring upon the said community certain corporate rights, powers, privileges and immunities; to secure for the members of the Covelo Indian Community an assured economic independence; and to provide for the proper exercise by the Community of various functions heretofore performed by the Department of the Interior, the aforesaid Community is hereby chartered as a body politic and corporate of the United States of America, under the corporate name, "Covelo Indian Community."

2. *Duration of Corporation.*—The Covelo Indian Community shall, as a Federal Corporation exist for a period of 50 years.

3. *Membership.*—The Covelo Indian Community shall be a membership corporation. Its members shall consist of all persons now or hereafter entitled to membership in the Covelo Indian Community, as provided by its duly ratified and approved constitution and by-laws.

4. *Management.*—The Covelo Indian Community Council of the Round Valley Indian Reservation established in accordance with the said constitution and by-laws of the Covelo Indian Community, shall exercise all of the corporate powers hereinafter enumerated.

5. *Corporate Powers.*—The Covelo Indian Community, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the Covelo Indian Community, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the Covelo Indian Community Constitution and By-laws:

(a) To adopt, use and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Covelo Indian Community of any land or interests in land, water rights, power sites, and mineral rights, now or hereafter held by the Covelo Indian Community within the boundaries of the Round Valley Indian Reservation.

(2) No mortgage may be made by the Covelo Indian Community of any standing timber on land now or hereafter held by the Community within the boundaries of the Round Valley Indian Reservation.

(3) No leases, permits (which terms shall not include land assignments to members of the Covelo Indian Community) or timber sale contracts covering any land or interests in land now or hereafter held by the Covelo Indian Community within the boundaries of the Round Valley Indian Reservation shall be made by the Covelo Indian Community for a longer term than five years, and all such leases or permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but mineral leases or any lease requiring substantial improvements of the land may be made for longer periods when authorized by law.

(4) No action shall be taken by or in behalf of the Covelo Indian Community which in any way operates to destroy or injure the Community grazing lands, timber or other natural resources of the Round Valley Indian Reservation. All leases, permits and timber sale contracts relating to the use of Community grazing or timber lands shall conform to regulations of the Secretary of the Interior authorized by section 6 of the Act of June 18, 1934, with respect to range carrying capacity, sustained yield forestry management, and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease, permit or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(c) To issue interests in corporate property in exchange for restricted Indian lands and other lands of members of the Community, the forms for such interests to be approved by the Secretary of the Interior.

(d) To borrow money from the Indian Credit Fund in accordance with the terms of section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other governmental agency, or from any member or association of members of the Covelo Indian Community, and to use such funds directly for productive Community enterprises, or to loan money thus borrowed to individual members or associations of members of the Community: *Provided*, That the amount of indebtedness to which the Covelo Indian Community may subject itself, aside from loans from the Indian Credit Fund, shall not exceed \$10,000 except with the express approval of the Secretary of the Interior.

(e) To engage in any business that will further the economic well-being of the members of the Covelo Indian Community or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.

(f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, partnership, association, or corporation, with any municipality or any county, or with the United States or the State of California, including agreements with the State of California for the rendition of public services: *Provided*, That any contract involving payment of money by the corporation in excess of \$2,000 in any one fiscal year other than a contract for the use of the revolving loan fund

established under section 10 of the Act of June 18, 1934 (48 Stat. 984), shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To pledge or assign chattels or future Community income due or to become due to the Community under any notes, leases, or other contracts whether or not such notes, leases, or contracts are in existence at the time, or from any source: *Provided*, That such agreements of pledge or assignment except to the Federal Government shall not extend more than ten years from the date of execution and shall not cover more than one-half of the net Community income in any one year: *And provided further*, That any such agreement shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(h) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the Covelo Indian Community.

(i) To appropriate corporate funds as may be required by the Council in carrying out its duties and exercising its powers under this Charter and the Community Constitution and By-laws; and review by the Secretary of the Interior of any such appropriations shall not be necessary except as may be required by the terms of this Charter.

(j) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by said Covelo Indian Community or by the United States to the levy of any judgment, lien, or attachment upon the property of the Covelo Indian Community other than income or chattels specially pledged or assigned.

(k) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. *Termination of Supervisory Powers.*—Upon the request of the Covelo Indian Community Council for the termination of any supervisory powers reserved to the Secretary of the Interior under Sections 5 (b) 3, 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and section 8 of this Charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination to the Covelo Indian Community for a referendum vote. The termination shall be effective upon ratification by a majority vote at an election in which at least 30 percent of the adult members of the Covelo Indian Community residing on the reservation shall vote. If at any time after ten years from the effective date of this Charter, such request shall be made and the Secretary shall disapprove such request or fail to approve or disapprove it within 90 days after its receipt, the question of the termination of any such supervisory power may then be submitted by the Secretary of the Interior or by the Community Council to popular referendum of the adult members of the Covelo Indian Community actually living within the reservation and if the termination is approved by two-thirds of the eligible voters, it shall be effective.

7. *Corporate Property.*—No property rights of the Covelo Indian Community of the Round Valley Indian Reservation, as heretofore constituted, shall be in any way impaired by anything contained in this Charter, and the Community ownership of unallotted lands, whether or not assigned to the use of any particular individuals is hereby expressly recognized. The individually owned property of the members of the Covelo Indian Community shall not be subject to any corporate debts or liabilities, without such owners' consent.

8. *Corporate Dividends.*—The Covelo Indian Community may issue to each of its members a nontransferable certificate of membership evidencing the equal share of each member in the assets of the Community and may distribute per capita, among the recognized members of the Community, all income of the Community over and above sums necessary to defray corporate obligations and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of the Community government, the needs of charity, or other corporate purpose. No such distribution of profits in any one year amounting to a distribution of more than one-half of the accrued surplus shall be made without the approval of the Secretary of the Interior. No financial assets of the Covelo Indian Community shall be distributed except as herein provided.

9. *Corporate Accounts.*—The officers of the Covelo Indian Community shall maintain accurate and complete public accounts of the financial affairs of the Community, which shall clearly show all credits, debts, pledges, and assignments, and

shall furnish an annual balance sheet and report of the financial affairs of the Community to the Commissioner of Indian Affairs.

10. *Amendments.*—This Charter shall not be revoked or surrendered except by an Act of Congress, but amendments may be proposed by resolutions of the Community Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members of the Covelo Indian Community living on the reservation at a popular referendum in which at least 30 percent of the eligible voters vote.

11. *Ratification.*—This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Covelo Indian Community of the Round Valley Indian Reservation living on the reservation, provided at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Sacramento Indian Agency, and the President of the Covelo Indian Community Council.

Submitted by the Assistant Secretary of the Interior for ratification by the Covelo Indian Community of the Round Valley Indian Reservation, California, in a popular referendum to be held on November 6, 1937.

[SEAL]

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

WASHINGTON, D. C., *September 22, 1937.*

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on September 22, 1937 by the Assistant Secretary of the Interior to the Indians of the Covelo Indian Community of the Round Valley Reservation, California, was duly submitted for ratification to the adult Indians living on the reservation and was on November 6, 1937 duly approved by a vote of 62 for, and 18 against, in an election in which over 30 percent of those entitled to vote cast their ballots.

ARTHUR ANDERSON,
President, Community Council.

ROY NASH,
Superintendent, Sacramento Agency.

Shall we meet tomorrow? Can you finish tomorrow Mrs. Jemison?

Mrs. JEMISON. I will take 15 minutes.

The CHAIRMAN. Mrs. Jemison has indicated that she will want only 15 minutes. If that is satisfactory then the committee will meet tomorrow at 10:30.

(Whereupon the committee adjourned to Thursday, June 20, 1940.)

WHEELER-HOWARD ACT, EXEMPT CERTAIN INDIANS

THURSDAY, JUNE 20, 1940

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.

The committee met at 10:30 a. m., Hon. Will Rogers (chairman) presiding.

The CHAIRMAN. The committee will be in order.

The committee is meeting this morning to continue hearings on S. 2103.

As the Chair understands it, the only witnesses desiring to be heard are Mrs. Jemison and Commissioner Collier. Mrs. Jemison has indicated that it will probably take her about 15 minutes. She may require a little more time than that.

Mr. SCHAFER. I ask that she proceed for 15 minutes at this time.

The CHAIRMAN. The Chair has advised Commissioner Collier that Mrs. Jemison thought she would finish in 15 minutes, but told him that she might want a little more time. The Chair told the Commissioner that he would probably be able to begin by 11:15.

Mr. Schafer has asked that Mrs. Jemison be given 15 minutes at this time. Without objection it is so ordered.

Mrs. Jemison, you may proceed. You are recognized for 15 minutes.

STATEMENT OF MRS. ALICE LEE JEMISON—Resumed

Mrs. JEMISON. Mr. Chairman, and gentlemen of the committee: The first day that I testified I quoted from an article that appeared in *Indians at Work* and Mr. Schafer requested that I insert in the record that article. I would like to introduce that into the record at this time.

Mr. SCHAFER. If the lady will yield I think the article should go in the record at the point in the hearing where the consent was granted. I believe that provision was made in the record for that to be done.

The CHAIRMAN. Is that satisfactory?

Mrs. JEMISON. Yes. I would like to ask the return of this copy after the committee has concluded with it. It is the issue of December 1, 1937.

Mr. DAIKER. I think we can supply a copy of that issue for the record.

The CHAIRMAN. Mr. Daiker advises that he can supply the copy of December 1, 1937, of *Indians at Work*.

Mr. DAIKER. Is your copy marked?

Mrs. JEMISON. Yes. I will supply it to the committee and will appreciate receiving another copy.

Mr. DAIKER. Yes.

(The article referred to appears in the record in Mrs. Jemison's previous testimony.)

The CHAIRMAN. You may proceed, Mrs. Jemison.

Mrs. JEMISON. Then I made a statement the other day regarding the elections that were held on the reservations, and stated that in some places they held elections where only one person voted. I would like to submit for the record a tabulation of all elections that were held by the Bureau of Indian Affairs on the question of whether the Indians would accept the Wheeler-Howard Act, and most of these tabulations are taken from the hearings before the subcommittee of the House Appropriations Committee on the 1937 Interior Department appropriations bill, page 741 to page 745. I would like you to have that, and also there are some figures on page 865 of the hearings held on the Interior Department appropriations bill for 1938. They will give the committee a clear picture of how many Indians voted in each place.

Mr. SCHAFFER. Those are in the printed hearings?

Mrs. JEMISON. Yes.

Mr. SCHAFFER. Well, if the hearings have been printed the Government Printing Office could simply lift the plates out of one place and place them in these hearings, could they not?

The CHAIRMAN. Mr. Daiker, you have the figures from the Bureau showing the record vote of the Indians, do you not?

Mr. DAIKER. We can supply that in mimeographed form.

Mr. SCHAFFER. I would like to ask unanimous consent that the record contain the information showing the entire vote for all the tribes voting on the Wheeler-Howard Act and the charters.

The CHAIRMAN. Without objection it is so ordered.

Mrs. JEMISON. The tabulation gives the States and reservations; the population, the voting population, the total yes and the total no votes.

Mr. SCHAFFER. Identified by tribes.

Mr. DAIKER. We have all of that in this statement.

(The information requested follows:)

[Subject to corrections]

| State and reservation | Population | Voting population | Total votes | | Election dates |
|--------------------------------------|------------|-------------------|-------------|-------|-------------------|
| | | | Yes | No | |
| Arizona: | | | | | |
| Colorado River Agency: | | | | | |
| Colorado River Reservation..... | 705 | 365 | 119 | 8 | Dec. 15, 1934. |
| Fort Mojave Reservation..... | 432 | 265 | 102 | 8 | Do. |
| Fort Apache..... | 2,718 | 1,340 | 720 | 21 | Apr. 27, 1935. |
| Cocopah (Fort Yuma Agency)..... | 32 | 18 | 4 | 0 | Nov. 17, 1934. |
| Kaibab (Paiute Agency)..... | 93 | 51 | 28 | 5 | Do. |
| Phoenix (Camp Verde)..... | 451 | 259 | 112 | 20 | Dec. 15, 1934. |
| Pima Agency: | | | | | |
| Fort McDowell..... | 205 | 111 | 65 | 7 | Oct. 27, 1934. |
| Gila River..... | 4,659 | 2,308 | 1,188 | 116 | Dec. 15, 1934. |
| Salt River..... | 1,049 | 692 | 194 | 66 | Do. |
| Ak Chin..... | 179 | 87 | 53 | 15 | Do. |
| San Carlos..... | 2,843 | 1,473 | 504 | 22 | Oct. 27, 1934. |
| Sells Agency: | | | | | |
| Gila Bend..... | 228 | 120 | 18 | 0 | Dec. 15, 1934. |
| Papago..... | 5,146 | 3,028 | 1,267 | 166 | Do. |
| San Xavier..... | 525 | 283 | 158 | 22 | Do. |
| Hopi..... | 2,538 | ..... | 519 | 299 | June 15, 1935. |
| Truxton Canon Agency: | | | | | |
| Havasupal..... | 201 | 106 | 72 | 3 | Do. |
| Trunxton Canon..... | 451 | 256 | 37 | 22 | Do. |
| Navajo (Arizona and New Mexico)..... | 43,135 | 15,900 | 7,608 | 7,992 | June 14-15, 1935. |

| State and reservation | Popu- lation | Voting popu- lation | Total votes | | Election dates |
|---|-----------------|---------------------------|-------------|-----|-------------------|
| | | | Yes | No | |
| California: | | | | | |
| Fort Yuma Reservation (Fort Yuma Agency)... | 819 | 402 | 192 | 32 | Nov. 17, 1934. |
| Hoopa Valley Agency: | | | | | |
| Hoopa Valley Reservation..... | 554 | 240 | 8 | 174 | Dec. 15, 1934. |
| Klamath River..... | 925 | 375 | 38 | 256 | Do. |
| Rancherias..... | 411 | | | | |
| Smith River..... | | 41 | 1 | 31 | June 14, 1935. |
| Crescent City..... | | 8 | 6 | 0 | Do. |
| Hohnerville..... | | 9 | 1 | 5 | Do. |
| Table Bluff..... | | 26 | 0 | 10 | Do. |
| Trinidad..... | | 4 | 4 | 0 | Do. |
| Blue Lake..... | (1) | (1) | (1) | (1) | Do. |
| Misson Agency: | | | | | |
| Augustine..... | 14 | 13 | 0 | 6 | Dec. 18, 1934. |
| Cabezon..... | 29 | 17 | 0 | 7 | Do. |
| Cahuilla..... | 107 | 69 | 3 | 33 | Do. |
| Campe..... | 135 | 73 | 7 | 18 | Do. |
| Capitan Grande (including Barona)..... | 160 | 87 | 37 | 35 | Do. |
| Cuyapaipe..... | (1) | (1) | (1) | (1) | Do. |
| Inaja..... | 33 | 22 | 0 | 15 | Do. |
| Laguna..... | 3 | 1 | 1 | 0 | Do. |
| La Jolla..... | 221 | 145 | 28 | 68 | Do. |
| La Posta..... | 3 | 3 | 2 | 0 | Do. |
| Los Coyotes..... | 88 | 52 | 3 | 37 | Dec. 18, 1934. |
| Nanzanita..... | 67 | 36 | 3 | 0 | Do. |
| Mesa Grande..... | 218 | 119 | 9 | 64 | Do. |
| Pala..... | 205 | 121 | 7 | 66 | Do. |
| Mission Creek..... | 20 | 10 | 0 | 3 | Do. |
| Moronge..... | 292 | 173 | 25 | 79 | Dec. 15, 1934. |
| Paln Springs..... | 50 | 31 | 4 | 16 | Do. |
| Pauma..... | 69 | 37 | 0 | 23 | Do. |
| Pechanga..... | 216 | 156 | 14 | 48 | Do. |
| Rincon..... | 181 | 114 | 22 | 58 | Do. |
| San Manuel..... | 40 | 25 | 2 | 10 | Do. |
| San Pascual..... | 9 | 3 | 2 | 1 | Do. |
| Santa Rosa..... | 50 | 32 | 3 | 13 | Do. |
| Santa Ynez..... | 90 | 48 | 20 | 0 | Do. |
| Santa Ysabel..... | 237 | 122 | 14 | 47 | Do. |
| Soboba..... | 122 | 76 | 6 | 57 | Do. |
| Sycuan..... | 35 | 23 | 6 | 16 | Do. |
| Torres Martinez..... | 198 | 117 | 11 | 66 | Do. |
| Scaramento Agency: | | | | | |
| Alexander Valley..... | | 14 | 14 | 0 | June 11, 1935. |
| Alturas..... | | 13 | 6 | 5 | June 8, 1935. |
| Auburn..... | | 36 | 5 | 16 | June 14, 1935. |
| Berry Creek..... | | 49 | 0 | 26 | June 12, 1935. |
| Big Bend..... | (1) | (1) | (1) | (1) | |
| Big Sandy..... | | 38 | 1 | 25 | June 8, 1935. |
| Big Valley..... | | 46 | 21 | 4 | Do. |
| Cache Creek..... | | 15 | 7 | 3 | Do. |
| Buena Vista..... | | 4 | 2 | 0 | June 12, 1935. |
| Cedarville..... | (1) | (1) | (1) | (1) | |
| Cloverdale..... | | 20 | 10 | 0 | June 11, 1935. |
| Cold Springs..... | | 47 | 0 | 23 | June 8, 1935. |
| Collax..... | (1) | (1) | (1) | (1) | |
| Colusa..... | | 36 | 25 | 1 | June 12, 1935. |
| Cortina..... | | 8 | 12 | 0 | Do. |
| Coyote Valley..... | | 20 | 0 | 1 | June 10-30, 1935. |
| Dry Creek..... | | 49 | 8 | 17 | Do. |
| East Lake (Robinson)..... | | 46 | 19 | 13 | June 8, 1935. |
| Enterprise..... | | 29 | 7 | 17 | June 12, 1935. |
| Fort Bidwell..... | | 41 | 27 | 2 | June 8, 1935. |
| Guideville..... | | 25 | 14 | 1 | June 10, 1935. |
| Grindstone..... | | 27 | 11 | 0 | June 14, 1935. |
| Hopland..... | | 56 | 28 | 3 | June 10, 1935. |
| Jamestown..... | | 5 | 5 | 5 | June 11, 1935. |
| Jackson..... | | 3 | 3 | 0 | June 12, 1935. |
| Laytonville..... | | 29 | 7 | 11 | June 10, 1935. |
| Likely..... | | 30 | 19 | 1 | June 8, 1935. |
| Lookout..... | | 12 | 6 | 2 | Do. |
| Lytton..... | (1) | (1) | (1) | (1) | |
| Manchester..... | | 46 | 30 | 0 | June 11, 1935. |
| Middletown..... | | 13 | 10 | 0 | June 8, 1935. |
| Millerton..... | (1) | (1) | (1) | (1) | |
| Mooretown..... | | 43 | 0 | 34 | June 12, 1935. |
| Montgomery Creek..... | | 7 | 2 | 2 | June 10, 1935. |
| Montgomery Creek..... | | 18 | 6 | 2 | June 14, 1935. |
| Nevada City..... | | 6 | 0 | 4 | June 10, 1935. |
| Northfork..... | | 6 | 0 | 0 | Do. |
| Paskenta..... | | 26 | 17 | 0 | Do. |

1 No votes.
2 No residents.

| State and reservation | Popu- lation | Voting popu- lation | Total votes | | Election dates |
|--|------------------|---------------------------|------------------|------------------|----------------|
| | | | Yes | No | |
| California—Continued. | | | | | |
| Sacramento Agency—Continued. | | | | | |
| Picayune..... | | 11 | 3 | 7 | June 10, 1935. |
| Pinoleville..... | | 51 | 29 | 1 | Do. |
| Pitt River..... | | 2 | 0 | 2 | Do. |
| Potter Valley..... | | 26 | 10 | 3 | Do. |
| Redding..... | | 12 | 2 | 4 | June 11, 1935. |
| Redwood Valley..... | | 18 | 16 | 0 | June 10, 1935. |
| Rumsey..... | | 11 | 10 | 0 | June 12, 1935. |
| Santa Rosa..... | (¹) | (¹) | (¹) | (¹) | |
| Sebastopol..... | (²) | (²) | (²) | (²) | |
| Scotts Valley..... | | 17 | 0 | 10 | June 8, 1935. |
| Sheep Ranch..... | | 1 | 1 | 0 | June 12, 1935. |
| Sherwood..... | | 35 | 10 | 12 | June 10, 1935. |
| Shingle Springs..... | | 3 | 0 | 3 | June 13, 1935. |
| Stewarts Point..... | | 70 | 51 | 10 | June 11, 1935. |
| Strawberry Valley..... | | 10 | 0 | 6 | June 14, 1935. |
| Sulphur Banks..... | | 20 | 11 | 7 | |
| Susanville..... | | 9 | 6 | 0 | June 12, 1935. |
| Table Mountain..... | | 16 | 2 | 10 | June 8, 1935. |
| Strathmore..... | (²) | (²) | (²) | (²) | |
| Taylorville..... | | 4 | 2 | 0 | June 12, 1935. |
| Tuolumne..... | | 40 | 37 | 0 | June 11, 1935. |
| Tule River..... | 186 | 94 | 50 | 2 | Nov. 17, 1934. |
| Upper Lake..... | | 36 | 7 | 4 | |
| Wilton..... | | 14 | 18 | 0 | June 15, 1935. |
| Round Valley (Covelo)..... | 827 | 453 | 138 | 36 | Nov. 17, 1934. |
| Consolidated Ute Agency: | | | | | |
| Southern Ute..... | 389 | 129 | 85 | 10 | June 10, 1935. |
| Ute Mountain..... | 445 | 225 | 9 | 3 | June 12, 1935. |
| Florida: Seminole Agency..... | 580 | 295 | 21 | 0 | Mar. 30, 1935. |
| Idaho: | | | | | |
| Coeur d'Alene Reservation..... | 634 | 203 | 76 | 78 | Nov. 17, 1934. |
| Kalispel (Coeur d'Alene Agency)..... | 88 | 38 | 29 | 2 | Do. |
| Nez Perce..... | 1,399 | 608 | 214 | 252 | Nov. 17, 1934. |
| Fort Hall..... | 1,839 | 971 | 375 | 31 | Oct. 27, 1934. |
| Iowa: Sac and Fox..... | 419 | 198 | 63 | 13 | June 15, 1935. |
| Kansas: | | | | | |
| Haskell Institute: | | | | | |
| Iowa Reservation..... | 498 | 245 | 115 | 3 | Do. |
| Kickapoo..... | 308 | 151 | 74 | 16 | Do. |
| Sac and Fox..... | 99 | 49 | 32 | 3 | Do. |
| Potawatomi..... | 955 | 469 | 198 | 122 | Do. |
| Minnesota: | | | | | |
| Consolidated Chippewa Agency: | | | | | |
| Fond du Lac..... | 1,298 | 725 | 167 | 28 | Nov. 17, 1934. |
| Grand Portage..... | 377 | 179 | 75 | 4 | Oct. 27, 1934. |
| Leech Lake (Cass Lake and Winnibigoshish, White Oak Point)..... | 2,076 | 981 | 375 | 60 | Do. |
| White Earth..... | 8,059 | 4,169 | 1,122 | 245 | Do. |
| Nett Lake (Boise Fort)..... | 627 | 317 | 159 | 7 | Do. |
| Red Lake Agency..... | 1,968 | 828 | 418 | 24 | Nov. 17, 1934. |
| Pipestone School..... | 552 | 271 | 94 | 2 | Do. |
| Michigan: | | | | | |
| L'Anse..... | | 558 | 413 | 8 | June 17, 1935. |
| Bay Mills..... | | 95 | 42 | 25 | Do. |
| Ontanagon..... | (⁴) | (⁴) | (⁴) | (⁴) | |
| Isabella (Swan Creek-Black River-Saginaw)..... | | 424 | 237 | 112 | Do. |
| Mississippi and Louisiana: | | | | | |
| Choctaw Agency..... | 1,792 | 736 | 218 | 21 | Mar. 30, 1935. |
| Chetimaha (Choctaw Agency)..... | | 35 | 25 | 3 | May 14, 1935. |
| Montana: | | | | | |
| Blackfeet..... | 3,962 | 1,785 | 823 | 171 | Oct. 27, 1934. |
| Flathead..... | 2,964 | 1,218 | 494 | 166 | Dec. 15, 1934. |
| Fort Belknap..... | 1,367 | 604 | 371 | 50 | Oct. 27, 1934. |
| Rocky Boys..... | 676 | 344 | 179 | 7 | Do. |
| Tongue River..... | 1,541 | 757 | 418 | 96 | Do. |
| Crow..... | 2,082 | 982 | 112 | 689 | May 13, 1935. |
| Fort Peck..... | 2,663 | 1,027 | 276 | 578 | Dec. 15, 1934. |
| Nebraska: | | | | | |
| Winnebago: | | | | | |
| Omaha..... | 1,642 | 807 | 212 | 17 | Oct. 27, 1934. |
| Ponca..... | 392 | 192 | 64 | 4 | Nov. 17, 1934. |
| Santee..... | 1,277 | 627 | 260 | 29 | Do. |
| Winnebago..... | 1,187 | 583 | 133 | 52 | Oct. 27, 1934. |

¹ No residents.² Indians refused to hold elections.⁴ Voted with L'Anse.

| State and reservation | Population | Voting population | Total votes | | Election dates |
|--------------------------------------|------------|-------------------|-------------|-------|----------------|
| | | | Yes | No | |
| Nevada: | | | | | |
| Carson School: | | | | | |
| Fort McDermitt..... | 273 | 89 | 73 | 2 | Nov. 17, 1934. |
| Pyramid Lake..... | 459 | 277 | 151 | 54 | Dec. 15, 1934. |
| Summit Lake..... | 64 | 14 | 10 | 4 | May 24, 1935. |
| Reno..... | | | | | |
| Sparks..... | | 95 | 53 | 5 | June 10, 1935. |
| Dresslerville..... | | 75 | 58 | 1 | Do. |
| Lovelocke..... | | 45 | 31 | 10 | June 11, 1935. |
| Winnemucca..... | | 26 | 15 | 0 | Do. |
| Battle Mountain..... | | 14 | 9 | 0 | June 14, 1935. |
| Elko..... | | 40 | 34 | 0 | Do. |
| Ely..... | | 35 | 8 | 6 | June 17, 1935. |
| Moapa River (Paiute Agency)..... | 158 | 84 | 42 | 3 | Nov. 17, 1934. |
| Las Vegas Tract (Paiute Agency)..... | 40 | 22 | 10 | 2 | May 17, 1935. |
| Walker River Agency: | | | | | |
| Big Pine..... | | 11 | 0 | 11 | June 11, 1935. |
| Bishop..... | | 93 | 1 | 68 | Do. |
| Fallon..... | 426 | 247 | 39 | 74 | Nov. 17, 1935. |
| Fort Independence..... | | 49 | 4 | 29 | May 24, 1935. |
| Indian Ranch..... | | 8 | 8 | 0 | May 14, 1935. |
| Red Hill..... | | 19 | 1 | 12 | May 11, 1935. |
| Walker River..... | 492 | 301 | 102 | 61 | June 17, 1935. |
| West Bishop..... | | 14 | 1 | 9 | June 11, 1935. |
| Yerington..... | | 51 | 31 | 3 | June 15, 1935. |
| Western Shoshone Agency..... | 516 | 373 | 191 | 12 | Oct. 27, 1934. |
| New Mexico: | | | | | |
| Mescalero..... | 722 | 387 | 273 | 11 | Dec. 15, 1934. |
| Santa Fe School Jurisdiction: | | | | | |
| Nambe..... | 128 | 72 | 52 | 1 | Do. |
| Picuris..... | 117 | 59 | 51 | 0 | Oct. 27, 1934. |
| Pojoaque..... | 9 | 8 | 7 | 0 | Apr. 13, 1935. |
| San Ildefonso..... | 126 | 62 | 57 | 4 | Do. |
| Santa Clara..... | 400 | 200 | 134 | 34 | Do. |
| San Juan..... | 561 | 280 | 243 | 0 | Dec. 15, 1934. |
| Taos..... | 745 | 402 | 303 | 36 | Oct. 27, 1934. |
| Tesuque..... | 123 | 71 | 67 | 0 | Dec. 15, 1934. |
| Southern Pueblos Agency: | | | | | |
| Acoma..... | 1,125 | 597 | 283 | 0 | Do. |
| Cochiti..... | 305 | 187 | 121 | 0 | Do. |
| Isleta..... | 1,103 | 567 | 138 | 7 | June 17, 1935. |
| Jemez..... | 677 | 351 | 84 | 178 | Do. |
| Laguna..... | 2,271 | 1,315 | 776 | 66 | Oct. 27, 1934. |
| Sandia..... | 129 | 69 | 15 | 0 | Dec. 15, 1934. |
| San Felipe..... | 596 | 331 | 224 | 0 | June 17, 1935. |
| Santa Ana..... | 241 | 148 | 100 | 0 | Do. |
| Santa Domingo..... | 866 | 476 | 171 | 1 | Do. |
| Sia..... | 189 | 92 | 82 | 0 | Do. |
| Zuni Agency..... | 2,051 | 1,068 | 505 | 40 | Nov. 17, 1934. |
| New York: | | | | | |
| New York Agency: | | | | | |
| Allegany..... | | 548 | 37 | 298 | June 10, 1935. |
| Cattaraugus..... | | 864 | 101 | 475 | June 14, 1935. |
| Cornplanter (Pennsylvania)..... | | | 23 | 17 | June 15, 1935. |
| Onondaga..... | | 350 | 17 | 206 | Do. |
| St. Regis..... | | 800 | 46 | 237 | June 8, 1935. |
| Tonawanda..... | | 338 | 42 | 175 | June 11, 1935. |
| Tuscarora..... | | 225 | 6 | 132 | June 12, 1935. |
| North Carolina: Cherokee Agency..... | 3,254 | 1,114 | 700 | 101 | Dec. 20, 1934. |
| North Dakota: | | | | | |
| Fort Berthold Agency..... | 1,569 | 661 | 477 | 139 | Nov. 17, 1934. |
| Fort Totten..... | 960 | 521 | 144 | 233 | Do. |
| North Dakota..... | 1,677 | | | | |
| Shut Dakota Standing Rocks..... | 2,098 | 1,559 | 668 | 508 | Oct. 27, 1934. |
| Turtle Mountain..... | 6,034 | 1,181 | 257 | 550 | June 15, 1935. |
| Oregon: | | | | | |
| Klamath Agency..... | 1,364 | 666 | 56 | 408 | Do. |
| Umatilla..... | 1,140 | 681 | 155 | 299 | Do. |
| Salem School Jurisdiction: | | | | | |
| Grande Ronde..... | 356 | 213 | 102 | 68 | Apr. 6, 1915. |
| Siletz..... | 465 | 233 | 54 | 123 | Do. |
| Warm Springs Agency..... | 992 | 394 | 260 | 74 | Do. |
| Burns..... | | 67 | 48 | 1 | Do. |
| South Dakota: | | | | | |
| Cheyenne River Agency..... | 3,288 | 1,420 | 653 | 459 | Oct. 27, 1934. |
| Crow Creek Agency..... | 953 | 388 | 87 | 246 | Dec. 15, 1934. |
| Lower Brule Reservation..... | 603 | 160 | 71 | 39 | Do. |
| Flandreau School..... | 345 | 193 | 79 | 5 | Oct. 27, 1934. |
| Pine Ridge Agency..... | 8,370 | 4,075 | 1,169 | 1,095 | Do. |
| Rosebud Agency: | | | | | |
| Rosebud Reservation..... | 6,362 | 3,126 | 843 | 424 | Do. |
| Yankton Reservation..... | 2,018 | 991 | 248 | 171 | Do. |
| Sisseton Agency..... | 2,658 | 1,170 | 266 | 335 | Apr. 6, 1935. |

| State and reservation | Population | Voting population | Total votes | | Election dates |
|-------------------------------|------------|-------------------|-------------|-----|----------------|
| | | | Yes | No | |
| Utah: | | | | | |
| Paiute Agency: | | | | | |
| Goshute..... | 155 | 81 | 21 | 0 | Nov. 17, 1934. |
| Cedar City..... | 28 | 13 | 2 | 0 | May 14, 1935. |
| Gandy..... | 6 | 4 | 4 | 0 | May 5, 1935. |
| Kanosh..... | 24 | 14 | 11 | 0 | May 7, 1935. |
| Koosharen..... | 30 | 17 | 14 | 0 | May 10, 1935. |
| Las Vegas..... | 40 | 22 | 10 | 2 | May 17, 1935. |
| Paiute..... | 19 | 11 | 7 | 0 | Nov. 24, 1934. |
| Shivwitz..... | 79 | 40 | 27 | 2 | Nov. 17, 1934. |
| Skull Valley..... | 41 | 21 | 9 | 5 | Nov. 21, 1934. |
| Uintah and Ouray Agency..... | 1,251 | 634 | 335 | 21 | Dec. 15, 1934. |
| Washakie (Fort Hall)..... | 137 | 109 | 37 | 28 | Apr. 27, 1935. |
| Washington: | | | | | |
| Colville Agency: | | | | | |
| Colville Reservation..... | 3,118 | 1,659 | 421 | 562 | Apr. 6, 1935. |
| Spokane..... | 807 | 376 | 92 | 163 | Do. |
| Taholah Agency: | | | | | |
| Chehalis..... | | 70 | 22 | 26 | Do. |
| Makah..... | 403 | 219 | 75 | 47 | Do. |
| Bisqualy..... | 63 | 40 | 19 | 2 | Oct. 27, 1934. |
| Ozette..... | 2 | 2 | 2 | 0 | Apr. 13, 1935. |
| Quinalt..... | 1,729 | 764 | 184 | 176 | Do. |
| Hoh..... | 4 | 4 | 3 | 1 | Do. |
| Quillteute..... | 242 | 96 | 37 | 15 | Do. |
| Shoalwater..... | | 11 | 3 | 5 | Do. |
| Skokomish..... | 189 | 107 | 35 | 10 | Oct. 27, 1934. |
| Squaxon Island..... | 39 | 32 | 10 | 6 | Apr. 6, 1935. |
| Tulalip Agency: | | | | | |
| Lummi..... | 667 | 287 | 72 | 110 | Mar. 30, 1935. |
| Buckleshoot..... | 200 | 97 | 59 | 7 | Apr. 13, 1935. |
| Fort Madison..... | 171 | 110 | 30 | 0 | Apr. 6, 1935. |
| Puyallup..... | 328 | 190 | 34 | 36 | Apr. 13, 1935. |
| Swinomish..... | 273 | 123 | 122 | 1 | Nov. 17, 1934. |
| Tulalip..... | 663 | 215 | 143 | 68 | Apr. 6, 1935. |
| Clallam..... | 738 | | | | |
| Nooksak..... | 235 | 135 | 53 | 13 | Mar. 30, 1935. |
| Skagit-Suiattle..... | 205 | 123 | 74 | 3 | Apr. 6, 1935. |
| Yakima Agency..... | 2,942 | 1,392 | 361 | 773 | Apr. 20, 1935. |
| Wisconsin: | | | | | |
| Lac du Flambeau Agency: | | | | | |
| Bad River..... | 1,211 | 697 | 296 | 47 | Nov. 17, 1934. |
| Lac Courte Oreille..... | 1,559 | 871 | 205 | 175 | Dec. 15, 1934. |
| Red Cliff..... | 506 | 360 | 122 | 7 | Do. |
| Potawatomi..... | 388 | 51 | 31 | 3 | June 15, 1935. |
| Lac du Flambeau..... | 853 | 492 | 162 | 57 | Do. |
| Keshena Agency: | | | | | |
| Menominee..... | 2,077 | 1,020 | 596 | 15 | Oct. 27, 1934. |
| Oneida..... | 3,128 | 1,844 | 688 | 126 | Dec. 15, 1934. |
| Stockbridge..... | 600 | 226 | 166 | 1 | Do. |
| Wyoming: | | | | | |
| Wyoming: Shoshone Agency..... | 2,196 | 1,032 | 339 | 469 | June 15, 1935. |

* Estimated.

Indian tribes, grouped by States, which are under constitutions and charters, as approved by the Secretary of the Interior in accordance with the provisions of the Indian Reorganization Act, the Oklahoma Indian Welfare Act, and the Alaska Act

[Listed dates show when the constitutions and charters went into effect]

| No. | Reservation | Name of organization | Constitution approved | Charter ratified | Total population |
|---------|---------------------------------------|--|-----------------------|------------------|------------------|
| ARIZONA | | | | | |
| 1 | San Carlos..... | San Carlos Apache Tribe..... | Jan. 17, 1936 | | 3,017 |
| 2 | Pima..... | Gila River Pima-Maricopa Indian Community..... | May 14, 1936 | Feb. 28, 1938 | 4,586 |
| 3 | Fort McDowell..... | Fort McDowell Mohave-Apache Community..... | Nov. 24, 1936 | June 6, 1938 | 195 |
| 4 | Hopi..... | Hopi Tribe..... | Dec. 19, 1936 | | 3,325 |
| 5 | Gila Bend San Xavier Sells..... | Papago Tribe..... | Jan. 6, 1937 | | 5,656 |

Indian tribes, grouped by States, which are under constitutions and charters, as approved by the Secretary of the Interior in accordance with the provisions of the Indian Reorganization Act, the Oklahoma Indian Welfare Act, and the Alaska Act—Continued

[Listed dates show when the constitutions and charters went into effect]

| No. | Reservation | Name of organization | Constitution approved | Charter ratified | Total population |
|---------------------|------------------------|---|-----------------------|------------------|------------------|
| ARIZONA—CON. | | | | | |
| 6 | Camp Verde | Yavapai-Apache Indian Community | Feb. 12, 1937 | | 419 |
| 7 | Colorado River | Colorado River Indian Tribes of the Colorado River Reservation, Arizona and California. | Aug. 13, 1937 | | 1,212 |
| 8 | Fort Apache | White Mountain Apache Tribe | Aug. 26, 1938 | | 2,811 |
| 9 | Hualapai | Hualapai Tribe of the Hualapai Reservation. | Dec. 17, 1938 | | 459 |
| 10 | Havasupai | Havasupai Tribe of the Havasupai Reservation. | Mar. 27, 1939 | | 207 |
| | Total | | | | 21,887 |
| CALIFORNIA | | | | | |
| 1 | Big Valley | Big Valley Band of Pomo Indians of the Big Valley Rancheria | Jan. 15, 1936 | | 92 |
| 2 | Upper Lake | Upper Lake Band of Pomo Indians of the Upper Lake Rancheria. | do | | 72 |
| 3 | Wilton | Me-wuk Indian Community of the Wilton Rancheria. | do | | 28 |
| 4 | Tule River | Tule River Indian Tribe | do | | 196 |
| 5 | Tuolumne | Tuolumne Band of Me-wuk Indians of the Tuolumne Rancheria. | do | Nov. 12, 1937 | 80 |
| 6 | Fort Bidwell | Fort Bidwell Indian Community | Jan. 28, 1936 | | 128 |
| 7 | Stewart's Point | Kashia Band of Pomo Indians of the Stewart's Point Rancheria. | Mar. 11, 1936 | | 140 |
| 8 | Manchester | Manchester Band of Pomo Indians of the Manchester Rancheria. | do | Feb. 27, 1937 | 92 |
| 9 | Round Valley | Covelo Indian Community | Dec. 16, 1936 | Nov. 6, 1937 | 838 |
| 10 | Fort Yuma | Quechan Tribe | Dec. 18, 1936 | | 852 |
| 11 | Quartz Valley | Quartz Valley Indian Community | June 15, 1939 | Mar. 12, 1940 | 29 |
| | Total | | | | 2,547 |
| COLOREADO | | | | | |
| 1 | Southern Ute | Southern Ute Tribe of the Southern Ute Reservation. | Nov. 4, 1936 | Nov. 1, 1938 | 403 |
| IDAHO | | | | | |
| 1 | Fort Hall | Shoshone-Bannock Tribes of the Fort Hall Reservation. | Apr. 30, 1936 | Apr. 17, 1937 | 1,847 |
| IOWA | | | | | |
| 1 | Sac and Fox | Sac and Fox Tribe of the Mississippi in Iowa. | Dec. 20, 1937 | | 460 |
| KANSAS | | | | | |
| 1 | Iowa | Iowa Tribe in Nebraska and Kansas | Feb. 26, 1937 | June 19, 1937 | 537 |
| 2 | Kickapoo | Kickapoo Tribe in Kansas | do | do | 342 |
| 3 | Sac and Fox | Sac and Fox Tribe of Missouri | Mar. 2, 1937 | do | 127 |
| | Total | | | | 1,006 |
| MICHIGAN | | | | | |
| 1 | Hannahville | Hannahville Indian Community | July 23, 1936 | Aug. 21, 1937 | 108 |
| 2 | Bay Mills | Bay Mills Indian Community | Nov. 4, 1936 | Nov. 27, 1937 | 109 |
| 3 | L'Anse | Keweenaw Bay Indian Community | Dec. 17, 1936 | July 17, 1937 | 1,116 |
| 4 | Isabella | Saginaw Chippewa Indian Tribe of Michigan. | May 6, 1937 | Aug. 28, 1937 | 800 |
| | Total | | | | 2,133 |
| MINNESOTA | | | | | |
| 1 | Lower Sioux | Lower Sioux Indian Community in the State of Minnesota. | June 11, 1936 | July 17, 1937 | 192 |
| 2 | Prairie Island | Prairie Island Indian Community in the State of Minnesota. | June 20, 1936 | July 23, 1937 | 94 |
| 3 | Consolidated Chippewa. | Minnesota Chippewa Tribe | July 24, 1936 | Nov. 13, 1937 | 13,232 |
| | Total | | | | 13,518 |

Indian tribes, grouped by States, which are under constitutions and charters, as approved by the Secretary of the Interior in accordance with the provisions of the Indian Reorganization Act, the Oklahoma Indian Welfare Act, and the Alaska Act—Continued

[Listed dates show when the constitutions and charters went into effect]

| No. | Reservation | Name of organization | Constitution approved | Charter ratified | Total population |
|---------------------|---------------------------|--|-----------------------|------------------|------------------|
| MONTANA | | | | | |
| 1 | Flathead..... | Confederated Salish and Kootenai Tribes of the Flathead Reservation. | Oct. 28, 1935 | Apr. 25, 1936 | 3, 114 |
| 2 | Rocky Boy's..... | Chippewa Cree Tribe of the Rocky Boy's Reservation. | Nov. 23, 1935 | July 25, 1936 | 672 |
| 3 | Tongue River..... | Northern Cheyenne Tribe..... | do..... | Nov. 7, 1936 | 1, 573 |
| 4 | Blackfeet..... | Blackfeet Tribe of the Blackfeet Indian Reservation. | Dec. 13, 1935 | Aug. 15, 1936 | 4, 348 |
| 5 | Fort Belknap..... | Fort Belknap Indian Community..... | do..... | Aug. 25, 1937 | 1, 540 |
| Total..... | | | | | 11, 247 |
| NEBRASKA | | | | | |
| 1 | Omaha..... | Omaha Tribe of Nebraska..... | Mar. 30, 1936 | Aug. 22, 1936 | 1, 700 |
| 2 | Ponca..... | Ponca Tribe of Native Americans..... | Apr. 3, 1936 | Aug. 15, 1936 | 391 |
| 3 | Santee..... | Santee Sioux Tribe of Nebraska..... | do..... | Aug. 22, 1936 | 1, 200 |
| 4 | Winnebago..... | Winnebago Tribe of Nebraska..... | do..... | Aug. 15, 1936 | 1, 238 |
| Total..... | | | | | 4, 619 |
| NEVADA | | | | | |
| 1 | Reno-Sparks..... | Reno-Sparks Indian Colony..... | Jan. 15, 1936 | Jan. 7, 1938 | 190 |
| 2 | Pyramid Lake..... | Pyramid Lake Paiute Tribe..... | do..... | Nov. 21, 1936 | 559 |
| 3 | Washoe..... | Washoe Tribe..... | Jan. 24, 1936 | Feb. 27, 1937 | 150 |
| 4 | Western Shoshone..... | Shoshone-Paiute Tribes of the Duck Valley Reservation. | Apr. 20, 1936 | Aug. 22, 1936 | 545 |
| 5 | Fort McDermitt..... | Fort McDermitt Paiute and Shoshone Tribe. | July 2, 1936 | Nov. 21, 1936 | 258 |
| 6 | Yerington..... | Yerington Paiute Tribe..... | Jan. 4, 1937 | Apr. 10, 1937 | 134 |
| 7 | Walker River..... | Walker River Paiute Tribe..... | Mar. 26, 1937 | May 8, 1937 | 501 |
| 8 | Te-Moak..... | Te-Moak Bands of Western Shoshone Indians. | Aug. 24, 1938 | Dec. 12, 1938 | 80 |
| 9 | Yomba..... | Yomba Shoshone Tribe..... | Dec. 20, 1939 | Dec. 22, 1939 | 80 |
| Total..... | | | | | 2, 497 |
| NEW MEXICO | | | | | |
| 1 | Santa Clara..... | Pueblo of Santa Clara..... | Dec. 20, 1935 | | 450 |
| 2 | Mescalero..... | Apache Tribe of the Mescalero Reservation. | Mar. 25, 1936 | Aug. 1, 1936 | 762 |
| 3 | Jicarilla..... | Jicarilla Apache Tribe of New Mexico..... | Aug. 4, 1937 | Sept. 4, 1937 | 727 |
| Total..... | | | | | 1, 939 |
| NORTH DAKOTA | | | | | |
| 1 | Fort Berthold..... | Three Affiliated Tribes of the Fort Berthold Reservation. | June 29, 1936 | Apr. 24, 1937 | 1, 728 |
| OREGON | | | | | |
| 1 | Grand Ronde..... | Confederated Tribes of the Grand Ronde Community. | May 13, 1936 | Aug. 22, 1936 | 373 |
| 2 | Warm Springs..... | Confederated Tribes of the Warm Springs Reservation. | Feb. 14, 1938 | Apr. 23, 1938 | 779 |
| Total..... | | | | | 1, 152 |
| OKLAHOMA | | | | | |
| | | | Constitution ratified | | |
| 1 | Seneca-Cayuga..... | Seneca-Cayuga Tribe of Oklahoma..... | Apr. 26, 1937 | June 26, 1937 | 748 |
| 2 | Wyandotte..... | Wyandotte Tribe of Oklahoma..... | July 17, 1937 | Oct. 30, 1937 | 796 |
| 3 | Cheyenne and Arapaho..... | Cheyenne-Arapaho Tribes of Oklahoma. | Aug. 25, 1937 | | 2, 948 |
| 4 | Kickapoo..... | Kickapoo Tribe of Oklahoma..... | Sept. 18, 1937 | Jan. 18, 1938 | 262 |
| 5 | Iowa..... | Iowa Tribe of Oklahoma..... | Oct. 23, 1937 | Feb. 7, 1938 | 109 |
| 6 | Sac and Fox..... | Sac and Fox Tribe of Indians of Oklahoma. | Dec. 7, 1937 | | 875 |
| 7 | Pawnee..... | Pawnee Indians of Oklahoma..... | Jan. 6, 1938 | Apr. 28, 1938 | 977 |

Indian tribes, grouped by States, which are under constitutions and charters, as approved by the Secretary of the Interior in accordance with the provisions of the Indian Reorganization Act, the Oklahoma Indian Welfare Act, and the Alaska Act—Continued

[Listed dates show when the constitutions and charters went into effect]

| No. | Reservation | Name of organization | Constitution approved | Charter ratified | Total population |
|----------------------|-----------------------|--|-----------------------|------------------|------------------|
| OKLAHOMA—CON. | | | | | |
| 8 | Caddo..... | Caddo Indian Tribe of Oklahoma..... | Jan. 17, 1938 | Nov. 15, 1938 | 993 |
| 9 | Tonkawa..... | Tonkawa Tribe of Indians of Oklahoma..... | Apr. 21, 1938 | | 52 |
| 10 | Ottawa..... | Ottawa Tribe of Oklahoma..... | Nov. 30, 1938 | June 2, 1939 | 426 |
| 11 | Absentee-Shawnee | Absentee Shawnee Tribe of Indians of Oklahoma..... | Dec. 5, 1938 | | 653 |
| 12 | Potawatomi..... | Citizen Band of Potawatomi Indians of Oklahoma..... | Dec. 12, 1938 | | 2,627 |
| 13 | Thlopthlocco..... | Thlopthlocco Tribal Town..... | Dec. 27, 1938 | Apr. 13, 1939 | 380 |
| 14 | Alabama-Quassarte. | Alabama-Quassarte Tribal Town..... | Jan. 10, 1939 | | 150 |
| 15 | Miami..... | Miami Tribe of Oklahoma..... | Oct. 10, 1939 | | 287 |
| 16 | Peoria..... | Peoria Tribe of Indians of Oklahoma..... | do..... | | 372 |
| 17 | Eastern Shawnee..... | Eastern Shawnee Tribe of Indians..... | Dec. 22, 1939 | | 280 |
| | Total..... | | | | 12,825 |
| SOUTH DAKOTA | | | | | |
| | | | Constitution approved | | |
| 1 | Lower Brule..... | Lower Brule Sioux Tribe..... | Nov. 27, 1935 | July 11, 1936 | 613 |
| 2 | Rosebud..... | Rosebud Sioux Tribe..... | Dec. 20, 1935 | | 6,752 |
| 3 | Cheyenne River..... | Cheyenne River Sioux Tribe..... | Dec. 27, 1935 | | 3,490 |
| 4 | Pine Ridge..... | Ogala Sioux Tribe of the Pine Ridge Reservation..... | Jan. 15, 1936 | | 8,776 |
| 5 | Flandreau..... | Flandreau Santee Sioux Tribe..... | Apr. 24, 1936 | Oct. 31, 1936 | 348 |
| | Total..... | | | | 19,979 |
| TEXAS | | | | | |
| 1 | Alabama-Coushatta. | Alabama-Coushatta Tribes of Texas..... | Aug. 19, 1938 | Oct. 17, 1939 | 326 |
| UTAH | | | | | |
| 1 | Uintah and Ouray. | Ute Indian Tribe of the Uintah and Ouray Reservation..... | Jan. 19, 1937 | Aug. 10, 1938 | 1,304 |
| 2 | Shivwits..... | Shivwits Band of Paiute Indians of the Shivwits Reservation..... | Mar. 21, 1940 | | 95 |
| | Total..... | | | | 1,399 |
| WASHINGTON | | | | | |
| 1 | Tulalip..... | Tulalip Tribes..... | Jan. 24, 1936 | Oct. 3, 1936 | 673 |
| 2 | Swinomish..... | Swinomish Indian Tribal Community..... | Jan. 27, 1936 | July 25, 1936 | 302 |
| 3 | Puyallup..... | Puyallup Tribe..... | May 13, 1936 | | 319 |
| 4 | Muckleshoot..... | Muckleshoot Indian Tribe..... | do..... | Oct. 31, 1936 | 193 |
| 5 | Makah..... | Makah Indian Tribe..... | May 16, 1936 | Feb. 27, 1937 | 408 |
| 6 | Quileute..... | Quileute Tribe of the Quileute Reservation..... | Nov. 11, 1936 | Aug. 21, 1937 | 286 |
| 7 | Skokomish..... | Skokomish Indian Tribe of the Skokomish Reservation..... | May 3, 1938 | July 22, 1939 | 211 |
| 8 | Kalispel..... | Kalispel Indian Community of the Kalispel Reservation..... | Mar. 24, 1938 | May 28, 1938 | 97 |
| 9 | Port Gamble..... | Port Gamble Indian Community..... | Sept. 7, 1939 | | 192 |
| | Total..... | | | | 2,681 |
| WISCONSIN | | | | | |
| 1 | Red Cliff..... | Red Cliff Band of Lake Superior Chippewa Indians..... | June 1, 1930 | Oct. 24, 1936 | 624 |
| 2 | Bad River..... | Bad River Band of the Lake Superior Tribe of Chippewa Indians of the State of Wisconsin..... | June 20, 1936 | May 21, 1938 | 1,215 |
| 3 | Lac du Flambeau..... | Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin..... | Aug. 15, 1936 | May 8, 1937 | 877 |
| 4 | Oneida..... | Oneida Tribe of Indians of Wisconsin..... | Dec. 21, 1936 | May 1, 1937 | 3,249 |
| 5 | Wisconsin Potawatomi. | Forest County Potawatomi Community..... | Feb. 6, 1937 | Oct. 30, 1937 | 301 |

Indian tribes, grouped by States, which are under constitutions and charters, as approved by the Secretary of the Interior in accordance with the provisions of the Indian Reorganization Act, the Oklahoma Indian Welfare Act, and the Alaska Act—Continued

[Listed dates show when the constitutions and charters went into effect]

| No. | Reservation | Name of organization | Constitution approved | Charter ratified | Total population |
|----------------------------|------------------|---|------------------------------|------------------|------------------|
| WISCONSIN—con. | | | | | |
| 6 | Stockbridge..... | Stockbridge-Munsee Community..... | Oct. 30, 1937 | May 21, 1938 | 600 |
| 7 | Mole Lake..... | Sokaogon Chippewa Community..... | Nov. 9, 1938 | Oct. 7, 1939 | 187 |
| | Total..... | | | | 7, 053 |
| | Grand total..... | | | | 110, 791 |
| TERRITORY OF ALASKA | | | | | |
| | | | Constitution ratified | | |
| 1 | Hydaburg..... | Hydaburg Cooperative Association of Alaska..... | Apr. 14, 1938 | Apr. 14, 1938 | 329 |
| 2 | Klawock..... | Klawock Cooperative Association of Alaska..... | Oct. 4, 1938 | Oct. 4, 1938 | 277 |
| 3 | Craig..... | Craig Community Association of Craig, Alaska..... | Oct. 8, 1938 | Oct. 8, 1938 | 201 |
| 4 | Sitka..... | Sitka Community Association of Alaska..... | Oct. 11, 1938 | Oct. 11, 1938 | 620 |
| 5 | Kasaan..... | Organized Village of Kasaan..... | Oct. 15, 1938 | Oct. 15, 1938 | 83 |
| 6 | King Island..... | King Island Native Community..... | Jan. 31, 1939 | Jan. 31, 1939 | 192 |
| 7 | Atka..... | Native Village of Atka..... | May 23, 1939 | May 23, 1939 | 91 |
| 8 | Nikolski..... | Native Village of Nikolski..... | June 12, 1939 | June 12, 1939 | 87 |
| 9 | Wales..... | Native Village of Wales..... | July 29, 1939 | July 29, 1939 | 189 |
| 10 | Shishmaref..... | Native Village of Shishmaref..... | Aug. 2, 1939 | Aug. 2, 1939 | 235 |
| 11 | Karluk..... | Native Village of Karluk..... | Aug. 23, 1939 | Aug. 23, 1939 | 192 |
| 12 | Hoonah..... | Hoonah Indian Association..... | Oct. 23, 1939 | Oct. 23, 1939 | 590 |
| 13 | Angoon..... | Angoon Community Association..... | Nov. 15, 1939 | Nov. 15, 1939 | 347 |
| 14 | Nome..... | Nome Eskimo Community..... | Nov. 23, 1939 | Nov. 23, 1939 | 508 |
| 15 | Elim..... | Native Village of Elim..... | Nov. 24, 1939 | Nov. 24, 1939 | 98 |
| 16 | Tyonek..... | Native Village of Tyonek..... | Nov. 27, 1939 | Nov. 27, 1939 | 101 |
| 17 | Stebbins..... | Stebbins Community Association..... | Dec. 5, 1939 | Dec. 5, 1939 | 104 |
| 18 | Unalakleet..... | Native Village of Unalakleet..... | Dec. 30, 1939 | Dec. 30, 1939 | 307 |
| 19 | Minto..... | Native Village of Minto..... | do..... | do..... | 128 |
| 20 | Stevens..... | Native Village of Stevens..... | do..... | do..... | 92 |
| 21 | Fort Yukon..... | Native Village of Fort Yukon..... | Jan. 2, 1940 | Jan. 2, 1940 | 320 |
| 22 | Venetie..... | Native Village of Venetie..... | Jan. 25, 1940 | Jan. 25, 1940 | 86 |
| 23 | Ketchikan..... | Ketchikan Indian Corporation..... | Jan. 27, 1940 | Jan. 27, 1940 | 787 |
| 24 | Shaktoolik..... | Native Village of Shaktoolik..... | do..... | do..... | 122 |
| 25 | Point Hope..... | Native Village of Point Hope..... | Feb. 29, 1940 | Feb. 29, 1940 | 247 |
| 26 | Tetlin..... | Native Village of Tetlin..... | Mar. 26, 1940 | Mar. 26, 1940 | 81 |

Mrs. JEMISON. There were three Indians of the Papago Indian Reservation present last week who attended the hearing, but they returned to their reservation in Arizona, and I would like to file with the committee the authorization which they gave to me before they left. I would like that to appear in the record authorizing me to represent those Indians who are opposed to the Wheeler-Howard Act, and in that connection I would like to read the statement they made before they left Washington.

The CHAIRMAN. This is the authorization?

Mrs. JEMISON. Yes; and the statement explains it.

Mr. SCHAFER. About how many Indians were they representing?

Mrs. JEMISON. 541. That is explained in the statement.

Mr. SCHAFER. I suggest that you put the statement in the record, from the Papago Indians, to save the time of the committee, and ask that it go in at this point.

Mrs. JEMISON. There are three statements.

Mr. SCHAFER. The three statements to be included.

Mrs. JEMISON. Each of the statements to go into the record along with the authorization?

Mr. SCHAFFER. Yes.

The CHAIRMAN. Mr. Schafer asks that the authorization and the three statements given to Mrs. Jemison be made a part of the record. Without objection it is so ordered.

(The statements referred to follow:)

To Whom It May Concern:

We the undersigned members of the Papago Tribe of Indians, located in the State of Arizona do hereby authorize Alice Lee Jemison, of 638 C Street, Washington, D. C., to act as representative in Washington, D. C., of those members of the Papago Tribe who wish to be excluded from the so-called Wheeler-Howard or Indian Reorganization Act of June 18, 1934, and to do all things necessary and possible to have the Papagoes excluded from the said act of June 18, 1934, by any legal and lawful means whatsoever.

JOSEPH L. PEDRO, *Sells, Ariz.*
FRANK RIOS, *San Xavier Mission, Ariz.*
MARTIN MORISTO, *Sells, Ariz.*

WASHINGTON, D. C.,
June 15, 1940.

Subscribed and sworn to before me this 15th day of June 1940.

[SEAL]

BLANCHE T. BOWEN, *Notary Public, D. C.*

Commission expires September 15, 1943.

We the undersigned members of the Papago Tribe of Arizona came here to Washington to seek correction of certain conditions which exist upon our reservation. We brought with us some petitions signed by about 541 adult Indians of the Papago Tribe. These petitions asked for the removal of certain employees at the Sells Agency of Arizona. We wished to present these petitions to the Indian Committees of the Congress. We have been attending the meetings of the House Committee on Indian Affairs for 5 days. From what we have heard at this hearing, we have reached the conclusion that we do not have the documents and proof which would be necessary to convince the committee of the injustice of the program which is being put into operation on our reservation under the so-called Wheeler-Howard Act, and that it would be a waste of the committee's time and of our time to make any statement at present. Therefore we are returning to our reservation to secure the proof and documents which are necessary to convince the committee. We came here at our own expense and not at the expense of the Government. It may not be possible for us to return to present our evidence to the committee. We have given authority to Mrs. Jemison to represent those Papagoes who wish to be excluded from this act and we respectfully ask this committee to allow Mrs. Jemison to present our evidence for us if we cannot return to give it to the committee ourselves. We have heard Mrs. Jemison's testimony and wish to state that all of her statements about coercion and intimidation and destruction of individual enterprise are true on our reservation. We wish also to point out to the committee that the so-called Wheeler-Howard Act reopened our land to mineral entry and under that provision many prospectors have entered our reservation and dug a little hole in the ground to establish mineral entry rights. These prospectors then stake out, or fence in, 2 or 3 acres of land as their claim. We do not know whether or not there are minerals there, but under their entry rights, these prospectors build cabins or other homes for themselves and are living on this land. As we understand it, under the mineral prospecting laws these people after occupying this land for a certain amount of time have the right to get a patent in fee, while we Indians can never own this land individually. The Papagoes have always been an independent, self-supporting people, and never had any wars against the United States. We came into the United States under the Gadsden purchase, and under the treaty made with Mexico at that time, we came in as citizens of the United States. We are not citizens but are held as wards. We have always been friendly and have helped in the past to establish the settlers in the Southwest.

JOSEPH L. PEDRO, *Sells, Ariz.*
FRANK RIOS, *St. Xavier Mission, Ariz.*
MARTIN MORISTO, *Sells, Ariz.*

WASHINGTON, D. C.,
June 15, 1940.

Mr. DAIKER. For the record, I think the record should show that these were not authorized delegates from the Papagos.

The CHAIRMAN. That is what I was going to ascertain.

Mr. DAIKER. They are not authorized delegates, in that they were not selected by the council or elected by the tribe.

Mr. SCHAFFER. I was going to ask about that.

The CHAIRMAN. These were three Indians who came to Washington.

Mrs. JEMISON. Yes.

The CHAIRMAN. To oppose the Wheeler-Howard Act and to favor S. 2103.

Mrs. JEMISON. Yes.

The CHAIRMAN. But they were not elected representatives of the tribe?

Mrs. JEMISON. No; they were not appointed by the tribal council.

The CHAIRMAN. And they were not elected?

Mrs. JEMISON. No; they were not elected.

The CHAIRMAN. How did they happen to come to Washington?

Mrs. JEMISON. Well, they came bringing a petition asking removal of several people who are putting the program into effect, and that is why they ask me to present this.

The CHAIRMAN. Were the petitions in support of this bill?

Mrs. JEMISON. No; not supporting this bill.

The CHAIRMAN. Or against the Wheeler-Howard Act?

Mrs. JEMISON. No.

The CHAIRMAN. They came for other purposes. How did you happen to have the statement?

Mrs. JEMISON. Well, that is explained in this statement I have submitted for the record, why they did not stay and appear before the committee.

Mr. SCHAFFER. You made reference to a petition?

Mrs. JEMISON. Yes.

Mr. SCHAFFER. And that petition which they had filed had how many names?

Mrs. JEMISON. Five hundred and forty-one Indians.

Mr. SCHAFFER. If the lady will yield again: These Papago Indians who voted to come under the Wheeler-Howard Act, want to be taken out?

Mrs. JEMISON. No; they were not; they come under the Wheeler-Howard Act; but these Indians want to be included in the bill which is before the committee, and they did not appear before the Senate committee.

The CHAIRMAN. There were about 500 names?

Mrs. JEMISON. Yes.

Mr. SCHAFFER. And they want to be included in the bill which we are considering?

Mrs. JEMISON. Yes.

Mr. SCHAFFER. So they can by manifesto of Congress be taken out from under the provisions of the Wheeler-Howard Act?

Mrs. JEMISON. Yes.

Mr. COLLIER. I think the record ought to show the number of Papago Indians.

Mr. SCHAFFER. I want to get all of these facts on this point first. These Papago Indians voted to come under the provisions of the Wheeler-Howard Act on what date?

Mr. DAIKER. On December 15, 1934.

Mr. SCHAFER. How many members of the tribe were eligible to vote?

Mr. DAIKER. Three thousand and twenty; the vote for the act was 1,267, and 166 against coming under the act.

Mr. SCHAFER. And they voted subsequently to adopt a constitution?

Mr. DAIKER. Yes.

Mr. SCHAFER. On what date did they vote to adopt a constitution? And in that connection do you have the figures with you?

Mr. DAIKER. Well, if you will give me a minute I can look them up.

The CHAIRMAN. While you are doing that: You say that 540 Indians have filed a petition and want to be included in the Senate bill. Does the petition show that?

Mrs. JEMISON. No; the petition does not show that.

The CHAIRMAN. Then how do you know they want to be included in that bill?

Mrs. JEMISON. That is the statement that they made to me.

The CHAIRMAN. By these three Indians?

Mrs. JEMISON. Yes; that is the statement they made to me.

The CHAIRMAN. All the evidence you have is that three men told you that some 500 Papagoes wanted to be included in this bill?

Mrs. JEMISON. Yes.

Mr. SCHAFER. Will you let the record show the vote at this point, Mr. Daiker?

Mr. DAIKER. They voted on December 12, 1936, to accept a constitution, and they accepted it by a vote of 1,340 to 580.

Mr. SCHAFER. And following the vote to accept a constitution did they vote to accept a charter?

Mr. DAIKER. No.

Mr. SCHAFER. Do you have the vote on the question of accepting the charter?

Mr. DAIKER. I will have to check that up for you.

Mr. COLLIER. There has been no referendum on the charter.

Mrs. JEMISON. That is covered in the statement here which I shall not read. They sat here and listened for 5 days to hearings before this committee and decided they did not have the necessary documents and proof to convince the committee, and therefore they returned to their reservation. They made the trip at their own expense and are returning at their own expense, to secure the necessary documents and proof and evidence. Now, they may not be able to come back and present that, and I would like at a later date for the committee to allow me to submit that evidence which they send me, for the record.

That covers their statement.

Now I would like also to submit to the committee the statement of Martin Moristo, who was a member of the Papago committee who assisted in drafting their constitution, and was a member of the tribal council from 1934 until he resigned in 1939; and also the statement of Frank Rios, a member of the Papago Tribal Council.

The CHAIRMAN. Mrs. Jemison has indicated that the Indians are going to submit some material. Probably it would be better to let the Indians themselves submit that to the committee and let the committee decide whether it wants to put it in the record.

Of course, we do not know how voluminous it is going to be.

Mrs. JEMISON. I was intending to go over it and only submit pertinent parts. They often send me voluminous files and materials and I select from it only the material that is pertinent.

Mr. SCHAFER. How soon do you expect to have this material?

Mrs. JEMISON. Well it will take them some 4 or 5 days to get home.

Mr. SCHAFER. They proposed to submit it as soon as they get home?

Mrs. JEMISON. As soon as possible. They left here Sunday and it will take them some time to get back.

Mr. SCHAFER. How many pages will there be?

Mrs. JEMISON. I do not know.

Mr. SCHAFER. Right along that line I wonder if you could submit a statement as to how many are in favor of my proposed amendment? If we adopt the amendment which I proposed to the bill, which is under consideration, they will have a right to vote whether they want to get out from under the act.

Mrs. JEMISON. I am authorized to say, by the three members who were here, that they were willing to accept your amendment provided it is safeguarded, if safeguards are thrown around elections, to prevent any campaign by the Bureau employees. They authorized me to say that for them, that is these three men who had to leave.

Mr. SCHAFER. Have you any method of expediting the return of these papers, as soon as the Papago Indians have returned home? We do not want to have too long a delay or too large a record if we are going to complete the consideration of this bill.

The CHAIRMAN. You have heard the request that these two statements be included in the record. Without objection it is so ordered. (The statements referred to follow:)

STATEMENT OF MARTIN MORISTO

Some of the things of which the Papagoes complain and would like to have investigated are as follows:

1. Stock reductions which have caused disturbances and trouble for peaceful Indians by the agency staff. The Papago Reservation has always had dry seasons and good seasons. When it is dry the grass is scarce and when it is good, like this year, the grass is plentiful all over the reservation. The Papagoes have been engaged in stockraising for many years, the Papago reservation being the second in livestock sales in Arizona, which amounted to \$250,000 in the year 1939.

2. The Soils Conservation work done in Shuk Doak district where \$50,000 was expended in building loading chutes. The chutes were all faulty and it will need an extra large appropriation to put them into condition so that they can be used for the purpose for which they were intended. As a matter of fact, the four white foremen spent a half a day looking over the loading chutes in Sells, Ariz., to familiarize themselves with how to build these chutes, in Shuk Doak district. How they could get these chutes so all wrong is beyond us to see.

3. The C. C. I. D. men complain that the Indians do not cooperate with them. But the Indians got discouraged and the C. C. I. D. does not cooperate with the Indians. The Indians in each district were asked to submit projects. These projects were prepared by the Indians on their own time without pay and were submitted. The projects were sent to Washington for approval. Then when the money came down it was sent down in a lump sum and left for the local C. C. I. D. to allocate and they spent it where they wanted to spend it on projects. In 1938, Baboquivari district put in a project for approximately \$350,000. Very little was spent in that district so in 1939 and 1940 no program was submitted by Baboquivari district. Then it appeared in Au-O-Tahm, Ah-Pa-Tac, an agency monthly paper, that no Indian will be given work in other districts if their district has not turned in a program. That is a treat. After Baboquivari district failed to turn in a program, Richard Hendricks, a fire guard in the Forestry Service, went to

Chuolic in the Baboquivari district and said that there was now a new ruling that individuals could ask for what they may need on these projects. So Ray Harvey of Chuolic asked to have a Bolso system installed on his farm. On this project they were to employ 60 men at hand labor, but to date most all of the labor has been done by tractors. This is what we mean by saying that the C. C. I. D. does not cooperate with the Indians.

4. We want to know why qualified Indians do not receive promotions on this work. One project foreman stated that the reason Indians do not get promotions is because we are permanent residents and the work is for our benefit and that the outsiders have to get all they can. There are Indians capable of holding the foremen jobs. In fact, some of the foremen just come around once a day to get the time and the Indians work alone anyway.

5. There was some erosion-control work done near Tecelote in Chuk Kuk district which was forced upon the Indians. In February, Richard Hendricks laid off some of the enrollees because they were not members of that particular district. Then 2 weeks ago a similar thing happened. Some Indians who were working on the San Miguel project were laved off because they did not live in that district. Who gave Richard Hendricks authority to lay these men off? After an investigation by the Indians holding meetings at Sells for three nights in succession they finally found out there was no authority for him to do this.

6. Another irregularity is that Government employees are members of the Papago Council. Mr. Hendricks and the superintendent are both members of the council.

7. The stock association tried to have a "cooperative sales" plan put into operation which, if it had passed the council, would have been very detrimental to the tribe since the Papagoes have no other income than stock. The majority are dependent upon their livestock industry.

8. Officials who come to the reservation to consult the Indians on official business are met by the superintendent who introduces the Indians that he calls "leaders" and shows them the best communities on the reservations. The majority of the Indians are never permitted to express themselves about the different irregularities.

9. The tribal council collects 10 percent on a lot of things to make a "collective fund". They tried to force the Papago Indians who were employed at the Ajo mines, which is outside the reservation jurisdiction and an independent company, to give 10 percent of their wages to this fund but the Indians refused to do so. By order of the council, dated May 18, 1935, they collect 10 percent or make a 10-percent reduction on the sale of the cattle. The superintendent recommended to the tribal council that they collect 10 percent of the wages of all Indians employed on C. C. I. D. projects, or work-relief projects, one-half to be used as a revolving fund to loan money to the tribe and one-half to be used for tribal council expenses. This has been done since May 18, 1937. For example, the money is deducted before the checks are paid to the men, so if a man is earning \$45 a month, he only receives a check for \$40.50. The superintendent takes out the 10 percent for the tribal council. There is a financial committee which is supposed to control this money but as far as I know they do not have any bank account so I think the money must be kept at the agency or sent back to the Treasury of the United States. They used some of it in April this year to send some Indians to a meeting in Mexico. The superintendent, his wife and two children, and another lady went and their expenses were paid by the Government. The superintendent stayed about 10 days and the others were gone for a month. The chairman of the tribal council, Gose Ignatio, the vice chairman, P. E. Chico and the secretary, James Narcho, Jr., all went too and were gone for about a month. They used the money from this tribal fund for their expenses. I am not sure how much. I heard it was \$150 and then again I heard it was \$300. The committee should investigate this.

10. We would like the committee to find out for us how much it cost to build the road from Sells south to San Miguel, and what funds were used for this purpose and whether they were reimbursable funds. The road is 30 miles long and it took them 6 years, from 1934 to 1940 to build it.

11. It seems that all employees who are sincere and earnest and trying to really help the Indians are the ones that are transferred to some other place and those employees who just sit around and do nothing are always kept at our agency. These transfers should be investigated to find out why the employees whom we like are always sent some other place. We have too many employees on the reservation. In 1914 there were about 3 employees and now in 1940 there are anywhere from 60 to 90 employees around all of the time. Most of them we could do without and they just interfere with our affairs.

12. Some of the districts are not legally represented on the tribal council because they do not hold any elections in those districts. Some of the tribal councilmen do not try to represent their people. They just do as they please.

13. The present chairman and several members of the tribal council are Government employees. They make their living working for the Government. They cannot do justice to the tribe because the superintendent expects them to accomplish his purposes. So this is not a council to represent the Papagoes but a tool to help hamper and harass the Indians. Some of the councilmen try to act in the interests of the tribe but they cannot seem to accomplish anything because there are too many of the others.

The Papagoes accepted the act of June 18, 1934 (49 Stat. 984), by a vote of 1,340 for and 580 against, with the firm belief that we would be allowed the responsibility of self-government and the management of our own affairs. We have tried the act for several years now. We do not find any self-government and, in fact, we had more self-government before the Wheeler-Howard Act than we do today. We are permanent residents, industrious, self-supporting, peaceful, and progressive, both spiritually and morally. With our old laws and customs, we are in a position to administer our own affairs if permitted to do so without the interference and red tape that is forced upon us by the Bureau. All of the statements I have made here can be supported with proof from the reservation. It is hard to tell about it and we wish an investigation could be made right upon the reservation.

I was a member of the tribal advisory committee which drafted the Papago constitution and was a member of the tribal council from 1934 until I resigned in 1939. For this reason I know about all of these things and more.

MARTIN MORISTO.

WASHINGTON, D. C., *June 15, 1940.*

STATEMENT OF FRANK RIOS

THE INDIAN REORGANIZATION ACT

It seems there are some features of this act which are detrimental to the best interests of the Indians.

Under the allotment system, under which the land was allotted to individual Indians in a trust deed, many allottees made improvements on their allotments—fenced, cleared, plowed, and leveled their land, put in wells, and raised crops and stock. Many houses were built and the allottees were entitled to the fruits of their labor. Individual effort was encouraged and the inducement of becoming a self-supporting property owner was appreciated. When an allottee died his heirs inherited the allotment and other property, share and share alike according to the law of inheritance.

Now the Reorganization Act seems to be working toward the undoing of all this, and a community property system is proposed which will abolish the allotment system, which in turn will discourage individual effort and progress toward independence and personal security.

On the San Xavier Reservation, where irrigation development was not feasible but where grazing land was available, several companies of Indians were formed under their own efforts and plans, without the guidance or supervision of any Government official. The members of each of these companies dug wells or built charcos to hold floodwaters so that they could raise cattle on these lands. Some of the range was fenced, dwelling houses and corrals were built, and until the Reorganization Act came along these companies were not disturbed, but their rights of possession of these wells, homes, and ranches were respected, and outsiders who had not helped in constructing these improvements were denied the use of them. Now under the reorganization program it seems the rights and properties of these cattle companies are to be nullified, and the community property rule established. This is unfair and detrimental to the members of these companies, and we protest this action.

Under the leadership of the farm agent a few of the San Xavier Indians, 12 or 15, have organized what is known as the Vakae Cattlemen's Association. This association proposes to refuse to issue sale permits to nonmembers of the association. It also proposes to refuse to let nonmembers graze their cattle on the reservation, except on their own allotments. Also it proposes to collect 10 percent on all sales of member-owned cattle, whether Government issued or privately owned.

These seem to be a coercive proposition, and we are opposed to their enforcement.

About six sections of the San Xavier Reservation was fenced in the interest of soil conservation in 1935 by the United States Government, with the agreement or understanding that it would be returned or opened up for grazing purposes in 3 years. This has not been done, and we request that this land be returned to us for grazing purposes, pronto.

FRANK RIOS,

Member, Papago Tribal Council, St. Xavier District.

WASHINGTON, D. C., June 15, 1940.

Mr. JEMISON. I would like, Mr. Chairman, to submit a very short statement regarding the Cherokee Indians in North Carolina relative to the acceptance of the Wheeler-Howard Act. They are Indians who purchased their land originally, which is held by them in fee simple title. These Indians were never under the Department previous to 1924. This is not a very long statement.

Mr. SCHAFER. What Cherokee Indians?

Mr. JEMISON. Of North Carolina.

Mr. SCHAFER. I request that the statement be made a part of the record.

The CHAIRMAN. You have heard the request? Any objection? It is so ordered.

(The statement referred to follows:)

STATEMENT IN RE: EASTERN BAND OF CHEROKEE INDIANS OF NORTH CAROLINA

Relative to the Cherokees of North Carolina, I wish to state these facts: The Cherokees of North Carolina purchased their lands and hold them by a fee simple title. In 1889, they incorporated under the laws of the State of North Carolina as the Eastern Band of Cherokee Indians and received a charter from the State. They are not a "tribe" of Indians but a group of individuals organized into a corporation. They paid taxes on every foot of their land and were voters in all elections until 1924. For several years prior to 1924, the Cherokees had wished to divide up their lands and funds, dissolve their corporation, and become just citizens of the State and the United States. Therefore in 1924, an act was passed by Congress which authorized the transfer of their lands to the United States to be held "in trust," for the purpose of making final disposition of this land to the Cherokees, and for this same purpose the Secretary of the Interior was authorized to make up a final roll, allot these Indians and divide up their funds. No other authority was conferred upon either the United States nor the Secretary of the Interior. Through chicanery, all of which is a matter of record before the Senate Committee on Indian Affairs, 1,100 people were included upon the final roll whom the Cherokees do not recognize as being Cherokee Indians because the State charter bars all persons who have less than one-sixteenth Cherokee Indian blood. Consequently another act was passed by Congress to delay the final allotment.

Since 1924 there have been great changes in the operation of Indian affairs at Cherokee. At that time the Indian Bureau had about 10 employees located there whose duties were mainly to operate a boarding school which had been taken over from the Quakers. Today there are more than 65 Bureau employees located upon the reservation to look after the affairs of these Indians who always managed their own affairs to their own satisfaction before 1924. As a result of their lands being taken off the tax rolls when the land was transferred in trust to the United States, the local political organization denied them the right to vote and they are not voters today.

Then in 1934 the usual Bureau campaign of all the employees at Cherokee Agency was conducted to have the Cherokees accept the so-called Wheeler-Howard Act. Few, if any of them had even seen a copy of the act of June 18, 1934, when they voted upon it in December 1934. They believed the Bureau statements about it, and the Bureau promises. But they changed their minds after they saw the act and had their accredited high-school program destroyed by the change in the Bureau educational program. Full information about this is contained in the Senate hearings which are now in the process of being printed,

as well as much more about the destruction of free speech, free press, free assembly, and religious liberty.

In 1935 the Cherokees voted down the Bureau-prepared constitution. They are still operating under their State charter which contains more self-government than the Wheeler-Howard Act and which has been satisfactory for over 50 years. However, due to the fact that they voted to accept the Wheeler-Howard Act, there is now a very serious question regarding just what the legal status of the Cherokees is at the present time. The Bureau contends that they are now under control of the Bureau of Indian Affairs and the Cherokees contend that they are not under its control but are under control of the State laws and their State charter. At various times there have been rumors that efforts were being made to have the State legislature repeal the charter but I do not state this as a fact, only as a rumor. It is a rumor which serves to upset the Cherokees however, and not being voters, they seriously doubt that they could stop the legislature from repealing this charter and thus throwing them under the domination and autocratic control of the Indian Bureau where they have no desire to be. The occasion has not yet arisen where this status of the Cherokees will have to be determined by a court. But such an occasion may come up at any time.

For these reasons, the council of the Eastern Band of Cherokee Indians, by resolution, appealed to Hon. Robert R. Reynolds, Senator from North Carolina, to introduce a bill to have them excluded from the Wheeler-Howard Act. Senator Reynolds introduced this bill in 1939, the Senate committee held further hearings upon the matter and included the Cherokees in the bill now before the committee, S. 2103. This present doubtful status of the Cherokees could be cleared up much easier and with less expense for the Cherokees by excluding them from the so-called Wheeler-Howard Act by this present bill than by having a court determination of their status.

Respectfully submitted.

Alice Lee Jemison.

WASHINGTON, D. C., June 12, 1940.

Mr. SCHAFFER. In the past you have represented the Seneca Indians of New York?

Mrs. JEMISON. Yes.

Mr. SCHAFFER. And the Senecas of New York have requested enactment by the New York State Legislature of authority for the Senecas to own and operate land in common?

Mrs. JEMISON. Well, the Seneca Nation of Indians are not under the laws of the State of New York.

Mr. SCHAFFER. I mean, they act collectively?

Mrs. JEMISON. I would not say that is true, in the sense that the Wheeler-Howard Act refers to. They have their own laws.

Mr. SCHAFFER. But they have incorporated under the laws of the State of New York?

Mrs. JEMISON. Yes; in 1848.

Mr. SCHAFFER. And through that incorporation they own land in common and operate in common, do they not?

Mrs. JEMISON. Congressman, I can explain their status, which is absolutely different from the status of any other Indians. It goes back far beyond the laws affecting the other Indian tribes; and, their status is that they are not wards; they made treaties with George Washington, and under those treaties they were recognized as a quasi-dependent nation.

Mr. SCHAFFER. But they have a corporation and operate in common?

Mrs. JEMISON. The same as a State does.

Mr. SCHAFFER. They are restricted under the State law in their operation the same as the tribes which came under the Wheeler-Howard Act are restricted by Federal laws?

Mrs. JEMISON. We are absolutely a self-governing nation. The State does not have any jurisdiction over the Senecas; not even the

Secretary of Interior has jurisdiction over these Indians. They are absolutely self-governing, and the State and Federal laws do not apply on the reservation, outside of the major criminal acts of the Federal Government. They conduct their own elections make their own laws, and the Indians can even ride around on the reservation without a license plate on their car.

Mr. SCHAFFER. Do you believe that the ownership and operation of their land in common constitutes communism?

Mrs. JEMISON. No; I do not.

Mr. SCHAFFER. That is all.

Mrs. JEMISON. Now to facilitate the hearing and not to take more time of the committee, I have written out my argument against the co-called Wheeler-Howard Act and I have indicated in here various exhibits I would like to have the committee consider.

I have some of the original copies which I would like to have returned to me at the end of the hearings. And, there are some excerpts which I would like to submit, along with the statement, as a part of the record at this time.

Mr. SCHAFFER. How long are the excerpts to which you refer? You do not want all of these documents, but merely the excerpts from the documents which are pertinent?

Mrs. JEMISON. Yes.

The CHAIRMAN. You have 14 pages in your prepared statement?

Mrs. JEMISON. Yes. Some of the excerpts which I have copied in my statement are taken from these pamphlets and they are simply submitted to enable the committee to ascertain that I have copied them correctly.

Mr. SCHAFFER. The excerpts are in support of the statement you have prepared?

Mrs. JEMISON. Yes.

Mr. SCHAFFER. I ask unanimous consent that the statement and the excerpts be incorporated in the record.

The CHAIRMAN. The Chair reserves the right to object. I would like to ascertain how many pages that is going to be. There are 14 pages in your prepared statement. How many pages will the excerpts constitute, in comparison with your prepared statement? It is impossible to tell by merely glancing through them.

Mrs. JEMISON. Ten or fifteen would probably cover it.

The CHAIRMAN. The excerpts would represent that many additional pages?

Mrs. JEMISON. Yes. I figure that it would not require any more space than what I would take up in 1 day's testimony; that is the basis on which I have figured it. I tried to hold it down to that amount.

Mr. SCHAFFER. And they clarify the testimony and the statements you want to make?

Mrs. JEMISON. Yes; that will complete my argument against the Wheeler-Howard Act.

However, no statements have been presented for the minority groups, of some of these tribes, and I would like permission to file short statements for them. That would be for the Cheyenne Reservation, the Standing Rock Reservation; a statement from the Flatheads. There would not be more than four or five of them. They would probably constitute only one page each.

There have been delegates here from the Cheyenne Agency representing the tribal council. I am not speaking for them. But these people who are opposed to the Wheeler-Howard Act are not able to be here before the committee at this time when the hearings are being held. There were delegates from the Cheyenne Agency, and there were delegates from the Standing Rock Reservation, but they were not here at the time when you could conduct hearings so they could not appear before the committee. And I would like to have a chance to offer those statements for these individuals.

Mr. SCHAFFER. When you started to testify the other day you indicated you were authorized to represent the Flatheads and the Cheyennes, and the statement you wanted to put in the record is to show that you are representing these people?

Mrs. JEMISON. Yes.

Mr. SCHAFFER. That is to identify you as their representative?

Mrs. JEMISON. Yes.

The CHAIRMAN. Mr. Schafer has asked unanimous consent that Mrs. Jemison be permitted to have incorporated in the record her statement, and also some excerpts which she has filed along with her statement, excerpts which she has indicated for that purpose.

The Chair hears no objection and it is so ordered.

(The statement of Mrs. Jemison, together with the excerpts referred to, follow:)

Mrs. JEMISON. The brief, or statement, which I prepared for the Dies committee in 1938 and which has now been incorporated into this record, includes the facts about the origin of the so-called Wheeler-Howard Act, what is fundamentally wrong with it and the manner in which it is being administered. These facts constitute the strongest arguments which can be made against the so-called Wheeler-Howard Act. I do not wish to take up the time of the committee, nor overburden the record by repetitions, so I shall just supply supplementary evidence to support the contentions made in the Dies record and copies of some of the exhibits mentioned in that statement which may aid the committee in consideration of this bill to take certain Indians out of the act. I will try to follow the same outline as was used in the Dies statement so that members can readily turn back to that statement to secure the connection.

ORIGIN

I have charged that the Wheeler-Howard Act originated in the American Civil Liberties Union. The Commissioner, Mr. Collier has added weight to that charge by his statement that the program contained in the Wheeler-Howard Act was attempted during the administration of the Indian Bureau by Mr. Rhoades and Mr. Scattergood. Mr. Scattergood is a member of the American Civil Liberties Union.

In further support of that charge and to supplement evidence already in the record, I offer for consideration by the committee, marked "Exhibit 1," a pamphlet entitled "American Indian Life, Bulletin No. 23, January 1934, 219 First Street NE., Washington, D. C., 426 Mills Building, San Francisco," on page 16 of which is stated:

Issued on behalf of the American Indian Defense Association, Inc., and its branches, by the Indian Defense Association of California. * * * The officers

of the American Indian Defense Association, Inc., are Haven Emerson, M. D., president; Allan G. Harper, executive, and Fred M. Stein, treasurer. * * *

This is the organization which Commissioner Collier formed and headed in the capacity of executive secretary for about 10 years prior to his appointment to the commissionership.

On page 10 of this pamphlet, it is stated:

A PROMISING CONFERENCE

Representatives of the Indian Rights Association, the National Association on Indian Affairs, the Indian Civil Rights Committee, and our association, together with other interested persons, will conduct, January 7, an all-day conference with Commissioner Collier and the Bureau's division heads on the Indian legislation to be introduced in Congress. The conference, which will be held at the Cosmos Club in Washington, is aimed at giving intensive consideration to the proposed legislation, and to provide an opportunity for exchange of opinion prior to its introduction. The organizations represented will not be bound to endorse any conclusions reached by the majority, but it is hoped that a common agreement can be reached on the bulk of the bills.

This conference was subsequently held and I offer for consideration of the committee, marked "Exhibit 2," a mimeographed copy of the "Minutes, Conference on Indian Legislation, held Cosmos Club, Washington, D. C., January 7, 1934," which was issued by the American Indian Defense Association. I request that these minutes be copied into the record at this point and the copy returned to me.

[The American Indian Defense Association, Inc., 219 First Street N.E., Washington, D. C.]

MINUTES—CONFERENCE ON INDIAN LEGISLATION

Held Cosmos Club, Washington, D. C., January 7, 1934, 9:30 a. m. to 10:15 p. m.

Present:

Office of Indian Affairs: Hon. John Collier, Commissioner; Hon. William Zimmerman, Assistant Commissioner, Robert T. Lansdale, Assistant to the Commissioner; A. C. Monahan, Assistant to the Commissioner; Robert Marshall, Director, Forestry Division; Ward Shepard, specialist on land problems; A. C. Cooley, Director, Extension and Industry; Samuel M. Dodd, Chief Finance Officer; John R. T. Reeves, Counsel; Fred H. Daiker, junior assistant; L. W. White, M. D., Medical Division; J. P. Kinney, Director, Indian Emergency Conservation Work, and others.

Solicitor's Office, Department of the Interior: Hon. Nathan Margold, Solicitor; Hon. Charles Fahy, Assistant Solicitor; Messrs. Segal and Cohen, assistants.

American Indian Defense Association, Inc. 219 First Street NE., Washington, D. C.: Mr. and Mrs. Wm. Denman, San Francisco (representing I. D. A. of northern and central California); Howard S. Gans, New York City; Dr. William Gates, John Hopkins University, Baltimore; Allan G. Harper, secretary, Washington; Miss Winifred M. Pomeroy, Washington; and Mrs. John Rogers, Jr., New York City.

General Federation of Women's Clubs, 1734 N Street NW., Washington, D. C.: Miss Julia K. Jaffray, chairman, public welfare department, Washington Indian Civil Rights Committee (A. C. L. U.) 100 Fifth Avenue, New York City; Mr. Robert Gessner, New York City.

Indian Rights Association, Inc., 301 South Seventeenth Street, Philadelphia, Pa.: Mr. Jonathan M. Steere, president; Mr. Charles L. Chandler, board of directors; Mr. M. K. Sniffen, secretary; Mr. Lawrence E. Lindley, assistant secretary; and Mr. Richard L. Kennedy, Washington representative.

National Association on Indian Affairs, Inc., 850 Madison Avenue, New York Miss Gertrude Ely, board of directors, Bryn Mawr, Pa.; Thomas Eliot, Washington; Oliver La Farge, president, New York City; Miss Caroline H. Thompson, Washington.

National Council of American Indians, Inc.; box 1241, Washington, D. C.: Capt. and Mrs. R. T. Bonnin, Washington; and Mrs. Nacia Kenny, Takoma Park, Md.

Ojisto Council.

Chinquilla (Hoostona), Jamaica, Long Island, N. Y.: Mrs. B. W. Fisher, Douglaston, Long Island, N. Y.

Individuals: Mrs. Harold L. Ickes, Chicago; Mr. J. Henry Scattergood, Philadelphia; Dr. Moises Saenz, Mexico City, Mexico; Mr. Albert A. Grorud, Washington; Mr. Robert Fix, Washington; Mrs. W. Carson Ryan, Falls Church, Va.; Mr. E. B. Smith, Washington; Dr. E. A. Bates, Cornell University, Ithaca, N. Y.; and Mr. Thomas L. Sloan, Washington.

Chairman of conference.—On motion duly seconded, Dr. Lewis Meriam, of Brookings Institution and the Institute for Government Research, was unanimously elected chairman of the conference.

Order of business.—On motion duly seconded, an agenda, limiting the time for discussion on each item, was unanimously adopted.

Obligation of participating organizations.—On motion duly seconded, it was unanimously agreed that opinions formulated or expressed by the conference would not bind the organizations represented and that all votes of agreement, submitted to and acted upon by the conference, would be subject to this reservation.

1. *Repeal of espionage acts.*—Without dissenting voice, the conference adopted a motion favoring the repeal of the Federal Indian espionage acts, as incorporated in Senate bill 4479 (72d Cong., 1st sess.).

2. *False representation of being an Indian.*—Discussion of Senate bill 1413 (73d Cong., 1st sess.) "Making it a crime to represent one's self to be an Indian, and providing punishment therefor," developed a general consensus of opinion that the proposed bill is defective. Various critics pointed out that such legislation would be unenforceable without a clear definition of what an Indian is, and that, even if a workable definition could be formulated, the bill might still be unenforceable. There was general agreement, however, that there are abuses of misrepresentation which should be curbed. Without dissenting voice, the conference voted to refer the bill to the Department of the Interior for further legal study, with the advice of the conference that if an adequate measure could be worked out overcoming present evils, it should be prepared and introduced.

3. *Five Civilized Tribes of Oklahoma.*—"A bill for the protection of the Five Civilized Tribes in Oklahoma, and for other purposes," recently prepared by the Bureau and not hitherto introduced in Congress, was laid before the conference. By its various provisions, the larger part of the special legislation applying to the Five Civilized Tribes would be repealed, thereby returning these Indians to Federal responsibility and control.

After discussion, and without dissenting voice, a motion declaring it the sense of the conference that the proposed bill is not only desirable, but is urgently desired, was adopted, with the added comment of the conference that the proposed legislation should have the active participation and support of all Indian-welfare agencies.

4. *Land reform and Indian self-government.*—Approximately 3 hours were devoted to the discussion of this subject. Analyses of the problems and explanations of certain lines of corrective action were presented by Messrs. Collier, Shepard, and Segal. After extended discussion by many of those present, the following general propositions were submitted by the Commissioner and voted upon separately.

LAND

1. That the provisions of the allotment system which require or permit the transfer of Indian tribal lands to individual Indians and the sale of such lands by individual Indians to non-Indians shall be immediately repealed.

Unanimously approved, with the understanding that this proposition does not affect patent-in-fee Indians.

2. That the trust lands now subject to individual Indian ownership should be consolidated into areas suitable for economic usage by Indians, and should be made subject to the ownership and control of the Indian community.

Adopted; two negative votes recorded.

3. That the laws of descent and distribution now applicable to Indian lands should be modified so as to prevent the breaking up of Indian lands into parcels unsuitable for economic use and to prevent the growing inequalities in land distribution among individual Indians and to promote community ownership and control of Indian lands.

Unanimously adopted.

4. That a process of land acquisition be set up by which so far as feasible allotted lands will be restored to community ownership, especially forestry and grazing lands, and additional lands will be acquired (a) to provide land for land-

less Indians, and (b) to consolidate Indian lands for economic purposes; to provide for equitable distribution of land-use privileges and community income; to prevent alienation or dissipation of capital assets; and to provide a system of Indian credit for land and industrial development.

Unanimously adopted.

SELF-GOVERNMENT

1. The right of all Indians to organize should be specifically affirmed by statute, and this right should not be conditioned by the consent of the Secretary of the Interior.

Unanimously adopted.

2. The powers of government now exercised over the Indian population through the Office of Indian Affairs shall be gradually transferred to organized Indian communities, subject only to such necessary restrictions as may be required to assure the continuance of health, educational and welfare services now furnished by the Federal Government; and to protect the rights of minorities within the community until such time as the Indian community shows itself capable of administering its own government.

Unanimously adopted.

3. The Secretary of the Interior should have the power and the duty to recognize and establish Indian communities and endow them with any or all of the powers of existing communities of like size and purpose; provided that the charter of such communities shall contain prohibitions on alienation and dissipation of capital assets of the community; provided further that the charter shall contain some restrictions upon the exercise of business discretion by the Indians in transactions involving sums greater than fixed in the charter; provided further that the Indian community shall have power to define and enforce penalties in all matters traditionally covered by ordinance in communities of like size and character or heretofore exercised by the community in its tribal capacity, but such penalties in no event should exceed a fixed amount defined in the charter; provided further that the charter should guarantee the equal protection of the laws and the Federal authorities should have the power to forbid any unjustifiable discriminations; provided further that the Commissioner of Indian Affairs and/or the Secretary of the Interior may endow Indian communities with controls over the exercise of such Indian affairs as remain in the hands of the existing Indian Bureau agencies.

The proposition was unanimously adopted with the understanding that the above process be made by progressive stages; and that in granting or withholding said privileges, the granting authority give consideration to the present varying capacities of the tribes.

4. The Indian community should have the power, subject to suitable restrictions, to recall undesirable employees of the Indian Service.

Unanimously adopted.

5. The Indian community, as above created, may be endowed with power to administer both tribal and Federal funds expended on behalf of the tribe and further the power to select, among duly authorized purposes for which money has been appropriated, the projects for which such moneys shall be expended.

Unanimously adopted.

6. For the better regulation of relations between the Indian community and the surrounding population, special agencies for administration of justice, including special courts and special law officers, should be established, their function being to deal with those matters which cannot be presently delegated to local Indian judges responsible to the Indian community.

Unanimously adopted.

7. The guardianship of the Federal Government should be no longer restricted to Indians having so-called restricted properties, and the provision of its services and exercise of its powers should not be limited to the Indian country but should extend to the regulation of all trade and relations with Indians off as well as on the Indian country.

Unanimously adopted, with the understanding that in carrying this proposition into law and practice, there is no intention of establishing Federal control or jurisdiction over Indians who have achieved independent existence off the reservations.

5. *Accounting of Indian funds.*—Discussion of Senate bill 4187 (72d Cong., 1st sess.), "To provide for an accounting of Indian funds in the hands of the United States," led the conference to the conclusion that this measure in its present form is inadequate, though its central principle and purpose—the right of Indian tribes and individuals to an exact and detailed accounting of Indian moneys—is desirable. As written, Senate bill 4187 is administratively cumbersome.

some and difficult. The conference agreed that if practical, a bill should be furnished by the Department at least annually with a full and adequate statement of the facts of their financial affairs, including the amount of money which resides as capital in the hands of the Government, the expenditure of tribal funds, the amount of capital which is subject to their withdrawal, and the amount of any other funds which are subject to their withdrawal; and including itemization of expenditures.

6. *Indian tribal capital.*—Submitted to the conference was a general statement declaring it should be the policy of Congress to forbid the distribution of Indian capital funds to individual Indians and that these assets should be utilized for purposes of capital investment exclusively. It was pointed out that in drafting the present budget, the authorities refused to discontinue the practice of using capital funds of the tribes for administrative purposes. The necessity of legislation is apparent.

The conference without dissenting voice endorsed the proposition that it is entirely wrong for the Government to attempt to balance its budget by using the capital funds of the tribes, and that the Indian tribal capital should be used by the tribes only for the purposes of such capital investment.

7. *Swing-Johnson principle of Federal-State cooperation.*—After thorough discussion in which various objections were raised, the conference without dissenting voice endorsed the principle of the Swing-Johnson bill where its use is of genuine advantage and where its use does not represent any lowering of standards.

8. *Judicial review of administrative actions.*—This subject was referred to Solicitor Margold and legal representatives of the various organizations represented at the conference for the consideration and drafting of a definite proposal.

9. *Settlement of Indian claims.*—The conference did not consider the details of the bill which Mr. Nathan Margold prepared 2 years ago for the Institute for Government Research, but without dissenting voice endorsed the principle of expediting the settlement of all Indian claims and referred the Margold bill for further discussion and revision of its details to a committee of lawyers, representing the various Indian-welfare organizations, in conference with Mr. Margold. The conference expressed agreement with Mr. Margold on two propositions:

(a) The importance of getting speedy disposition of all claims, and the importance of bringing home to Indians that this disposition has been made; and

(b) The question of defining the kind of claims to be given recognition, and the kind of counterclaims to be given recognition.

10. *Law and order.*—Dr. Lewis Merriam pointed out that the bill which was prepared by the Institute for Government Research in connection with its exhaustive study of law and order in the northern Indian States would require very extensive amendment, if the legislation relative to land reform, and self-government endorsed by the conference were enacted. The conference, therefore, did not consider this bill, but referred the matter for consideration by the drafters of the land and self-government legislation.

11. *Rule of blood.*—Lengthy discussion of House bill 14590 (72d Cong., 2d sess.), "defining the rights of certain persons with Indian tribes, and for other purposes," did not result in bringing the conference together in any unanimous conclusion as to the advisability or method or establishing for administrative purposes a definition of what an Indian is, in terms of blood quantum. It was generally agreed however that the introduction of such a bill would most definitely endanger the enactment of other and more vital legislation. The matter was laid on the table. At the suggestion of Mr. Charles Fahy, a committee is to be formed for further consideration of this subject.

The conference adjourned unanimously adopting a resolution pledging the various participating organizations to aggressive support of the proposed legislation, upon its endorsement by their respective boards of directors.

In these minutes, I respectfully call the attention of the committee to these facts:

1. "Dr. Lewis Merriam, of Brookings Institution and the Institute for Government Research, was unanimously elected chairman of the conference." Mr. Collier stated to the committee that the program of the so-called Wheeler-Howard Act resulted from the research which was conducted by this same Dr. Lewis Merriam. Also, Nathan Margold who drafted the Wheeler-Howard Act, as Solicitor for the Interior Department, was likewise an employee of the Institute for Government Research, was chairman of the Indian Committee of the American Civil Liberties Union and a member of the American

Indian Defense Association, all of which is contained in the statement submitted to the Dies committee.

2. The program of the present Indian regime, both legislative and administrative which has been discussed in the Dies statement, is all contained in the minutes of this meeting at the Cosmos Club in January 1934, and that the bill containing much of this program was introduced into Congress on February 13, 1934 as the Wheeler-Howard Act.

3. The final statement in the minutes reads:

The conference adjourned unanimously adopting a resolution pledging the various participating organizations to aggressive support of the proposed legislation, upon its endorsement by their respective boards of directors.

The majority of the organizations represented did give that "aggressive support" and are still giving it.

Today, these same forces which originated and sponsored the Wheeler-Howard Act are opposing any and all legislation which would either repeal the entire act or take any of the Indians out of it. I offer for the record, marked "Exhibit 3," copy of a statement, the original of which is on file with the Senate Committee on Indian Affairs, dated March 13, 1937, and signed by Oliver La Farge, president, National Association on Indian Affairs and Haven Emerson, M. D., president, American Indian Defense Association, Inc. I ask that this letter be included in the record at this point.

(The letter referred to follows:)

EXHIBIT 3

AMERICAN INDIAN DEFENSE ASSOCIATION, INC.,
NATIONAL ASSOCIATION ON INDIAN AFFAIRS, INC.,

New York, March 12, 1937.

The American Indian Defense Association and the National Association on Indian Affairs join in protesting the attack now starting in the Senate against the whole structure of Indian protection and Indian rights, headed by Senator Burton K. Wheeler's bill (S. 1736) to repeal the Indian Reorganization Act of June 18, 1934. This law is the culmination of more than 10 years' study and struggle by friends of the Indian within and without the Government.

In view of Senator Wheeler's whole record in Indian Affairs, his action is incomprehensible. The Indian Reorganization Act was introduced by him, and was in part the result of a long investigation by a subcommittee of which he was chairman.

Briefly, the law as it stands provides that Indian land losses must stop. (Since 1887, 90,000 Indian acres have passed into white ownership, and a large part of the remainder so places that the owners are forced to lease it to whites.) It requires conservation of timber, grass, and soil and water on Indian lands. It starts putting landless Indians back on land for subsistence. It provides for advanced schooling, and gives the Indians preference in employment in their own Indian Service. It sets up a credit fund for Indian self-help. It gives the tribes a moderate amount of local self-government and expenditures of their moneys held in trust by the Government (\$500,000,000 of tribal trust funds have been dissipated since 1887). It gives them a voice in regard to Federal appropriations for Indian benefit. It gives organized tribes the right to defend their own rights in court.

The Reorganization Act gives each tribe the opportunity to decide by vote whether or not it shall apply to that tribe—a right of choice never previously accorded. Out of 235 tribes, 170 have chosen to come under this law.

From time to time we must expect attacks by predatory whites upon these protections and rights, so long as the Indian retains any property at all. If the original American race is to have any hope for the future, such attacks must be successfully opposed, and this we intend to do.

HAVEN EMERSON, M. D.,
President, American Indian Defense Association.

OLIVER LA FARGE,
President, National Association on Indian Affairs.

Mrs. JEMISON. I call attention to the sentence in the last paragraph, "From time to time we must expect attacks by predatory whites upon these protections and rights, so long as the Indian retains any property at all." In my opinion, this is a continuation of the campaign to arouse racial hatreds which was carried on by the Commissioner in his efforts to secure Indian approval of the act when it was before Congress in 1934.

In 1937 the two organizations which issued the above letter jointly, viz, the National Association on Indian Affairs, Inc., Oliver La Farge, president, and the Commissioner's own organization, the American Indian Defense Association, decided to incorporate into one organization. I offer for the record, marked "Exhibit 4," a pamphlet, entitled "The Navajo and the Land," Bulletin 26, February 1937, National Association on Indian Affairs, Inc., American Indian Defense Association, Inc., 120 East Fifty-seventh Street, New York, N. Y., and from page 3, quote as follows:

This bulletin is published jointly by the American Indian Defense Association, Inc., and the National Association on Indian Affairs, Inc. On June 11 and June 15, 1936, respectively, the two associations voted to consolidate under the name of American Association on Indian Affairs, Inc. The legal steps to complete this consolidation are now being taken. The present publication is a beginning of combined efforts, which it is hoped, will receive increased support under the united organization, and will develop in the future ever more valuable service to alleviate the present plight of the American Indian.

OLIVER LA FARGE.

(The document referred to was filed with the committee.)

Mrs. JEMISON. I offer for the record, marked "Exhibit 5," a pamphlet, "First Annual Report American Association on Indian Affairs, Inc., successor to National Association on Indian Affairs, Inc., American Indian Defense Association, Inc., 1000 Madison Avenue, New York, N. Y., field office, post-office box 644 Santa Fe, N. Mex.; western office 426 Mills Building, San Francisco, Calif."

The following information is quoted from the back of the cover page:

President, Oliver LaFarge; first vice president, Haven Emerson, M. D.; second vice president, Miss Amelia White; secretary, Mrs. John Rogers, Jr.; controller, Percy Jackson, treasurer, Harold Von Schmidt.

Directors: Mrs. H. A. Atwood, Miss Margaret Brown, Miss Mary Bulkle, Miss Pearl Chase, Bridgham Curtis, Charles DeY. Elkus, Miss Gertrude Ely, Dr. Haven Emerson, Mrs. H. K. Estabrook, Mrs. Helen Fitzgerald, Howard Gans, Dr. F. W. Hodge, Dr. William White Howells, Col. F. W. Hinrichs, Jr., Percy Jackson, Oliver LaFarge, Mrs. Wanden M. LaFarge, Dr. Jay B. Nash, W. W. Postlethwaite, Joseph M. Price, Mrs. John Rogers, Jr., Mrs. John Sloan, Harold Von Schmidt, Miss Mabel C. Washburn, Miss Mary Cabot Wheelwright, and Miss Amelia Elizabeth White.

Branches: Central and northern California; Colorado Springs, Colo.; Los Angeles, Calif.; Lewistown, Mont.; Massachusetts, Missouri, Riverside, Calif., and southern California.

Field representative, Moris Burge; office secretary, Ruth Martin.

The American Association on Indian Affairs was formed June 1937 by the consolidation of the National Association on Indian Affairs and the American Indian Defense Association. Both associations were founded in 1924.

Mrs. JEMISON. From page 6 of this pamphlet, the following is quoted:

Mention must be made of a less pleasant nature. Various attacks upon the Indian Reorganization Act in the last regular session culminated in S. 1732, introduced by Senator Wheeler, of Montana, a bill to repeal the entire reorganization program. Protest against this measure was Nation-wide, and came from all shades of political opinion. Nothing further was heard from it, but it remains

pending, and may be revived. Repeal of the Reorganization Act would shatter the entire structure of modern Indian policy.

I offer for the record, marked "Exhibit No. 6" a copy of a letter addressed to Members of Congress, dated December 24, 1938, and signed by Oliver LaFarge. I request that this be included in the record at this point. It reads:

NEW YORK CITY, December 24, 1938.

To the Members of Congress:

GENTLEMEN: We are sending you herewith a pamphlet entitled "A New Day for the Indians" surveying the results of the Government's new policies embodied in the Reorganization Act of 1934.

We are confident that the material presented and widely distributed throughout the country will make for an intelligent understanding of policies which we believe to be sound in principle. If consistently pursued they will restore to a third of a million of our fellow citizens the forms of freedom and opportunity they cherish, and will extend cooperation by our public agencies in their formidable task.

As the responsible editorial committee, we would appreciate any comment you might care to make.

Sincerely yours,

OLIVER LAFARGE.

W. CARSON RYAN,
JAY B. NASH,
OLIVER LAFARGE,
The Editorial Committee.

Mrs. JEMISON. For the consideration of the committee I offer the pamphlet, "The New Day for the Indians, a Survey of the Working of the Indian Reorganization Act of 1934," marked "Exhibit 7." This is the pamphlet which the above letter transmitted to Congress. On the back of the cover page of this pamphlet, it is stated (p. 2):

NOTE.—The material for this pamphlet was gathered from sources believed to be authentic and checked by the Indian Bureau in Washington.

It has been put together under the editorial supervision of Prof. Jay B. Nash of New York University, formerly in the service of the present Indian Office administration; Oliver LaFarge, president of the American Association on Indian Affairs; and W. Carson Ryan, director of Education of the United States Indian Service, 1930-36, and now with the Carnegie Foundation, New York City.

It appears under the sponsorship of those who sign the foreword and does not necessarily voice the attitude or program of any one of the organizations interested in Indian affairs. Its publication has been made possible by voluntary contributions of a few individuals interested in getting the facts before the public.

The American Association on Indian Affairs, whose name appears on the envelope, has merely lent the address of its office for use in case of nondelivery.

Additional copies may be secured from Academy Press, 112 Fourth Avenue, New York City, at 10 cents a copy, postpaid.

The foreword and those signing it are as follows:

This pamphlet sets forth the essential facts concerning the change in the Government's policy toward American Indians, brought about by the passage of the Reorganization Act of 1934. We believe it to be a fair statement of accomplishments, problems, and shortcomings. The American public, little informed about the condition of a third of a million of their fellow citizens, should know what the Government is trying to accomplish by restoring to the Indians on reservations a large control of their own lives, property, and institutions.

The attempt to "Americanize" the Indians by making them individual property owners failed to absorb them into the stream of American life and only succeeded in breaking up their reservations by sale or forfeiture of Indian lands to white men. The new policy encourages tribal life and community control of lands and resources. Although it has already shown encouraging results, it has a difficult road to travel away from the wreckage of Indian institutions under the old system.

Those who sign this pamphlet thereby endorse the principle of the Reorganization Act of 1934. We do not necessarily approve all that has been done by the Bureau of Indian Affairs to carry it out. We believe the statements of fact in

this pamphlet, taken from official records, fairly reflect present conditions. We do not presume to endorse every statement made. We submit the material to the American public with an urgent plea for a sympathetic understanding of a difficult problem of adjustment between two conflicting civilizations.

Signed by the following:

Pablo Abeita, Isleta Pueblo, Albuquerque, N. Mex.

Louis Bartlett, vice president, John Randolph Haynes and Dora Haynes Foundation, committed among other purposes to justice for Indians.

Ruth Benedict, associate professor of anthropology, Columbia University; editor, *Journal of American Folklore*.

Bruce Bliven, editor, *the New Republic*.

Leonard Bloomfield, chairman, department of linguistics, University of Chicago.

Franz Boas, professor emeritus of anthropology, Columbia University.

Ray A. Brown, professor, law school, University of Wisconsin; legal adviser and contributor to "Problem of Indian Administration" (Meriam Report to Secretary of Interior, 1927); coauthor report on enforcement of law on Indian reservations, to Commissioner of Indian Affairs, 1930.

Fay Cooper-Cole, chairman, department of anthropology, University of Chicago; member of various archaeological expeditions in American southwest.

John M. Cooper, department of anthropology, Catholic University of America; vice president, American Anthropological Association.

George P. Clements, chamber of commerce, Los Angeles, Calif.; an authority on California Indians.

Harold S. Colton, director, Museum of Northern Arizona; trustee, Laboratory of Anthropology, Santa Fe; director, San Francisco Mountain Zoology Station, Flagstaff, Ariz.

Byron Cummings, director emeritus, Arizona State Museum.

William A. Durant, principal chief of the Choctaw Nation.

Ben Dwight, formerly principal chief of Choctaw Nation and now president of the Indian Intertribal Council representing 30 tribes.

Herbert R. Edwards, member of Meriam Commission on Problem of Indian Administration.

Haven Emerson, professor of public health administration, Columbia University; first vice president, American Association on Indian Affairs.

Edwin R. Embree, president, Julius Rosenwald Fund; researcher among Indians.

Howard S. Gans, director of American Association on Indian Affairs.

Robert Gessner, author of "Massacre."

Rev. Philip Gordon, Chippewa Indian Catholic priest, St. Patrieks Church, Centuria, Wis.

John J. Hannon, president, State Board of Control of Wisconsin, with jurisdiction over Indian work.

John P. Harrington, Bureau of American Ethnology, Smithsonian Institution, Washington, D. C.

M. Raymond Harrington, curator, Southwest Museum, Los Angeles, Calif.

Melville J. Herskovits, department of anthropology, Northwestern University.

Frederic W. Hinriehs, Jr., American Association Indian Affairs; dean of California Institute of Technology, Pasadena, Calif.

F. W. Hodge, director, Southwest Museum, Los Angeles, Calif.; formerly with Museum of American Indian, New York; former president, American Anthropological Association; former ethnologist in charge, Bureau of American Ethnology.

Edgar Howard, Member of 68th to 73rd Congresses (1923-35) from Nebraska; coauthor of Wheeler-Howard bill

Ales Hrdlicka, Curator, Division of Physical Anthropology, United States National Museum, Washington, D. C.

Albert Ernest Jenks, emeritus professor of anthropology, University of Minnesota.

A. V. Kidder, chairman, division of historical research, Carnegie Institution of Washington; chairman of board, Anthropological Laboratory, Santa Fe, N. Mex.; chairman, Division of Anthropology and Psychology, National Research Council (1926-27).

Charles Kie, official interpreter, Laguna Pueblo.

Oliver La Farge, president, American Association on Indian Affairs.

Robert Lansdale, New York School of Social Work; former Director of Personnel, United States Office of Indian Affairs.

Ralph T. Linton, professor of anthropology, Columbia University.

Charles T. Loram, director of graduate studies, department of cultural contacts and race relations, Yale University.

John Joseph Mathews, member of Osage Tribal Council; author of *Wah Kon Tah* and *Sundown*.

William Gibbs McAdoo, former United States Senator from California.

Margaret McKittrick, American Association on Indian Affairs.

H. Scudder Mekeel, director, Laboratory of Anthropology, Santa Fe, N. Mex.

Jay B. Nash, professor of education, New York University; former Director, Indian Emergency Conservation Work.

William F. Ogburn, professor of sociology, University of Chicago; Director of Research, President's Research Committee on Social Trends.

Father Bona Ventura Oblasser, Sells Agency, Sells, Ariz.

Robert Redfield, dean, division of sciences, University of Chicago; research associate, Carnegie Institution of Washington, in charge of ethnological and sociological field work.

W. Carson Ryan, Carnegie Foundation for Advancement of Teaching; former Director of Education, United States Office of Indian Affairs.

Lester F. Scott, national executive, Camp Fire Girls.

Elizabeth Shepley Sergeant, writer on Indian affairs; special researcher in Pueblo country.

Ernest Thompson Seton, president, Seton Institution of New Mexico, an institute devoted to the preservation, development and diffusion of Indian culture.

Guy Emery Sipler, editor, the *Churchman*.

Frank G. Speck, department of anthropology, University of Pennsylvania; author of numerous books on Indians.

Vilhjalmur Stefansson, geographer, anthropologist; president, the Explorers Club, New York.

Fred M. Stein, former treasurer, American Indian Defense Association.

Huston Thompson, former Chairman of Federal Trade Commission; for many years active in national Indian affairs.

George C. Vaillant, American Museum of Natural History, New York; authority on Indian arts and crafts.

Wilson D. Wallis, department of anthropology, University of Minnesota.

James P. Warbasse, president, Cooperative League of United States of America; consultant on cooperation among Indians.

B. D. Weeks, president, Bacone College for Indians.

Mrs. JEMISON. In this list I wish to point out to the committee that (1) the Indians, William A. Durant, Ben Dwight, and John Joseph Mathews, are all members of tribal councils whose salaries are handled through the local agencies, from tribal funds, and that Charles Kie is in the direct employ of the Bureau as official interpreter.

(2) Ray A. Brown, professor, and Herbert R. Edwards were contributors to the original Meriam reports on which Commissioner Collier says this program was based.

(3) John P. Harrington, Aleš Hrdlička, Robert Lansdale, Jay B. Nash, W. Carson Ryan, William F. Ogburn, Huston Thompson, H. Scudder Mekeel, either have been or are now in the employ of the Federal Government, some of them in the Indian Bureau.

(4) Haven Emerson, Howard S. Gans, Frederick W. Hinrichs, Jr., Oliver La Farge, Margaret McKittrick, and Fred M. Stein are members of the American Association on Indian Affairs, Inc., or one of its parent organizations.

(5) Bruce Bliven, Franz Boas, Haven Emerson, Edwin R. Embree, Howard S. Gans, Robert Gessner, Jay B. Nash, W. Carson Ryan, are all listed as members of the American Civil Liberties Union on pages 528-531, volume 1, of the Dies hearings.

(6) Ruth Benedict, Franz Boas, Fay Cooper-Cole, John M. Cooper, Harold S. Colton, Byron Cummings, John M. Harrington, M. Raymond Herrington, Melville J. Herskovits, F. W. Hodge, Aleš Hrdlička, Albert Ernest Jenks, A. V. Kidder, Ralph T. Linton, H. Scudder Mekeel, Robert Redfield, Frank G. Speck, Vilhjalmur Stefansson, George C. Vaillant, and Wilson D. Wallis are all anthropologists or ethnologists, or curators or directors of museums throughout the

country. The interest of these people is in the dead Indians of the past. In my opinion, their support of the Wheeler-Howard Act is proof that the act is taking the Indians backward to the time before Columbus and is carrying out the thought expressed by Commissioner Collier in 1934 when he said in an American Indian Defense Association publication:

There are about 100,000 Indians who are pure bloods. * * * These tribes with their properties, are a responsibility and an asset in just as permanent a sense as are the Yosemite and Mesa Verde Parks, Arlington Cemetery, or the Washington Monument.

In other words, we Indians are a "cultural minority" which must be segregated and preserved in the primitive ways of our ancestors for the entertainment of the American public, just the same as wild animals in a zoo. Naturally these professors of anthropology would be interested in re-creating the conditions of 200 years ago and having the Indians become living, breathing mummies, preserved in their natural habitat. The anthropologists have been consulted at every step of this program, even to drafting of constitutions. Some of the Indian communities which have been set up in national parks and on public domain under authority of the Wheeler-Howard Act bear out the zoo motif.

To return to the pamphlet, the "Introduction" is as follows:

The outlines of the Indian problem are set by a century and more of governmental activity which had as its major ideal the "Americanizing" of the Indian. Tribal government was ignored or undermined. Communal land tenure was broken up. Ancient ceremonies and religions were suppressed. Native arts and poetry were discouraged. Indian family life was nearly destroyed by the institution of the Government boarding school.

Under the sway of these policies the Indians as a race were on the road to extinction. Indian resources were being rapidly dissipated. Indian life was becoming tangled ever more deeply in a mesh of bureaucracy. Under the weight of a benevolent Federal "guardianship," Indian initiative and resourcefulness were being crushed.

In 1862 Secretary Stanton described the administration of Indian Affairs as a "sink of iniquity," and President Lincoln declared: "If we get through this war, and I live, this Indian system shall be reformed."

For years the friends of the Indian and Indian leaders themselves agitated for reform. In the late 1920's a thorough factual study of the whole system was made by a committee under the Institute of Government Research headed by Dr. Lewis Meriam. Publication of the Meriam report in 1928 was followed by a lengthy investigation by a committee of the United States Senate whose voluminous hearings and exposures heralded the reforms to come. President Hoover appointed to the Indian Office commissioners of a wholly new type, pledged to a reform program—Messrs. Charles J. Rhoads and J. Henry Scattergood. Under their administration the groundwork was laid for a new policy, embodied in the Indian Reorganization Act of 1934. President Roosevelt in urging the enactment of this measure wrote:

"Certainly the continuance of autocratic rule, by a Federal department, over the lives of more than 200,000 citizens of this Nation is incompatible with American ideals of liberty. It also is destructive of the character and self-respect of a great race."

In 1933 three vigorous critics of governmental Indian policies were appointed to important posts—Harold L. Ickes as Secretary of the Interior, Nathan R. Margold as Solicitor of the Interior Department, and John Collier as Commissioner of Indian Affairs. The question that many friends of the Indians asked was: Will these men in office be as vigorous defenders of Indian rights as they were out of office? Will they effect fundamental changes in Indian administration, or will they become prisoners of an entrenched bureaucracy, helpless under the weight of accumulated laws, regulations, procedures, pressures, and vested interests?

This pamphlet not only attempts to answer these questions but deals more searchingly with the underlying change in Government policy which had been developing in the previous administration, and which found its expression in law in the Reorganization Act. The facts set forth here are to be appraised, not in the light of the achievements or attitudes of particular Government officials, but rather in the light of a reversal of an old and disastrous policy and the adoption of a new one, supported almost unanimously by friends of the Indians, by Congress, and by large numbers of Indian tribes and leaders themselves.

I point out to the committee that (1) this statement contains the same thoughts as those expressed by Mr. Collier to indicate the origin of the Wheeler-Howard Act when he appeared before this committee; (2) the last statement that the pamphlet is to be considered "in the light of a reversal of an old and disastrous policy and the adoption of a new one" is confirmation of our statement that the Wheeler-Howard Act is contrary to the 150-year-old program of the Congress of the United States.

I call attention to the statements on page 16, under the title, "The Old Against the New," subheading, "Rights." In the column, "The Old," it is stated:

Indian Bureau through good administration and poor, dealt with Indians *individually* on paternalistic basis. [Italics theirs.]

Opposite this column, "The New," it is stated:

Indian Bureau fosters democratic principles and the right to negotiate through representatives of Indians' own choosing.

What other conclusion can one draw from these statements except that the Bureau now deals with the Indians on a collectivist basis?

The last two pages of this pamphlet state:

WHAT CITIZENS CAN DO TO AID THE NEW POLICY

1. Keep informed about pending Indian legislation. Do so through getting on the mailing list of one of the organizations active in aiding Indians or by subscribing to Indians at Work published by the Indian Bureau monthly. Address the Office of Indian Affairs, Department of the Interior, Washington. It should be noted that a limited number of copies of each issue is available.

2. If you approve of the new Indian policies, say so, and record your opposition to all legislative attempts to repeal the Indian Reorganization Act.

3. Protest against any appropriation bill that violates the promise of the Indian Reorganization Act by appropriating tribal funds for purposes that the tribe does not approve. Protest any measure which takes away from Indians any property or any rights without free consent or fair compensation.

4. Urge your Representative and your Senators to back new legislation needed for the conservation of Indian natural resources, to support the appropriations for land, education, credit, and organization promised in the Indian Reorganization Act, to favor legislation giving Indian tribes more control over their tribal funds, and to press for the enactment of legislation giving all Indian tribes a day in court on their claims against the United States Government based upon past misappropriations of Indian land and Indian funds.

5. Make it a point to expose lies and fallacies about Indians and the Indian Bureau wherever they may appear by writing to your local papers.

6. When self-styled spokesmen and representatives of Indian tribes attack Indian constitutions, charters and tribal councils ask whether they have been elected by the Indians they claim to represent.

7. See that the information presented in this pamphlet is made available wherever it will do any good.

8. Watch the Indian Bureau if you approve its new policies and promises, to see that these policies and promises are maintained and effectively carried out. If you think the Indian Bureau has gone off on the wrong track, give the Bureau the benefit of your criticism, but make sure your criticism is based on facts.

9. Keep in touch with one or another of the organizations assisting Indians. The following list is in the nature of a directory. Some of the organizations listed

disagree with some aspects of the present policy, others support it. Inclusion of their names here does not imply sponsorship of this pamphlet.

The American Association on Indian Affairs, Inc.; 1000 Madison Avenue, New York City; Oliver La Farge, president; Mrs. John Rogers, Jr., secretary. Successor to the National Association on Indian Affairs and the American Indian Defense Association. Organized to protect Indian constitutional rights, improve Indian education and health, foster Indian art and crafts, and promote legislation for general welfare of Indians. Publishes *Indian Affairs*. Subscription, \$2. Active membership, \$5.

Indian Rights Association; 301 South Seventeenth Street, Philadelphia. Organized for "active nonpartisan work for Indian civilization and citizenship." Publishes *Indian Truth*. Subscription, including membership, \$2 a year.

The Committee on Indians' Rights of the American Civil Liberties Union, 31 Union Square West, New York City, Prof. Jay B. Nash, chairman. Organized to assist legislation extending the civil rights of Indians. No dues. Persons may get on the mailing list free of charge.

Sub-Committee on American Indians of the National Society of the Daughters of the American Revolution. Mrs. B. D. Weeks, Bacone, Okla., vice chairman in charge. State chairman in 31 States. Engages in activities promoting Indian citizenship, education, and welfare. Issues special news letters, bibliographies, etc.

Division of Indian Welfare of the General Federation of Women's Clubs. Mrs. Harvey W. Wiley, 2345 Ashmead Place N.W., Washington, D. C.

In this part of the pamphlet I call attention particularly to points 2, 3, and 4, all of which urge people to lobby in Congress, as follows: (2) Against all legislative attempts to repeal the Indian Reorganization Act; (3) [reading]:

protest against any appropriation bill that violates the promise of the Indian Reorganization Act by appropriating funds for purposes that the tribe does not approve—

And (4) [continuing]:

Urge your Representative and your Senators to back new legislation. * * * to support appropriations for land, education, credit organization promised in the Indian Reorganization Act * * *.

I wish to make it clear to the committee that I recognize the right of any organization to make such appeals to citizens. There is no argument on that score. But this pamphlet which was published by private individuals and organizations has also been circulated directly from the Bureau of Indian Affairs. In 1939 a friend of mine protested to the Secretary of the Interior about the conditions among the Indians resulting from the Wheeler-Howard Act. In reply to that protest the Bureau of Indian Affairs sent this citizen a letter enclosing copy of this pamphlet, "The New Day for the Indians," and mimeographed copy of a press release attacking the American Indian Federation. I am sure the committee will not object to the name and address of this person being excluded from this record, and with that understanding I enter in evidence, marked "Exhibit 8," copy of letter addressed to the Commissioner of Indian Affairs, acknowledging receipt of the pamphlet. I ask that the body of this letter be included in the record at this point, and I will be glad to supply the name and address for the confidential information of the committee. (The letter referred to follows:)

EXHIBIT 8

MARCH 30, 1939.

MR. JOHN COLLIER,
Commissioner of Indian Affairs,
Department of the Interior, Washington, D. C.

DEAR SIR: I received the pamphlet *The New Day for the Indians*. On the face of it, the program as outlined therein appears to be for the best interests

of the Indians, but in spite of the impressive list of prominent persons who have endorsed your program, I cannot feel that way about it.

I have always felt that the "first Americans" were unfairly treated by the whites; and while I am not responsible for what my ancestors did, since these people are wards of the Government, I feel that I would be remiss if I did not utter a word of protest against injustices that are committed against Indians today.

Mrs. Alice Jemison gave me the impression of being a truthful and very intelligent woman who has the welfare of her people at heart. A woman of her intelligence is capable of holding a job which would enable her to enjoy as many of the good things of life as most people enjoy. But instead of getting as much selfish enjoyment out of life as possible, she is devoting herself to helping those of her race who are less well off than she. I cannot see what other motive she could have for engaging in the work which she is doing.

As for your program not being communistic, in view of the revelations of the Dies committee concerning communistic influences at work within Government agencies, I don't think it is any wonder if people suspect that communism is back of this "new deal" for the Indians.

I think it is bad enough for one person to try to trick another person who is his equal in education and training, but it seems to me that any scheme to bamboozle the poor Indians out of the little that was left to them by the whites is nothing less than outrageous.

President Roosevelt is a large landholder. I understand that he has a big estate in Georgia in addition to his Hyde Park estate and a fine home in New York City besides. I haven't heard of him handing over any of his land to the Government, so I do not see how he can approve of any scheme for getting the Indians to sign away their holdings. The chances are that a good many Indians who signed "on the dotted line" didn't know what they were signing.

I think that any Indians who prefer to follow the primitive way of living of their ancestors should be allowed to do so. I do not believe in trying to force my mode of life and ideas of culture on any person or persons who do not want them. But I certainly do think that those Indians who wish to get an education and advance themselves so they can take their place in American life should be permitted to do so and not be held down to the level of wards of the Government when they have sufficient intelligence to make their own way.

Indians being the "first Americans" certainly have a right to a place in American life if anyone has. Mrs. Jemison is certainly far above average Americans in intelligence, and no doubt there are thousands like her. As far as morality is concerned, I believe the Indians could teach the rest of us something, for I have always heard that they were a moral people.

One of the worst features of communism as it works out in actual practice is that a few people in authority—and very often mediocre people, at that—seem to get the idea in their heads that they are the arbiters of the destiny of the masses. Anyone who believes in a Supreme Being knows that such an idea is abhorrent to Him, and that is why communism is doomed to failure.

Of course, Communists deny God. Some people have denied the law of gravity too, but they came to earth with a good hard bump.

Very truly yours,

P. S.—As for the scheme to "victimize the unsuspecting Indian" described in your letter to the press, why don't you call in a person like Mrs. Jemison? She would prevent her people from being victimized.

If any government tried to get me to sign away my birthright for a little slip of paper, I would certainly feel that I was being "victimized."

Mrs. JEMISON. The Commissioner stated before this committee that it was a terrible thing for the Senate Committee on Indian Affairs to issue a report which condemned the Government in its handling of the Indians, or words to that effect. I call attention to the following paragraph from page 10 of this pamphlet [reading]:

Indian education.—Until 1928, the main purpose of Indian education was to make the children turn completely away from all things Indian, and in every way possible to break up tribal life. Inferior staffs, miserable housing, inadequate food, constant overwork, military routine, and genuine cruelty made the Indian schools seem penitentiaries to which children were sentenced for the crime of being born Indians.

There is nothing in the Senate report on S. 2103 which approaches such condemnation of the Government as the above-quoted passage from this booklet which the Commissioner himself has been circulating.

I also call attention to pages 36 and 37, which deal with those who are opposed to the Wheeler-Howard Act. On page 36 it is stated:

Among the Indians, opposition to the policies of the Indian Reorganization Act is due largely to the deception and manipulation of Indians by interested whites or to property and class conflicts among the Indians themselves.

The first statement is the usual attempt to arouse the race question. The last statement we will concede. The conflict among the Indians has been between the "haves" and the "have nots" with the "have nots," or nonproperty owners, in favor of the program and the "haves," or property owners opposed to relinquishing their property to the incorporated tribe and accepting in exchange therefor a "certificate of corporate interest."

The above-quoted paragraph and the next one are followed by a list of the classes of people who are opposed to the Indian Reorganization Act. On page 37 it is stated:

And finally, those Indians and whites who have used Indian misfortunes and disagreements to collect fees for their own support. Under the present regime Indian Service opposition to fee chasing among Indians has constantly provoked intemperate attacks from the racketeering interests whose incomes have been jeopardized.

As is stated above, the Commissioner has continually attacked and condemned Indians who collect any money from their own people for organization purposes or to send delegates to Washington. Yet he allows his superintendents to collect unjust and excessive fines for his Wheeler-Howard courts and their support from individual funds of Indians which are on deposit at the respective agencies, and to make such collections from work-relief pay checks, from old-age-pension checks, from Federal farm-grant checks, from retirement-pension checks, from Sioux benefit checks. As is stated in the evidence submitted by the Papagoes, at that agency Mr. Collier is permitting the superintendent to collect 10 percent from every work-relief check for the support of the tribal council, and some of that fund was recently used to send three Indians on a jaunt into Mexico to attend a conference for which the Federal Government had appropriated \$2,000 for the expense of delegates.

Possibly, too, the committee would be interested to know that this pamphlet, *The New Day for Indians*, was sent to Mr. Fred B. Bauer, an Indian who lives at Cherokee, N. C., with a little slip of pink paper soliciting funds to be used in circulating this pamphlet. I do not know who sent the pamphlet to Mr. Bauer. If it is wrong for the Indians to collect funds from their own people, to be used in protecting their common interests and welfare, then why does the Commissioner permit these white organizations, one of them his own, to solicit funds from Indians to propagandize for his program?

Finally, I call attention to point 9, on page 47, which states:

9. Keep in touch with one or another of the organizations assisting Indians. The following list is in the nature of a directory. Some of the organizations listed disagree with some aspects of the present policy, others support it. Inclusion of their names here does not imply sponsorship of this pamphlet.

The American Association on Indian Affairs, Inc., 1000 Madison Avenue, New York City; Oliver La Farge, president; Mrs. John Rogers, Jr., secretary.

Successor to the National Association on Indian Affairs and the American Indian Defense Association. Organized to protect Indian constitutional rights, improve Indian education and health, foster Indian art and crafts, and promote legislation for general welfare of Indians. Publishes Indian Affairs. Subscription, \$2. Active membership, \$5.

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The Committee on Indians' Rights of the American Civil Liberties Union, 31 Union Square W., New York City; Prof. Jay B. Nash, chairman. Organized to assist legislation extending the civil rights of Indians. No dues. Persons may get on the mailing list free of charge.

Subcommittee on American Indians of the National Society of the Daughters of the American Revolution; Mrs. B. D. Weeks, Bacone, Okla., vice chairman in charge. State chairmen in 31 States. Engages in activities promoting Indian citizenship, education, and welfare. Issues special news letters, bibliographies, etc.

Division of Indian welfare of the General Federation of Women's Clubs; Mrs. Harvey W. Wiley, 2345 Ashmead Place N.W., Washington, D. C.

Of the five organizations mentioned, four of them were represented at the Indian conference held at the Cosmos Club on January 7, 1934. In other words, the American Association on Indian Affairs, Inc.—union of two organizations which were at conference—the Indian Rights Association, the committee on Indians' rights of the American Civil Liberties Union, and the division of Indian welfare of the General Federation of Women's Clubs, aided and assisted in the conception of the so-called Wheeler-Howard Act, and they do not intend to have their brain child expire if they can possibly prevent it.

I also enter in evidence, marked "Exhibit 9," the 1939 Annual Report of the American Civil Liberties Union, entitled "The Bill of Rights, 150 Years After, the Story of Civil Liberties, 1938-39, American Civil Liberties Union, 31 Union Square W., New York City (Copyrighted), June 1939," and from page 39 quote as follows:

The extension of civil rights and tribal autonomy to American Indians under the Reorganization Act of 1934 has greatly diminished the conflict between Government control of Indians on reservations and the Indians' desire for freedom in their tribal life. A pamphlet relating the advances made under the act was published during the year through an editorial committee composed of Oliver La Farge, president of the American Association on Indian Affairs, W. Carson Ryan, formerly director of education in the Indian Service, and Prof. Jay B. Nash, chairman of the union's committee on Indian Civil Rights. The union aided in the widespread distribution of the pamphlet both among Indians and their friends.

I also enter in evidence, marked "Exhibit 10," a news-letter, No. 14, April 15, 1940, issued by the American Association on Indian Affairs, Inc., 381 Fourth Avenue, New York City. From pages 1 and 2 the following is quoted:

S. 2103: As we go to press S. 2103 is still hanging fire in the Senate. This is a bill to repeal the Indian Reorganization Act for the following tribes and groups: The Standing Rock, Pine Ridge, Yankton, and Cheyenne River Sioux; the Eastern Cherokees; all Indians in California and Nevada; the Indians on the Colorado River Reservation; the Navajos of New Mexico.

On February 19 it was brought up on the Consent Calendar and after an objection by Senator King, of Utah, which was later withdrawn, it was passed by unanimous consent. After this action had been taken, Senator O'Mahoney, who has been sympathetic to the numerous protests against this measure moved, that the Senate reconsider its action in passing S. 2103, following this with a motion to have the bill brought back from the House. This was done, and a motion for reconsideration is now on the Consent Calendar. There is still no certainty that the bill will be returned to committee, in spite of the vigorous

protests against it. There have been repeated statements that this legislation affects only Indians who wish to have the Indian Reorganization Act repealed, and yet the authorized representatives of almost every tribe included in the bill have expressed a desire to remain under the Indian Reorganization Act. This association has made every effort to bring the Indians' desires to the attention of interested Senators. If this bill finally passes the Senate, it will be in the face of clear opposition from the Indians whose future welfare will be seriously jeopardized.

To my mind, the evidence which I have here submitted is conclusive proof that the same people who originated and sponsored the Wheeler-Howard Act are now opposing any legislation which will repeal or amend it to exclude Indians from it. It is my further opinion that they do so because they are in agreement with the theories of the act and not because of any particular first-hand knowledge about how the theory is working out or whether the Indians want the program. On the subject of those who are opposing this bill, I respectfully ask that copy of letter to Hon. Lynn J. Frazier, dated January 29, 1940, which I wrote, be copied into the record at this point. I offer this letter, marked "Exhibit 11."

(The letter referred to follows:)

EXHIBIT 11

WASHINGTON, D. C., January 29, 1940.

HON. LYNN J. FRAZIER,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR FRAZIER: Thank you sincerely for calling my attention to the letters and telegrams which you have received opposing enactment of your bill, S. 2103, which is now on the Senate Calendar and which would amend the so-called Wheeler-Howard Act to exempt certain Indian tribes. As I know that the majority of the Indians mentioned in that bill are in favor of it, and have appeared as the representative of several groups at the hearings held upon the bill, I am most interested in this suddenly-developed opposition. From the messages which I have seen, I believe that most of the opposition falls into three or four general classifications and apparently has been inspired by telegrams from the Commissioner of Indian Affairs, John Collier. I wonder how much that blanket of telegrams cost the taxpayers.

Among the Indians there seems to be opposition from two sources, the first being from Indians who are employed by the Indian Bureau. The message signed by Jarrett Blythe, Chief of the Eastern Band of Cherokee Indians of North Carolina, is an excellent example of this type of opposition. In 1934, these Cherokees were high pressured into accepting the Wheeler-Howard Act by deceptive promises and coercive methods of the Bureau employees, as was the case in almost all places where the act was accepted by the Indians. Very few of the Cherokees had even seen a copy of the law when they voted to accept it. After seeing the law itself, they decided they wanted nothing to do with it but preferred to keep their State charter and constitution under which they had successfully operated as a corporation for the past 50 years. So when the time came to organize under the Wheeler-Howard Act, they rejected the Bureau-prepared constitution at the referendum election in 1935 and they continue to operate under their State charter. Under that charter, Jarrett Blythe had been elected Chief and was the Chief when Mr. Collier was appointed as Commissioner of Indian Affairs in 1933. Sometime during 1933, or early in 1934, the Indian Bureau gave Chief Blythe a job as supervisor over all work relief at Cherokee and he has been continuously employed in that capacity at a salary of \$100 per month, or more, ever since that time. Of course he will oppose S. 2103, or do and say anything else that the Bureau orders. He is compelled to do as they say so he can keep his job. By this method the Bureau is able to control the Chief of the Eastern Band of Cherokee Indians, and, in large measure, the affairs of the tribe, while making it appear that the actions of the Council, or the puppet Chief, are voluntary "Indian" actions. Likewise, through his strategic position, with full authority to say who shall and who shall not receive work relief, and with access to Government supplies of gas and oil and other facilities for campaign purposes, Chief Blythe has been able to keep himself in office.

This method of controlling Indian tribal councils is a most reprehensible practice of the Indian Bureau and no one denounced it more strenuously than did Mr. Collier before he became Commissioner of Indian Affairs. Since becoming Commissioner, however, Mr. Collier has not only continued this method of controlling tribal councils but has intensified it, and, through the use of work relief funds, has extended it to many individual Indians. I am sure that Congress never intended that work relief appropriations should be used as a club to force the Indians into submission to the Indian Bureau, but in April 1934, a letter signed by Harold L. Ickes, Secretary of the Interior, was widely circulated among all Indians employed by the Bureau, both on regular and work relief pay rolls. That letter, which is in evidence before the Senate Committee on Indian Affairs, stated in substance that any employee who opposed the new Indian program would be dismissed from the service. Thus spoke that great champion of civil liberties, Harold L. Ickes, to the helpless humans who have to exist under his autocratic control of their person and property: "Do as I say, ye slaves, or starve, and all your dependents with you." His orders have been literally carried out and the records of the hearings held on this bill, S. 2103, are replete with cases of Indians who have starved to death for opposing this program. Appearing at those hearings before the Senate Indian Committee, the Commissioner, or his representatives, defended this practice of employing tribal officials by saying that in many instances they were forced to provide some income for tribal officials because the tribes had no funds to pay salaries. That is not true in all cases and it is not true in the case of the Cherokees. The Cherokees have tribal funds and have always paid their chief a salary but it does not approach the \$100 per month which the Bureau pays him. The majority of the Cherokees of North Carolina are in favor of your bill, S. 2103, and when Chief Blythe opposes it, he is not representing the wishes of his people. He is simply protecting his \$100 per month Bureau salary and what is more, he was re-elected to the office of chief in the fall of 1939 by the votes of people who wanted to be sure that they and their children lived through this hard, cold winter. Chief Blythe's record of speaking for the Bureau is 100 percent perfect and when he appeared before the House Public Lands Committee to support a Bureau-sponsored bill in 1937, and again in 1939, he admitted that he was not representing the wishes of his people. There are other Indians just like him, and all the opposition from these Indians can be discounted, for they are the "smart" Indians who are looking after their own interests, first, last and all the time, and, to quote Chief Blythe, "let the rest of the Indians look after themselves."

The second source of Indian opposition is from the officers and members of the Councils which have been set up under the Wheeler-Howard Act and those who have secured loans under the act. The message of Frank Wilson, chairman of the Oglala Sioux Tribal Council of Pine Ridge, S. Dak., is typical of this class. These Sioux Indians accepted the act at the first election held there, and accepted the constitution at the second election. A period of operation under that constitution was sufficient to convince them that the program was all wrong and twice since that time they have voted down the charter which would have completed the process and made them a fully organized Indian Bureau corporation. At the election held in August 1938 the vote was almost 2 to 1 against the charter. Frank Wilson was elected chairman, or president of the tribal council at elections held under the Wheeler-Howard constitution. About 70 percent of the adult Indians at Pine Ridge Reservation are in favor of this bill to exempt them from the Wheeler-Howard Act and have signed petitions beseeching Congress to enact such legislation. Frank Wilson speaks for the balance of 30 percent of the Indians. His election as president of the tribal council is a good example of the minority control which is provided by the so-called Wheeler-Howard Act. That law, as amended in 1935, provides that any election at which 30 percent of the voters cast a ballot shall be considered a legal election. This is extended to all elections which are held for tribal councils organized under the act. Thus it is possible for candidates to be elected by as few as 16 percent of the total voting population on any reservation, as 16 percent is a majority of 30 percent. This is the minority control which is exercised in general tribal elections and when it comes to local community government set-ups, it is even worse because the Wheeler-Howard constitutions provide that the Council can delegate its powers and authority to a small group, or even a single individual, in a community and that group or individual can control the affairs of the entire community, irrespective of the wishes of the residents. You know, and I know, Senator, that if Indians do not like anything, it is their nature to leave it entirely alone and give it wide berth. In many places where the Indians are opposed to this entire,

crack-pot program of the Commissioner, they just do not go to vote at these so-called tribal elections but the Bureau, through work relief and favors, manages to keep sufficient Indians and their relatives under its control to secure a 30 percent vote and thus make them legal elections under the law.

This is exactly what has happened at Pine Ridge, S. Dak. There are about 4,800 voters on that reservation and at the last election when Frank Wilson was elected president of the tribal council, there were slightly more than 1,400 votes cast. He has less authority to speak for the Oglala Sioux Indians on this particular bill than I do, for I was authorized to represent a little over 3,000 who signed petitions asking for the introduction and enactment of such a bill. The Indian Bureau refuses to recognize anyone as representing the tribe on any matter, except those elected under the Wheeler-Howard Act. Thus the majority of those Indians are denied representation in their tribal affairs, while those 16 percenters control all tribal business, loan money to themselves and their friends from the revolving funds set up under the Act, and spend the tribal funds. Certainly Frank Wilson and all other such elected officers will oppose the bill S. 2103. It is to their personal advantage to do so. In the case of Frank Wilson, some 2 years ago the Indians called the attention of the Bureau to the fact that he was spending tribal funds for his own personal needs and the subsequent Bureau investigation revealed that this charge was correct. He still continues in office and the Bureau continues to recognize him as the responsible head of the Pine Ridge Sioux Indians. When I was out there in 1938, I took an affidavit from a poor widow who was trying to collect \$10 from Frank Wilson which he owed her for a load of wood that he had confiscated from her property. She had tried to have the agency officials or the Wheeler-Howard courts do something about it and had been told that they did not want to embarrass the "president" of the tribal council. The affidavit is now part of the record before the Senate Indian Committee. I do not say it is true in all cases, but it is true in many cases that the Bureau is protecting, upholding, and keeping in public office on the reservations some of the weakest, least desirable, and most ruthless elements among the Indians. It is among this class that satisfactory rubber stamps can be found. All the opposition from these sources can likewise be dismissed because again it arises from selfish, personal interests.

I believe that investigation will show that all the Indian opposition falls into one or the other of these two classifications. When it comes to the opposition from white sources, that apparently comes from organizations and various arm-chair contenders with whom the Commissioner was associated prior to his appointment. Mr. Oliver La Farge, for example, is the president of the American Association on Indian Affairs, Inc. This organization is a combination of the National Association on Indian Affairs and the American Indian Defense Association, of which Mr. Collier was executive secretary for 10 years. Naturally, his own organization will oppose S. 2103 with all the resources at their command. In December 1938 Mr. La Farge sent a letter to all Members of Congress enclosing a pamphlet, prepared by himself, Prof. Jay B. Nash, of the American Civil Liberties Union; and Dr. Carson Ryan, Jr., of the Progressive Education Association, and formerly Director of Indian Education in the Indian Bureau. The pamphlet entitled "The New Day for the Indians" is propaganda in favor of the so-called Wheeler-Howard Act and arguments against its repeal. The foreword is a statement endorsing the "principles of the Reorganization Act of 1934" which is signed by 36 individuals, including several members of the American Association on Indian Affairs and the American Civil Liberties Union; several anthropologists and authors such as Frank Boas, Fay Cooper-Cole, Robert Gessner, Elizabeth Shepley Sergeant, and Ernest Thompson Seton, a sprinkling of Indians, most of them Bureau-employed; the president of the Cooperative League of U. S. A. and "consultant on cooperation among Indians" James P. Warbasse; and such well-known radicals as Bruce Bliven and Edwin R. Embree. The last two pages tell "What Citizens Can Do to Aid the New Policy." It gives nine points urging actions to protect the program of the present Commissioner. Point 9 says to "keep in touch with one or another of the organizations assisting Indians," and lists the following: "The American Association on Indian Affairs, Inc.," "The Indian Rights Association," "The Committee on Indians' Rights of the American Civil Liberties Union," "Sub-committee on American Indians of the National Society of the Daughters of the American Revolution," and "Division of Indian Welfare of the General Federation of Women's Clubs." Not only was the pamphlet sent to Members of Congress, but it was sent out to Indians on reservations with a pink blank for ordering additional pamphlets or sending a contribution to "assist further free distribution of the pamphlet among Indians, public officials,

and interested citizens," which were to be sent to W. Carson Ryan in New York City. I do not know how many were distributed by the Indian Bureau officials, but I do know that some copies were sent out to individuals who had written to the Secretary of the Interior protesting some of the things which were being done to the Indians.

Without a doubt, any or all of those individuals and groups whose names appear in that pamphlet will oppose enactment of S. 2103, for reasons of their own. It is a representative list of various "professional friends" of the Indians. There are the cultural groups—artists, authors, anthropologists, and others—who want to keep the Indian living in the ways of his ancestors and preserve him and his culture as tourist attractions in the national parks, making pottery and beadwork, and dancing around in a gee-string—"so quaint! so picturesque!" There are the radical groups who are using the Indian as a guinea pig and his land and resources as a laboratory for a Communist experiment, financed at public expense, which "might well point the way for other Americans," as one of them expressed it in a magazine article. There are the various groups who adopt the Indians as a hobby to fill up idle time and swell their own sense of importance or superiority by holding a meeting once a year to determine the fate of the Indian, or give a charity ball for the "poor neglected savages," or make a great showing of their "democratic principles" by visiting an Indian reservation or being adopted into a tribe—always with plenty of publicity. And there are others, with other reasons for being "friends" of the Indians.

Senator, I have more white blood than Indian, and I am just as proud of my Irish, English, German, Dutch, and French ancestors who colonized and founded this country as I am of my Seneca and Cherokee ancestors who welcomed them, helped them get established, fought by their sides in the Revolutionary War and gave their form of government to the infant nation. I know and love both races, for I am a part of each, but some of these self-styled white humanitarians make me very weary. Their self-assurance is appalling. In many cases, their knowledge of Indians is so superficial it constitutes ignorance and some of them would not recognize an Indian if they saw one unless he was decked out in war paint and feathers. There is no question of their sincerity. They work and give in the name of "humanitarianism," "charity," "civil liberty," and what not for the Indian but reserve to themselves the right to determine what is best for the Indian and refuse to recognize him for what he is—a human being with God-given rights to self-determination of his own affairs. When an Indian matter comes up before Congress, the guardian of the Indians, these organizations and individuals flood the mails and burn up the wires with endorsements or protests. They raise such a shouting and clamoring that the voices of the Indians are drowned entirely. How dare they be so presumptuous when they know so little. They have both affluence and influence in their favor. Naturally, letters on engraved stationery signed by Mrs. Rip Van Snort Brass-Hat or O. Phew Stuffed-Shirt, X. Y. Z., Q. U. and K., make more of an impression on Members of Congress than do penciled notes on cheap paper from Fly-High Eagle Boy or Flower-Face Slays-Them out on some reservation, particularly if the Member has no Indians in his State or district. There might be constituents lurking in those letterheads. So they prevail in Congress. Their efforts bring the desired results and they settle back with self-satisfied sighs of righteousness and never trouble to find out for themselves just what the results of their actions may be upon the Indians, or whether or not the Indians even desired such things. They have done their duty by the Indians and any Indians who complain are ungrateful wretches. Those groups helped secure the Commissionership for John Collier. He is one of their own. They put on a high-pressure campaign and Congress enacted the Wheeler-Howard Act over the protests of the majority of intelligent Indians. They are employing the same tactics to keep that act in force on Indians who have been appealing piteously to Congress for relief from it.

Where have those people been while the hearings on this bill S. 2103, and similar bills, have been conducted. I have been continuously in Washington since 1935 and have attended the majority of committee meetings on Indian legislation. With the exception of one occasion when a representative of the Indian Rights Association supported the Indian Bureau in opposing a bill that Senator McCarran has sponsored, I have never heard a single representative of these groups speak at the committee meetings for the Indians in whom they profess to be so deeply interested. While the committees have listened patiently and attentively to group after group of Indians who sacrificed time and resources to bring the facts about the operation of the Wheeler-Howard Act to the attention

of Congress, their only hope of relief, these brave champions of the Indians have stayed comfortably by their firesides or in their offices and confined their efforts to letter-writing and pamphlet-publishing in defense of the Commissioner and his program. I cannot believe that they would be so vociferous in their defense if they had personal knowledge or had heard some of the testimony that Indians have given before the committees.

Senator, the Indians have many tried and true white friends. We know who they are. Some of them have been in Washington during the past 5 years to help oppose this program. Some of them have investigated personally on the reservations. Some have at least heard what the Indians themselves had to say and have studied such records as were available. Some of them have been just as hungry, shabby, and poor as we Indians have been, too. None of the real friends of the Indians will be found among those opposing the bill S. 2103. They knew that the Wheeler-Howard Act was one of the worst things that ever befell the Indians and has caused more trouble, grief, and hardship than anything this generation of Indians has ever known. You, and the other members of the Senate Committee on Indian Affairs, know what the record of hearings contains. The committee report on S. 2103 concisely and conservatively summarizes those things far better than I could express it.

Speaking with the authority of personal knowledge and several years of daily work for my people, the First Americans, I endorse that committee report with every shred and fiber of me, and with all the force that I possess. I recommend close and careful study of that report to all those who would really befriend the Indians. In what I say, I speak for the great army of valiant Indians who plead only for the opportunity to be recognized as human beings with the same rights and privileges as other Americans. I speak for those fathers and mothers who earnestly desire the same education for their children that other American children receive and not the experimental program of the Commissioner. I speak for those who have lost their homes and property under this act. I speak for hollow-eyed, silent children. I speak for the aged Indians, thin and wasted with starvation. I speak for Gold-Star mothers and World War veterans, shivering today in thin canvas tents and lowly hovels where the temperature is 30° below zero. I speak for those who cower in fear and trembling, afraid to speak for themselves lest the Bureau employees and Wheeler-Howard Indians thrust them into jail. I speak for those who have starved to death and died of neglect during the past 5 years because they dared to oppose this act—died within the very shadow of new \$10,000 homes that the Commissioner has built for his employees—died while the Commissioner has had approximately \$300,556,000 to spend since 1933—died of starvation while the Commissioner, with the approval of the President, has refused per capita payments from tribal funds to relieve individual sufferings but has spent about \$10,000,000 of tribal funds for other purposes. I speak for all Indians who have suffered under this Wheeler-Howard Act. And lastly, I speak for those of us who have had to stand by and see our people suffer and die under this program and whose hearts have broken because of the futility of our efforts to correct the wrongs. I speak for those who are too cold and hungry, too feeble and ill, to heartsick and bowed with grief to raise their voices. I endorse your bill, S. 2103. In the name of all these Indians for whom I speak, and for myself, I thank you sincerely for that bill and for the efforts which have made it possible for it to come before Congress. Let the "smart" Indians, the Charlie McCarthys, and Mortimer Snerds of the Commissioner speak for themselves alone in opposing enactment of that bill.

Thanking you for all of the service which you have consistently and understandingly rendered my people and trusting that the bill S. 2103 may have a speedy passage in Congress, I am,

Very sincerely yours,

ALICE LEE JEMISON.

Mrs. JEMISON. Not only do these organizations and individuals plan to keep this program in effect upon the Indians by preventing the repeal of the Wheeler-Howard Act, but also by assuring that some of those who have proposed or administered it continue in office. At this time there is a bill before the Civil Service Committees of Congress, H. R. 9041, being the House bill, which would make the "deputy heads" of certain bureaus in the Department of the Interior civil-service employees, instead of political appointees. Among those

included in this bill is the Assistant Commissioner of Indian Affairs. The American Association on Indian Affairs, Inc., is in favor of this bill, and from their news sheet of April 15, 1940, I quote as follows:

H. R. 9041

This association has long advocated some measure which would assure a continuous constructive policy in Indian Affairs—one obstacle to such a policy has been the change and upheaval that comes with every new administration.

A bill was introduced on March 25 by Congressman Ramspeck (H. R. 9041) which would provide for the appointment of "assistant or deputy heads of certain bureaus of the Department of the Interior" under civil-service laws. Included in the bureaus named in the bill is the Office of Indian Affairs. This is an excellent step toward stabilizing the work of the Indian Service and the association shall give it every possible support.

Recently Oliver La Farge, president of the American Association on Indian Affairs, Inc., who writes books about Indians, wrote the captions for a book of photographs, as was reported in the May 1940 issue of *Indians at Work*. The local press reported during the past week or two, that the Bookshop had a tea at which Mr. La Farge was present to introduce his book to Washington and Commissioner Collier was present to give a short talk. A recent issue of the *Chicago Daily News*, the date of which I will be glad to ascertain and supply, carried an item about this book and recommended that Mr. La Farge should be made the next Commissioner of Indian Affairs and that the term should be made a 12-year term.

Mr. La Farge, like our present Commissioner, Mr. Collier, has a record for consistent radical activities. In addition to cooperating with the American Civil Liberties Union, Mr. La Farge was elected to the National Board of the League of American Writers in June 1939, according to reports in the *Communist Daily Worker* of June 6, 1939. This organization of writers was formed to aid the Communists in propagandizing in this country. For further information on this, I refer the committee to pages 561-563, volume 1 of the Dies hearings. The *Daily Worker* for May 2, 1939, reported that Mr. LaFarge was a member of the sponsoring committee which was calling a National Emergency Conference of some 300 liberals here in Washington to plan ways and means of defeating bills which provided for deportation of foreign-born Communists, anarchists, fascists, require fingerprinting of aliens, and other such measures which were then pending in Congress. Such is the record of Mr. LaFarge who is opposed to enactment of S. 2103 and who is already being propogandized for the next Commissioner of Indian Affairs.

ADMINISTRATION

In support of the charges that coercion has been used upon Indians, as a direct result of the letter of April 30, 1934, which was sent out by the Secretary of the Interior, I offer for the record printed copies of affidavits and letters from the galley proofs of hearings held before the Senate Committee on Indian Affairs, as follows:

"Exhibit 12-A," letter of Superintendent at Cherokee Agency, April 30, 1935;

"Exhibit 12-B," letter of same superintendent, May 8, 1935;

"Exhibit 12-C," telegram from Commissioner Collier, May 7, 1935.

(The documents above referred to are printed in the record, as follows:)

EXHIBIT 12-A

(Agency Bulletin No. 102)

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Cherokee, N. C., April 30, 1935.

Our attention has been called to an unwarranted and unjustifiable campaign carried on by a few individuals misrepresenting, and thus tending to injure, the effectiveness of the revised educational plan set up for the Cherokee Reservation by order of the Office of Indian Affairs.

All persons who may hereinafter be proved to have deliberately and maliciously partaken in such activities will not hereafter be included in any employment lists of the various activities intended for public relief.

HAROLD W. FOGHT, *Superintendent.*

EXHIBIT 12-B

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS, FIELD SERVICE,
Cherokee, N. C., May 8, 1935.

To the Parents and Patrons of the Cherokee Boarding and Day Schools:

The telegram herewith attached has just been received from Washington. As you see, the Commissioner of Indian Affairs stands squarely back of the educational program now being reorganized in all the reservation schools.

I urge you to send all the children back to school immediately. You are doing your own children a great injustice by listening to the senseless and unfair agitation that has been carried on by self-seeking persons. Let me add, many of the children that were taken out are already back in school again. School closes May 31.

Very truly,

HAROLD W. FOGHT, *Superintendent.*

EXHIBIT 12-C

[Telegram]

(Official business)

UNITED STATES DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 7, 1935.

CHEROKEE RIGHTS ASSOCIATION,
(Through Superintendent Foght),
Cherokee, N. C.

Retel sixth withdrawal of children from school can have absolutely no effect on question of reorganization of school system and other policies. Such short-sighted action is harmful rather than helpful to your cause and is direct injury to children withdrawn.

COLLIER.

Mrs. JEMISON. The above were all posted at the Cherokee Agency following a school strike of protests, organized by the parents against the new school program, and were used as a means of forcing the parents to send their children back to school.

I offer for the record exhibit marked "No. 13-A," affidavit of Lucinda Bradley Queen, of Cherokee, N. C., and exhibit marked "No. 13-B," letter from superintendent to Mrs. Queen, February 3, 1936.

(The affidavits referred to follow:)

EXHIBIT 13-A

I, Lucinda Bradley, now Queen, of lawful age, after being first duly sworn, depose and say:

I am a member of the Eastern Band of Cherokee Indians of the State of North Carolina. Between September 3, 1935, and February 3, 1936, I was employed as dining-room matron at the Cherokee Indian Boarding School at Cherokee, N. C.; that throughout that employment there has been more or less turmoil on the North Carolina Cherokee Indian Reservation. Following are some matters which were brought to my attention as an employee at the Cherokee Boarding School in North Carolina:

On the evening of April 29, 1935, Mr. C. D. Stevens, head supervisor community worker, and Miss Gertrude Flannigan, head of home economics, called me into Mrs. Flannigan's office and Mrs. Flannigan said: "Mrs. Ensor told me your brother, Lewis, is going to lead the school strike." I said I did not know anything about it; that I had heard about the strike, but I did not know what it was all about. She then said: "At the strike at Haskell, Peggie Coats was told to tell her brother not to take part in that strike and to influence other boys not to take part, otherwise she would lose her job." Mrs. Flannigan further stated: "It brought results, and you can see where she is—employed." I again told her I did not know what it was all about; that I understood there was a strike going on. Mr. Stevens and Miss Flannigan then said: "You go over and talk to your brother and tell him if he takes part in the strike or does not persuade other boys not to take part in the strike, you are going to lose your job." I went directly to the boys' quarters, saw my brothers (brother, I mean), and told him if he took part in the strike or did not persuade other boys not to take part in the strike, I would lose my job. He promised me he would not take part in the strike and would try to influence other boys not to take part.

After the school strike we had an employees' meeting and Superintendent Foght talked to us. He said: "The thing to do is to win the parents over to the new deal"; that "employees caught participating in the school strike would be removed from their jobs." After this meeting, Mrs. Flannigan told me, "Do not be seen talking to Fred Bauer or you will lose your job; that Isaac Littlejohn lost his job at the Socco School because he was seen talking with Mr. Bauer."

Following the close of the school term, a Mrs. Holton from the Washington office, at an employees' meeting, said: "The cart is before the mule, every employee must help; it is your duty to help put the new deal over, and if you don't help you will lose your jobs." Mr. Foght said at this meeting: "I want all the employees to cooperate; we are going to have the election on the adoption of the constitution, and employees who do not help and cooperate, remember—you must cooperate with me or you will lose your jobs—any employee who does not vote for the constitution will not be cooperating with me."

After the defeat of the constitution and at an employees' meeting, Dr. Foght said: "We lost this time but the next time I will win unanimously; anybody who works against the program or new deal will lose his job and will not receive any employment or any help or any aid in any way; yesterday two long-faced boys were over in the office wanting loans and scholarships; however, I happen to know that they voted against the new deal and I could not give them any aid of any kind."

During a visit to the school at Cherokee by a Miss or Mrs. Stewart from the Washington office, this lady said, at a meeting of the employees: "You are under the Wheeler-Howard Act, and if I mistake not, your new constitution failed here on the reservation." Dr. Foght replied, "Yes." This lady then said: "However, you are going to put it on just the same; you are under the Wheeler-Howard Act; you will have to teach communism and socialism, so you teachers will have to instill this in the minds of the children—this is Collier's program, and you know anyone not cooperating will be let out."

On or about October 7, 1935, Miss Flannigan and Mrs. Groves (from Washington) saw me in the dining room. Mrs. Groves said: "I want to talk to you; I understand that you voted against the new deal." I said I did not vote either way, I wrote on my paper, "I don't understand." Mrs. Flannigan said, "Oh, yes; she did." I said, "How do you know? No one was to see how I voted." She said: "Yes, you did vote against it, too." Mrs. Groves then said: "They want to kick you out but I am willing to give you another chance; will you give me your hand that you will cooperate and support the new deal? Commissioner Collier does not want anyone in his employ who is not supporting the new deal and cooperating; however, if they do not cooperate with Collier's administration, they

are to be let out." She then asked me to repeat her words: "If they do not cooperate with Collier's program they are"—she answered, "to be let out." I said, "Well, I do not stand for anything unless it is right and if you don't think I am doing right you can kick me out." She said: "I am glad to know you are for the right; I admire your spunk. I understand you have a wide influence in your community." I told her that was news to me, I did not know it.

Following the employees' meeting where the lady from Washington said the teachers were to instill into the minds of the children communism and socialism, I told my boss, Minnie Lambert, I was not going to be a Communist or a Socialist; that I would rather not be employed if that was the best they could do. She became very angry because I was talking that way before the children—she said she was going to be loyal.

In talking to me one time Mrs. Groves (from Washington) said, "Does your boy friend own any land on the reservation; if so it belongs to the Government." Mrs. Flannigan said at this same conversation with Mrs. Groves, speaking to me, "If you ever let me down it will be too bad."

Further affiant sayeth not.

Mrs. LUCINDA BRADLEY (QUEEN).

SWAIN COUNTY,

State of North Carolina, ss:

Personally appeared before me, a notary public within and for the county and State heretofore mentioned, Lucinda Bradley, now Queen, personally known to me to be the identical person who executed the within and foregoing affidavit, and who acknowledged to me that she executed the same as her free and voluntary act and deed and knew the contents thereof.

[SEAL]

GEORGE W. BECK.

My commission expires March 21, 1937.

EXHIBIT 13-B

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Cherokee Indian Agency, Cherokee, N. C., February 3, 1936.

Miss LUCINDA BRADLEY,

Cherokee Boarding School, Cherokee, N. C.

DEAR MISS BRADLEY: We have just had a long conference in regard to how to pay salaries in certain irregular positions and find that it is necessary to curtail some of these immediately. This, unfortunately, includes yours. We are clear out of money for so-called irregular labor due to our great losses for emergency work on the laundry, heating plant, for pumping water during the dry season, and many other things.

I knew the emergency was coming, but we wrote the Office several weeks ago, asking for an additional sum of money with which to carry you through the year. This was declined inasmuch as the Office has no funds to spare. I hope, however, that in the near future we may be able to put you back on the roll again if you should care for this.

Meanwhile, it is necessary that you retire from your position as soon as this letter comes into your hands.

Very sincerely yours,

HAROLD W. FOGHT, *Superintendent.*

Mrs. JEMISON. I also offer the affidavit of Cam Sneed, of Cherokee, N. C.; the affidavit of Maude Welch, of Cherokee, and the affidavit of Hugh N. Lambert.

(The affidavits referred to follow:)

EXHIBIT 14

UNITED STATES OF AMERICA,

State of North Carolina, County of Swain:

Personally appeared before me, L. B. Woodard, a justice of the peace of Swain County, Cam Sneed of lawful age, who being first duly sworn, deposes and says:

I am a resident of Cherokee, N. C., an enrolled member of the Eastern Cherokee Indian Band of North Carolina; that I am also a property owner in the tribal estate of said band; that I was employed as carpenter, by the Federal Government at said Cherokee Reservation in April 1935, that after the organization of the Cherokee Rights Association on April 28, 1935, the head carpenter

was instructed by Harold W. Foght, agent, to discharge all Indians who were members of the association; that I admitted such membership when questioned by said head carpenter, and was discharged by him; that when I went to said Harold W. Foght, agent, regarding my discharge, he informed me that I would be placed at work again if I would reveal the names of any members of the Cherokee Rights Association, as well as sign a statement for him saying there had been misrepresentations and that I misunderstood when I signed as a member of said association; said agent also required me to again place my children in school, from which I had withdrawn them in protest against the school reorganization of March 4, 1935; that I agreed to none of the conditions of said agent, Harold W. Foght, and was not then placed back at work.

Further affiant sayeth not.

CAM SNEED.

Sworn to and subscribed before me this 9th day of August 1935.

L. B. WOODARD,
Justice of the Peace.

EXHIBIT 15

STATE OF NORTH CAROLINA,
Swain County, ss:

I, Maude Welch, of lawful age, after being first duly sworn on oath, depose and say:

I am a member of the Eastern Band of Cherokee Indians of North Carolina. I have lived all my life on the Cherokee Reservation in North Carolina. I am a mother of three children; all of them have acquired their education in Government Indian schools. I speak both the Cherokee and English language.

My youngest child, Edith Welch, now 17 years old, has been continuously in school at Cherokee, N. C., since she was 7 years of age—up until last spring, when she left the school on account of a general school strike against the new school program, which failed to give the children sufficient classroom work and a course of study which would enable them to enter college after finishing at Cherokee; she objected to taking the Indian back to his old customs and said there was no need of her continuing in school; if she was going back to the blanket she could go back without any school training or Government expense.

Following the time of her leaving the school Superintendent Foght sent word to the parents of the children who had left school to come into the office and "we would all talk it over." A group of the parents went to Cherokee to see the superintendent—we went to his office, about six of us mothers. Dr. Foght opened the door and we started to walk in, when he said: "No; just one of you at a time." I was in front but Mrs. Sneed went in first. She was gone some little time and came out and Dr. Foght invited me to come in. I went in and he started talking to me. He told me about his education; how much better educated than we were; that it was "because of his education he was sent to Cherokee." He then said I should send my daughter back to school. I listened to him but did not say what I would do. He then said: "I was sent here to put this deal over; I put it over in 3 months in New Mexico with the Navajo Indians and I am going to put it over here, whether the Indians want it or not—regardless." And he leaned over toward me and pounded on his desk with his fist—he was very angry. I said nothing to him, one way or another—just let him talk, and when he got through I got up and walked out. I have never talked with the superintendent since this conversation, nor have I returned my daughter to school. I agree with her that if we are going back to the blanket; if that is the more abundant life, we can go there without any aid or assistance in the way of school education, at the expense of the taxpayers of this Nation. We know better the road to travel than Dr. Foght or any of his employees.

Further affiant sayeth not.

MAUDE WELCH.

STATE OF NORTH CAROLINA,
Swain County, ss:

Personally appeared before me, a notary public within and for the county and State hereinbefore mentioned, Maude Welch, personally known to me to be the identical person who executed the within and foregoing affidavit, and who acknowledged to me that she executed the same as her free and voluntary act and deed and knew the contents thereof.

GEORGE W. BECK.

My commission expires March 21, 1937.

EXHIBIT 16

AFFIDAVIT

STATE OF NORTH CAROLINA,
Swain County, ss:

I, Hugh N. Lambert, of lawful age, after being first duly sworn on oath, depose and say:

I am a member of the Eastern Band of Cherokee Indians of North Carolina; approximately 7 years ago I entered the employ of the Cherokee boarding school at Cherokee as agency farmer, and later transferred to the position of school farmer. I continued in this position until February of this year—the last day. They gave me 2 days' notice in advance of my dismissal from the school; the excuse they gave for abolishing the position I held was that they needed a "high powered" farmer and it was necessary to abolish my position in order to get money to pay the other man. This is the reason they offered. It may be the correct one, I do not know. I know there was nothing against my record on account of the character of work I was doing.

I did not attend all meetings of employees—they did not always notify me of such meetings. I attended some such meetings. At most of the meetings of employees which I attended either Dr. Foght or some official from Washington would call attention to the fact that if the employees did not support the new program "they might just as well resign now." I was not notified of the meeting just before the vote on the constitution. I voted against the constitution and also the Wheeler-Howard Act.

Anderson Sanook is now doing the same work I did while at the school, as an assistant to the farmer. Anderson worked for the adoption of the Wheeler-Howard Act and adoption of the constitution. He was promised my place at the school, I presume, for his support of the two features of the New Deal—at least he is now working, my position was abolished, and I am out.

To me this is a rather strange situation prevailing at the school today, much different to what it was prior to the appointment of Dr. Foght and Mr. Stevens. They abolished or did away with the Sunday school at the school buildings and church at the auditorium soon after Dr. Foght and Mr. Stevens were put in charge; saluting and honoring the flag is not as it has been in the past—and there seems to be a general break-down of both church and patriotism—the program leads away from these American features to which we of the reservation have been accustomed. And it seems that the really American program we have known in the past is being supplanted with something entirely different. And there is more disagreement among the people of the reservation than ever heretofore known.

Further affiant saith not.

HUGH N. LAMBERT.

STATE OF NORTH CAROLINA,
Swain County, ss:

Personally appeared before me, a notary public in and for the county and State aforesaid, Hugh N. Lambert, personally known to me to be the person who executed the within and foregoing affidavit and acknowledged to me that he executed the same as his free and voluntary act and deed and that he thoroughly understood the contents thereof.

GEO. W. BECK.

My commission expires March 21, 1937.

Mrs. JEMISON. All of these things speak for themselves. They are from one reservation where it was possible to secure affidavits. The charges were first made that coercion was used in April 1936, at hearings before the Senate committee. The affidavits were not submitted.

In March 1937 the Commissioner submitted a reply to these charges which included a letter from this superintendent in which he stated that no coercion had been used at the agency, either by himself or any other employee.

In April 1937 further hearings were held by the Senate committee, and the above affidavits and a lot of other information were submitted to the committee.

In August 1937 Superintendent Foght left the Indian Service. Now, the Bureau will argue to this committee that this man is no longer in their employ and therefore these affidavits are of no force or effect. But I point out two things to the committee: First, the superintendent denied the charges when they were unsupported by documentary proof; second, the superintendent did not leave the Service until after this proof had been supplied. If it had been impossible to supply this documentary proof, without a doubt this superintendent would still be in the Indian Service. From my 6 years' experience here in Washington, it seems to me that the policy of the Indian Office is to deny everything when Indians complain before the committees of Congress and refuse to take any actions until actually forced to do so by circumstances such as the above.

For this reason I trust the committee will bear these things in mind when considering the denials of the Indian Bureau. Without adequate financial means, it has been impossible to secure legal proof of many of these activities on the reservations, but there is no doubt in my mind that proof exists on practically ever reservation where the Indian Bureau has jurisdiction. There is additional information about people having been denied work relief and other coercion contained in the direct testimony of the Senate hearings on these matters. That record is also replete with evidence of the fact that all facilities of the Government were used in all the campaigns which were conducted on the reservations.

Before discussing the actual operation of the Wheeler-Howard Act, I would like the record to show at this point the definition of communism which is contained in House Report No. 2290, Seventy-first Congress, third session, as follows:

(The statement referred to follows:)

COMMUNISM

It is not difficult to find out exactly what these principles are, and to define communism so that he who runs can read, as Communists do not attempt to hide their fundamental purposes and admit and are apparently proud of taking their orders from Moscow and giving allegiance to the red flag and the Soviet Union.

The following is a definition of communism, a world-wide political organization advocating: (1) Hatred of God and all forms of religion; (2) destruction of private property, and inheritance; (3) absolute social and racial equality; promotion of class hatred; (4) revolutionary propaganda through the Communist International, stirring up Communist activities in foreign countries in order to cause strikes, riots, sabotage, bloodshed, and civil war; (5) destruction of all forms of representative or democratic governments, including civil liberties, such as freedom of speech, of the press, of assembly, and trial by jury; (6) the ultimate and final objective is by means of world revolution to establish the dictatorship of the so-called proletariat into one world union of soviet socialist republics with the capital at Moscow.

Communism has also been defined as an organized effort to overthrow organized governments which operate contrary to the Communist plan now in effect in Russia. It aims at the socialization of government, private property, industry, labor, the home, education, and religion. Its objectives are the abolition of other governments, private ownership of property, inheritance, religion, and family relations.

Mrs. JEMISON. It is many times said, and the question has been raised during the course of these hearings, that the Indians are just naturally Communists and always "owned everything in common." Such a statement is a fallacy and is advanced only by those who have

no thorough knowledge of Indian history and philosophy, or who interpret it to suit their own ends.

Communism, as defined by the House report above quoted, which we have used as our guide in evaluating the present Commissioner's program, is much more than just a system of government. Perhaps I can best express it by saying that communism is a system of government based upon a materialistic philosophy which teaches "hatred of God," deification of the State or those who control the State, and disbelief in a life hereafter, just as the constitutional Government of the United States is a government based upon the Christian philosophy which recognizes a Supreme Being, individual salvation with its inherent rights of freedom of choice, and the Divine Spirit of brotherly love.

It should be apparent to anyone who knows the Indians that communism would be the very antithesis of the Indian philosophy, for the Indians always were a deeply spiritual people whose religious beliefs entered into every phase of their lives. They had no "ownership" of land, as the white race understands it. The Indian religion taught that all land and all the things of nature belonged, not to all the people as communism teaches, but to God, and that people were just allowed the use of these bounties of the Great Spirit while they remained upon this earth. Thus they did not wantonly kill and destroy the things of nature, but took only enough to supply their actual needs. In the second place, no race on earth has a more profound respect for the rights of the individual than do the Indians. Indians never attempt to force their beliefs or opinions upon anyone. Such a thing is utterly repugnant to them, and they never even volunteer advice unless asked for it.

In the matter of personal property, the Indians always have been, and are today, great individualists. That property, clothing, implements of peace and of war belonged to the individual and oftentimes was buried with him or her. This is well illustrated by the really skilled craftsmen in Indian arts and crafts, who make each piece of pottery, each bit of jewelry, slightly different from all others. Thus the Indians never were and never could be Communists who believed in community ownership of everything. Even their ancient forms of government did not approach a communist dictatorship in any way. Some of them had chieftain monarchies and some of them had representative governments. Perhaps in this statement can be found the reasons for the bitter opposition from the Indians against the Wheeler-Howard Act itself and the methods which have been pursued to force them to accept it. I offer this explanation here so that the committee can distinguish between communism and the Indian philosophy and mode of life.

To completely understand the "communism" in the so-called Wheeler-Howard Act, it is necessary to keep in mind, first, that the Indians are not a free people, in the first place; second, that tribal property and funds constitute an estate in which all members of the tribe have equal rights through inheritance. In the light of these two things, it is then necessary to analyze the entire program, consisting of the act itself, the constitution, charters, and courts promulgated under the act, and the manner in which these are being administered. I have prepared statements discussing these various things for some of the reservations, but I do not offer them for the record because they are lengthy and I do not want to overburden the record. I shall

be glad to discuss them or to submit them for the record if the committee so desires.

In addition to the statements made in the Dies hearings upon the above matters, I would like to add several things. First of all is the minority control which is exercised under the act itself, and under the constitutions promulgated under the act.

When the act was amended in 1935 it was provided that any election would be considered a legal election if 30 percent of the eligible voters went to the polls and voted. This provision has been carried into the elections which are held for constitutions and charters and for tribal officers under these constitutions.

In several places the Indians have sought to defeat the program by staying away from the polls, while in others the Indians are so thoroughly disgusted with the whole thing that many stay away, particularly in elections for tribal officers. But the Bureau manages to keep about 30 percent of the Indians under their control through work-relief and favors and thus insures legal elections.

The Washington office of the Bureau, or the local agencies, have the figures showing the total votes cast in the elections for tribal officers, and the committee might well inquire into this matter and determine in each case how many of the voters actually elected the so-called tribal officers who are supposed to represent all of the people. In many cases these tribal officers represent a minority of the Indians. Yet they control everything, all tribal property and tribal funds, and dispose of the same to their liking.

The Bureau says that the constitutions provide for referendum votes on questions that are controversial. That is all right in theory, but I ask the committee to request the Bureau to supply full information regarding how many "referendum" elections have been held on reservations that are operating under a Wheeler-Howard constitution.

The Wheeler-Howard Act itself provides that the same voters who adopted a constitution can appeal to the Secretary of the Interior for an election to repeal it. Section 16 authorizes the Secretary to call an election for the repeal of any constitution upon receipt of a petition from one-third of the eligible voters. In the case of the Pine Ridge Indians of South Dakota, the Secretary of the Interior received a petition signed by over 3,000 adult Indians, or almost three-fourths of the eligible voters on that reservation, in October 1938, which petition requested the Secretary to set a date for a vote on the repeal of the Pine Ridge constitution. That election has never been held to date. I herewith submit for the record, marked "Exhibit 17" and "17-A," printed copies of letter addressed to the Secretary of the Interior relative to this matter and the reply received from Mr. Collier. These are taken from the Senate hearings on this bill. I request that these appear in the record at this point.

(The letters referred to follow:)

EXHIBIT 17

THE AMERICAN INDIAN FEDERATION,
Washington, D. C., March 13, 1939.

HON. HAROLD L. ICKES,
Secretary, Department of the Interior, Washington, D. C.

MY DEAR MR. SECRETARY: By authority of the Black Hills Treaty Council of the Eight Sioux Nations, I am authorized to inquire why no election has yet been called upon the Pine Ridge Reservation in South Dakota for the repeal

of the constitution adopted under the so-called Wheeler-Howard Act, in accordance with petition which was sent to you by air mail in October 1938.

Section 16 of the so-called Wheeler-Howard Act provides that constitutions shall be adopted or rejected at special elections "authorized and called by the Secretary of the Interior under such rules and regulations as he may prescribe." It provides further that "Such constitutions and bylaws when ratified as aforesaid and approved by the Secretary of the Interior, shall be revocable by an election open to the same voters and conducted in the same manner as hereinabove provided." Then section 17, which provides for the adoption of charters, provides that "The Secretary of the Interior may, upon petition signed by at least one-third of the adult Indians, issue a charter of incorporation to such tribe." In holding elections for charters and in holding elections for constitutions in those places where the first elections failed, the Department has followed the above law and has called such elections upon the petitions of one-third of the adult Indians. Hence, consistency would require that the Department call elections for repeal of such constitutions or charters upon receipt of petitions signed by one-third of the adult Indians concerned.

Acting under section 17 of the said Wheeler-Howard Act and in accordance with the rule established by the Department that such action would be taken upon receipt of petitions relative to the act which were signed by one-third of the adult populations, the Sioux Indians, of Pine Ridge Reservation in South Dakota, sent you the aforesaid petition requesting that you call a special election to repeal or revoke the constitution adopted at Pine Ridge. The petition was signed by well over one-third of the adult Indians, possibly over one-half of them. This action followed the second election at Pine Ridge for the adoption of a charter, held in August 1938, at which time 1,400 voted against the adoption and 766 voted for it, or two-thirds against and one-third for. This result was surely a clear indication of the feelings of the majority of the adult Indians at Pine Ridge relative to the so-called government which has been set up under the Wheeler-Howard Act.

Nearly 5 months have now passed since you received that petition and to date no notice has been issued of the date when this special election for the repeal of the constitution on Pine Ridge Reservation will be called, and, as far as has been brought to my attention, no action has been taken upon the matter other than to send Mr. Joe Jennings out there to make inquiries. In the face of the petition which you received, the results of the August elections and other petitions bearing the signatures of almost two-thirds of the adult Indians at Pine Ridge which were presented to the Senate Committee on Indian Affairs last year, asking for the repeal of the so-called Wheeler-Howard Act, such inquiries by the Department appear unnecessary. The majority of the Indians at Pine Ridge wish an election held to repeal the constitution which is in operation there and under which men elected by one-third of the total voting population are controlling the affairs of all members of the Pine Ridge Tribe, and on behalf of this majority, and at their request, I respectfully inquire when such special election will be held.

Respectfully yours,

ALICE LEE JEMISON,
*Washington representative of Joseph Bruner, National President, the
American Indian Federation.*

CC—South Dakota delegation in Congress; Federation official and Federation members in South Dakota.

EXHIBIT 17-A

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 17, 1939.

Mrs. ALICE LEE JEMISON,
The American Indian Federation, Washington, D. C.

DEAR MRS. JEMISON: This will acknowledge your letter of March 13 addressed to the Secretary of the Interior, in which you inquire as to why no election has been called at Pine Ridge for the purpose of enabling the Indians of this reservation to vote on the retention of their present constitution.

First, I should like to dispose of your statement that "By authority from the Black Hills Treaty Council of the Eight Sioux Nations, I am authorized to inquire why no election has yet been called * * *." We cannot extend recog-

dition to you as representing the Pine Ridge or any other group of Sioux Indians. We would also question the concern of the Black Hills Treaty Council of the entire Sioux in this particular question as it involves the Pine Ridge people. Representatives of the so-called treaty council have been in Washington at various times during the past 3 years, although not having the status of official delegates. We have discussed with them the problems which were presented, and they have dealt primarily with the affairs at Rosebud and Pine Ridge. Some of these Indians have just been in Washington, and again we discussed with them not only the recall of the constitution at Pine Ridge but other matters of interest to them.

I think you should also understand that the so-called Black Hills Treaty Council is not an official body recognized by the Office. Practically all of the constitutions adopted by those tribes which are under the Indian Reorganization Act outline a manner in which a national Sioux congress may be established, and when that has been done properly we shall be glad to deal with them on those matters which come within its jurisdiction.

The petition to which you refer has been considered and discussions have been held with Mr. Henry Standing Bear and others representing these Indians as to their wishes and desires. Further negotiations, questions, etc., are to be taken up through the superintendent. It is our belief that the existing council at Pine Ridge should also have an opportunity to consider the proposal of this group. At any rate, we shall proceed in an orderly manner to consider the petition with both groups of Indians, as well as the superintendent.

Sincerely yours,

JOHN COLLIER, *Commissioner.*

Mrs. JEMISON. This well illustrates that the Bureau statement that these Indians can have a referendum election is a statement of theory and not fact. In addition to the minority control exercised by reason of the 30-percent provision in the amended Wheeler-Howard Act, most constitutions provide that a smaller group from that council, usually the executive officers, shall have the power to carry on business for the tribe. In many cases the Bureau employs all of the executive officers and thus again insures control. This minority group then carries on the business of the tribe to a very large extent. Now when it comes to the local communities, or districts, the minority control is even worse. Many constitutions provide, if not all of them, that the council can delegate its powers to single individuals or small groups of individuals in the "communities." After a reservation has adopted a constitution, then a campaign is started to have some members of each district organize into a "cooperative" of some kind.

It is not necessary that this cooperative shall include all the residents of the respective districts, or even a majority of them. But the Wheeler-Howard council vests governmental authority over all the district in certain individuals of the "cooperative" who may or may not be elected by the people who have thus organized. These individuals are then the local government of that entire district and control everything, and it is just too bad for Indians in the districts who are opposed to the program of "communal ownership and enterprise" and who do not want to "farm and graze and cut timber on a communal basis."

Superintendent Whitlock, of the Rosebud, S. Dak. Agency, submitted a reply to the charges brought by Rosebud Sioux Indians before the Senate Committee on Indian Affairs. This reply stated, on page 14 that the "community group" controls the rations; on page 19, that the "community" controls the loans; and on page 20, that the "community" controls the employment, all of which substantiates both the charges of minority control and of discrimination against those who do not agree with the program. In every community there are Indians who have bitterly opposed the act and its operation.

Feeling has been most bitter on both sides. Human nature being what it is, there can be no doubt that these "communities" who control all relief, loans, and employment have missed no opportunity to discriminate against those who are opposed to their control.

On the Pine Ridge Reservation when I was there, it was stated to me that in some places these community groups would not allow those parents who belonged to the Black Hills Treaty council group to work on the projects whereby they were to earn issues of clothing for their children of school age. Thus even the children of the individualists are made to suffer because their parents are opposed to "communal living."

Of course these minority "community groups" who are running roughshod over all rights of inheritance and private property and using lands for "community purposes" without paying rental to individuals, will feel bitter toward those who want to stop their activities. Thus, eventually, all Indians who oppose the act and attempt to live in the American way will either be starved out of existence or forced into the commune for self-preservation. This is the "democratic system" of the Commissioner. To me, it reeks of Russian communism and the methods used in Russia to put all individualists out of business.

Under the Wheeler-Howard Act, "colonies" or "communities" have been set up in many places. Money is loaned to the chartered tribe, thus mortgaging future tribal funds which belong to all the Indians, or else tribal funds already accumulated, which also belong to all members of the tribe, are used to establish these "colonies." In most places the land is some purchased under the act, while in other places undivided tribal property is used. On this land, houses, "community barns," "community canneries," and such are built and the Indians who live in these houses engage in "community enterprise." Such a project is the Grass Mountain project which is discussed in the Dies statement. Now, the Indians who live upon this land can never hope to own it. It is just "assigned" to them for their use, as long as the community or the tribal council will permit them to remain, and at their death it does not descend to their heirs but is reassigned by the tribal council, or the "community organization," and neither the council nor the community is compelled to recognize the heirs in such reassignment. Now, either I do not know the rights of heirship or this is destruction of heirship rights, which is part of the Communist program. The statement on this Grass Mountain project which was submitted to the Senate committee by Superintendent Whitlock of Rosebud Agency is most enlightening. From his statement, I quote as follows:

Concerning the changes of occupants at the Grass Mountain colony, all have occurred on the initiative of individual families with one exception. In this case the individual refused to give his cooperation to the group and they voted to request his resignation, which, of course, was promptly given. In connection with assignments to these rehabilitation units, applications are accepted and considered jointly by the tribal council and a representative of the superintendent. The applications bear the signatures of members of the community, so that the Indians fully participate in the selection of the families who occupy these units.

In further discussion of these rehabilitation units, criticism is offered as to the manner in which the affairs of the community are administered. In accepting an assignment to a rehabilitation unit, the applicant is requested to conform to certain requirements of cooperation. A copy of one such cooperative agreement is quoted herewith:

"RIDER TO TEMPORARY ASSIGNMENT AND OCCUPANCY PERMIT

"1. It is understood that privilege to occupy buildings and to use land is on assignment; in accordance with provisions of Article VIII of the constitution and bylaws of the Rosebud Tribe of Sioux Indians: *Provided further*, That proper use of same and compliance to regulations governing the colony shall constitute our only claim for continuity of occupation and use; that length of tenure shall not constitute any vested right as owner of property so occupied or used.

"2. That the building and premises occupied by us shall be kept clean, neat, and in sanitary condition at all times.

"3. That we shall not permit any persons other than those named in this application to occupy permanently buildings or premises assigned to us, and particularly will we not permit others to camp permanently on premises assigned for use of our individual family or for colony use without special permission of the tribal council and the superintendent.

"4. It is agreed that we shall cooperate with the colony and officials of the Government in maintaining law and order, and in educational affairs for our children.

"5. It is agreed that we shall give full participation and cooperation in developing and producing a community garden, accepting remuneration for our labor in accordance with plans which may hereafter be agreed upon by members of the colony.

"6. It is agreed that we shall give full participation and cooperation in civic movements for beautifying and improving the physical aspects of the colony as may from time to time be agreed upon by the members of the colony.

"7. It is agreed that we shall give full cooperation toward the development of livestock and other industrial projects undertaken by and for the colony.

"8. It is understood that matters not herein provided for pertaining to the affairs of the colony shall be governed by decision of a majority of the adult members of the colony, with approval of the tribal council or their representative and the superintendent.

"9. It is understood that failure to comply with the foregoing provisions shall constitute justification for our removal from this colony provided, however, that we shall be given full opportunity for hearing, and that in event we shall be required to relinquish our tenure, we shall receive compensation for our equity in all community enterprises and improvements we may have placed upon the premises in accordance with agreements made at such hearing with the members of the colony and approved by the tribal council or its chosen representatives and the superintendent. And in case no mutual agreement can be arrived at, a two-thirds vote of the members of the colony shall rule, upon approval of the tribal council and the superintendent.

"10. It is understood that in case we voluntarily relinquish the privilege of occupancy of buildings and participation of privileges and benefits of the colony, that we shall forfeit any equity in all community enterprises except as may be mutually agreed upon between us and the colony. And in case no mutual agreement can be arrived at, a two-thirds vote of the members of the colony shall rule, upon approval of the tribal council and the superintendent.

"11. It is understood that the 'canning center' located in this colony may be used by nonmembers of this colony and that such use shall be in the discretion of the tribal council and the superintendent under such rules and regulations as shall be promulgated from time to time.

"Signature _____."

I point out to the committee that all Indians who enter this "community" agree that they will relinquish all interest in the community projects if they voluntarily remove, and the "community" will decide upon the value of any improvements which are purchased from the Indian in the event that he removes voluntarily, or is requested to remove by the "community." Now, supposing a family should fall into such disfavor with the community that they were asked to remove. Under such circumstances would the family stand a fair chance of receiving just compensation for their improvements? They would be at the mercy of the community, any member of which might have individual reasons for wanting the family removed—from just plain jealousy to the desire to have the place for some relative. These human frailties are taken into consideration by the American laws of

property and heirship which protect certain rights of the individuals. But under this system of minority control, under the dictatorship which already exists in the Bureau system of governing the Indians, the individual has no protection whatsoever. In addition to losing all efforts which had been put into "community enterprises," the individual would likewise lose much of his improvements too.

Indians from the Rosebud Reservation explained that their conditions were so bad that some had sold their homes and other buildings, with the approval of the superintendent, in order to secure something to eat, and were living in tents. Since then I have been informed by what I consider as reliable sources, that the superintendent seems to encourage sale of buildings on property that has been individually allotted and then he transfers the family into one of the "communities" to live on assigned property. Again, this is destruction of private ownership of property. These things mentioned here are examples from the Rosebud Reservation alone, because that reservation is fully organized under the so-called Wheeler-Howard Act and the program can be fully carried out there.

Another method for destruction of private property rights are the loans. On the Pine Ridge Reservation several new homes have been built on land that is individually owned by allotment. In several cases the Indians have not been able to meet the payment on the loans and the superintendent or the Wheeler-Howard council has removed these people from their houses, and thus from the land which they individually own. I do not have full information on this, and I respectfully request the committee to ask the Bureau to supply the committee with the following:

1. Copies of the contracts entered into with tribal councils for loans to "chartered tribes."

2. Copies of the contracts entered into with individuals for loans.

3. Copies of the various agreements connected with the "community projects."

4. Full information regarding just how many Indians have lost their allotments or been removed from their allotments either through relinquishment of their land to the tribal council and acceptance of an assignment in exchange therefor, or through defaults on loan payments.

I further point out to the committee that all Indians who occupy such assignments or accept such loans place themselves completely under the control of the Indian Bureau, as represented by the superintendent and other local employees. Either they do as they are told to do or else reason can be found to remove them from the assignment.

From these statements and the information contained in the Dies statement, I trust that members of the committee can find the difference between the ordinary "cooperatives" into which individuals enter of their own free will and leave by the same method, and these Wheeler-Howard cooperatives which are being organized and operated to enforce minority control over the Indians who do not join them, and thus can better understand the "communism" in this program.

The Bureau is emphatic in stating that the Indians do not necessarily have to relinquish or lose their individual property rights under this act. Indians who are living under the act contend that efforts such as above described are forcing them into the program. Both the constitutions and charters and the "cooperatives" have been more fully

described in exhibits submitted in the Dies statement, and I will be glad to submit such statements for this record if they are desired.

In concluding the arguments against the so-called Wheeler-Howard Act, I respectfully point out that the benefits which are mentioned so frequently were all extended to Indians prior to the enactment of the Wheeler-Howard Act. Educational loans have been made to Indian students for a good many years. Reimbursable loans both to tribes and to individual Indians have also been made for a good many years. Land has been purchased for Indians prior to this act and added to reservations, both with funds from the Federal Treasury and with tribal funds. No new legislation, such as the Wheeler-Howard Act, was necessary to give these things to the Indians. All that was needed was larger appropriations under authority of laws already upon the statute books. Those laws are still in existence and money for loans to Indians for "industrial aid and assistance," and educational loans are made each year in addition to those authorized under the so-called Wheeler-Howard Act. It therefore seems reasonable to conclude that these provisions were written into this act for the purpose of securing Indian approval by holding the "benefits" forth as a lure.

Now the Indians are being lured into opposing the bill S. 2103 by the Bureau statements that these "benefits" will be lost if S. 2103 becomes law.

It is conceded that there is a problem of heirship land. That problem is largely of Bureau creation, and I herewith submit for the record a bill recently introduced by Hon. Lynn J. Frazier which would do much to correct and cure this heirship problem, together with a short statement by myself. These are S. 3430 and a statement entitled "An Answer," marked "Exhibit 18" and "Exhibit 18-A."

(The bill and statement referred to follow:)

EXHIBIT 18

[S. 3430, 76th Cong., 3d sess.]

A BILL To provide a method by which certain restricted Indian allotments in which several Indian heirs have undivided interests may be acquired by individual Indians

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior (hereinafter referred to as the "Secretary"), upon application made to him by any adult Indian entitled as an heir to an undivided interest in any restricted allotment located within the boundaries of any Indian Reservation, be, and he is hereby, authorized to acquire by purchase the remaining undivided interests in such allotment. When all of the remaining undivided interests in any such allotment have been acquired by the Secretary, he shall enter into a contract with the Indian on whose behalf such interests were acquired providing for the sale to such Indian of such interests at a price equal to the total of the sums expended by the Secretary in acquiring such interests. The Secretary may grant to such Indian such period of time as the Secretary may deem appropriate within which to pay the purchase price or such part thereof as such Indian is unable to pay at the time of entering into the contract of purchase and shall take, as security for the payment of such purchase price or part thereof, such type of first lien upon the allotment as the Secretary may deem appropriate.

SEC. 2. In any case in which the Secretary finds that any Indian with whom a contract has been entered into under the provisions of the first section of this Act is in default in making the payments required under his contract of purchase, the Secretary is authorized, in his discretion, to acquire, on behalf of the United States, all of the right, title, and interest of such Indian in the allotment with respect to which such contract was made. Any allotment so acquired by the

Secretary shall be sold by the Secretary, upon such terms and conditions as he may deem appropriate, to an Indian of the tribe residing upon the reservation within the boundaries of which such allotment is located.

SEC. 3. In any case in which the Secretary finds (1) that there are so many undivided interests in any restricted allotment located within the exterior boundaries of any Indian Reservation that it is difficult for the Office of Indian Affairs to keep proper records with respect to such allotment and (2) that no qualified adult Indian entitled as an heir to any such interest is desirous of acquiring such allotment in the manner provided by the first section of this Act, the Secretary shall report thereon to the Congress with a view to obtaining the necessary authority to purchase such undivided interests with funds appropriated pursuant to the provisions of this Act. If such authority is granted to the Secretary, he shall proceed to purchase such undivided interests and shall thereafter dispose of such allotment in the same manner as allotments acquired under section 2 are disposed of by the Secretary.

SEC. 4. (a) There are hereby authorized to be appropriated (1) such sums as may be necessary for the administration of this Act and (2) such sums, not in excess of \$100,000, as may be necessary to provide the Secretary of the Interior with a sufficient fund, to be used as a revolving fund, for the purpose of making such purchases of interests in allotments as he may make under the provisions of this Act.

(b) Sums appropriated pursuant to the authorization contained in clause (2) of subsection (a) of this section shall be placed in a revolving fund and shall be available for the purpose of purchasing allotments and interests in allotments, under the provisions of this Act. All payments made under contracts of purchase executed under the provisions of this Act, and all receipts from the sale of allotments under the provisions of section 2 and section 3 of this Act, shall be covered into such revolving fund and shall be available for the purchase of allotments and interests in allotments under the provisions of this Act.

EXHIBIT 18-A

AN ANSWER—S. 3430

On February 20, 1940, Hon. Lynn J. Frazier, Senator from North Dakota, introduced S. 3430, a bill to provide a method by which certain restricted Indian allotments in which several Indian heirs have undivided interests may be acquired by individual Indians.

This bill is an effort to correct what the Commissioner of Indian Affairs contends is an "heirship" problem, in handling Indian lands. Under authority of the Allotment Act, many reservations were divided up and the Indians were allowed to select, or were assigned, individual tracts of land which are known as allotments. Various periods of time were provided in which the reservation should continue to be "held in trust" by the Federal Government, and during which time the land would be tax-free and known as "restricted" land that the Indians could not sell, mortgage, or otherwise dispose of. It was provided that as the Indians became competent, or were declared competent by the Secretary of Interior, these restrictions should be removed and patents in fee issued to the individual owners of these allotments. These periods of trust have been renewed from time to time by Congress. All such restricted land remains under the jurisdiction of the Bureau of Indian Affairs. In the course of time, the original allottees died, and their property was disposed of through the Probate Division of the Bureau, either by will or through partition by the Division. As these estates came in for probate, the Indian Bureau assumed full administration of them, apparently on the theory that it was the guardian of these Indians and therefore had authority to administer the estates forever instead of settling each one as it came up for probate, as is done in any surrogate court.

Thus, no estate was ever settled and the heirs given full rights therein. Instead, the Bureau administered the estate, handled all funds received from the estate by leasing of lands for various purposes, grants of right-of-ways, sale of timber, and so forth, and divided the money up among the heirs after deducting the costs of probate proceedings. This did not work out so badly with the first generation of heirs. But as time went on, there was another generation to inherit, and, following them, still another generation, until the original allot-

ments were divided up into infinitesimal pieces of property (on paper) which were too small to be of value to any individual. Meanwhile the cost of administration was multiplying with each new set of heirs and in many cases today, the cost of administration far exceeds either the income or the value of the property. For instance, in 1937, the Commissioner reported to the House Appropriations Committee that an allotment of 80 acres, valued at \$1,200 and renting at \$50 per year, was held by 216 heirs; that the cost of probate proceedings to determine these heirs was approximately \$5,664; that the smallest rental share amounted to one-fifteenth of a cent per year, and that it would be 1,500 years before the heirs owning these smallest shares would receive \$1 in rental. (No trip to Mexico is necessary to "explore" this problem.)

The situation is positively ridiculous. It is a sterling example of bureaucratic reasoning. (Anything to make more jobs for the bureaucrats.) In hundreds of cases, it is depriving the Indians of any value from their inheritances and is costing the taxpayers money which could be better spent than paying clerks to divide up 80 acres of land into inherited shares of square inches, on paper, and to keep the involved records necessary to show how many shares of square inches each heir owns and compute the income in terms of fractions of a cent. This "heirship problem," as well as almost all other "Indian problems," has been created solely and entirely by a bureaucracy which for 100 years has been continually seeking methods, such as this, to enlarge itself or justify its existence, instead of exercising a small degree of common sense. (The present Commissioner has added more than 2,000 full-time employees to the Bureau pay roll.)

Common sense would dictate that the Probate Division completely dispose of each estate and turn it over to the heirs as it came up for consideration, and that the Indians be allowed to buy out inherited interests from each other, or exchange them, as other people do.

The Commissioner is fully aware of this problem. As Commissioner, it is his duty to do something about it. He did. This "heirship" problem was one of his principal arguments in favor of the so-called Wheeler-Howard Act. He contended that under the authority to "consolidate Indian lands" and other sections of the act, the Secretary of Interior could either buy up the various inherited interests or could have the heirs "exchange" lands and interests. But when that is done under authority of the Wheeler-Howard Act, the Indian relinquishes a vested property right in certain lands and in exchange is given either an "assignment" of land on which he can reside but can never own, or else a slip of paper saying that he has certain shares in "corporate property." The program has not worked out very well on the reservations. The Indians are not fools. While they realize that they are not receiving the value which they should have from various inherited interests in estates, they know that they do own those interests individually and they are not going to relinquish whatever rights they do have for the doubtful privilege of living on an "assignment," subject to removal by tribal officials of the reservation soviets which have been set up under the Wheeler-Howard Act.

So the problem of "heirship" still remains, both on the reservations which have accepted the Wheeler-Howard Act and these which rejected it. There is absolutely nothing to prevent the Bureau officials from allowing the Indians to exchange their various inherited interests among themselves or to buy out the interests from each other. But the policy of the present Commissioner is to destroy individual ownership and place all Indian land back into tribal or communal ownership. Even before the Wheeler-Howard Act was enacted, an order was issued, No. 420, which forbids the sale of any Indian land and which has been used to prohibit Indians from buying out other heirs in inherited lands.

This new bill, S. 3430, introduced by Senator Frazier, provides that adult Indians who hold an undivided interest in an estate may apply to the Secretary of Interior to purchase for him the other interests in the said estate. It authorizes the Secretary to enter into a contract and make terms whereby the Indian will repay the sums expended for the purchase of the land. It provides further that on any reservation where the amount of inherited interests in allotments is so great that it is an administrative burden and no adult Indians desire to have the interests purchased for them as is provided in the first section, then the Secretary of Interior shall so report to Congress, and if Congress shall grant authority, then the Secretary may purchase these interests and sell the consolidated area to other Indians in the same manner as though the Indian had held an interest and had requested such purchase to be made for him. An appropriation of \$100,000 is authorized and shall be used as a revolving fund to carry out the purposes of the act.

This bill is a most sensible answer to the "heirship land problem." It will not deprive the Indians of their vested property rights because it provides for individual ownership and not tribal ownership. It authorizes the Secretary to collect up the postage-stamp inherited interests into units which can be of use; provides funds to pay those who desire to sell their interests; and the method is outlined for those who acquire the interests to pay for them. It is the bill which the present Commissioner of Indian Affairs should have brought before Congress in 1933 when he first became Commissioner, instead of attempting to capitalize upon this unfortunate situation to further his own "schemes" (his word) by forcing the Indians to enter into communal living in order to secure the necessary relief, as they must do in the Wheeler-Howard Act.

Speaking of these heirship lands in 1937 while before the House Appropriations Committee, Commissioner Collier said:

"If we could consolidate the holdings, consolidate the heirship equities, and consolidate the land in solid blocks, then we would have lots of land for the Indians to cultivate and to make a living on, and the Government would not have to go out and buy new land and put them on that new land for support."

S. 3430 is the answer to that statement.

(Dollars to doughnuts the Department will make an unfavorable report on S. 3430.)

Mrs. JEMISON. As will be readily seen, this manner of handling the heirship land problem would preserve the individual ownership rights that the Indians enjoy, instead of forcing them to take an assignment of land as is done under the Wheeler-Howard Act.

The present Commissioner of Indian Affairs has had the largest appropriations and allocations of funds that have ever been granted by Congress. Criticism of the act is met with the same old Bureau plea or defense: "Congress is to blame because it has not appropriated sufficient money." Well, let me say this in defense of the Congress, whether any Member thereof appreciates my defense or not, Congress has appropriated sufficient funds to allow the Commissioner to add more than 2,000 new employees to the regular pay rolls of the Indian Bureau; to publish the magazine *Indians at Work* and the leaflet *Indian Education*; to send to Mexico for an educator to change our school system; to employ an alien to supervise the soil-conservation experiments at the expense of both the Indians and the taxpayers; to employ an alien at \$7,500 per year to control all Indian arts and crafts, both production and marketing; to build many \$10,000 and \$12,000 homes for Bureau employees; to build a swimming pool for one superintendent; to build a \$2,000,000 "Navajo capitol—center of the Navajo world," and to do a lot of other things that are of little or no benefit to the Indians, including the recent \$2,000 for a jaunt into Mexico for the Commissioner and some of his staff. Congress has been most generous in appropriating and allocating funds for the Indians but has been somewhat negligent in ascertaining that this money was for the benefit of the Indians and not the Bureau of Indian Affairs. I herewith submit a summary of the funds which the present Commissioner of Indian Affairs has had since his appointment in 1933, including the 1941 appropriations as passed by the House, as follows:

(The statement referred to follows:)

Appropriations, July 1, 1933, to July 1, 1940 (fiscal years 1934-40)

INDIAN BUREAU

| Year | General Treasury | Tribal | Total |
|------------|------------------|----------------|-----------------|
| 1934..... | \$18,966,545.67 | \$2,279,701.00 | \$21,246,246.67 |
| 1935..... | 19,157,064.00 | 1,426,915.00 | 20,583,979.00 |
| 1936..... | 28,519,132.00 | 1,499,933.00 | 30,019,065.00 |
| 1937..... | 28,041,190.00 | 1,694,220.00 | 29,735,410.00 |
| 1938..... | 32,214,049.85 | 1,664,590.00 | 33,878,639.85 |
| 1939..... | 33,519,962.43 | 1,851,109.21 | 35,371,071.64 |
| 1940..... | 34,715,669.65 | 2,017,077.00 | 36,732,746.65 |
| Total..... | 195,133,613.65 | 12,433,545.21 | 207,567,158.86 |

(P. 24, hearings, 1941 appropriation bill for Interior Department, House committee.)

| | |
|---|------------------|
| Appropriations from Treasury and tribal funds, 1934-40..... | \$207,567,158.86 |
| Allocations from various emergency funds, 1934-40..... | 111,328,046.00 |
| (P. 42, same hearings as above.) | |
| Total for Indian Bureau..... | 318,895,204.86 |
| Current appropriation bill as passed by House..... | 37,009,692.05 |
| Total..... | 355,904,896.91 |

SUMMARY

Mrs. JEMISON. My reasons for being opposed to the so-called Wheeler-Howard Act and in favor of the bill S. 2103, which will exclude certain Indians from it, are as follows:

1. It is contrary to the 150-year-old policy of the Federal Government because it seeks to keep or take back into a tribal status all the lands of the Indians and thus place it in a status where the Supreme Court cannot take cognizance of what is done to it or with it, by either Congress or the Indian Bureau. As soon as title to property vests in an individual (the courts have held that such title does vest when the Indian has selected or accepted or even just filed for allotment, whether or not a patent-in-fee is issued), the courts can then take cognizance of that land under the usual laws which apply to any other property. It certainly cannot be considered a step forward to keep these lands in a tribal status and thus under the dictatorial rules of the Congress, and through it the Indian Bureau, with no right of appeal to the courts for relief from any legislation affecting that property. Such a step is distinctly a step backward.

2. All Indians who voted to accept the so-called Wheeler-Howard Act unwittingly changed their legal status from that of "involuntary wardship" to that of "voluntary wardship." No one told the Indians this before they voted. Thus they accepted the bill through misconceptions. No one explained to them that when they came to Congress to ask that this act be repealed or changed that they would be told, "Well, you voted for this and by that vote you agreed that the Secretary of the Interior should retain control over your affairs forever." I dare say the majority of them voted upon accepting the act without ever seeing the act itself and with only the glowing promises of the Bureau that they could borrow money to build homes, go into business, buy land and educate their children, to guide them in a momentous decision which affects their lives and property in that it changed their legal status.

3. There is no self-government in the act, all final power and authority remains in the Secretary of the Interior, which is exactly where it always has rested heretofore. The act provides increased power for the Secretary of the Interior in the mandatory provisions for control of grazing and timber operation.

4. It does not provide land for landless Indians, as was promised. It merely provides land for the "use" of the Indians, as long as they do not offend the Bureau, and this in itself increases the absolute and autocratic control which the Bureau exercises over these helpless wards.

5. The act legalizes communism on Indian reservations, in that it provides only one form of living for the Indians, communal living, with all property, both real and personal, held in common, and that it is being administered to destroy the rights of individual enterprise, private property, inheritance, free speech, free press, free assembly, and trial by jury, and that Indians are being encouraged to defy State laws.

6. The act has caused more hatred, strife, and turmoil among the Indians themselves than anything which has heretofore happened to them. The act itself and the campaigns conducted among the Indians to secure approval of them has aroused the dying embers of race hatred among the older Indians; has served to emphasize to all Indians that they are Indians, separate and apart from other Americans, instead of teaching them that they are Americans, the same as all other races and nationalities which live in the United States; has widened and increased the gulf between full-bloods and part-bloods; has disturbed the peaceful relations of tribes who occupy reservations jointly; has broken up life-long friendships, caused divorces between husbands and wives, and set children against parents and vice versa.

In conclusion I want to say this: In 1934 Congress exercised its autocratic, dictatorial powers over these helpless ward Indians by enacting the so-called Wheeler-Howard Act, over the protests of many Indians, and by that action compelled these wards to vote upon this proposition without making adequate provision to protect the Indians from the Bureau in the elections or to insure that the Indians fully understood exactly what they were doing when they cast a ballot for or against the act. On the contrary, Congress provided the Bureau with ample funds and facilities to campaign for the act, and all opposition campaigns had to be carried on at the expense of individual Indians, most of whom were verging on starvation. Much misery among the Indians has come from this act. Indians have been brutally beaten, jailed, fined, denied work, or removed from their work because of opposition to this act.

Although I have affidavits from only one reservation, it has been reliably reported to me from three others that employees openly stated, or else intimated, that all Indians who refused to come under the program or objected to it could just starve to death.

Now, it does not seem to me that the question before Congress is whether or not to subject the Indians to another siege of campaigns and coercions in an election about this act. It seems to me that the question is whether or not Congress, as the duly constituted guardian of the Indians, wishes to keep such a program as this in force over the Indians by allowing this act to remain on the statute books.

Before the committee takes final action on this bill, I respectfully ask that some examination be made of the hearings held by the

Senate Committee on Indian Affairs over a 4-year period. Page proofs of all this testimony are now being rapidly completed.

I thank the committee for the time which has been granted me to present this argument in favor of the bill, S. 2103.

Mr. SCHAFFER. In addition to what has gone in the record I would be glad if you would submit a statement of any proposed amendments which you may have, which you think would be necessary to perfect and purify the election laws, any desirable amendments to my proposed amendment.

Mrs. JEMISON. Mr. Schafer, may I say that I have not submitted any proposed amendment because I do not have a copy of your amendment.

Mr. SCHAFFER. Something has been brought out about the election laws, and I was wondering if you might be able to offer any amendment, so we may be able to have a provision which will be satisfactory to all parties concerned, not only the Indians themselves, but all of those who are against the bill.

Mrs. JEMISON. I would be glad to do so.

Mr. SCHAFFER. I ask unanimous consent that at this point in the record Mrs. Jemison be requested to insert any perfecting amendments which she may offer to my proposed amendment, a copy of which I will be glad to submit to her.

The CHAIRMAN. The Chair hears no objection and it is so ordered. (The material submitted follows:)

Hon. WILL ROGERS,

*Chairman, House Committee on Indian Affairs,
The Capitol, Washington, D. C.*

MY DEAR MR. CHAIRMAN: During the hearings which were held by the committee on the bill, S. 2103, I was given the privilege of submitting a draft for an amendment thereto. Enclosed herewith please find the draft and a statement explaining it. I regret that this could not have been submitted sooner. However, as the committee clerk was informed, I was rushed to the hospital for a serious emergency operation the first week in July and have only recently returned home. I understand that the committee took action upon the bill, S. 2103, without waiting for this amendment. In view of this action, I shall appreciate having this letter included with the statement and the amendment at the proper place in the record.

I was also authorized to submit statements relative to the particular situations under the so-called Wheeler-Howard Act of the various Indians whom I represent. I am physically unable to prepare the information myself and would have to hire someone to do it for me. Inasmuch as the committee has all ready taken action on the bill to its own satisfaction, I am not submitting these statements for the Indians whom I represent. However, there are two or three statements in the record by the Commissioner which I cannot permit to go uncontradicted. Possibly you will recall that I was ill and could not attend all of the hearings. Consequently I did not know about these statements until this past week when I was able to read over the testimony of the Commissioner. Within the next few days I shall have two or three brief statements prepared relative to these matters and shall sincerely appreciate having them included in the record to refute and correct those made by the Commissioner.

Thanking you for your courtesy in this matter, I am,

Respectfully yours,

ALICE LEE JEMISON.

STATEMENT OF A. L. JEMISON

Relative to the proposed amendment to S. 2103, I wish to state that I have not been authorized by any of the Indians whom I represent, except the Papagoes, to accept any proposed substitute for S. 2103. The bill does not concern all Indians. It concerns only those therein mentioned and such others as may desire to

be included. Of the ones which are named in the bill, I am authorized to represent the Standing Rock, Pine Ridge, and Cheyenne Agency Indians who wish to be excluded from the Wheeler-Howard Act. While the bill was under consideration by the Senate I also represented the federation members of the State of California, the Eastern Band of Cherokee Indians, and the Navajo of New Mexico who are included in the bill. Of those who wish to be included in the bill, I represent the Fort Berthold Sioux of North Dakota, the Santee Sioux of Nebraska, and the Fort Peck Sioux of Montana who are members of the Black Hills Treaty Council, the Flatheads of Montana and the Papago Indians of Arizona who wish to be excluded from the so-called Wheeler-Howard Act. All of the Indians whom I represent have petitioned Congress for enactment of a bill to exclude their reservations from the Wheeler-Howard Act, have endorsed S. 2103 and have appeared before the Senate Committee on Indian Affairs, excepting the Papago, to testify upon these bills. For these reasons, I cannot speak as the representative of these Indians in support of any proposed amendment which will radically alter S. 2103. However, after attempting to help various Indians to have legislation which they wanted enacted during the past six sessions of Congress, I realize that it is almost an impossibility to get any legislation through Congress that the Indians really want. In view of the autocratic control which Congress has over the Indians, if the House of Representatives decides that more elections on this Wheeler-Howard Act and more expense for the taxpayers to pay for the elections is the desirable way of correcting the wrong Congress did in passing this legislation in 1934, then the Indians will again have to accept the inevitable. Knowing all of this, I am submitting a draft for legislation which will accomplish the wishes of the House about holding elections but will also give some measure of protection from the Bureau to the Indians. I do this as a private individual and not as the representative of any of the Indians who have authorized me to represent them on S. 2103.

The committee graciously granted me the privilege of either offering an amendment to the draft, which Mr. Collier has prepared for this substitute bill or to submit a draft of my own for the proposed substitute. I have examined the draft prepared by Mr. Collier and cannot agree with any part of it for several reasons. It not only provides for elections in those places where Indians wish to be excluded from the act but also provides that new elections about coming under the act shall be held in all places where Indians once voted to stay out, and that this shall be a continuing process held every 2 years. The language about Indians petitioning for these elections means nothing as the Bureau can always control sufficient Indians to get one-third of them to petition for anything the Bureau wants done. Under this proposed bill, elections will again be held in all places where the Indians have voted to stay out of the act. In my opinion the proposed substitute is a subterfuge for the purpose of coercing more Indians into voting that the Secretary of the Interior shall forever remain in control of their affairs. Under no circumstances could I ever agree to subject any of my people to the campaigns of coercion which would result from enactment of this proposed amendment to the act of June 18, 1934. Enough of my people have already starved to death because of their refusal to adopt constitutions and organize under this act and enough of them have all ready been coerced and starved into organizing little soviets without throwing the doors wide open for others to receive the same treatment under the present Commissioner or his proposed successor, Mr. LaFarge.

In the second place, the proposed substitute bill completely alters the purpose of S. 2103. S. 2103 is for the purpose of taking certain Indians out of the so-called Wheeler-Howard Act by legislation and thus restoring to them their status of involuntary wardship. If the House Committee on Indian Affairs wishes to enact anything like the Commissioner's proposed substitute, then it should initiate such legislation and hear from all Indians on the subject, both those who are now under the act and those who are out of it, as it concerns all Indians excepting those in Alaska and Oklahoma. To do otherwise is to again exercise that autocratic control of Congress which some members of the House committee fear they will be doing if they enact S. 2103 as written and enacted in the Senate. If all other Indians are to have a chance to again vote upon this matter, then why discriminate against the Indians of Alaska and Oklahoma by excluding them from the provisions of the proposed bill? The Indians of Oklahoma never were given the privilege of voting upon this matter as other Indians were and they might like a chance to express their wishes upon it. The Alaska Indians are most certainly dissatisfied with the Wheeler-Howard Act as is evidenced by the printed hearings of the Senate committee on this bill.

For the above reasons, and others which I do not here enumerate, I am not submitting any proposed amendment to the draft submitted by the Commis-

sioner but am submitting a substitute which will accomplish the wishes of the House committee and yet protect the Indians in some measure.

“Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on September 27, 1940, an election shall be held in all places where Indians have heretofore voted to come under the provisions of the so-called Wheeler-Howard or Indian Reorganization Act of June 18, 1934, (48 Stat. 984) for the purpose of determining whether or not said Indians will continue under this Act: Provided, That in each instance the total vote cast shall not be less than 60 per centum of those entitled to vote and the vote of the majority of those actually voting shall be conclusive in this determination.

“SEC. 2. All Indians of 21 or more years of age who are members of the tribe or tribes which own or occupy the respective areas where elections are held shall be eligible to vote in the election on September 27, 1940, either by casting a ballot or by use of an absentee ballot and for the purpose of this Act exclusively all members of a tribe shall be deemed to be those Indians who have an interest or share, either personally or by inheritance, in the undivided assets of the tribal estate or in individually owned real estate within said area, excepting the Eastern Band of Cherokee Indians of North Carolina and in that area no person of less than one-sixteenth degree Cherokee Indian blood shall be eligible to vote in said election, in accordance with the provisions of the State Charter of said Eastern Band of Cherokee Indians: *Provided, That all other Indians who are residing within said areas by reason of employment, intermarriage or any other reason, shall be eligible to vote on their own reservations or with their own respective tribes by use of the absentee ballot.*

“SEC. 3. In all areas where said elections will be held, the Secretary of the Interior is hereby authorized and directed to do the following:

“1. To have copies of this Act posted in public places at least 30 days prior to date of said election and to supply and to have distributed sufficient copies of this Act to insure that the Indians have read said Act before casting a ballot;

“2. To prepare and distribute suitable ballots for use in said election;

“3. To prepare suitable absentee ballots and return envelopes for use in said election, making provision that such ballots shall be returned to the proper Superintendent in a sealed envelope bearing the name or number of the voting District to which it shall be delivered, as is hereinafter provided, and to cause said absentee ballots and a copy of this Act to be mailed to all eligible absentee voters at least 30 days prior to the date of said election.

“4. To prepare and to have distributed form letters notifying all judges, tellers, interpreters, and sergeants-at-arms of their selection for such duties, as is hereinafter provided, and instructing said election officials in their respective duties in accordance with general election laws and the provisions of this Act.

“5. To prepare and to have distributed suitable return blanks or forms for making total vote returns from the districts and from the respective areas in accordance with the provisions of this Act.

“SEC. 4. The election on September 27, 1940, shall be held at the regular polling places used in local, State, and Federal elections in all areas where Indians participate in such general elections and in all other areas the said election shall be held in the polling places which have been established by the Indians for voting in tribal elections.

“SEC. 5. On September 13, 1940, the Indians of each polling district shall meet at the regular polling place for the purpose of choosing three judges, two tellers, two interpreters and two sergeants-at-arms whose duty it shall be to conduct the elections in that district on September 27, 1940: *Provided, That only those adult Indians who are eligible to vote in the election of September 20, 1940 in accordance with the terms of this Act shall participate in selection of said election officials or shall be eligible to hold such office.* The names of those who are selected to conduct the elections, certified by not less than ten adult members of the district, shall be immediately sent to the Superintendent of the area and it shall be the duty of the Superintendent to notify all election officials of their selection for the respective positions, to instruct them in their respective duties and to have each such official duly sworn into office on or before September 26, 1940, and to distribute the ballot boxes.

“SEC. 6. The election on September 27, 1940, shall be by secret ballot; all absentee ballots received by the respective Superintendents shall be delivered unopened to the polling places of the proper districts not later than 5 p. m.; the

sergeants-at-arms shall act as police officers and shall maintain order at all times; the election officials shall be guided by the provisions of section 2 of this Act in determining the eligibility of any Indian to cast a vote in this election; the polls shall be kept open from 8 a. m. to 6 p. m.; at 6 p. m. the judges shall declare the polls closed, the tellers shall open the ballot boxes in the presence of all election officials and shall count the ballots cast and shall open and count all absentee ballots which have been returned for the district; the tellers shall enter the results of the election upon eight copies of the return form and each copy shall be signed by the three judges and the two tellers in the presence of all election officials; each judge and each teller shall keep one copy of the results; one copy of said results shall be placed in the ballot box with all of the ballots; the tellers shall then lock the ballot box, shall seal the remaining two copies of the election results in an envelope in the presence of all election officials and shall then deliver the ballot box and the envelope, together with any unused ballots, to the Superintendent; as soon as all returns have been received by the Superintendent, he shall, in the presence of the tellers of all the districts, open the envelopes and announce the returns from each district and the results of the whole election in that area; the Superintendent shall then fill out forms with the final total results and the results of each district and these forms shall be signed by the Superintendent and each and every teller; each teller shall be given one signed copy of the final results to take back to his district, the Superintendent shall send one copy together with one copy of each district return to the Secretary of the Interior, and shall retain one copy of each for the Agency office; the results of this election as determined by a majority of the votes cast, shall be binding upon the Government of the United States and the Indians of each area where said election is held.

"SEC. 7. In all areas which have incorporated under the terms of the Act of June 18, 1934 (48 Stat. 984), election to be excluded from said Act shall not become effective until suitable arrangements have been made to dispose of the assets and liabilities of such corporation by transfer back to the tribe or band of Indians who own, occupy or possess each respective area and the Secretary of the Interior is hereby directed to conclude such arrangements not later than September 27, 1941.

"SEC. 8. In all places where Indians shall vote to exclude themselves from the provisions of the Act of June 18, 1934 (48 Stat. 984), the trust period is hereby extended for a period of ten years: all land purchased under authority of the Act of June 18th, 1934, or which may be in the process of being purchased, shall remain in the possession of the Indians for whom it was purchased and title to the same shall be identical with other tribal lands of said Indians; all Indians who have not incorporated under the Act or have not adopted a constitution under the said Act are hereby authorized to continue governing themselves with their present tribal governments and all Indians who have organized under said Act are hereby authorized to set-up tribal governments to the satisfaction of the majority of the adult Indians within the area, *Provided*: That henceforth no white person shall serve upon the Council or in any office of such tribal governments.

"SEC. 9. Any employee of the Federal Government, whether on regular or work relief pay rolls, who shall engage in any campaign either for or against this Act, or use any powers of his or her position, or any facilities of the Federal Government for the purpose of such campaigns or in the conduct of the elections, except as herein provided, shall be deemed guilty of an offense against the Government of the United States and upon conviction thereof shall be punishable by a term of not less than three months nor more than one year in a Federal penitentiary or a fine of not less than \$100 nor more than \$500, or both such fine and imprisonment, and jurisdiction is hereby conferred upon the Federal Courts to hear and determine all such cases by jury trial and to impose sentence therefor.

"SEC. 10. The Secretary of the Interior is hereby authorized and directed to pay all judges, tellers, interpreters and sergeants at arms the sum of five dollars each for their work at the election on September 27, 1940, and in addition thereto to pay the tellers mileage at the rate of five cents per mile for delivery of the ballot boxes; these sums and all other expenses of this election shall be expended from the appropriations which are made for the Department of the Interior for the fiscal year of 1941 under authority of section 9 of the Act of June 18, 1934 (48 Stat. 984)."

The CHAIRMAN. You made a reference, Mrs. Jemison, to minority reports. Would you indicate for the record what tribes that would include?

Mrs. JEMISON. The Cheyenne River Tribe in South Dakota, the Pine Ridge Agency; the Rosebud, who are not in the bill; the Standing Rock Tribe of North Dakota and South Dakota; and the Flatheads of Montana.

The CHAIRMAN. Five?

Mrs. JEMISON. Five different tribes.

Mr. SCHAFFER. What do you mean by referring to them as minorities?

Mrs. JEMISON. Well, some of them represent a majority.

Mr. SCHAFFER. But having had elections, you are speaking of the minority from the legal standpoint?

Mrs. JEMISON. Not necessarily.

Mr. DAIKER. May I say that with the exception of the Standing Rock Reservation, the Indians referred to by Mrs. Jemison have appeared before the Senate committee. Is this in addition to what is in the record?

Mr. SCHAFFER. She refers to a one-page statement from them.

Mrs. JEMISON. Yes.

Mr. DAIKER. Some of them were here and testified before the Senate committee.

Mr. SCHAFFER. I ask unanimous consent that the lady be permitted to incorporate a one-page insertion indicating the positions of the present minorities of the tribes referred to.

The CHAIRMAN. Mr. Schafer asks unanimous consent that Mrs. Jemison be permitted to file a one-page statement from each of these five tribes that have been mentioned. Without objection, it is so ordered.

(The statements referred to were authorized to be filed with the committee.)

The CHAIRMAN. The time of the witness has expired.

Mr. SCHAFFER. I ask unanimous consent that she be given 3 additional minutes.

The CHAIRMAN. Mr. Schafer asks that the witness be given 3 additional minutes. Without objection it is so ordered.

Mrs. JEMISON. Relative to the Cheyennes who were referred to, may I suggest that the committee ask the Bureau whether it is correct that their funds are expended, a certain amount, for administrative purposes.

I think the Cheyenne Agency funds are still expended for administrative purposes, and I just raise the question so the committee may ask the Bureau about it.

And, I would like to call the attention of the committee to another question, and ask that they secure a copy of the code of laws or orders which were promulgated under the so-called Wheeler-Howard Act.

Mr. SCHAFFER. How long is that code?

Mrs. JEMISON. It is quite lengthy.

Mr. SCHAFFER. Do you have that code?

Mr. COLLIER. There has been no such code of laws promulgated under the Wheeler-Howard Act. There is a general law and order regulations.

Mrs. JEMISON. The law and order code.

Mr. SCHAFFER. I suggest that the clerk to the committee secure a copy for the committee's use.

Mrs. JEMISON. Ask particularly for the code for the Pine Ridge Agency Reservation.

Mr. SCHAFER. At this point I would like to ask one question.

The CHAIRMAN. May I ask officials of the Department if there is such a code?

Mr. SCHAFER. Whatever you may call it, law and order, or whatever it is.

Mrs. JEMISON. Let me ask you to refer to the Pine Ridge Reservation code, the law and order code particularly.

Mr. SCHAFER. I think it would be well to have the clerk secure that.

We will soon come to the point where we are here today and there tomorrow. In one breath the Indian Bureau is denounced for not giving the Indians the right of self-government. Then, at the Yankton Sioux hearings we heard a great hullabaloo raised about the Indian Bureau because of the action of a judge who had been elected by the Indians. Now we have testimony that the Indians have too much self-government. Is that true?

Mrs. JEMISON. No, sir; my proposition is this: If we are going to vest the Indians with citizenship, you should put them under the laws of the States, and let them come under the authorities of the States.

Mr. COLLIER. Including the Senecas?

Mrs. JEMISON. If that is their wish. Mr. Collier, you know why the Senecas do not change their status. There are questions dealing with our claims which will have to be settled under our treaties before we can do anything about changing our status. When those questions are settled regarding our claims, or when we have had a final settlement with the Government, then it will be time for us to go forward and consider a change in our legal status.

Mr. COLLIER. In almost every case there are claims. There is a cloud of unsettled claims, and you would have to maintain the status quo for a long time under that argument. I am not asking why the Senecas should come over under our set-up, but I am asking why you think they should not come under it now.

Mrs. JEMISON. I say that should be if and when they so desire.

Mr. COLLIER. Have they expressed such a desire?

Mrs. JEMISON. Some of them have.

Mr. COLLIER. Do you recommend that they come under it?

Mrs. JEMISON. I said that I recommend that they be given the privilege of deciding what they wish to do.

Mr. SCHAFER. Right at that point, let me say this: Under proper safeguards, you would be willing to take this Senate bill and throw it out of the window, and take my substitute bill, because that is about the view you have just expressed.

Mrs. JEMISON. I expressed that view with regard to the Senecas.

Mr. SCHAFER. In the testimony on the Yankton Sioux bill the other day, we heard the Indian Bureau denounced. They were given hell. I am not a defender of the Indian Bureau, but when I believe they are right, I will defend them. When I find they are wrong, I will give them hell too. The other day we had an Indian from the Yankton Tribe who was denouncing the Indian Bureau because an Indian called American Benjamin Horse was sent to jail for exercising free speech. Then we found that the Indian Bureau did not send

him to jail for free speech, but that the judge who sent Chief American Benjamin Horse to jail for exercising free speech was an Indian judge elected by the Indians. Now, it seems that the complaint, or the inference to be drawn from it, is that the Indian Bureau gives the Indians too much self-government with reference to the so-called codes. Now, is it not a fact that from the Indian court there is an appeal to a higher court?

Mrs. JEMISON. In those Indian courts, the superior court judges are appointed by the Indian Bureau. It is an important point to bring this out: It was brought out in the hearings that the Indians were not permitted attorneys nor trial by jury. Mr. Schafer, I believe it was, said that there were many little trivial cases coming up, and everybody agreed that you could not have a trial by jury in those little petty classes of cases that came up in everyday life. I think in many cases that is true in police courts.

Mr. SCHAFFER. We have petty offense courts in the Veterans' Administration facilities to enforce infractions of the rules.

Mrs. JEMISON. My reason for calling that to your attention is that you may go through those things which those courts have jurisdiction of and can decide whether they are petty little things that should be brought before a court where the Indians have no trial by jury and cannot be represented by attorneys. That is the reason for bringing that to your attention.

Mr. SCHAFFER. Do they have the right of appeal in the case of serious crimes to a higher court?

Mrs. JEMISON. They have the right of appeal to the superior judges who are appointed by the Bureau of Indian Affairs.

Mr. SCHAFFER. Do they have the right of appeal to the district courts?

Mrs. JEMISON. No, sir; there is no appeal from those courts.

Mr. SCHAFFER. That is not the fault of the Wheeler-Howard Act, is it?

Mrs. JEMISON. Yes, sir; it is.

Mr. SCHAFFER. Did they not have that system before the enactment of the Wheeler-Howard Act?

Mrs. JEMISON. The Indian Bureau has always maintained courts on the reservations, but prior to the adoption of the Wheeler-Howard Act, the Indians did appeal the decisions of those Indian Bureau courts, and took their cases into the Federal courts.

Mr. SCHAFFER. That is highly important. I ask that Mrs. Jemison's time be extended for 5 minutes, if her time has expired.

The CHAIRMAN. Without objection, Mrs. Jemison's time is extended for 5 minutes.

Mr. SCHAFFER. Now, Mr. Collier, is there any provision in the Wheeler-Howard Act which makes it possible for these Indian judges to have jurisdiction in those cases of high crimes or misdemeanors, and to try the people accused without a jury?

Mr. COLLIER. That has no bearing at all upon the question of allowing the tribes to amend the tribal regulations, or the law and order code. There has not been, and there cannot be, an appeal to a State or Federal district court in the matters listed in the law and order code, because those courts do not have such jurisdiction, as a matter of law. In Oklahoma the Indians are under the State laws

and State courts; in Nebraska they are just being brought under the State courts on the initiative of the Indians themselves. In those cases jurisdiction is conveyed to either the Federal or State courts, or both.

In other States, they are not under either. They are under a separate code of laws, except that the Federal laws affect 10 major crimes. Until Congress brings Indians in a State or reservation under the jurisdiction either of the Federal courts or State courts, or both, they are not under such jurisdiction. It must be done by an affirmative action of Congress. In the case of the Sioux, my own opinion is that if the States of North and South Dakota could be brought to be willing to accept jurisdiction over those matters, and can make some showing to Congress as to their readiness to do this job, either at their own expense or through grants by Congress, they should be permitted to do it.

MR. SCHAFER. Under the existing situation, in the case of some of these more serious crimes, can they be sent to jail for 15 or 20 years without a jury trial?

Mrs. JEMISON. No, sir; they can be fined up to \$350.

MR. COLLIER. They were passed on by the superintendent, and the judgments could be appealed to the Secretary of the Interior. In organized areas a system of appellate courts was set up, and an appeal lies from the initial court elected by the Indians to the appellate courts elected by the Indians. Then there is no appeal to the Indian Bureau or the Department. Perhaps, we should not have it that way. Perhaps you should preserve the final appeal to the Department.

MR. SCHAFER. There is no provision for that under the Wheeler-Howard Act?

MR. COLLIER. The only thing that the Wheeler-Howard Act does is to make possible the organization of the tribes, under which, by the Department's policy, the tribes may modify the departmental law-and-order regulations in their own way. In the case of some Sioux areas there has been a distinct tendency to import partisan politics into the decisions judicially. That is not confined to Indian areas, of course. There has been a distinct tendency to put people in jail for opposing local governments. That is probably why they do it, although specific offenses are charged. We have protested against that, but our power stops with protesting. That is not a major difficulty. The major difficulty is the lack of money to maintain the court system. They have to fall back on a fee system, which is always bad.

MR. SCHAFER. It is like a justice of the peace who, when he knows he can collect a fee, imposes a large fine.

MR. COLLIER. Yes, sir. If Congress would provide the money, and would get away from the fee system, the main difficulty would disappear.

Mrs. JEMISON. In many communities, particularly in the Sioux areas, some of them receive old-age pensions, work-relief checks, or money through Federal farm grants, through Sioux benefits, or through retirement pensions, and those checks are handled through the agencies. Then those Indians may be arrested and fined by these courts, and the fines which are assessed against them by the courts are collected through the local agency out of the moneys they handle.

MR. SCHAFER. They are not Wheeler-Howard Act courts?

Mrs. JEMISON. They are organized under that.

Mr. SCHAFER. They had the same courts, with practically the same jurisdiction, before the Wheeler-Howard Act, did they not?

Mrs. JEMISON. No, sir; it was a different set-up then.

Mr. SCHAFER. Let us have the facts.

Mrs. JEMISON. Mr. Collier has stated the facts.

Mr. SCHAFER. Do you mean to tell me they are now Wheeler-Howard Act courts? I gathered from Mr. Collier's statement and from prior testimony that, prior to embracing the Wheeler-Howard Act, they did have Indian courts, and the only difference with reference to the operation was that after they went under the Wheeler-Howard Act, the Indians themselves could elect the judges, whereas prior to the Wheeler-Howard Act the White Father in the Indian Bureau at Washington designated the judges.

Mr. COLLIER. Yes; that is correct.

Mr. SCHAFER. Prior to the Wheeler-Howard Act, the White Father and the Indian Bureau in Washington promulgated the rules, jurisdiction, and so forth, of the courts, while under the Wheeler-Howard Act the Indians have the right to some limited degree, at least, to promulgate those rules and regulations for the operation of the courts and to elect the Indian court judges.

Mrs. JEMISON. I will ask you to examine the rules and regulations promulgated by the Department for unorganized areas and the rules and regulations promulgated by the Indians who have elected to organize and note the great similarity.

Mr. DAIKER. The same regulations apply to both groups. Either group, whether organized or not, has the right to amend the law and order code, as provided by the Secretary.

The CHAIRMAN. The time of the witness has expired. We thank you for your testimony. The Chair recognizes Commissioner Collier.

ADDITIONAL STATEMENT OF JOHN COLLIER, COMMISSIONER, BUREAU OF INDIAN AFFAIRS

The CHAIRMAN. You may proceed, Mr. Collier.

Mr. COLLIER. Mr. Chairman, I would like, if possible, to complete my testimony today.

First, however, I wish to go back to the request made yesterday for an expression of their desire by the tribes that would be affected by this pending bill, S. 2103, or an expression of what they wanted. I have brought here a list of the tribes affected. This is a list of what is already in the hearings showing the nature of their expressions. It turns out that most of the tribes, or the big ones, are on record in a formal way. Some of the little ones have not taken the trouble to register. They are getting benefits, but are not organized. This is a table of contents, really of the statements heretofore submitted from the tribes.

Mr. SCHAFER. Can that go in the record?

Mr. COLLIER. Yes, sir.

Mr. SCHAFER. I ask that the matter be inserted in the record.

The CHAIRMAN. Mr. Schafer asks unanimous consent that the statement of the Commissioner be inserted in the record, and, without objection, it is so ordered.

(The matter referred to is as follows:)

List of tribes affected by bill, S. 2103

| State, agency, reservation | Popu- lation | Organization data | Attitude on S. 2103 |
|--|-----------------|---|----------------------------------|
| NORTH AND SOUTH DAKOTA | | | |
| Standing Rock Reservation and Agency.... | 3, 775 | Pre-Indian Reorganization Act constitution, and tribal council. | Against repeal; also for repeal. |
| SOUTH DAKOTA | | | |
| Pine Ridge Reservation and Agency..... | 8, 370 | Tribal constitution under Indian Reorganization Act; no charter. | Against repeal. |
| Cheyenne River Reservation and Agency... | 3, 288 | do..... | Do. |
| Rosebud Agency: Yankton Reservation.... | 2, 018 | Pre-Indian Reorganization Act constitution, but not an elected council. | Ask for referendum. |
| NEVADA | | | |
| Carson Agency: | | | |
| Fort McDermott..... | 273 | Tribal constitution and charter. | Against repeal. |
| Pyramid Lake..... | 549 | do..... | Do. |
| Summit Lake..... | 64 | | |
| Reno-Sparks..... | 190 | Tribal constitution and charter. | Do. |
| Washoe (Dresserville)..... | 160 | do..... | Do. |
| Lovelock..... | 90 | Tribal constitution under review. | |
| Winnemucca..... | 50 | do..... | |
| Te-Moak (3 groups—Battle Mountain, Elko, Ely)..... | 180 | Tribal constitution and charter. | Do. |
| Indian Ranch..... | 20 | | |
| Walker River..... | 492 | Tribal constitution and charter. | Do. |
| Yerington..... | 102 | do..... | |
| Formerly under Paiute Agency: | | | |
| Moapa River..... | 158 | do..... | Do. |
| Las Vegas Tract..... | 40 | | Do. |
| Western Shoshone: Duck Valley..... | 516 | Tribal constitution and charter. | Do. |
| Carson Agency Yomba Reservation (new)... | 80 | do..... | Do. |
| NORTH CAROLINA | | | |
| Eastern Cherokee..... | 3, 254 | Has organized council under State charter. | Do. |
| ARIZONA | | | |
| Colorado River Agency: Colorado River Reservation. | 705 | Tribal constitution and charter. | Do. |
| NEW MEXICO | | | |
| Navajo Tribe..... | 43, 135 | Non-Indian Reorganization Act constitution; not under the act. | |
| CALIFORNIA | | | |
| Hoopa Valley Agency: | | | |
| Trinidad..... | 4 | | |
| Crescent City..... | 16 | | |
| Blue Lake..... | | | |
| Colorado River Agency: Fort Yuma Apache. | 819 | Tribal constitution; no charter. | |
| Mission Agency: | | | |
| Capitan Grande including Barona..... | 160 | | Do. |
| Cuyapaipe..... | | | |
| Leguna..... | 3 | | |
| La Posta..... | 3 | | |
| Manzanita..... | 67 | | |
| San Pascual..... | 9 | | Do. |
| Santa Ynez..... | 90 | | Favors repeal. |
| Sacramento Agency: | | | |
| Alexander Valley..... | 23 | | |
| Alturas..... | 26 | | |
| Big Bend..... | | | |
| Big Valley..... | 92 | Tribal constitution, no charter. | Against repeal. |
| Cache Creek..... | 30 | | |
| Buena Vista..... | 4 | | |
| Cedarville (no residents)..... | | | |
| Cloverdale..... | 40 | | |
| Colusa..... | 72 | | |
| Colfax (no residents)..... | | | |
| Cortina..... | 40 | | |
| Coyote Valley..... | 16 | | |
| East Lake (Robinson)..... | 46 | | |
| Fort Bidwell..... | 180 | Tribal constitution, no charter. | Do. |
| Guldeville..... | 54 | | |
| Grindstone..... | 50 | | |
| Hopland..... | 112 | | |

List of tribes affected by bill, S. 2103—Continued

| State, agency, reservation | Popu- lation | Organization data | Attitude on S. 2103 |
|---|-----------------|---------------------------------|------------------------|
| CALIFORNIA—continued | | | |
| Sacramento Agency—Continued. | | | |
| Jackson..... | 3 | | |
| Likely..... | 60 | | |
| Lockout..... | 24 | | |
| Lytton (no residents)..... | | | |
| Manchester..... | 92 | Tribal constitution and charter | |
| Middletown..... | 26 | | |
| Millerton (no residents)..... | | | |
| Montgomery Creek..... | 14 | | |
| Nevada City..... | 36 | | |
| Paskenta..... | 52 | | |
| Pineville..... | 102 | | |
| Potter Valley..... | 52 | | |
| Redwood Valley..... | 36 | | |
| Rumsay..... | 22 | | |
| Santa Rosa..... | | | |
| Sebastopol (no residents)..... | | | |
| Sheep Ranch..... | 1 | | |
| Stewart's Point..... | 140 | Tribal constitution; no charter | |
| Sulphur Banks..... | 40 | | |
| Susenville..... | 18 | | |
| Strathmore (no residents)..... | | | |
| Taylorville..... | 4 | | |
| Tuolumne..... | 80 | Tribal constitution and charter | Against repeal. |
| Tule River..... | 188 | Tribal constitution; no charter | Do. |
| Upper Lake..... | 72 | do | Do. |
| Wilton..... | 28 | do | Do. |
| Round Valley (Covelo)..... | 827 | Tribal constitution and charter | Do. |
| Hoopa Valley Agency: Quartz Valley (new)..... | 30 | do | |

The CHAIRMAN. The Chair understands that the committee has already authorized the Commissioner to file for the record a statement of the expressions from the various tribes.

Mr. SCHAFFER. Yes; we did that yesterday. We requested your office to notify the tribes that this committee was considering Senate bill 2103, and we asked you, Mr. Collier, to request the tribes to send to your office resolutions or communications indicating their position on this bill; and, also, if they wanted to send delegations to appear before the committee.

Mr. COLLIER. I want to make this suggestion on that point: A letter of the kind you suggest might result in many tribes sending representatives here possibly at a time when the committee was not in session. It would be regarded by many of the tribes as being tantamount to a command to come here.

Mr. SCHAFFER. You could include in the communication the statement that they should not come here unless they were invited or requested to come.

Mr. COLLIER. If the presentation of adequate documentary evidence might be accepted in lieu of their coming here—

Mr. SCHAFFER (interposing). The committee is not requesting that they come here. The committee does not want them to come here unless the committee decides that it desires their presence. You could ask them if they have any idea that they want to send someone so we will know.

The CHAIRMAN. It is understood that the committee is not indicating that we will hear any of them until we can consider the matter.

Mr. COLLIER. Would it be useful to the committee to submit to all of the tribes a copy of the alternate proposal that Mr. Schaffer has formulated, to see whether they would like that?

Mr. SCHAFER. I would appreciate your doing that.

Mr. COLLIER. We would get a great deal of light on that by knowing what was their response to it, or whether they think it would be a good idea to have another vote. I think it is a good idea; I am not speaking for any tribes on that, because it has not been submitted to them.

[The committee made a unanimous request that Mr. Schafer's proposed amendment be submitted to the tribes.]

Mr. COLLIER. I ask permission also to insert a document showing the position of the General Federation of Womens Clubs and of the Association of State and Provincial Health Authorities upon the Indian Reorganization Act.

(The documents referred to follow:)

GENERAL FEDERATION OF WOMEN'S CLUBS,
DEPARTMENT OF LEGISLATION,
GERMANTOWN, PA., June 14, 1940.

Mrs. JOSEPH LINDON SMITH,
*Advisor, Division of Indian Welfare, General Federation of Women's Clubs,
Dublin, N. H.*

MY DEAR MRS. SMITH: Thank you so much for sending the information pertaining to the Indian Legislation. I am writing to Congressman Will Rogers informing him of our Federation stand against the repeal of the Indian Reorganization Act of 1934, as you suggested.

Thank you kindly for calling my attention to this.

Very sincerely yours,

LILLIAN H. KETTERER,
Chairman, Department of Legislation.

DUBLIN, N. H., June 19, 1940.

HON. JOHN COLLIER,
Commissioner of Indian Affairs, Washington, D. C.

MY DEAR MR. COLLIER: As I wrote you (in longhand) on June 10, I communicated with Congressman Will Rogers in regard to S. 2103, officially; as Advisor, Division of Indian Welfare, General Federation of Women's Clubs, requesting that the House Indian Committee did not favorably report this bill.

In addition, I communicated with the following: Mrs. Gustav Ketterer, chairman, Department of Legislation; Mrs. Harvey W. Wiley, chairman, Division of Indian Welfare; the six members of Mrs. Wiley's committee.

You will be glad to know that all of the above-mentioned have communicated directly with Congressman Rogers requesting unfavorable committee action on S. 2103.

I do hope that this unanimous recording of the stand of the General Federation of Women's Clubs in support of the present Indian Re-organization Act will have some effect.

The conference of the State and provincial health authorities through the chairman of the Indian Affairs Committee, Dr. W. F. Cogswell of Montana, took the same action. He sent a copy of the resolution unanimously adopted by this organization at its recent conference in Washington May 1940, to the effect that "this committee is opposed to the repeal of the Indian Reorganization Act as embodied in S. 2103." (A copy of this is in your files.) He also telegraphed.

Under date of June 15, Congressman Rogers wrote to me stating "your wire dated June 6 is being filed with the House Committee on Indian Affairs." This referred to my protest sent as advisor of Indian welfare, General Federation of Women's Clubs.

I am enclosing a copy of the letter written me by Mrs. Ketterer on June 14, which is self-explanatory.

Under date of June 17, Congressman Rogers acknowledged receipt of the communications sent by the Indian Affairs Committee of the health authorities stating its opposition to S. 2103. His closing paragraph read:

"Hearings are being held on S. 2103. It is impossible to predict how long the hearings will last. Should Congress adjourn this week-end the committee will

probably take no action on this bill before adjournment. Feel free to make recommendations.”

I would greatly appreciate your informing me when or if committee action is taken on S. 2103.

I am, as ever

Cordially yours,

CORINNA LINDON SMITH.

Mr. COLLIER. As to the law-and-order business, as I have explained before, under existing law there is no question about the fact that the Federal and State courts are devoid of jurisdiction in a large number of matters, where the only jurisdiction is either in the tribe or Department, or in both. It is not within the power of the Executive to change that. We cannot thrust jurisdiction on a court. Only the Congress can do that. In the case of a State, the State must accept jurisdiction. In many areas, it would be desirable that such jurisdiction be conferred. In some other areas, it would not be feasible. The State or Federal courts or both have the jurisdiction in Oklahoma. We are favoring a bill which has passed the House for State court jurisdiction in Nebraska.

Mr. SCHAFER. Where you transfer authority, do you find any objection because of the additional expense thrown on the local governments which would be affected?

Mr. COLLIER. Yes, sir; that would be the difficulty in some States. It probably is desirable in Minnesota and Wisconsin and it should be considered for the Dakotas and Kansas and California.

Mr. SCHAFER. In many of the areas, and on some of the Wisconsin reservations, would you have to get a special act for them? I believe that the Federal court at Milwaukee does take jurisdiction of those cases now. I know they caught a couple of bootleggers on a Wisconsin Indian reservation and sent them to jail. They were tried in the Federal court.

Mr. COLLIER. Liquor is one of the subjects over which the Federal courts have jurisdiction. The courts cannot usurp jurisdiction, but Congress must expressly convey that jurisdiction to the courts by statute. The same thing is true of New York State. The question is whether jurisdiction should be conveyed or conferred on local courts. I have stated that it is practicable in some places and impracticable in others. In the meantime, until Congress amends the law, and it is legally, effectively, and practically done, it is necessary that these Indians should have some sort of law-and-order set-up.

Mr. SWEET. Under the constitution and bylaws of the Cheyenne River Sioux Tribe, under article 5, there seems to be a sort of clear-cut judicial code for the jurisdiction of Indians with reference to misdemeanors.

Mr. COLLIER. What page is that?

Mr. SWEET. Page 16.

Mr. COLLIER. That covers petty offenses. This refers to the subject matter which is contained within the large law and order code. It refers to those matters, and the jurisdiction is here because it is not anywhere else. It is not in the State court or the Federal court. Originally, in the Wheeler-Howard Act, we attempted to get at the root of the whole thing through a system of Federal courts, Presidentially appointed, to handle this whole area of Indian matters, but that provision was not adopted by Congress.

Mr. SCHAFFER. Will the gentleman yield a moment?

Mr. SWEET. Certainly.

Mr. SCHAFFER. The fact as to whether, or not, the Indians are under the Wheeler-Howard Act would not have any bearing with reference to the tribal courts having jurisdiction of the crimes mentioned by Mrs. Jemison.

Mr. COLLIER. The two things are entirely unconnected, except that an organized tribe under its constitution may amend the general law-and-order regulations of the Department.

Mr. SCHAFFER. If any relief is to be had in the matter of the court situation, the relief would have to come through an act of Congress which would extend the jurisdictions which the Federal and State Courts now have?

Mr. COLLIER. That is correct.

Mr. SCHAFFER. In fact, the only way in which the Wheeler-Howard Act can tie up with the court procedure is that it extends additional self-government to the Indians insofar as electing judges and having the opportunity of adopting amendments to their code is concerned?

Mr. COLLIER. Yes, sir; which power they have by virtue of their constitutions. Tribes not under the act also can amend the regulations and elect their judges, but they do this merely through administrative cooperation.

Mr. SCHAFFER. There is one more point I want to have covered in order that we may obtain an exact picture. Now we know, or, at least, it is my belief, that the repeal or nonrepeal of the Wheeler-Howard Act would not change the court set-up. Under the Wheeler-Howard Act, Indians who vote to come under the act and then vote to accept a constitution, cannot receive loan benefits from the revolving fund unless they then vote to adopt a charter.

Mr. COLLIER. That is correct.

Mr. SCHAFFER. That charter is comparable to the charter which a farmers' cooperative, a workers' cooperative organization, a cheese factory cooperative, or a dairy cooperative association might receive under State laws.

Mr. COLLIER. Yes, sir.

Mr. SCHAFFER. That is the reason why, in my proposed amendment, I provide that if the parties operating such a cooperative want to stop, they cannot merely say, "We find things are getting tough, and we will get out from under," leaving somebody else to hold the bag. My proposed amendment provides for liquidation where they are operating a cooperative, which merely conforms to the requirements of the State laws in the case of a cooperative under the State law which goes out of business, when its charter expires.

Mr. COLLIER. Yes, sir; a chartered Indian corporation might liquidate simply by transferring its liabilities to the tribe——

Mr. SCHAFFER (interposing). Under the Wheeler-Howard Act, when a tribe votes to come under it, then they can go in and elect their own Indian judge, can they not?

Mr. COLLIER. If they want to do it; yes, sir.

Mr. SCHAFFER. If they want to, they are given the opportunity of passing on proposed amendments to their judicial code?

Mr. COLLIER. Yes, sir.

Mr. SCHAFFER. They can elect councils which are comparable to boards of directors in private corporations?

Mr. COLLIER. Yes, sir.

Mr. SCHAFER. Do they elect the chief of the council?

Mr. COLLIER. They sometimes elect him, and sometimes the council chooses its own chairman.

Mr. SCHAFER. After they adopt the provisions of the Wheeler-Howard Act, and adopt a constitution, then they are able to obtain the so-called educational benefits?

Mr. COLLIER. They get those benefits as soon as they come under the act.

Mr. SCHAFER. What else do they get as soon as they come under the act, and before they vote to accept a constitution?

Mr. COLLIER. They have the benefit of the land acquisition funds authorized by the act. There is a list of the immediate benefits in the document which I gave for the record at the committee's request at an earlier hearing. The existing periods of trust are automatically extended until otherwise directed by Congress, when they come under the act, and they are entitled to have the ceded lands restored to them.

I have mentioned the student loans. The members of the tribe are eligible for Indian Service employment without reference to civil service. The Sioux tribal members also are entitled to the Sioux benefits.

Mr. SCHAFER. As I recall it, they received a certain amount of Sioux benefits, and under the Wheeler-Howard Act the yardstick for those benefits was increased.

Mr. COLLIER. Yes, sir; they get more.

Mr. SCHAFER. If the Wheeler-Howard Act is repealed, or if they voted to get out from under it, they would still receive the Sioux benefits in the amount which they received prior to the enactment of the Wheeler-Howard Act, or would they be reduced?

Mr. COLLIER. Yes, sir; it would mean a reduction, because under prior law these benefits are dependent on new land allotments, and most of the land is gone. The benefit would be less. The result of the Indian Reorganization Act was to add 9,857 Sioux Indians for the benefits.

Mr. SCHAFER. If the Wheeler-Howard Act is repealed entirely, with reference to all Indians, then 9,857 people would be out of luck, insofar as Sioux benefits.

Mr. COLLIER. Yes, sir.

May I now proceed briefly with my fundamental testimony? I had occasion to offer to the committee an exhibit which was a letter circulated by James True in behalf of Mrs. Jemison. Thereafter Mrs. Jemison told the committee what she thought of James True, which was very flattering, and then Mr. True appeared before the committee. I was not present, but I understand he presented himself as being just an American, just a Christian, and a man who loves the whole world. Very briefly I offer some items upon James True which are in the Dies committee hearings. There is a whole lot about James True in the hearings, and I hesitate to take even the time to read this page and a half. I will hurry on and just come on down to where, in volume 3, according to the testimony of Mr. Metcalfe, an agent of the committee, there had been a so-called Christian conference, at Asheville, N. C., and there took place a secession within this meeting, because two Jewish rabbis were invited, and a number of people said they would not meet if there was a rabbi or a Jew in the audience. Among those,

who seceded, Mr. Metcalfe states, were James True, of Washington, and George Deatherage, of St. Albans, W. Va. Thereafter, Mr. Metcalfe states that George Deatherage, one of the secessionists, attempted to hold another meeting to form "a coalition of Christian anti-Communist organizations," under the organization title of the American Nationalists Confederation. I have previously read to the committee the American Nationalist Confederation's endorsement of and plea for aid for the so-called American Indian Federation. At that meeting, which Mr. Deatherage called, were present, among others, Metcalfe testified, the German-American Bund, Militant Christian Patriots, American Nationalist Confederation, and the Silver Shirts. Among other documents, Mr. Metcalfe placed into the record one which was designated "Confidential to the leaders" [reading]:

You are urged to cooperate in covering the Nation with the fiery swastika * * * the enemy is extremely jittery * * * the actual work must be done secretly, and the identity of those assisting should never be revealed.

I now pass on to volume 6 of the Dies committee testimony, where we find Henry D. Allen stating, on page 4039, that when in Washington he used James True's office as his headquarters.

And on page 4132, after referring to his contacts with Mrs. Alice Lee Jemison, Allen is confronted by Mr. Whitley, for the committee, with a letter from James True to Henry Allen, dated February 23, 1938. It reads in part:

We miss you here—very much indeed. * * * We're holding our breath now, waiting patiently. A bunch of money, promised off and on for 3 years. may come through within the next week or two. * * * If it comes through we'll have you back here in a hurry. You—

That is, Allen—

George—

That is, Deatherage—

and I will get together and prepare for real action.

On page 4134, Mr. Whitley continues to read from True's letter to Allen:

If your friends want some pea shooters, I have connections now for any quantity, and at a right price. They are United States standard surplus. Let me know as soon as you can.

Under examination, Mr. Allen then identifies "pea shooters" as rifles.

Mr. Whitley then reads the concluding longhand paragraph of Mr. True's letter:

But be very careful about controlling the information, and destroy this letter.

Who Henry D. Allen is and what his connections were, I have previously established in the records of this committee. Mrs. Jemison has acknowledged the receipt from or through Henry D. Allen of two payments of money and the receipt of money in an undesignated amount from Mr. True. The information which I supplied to the committee was nothing but the two items which happened to be contained in Mr. Allen's brief case when the Government got hold of that brief case at a certain moment. It was entirely specific and could not be denied.

What further, other, payments Mrs. Jemison may have received from or through Allen, I have no means of knowing. Nor do I

positively know from what source she received the money to buy, in the midst of her alleged extreme poverty in 1938, an automobile, and to buy gas and oil and to support herself on a long trip to the Plains area. The information about this, Mrs. Jemison did not divulge to the committee. The details about that car purchase are in the same file I referred to the committee.

Mr. SCHAFFER. What kind of car did she buy?

Mr. COLLIER. A Chevrolet sedan. Strangely, she bought it in Philadelphia, and not in Washington. That is all I have to say about James True.

I now pass on to the American Indian Federation. Mrs. Jemison stated that a year ago she broke away from the American Indian Federation. If she has broken, I do not have evidence of the reasons, though I think I would know what they are. They are not—cannot be—the reasons which she stated to the committee. She stated that she believed in, supported, the \$3,000-for-\$1 bill, but that she was compelled to split off from the American Indian Federation because the federation had ceased to attack me and the Indian Reorganization Act. She stated that they had ceased to attack me because they had to have my support to pass their racket bill.

Mr. SCHAFFER. Is that the Bruner bill?

Mr. COLLIER. Yes; but she supports, she stated, the racket bill, and the federation has not ceased to attack me and the Indian Reorganization Act. She and they know that they cannot have my, or Secretary Ickes', support for the fantastic \$3,000-for-\$1 bill. They know that if they did have our support, the enactment of this fake measure would be just as impossible as it is in the face of our opposition. They are not, in my judgment, exploiting that bill with the object of getting it enacted; they have another object.

Mr. SWEET. What is that bill, Commissioner Collier?

Mr. COLLIER. This is a bill which would pay to each Indian, to each living Indian and separately in the name of his dead ancestors, \$3,000 out of the Treasury. The Indians have been asked to contribute \$1 to promote the bill or to get their names on the roll.

The CHAIRMAN. That is the bill on which the committee set a date for a hearing. When we were ready for the hearing no witnesses appeared, although those people who had been pushing for a hearing were notified that we would have a hearing.

Mr. SCHAFFER. I saw something in the papers, too. Was there a bill to give each Indian in the United States \$3,000, and if there was about five or six in a family that would be \$15,000 or \$18,000 for the family?

Mr. COLLIER. His ancestor gets in on it, too. He then renounces his claims on the Government, except he does not renounce any treaty claim, which is the only legal claim he has.

Mr. MUNDT. Who introduced that bill, Mr. Commissioner?

Mr. COLLIER. Mr. Burdick introduced the bill in the House, and Senator Thomas introduced the bill in the Senate.

Mr. MUNDT. Those are the hearings to which Mr. Burdick did not come?

Mr. COLLIER. Yes.

The CHAIRMAN. No witnesses appeared at the hearing.

Mrs. JEMISON. Let the record show that the Senate Committee on Indian Affairs is holding hearings on that bill today, and that the federation representatives are here.

The CHAIRMAN. Will the Commissioner yield?

Mr. COLLIER. Yes, Mr. Chairman; I yield.

The CHAIRMAN. The fact still remains that the House committee set a hearing and nobody appeared.

Mr. COLLIER. About the federation, in giving her credentials from the Flathead Indians, Mrs. Jemison did mention that it was a federation group of the Flatheads that she represented, but not when I was here did she mention the fact that the Papago group, who came with her to this committee, is a federation group. The evidence of a split between Mrs. Jemison and the American Indian Federation is not very consistent, and there is no logical reason that has been stated why there should be a split.

The next item I want to touch on is one which goes far back and connects with the remark I made——

Mr. MUNDT. Will the Commissioner yield?

Mr. COLLIER. Yes.

Mr. MUNDT. Possibly I did not hear down at this end of the table, but could you submit any reasons why Mrs. Jemison was separated from the federation?

Mr. COLLIER. No; I said that she had not given any intelligible reasons why, because she and the federation are supporting the same things.

Mr. MUNDT. I was wondering if you had any evidence from any of the officials of the federation as to why she did?

Mr. COLLIER. No; I have none. I mentioned at a previous hearing that there was a good deal of evidence to show that the approach between the more outright fifth-column groups and the American Indian Federation had not been one-sided. There is a good deal of evidence to show that the initiative came from the federation as much as from the Bund and James True, and so forth. I had forgotten at that time of that earlier testimony that I possessed a report, an exceedingly interesting report, of the meeting of the federation held in Salt Lake City in 1935, and an exhibit which was among the documents that loaded a big table at that so-called Indian meeting in Salt Lake City. Very few of those exhibits contained anything about Indians. At that time the fifth-column groups had not taken up the case of the Indian, but the federation was, as early as 1935, distributing such documents, received from the German Bund, as Communism With the Mask Off, printed in Germany and written by Joseph Goebbels. That is away back in 1935.

Mrs. JEMISON. That was in 1936.

Mr. COLLIER. Much more of the same sort of literature was on that table. I repeat, that it contained very little about Indians. It was thereafter that James True, Pelley, of the Silver Shirts, Henry Allen, the Militant Christian Patriots, the German-American Bund, and the Nazi Government itself commenced to exploit their Indian propaganda.

The CHAIRMAN. Was that in 1935 or 1936?

Mr. COLLIER. It was in 1935.

Mrs. JEMISON. Mr. Chairman, our federation convention was held in Salt Lake City in 1936. We held our convention in San Diego in 1935.

Mr. COLLIER. Yes; you are correct; it was in August 1936.

The CHAIRMAN. Thank you, Mrs. Jemison.

Mr. COLLIER. I would be glad to offer for the record a very interesting account of that meeting, what transpired at that meeting, prepared by a member of my staff who was at the meeting, Mr. Floyd LaRouche, headed:

The 1936 Convention of the American Indian Federation was a thinly disguised segment of a national anti-Communist drive. Of 100 pamphlets exhibited there many were violent anti-Communist, one contained a speech by Joseph Goebbels, almost all were inflammatory, and only 2 or 3 mentioned Indians.

I would offer that for the record, Mr. Chairman.

The CHAIRMAN. What is that, Mr. Commissioner?

Mr. COLLIER. It is a report by Floyd LaRouche, one of the members of my staff.

Mr. MUNDT. Mr. Chairman, I ask unanimous consent that the report be inserted in the record.

The CHAIRMAN. The Chair is just endeavoring to see how long it is. Mr. Mundt asks unanimous consent that the report referred to by the Commissioner be inserted in the record. It is so ordered.

(The report referred to is as follows:)

The 1936 Convention of the American Indian Federation was a thinly disguised segment of a national anti-Communist drive. Of 100 pamphlets distributed there, many were violently anti-Communist, one contained a speech by Joseph Goebbels, almost all were inflammatory, and only 2 or 3 mentioned Indians.

In the summer of 1936, when I attended the annual convention of the American Indian Federation in Salt Lake City, I was impressed with the un-Indian character of the event. I was especially struck by the emphasis on anti-communism, not in connection with Indians particularly, but in the country generally.

The entire drive of the convention and indeed the federation itself, seemed to be directed against fighting communism, Jews, and the Government, all three of which seemed to be viewed as one.

These things surprised me at the time I was present, but only within the last 2 years have I realized the full significance and also the wide ramifications of the Fascist-anti-Communist movement of which I then viewed one typical manifestation.

However, partly because of the strange emphasis on matters far removed from the publicized purposes of this convention and of the federation I was impelled to make a careful documentation of the evidence there at hand. Some extracts from my report follow:

"Chandler, who carries the title of chairman of the National Committee on Americanism of the Indian Federation, outlined the purposes of the organization at the second day's session of the convention in Salt Lake City, July 24. The convention was scheduled for 3 days. Joseph Bruner, a full-blood Creek from Sapulpa, Okla., president of the organization since its inception in 1933, read a long speech (apparently prepared for him) warning the country of the dangers of communism and the Wheeler-Howard Act. The entire time of the convention was devoted to such matters as communism in America, anti-Christianity, 'enslavement' of Indians under Mr. Collier and attacks on the administration. Not more than 20 delegates were present and total attendance never exceeded 30 persons. The convention failed to settle any Indian problems.

"Chandler stated unequivocally that the federation was not at all concerned with the numerous problems large and small that confronted the Indians of the country. When questions were presented to the convention by any of the delegates or spectators, Mr. Chandler replied firmly that the convention wasn't interested in anything but John Collier.

"The convention, besides being dedicated to a death battle against Mr. John Collier, devoted itself to two other major pursuits, i. e., vituperation of the New Deal and excoriation of 'reds' in America. Perhaps all three 'issues' were part of the same objective.

"The plight of Indians in Oklahoma, stamping ground of Bruner and Chandler, and the condition of Indians in northern California, home of Rev. Mr. Burnett, is perhaps more pitiable than anywhere else in America. But none of these conditions distracted these leaders from their campaign against communism,

Collier, and the New Deal. Indian needs were left for discussion at some other time and place, if ever.

"Bruner's opening speech was devoted almost entirely to 'red' baiting: the same speech with few or no changes, he has delivered at various meetings over the past 3 years.

"Here is the main thread of the discourse:

"Communism is destruction. It would mean the destruction of all that Americans hold sacred—sanctity of the home, private property, free speech, free press, and the Christian form of government. The aim of the Communist Party, directed by Stalin from Moscow, is to establish communism by means of a world-wide class revolution."

"The New Deal for the Indian is in line with that program. To allow anyone who is even remotely identified with that program to continue in public office is a very real danger to all Americans."

"The main element in 'Collier's program,' specifically mentioned by the leaders of the Federation was 'the spreading of communism.' This pressing Indian problem occupied the undivided attention of the Big Three, Okay Chandler, the Rev. Floyd Burnett of Happy Camp, Calif., and Joseph Bruner. Mr. Bruner did not say much about it, did not say much about anything, and what he did say was either written for him or was said very badly. Sometimes it was written for him and was also said very badly. But Mr. Chandler kept a firm rein on the proceedings and the Rev. Mr. Floyd Burnett supplied the oral floral rainbows, of which there was much need.

"In the convention hall equipped to seat 500 persons, on two huge tables, occupying more space than officers and spectators combined, was spread an array of literature and hand-outs which ostensibly represented the color and purposes of the organization. Of all the publications, more than a hundred in number, none dealt with Indian matters exclusively and only one or two mentioned Indians. The remainder were devoted exclusively to the dangers of bolshevism, the decline of christianity and attacks on the New Deal.

"A complete list of the publications (and extracts from some of them) appended to this report, reveal the acute necessity for an organized assault on the Moscow stronghold. No hint of a solution of Indian problems is anywhere to be found. So it was with the convention as a whole.

"The American Indian Federation arrived full grown upon the national political scene in 1933, just about the time that O. K. Chandler was denied an appointment in the United States Indian Service in the present administration. Previously Mr. Chandler had labored zealously on behalf of John Collier. Apparently Mr. Chandler believed that Mr. Collier, if selected as Commissioner, would appoint him to a position in the Service. Mr. Chandler had been dismissed some years earlier on the basis of charges that he had illegally traded with Indians while superintendent of the Quapaw Indian Agency. As soon as Chandler was assured he would not be reinstated he turned his full venom against the Commissioner and the administration. The American Indian Federation is a product of that venom.

"An intensive scrutiny of Oklahoma failed to reveal any active support for the federation or its activities in that State. Indian leaders in the Five Civilized Tribes, the Kiowas, Osages, and other Oklahoma tribes universally disclaimed connection with both Chandler and Joseph Bruner, the latter the ostensible head of the federation. So also did the rank and file Indians. The same was true of the numerous white citizens active in Indian affairs who were interviewed.

"No one in Oklahoma who was interrogated on the subject, and the number ran into the hundreds, advanced any knowledge of the source of Mr. Chandler's financial or moral support.

"Clearly, from the evidence, the organization received its motive power from the dynamic fanaticism of O. K. Chandler. Bruner, good natured and not too intelligent, is used as a front. The funds (if any were obtained), came from some unnamed organizations who sought to use the activities of this paper organization (and the tremendous energies of Mr. Chandler) to advance certain undisclosed purposes of their own. Whether this support came from "red" hunting organizations or from groups unfriendly to the administration has never been determined. Information on this subject and on the finances of the organization was steadfastly withheld.

"When members of the 'resolutions committee' met with officers of the federation on the afternoon of July 24 to draft resolutions and formulate policies for the year, President Joseph Bruner was not invited to attend the conference. He sat outside the committee room for 2 hours while O. K. Chandler, 'chairman of the

Americanism committee,' Rev. Floyd Burnett, chaplain, and a few others, weighed the problems of the future.

"Chandler took time out from his deliberations to explain to a chance visitor the purpose of his organization, the federation. He picked up some of the one-hundred-and-odd anticommunistic pamphlets that were on display. 'The people of this country don't realize how far this communism stuff has gone in this country. It's time everybody woke up. Communists are everywhere and they are getting great power. And the worst of it is they are getting their power legally.

"Chandler told his one-man audience that he was violently disappointed in the attendance. 'We hoped to fill this hall, not with Indians, but with white people. It is the white people we want to reach. They are the ones who ought to know that the country is being turned over to the Reds.

"Chandler's prejudices consume him in a fanatical fire. When he talks of his self-made enemies his voice shakes, his eyes gleam, and his hands tremble. Manifest in his exterior are none of the characteristics that have made the Indian (and notably the Cherokee with whom he claims kinship) the truly great figure he is. Nothing of the Cherokee is visible in this zealot.

"Chandler is a living embodiment of the ancient witchburner. He lacks only the courage of physical violence.

"This is the man whose divine self-appointed mission it is to purge America of its 'Christ mockers,' using as a means to that end, the American Indian."

Mr. COLLIER. There is something I want to incorporate only by reference because it is already in the hearings of the Senate committee. I have here the page proofs of the beginning of those hearings that Mrs. Jemison has been referring to in the Senate. It further appears that there came before the Senate committee a Mr. O. K. Chandler for the American Indian Federation. There took place a dialogue in which nothing substantial was said, lasting a few minutes, and it occupies two or three pages.

The CHAIRMAN. Was that on this Senate bill 2103?

Mr. COLLIER. It is presented now as part of the record justifying this bill.

The CHAIRMAN. But it was not on this bill at the time?

Mr. COLLIER. The Senate committee always had before it some bill, one of the bills that finally were merged into S. 2103.

The CHAIRMAN. It is one of these exemption bills?

Mr. COLLIER. Yes.

Mr. Chandler then placed a very long statement in the record, which is on all fours with the statement Mrs. Jemison has been making, and that she made to the Dies committee.

The CHAIRMAN. Mr. Chandler is a member of the Indian Federation?

Mr. COLLIER. He is one of the American Indian Federation people.

The CHAIRMAN. And he appeared in favor of one of these exemption bills?

Mr. COLLIER. Yes. Following that action I submitted to the committee a rebuttal analysis dealing with Mr. Chandler's document. It was accepted by the committee, but when I got the proof I found that the Chandler testimony was all run there in big type, although it was not testimony delivered, but only a document submitted, and my testimony had been thrown into minute type. I took that up with Senator Thomas, who immediately caused its correction, so my testimony is readable. I am not offering it for this record, but incorporating it by reference, because my testimony practically stands as the answer to the type of utterances of Chandler and Bruner and Mrs. Jemison, because they have kept on saying the same type of things.

Mr. MUNDT. Will the Commissioner identify Mr. Chandler's statement by number and volume and yours also?

Mr. COLLIER. Mr. Chandler's statement begins in part 37, of date April 6, 1936, and Mr. Chandler's prepared statement begins on page 2053.

Mr. SCHAFFER. Why not put the whole thing in, Mr. Commissioner?

Mr. COLLIER. Put it into this record?

Mr. SCHAFFER. Yes. How long is it?

Mr. COLLIER. It is 100 pages in length.

The CHAIRMAN. It is identical in the Senate record.

Mr. COLLIER. I am merely calling attention to this material of Chandler's, and you will see how it is duplicated in substance and trend by what has been put before this committee by Mrs. Jemison. I call your attention to the rebuttal, and then I will add that although the rebuttal is specific and complete, they did not stop saying the same things right along, no matter how completely they were proved false.

Mr. MUNDT. The name "Chandler" is merely the name of an automobile to me. Can you tell us something about this man Chandler?

Mr. COLLIER. He is an individual with some Indian blood in him, in Oklahoma, who has been a most energetic factor in the American Indian Federation. He writes much of their propoganda.

Mr. MUNDT. Is he an official of the organization?

Mr. COLLIER. He is one of their officers.

The CHAIRMAN. He is one of the most vigorous backers of the \$3,000 bill. In fact, I think that he and his associates are doing the work of pushing that bill.

Mr. SCHAFFER. Where does he come from?

The CHAIRMAN. From Oklahoma.

Mr. SCHAFFER. I thought he came from California, and was working with Dr. Townsend.

Mr. SCHAFFER. Who is Joseph Bruner?

Mr. COLLIER. He is a Creek Indian.

Mr. SCHAFFER. Is he a lawyer?

Mr. COLLIER. No; he is a Creek Indian, I think a full-blood.

Mr. SCHAFFER. Does he go around and get the Indians to sign up Court of Claims cases? The name sounds familiar to me. I might, however, be mistaken.

Mr. COLLIER. In this exhibit that I incorporate by reference, there is an identification of Mr. Bruner. He was trying to collect from Indians a commission on certain payments which they had received at the Indian Agency.

Mr. SCHAFFER. I do not know whether that is the man or not, and I should not say it, but I had a case brought to my attention in a certified copy of a man's speech, who was nothing but an ambulance chaser, and the promises that he made, and what he has been telling certain Indians that he got Congress to do for them, I will tell you is fantastic. I do not know whether this was the man or not.

Mr. COLLIER. My testimony touched on what Mr. Bruner had done.

The CHAIRMAN. Joe Bruner is president of the Indian Federation. The Chair would like to say, in this connection, that he would not want the record to show that the Chair in any way said anything discreditable to Joe Bruner. Joe Bruner is a good friend of the Chair.

We have not always agreed on Indian matters. We are not agreed on the \$3,000 bill, and we have not been agreed on various other Indian matters, but we are good personal friends. The Chair is not well acquainted with O. K. Chandler, but he has met him.

Mr. SCHAFER. Does he have a real organization or a paper organization? You remember in the subcommittee hearings on the California Indian bill we had people here representing so many Indians that if you took an adding machine and added them up, they would have more Indians in California than they have white people.

Mr. COLLIER. I read from the document which was placed in the Senate hearings:

At the Muskogee office of the Five Tribes Agency, from time to time the superintendent posts the names of Indians living in outlying districts to whom payments of money are due. The Indians need merely to come or send for the money and it is theirs. There are some men, Indian and white, who make note of the names thus posted and then go out and see these Indians and undertake to collect the money for them on a profit-sharing basis. The "racket" is a petty one and is mentioned here only to make intelligible a letter bearing Joseph Bruner's signature, dated October 25, 1933, addressed to Mr. Scott Cochran, 913 East Fifth Place, Tulsa, Okla.

Here I call attention to his language. This is Bruner's own letter. Bruner signs a lot of documents put out by the American Indian Federation, and if you will read them you will see that he could not have written them [reading:]

Under date of September 7 you executed a contract with me, etc., for 50-50 recovery of the fund which was in Department. Mr. Albert Bigpond advised me that you have already got your check. I wish you write me and explain to me why you don't pay us our part of the recovery. And the amount you got by return mail.

Sincerely yours,

JOSEPH BRUNER.

Bruner is the front for this organization. He is a full-blood Indian, and as such he is a good front.

Mr. MUNDT. I would like to get a little more information about this man Chandler. Does the Commissioner feel, or does he allege, that this man Chandler is personally responsible for these advances which you state the Indian Federation has been making to the bund and to other un-American organizations trying to bring them into Indian work? You said a little while ago that the advances are not all one way when between the Federation and the bund, that you thought the Federation itself was inviting their assistance and collaboration.

Mr. COLLIER. Chandler largely, I would say, as it were, is wielding a laboring oar, in so shaping documents of the American Indian Federation that they fit into the propoganda of the fifth column groups, thereby, whether intended to or not, laying the foundation for affiliations or financial contributions, but I have no evidence of approaches, as to personal contact between Mr. Chandler and the openly fifth column groups. The evidence which I have presented shows the direct line as running between Mrs. Jemison, Washington representative of Mr. Bruner, and James True, Henry Allen and so forth.

Mr. MUNDT. When you say "fifth column" groups, do you include Nazis, Fascists, and Communists—all three?

Mr. COLLIER. They are all included.

Mr. MUNDT. If that is correct, I think we should do everything within our power as a committee to set up every possible legislative barrier to prevent any organization from attempting to indoctrinate the American Indian with the principles of nazi-ism, fascism, and communism, and if we cannot do it legally by regulation and by law, then I think we should attempt to expose it by pitiless publicity, because the American Indian has been a very fine type of citizen in this country for a long while and we do not want any of these mischief makers from abroad to indoctrinate them.

Mr. COLLIER. I do not know what the committee can do about it, but at least it can ascertain the facts and make them known.

Mr. MUNDT. Yes; we can ascertain the facts, and I think the Indians will pretty well take care of those impostors. They have found ways to take care of white men for years who did not treat them right.

Mr. COLLIER. The Indians have not fallen for it, and will not.

Mr. SCHAFER. Later on when I take my time in the hearing I am going to put in some extensive quotations from a 72-page document entitled "Why Communism," by M. J. Olgin and published by the Workers' Library Publishers of New York City, indicating that the Third International is directing the Communist Party in the United States. I have also here Communist campaign literature which was picked up at Communist meetings with Democrat campaign literature in 1938. In the 1938 election campaign in Wisconsin, the Communist forces were circulating literature asking the voters to keep Wisconsin a progressive and a New Deal State. This Communist literature lauds the New Deal and urges Communist brethren to advance forward with the New Deal. You would not by your "fifth column" yardstick hold that the New Deal is a "fifth column" agent of Moscow, would you?

Mr. COLLIER. No.

Mr. SCHAFER. We are told that the Nazi fifth column, so-called, and the Communist fifth column, so-called, are working hand in hand. That is kind of funny work when the Nazi fellows are so strong in disseminating strong anti-Communist literature and the Communist fellows are disseminating strong anti-Nazi literature.

Mr. COLLIER. May I make a remark on that?

Mr. SCHAFER. I know in my town at demonstrations the pot has been calling the kettle black. We have Communists and the Communist fronts, and then we have organizations which some people claim are "fifth column," so-called Nazi organizations having battles with the Communists right on the streets, and picket and cross picket lines. I cannot reconcile that with the statement that the Communists and Nazis are working together in a fifth column.

Mr. COLLIER. Can I build a remark on that, which I am glad to have a chance to bring in?

Let us first look at nazi-ism. If you follow it down through the years in Germany and in Europe you will find that the Nazi Party built up its power within Germany, and it built up its "fifth column" connections in France, England, and Belgium, by holding before the world the peril of communism; nazi-ism was presented as the barrier against Stalinism. Nazi-ism was the refuge from communism. You will find that in the same years the Russians, at least for home consumption, were talking about the menace of nazi-ism. Each side

exploited the other to build fear and to keep creating power for itself. That was the technique right down through the years. Then there took place in Europe an amalgamation, or a union of forces, while it lasts, between the Communists and the Nazis. A reflection of that is most clearly seen over here in the Communist press. We find that in the *Daily Worker*. There is no more thick and thin apologist for nazi-ism and all its war works at the present time than the *Daily Worker*, the Communist organ in this country.

Mr. SCHAFFER. They will have to change their policy in a few days because it looks as if Stalin is running away from Hitler now.

Mr. COLLIER. I wish so but scarcely hope so. This bears on your reference to the Third International. There is no question, whether in a parliamentary sense, or in just the ordinary sense of common thinking and common purpose, the Communist party here is managed from Moscow, and there is no question in the same sense that the bund is managed from Berlin.

Now, in this country the same techniques were used. We found Fascist groups scaring people to death about communism, and we found communistic groups scaring people to death about fascism and nazi-ism. Naturally, confusion followed when Stalin and Hitler got together. It has caused a great deal of confusion over here, but many of the propagandists are still going ahead as if they were phonographs and not human minds, to repeat the same kind of propaganda that they were repeating 6 months ago. That is, not the Communists; they seem better disciplined, but the Fascist groups are continuing to hold up the threat of communism and the appeal of fascism as the alternate. The Communists, who are better disciplined and better managed, have quit doing that. They announce the union of the two movements. But the records I have been dealing with are records going back before 1935, through the years when the technique was clear-cut. The Nazis built up their power by railing at the Communists, and the Communists built up their power by railing at the Nazis.

Mr. SCHAFFER. Is it not a fact that history also shows that the Nazi Government in Germany was the result of communism, and that a few years ago the French Government was in complete control of the Blum Socialist-Communist front, which had an offensive and defensive alliance with Moscow. In the case of Spain the Communists had a puppet government in Spain, and General Franco led an anti-Communist movement, or Fascist form of government. The German and Italian governments were supporting Franco, who was fighting communism while Moscow and France, which was in control of the Communist government at that time, were supporting the communist government in Spain.

Mr. COLLIER. France, as I remembered, was pretty much under England's control at that time and went along with England. Of course, many things have gone into nazi-ism, but if you are going to blame it on any one thing, blame it on the Versailles Treaty, on the stupidity and wrong of the Versailles Treaty.

Mr. SCHAFFER. If it were not for the Versailles Treaty and the international bankers sucking the life-blood out of Germany through inflation, and the communistic machinations in Germany under Sam Ginsberg, who calls himself General Krivitsky, Herr Hitler might

not even be a first-class paperhanger today, but might be carrying paste for a second-class paperhanger.

Mr. COLLIER. Nazi-ism has gained its victories as much by the incapacity of the opposition governments to make up their minds about anything, as through internal power.

Mr. MUNDT. We continue to wander far away from our goal. We started out as an Indian Affairs Committee, then as a Dies committee, and now we are resolving ourselves into an assembly of the League of Nations. I wonder if we cannot agree among ourselves. I wonder if we cannot agree among ourselves that fascism, communism, and naziism are all equally despicable, and there are forces over here that work together or fight each other according to what the foreign capitals decide.

Mr. SCHAFER. Do you not think, after all of these extensive hearings that we have given sufficient consideration to this bill although we have had a great deal of irrelevant, immaterial, and highly prejudicial testimony? Should we not adopt my proposed amendment and try to get it through the House, and through the conferees, and through the green light at the White House, and let these Indians vote and agree to abide by the decision of their vote?

Mr. COLLIER. It would bring about great peace if that were done.

Mr. SCHAFER. That is what I want to do. To try and bring peace by legislation. Legislation which will give the Indians the right to vote to come under the Wheeler-Howard Act and to get out from under it if they so desire.

The CHAIRMAN. We are going to have to close in a few minutes.

Mr. MUNDT. I would like to add to what Mr. Schafer said that it seems to me, from listening to the various members of the committee and listening to the members from the Commissioner's office, and even the people testifying against them, that we are all agreed that is the thing to do. Maybe we had better stop spending the Government's money on printing these hearings and get that done.

Mr. COLLIER. I want to call your attention to this, and I invite you to read all of that material put in the Senate hearing. They kept on talking about the misbehavior of the Indian Bureau, about influencing votes, duress, bribery, and God knows what. They have not supplied a bit of proof. It is an assertion without proof, without evidence, not only without proof, but without evidence.

The next thing I want to say is in justification of something occasioned by Mr. Mundt's very just remark. I had two deliberate motives in making this record about fifth-column activities. I will speak only of one of them now. It is the importance of those activities presented as activities by Indians of the United States, the importance of the literature they have built up and the importance of the Senate committee's report, in relation to propaganda below the Rio Grande among the Indians whose position is so critical in seven or eight of those southern countries. I know that this thought did not fully register with some members of the committee, because these members have never had opportunity to feel the power and the unrest of those great Indian masses, 30,000,000 in number, to the south.

Long ago Ernest Seton Thompson predicted this moment. I heard it in his address at the Civic Club of New York almost 20 years ago, that the time would come when the bad record of the United

States toward its Indians would rise and plague us in the matter of Latin-American relations, when those Indians come into power, as they will come into power, and as they have done in Mexico. This aspect, I believe, has been the main object on the part of Germany in taking up Indian matters. When a very important agent of Hitler came and visited in Mexico among the Indians and here among the Indians—I refer to Dr. Colin Ross—his object was not to do anything with our own Indians, but to gather data to show those southern Indians that we are horribly treating our Indians. At least, that was what our State Department believed. In today's Washington Post I just read one little significant item, which is about the Uruguayan arrest of a whole lot of fifth-columnist people. A report by the Congress of Uruguay is being quoted from.

It states: "The investigation disclosed alarming political propaganda among farm laborers." Now, in the Americas from the Rio Grande south nearly all the Indians are farm laborers, and the great bulk of all farm laborers are Indians. In some of the most important of these southern countries the Indians are landless. Land is their extreme need and desire. Whoever offers them land will strongly draw their allegiance, be it the Communists or the Nazis. Hitler or Stalin, or Hitler and Stalin together could perfectly well afford to offer them that land. Here is a possibility of an extremely repaid spread of dangerous Communist or Nazi activities or Nazi-Communist activity among those masses southward from Mexico.

Mr. SCHAFER. Would not the solution of that problem be this, then: Have this committee complete its hearings at the earliest possible date and have the Administration cooperate in speeding up my proposed substitute amendment. Have the Administration request Congress, in the name of national defense, if necessary, to pass the \$10,000,000 O'Connor bill for the relief of needy Indians and make available the appropriations. Then also make available appropriations to increase the revolving fund? Now, that program will not cost very much money, and it will be a good blitzkrieg which ought to overcome the efforts of any so-called fifth columnists who want to capitalize on Uncle Sam's treatment of his Indian wards.

Mr. COLLIER. While I am hopeful your bill may be passed, I could not be hopeful about getting much more of appropriations now. You know the situation as well as I do.

Mr. MUNDT. I do not want my remarks to be interpreted in any way as being critical about the way these hearings were conducted. I referred to the Dies committee and the League of Nations facetiously. I agree with the Commissioner that, while we have been getting far afield at times, I think these committee hearings are probably, in their essence, the most important hearings we have held since I have been on the Indian Affairs Committee.

In the first place, we have learned some very interesting, to put it mildly, statements about the manner in which the Senate Indian Affairs Committee does or does not conduct its hearings, and does or does not write its own reports. We have some information about the attempts which "fifth column" groups are making to bore from within among the Indian groups, and having that information that this thing is taking place, we are going to be in a better position to guard against it, to watch it, and to set up barriers to prevent it. We have investigated or at least, we have considered certain indiscretions of

certain of the staff members made at times, unfortunately, in Indian publications. We have heard from them perfectly proper apologies, and we have reconciled those differences. I think as a result the future publications of the Bureau's magazine will be scanned a little more carefully for the benefit of the Indians and all concerned. We have agreed on a corrective or remedial measure suggested here by Congressman Schafer which it seems to me is a very happy situation, because everybody has agreed on it in essence.

Further than that, we have heard some very high tributes paid to the Indians, and we have heard from the Indians themselves that in spite of the fact that so many are not properly clothed and are underhoused and underfed, and are certainly not being treated fairly by the white man's government, we have heard from the Commissioner and from Mrs. Jemison that they have withstood these inroads remarkably well, that they have shown a strength of character which seems to me is a very high tribute to the Indians. Despite their sufferings they have not yielded to these inroads of un-American doctrines.

Further than that, I think we have brought home to this committee the full recognition of the fact that, as members of this committee and of the House, charged with the responsibility of looking after Indian affairs, we have a considerably higher duty than to sit here a few days a week and consider claims bills, but that we also have the responsibility of looking at this whole Indian picture clearly and working together with the officials in charge in making progress soon toward the end of giving the Indians more and more rights of private ownership, more and more freedom from dependence upon the Government, and more and more of an appreciation of the acceptance of the full rights of citizenship.

So, while these hearings are going to be extensive and, perhaps, expensive to print, I think the facts brought out are going to be of mighty fine service both to the Indians and the white man.

MR. COLLIER. I want to express my appreciation of the patience, courtesy, and thoughtfulness of this committee throughout my portion, at least, of this testimony.

The CHAIRMAN. We thank you, Commissioner Collier.

MR. SWEET. I would like to thank Mr. Collier and his associates for appearing before us here. I would like to say, like Mr. Mundt, that I have obtained a great deal of information about a subject on which I was not quite so well informed as I might be.

MR. SCHAFFER. If you listen to some more hearings before this committee you will obtain a great deal more information.

MR. MUNDT. Earlier in the hearings I insisted that everybody who had charges made against them should have the right to appear before the committee and defend themselves. Notices went out in the papers to that effect, and presumably all people who have had charges leveled against them have had that opportunity. If not, let them now speak or hold their peace. Having presented their testimony in the record, they will have to stand by the testimony they have given to the allegations made.

MR. SCHAFFER. How about this lady of the Folies Bergère, "Footnotes to Folly," or something of that sort?

MR. MUNDT. We cannot provide free passes to the Gayety Theatre for members.

Mr. SCHAFFER. It might be that some of these people have not noticed the press releases. If at any future time before the hearings are concluded, if anyone signifies a desire or an intention to appear, I think they should be granted that opportunity.

The CHAIRMAN. You are suggesting that we do not definitely close the hearings today?

Mr. SCHAFFER. Yes.

I would like to ask Mr. Collier one question: About how long do you believe it will take to get the replies from the Indian tribes on this Senate bill?

Mr. COLLIER. Of course, most of the replies are in this committee's hearings already. If we are to get tribal opinions on your amendment, it means that new meetings will have to be held by the proper tribal bodies, and that must take, certainly, 10 days or 2 weeks.

Mr. SCHAFFER. I think it ought to go out. We ought to complete the hearings as quickly as we can so we can take some action with a view to helping the situation by enacting legislation, because the legislation will have to pass the House and the Senate.

Mr. COLLIER. As far as the tribes affected by the Senate bill are concerned, nearly all of them have registered, or as nearly as they can register.

Mr. SCHAFFER. I personally do not see how the tribes could object to my proposed amendment, because it provides for self-government.

Mr. COLLIER. Your amendment would not compel them to vote. Thirty percent would have to want a referendum before it could be called.

The CHAIRMAN. The Chair is not sure that it has made clear that we might want to include in the record the reports from the various tribes on this suggested amendment that Mr. Schafer has offered, and if we have not done that the Chair would like to ask at this point that we be permitted to put in the record all the reports we get from the tribes relative to this proposed amendment and other communications relative to S. 2103.

Mr. SCHAFFER. I make that request, Mr. Chairman.

The CHAIRMAN. You make the unanimous-consent request that that be done?

Mr. SCHAFFER. Yes.

The CHAIRMAN. Is there objection? If not, it is so ordered.

Mr. MUNDT. Mr. Collier, I received a letter from the mother of Senator Cutting, of New Mexico, inquiring about whether the Indians down there could be heard on this bill. Do you know whether they have expressed any such desire to be heard?

Mr. COLLIER. The Council of All the New Mexico Pueblos held a meeting with the object of sending a delegation here to protest against this bill. I wrote them saying that I did not think they needed to come, that they were perfectly capable of putting it down in writing. Nevertheless, they proceeded to authorize a delegation, and then that delegation called me on the long-distance telephone. Then I explained to them that their coming might be useless at this time. Mrs. Cutting is in close contact with Indian matters down there, and her son was deeply interested in them, and I assume that she has been hearing from the Indians.

Mr. MUNDT. I would like to be able to answer her letter, and I will take care of that.

The CHAIRMAN. Mr. Mundt, the Chair would like to say, in that connection, that he has a letter here from Mrs. Cutting. The Chair answered the letter on the 18th—that is, the day before yesterday—and told Mrs. Cutting that hearings were being held on the bill, and that if representatives of the tribes came to Washington while the hearings were being held the committee would be glad to hear them.

Mr. COLLIER. These are all tribes who do not want the Senate bill passed.

Mr. SCHAFFER. I ask unanimous consent that the chairman ask the permission of the House for this committee to sit during the recess.

The CHAIRMAN. What was the request?

Mr. SCHAFFER. That the chairman ask permission of the House for this committee to sit during recesses of the House.

Mr. MUNDT. May I inquire as to the object of that?

The CHAIRMAN. You mean sit during the recess?

Mr. SCHAFFER. Yes; during the recess. I am not in favor of any recesses of longer than a week, but if we do take a longer recess, should some of the Indians come to Washington, if there are one or two or three committee members here, they can hear them when they come.

The CHAIRMAN. Your request is that if we should recess for more than a week that the committee have the privilege of sitting at that time?

Mr. SCHAFFER. Yes.

Mr. MUNDT. I wonder if we could not save considerable money for the Indians themselves or the Indian Bureau if, before holding any further hearings in opposition to the Senate bill, we hold a meeting of our committee and agree we are not going to pass the Senate bill in that form, and then, possibly, adopt a tentative report on the Schafer substitute. Why should we let the Indians come in and talk about a dead horse we are not going to revive?

Mr. COLLIER. The Senate bill in the form in which it is presented is so inconsistent and whimsical, that even if you can conceive that the House would pass it, I am certain, though I have not consulted him, that the President would veto it. That is one of the reasons I have urged the Indians not to spend their money in coming here at this time. If they come here on some piece of legislation that is realistic, which might go somewhere, then it will be worth the sacrifice they make in coming.

Mr. MUNDT. That was my point.

Mr. SCHAFFER. I agree with Mr. Mundt, that if it is the judgment of this committee that we are not going to report out the Senate bill—and I do not care if you have 100 witnesses, I would not vote for this bill. I would not stultify myself by voting for it. Nothing could convince me to vote for the bill, because we have had enough testimony on that already. If the House recesses, unless we get permission to meet during the recess of the Congress, we might find that the House has taken a 6 weeks' recess or more and we will not have an opportunity to complete these hearings or hear any of these Indians who might come to Washington. I believe that if any Indians or any white people come to Washington and ask to exercise their right of petition, we ought to give them an opportunity to be

heard. I believe that the position of the Indians on this original bill ought to go in the record, no matter whether we throw it out of the window or not.

The CHAIRMAN. Mr. Schafer has made the unanimous-consent request that if the House should recess for more than a week the Chair get permission that this committee may meet during the recess. Is there any objection? The Chair hears none, and it is so ordered. The Chair will endeavor to get that permission if it is needed. It may be possible that we could meet, anyway. I will refer it to the Parliamentarian. I think we could meet in a recess, but I doubt whether we could during an adjournment.

Mr. MUNDT. I urge that the Commissioner get in touch with these Indians and urge them not to come in to vote on the Senate bill, since it would be a waste of money.

Mr. COLLIER. Yes.

Mrs. JEMISON. Mr. Chairman, could I say a word?

The CHAIRMAN. The Chair recognizes Mrs. Jemison to make a short statement.

FURTHER STATEMENT OF MRS. ALICE LEE JEMISON

Mrs. JEMISON. Mr. Collier has called to the attention of the committee a letter written by Mr. Bruner regarding a certain Scott Cochran matter, and I wish to submit for the record an affidavit which Mr. Bruner filed in the Senate committee in reply to this letter of Mr. Collier's.

The CHAIRMAN. Is that not in the Senate hearings?

Mrs. JEMISON. Yes; but Mr. Collier has read this into the record, and I would like to have this follow that.

The CHAIRMAN. In most places he merely refers to the pages of the Senate hearings.

Mr. SCHAFFER. I ask unanimous consent to include that.

Mrs. JEMISON. There was a letter he read into your record.

The CHAIRMAN. Reserving the right to object, how long is it?

Mrs. JEMISON. It is only one page.

The CHAIRMAN. Mr. Schafer asks unanimous consent that the affidavit referred to be included in the record. Without objection, it is so ordered.

(The affidavit referred to is as follows:)

AFFIDAVIT

UNITED STATES OF AMERICA,
District of Columbia, ss:

Personally appeared before me, Joseph Bruner, of Sapulpa, Okla., who, after being first duly sworn, on oath, deposes and says:

I am over 21 years of age, a resident of Sapulpa, Okla.; that I have offices at Sapulpa, Okla., where I do a general oil-lease, real-estate, and insurance business; that I am an enrolled member of the Creek Indian Tribe of Oklahoma; that for the past 30 years I have been in constant contact with the United States Indian Bureau through its various local field branches in Oklahoma and the Indian Office at Washington; that I have a thorough knowledge of the laws, treaties, and rules and regulations, down to many of the details, affecting the Five Civilized Tribes of Oklahoma in respect to the supervision of their affairs through the Indian Bureau; that on account of this knowledge my advice and assistance is daily sought by my people in and around Sapulpa, Okla.; that I perform daily, without compensation, using my stamps, time, office equipment, and incidental expenses where and when necessary, some service for my people; that I frequently make

trips to local field headquarters, going as far as Muskogee, Okla., 60 miles from Sapulpa, serving my people; that sometime during the year 1934 Albert Bigpond, a full-blood Eucha Indian, living at Tulsa, Okla., came to my office and said he knew an Indian by the name of Scott Cochran who had some money at the Muskogee office; that it was part of the money due Cochran to equalize his allotment to the full share or amount other members of his tribe received in the division of the tribal estate; that Cochran was an unrestricted Indian; that the United States Indian Bureau had been unable to locate Cochran; that he (Bigpond) was sure he could get a contract from Cochran to collect this money on a basis of 50 percent of whatever amount was received for Cochran; that he (Bigpond) would get the contract to represent Cochran and bear all expenses and divide the fee equally with me if I would go to Muskogee, check the records and properly identify Cochran and get the Muskogee office to pay Cochran the money. I told Bigpond that would be all right with me. I drew the contracts and Bigpond saw Cochran; Cochran signed the contracts, copy was mailed to me. I went to Muskogee, searched the records, and succeeded in identifying Cochran to the satisfaction of the Muskogee disbursing officer; that the Muskogee disbursing officer mailed at once to the field clerk at Tulsa, Okla., a voucher for Cochran to sign, the exact amount of which I do not recall, but less, I am sure, than \$140; that Bigpond contacted Cochran and took him to the field clerk's office at Tulsa, Okla., that Cochran signed the voucher, which was returned to the Muskogee office, when check in full amount of the voucher was mailed direct to Cochran; that notwithstanding this money had been in the hands of the Government for more than 25 years, without the knowledge of Cochran and without the Government's knowledge of Cochran's whereabouts; notwithstanding Cochran was anxious and willing to pay 50 percent of any sum which might be recovered for him, provided he was out nothing in the effort of recovery; notwithstanding he was willing to sign a contract specifically reciting the amount of fee to be paid and the service to be performed; notwithstanding the money was paid to Cochran on account of such service, as soon as the money was in the hands of Cochran he saw an opportunity to get my service and the service of Bigpond without compensation, which he sought to do and did do, he refused to pay, did not pay and has not paid one penny for our service to him.

Further, that there is a "suspended account list" at the Muskogee office of moneys due Indians, extending back 30 years in some instances; that the Government has no knowledge of the whereabouts of the claimants of this class of moneys; that often the original claimant has died, leaving several heirs scattered throughout the United States; that the Scott Cochran account was this type of moneys which had been in the Government's hands for more than 25 years, where it would be today had it not been for my service and the service of Albert Bigpond, furnished without compensation or even thanks, and at an actual expense to ourselves in time and money in excess of \$25.

Further affiant saith not.

JOSEPH BRUNER.

Subscribed and sworn to before me this the 18th day of April 1935, in the city of Washington, D. C.

GRACE E. MILLER,
Notary Public.

My commission expires October 1, 1935.

Mrs. JEMISON. In connection with the statement that Mr. Collier has made that he has answered all of the federation's charges in the Senate hearings, I ask the committee to read the answer to Mr. Collier's reply which was filed by the federation following the filing of Mr. Collier's answer.

Mr. Collier has charged that we are associated with "fifth-column" activities. In that connection I call the attention of the committee to the hearings held on these bills and the letters which appear at the beginning of the investigation of the Cherokee Indian situation, and to the letters requesting the committee to hold these hearings, and one of these is the American Coalition of Allied Patriotic Associations, of which John B. Trevor is president, and another is a letter from the Veterans of Foreign Wars of the United States.

Mr. MUNDT. Will you refer to them by volume and page number?

Mrs. JEMISON. They begin on page 20447 and through page 20449.

Mr. MUNDT. That is, of the Senate hearings?

Mrs. JEMISON. Yes, sir; in volume 37, in the portions being printed.

In reply to your question, Mr. Schafer, I wish to say this, that the American Indian Federation adopted a resolution at San Diego, Calif., in 1935, whereby the Indians of this organization pledged their allegiance and all of their property, their lives, and their resources to the defense of this country against communistic inroads.

As a result of that resolution which was adopted, and which was readopted, at every single one of the federation's conventions following that, and the American Legion, by resolution, at their St. Louis convention, in 1935, voted to support the American Indian Federation in all of its activities against Communist inroads among the Indians in the United States and our fight against communism in general.

Also, as the result of that resolution, which was adopted, the American Veterans of Foreign Wars adopted a similar resolution in national encampment at Buffalo, N. Y., in 1936, and the American Indian Federation, throughout the time from 1935 on has enjoyed the support of the Veterans of Foreign Wars and the American Legion, in addition to which the Federation was a member of the American Coalition of Allied Patriotic, Civic, and Fraternal Organizations, and these are not the only patriotic organizations which the American Indian Federation has enjoyed the support of during its course of existence. It is through the efforts of organizations such as these, which Mr. Collier has stated to you were "fifth-column" activities, that the American Indian Federation was able to secure these hearings before the Senate Committee on Indian Affairs, and it is the support of organizations such as these which brought this report forth from the Senate Committee on Indian Affairs, and brought it through the Senate.

Mr. SCHAFFER. You state that the American Legion and the Veterans of Foreign Wars of the United States requested hearings on the pending Senate bill?

Mrs. JEMISON. Requested that investigation be held by the Senate committee into these matters.

Mr. SCHAFFER. They have cooperated with the American Indian Federation?

Mrs. JEMISON. Yes, sir; they have cooperated with the American Indian Federation.

Mr. SCHAFFER. The American Legion and the Veterans of Foreign Wars of the United States are not directly or indirectly engaged in "fifth-column" activities?

Mrs. JEMISON. Not as far as I know. Charges have been made against federation officials and some of them are present in this room, and they will answer those charges.

The CHAIRMAN. It is quite evident that we cannot sit much longer. The Chair will recognize Mr. Chandler to ask a question, but he recognized Mrs. Jemison to make a remark, and she took 10 minutes.

Mr. CHANDLER. The only question I care to ask is whether or not the Commissioner has any charges against the American Indian Federation as being charged with "fifth-column" activities in the United States?

The CHAIRMAN. The record will be available within a day or two.
Mr. SCHAFFER. When will the gentleman be available to make his answer?

Mr. CHANDLER. Tomorrow or at any time that meets the convenience of the committee.

Mr. SCHAFFER. I do not want to have a hearing tomorrow.

Mr. CHANDLER. Any time it is agreeable to the committee.

Mr. SCHAFFER. I move that the committee do now adjourn subject to the call of the Chair and that Mr. Chandler be given an opportunity to present his side of the case.

Mr. MUNDT. Reserving the right to object, will the gentleman withhold his motion?

Mr. SCHAFFER. Yes.

Mr. MUNDT. I just want to caution the Chair to try to avoid calling it next week, because we are going to be busy nominating the next President of the United States up in Philadelphia.

The CHAIRMAN. Mr. Schafer has moved that the committee do now adjourn subject to the call of the Chair.

(A vote was taken and the motion was carried.)

The CHAIRMAN. The ayes have it. The committee now adjourns subject to the call of the Chair.

(Thereupon, at 12:55 p. m., the committee adjourned subject to the call of the Chair.)

(During the meeting of the Committee on Indian Affairs of August 7, 1940, by unanimous consent, the following was ordered to be included in the record:)

OFFICE OF THE COMMISSIONER OF INDIAN AFFAIRS,
Washington, June 24, 1940.

Hon. WILL ROGERS,
House of Representatives.

DEAR MR. ROGERS: I enclose one of the letters I am sending to the tribes pursuant to the unanimous request of the committee.

Sincerely yours,

JOHN COLLIER, *Commissioner.*

OFFICE OF INDIAN AFFAIRS,
Washington, June 21, 1940.

To the Tribal Councils, Business Committees, or Other Governing Bodies of Indian Tribes elsewhere than in Oklahoma and Alaska:

The House Committee on Indian Affairs has had under prolonged consideration a bill, S. 2103, which, without regard to the wishes of the Indians affected, would exclude 79 tribes, groups, or reservations now under the Indian Reorganization Act through their own choice, from the protections, benefits, and responsibilities of the act. At the House committee's meeting June 20, all the members present seemed to concur to the effect that under no conditions would they vote favorably upon S. 2103. Nevertheless, the committee made it plain that it would continue to welcome all majority and minority expressions concerning S. 2103 from any tribe.

Before the committee, for its consideration, Representative Schafer of Wisconsin (a member of the committee) had placed an amendatory or substitute draft. This draft by Mr. Schafer is enclosed herewith. Its effect, if enacted, would be permanently to leave it for any and all tribes (except those of Oklahoma and Alaska) to vote themselves, or keep themselves, in or out of the Indian Reorganization Act. A tribe could hold its referendum upon this question whenever one-third of its eligible voters petitioned for the referendum. Referendums upon being within or outside of the Indian Reorganization Act could not be held oftener than once in 2 years in any tribe. Voting would be by secret ballot, with all of the usual and effective controls customary in elections, familiar to the

Indians who voted on acceptance of the Indian Reorganization Act between the years 1934 and 1936.

While Representative Shafer's proposal did not originate in the Indian Office of Department of the Interior, I stated to the committee that it seemed to me to be in full harmony with the spirit of the Indian Reorganization Act, and with the spirit of democratic government, and practicable, and just; but I could not suggest what view the several tribes would take of the proposal.

I then stated that the Indian Office would be glad to request of all the tribes their views upon the proposal, and to furnish the committee with the replies; and the committee made a unanimous request that this be done.

The committee members and the committee chairman stated their suggestion that tribes should not send delegates to Washington at the present time because of uncertainties as to recess or adjournment of Congress, but should come only after notification by the committee. Rather, they desired a thoughtful, uninflected expression, by letter or resolution, from the tribes, upon Representative Schafer's amendment or substitute proposal.

Tribes may send their views either to the Indian Office or to the Honorable Will Rogers, chairman of the House Committee on Indian Affairs.

Respectfully and cordially yours,

JOHN COLLIER, *Commissioner.*

AN ACT to amend an act entitled "An act to define the election procedure under the act of June 18, 1934 and for other purposes."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of June 15, 1935 (49 Stat. 378), entitled "An Act to define the election procedure under the Act of June 18, 1934, and for other purposes," is hereby amended to read as follows:

"(a) It shall be the duty of the Secretary of the Interior to hold an election on the question of whether any Indian reservation shall be excluded from, or included within, the application of the act of June 18, 1934 (48 Stat. 984), upon receipt of a petition for such an election signed by one-third of the adult Indians of the reservation.

"(b) The result of such election shall determine whether the said Act of June 18, 1934 shall apply, continue to apply, or cease to apply, to such reservation.

"(c) When any such election has been held, no similar election shall be held on the same reservation for a period of two years.

"(d) In the event that the Indians of any reservation, having voted that the Act of June 18, 1934 shall apply to the said reservation, have secured a charter of incorporation or adopted a tribal constitution under the said Act, such Indians may take such action as is required by law to annul such charter, to rescind such constitution, and to discharge or liquidate all corporate or tribal obligations entered into pursuant to such charter or constitution, including, without limiting the generality of the foregoing, all obligations embodied in corporate or tribal loan agreements, trust agreements, leases of tribal land, permits, timber contracts, attorney contracts, land assignments, contracts for the acquisition of land, and contracts for personal services; and no election requiring the exclusion of any such reservation from the said Act shall be effective until the prescribed action has been taken and all obligations of the character specified have been discharged or liquidated and a proclamation by the Secretary of the Interior so declares.

"(e) There is hereby authorized to be appropriated out of any moneys in the Treasury, not otherwise appropriated, a sum not to exceed \$20,000 in any fiscal year to defray the expenses of election held under this Act.

"(f) This Act shall not apply to any reservation in the State of Oklahoma or in the Territory of Alaska."

[Supplementary letter]

OFFICE OF INDIAN AFFAIRS,
Washington, July 25, 1940.

To All Indian Tribes Outside of Oklahoma and Alaska:

On June 21 a circular letter was sent out to tribal governing bodies and to the Indian Service field personnel requesting the opinion of the tribal governing bodies concerning a proposed substitute for Senate bill No. 2103. The text of this substitute bill, prepared by Congressman Schafer, was enclosed with the circular

letter. From the replies received so far, I judge the circular letter did not state clearly enough the kind of opinion requested by the House Committee on Indian Affairs. Most of the replies received express opinions favorable to the Indian Reorganization Act. But these replies do not tell the House committee what the Indian governing bodies think of the substitute bill proposed by Representative Schafer of Wisconsin.

The House committee has been considering Senate bill No. 2103, the bill which proposes to repeal the Indian Reorganization Act as it applies to the Standing Rock, Pine Ridge, Cheyenne River, Yankton, Eastern Cherokee, and Colorado River Reservations, the New Mexico Navajos, and all Indian groups in Nevada and California. The members of the House committee expressed themselves as being opposed to the passage of this Senate bill. Instead, Representative Schafer offered the House committee a substitute bill which would give all Indian tribes the right to decide by secret ballot in a referendum whether they want to remain under the act if it now applies to them or whether they want to come under the provisions of the act if they originally voted to reject it. It is this substitute bill on which the House committee is anxious to have the opinion of the tribal governing bodies.

The Schafer substitute bill will not be approved, no bill relating to the repeal of the Indian Reorganization Act will be approved by the House committee, until the Indian tribes have definitely expressed their views to the committee.

It is, therefore, most desirable that the question whether you are in favor of or opposed to the proposed Schafer bill be answered as soon as possible.

It will be of great help if you will send two copies of your letter or resolution, one copy of which will be forwarded to the chairman of the House Committee on Indian Affairs.

JOHN COLLIER, *Commissioner.*

OFFICE OF INDIAN AFFAIRS,
Washington, July 18, 1940.

HON. WILL ROGERS,

Chairman, Committee on Indian Affairs, House of Representatives.

MY DEAR MR. ROGERS: As directed by your committee following the recent hearings on Senate bill 2103, I have requested all Indian tribes affected by that bill to express their views on its merits. I have also asked all tribes who originally voted on the Wheeler-Howard Act to advise me as to their attitude on the substitute bill proposed by Mr. Schafer of Wisconsin.

Thus far we have not received any expressions from Indian groups. However, there has come to me a letter from Superintendent Roy Nash of the Sacramento Agency in California, from which I quote the following:

"I desire to point out that this is the harvest season when California Indians are widely scattered; you can hardly expect many responses before fall, due to the impossibility of securing a quorum for meetings either of the councils or of the communities. All of them, of course, expressed themselves by telegraph at the time of your previous communication on the subject."

I believe that the situation described by Superintendent Nash will be a rather general one throughout the Indian country. This is the season for a variety of seasonal labor and it is quite likely that we shall not get responses from the Indian groups until some time later.

As Superintendent Nash points out in the final sentence of the paragraph I have quoted, many Indian groups in California have already expressed themselves on S. 2103. Their statements were submitted to your committee by me at the beginning of my testimony.

Sincerely yours,

JOHN COLLIER, *Commissioner.*

OFFICE OF THE COMMISSIONER OF INDIAN AFFAIRS,
Washington, August 10, 1940.

HON. WILL ROGERS,

House of Representatives.

MY DEAR MR. ROGERS: I am in receipt of the attached letters from the officers of Nambé Pueblo and of Taos Pueblo relevant to Representative Schafer's amendment to the bill S. 2103. I suggest that these letters be incorporated in the record; and, as particularly interpreting them, I am sending the transmitting letter of

Superintendent Aberle. It is evident that these statements convey that the tribes in question are satisfied with the Indian Reorganization Act, while, at the same time, they endorse the Schafer amendment which was favorably reported by the House Indian Committee on August 7.

Sincerely yours,

JOHN COLLIER, *Commissioner.*

UNITED PUEBLOS AGENCY,
Albuquerque, N. Mex., August 6, 1940.

Mr. JOHN COLLIER,
Commissioner of Indian Affairs, Washington, D. C.

DEAR MR. COLLIER: Enclosed in a letter of July 14 from the officers of Nambé Pueblo expressing their opinion of Representative Schafer's proposed draft.

Also enclosed is a letter from the officers of Taos Pueblo to you expressing their opinion of Representative Schafer's draft. The Taos Indians wished to write you personally, expressing their approval of the Reorganization Act and Representative Schafer's bill. However, since they have always called the Reorganization Act the Wheeler-Howard bill they have used that term in their letters.

Sincerely yours,

S. D. ABERLE,
General Superintendent.

TAOS PUEBLO,
Taos, N. Mex., July 15, 1940.

Commissioner JOHN COLLIER,
Office of Indian Affairs, Washington, D. C.

DEAR FRIEND: This Wheeler-Howard bill—Reorganization Act—the amendment—it was interpreted to us and we understand that it is good for the Taos Indians to carry it on.

It was for that reason that the majority of the Taos Indians took the bill.

I see what a help it is to us poor people since we accepted the bill. We want it to go on. We accept the amendment.

Your friend,

JUAN D. ARCHULETA,
Vocal Interpreter, Taos Pueblo Council.

TAOS PUEBLO,
Taos, N. Mex., July 15, 1940.

Commissioner JOHN COLLIER,
Office of Indian Affairs, Washington, D. C.

DEAR FRIEND: I, Thomas Romero, head council member of Taos Pueblo, accept the amendment to the Reorganization Act.

We accepted the Wheeler-Howard bill—Reorganization Act—in 1934 and we see that we have something for all our people since that time. We see that all our poor people have been helped and protected by this bill.

We see that something is wrong; that somebody tries to take it away from us. That seems unfair; we want something done to keep this act.

Your friend,

THOMAS (his thumb print) ROMERO,
Head Council Member, Taos Pueblo.

TAOS PUEBLO,
Taos, N. Mex., July 15, 1940.

Commissioner JOHN COLLIER,
Office of Indian Affairs, Washington, D. C.

DEAR FRIEND: In this pueblo, I was not a council member, and only since Juan Andres Mirabal's death when I took his place as head council member, have I come to meetings.

I understand this Wheeler-Howard bill—Reorganization Act—thoroughly. I foresee how this act protected our religion and ceremonies, and I see and understand this new bill and I want to accept it for my tribe in Taos.

Mr. Collier has spent much time on the Wheeler-Howard bill, and we want it to remain—to be for us Indians. This new bill will help us.

Your friend,

DON (his thumb print) MARCUS,
Head Council Member, Taos Pueblo.

TAOS PUEBLO,
Taos, N. Mex., July 15, 1940.

Commissioner JOHN COLLIER,
Office of Indian Affairs, Washington, D. C.

DEAR FRIEND: This is your friend, Juan Isidro Concho, speaking.

In Taos it is 4 years ago that I took the cacique's staff of this pueblo, and this year I am cacique and governor at the same time.

When they took the Wheeler-Howard Reorganization Act in 1934 our members voted for it and since then I foresee that the bill has been helping us Taos people in every way.

For that reason I do not want it destroyed by anybody or by any means. I am for this new bill.

At the all-pueblo council meeting in Santo Domingo, I gave my consent to it, that I accept it for all my people. All my people are taken care of by this bill.

I am cacique and governor of this pueblo, and I say this bill must remain.

Your friend,

JUAN ISIDRO CONCHO,
Cacique and Governor of Taos Pueblo.

NAMBE PUEBLO,
Santa Fe, N. Mex., July 14, 1940.

Commissioner JOHN COLLIER,
Office of Indian Affairs, Washington, D. C.

DEAR MR. COLLIER: We received your letter telling us about Mr. Schafer's proposed amendatory bill, and we think it is a good plan to permit each Indian group to vote itself or keep itself in or out of the Indian Reorganization Act.

By means of this letter, we wish to inform you that we approve of Mr. Schafer's amendment or substitute proposal.

Your friends,

PETOCIO PENA,
Governor, Nambé Pueblo.
SALVADOR PERIZ,
Lieutenant Governor, Nambé Pueblo.
LEOTO VIGIL.
ANTONIO VIGIL.

TAOS PUEBLO, TAOS, N. MEX., July 15, 1940.

Commissioner JOHN COLLIER,
Office of Indian Affairs, Washington, D. C.

DEAR FRIEND: The head council members, the vocal interpreter and the governor who is also cacique, of Taos Pueblo, have written you letters saying they want this new bill about amending the Wheeler-Howard bill—Reorganization Act.

We, council members, all sign our names to show you that the members of Taos council approve it.

Your friends,

THOMAS (his thumb print) ROMERO.
DON (his thumb print) MARQUES,
Head Council Member.
JUAN ISIDRO CONCHO,
Cacique and Governor.
JUAN D. ARCHULETA,
Vocal Interpreter.
HELARIO REYMO,
Lieutenant Governor.
CRUZ. TRUJILLO,
Lieutenant War Captain.
THOMAS J. LUJAN.

OFFICE OF INDIAN AFFAIRS,
Washington, July 20, 1940.

HON. WILL ROGERS,
Chairman, Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. ROGERS: In returning the enclosed galleys of the hearings held by your committee on the Indian Reorganization Act during the month of June, I desire to submit for the record a statement in answer to certain testimony offered by Mrs. Alice Lee Jemison on galleys 55 and 56 BBY. Since Mrs. Jemison's testimony leaves the implication that the Pine Ridge Indians have been refused an opportunity of voting on the question of repealing the constitution and bylaws adopted by the tribe under the Indian Reorganization Act, I feel that the Indian Office should offer for the record a fuller statement of the situation.

I suggest that, with your approval, my statement be added to the testimony offered by me on the final day of the hearing.

Sincerely yours,

JOHN COLLIER, *Commissioner*.

STATEMENT BY COMMISSIONER COLLIER CONCERNING A REQUEST OF THE PINE RIDGE INDIANS FOR A VOTE ON THE REVOCATION OF THEIR CONSTITUTION

Before setting forth the facts concerning this petition, I shall review briefly the record of the Pine Ridge Indians under the Indian Reorganization Act.

The Pine Ridge Indians voted to accept the Indian Reorganization Act on October 27, 1934, with 1,169 Indians favoring the act and 1,095 opposing it, out of a total voting population of 4,075. The tribe voted on a constitution on December 14, 1935, and adopted it by a vote of 1,348 in favor and 1,041 against. Subsequently a proposed charter was submitted to the tribe, and in an election held on March 16, 1937, this document was rejected by a vote of 1,092 for, and 1,524 against. A second charter election was held August 17, 1938, and it was again rejected, by a vote of 766 for and 1,400 against.

The petition referred to by Mrs. Jemison was received in two parts, the first part reaching the Indian Office on October 31, 1938, and the second part on November 2, 1938. Mrs. Jemison states that the petition was signed by over 3,000 adult Indians of the Pine Ridge Reservation. Actually the petition bore 1,061 names, less than one-third of the eligible voters, and moreover, at least 60 of these names were not in the handwriting of the person whose name appeared.

The petition requested that an election be "held on such a date as may be convenient during September or October 1938." As I have pointed out, the first section of the petition did not reach the Indian Office until the end of October, when it was already too late to call an election within the time specified by the petitioners. There was no sponsoring committee or individuals named in the petition and accordingly it was not possible to correspond immediately with any one who could assume any responsibility for affixing a date other than that specified in the petition. We did have correspondence with a Mr. Henry Standing Bear, who, according to his own statement, was not a sponsor of the petition although he did help in circulating it among the Indians. He suggested that an election be held some time after the general election of November 8, 1938, and in replying to him we suggested that the petitioners designate official spokesmen who would act in their behalf in establishing an election date. No steps were ever taken by the petitioners to set up such an eligible body, and, in fact, the Indians have shown no inclination to keep the issue alive.

It is not discretionary with the Secretary of the Interior as to whether or not he will call an election upon the question of amending a constitution or of voting a constitution out of existence. The Pine Ridge constitution provides as follows: "It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, at the request of two-thirds of the Council, or upon presentation of a petition signed by one-third of the qualified voters, members of the tribe." While this clause does not set forth a procedure for voting to revoke a constitution, the Indian Office has assumed that it would be reasonable to follow the same stipulation as is laid down for amending the constitution.

In this instance, the tribal council would not request an election on the question. It was therefore necessary that a petition be circulated and that one-third of the qualified voters sign such petition. As I have indicated, the petition fell far short of one-third of the eligible voters and was therefore inadequate. In addition, in the absence of any sponsoring committee or individuals with whom the Department could deal in arranging for an election date, it was not possible to carry out the wishes of the petitioners even if the petition had met the requirements of the Pine Ridge constitution.

—————, *Commissioner*.

(Statements expressing opinion on bill proposed by Congressman Schafer as substitute for S. 2103:)

HOPI INDIAN AGENCY,
Keams Canyon, Ariz., July 12, 1940.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DEAR SIR: Referring to your letter of June 21, 1940, concerning the proposed bill suggested by Representative Schafer of Wisconsin.

We can see no necessity for such legislation. Our constitution and bylaws provide for amendments. If we wish to alter our constitution, we have the right to do so.

Such legislation would create confusion among our people. We hope no such legislation will be passed.

Yours truly,

RAY SEUMPTewa, *Chairman.*
ALBERT YAVA, *Vice Chairman.*
SAM SHINGOITewa, *Secretary.*

The following resolution was written and offered by David Leno:

RESOLUTION

Be it resolved by the Grand Ronde Business Committee; That—

Whereas it is the sentiment of the business committee of the organized Confederated Tribes of the Grand Ronde Community that our wholehearted approval is given to the Reorganization Act under which we are now operating; be it further

Resolved, That any modification of existing law incompatible with the intended purposes of the act cannot but work a serious hardship on our tribe with its limited resources and its present objectives; Now therefore be it

Resolved, That after due deliberation we most emphatically object to Senate bill 2103 as well as the amendatory or substitute draft submitted by Hon. John C Schafer of Wisconsin.

Resolved further, That the secretary of this committee is hereby directed to mail a copy of this resolution to the Indian Committee of Congress and same be spread upon our records.

A motion made by David Leno to adopt. Seconded by Paul Lafferty. Motion carried.

Now, therefore, by virtue of authority of the act of June 18, 1934 (48 Stat. 984), as amended, and section 1 (a) of the constitution and bylaws of the Confederated Tribes of the Grand Ronde Reservation, in Oregon, this resolution is now hereby adopted by said body in council duly assembled this 11th day of July 1940.

EDGAR SIMMONS.
DAVID LENO.
ORRIN O. WHITE.
PAUL LAFFERTY.

Topic: Senate bill 2103. Serial No. 19.

TURTLE MOUNTAIN AGENCY,
Belcourt, N. Dak.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: At a special meeting of the Turtle Mountain Tribal Council, held July 16, a circular letter signed by Commissioner Collier was read, having reference to an act to amend an act entitled "An act to define the election procedure under the act of June 18, 1934, and for other purposes." This bill was read to the council at which time a quorum was present, and after lengthy discussion it was voted 6 to 1 favoring this bill.

The council also authorized the chairman to prepare a letter, advising the office that this council is in full accord with the provisions of the bill and hope that favorable consideration will be given toward enactment.

Sincerely,

LOUIS MARION,
Turtle Mountain Tribal Council.

BLACKFEET INDIAN AGENCY,
Browning, Mont., July 12, 1940.

JOHN COLLIER,
Honorable Commissioner of Indian Affairs,
Washington, D. C.

SIR: Replying to your letter and enclosure of the proposed Schafer bill I wish to say I have taken this matter up with the council. I also reviewed your letter and bill to the Indians, especially to the full-bloods who are in favor at this time of withdrawing from the act at the earliest possible date. I tried to explain it to them by setting out all the benefits that have come to us through this act and the possible danger that they would meet if it were not for the act, but it does not seem to touch them in the least.

I find in talking to the Indians that there are two outstanding things they dislike very much. One is the leasing of their lands through the Forestry Department, and the other is that they have not received any direct payment from the oil income. If we could adjust these two things in some way, I do not think we would have any further trouble with our Indians. I do not feel like going very far toward holding a referendum on this act until it has been fully understood by all of the Indians and mixed bloods as well. A great many of them are still in the dark on this question.

To overcome the cash payment from the oil income I would suggest that we buy about \$50,000 worth of cattle and divide them among the Indians, giving a certain number to each head of the family. The Indians would thus see that they were getting something from the oil income, and the money would be well spent. I would also suggest that any money coming from leases be paid to them at once. Of course, you know and I know that it is not always best to pay some Indians all their money at one time.

Kindly let me know as soon as possible your opinion of this.

Yours very truly,

LEVI J. BURD,
Chairman, Blackfeet Business Council.

MESCALERO, N. MEX., July 24, 1940.

HON. JOHN COLLIER,
Commissioner of Indian Affairs,
Washington, D. C.

DEAR MR. COLLIER: I noticed in a recent issue of the Indians At Work that you are requesting the news of Indian governing bodies operating under the Reorganization Act, concerning S. 2103, a bill now under consideration by the House Committee on Indian Affairs.

While you did not ask for personal expressions yet I am sure you will welcome the views of individual Indians who are members of the various tribes concerned.

In view of this I wish to transmit through your office to the Committee on Indian Affairs my personal disapproval of Representative Schafer's substitute proposal.

Please inform the committee that the Indians of this reservation have not and they are not now offering any oppositions to the Indian Reorganization Act. It's true that there has been some criticism directed at the tribal committee and the local office for their failure to do certain things but this does not necessarily mean that we are discontented with the Reorganization Act.

I am sure this tribe realizes that the Indian Reorganization Act is the best Indian bill that could be secured under the present conditions.

This tribe has made some remarkable improvements since it adopted the Reorganization Act. If a change is made now in the present policy, I honestly believe it will retard the further progress of these people.

The present administration departed from the usual procedure in granting us a little self-government. It had to award some few rules and regulations in order to make fundamental changes. Will those who are proposing a change in policy be willing to do the same? I don't think so, if this be the case, it would be foolish for us to switch to a new experiment.

The sponsors of S. 2103 if they want to improve on the present policy, must amend some more rules and regulations. If they do not wish to do this S. 2103 will not be any better than the Indian Reorganization Act.

Respectfully yours,

DAN NICHOLAS.

RESOLUTION OF SAN CARLOS AGENCY, SAN CARLOS, ARIZ., JULY 9, 1940

Whereas the members of the San Carlos Apache Tribe are organized under the Indian Reorganization Act of June 18, 1934, and

Whereas the tribe realizes the benefits, protections, etc., to be derived from such organization and

Whereas the tribe wishes to go further in self-government; be it therefore

Resolved by the San Carlos Tribal Council in regular meeting assembled, this 9th day of July 1940, That under no consideration would approval be given to any law which would deprive the organization of the San Carlos Apache Tribe of any of the benefits which it enjoys under the reorganization.

ERNEST VICTOR, *Chairman.*
CLARENCE SMITH.
PERCY NASH.
GILBERT HAINNEY.
CLARENCE WESLEY.
WILLIE BELKNAP.
CHARLEY MOSES.

Approved:

ERNEST R. McCRAY, *Superintendent.*

RESOLUTION OF THE KICKAPOO TRIBE

Resolved by the Tribal Council of the Kickapoo Tribe of Indians of Kansas under the jurisdiction of the Potawatomi Indian Agency at Horton, Kans., That we inform the Commissioner of Indian Affairs of the very strong desire of our tribe to continue to operate as an incorporated tribe under the provisions of the Indian Reorganization Act for the reason that it is our belief that a very progressive program of rehabilitation of Indian farmers has been started through the medium of land acquisition and credit and our people deeply appreciate this help and are endeavoring to utilize it to the limit of their respective abilities to attain independence from relief and security for their families for the future.

Adopted by a vote of six yes and no no votes at a special meeting of the Kickapoo Tribal Council at Kickapoo Indian Day School near Horton, Kans., on July 17, 1940, to which a quorum of said council was present.

LE ROY MASQUAT, *Chairman.*
ROBERT MASQUAT, *Secretary.*

RESOLUTION OF SAC AND FOX TRIBE

Resolved by the Tribal Council of the Sac and Fox Tribe of Indians of Kansas and Nebraska under the jurisdiction of the Potawatomi Indian Agency at Horton, Kans., That we express to the Commissioner of Indian Affairs the desire of our people to continue as an incorporated tribe under the provisions of the Indian Reorganization Act; that we express the belief that each tribe in the United States should determine for itself whether it desires to have the Indian Reorganization Act apply to its affairs; and that we further express to the Commissioner of Indian Affairs our appreciation for loan funds provided to our tribe and our desire to have some land purchased for the tribe when available funds will permit.

Adopted by a vote of five yes and no no votes at a special meeting of the Sac and Fox Tribal Council at Potawatomi Indian Agency office, Horton, Kans., on July 19, 1940, to which a quorum of said council was present.

LEO WAHPECONIAH, *Acting Chairman.*
ANTHONY WAKPECONIAH, *Secretary.*

RESOLUTION OF THE IOWA TRIBE

Resolved by the Executive Committee of the Iowa Tribe of Indians of Kansas and Nebraska under the jurisdiction of the Potawatomi Indian Agency at Horton, Kans., That we express to the Commissioner of Indian Affairs the very deep and sincere appreciation of the members of our tribe for the benefits which have come to our people through the organization and incorporation of the Iowa tribe under the Indian Reorganization Act.

That we express a deep feeling of gratitude for the land which has been purchased for assignment to the use of landless Indians, for the funds which have been provided to erect improvements on said purchased land, and for the advances from the revolving credit fund which have made loans possible to individual members of the tribe for farming enterprises.

That we express to the Commissioner the belief of the executive committee that the Iowa Indians of Kansas and Nebraska are using these benefits and opportunities constructively in a progressive program which ultimately will result in the permanent rehabilitation of many members of the tribe.

That we are grateful for all the opportunities which the Indian Reorganization Act program has made possible for the members of our tribe and most emphatically do not wish to have the Indian Reorganization Act repealed by Congress so far as it applies to our tribe and further believe that each tribe should determine for itself just what stand it should take with reference to application of the Indian Reorganization Act program to its membership.

Passed by a vote of four yeas and no no votes at a special meeting of the Iowa executive committee at Grand View School near Rulo, Nebr., on the Iowa Reservation on July 15, 1940, to which a quorum of said committee was present.

LEONARD FEE, *Chairman.*
FORREST FEE, *Secretary.*

JICARILLA INDIAN AGENCY,
Dulce, N. Mex., July 3, 1940.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DEAR SIR: We, the members of the Jicarilla Apache Tribal Council, in special session assembled July 3, 1940, respectfully request that you present the following resolution to the House Committee on Indian Affairs:

Resolved, That the Jicarilla Apache Tribal Council favors the Indian Reorganization Act as it stands today. We are unanimously opposed to any change by amendment. Furthermore, we desire to reaffirm our confidence in the United States Government and its Washington officials and its fair dealing with the Jicarilla Apache Tribe.

All members present voting.

Garfield (his mark) Velarde, Dotayo (his mark) Veneno, Herbert L. Vicenti, Ramon Tafoya, Juan (his mark) Vigil, Jesus Campo (his mark) Serafin, Cevero Caramillo, Sixto (his mark) Atole, Lindo Vigil, John M. Baltazar, Sr., Grover Vigil, Anastacio Julian, Agapito Baltazar.

RESOLUTION OF THE OGLALA SIOUX TRIBAL COUNCIL

Resolved by the Oglala Sioux Tribal Council in regular session assembled, this 9th day of July 1940, do hereby wilfully express the will of our people, That the bill S. 2103 be hereby annulled; and be it further

Resolved by this governing body of the Oglala Sioux Tribe of Indians, That the bill to repeal the present law shall not apply to the Indians of the Pine Ridge Indian Reservation.

FRANK G. WILSON,
President, Oglala Sioux Tribal Council.

Attest:

JOHN BADHEART BULL,
Secretary, Oglala Sioux Tribal Council.

Motion made by Peter Bull Bear, seconded by Ed Battelyoun, carried by vote of 20 to 0.

DELIA, KANS., July 22, 1940.

HON. WILL ROGERS,
Chairman, House Indian Committee,
Washington, D. C.

DEAR SIR: Received copy of S. 2103, including the Schafer amendment, to which the business committee of Prairie Band of Potawatomi Indians has given careful attention as requested. The attitude of the business committee is herewith clearly expressed in the enclosed resolution.

Respectfully yours,

JAMES WAHBNOSAH,
Chairman, Potawatomi Business Committee.

JESSE HALE,
Secretary, Potawatomi Business Committee, Mayetta, Kans.

RESOLUTION OF THE PRAIRIE BAND POTAWATOMI BUSINESS COMMITTEE

Under authority of an act of Congress, approved June 18, 1934, as amended, authority was provided to conserve 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. And due to the sincerity of purpose, of 79 Indian tribes who have accepted the provisions of the said act as a permanent and enduring act of security. In which all rights granted therein, with necessary legislative authority for financing the same was promised by the Government of the United States with unflinching sincerity.

Therefore, we, the members of the business committee of the Prairie Band of Potawatomi Indians, located in Jackson County, in the State of Kansas, after careful consideration of the provisions of S. 2103 and the proposed amendment, have hereby approved the following resolution:

Whereas we are definitely convinced that the passage of S. 2103 would do an irreparable injury, destroy the confidence, and leave open to unscrupulous exploiters the assets of defenseless Indian tribes who have placed their confidence in the Government of the United States.

Whereas the Prairie Band of Potawatomi has voted on three occasions not to accept the provisions of said act of June 18, 1934, as amended, and whereas financial obligations of the Government of the United States due the said Potawatomi Tribe, for which complete settlement has been requested in a pending bill of jurisdiction, are the specific reasons why we as a tribe refused to accept the provisions of said act, and

Whereas the acceptance of said act would have required the making of an application for a tribal loan, which would have been equivalent to borrowing our own money and paying interest thereon, and

Whereas the protection of other tribes who have expressed faith in national law, the continuance of which is essential to the future destiny whose protection must be continued and made secure.

Therefore, we, the business committee of the Prairie Band of Potawatomi Indians of the State of Kansas, hereby vote as a majority to disapprove S. 2103 and the proposed amendment.

Approved at the Potawatomi Indian Reservation, this 22d day of July 1940.

PRAIRIE BAND POTAWATOMI BUSINESS COMMITTEE,
 JAMES WAHBNOSAH,
 WILLIAM HALE, JR.,
 JESSE HALE,
 JOHN WAH-WAS-SUCK, JR.,
 CURTIS PEQUANO.

FORT APACHE INDIAN AGENCY,
Whiteriver, Ariz.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DEAR SIR: We, the undersigned, duly elected members of the White Mountain Apache Tribal Council, in regular session this 5th day of August 1940, have considered office letter of July 25 supplementary to office letter of June 21, 1940, relative to bill S. 2103 which has been under prolonged consideration of House Committee on Indian Affairs, and the substitute draft by Representative Schafer of Wisconsin which was transmitted with office letter of June 21.

It is the concensus of opinion of the members of this council that we favor continuation of the application of the Reorganization Act to our jurisdiction. We are therefore in favor of the amendatory or substitute draft proposed by Mr. Schafer which would give us a voice in determining whether we are to keep ourselves in or out of the Indian Reorganization Act.

Purcell Kane, Fred Larylere, Vivian Rollard, John Bourke, Bejole Amos, Lawrence Johnson, Lester Oliver, Thomas (his thumb mark) Cooya.

RESOLUTION OF THE COLORADO RIVER INDIAN AGENCY, PARKER, ARIZ.

At a special meeting of the tribal council of the Colorado River Indian tribes of the Colorado River Reservation, Ariz. and Calif., called for the purpose and held at the Colorado River Indian Agency on said reservation on August 17, 1940, it was approved by vote of 6 yes and 1 against, a quorum being present, that the following resolution be forwarded to Hon. Harold L. Ickes, Secretary of the Interior, Hon. John Collier, Commissioner of Indian Affairs, Hon. Will Rogers, chairman of House Committee on Indian Affairs.

Whereas in the letters of June 24 and July 25, 1940, forwarded to this agency by John Collier, Commissioner of Indian Affairs, stating that the House Committee on Indian Affairs have under discussion Senate bill No. 2103, to repeal the Indian Reorganization Act.

Whereas there is now a substitute draft to amend, the act of June 18, 1934, pending before the House of Representatives, and,

Whereas the House Committee on Indian Affairs through John Collier, Commissioner of Indian Affairs, have requested our views on the proposed amendment, and,

Whereas the council feels that the proposed amendment is important legislation now pending before the House of Representatives, because it will not only over rule the repeal act, but it will set up the machinery, whereby, those tribes through their own choice can withdraw from the act,

Whereas the council acting for the majority of the tribes have endorsed this bill and it should be passed by Congress, and,

Whereas efforts should be made by the House Committee on Indian Affairs to expedite the enactment of this amendment to the Indian Reorganization Act, and,

Whereas according to the council's opinion, the act itself is not oppressive, while it dissolves some former organizations, yet it does give us more training under the set-up of self-government, therefore, we cannot approve the repeal act; therefore, be it

Resolved by, the Tribal Council of the Colorado River Indian Tribes, Colorado River Reservation, Ariz. and Calif., That the House Committee on Indian Affairs and John Collier, Commissioner of Indian Affairs, be empowered to act for the said Colorado River Indian tribes on the proposed amendment in seeking passage of the bill.

The foregoing resolution was on August 17, 1940, duly approved by vote of six yes and one against by the tribal council of the Colorado River Indian tribes pursuant to authority vested in it by section 1 (a) article VI of the constitution, or bylaws, of the tribes, ratified by the tribes on July 17, 1937, and approved by the Secretary of the Interior on August 13, 1937, pursuant to section 16 of the act of June 18, 1934 (48 Stat. 984). This resolution is effective as of the date of its adoption.

Respectfully submitted.

COLORADO RIVER TRIBAL COUNCIL,
WENDELL GOODMAN, *Chairman.*
HENRY WELSH, *Secretary.*

COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C., August 26, 1940.

Chairman WENDELL GOODMAN,
Colorado River Tribal Council, Parker, Ariz.

DEAR CHAIRMAN: This acknowledges receipt of your resolution in regard to S. 2103. Same is being filed with the House Committee on Indian Affairs.

Feel free to advise me at any time.

Yours truly,

WILL ROGERS,
Chairman, Committee on Indian Affairs.

The following resolution was written and offered by David Leno:

RESOLUTION

Resolved by the Grand Ronde business committee, That—

Whereas it is the sentiment of the business committee of the organized Confederated Tribes of the Grand Ronde Community that our wholehearted approval is given to the Reorganization Act under which we are now operating: be it further

Resolved, That any modification of existing law incompatible with the intended purposes of the act cannot but work a serious hardship on our tribe with its limited resources and its present objectives: now, therefore, be it

Resolved, That after due deliberation we most emphatically object to Senate bill 2103 as well as the amendatory or substitute draft submitted by Hon. John C. Schafer of Wisconsin.

Resolved further, That the secretary of this committee is hereby directed to mail a copy of this resolution to the Indian Committees of Congress and same be spread upon our records.

A motion made by David Leno to adopt. Seconded by Paul Lafferty. Motion carried.

Now, therefore, by virtue of authority of the act of June 18, 1934 (48 Stat. 984), as amended, and section 1 (a) of the constitution and bylaws of the Confederated Tribes of the Grand Ronde Reservation, in Oregon, this resolution is now hereby adopted by said body in council duly assembled this 11th day of July 1940.

EDGAR SIMMONS.
DAVID LENO.
ORRIN O. WHITE.
PAUL LAFFERTY.

Topic: Senate bill 2103. Serial No. 19. Salem, Oreg.

KYLE, S. DAK., July 19, 1940.

HON. WILL ROGERS,
Chairman of House Committee on Indian Affairs,
House of Representatives, Washington, D. C.

DEAR MR. ROGERS: The Black Hill Treaty Council of Pine Ridge Indian Reservation in the State of South Dakota held a meeting at Potatoe Creek, S. Dak., on July 18-19, 1940, and have adopted a resolution. Wish the bill, an act to amend an act entitled, "An act to define the election procedure under the act of June 18, 1934, and for other purposes," not be enacted.

BENJ. AMERICAN HORSE,
Black Hill Treaty Council Chairman.

Attest:

DAVID RED STAR, Sr.,
Secretary, Manderson, S. Dak.

TOPEKA, KANS., June 9, 1940.

HON. WILL ROGERS,
Chairman, House Committee on Indian Affairs,
Washington, D. C.

DEAR SIR: In answer to the recent invitation by the House Committee on Indian Affairs, to the various governing bodies of Indian tribes, exclusive of

those living in the State of Oklahoma and the Territory of Alaska, has been received for attention with reference to the opinions of the said tribal governing groups, in relation to S. 2103, and the amendment which has been offered by Representative Schafer of the House Indian Affairs Committee, both of which we are advised are now pending before the House Indian Committee for final action.

As secretary for the council on legislation, League of American Tribes, I desire to advise the House Indian Committee at the request of the council, that the committee on legislation of the council has studied the construction of S. 2103 and has given full consideration to all of its provisions.

The bill (S. 2103), if passed as of the original draft, would exclude 79 tribes or Indian groups from further protection, benefits, and responsibilities of the act of June 18, 1934, and, as amended and known as the Indian Reorganization Act. It would dispossess Indian treaty tribes of full protection of property rights, deprive them of the rights of redress before courts of the United States except in a limited way; it would further deprive Indians of the right as party plaintiffs to collect damages except under compulsory arbitrary rules for property and moneys confiscated without any authority of law, and would limit to 5 years the collection of interest where judgments have been rendered in favor of Indian party plaintiffs.

The provisions of said bill, S. 2103, are inconsistent with Supreme Court decisions (175th, U. S. No. 1, and also 224th, 665—Indian cases) both of which provide that rights conferred upon Indian tribes by treaty or other agreements cannot be arbitrarily abrogated by statute.

224th, 665 provides further: "There is a broad difference between abrogating statutes and destroying rights acquired under them, while the Government in its plenary power over Indians may abrogate a former statute or agreement but it cannot actually destroy Indian rights to property acquired under them."

The council on legislation, League of American Tribes, has no authority to speak for individual tribal governing bodies but as a council on National Indian Legislation, the committee has unanimously voted its disapproval of S. 2103, because the passage of same would be a direct disregard for the authority of the Supreme Court of the United States and nonrecognition of article 3 of the Constitution, allegiance to which each Senator and Representative has pledged himself to defend and protect.

We hope the House of Representatives of the United States will not approve S. 2103. We would appreciate a copy of the proposed amendment in order that we may report to the House Indian Committee immediately the views of our council on same.

We are

Respectfully yours,

THE COUNCIL ON LEGISLATION, LEAGUE OF AMERICAN TRIBES,
FRANK TOM-PEE-SAW, *Secretary*.

STATEMENT FOR THE HOUSE COMMITTEE ON INDIAN AFFAIRS REGARDING S. 2103,
BY AMERICAN ASSOCIATION ON INDIAN AFFAIRS, INC., NEW YORK CITY

The American Association on Indian Affairs respectfully urges the committee to consider the many protests by the duly elected tribal councils of tribes that would be excluded from the Indian Reorganization Act (act of June 18, 1934), under the provisions of S. 2103. We present herewith copies of 10 such letters and telegrams of protest sent to us, and point out especially the requests in them to be allowed to be heard before any action is taken excluding these Indians from the act.

When this bill was presented on the floor of the Senate one of its supporters stated, "All this bill provides for is that those Indians who do not want to come in under the Wheeler-Howard Act, and who voted on it according to the law, may be exempted from having the Indian Bureau in Washington try to enforce that law against them." On the face of the letters of protest sent to us as well as those that have been sent to the committees of Congress and the Indian Bureau, it seems clear that this statement is inaccurate. We urge upon you that reasonable justice demands that the official representatives of these tribes be allowed a hearing.

We specify "the official representatives." Much of the objection to the act of June 18, 1934, presented to the Senate committee and this committee appears to come from individuals and groups whose right to speak for the tribes seems

highly doubtful. Particularly is this true of the voluminous testimony presented by members of the so-called American Indian Federation.

We would call to the committee's attention that on May 15, 1939, we issued a newsletter which was sent to all the members of the committee, pointing out the suspicious connections between officers of this Federation and the German-American bund and offering other evidence of the disreputable nature of the group. More recently we understand that the Commissioner of Indian Affairs has presented much fuller evidence to you of connections between this federation and the Silver Shirts as well as the bund. We are sure that your committee will not be willing to accept material from such a source without also calling upon the democratically elected spokesmen of the tribes concerned to state their case.

We have also been advised of the draft bill put forward by Representative Schafer, extending to all tribes exclusive of Oklahoma and Alaska the right to vote themselves out of the act or into it, upon receipt of a petition for such an election signed by one-third of the adult Indians of the reservation. This seems to us a proper, democratic provision which should eliminate the danger of any Indians being forced out of or into the provisions of this fundamental legislation against their will.

We take the liberty of offering one suggestion in regard to this new proposal. As it stands, the draft makes no provision as to the percentage of voters who must cast a ballot at any such election if it is to be valid. We suggest that the minimum requirement of a thirty percent vote now obtaining in the act of June 18, 1934 should be specified here.

Respectfully submitted.

OLIVER LA FARGE.

JUNE 26, 1940.

CHEYENNE RIVER SIOUX TRIBAL COUNCIL,
Cheyenne Agency, S. Dak., January 3, 1940.

HON. OLIVER LA FARGE,
*President, American Association on Indian Affairs, Inc.,
New York City, N. Y.*

DEAR SIR: This will acknowledge the receipt of your letter of December 13, 1939, with reference to Senate bill S. 2103. I understand S. 2103 was reported favorably by the Senate Indian Committee and if said bill passes both Houses of Congress it would exclude my tribe from the act.

A bill S. 2317 was introduced by Senator Chan Gurney of South Dakota at the request of two old men who represented a minority and were in Washington, D. C., last March, the bill seeks to exempt from the provisions of the act the Indians of the Cheyenne River Sioux Tribe of South Dakota. Under date of June 7, 1939, a telegram was transmitted to Senator Gurney by me at the request of the Cheyenne River Sioux Tribal Council, protesting to his exemption bill. A copy of the telegram was forwarded to the Honorable Secretary of the Interior for which I received an acknowledgment and commendation. Copy of telegram enclosed herewith for your files and information.

I will state that the Cheyenne River Sioux Tribe voluntarily came under the provisions of the Indian Reorganization Act at an election held on the reservation on October 27, 1934, by sufficient majority votes.

An election on the adoption of a charter of incorporation was held on October 30, 1936, and was rejected by 21 votes majority. There is vital need for credit for my people but without a charter we are not making satisfactory progress toward self-support. Whenever my people initiate and show interest in the re-consideration of the charter they will be given an opportunity for a referendum. In the meantime we are falling back on our depleting tribal funds with which to purchase cattle and supervise same under a repayment system program. However, I am convinced we have made some progress in self-government, besides receiving much civic understanding and responsibility.

About 30 young people have taken advantage of the educational loans offered by the act.

The salvaging of Indian lands under the act is very important and the backbone of the land problem. There should be a request made of the minorities and the Senate Indian Committee who have reported favorably on S. 2103 to produce an alternate program first for our consideration and study before S. 2103 is brought to the floor of both Houses.

I hope any amendment proposed to the Indian Reorganization Act shall not impair the program set for our young people and also the possibilities for future powers and advantages.

I kindly ask that your organization do all you can to prevent the passage of S. 2103.

In the very near future I shall send you an article I am preparing in connection with bill S. 2103.

Wishing you a Happy New Year, and may I hear from you again, I am
Yours very truly,

LUKE GILBERT, *Chairman.*

OGLALA SIOUX TRIBAL COUNCIL, PINE RIDGE, S. DAK.,
Martin, S. Dak., December 21, 1939.

MR. OLIVER LA FARGE,
New York City, N. Y.

MY DEAR SIR: Yours of the 13th of December 1939 received. I am glad to note what you have said.

The Indian reorganization is the best thing we have had since our people came under the charge of the Federal Government. To exclude our reservation Indians and keep them under the Indian Service would mean great harm to our people. We are moving along as fast as it could be expected under the trying conditions. The main trouble is that the Indian Service people want to control the affair as they did before the law was passed, and of course they would approve of the exclusion act. What we need above all is to place men who will work with the law, and help the people organize and to make such ordinances to fit in the raw constitution which the tribe has taken, most of the people here are for the reorganization but the personnel is against the law as set up on this reservation.

Some call it New Deal—call it what you will it is a step beyond the old system which the Department of the Interior has used.

We have benefitted to the extent of about 140 sections of land for the Indians since this law has gone into effect. Two thousand five hundred children without land will be benefitted, all these will get about \$600. This will help us.

It is hoped the law will not be repealed or are we to be excluded before we are heard from. I will be willing to appear in defense of this act before the committee again which I did once before. I will be glad to give further information on this law, I am

Sincerely,

FRANK G. WILSON,
President, Oglala Sioux Tribal Council.

NIXON, NEV., *February 2, 1940.*

MR. OLIVER LA FARGE,
New York City, N. Y.

DEAR MR. LA FARGE: I am writing to let you know that I am truly sorry that I have neglected to answer your letter until now. I had to interview the older people and young alike and it took a little time.

All of my people are very much in favor of the Reorganization Act, and all the opportunities it offers to better our living conditions and to develop our natural resources. This could never be accomplished if they should pass S. 2103 repealing the Indian Reorganization Act. What it's all about, my people and I are in the dark but I realize if we Indians should be taken out from under the act it would be a blow that can never be righted as long as there are people who want to see the Indian race crushed out of existence.

If anything that my people wish now is to have your organization do its utmost in causing the defeat of Senate bill 2103.

We do not want the Indian Reorganization Act repealed. It means our only solution to our many problems. We haven't much on our reservation for others to want and above all, we don't want to lose what we have—the Indian Reorganization Act.

If possible, we would like to have your help to see to it that we can send a delegate to represent our case. Our constitution and bylaws tell us that we, the Indians, must be consulted in matters of importance that pertain to our interest. I am closing with a sincere hope that the bill will be defeated.

Yours very respectfully,

LAWRENCE B. WILLIAMS,
Pyramid Lake Reservation, Nixon, Nev.

TONOPAH, NEV., *December 27, 1939.*AMERICAN ASSOCIATION ON INDIAN AFFAIRS, INC.,
New York, N. Y.

PRESIDENT OLIVER LA FARGE: We, the committeemen of Duck Water Shoshone Indians, have received your letter of December 13, 1939, relating to the bill S. 2103.

We are gratified to know that you people as an organization are interested in our welfare.

As you have stated, a bill had been introduced in the Senate and reported favorably by Senate Indian Affairs Committee which would exclude our tribe from the Reorganization Act.

We are deeply grieved over this happening, for we had depended on the Indian Reorganization Act to solve our problems. We have looked forward to it as the only hope for our future progress.

We fully realize what all these benefits mean to us, and therefore, we humbly beg that this bill (S. 2103) be defeated.

Please use your influence in defeating the same.

Thanking you for the attention you have given us.

Sincerely yours,

WAGON (his mark) JOHNNY, *President.*
RAYMOND GRAHAM, *Secretary.*
BROWNIE SAM, *Chairman.*
MIKE (his mark) MILLETT.
HENRY (his mark) SAM.WILTON, CALIF., *December 30, 1939.*MR. OLIVER LA FARGE,
President, American Association on Indian Affairs, Inc.,
New York City.

DEAR MR. LA FARGE: Received your letter in which you stated an effort is being made in Congress to have our tribe dropped from the Indian Reorganization Act.

Wish to say this is the first I heard of such a move being made. As chairman of the Wilton Community Council I wish to say we are for the Indian Reorganization Act, and all the benefits it affords the Indians.

Our group is one of the first to organize in California and we hope we will not be dropped out of the Indian Reorganization Act.

Yours very truly,

CHARLES J. MCKEAN, Jr.

LEE, NEV., *January 15, 1940.*AMERICAN ASSOCIATION ON INDIAN AFFAIRS, INC.,
New York, N. Y.

(Attention Mr. Oliver La Farge.)

DEAR MR. LA FARGE: The tribal council of the Te-Moak Bands of the Western Shoshone Indians of Nevada at their regular meeting on January 9 requested that I write you in their behalf concerning your letter of December 13, 1939, and particularly outlining to you the more important features through which their tribe benefits from the Indian Reorganization Act.

Their tribe is organized under a constitution and charter; they have secured land through purchases made available through the Indian Reorganization Act; have obtained livestock, equipment, seed, farm machinery, and other items through the use of revolving funds, conducting their tribal business according to their constitution and charter which is very different from the procedure in the management of tribal affairs which was followed previously. They are certain that the Reorganization Act protects their tribal land beyond any doubt and has made it possible for outstanding members of their tribe to obtain higher education through the use of educational loan funds.

The different members of the council brought out these as well as many other advantages which they have received through their organization as a tribe and wish to have this information passed on to you as they are confident that your association is anxious to obtain the reaction of Indians to such matters.

Very truly yours,

CHARLES MALOTTE,
Secretary, Tribal Council.

Approved:

JIMMIE JAMES, *Chief of Council.*

FALLON INDIAN RESERVATION,
Fallon, Nev., December 22, 1939.

Mr. OLIVER LA FARGE,
President, American Association on Indian Affairs, Inc.,
New York City, N. Y.

DEAR Mr. LA FARGE: Referring to your letter of December 13, 1939, we, the tribal council of the Fallon Indian Reservation, have discussed your letter in our meeting. We would like to know more about bill S. 2103, which was introduced in the Senate and reported favorably by the Senate Indian Affairs Committee. If you could send us a copy of this bill we would appreciate it very much.

We are not in favor of any bill that would exclude us from coming under the Indian Reorganization Act. Our tribe is very much in favor of coming under the act as they feel they will be offered new opportunities to help themselves in many different ways as briefly outlined in your letter.

We thank you.
Sincerely yours,

WILLIE STEVE,
President, Fallon Business Committee.

RAY ALLEN,
FRANK KAISER,
JIMMIE BOWSER,
Members, Fallon Business Committee.

(This tribe originally rejected the Reorganization Act and has been petitioning to be included in it.)

[Telegram]

BRYSON CITY, N. C., February 1, 1940.

OLIVER LA FARGE,
New York, N. Y.

Appreciate your interest Cherokee. Have wired Senator Thomas protesting repeal Indian Reorganization Act Cherokee. Officers, tribe, desire act continue in effect.

JARRETT BLYTHE, Chief.

[Telegram]

McDERMITT, NEV., January 21, 1940.

AMERICAN ASSOCIATION ON INDIAN AFFAIRS,
New York, N. Y.:

The Fort McDermitt Paiute and Shoshone Indian Tribe is very much opposed to bill S. 2103 which will do away with the Indian Reorganization Act. We believe it gives Indians a chance to progress in their own way and enables Indians to compete equally with other races of people. Therefore we believe that our tribe as well as other tribes of Indians should be allowed to express their opinions of what the Reorganization Act means to the Indian people before being voted on by the Senate Indian Affairs Committee to exclude our tribes from the act. This copy sent to Senator Thomas.

MEMBERS OF THE FORT McDERMITT, PAIUTE
AND SHOShONE TRIBAL COUNCIL.

TESUQUE PUEBLO,
Sante Fe, N. Mex., July 18, 1940.

Representative WILL ROGERS,
Chairman, Committee on Indian Affairs,
House of Representatives, Washington, D. C.

DEAR REPRESENTATIVE ROGERS: Enclosed herewith is an exact copy of a letter which the Pueblo of Tesuque has sent to Commissioner Collier regarding the substitute measure being considered by the Committee on Indian Affairs to take the place of S. 2103.

Very respectfully yours,

TULIO REHEPTO, Governor.

TESUQUE PUEBLO,
Santa Fe, N. Mex., July 18, 1940.

Mr. JOHN COLLIER,
*Commissioner of Indian Affairs,
Department of the Interior, Washington, D. C.*

DEAR COMMISSIONER COLLIER: The pueblo of Tesuque wishes to say that it has received your letter of June 21, 1940.

The pueblo considered your letter at a meeting of all its men on July 11, 1940.

The pueblo of Tesuque states again its opposition to the Frazier-Chavez bill passed by the United States Senate which will help to break down the Indian Reorganization Act. The people of Tesuque wish to continue living under this act.

The pueblo of Tesuque thinks that the substitute bill offered by Representative Schafer is all right for it will give everybody a chance to express his opinion about the Indian Reorganization Act.

The pueblo of Tesuque hopes that this bill will be passed instead of the Frazier-Chavez bill.

Very respectfully yours,

JUBRA CHAPTO, *Governor.*
JUAN I. PINO,
JOSE ISABEL PADILLA,
CANDIDO HERRERA,
BASILIO HERRERA.

STATEMENT OF FREDERICK G. COLLETT

To: The House Committee on Indian Affairs.
Re: S. 2103.

GENTLEMEN: I should like to have incorporated in the hearings on the above-entitled bill, my statement concerning the proposed repeal of the so-called Howard-Wheeler Act, insofar as it relates to the Indians of California and Indians elsewhere who desire to be freed from its pernicious influence.

Your hearings on S. 2103 reveals that Mr. John Collier makes many false and malicious attacks on several persons, including myself. It is unfortunate that Mr. Collier is not required to confine himself to the merits of the issue, and is not required to waive immunity for such false and malicious statements. If any one of the parties whom he names were to seek vindication and relief by an action in any of the courts of the United States, he would immediately, and as he has often done, plead that he is Commissioner of Indian Affairs of the United States and, therefore, privileged regardless of whether or not his statements are true or false.

I have met but few of the persons he has named with whom I am supposed to be well acquainted and associated. I know two of that number, Thomas L. Sloan, an Indian who has had and now has the highest respect of State and Federal courts including the Supreme Court of the United States for more than 45 years, and Alice Lee Jemison, an Indian from New York State who has been untiring and outspoken in her condemnation of Collier's communistic activities among Indians. I have met Mr. Pelley briefly on not more than three occasions. I have no agreements with him whatsoever, nor have I ever had. Collier's statement to the contrary is false. The only document that I know of Mr. Pelley being responsible for is a suit filed against John Collier, Commissioner of Indian Affairs, and other persons for the wrongful use of the moneys of the United States.

Mr. Collier seeks by malicious and false wordy statements to connect every Indian and other persons who has dared to differ with his administration of Indian Affairs and his conduct of Indian Affairs under the so-called Howard-Wheeler Act. He attempts to mislead the House committee to believe that the Howard-Wheeler Act in its principles and administration has had, over a period of years, the endorsement of the Commissioners of Indian Affairs, Secretary of the Interior, and other ranking officials of the Government. Nowhere do you find, however, that he has informed the committee that his Howard-Wheeler Act is a creation of his own brain, that its original draft though introduced by the chairman of the House committee, Mr. Howard, and by the chairman of the Senate committee, Mr. Wheeler, was so vicious and unworkable that it was changed in practically every phase by the House committee, and that Senator Wheeler insisted on a complete, new, and different bill before his committee would give it favorable consideration. Nor did he advise your committee that Senator Wheeler, soon after the act became operative, introduced a bill for its repeal. In that connection Senator Wheeler said:

"Since we passed it, we have seen that it did not do what it was intended to do," he said, "and, more than that, the Indians don't want it.

"They tell me that they want to be prepared and permitted to take their place in the world and make their way like any other American citizen. They want to go to the same schools and colleges, and meet life like any other American, instead of being herded off apart from everyone else."

In this same connection Mr. Collier expressed his views which do not represent the Indians and constitute a libelous untrue statement:

"Indians detached from their native life and thrown into our modern, mechanized society, drop for the most part to the lowest social stratum, complete misfits," he declared, "while those living in their traditional tribal environment attain spiritual and cultural heights such as only tribal Indians know."

Mr. Collier has not called the attention of your committee to the fact that his Indian organizations under the act were formed in violation of every American principle for the conduct of elections. He seeks to mislead you to believe that a large number of the Indians have voluntarily by majority vote chosen to come under the provisions of the act. He fails to call the attention of your committee to the fact that all of these organizations are the result of intensive work of many agents at Government expense and that high-pressure salesmen were employed to get the Indian people to adopt the provisions of the act. He does not advise you that he used hundreds of regular and special agents, at great unauthorized expense to the Treasury of the United States, to create influence on Congress to secure the Howard-Wheeler Act; nor does he call your attention to the law in this connection, which says:

"Use of appropriations to pay for personal service to influence Members of Congress to favor or oppose legislation: No part of the money appropriated by any act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device (sec. 201, title 18, of the Criminal Code and Code of Criminal Procedure of the United States)."

Mr. Collier does not call your committee's attention to the fact that in some instances, if not in all, he counted all of the Indians who were listed as eligible voters, and who did not attend the election, as favorable to the adoption of the provisions of the act. This procedure in one instance, I am informed, showed that the election records of 9 Indians were favorable to the adoption of the provisions of the act and 43 were opposed (p. 59, Hearings on Indian Conditions and Affairs, dated April 11, 1935). To the 9 were added all of the Indians listed as eligible who did not attend and in that manner the 9 favorable persons were made to outnumber the unfavorable voters. The Congress was so outraged at this type of procedure on the part of the Commissioner that it enacted an amendment to the Howard-Wheeler Act known as Public, No. 147, Seventy-fourth Congress approved June 15, 1935. (This amendatorial act became a law about 1 year after the original act.)

"That in any election heretofore or hereafter held under the Act of June 18 1934 (48 Stat. 984), on the question of excluding a reservation from the application of the said Act or on the question of adopting a constitution and bylaws or amendments thereto or on the question of ratifying a charter, the vote of a majority of those actually voting shall be necessary and sufficient to effectuate such exclusion, adopting, or ratification, as the case may be: *Provided however*, That in each instance the total vote cast shall not be less than 30 per centum of those entitled to vote."

I was present at most of the hearings by the Senate committee on the repeal of the Howard-Wheeler Act. Mr. Collier and/or his agents and sometimes many of them were present at the hearings on S. 2103, Seventy-sixth Congress. They were given ample opportunity to present their views in opposition to the Indians and other witnesses. I am familiar with the Senate committee's report and find that it represents a true and accurate presentation of evidence adduced by the committee from the Indians and others. I am also familiar with the workings of the Howard-Wheeler Act in some parts of the country and find that the condemnation of it recorded in the Senate committee's report to be just.

Mr. Collier makes a statement without a semblance of truth when he attempts to connect me with Pelley or Allen or True or any German-American Bund, neither do I know whether or not any of the parties named are members of the German-American Bund. I have never had any dealings with any of the parties named or that organization, and I challenge Collier to make any statement he will under a waiver of any privilege he might otherwise claim. It is cowardly and malicious for any man to make false statements and then plead privilege when faced with a court action.

Mr. Collier's criticism in which he contends that the Senate was unaware of the contents of the report is ridiculous and false. A favorable committee report on the bill was ordered and prepared and vouched for by authorized committee members. It was twice considered by the Senate of the United States and unanimously passed after due and more than usual consideration by that body. Once before Mr. Collier tried to lead the Senate committee to believe that someone had made some change in a certain bill which was accompanied by a Senate report. The committee immediately required Collier to show wherein any unauthorized changes occurred. He was unable to show any such change whatsoever in wording or punctuation. The committee thereupon stood by the bill and its report thereon (S. 5167, 74th Cong., 1st sess.). Mr. Collier appears to have the habit of condemning in a wholesale manner every Indian and other person, including the Senate Committee on Indian Affairs and the Senate, whenever there is any difference of opinion. Collier's and his allegations can best be described by his own words in which he criticizes certain Indians who disagree with him:

"These allegations were dealt with and proved false and baseless, but their repetition continued with phonographic uniformity."

Concerning John Collier's method to influence Congress, Representative Lewis P. Crampton, speaking on the House floor, under date February 15, 1928, said: "And I say, measuring my words from my knowledge of his methods and accomplishments, he is an insincere, unworthy, unreliable, misrepresenting, destructive lobbyist. He goes about peddling misinformation and threats with equal facility and irresponsibility, never constructive but always destructive."

Mr. Collier gives as his definition of fifth-column, the following:

"By fifth-column I mean persons or organizations who are under the direct or indirect sway of Fascist, Nazi-ist, or Communist foreign states and who work to break down the unity, to weaken the defenses, and prepare for revolutions within or conquest of countries where they are acting."

In this connection I call your committee's attention to the fact that under date of March 28, 1935, a subcommittee of the House Committee on Indian Affairs questioned Mr. Collier as to his relationship with the American Civil Liberties Union. Mr. Collier was asked on that occasion concerning the American Civil Liberties Union, "Are you a member of it?" He replied, "I do not remember whether or not I am a member." Collier further stated, "I do not remember [if I was a member, but if I have not contributed money to it, then I apologize. I certainly had very close relations with them, but I do not know whether I was on their letterhead. I had very close consulting relationship with them."

Congressman Burdick then went on to show what the American Civil Liberties Union stood for according to testimony given by the guiding spirit of that organization, Roger N. Baldwin. It was shown that Mr. Baldwin was formerly a member of the I. W. W., and served a term in prison as a draft-dodger during the war. Roger Baldwin was asked:

"Committee CHAIRMAN. Does your organization (the American Civil Liberties Union) uphold the right of a citizen or alien—it does not make any difference which—to advocate murder?"

"Mr. BALDWIN. Yes.

"The CHAIRMAN. Or assassination?"

"Mr. BALDWIN. Yes.

"The CHAIRMAN. You do uphold the right of an alien to advocate the overthrow of the Government by violence and force?"

"Mr. BALDWIN. Sure; certainly. It's the healthiest kind of a thing for any country."—(Hearings, Indian Conditions and Affairs, dated February 11, 1935, pp. 659-662.)

Mr. Collier's communistic activities with reference to the Indians and the Howard-Wheeler Act and his sympathy with the advocacy for the overthrow of the Government by violence and force bring him clearly within his own definition of a fifth columnist.

The Howard-Wheeler Act should either be drastically amended or repealed in its entirety and specific provision be made to accord the Indians the same rights and privileges accorded to every other citizen under the general and special acts for the rehabilitation of all citizens. The Indians should have loans for education, for the construction of buildings, and for the acquisition of property of whatsoever nature should be made to them in the same manner as to other persons, with the distinct provision that when the loan has been repaid it will become the sole property of the Indian and freed from all Government control and supervision. Wherever the Indian is not accorded the right to acquire and maintain his own

property he is void of the incentive to improve it. Under endless Government supervision he is constantly in fear of the property being assigned to some other Indian and thereby losing his improvements.

The day has long since gone by, if there ever was such a day, when it was wise and just to herd Indians on reservations and to subject them to the stunting influences of reservation life. The education of the Indian child, apart from and in a different way from all other children, does not fit him to take his place as a citizen of the United States in the community in which he lives. Nor does it fit him for harmonious life among his own people who have failed because of the child's absence from home during his school years to comprehend the change that has taken place in that child during his years in a Government school.

F. G. COLLETT,
Executive Representative, Indians of California, Inc.

MIAMI, OKLA., August 7, 1940.

HON. WILL ROGERS,
Chairman House Indian Committee, Washington, D. C.

DEAR MR. CHAIRMAN: First, I wish to thank you and your committee for the opportunity to reply to some of the charges made by Commissioner Collier in his testimony before your committee on June 10, 11, 12, 13, and 14, this year, during its consideration of the repeal of the so-called Wheeler-Howard Act, or S. 2103. I accidentally walked into your committee hearing June 14 when Commissioner Collier was testifying.

In order that the really serious character of the commissioner's statement or testimony may be brought to your attention, I wish to quote from the printed hearing before your committee June 10, Commissioner Collier testifying:

I have previously stated this morning that the propaganda and the drive by Mrs. Jemison, by James True, and by Pelley, by Towner, and the bund, and the American Indian Federation has been without important effect upon the Indians. But it has had an important effect. It has supplied the allegations and the generalizations which are taken up into this report by the Senate Indian Committee. * * * These persons and these interconnected organizations have caused a reversal of the personal and collective thinking of a group of Senators. * * *

Mr. Collier further testifying says:

That no member of the Senate's Indian Committee consciously consented to the incorporation in that committee's report of the material which went into it, I am entirely sure. This I stated repeatedly in my testimony yesterday. Yet the fact remains that the fifth-column propaganda did go into the committee's report and, indeed, that the committee's report is made up of almost nothing else than the fifth-column propaganda. I do not know how the result was managed, nor will the world care much how it was managed. The Senate committee's document, implicitly reaffirmed in the action of the Senate upon unanimous consent, is now available to show to the world that the United States is treating this Indian minority faithlessly, wickedly, tyrannically, and ruinously. I shall have no apology to make for publicly calling attention to this fact.

Questioned by Congressman O'Connor, Commissioner Collier further testified:

MR. O'CONNOR. You made a statement that the "fifth column" overcame the Senate Committee on Indian Affairs. What proof have you of that?

MR. COLLIER. "The inattentive committee," I said. The inattentive Committee on Indian Affairs of the Senate had been unconsciously surrounded. The proof is that report. * * * A year ago I would have said, "It is unimportant that these adventurers seem to have captured the machinery of the Senate committee. The House, or the President, will stop any 'ripper' legislation. But that was a year ago." Since that date, an intergovernmental meeting on the problem of the 30,000,000 Indians of the Americas had been held. * * *

Therefore, what I have told this committee is not something as a member of this committee has suggested, put forward to discredit the people who are trying to destroy the hopes of the Indians of the United States. I have spoken to this committee as one who is responsible, and who knows, in behalf of our country at a very critical international moment. * * * These matters transcend my personal expediency. I know what it means to seem to criticize a committee of the Senate. I entirely know all this. All of this is of no weight in the balance of things at stake in our country and in our Western Hemisphere and in our struggle of democracy to conquer or to die—the struggle now fully commenced.

The CHAIRMAN. I want to make this statement relative to these reports. I understood the Commissioner to say yesterday that the report bears the name of Senator Frazier who was in Europe at the time."

Mr. COLLIER. Yes.

The CHAIRMAN. The report was filed. This is the way those reports are prepared. They are prepared in the office of the committee. We have the same situation here. The clerk prepares the report.

Mr. SCHAFFER. On that point, we will admit that the report was written by a clerk, but every member of a committee is responsible for his committee's report. * * * This committee report was made August 2, 1939, and now we are in the year of our Lord 1940, June 11. If the "fifth column" fellows wrote a report which is un-American and which is not substantiated by the record, certainly some member of the Senate committee would have taken cognizance of it, this report is the report of every member of the Indian Affairs Committee. This report was adopted by each and every member of the Senate when they unanimously passed this bill. In view of the testimony which has been brought out I think there ought to be a complete and thorough investigation by this committee or by a Senate committee or by a grand jury, because the charges are very serious, if you please.

An examination of the record discloses the whole trend of thought or expression of the Commissioner is one of attack on the Senate Indian Committee, the entire Senate and others, for "fifth column" or traitorous activity, or capitulation on the part of the Senate Indian Committee and the Senate to such activities, which are linked, as the Commissioner says, with foreign sources. Occasionally the Commissioner turns his attacks on individuals—the writer has not escaped.

The Commissioner's personal opinion of the writer, or the Commissioner's paid-employees' personal opinion of the writer, is of small concern, in our judgment, to you and your committee in your deliberations as to whether or not certain legislation affecting our Indian citizenship should be approved by you. I wish to state, however, that the Commissioner's assertion in the record that the writer was removed from the Indian Service on the charge of "illegally" trading with the Indians, conveys an impression completely contrary or contradictory of the facts, as shown in Senate Report No. 622 (74th Cong., 1st sess.), which is available to your committee if it is interested in knowing the truth—I do not ask that the record be encumbered with the report.

The Commissioner's further statement that my opposition to his legislative and administrative Indian program is on account of his refusal to appoint me to a position in his Department, is without foundation. Long before Mr. Collier was appointed Commissioner of Indian Affairs he sought to have the writer appointed to a position in the administration of Indian Commissioner Charles J. Rhoads. He wrote a friend of his influential in that administration in my behalf—I have a copy of the letter. And, a few days following his appointment as Indian Commissioner, Mr. Collier called me to his office and offered me the choice of the superintendency of Rosebud or Pine Ridge Agencies in South Dakota. I refused. He then asked if I "would be interested in an appointment in Washington"—said he

“wished to have me in his administration.” I told him “I would not.” The Commissioner well knows these are facts subject to proof. But, as I have stated, these personal matters cannot be of great concern to you and your committee in your deliberations touching the justice or injustice of Indian legislation now before you.

The charge that the writer, the American Indian Federation, with which the writer is identified as national chairman on organization and national treasurer, together with the Senate Indian Committee, the Senate of the United States, and others, are engaged in, identified with, influenced by, or that we are adopting or cooperating with “fifth column” or traitorous movements in the United States with foreign or local connection, is wholly without foundation insofar as the American Indian Federation is concerned.

The American Indian Federation is a national nonpartisan, non-sectarian organization, incorporated under the laws of the State of Oklahoma. Its membership, according to its constitution, which is here offered for the record, together with a list of its national officers, board of directors, and administrative board, marked “Exhibit A,” is comprised of Indians, white citizens intermarried with Indians, and white citizens as honorary members who are agreeable with its aims and purposes. It is now in its sixth year of existence; has a 1939 and 1940 membership approximating 7,000, drawn from 40 separate and distinct Indian tribes and others, residing in 40 States of the Union. The administrative board, taken from a board of directors of 40 members, is its directing force. The chairmen of the House and Senate Indian Committees and Members of Congress are personally acquainted with many of the members of this organization, its officers, board of directors, and administrative board. It has no connection whatsoever with any organization, group, or individual now engaged in un-American activities, through propaganda or otherwise. Mrs. Jemison, Mr. Pelley, Mr. Towner, Mr. True, nor any member of the Senate Indian Committee or the United States Senate, are not members of this organization. Mrs. Jemison is the only person of the group named who has ever in any manner been associated or connected with the federation. Mrs. Jemison a year ago July 10, on her own motion, resigned from the federation. Her resignation was accepted through a letter of commendation from President Bruner for the work she had performed in the federation cause.

The American Indian Federation came into being in opposition to the so-called Wheeler-Howard Act. It is still opposed to the provisions of this act, the methods used in its adoption, the manner in which it is being administered, and the results obtained, all of which are very clearly brought out in the Senate Indian Committee’s report approving the repeal of the act, which the Commissioner now brands as “fifth column” activity. We have consistently opposed all “isms,” excepting Americanism. The principles of communism as advanced through the Indian Bureau in its conduct of Indian affairs over the past 7 years has met constant opposition from the federation. We have been supported in our efforts in this direction by the American Legion and the Veterans of Foreign Wars through the Americanism department of these organizations, as well as by the American Coalition.

The source, the American Civil Liberties Union, from which the so-called Wheeler-Howard Act flows, and the highly inflammatory

methods used by the Commissioner and his associates in bringing about its enactment into law, has made the law and its effectiveness as a purely American program, questionable indeed to those who have attempted an analysis.

The Indians have been dazed and bewildered from the very hour the Commissioner told them, during his attempts to secure their approval of the act, that:

There was a time when it was the policy of the United States Government to rob Indians;

That "the guardianship of the United States is carried out under a body of laws that are wicked and stupid";

That "the time will come when the change will be finished as far as law and Washington are concerned and the country will settle down into a new mold. * * * 'that beyond' his 'power,' beyond 'their' power, beyond the power of the President, forces 'were' moving which were going to destroy them unless it was made in a way to save them";

That for them "to take the utmost responsibility in their own affairs and let the Government no longer play the authoritative role, but serve as a service-agency only";

That "the Indian Service in Mexico is operated the way" he "hopes for here. * * * the Indians were recapturing their lands and taking over control of the Government."

Naturally these philosophies bewildered the Indians, who knew only loyalty to this Government. And, the present unchallenged charge of the Indian Commissioner that the Senate committee and the Senate itself have been "unconsciously encircled" by "fifth columnists" or "fifth-column propaganda" will further confuse them—and other citizens too.

Mr. Collier says:

A year ago I would have said: "This * * * is unimportant. The House, or the President will stop any ripper legislation. * * *" But that was a year ago.

By the Commissioner's own statement he has lost faith in the Senate Indian Committee, the Senate as a whole, the House of Representatives, and the President of the United States. And, he further says, he has "no apology to make for publicly calling attention to this fact."

The American Indian Federation had no part in the writing of the Senate Indian Committee's report asking for the repeal of the so-called Wheeler-Howard Act; made no suggestions whatsoever, oral or written, as to what the report should contain. We approve the report, however, as being a straight-forward conscientious statement of fact—in the American way. Through the federation's official publication, the Indian Revealer, under date of May 14, 1940—in the American way—we carried the committee's report, in its essential respects, into approximately 10,000 American homes. We offer no apology. We quoted—in the American way—from a public document.

It may be a "fifth column" or traitorous act for the Senate Indian Committee to make a report opposing the Indian Commissioner; it may be a "fifth column" or traitorous act for the Senate to adopt such report; it may be a "fifth column" or traitorous act for anyone to publish or repeat all or any part of such report. If so, we are guilty. Presumably, our only hope is to throw ourselves upon the mercy of the dictator.

We agree with Congressman Schaffer that the Commissioner's charges are serious and that "there ought to be a thorough investiga-

tion of the charges." The Commissioner can have only one of two reasons for making such charges. First, to expose an existing condition dangerous to national security. Second, to cover up such a condition—of his own making. The Commissioner takes a forthright position—it is not half-way. He has uncovered or is attempting to cover up something.

Speaking personally and as an officer of the American Indian Federation, we are ready, at the call of any committee of Congress or any court or authorized agency of the Government, to answer the charges of the Commissioner as directed at us. We respectfully ask that a thorough investigation of the charges be made without delay, in the interest, as Mr. Collier suggests, "of our country at a very critical international moment."

The Senate Indian Committee, the Senate as a whole, and our other direct and indirect codefendants, a fully capable of answering for themselves. We trust that they will join in our request for an immediate and thorough investigation of the Commissioner's charges. In presenting the charges to your committee the Commissioner said, "I have spoken to this committee as one who is responsible, and who knows."

Thanking you to make this statement or request a part of the printed hearings on S. 2103, I have the honor to be,

Very respectfully,

O. K. CHANDLER,

Personally, and as national chairman on organization and national treasurer, American Indian Federation.

EXHIBIT A

We respectfully submit for the record articles of incorporation, constitution, list of national officers, board of directors, and administrative board.

The articles of incorporation of the American Indian Federation follows:

ARTICLES OF INCORPORATION

Be it known that the undersigned citizens of the State of Oklahoma do hereby voluntarily associate ourselves together for the purpose of forming a private corporation under the laws of the State of Oklahoma and do hereby certify

First: That the name of this corporation shall be the American Indian Federation.

Second: That the purpose for which this corporation is formed is to teach and uphold the true principles of American citizenship; and, as a national nonpartisan, nonsectarian educational organization of Indians and intermarried whites, to teach the fairness and economic justice of a final settlement as between the Indians and the Federal Government, to the end that the Indian may enjoy and assume every right and responsibility of an American citizen.

Third: That the place where its principal business is to be transacted is at 34 G Street NE., Miami, Okla.

Fourth: That the term for which the corporation is to exist is perpetual.

Fifth: The number of directors or trustees of this corporation shall be three and the names and residences of those who are selected as such directors or trustees, and who shall hold their office until the next annual election, or until their successors are elected and qualified, are as follows: W. E. McIntosh, chairman, box 888, Miami, Okla.; O. K. Chandler, secretary, 34 G Street NE., Miami, Okla.; William M. Newton, member, 121 North K Street, Muskogee, Okla.

Sixth: That the amount of capital stock of this corporation shall be (nothing) dollars and shall be divided into (nothing) shares of (nothing) dollars each.

Certificate of incorporation to be issued subject to the following constitutional requirements: That the corporation to which it is issued will submit any differ-

ence it may have with employees, with reference to labor, to arbitration, as shall be provided by law.

In witness whereof we have hereunto subscribed our names this 30th day of March A. D. 1939.

W. E. McINTOSH,
Box 888, Miami, Okla.
 O. K. CHANDLER,
34 G Street NE., Miami, Okla.
 WILLIAM M. NEWTON,
121 North K Street, Muskogee, Okla.

STATE OF OKLAHOMA,
Ottawa County, ss:

Before me, a notary public, in and for said State, on this 30th day of March personally appeared W. E. McIntosh, O. K. Chandler, and William M. Newton, to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

[SEAL]

RITA F. NEWTON, *Notary Public.*

My commission expires August 5, 1941.

STATE OF OKLAHOMA,
County of Ottawa:

W. E. McIntosh and O. K. Chandler, being duly sworn, upon oath state that they were chairman and secretary, respectively, of an election held at 208 Mining Exchange Building, Miami, Okla., on the 30th day of March 1939, at which the directors named in the above and foregoing articles of incorporation were elected; that the said election was held at the time and place and with the result as stated in said articles of incorporation.

W. E. McINTOSH, *Chairman.*
 O. K. CHANDLER, *Secretary.*

Subscribed and sworn to before me this 30th day of March 1939.

[SEAL]

RITA F. NEWTON, *Notary Public.*

My commission expires August 5, 1941.

[Endorsement on back]

Articles of incorporation of the American Indian Federation, Miami, Okla. Secretary's memorandum Oklahoma City, Okla., secretary's office. This instrument was filed for record this 31st day of March A. D. 1939, at 10 a. m. C. C. Childers, secretary of state; Katherine Manton, assistant secretary of state. Delivered to W. E. McIntosh, Miami, Okla.

CONSTITUTION AND CODE OF THE AMERICAN INDIAN FEDERATION

ARTICLE I

The name and style of this corporation shall be the American Indian Federation.

ARTICLE II

The purposes for which this corporation is organized and shall be operated and maintained are as follows:

"To teach and uphold the true principles of American citizenship; and, as a national nonpartisan, nonsectarian, educational organization of Indians and intermarried whites, to teach the fairness and economic justice of a final settlement as between the Indians and the Federal Government, to the end that the Indian may enjoy and assume every right and responsibility of an American citizen."

And further, to use any proper means within its power, to promote the welfare of the American Indian, to advocate religious freedom and the practice of Christian virtues; to receive, hold, and use donations, bequests, and gifts of money or

property for the uses and purposes herein set forth; and as citizens, to remain in steadfast loyalty to the principles of government as set forth in the Constitution of the United States of America.

ARTICLE III

Any enrolled, allotted, or recognized American Indian residing in the United States, or a United States Indian citizen residing temporarily outside the United States, his or her heirs or members of his or her immediate family 18 years of age, and any white citizen intermarried with an Indian, is entitled to membership in this federation with full enjoyment of any and all of its privileges and advantages; and any white citizen of the United States not intermarried to an Indian who expresses concurrence in its principles and purposes is entitled to honorary membership, with all rights and privileges except the right to vote on any question, or to hold any office or position, except honorary, to which he or she may be appointed.

ARTICLE IV

The membership of this federation shall be divided into units. Such units shall be authorized on application of 10 eligible persons, application to be made to the national organizer and approved by administrative board and national president, each bearing a name to indicate its geographical location or tribal origin, with jurisdiction exclusive in its own territory, whose constitution and government shall conform to the federation's national constitution, and which shall be established, operated, and maintained under the control of this corporation: *Provided*, That there is hereby authorized to be created districts, in the discretion of the administrative board hereinafter provided for, with the approval of the federation president, to be presided over by district presidents, appointed by the president, subject to the approval of the administrative board, together with district secretaries selected by the district presidents, said districts to be defined by the administrative board: *Provided further*, That any member or prospective member who does not reside within the jurisdiction of a unit, or who does not elect to become a member of any unit, may become a member of the national organization, with all rights unimpaired because of residence.

ARTICLE V

The business and affairs of this corporation, its government, its activities, and its fortunes, are hereby delegated to a federation composed of its officers, national, district, and units, and its members. Delegates to all annual conventions, or special conventions, shall be chosen by the respective units of the federation, in regular or specially called meetings for that purpose, on a ratio of 1 delegate for each 20 members or major fraction thereof of each unit: *Provided*, That any member of any unit, or national member may attend meetings of the federation with the privilege of the floor. All national officers or national members present at any regular or special meeting shall be entitled to cast his or her vote in said meeting: *Provided further*, That in the absence of any member of the federation from any official meeting, he or she may be represented by a proxy bearing the written authority of such absentee to speak and act in his stead, but such proxy shall be a member of the same unit as the member represented—national members through proxy in the hands of a national member.

ARTICLE VI

SECTION 1. The national officers of this federation shall be a president, first vice president, second vice president, executive secretary, secretary, treasurer, parliamentarian, chaplain, and sergeant-at-arms, elected biannually by the national convention, and whose duties shall correspond in all respects to those performed by officers in other parliamentary bodies and whose order of succession in the event of vacancies shall be in the order named herein. Unit organization officers, elected by the unit members, excluding that of executive secretary, and their duties, shall conform in every respect to those of the national organization: *Provided*, That the term of office of national officers shall be 2 years; that of unit officers, 1 year.

SEC. 2. There shall be created, in keeping with the Oklahoma law governing this corporation, a board of directors, not to exceed 41 in number, of which board the incorporators shall automatically become members. Said members of the board of directors shall be selected by a nominating committee, said nominating

committee consisting of 4 members of which the president shall be the ex officio chairman of said committee, the other 3 members shall be the incorporators of the federation. This nominating committee shall be come a permanent committee of this organization: *Provided*, That all members named by the nominating committee, for the board of directors of the federation, must have approval of the federation in convention assembled; 10 (including 3 incorporators) or not more than 50 percent of the members of such board shall hold office for a period of 1 year, and the remainder for a term of 2 years; that there shall be elected thereafter, annually, as nearly as possible, 50 percent of said directors, for a term of 2 years: *Provided further*, That there shall be created, out of the board of directors as provided herein, an administrative board of not more than 11 nor less than 5 members; appointed by the national president and approved as provided in the selection of the board of directors.

Sec. 3. (a) The functions of the administrative board shall be general supervision of the affairs of the federation when not in convention; to consider matters of policy; to recommend any necessary changes in membership fees and dues; to consider and finally determine what shall be proper methods of procuring funds; to determine the disposition which shall be made of the funds of the federation, under the provisions of this constitution and code; to have supervision of the audit of all books of accounts; and, generally, to supervise all financial operations of the federation.

(b) To pass upon and recommend proper action to be taken by the federation upon proposed State or Federal legislation or appropriation of public or tribal funds pertaining to Indian matters; to supervise or direct the publication and distribution of literature pertaining to the Federation or to Indians; to weigh public opinion with regard to Indians in general and the federation in particular; and, generally, to promote favorable opinion of the federation and its principles and policies.

(c) It shall be the duty of this board to adopt and direct the supervision of plans for the increase in membership of the federation; to advise the president and the federation as to the meaning and effect of this constitution and code, or any amendment proposed thereto; to assist in or direct the establishment of local units and districts; to consider resolutions offered affecting the activities of the federation, and in the event of dispute, misunderstanding or misapplication of any of the provisions of this constitution, code or resolutions, to sit as a tribunal for the trial of such matters; or to hear charges of misconduct against any officer or member of the federation, based upon this constitution and code; or misconduct against any officer or member of the federation, based upon the constitution and code of the American Indian Federation adopted at Gallup, N. Mex., June 1934.

(d) The action of the administrative board shall stand as the action of the federation until the same is approved, disapproved, or amended by the federation in convention assembled: *Provided*, That the administrative board is hereby authorized and directed to appoint committees from the board of directors or from the membership, whenever deemed by it necessary to carry out its functions.

(e) No officer or member of any committee shall receive pay for his services except reimbursement for any outlay for actual expenses in the discharge of his official duties: *Provided*, That attorneys, counsel, or other necessary service may be engaged by the administrative board with the approval of the president of the federation, at a reasonable salary or fee and such service paid by proper authorization, from the national treasury.

(f) All national officers elected at Tulsa, Okla., August 1938, for periods of 2 years, shall continue in their stations until the first election in 1940, under this constitution: *Provided*, That all vacancies occurring within the national officers, board of directors, and administrative board through death, resignation, or otherwise, shall be filled through appointment by the national president, to serve until the next annual convention of the federation.

(g) This federation shall meet annually at such time and place as may be determined in open session or which may be fixed by the administrative board, with the approval of the federation president: *Provided*, That notice of not less than 30 days shall be given each unit. Extraordinary sessions may be called by the national president, by and with the approval of the administrative board, of which notice of at least 30 days shall be given each unit, together with full information as to time, place, and purpose of said extraordinary meeting or convention. No business shall be in order at any extraordinary convention or session except that specified in the notice of the meeting or convention.

(h) Each meeting of the federation of each unit shall be opened with scripture reading or prayer, and with a salute to the flag of the United States and pledge

of allegiance. Religious and patriotic songs may also be used as a part of the ceremony of opening. The Holy Bible, open, and the United States flag, unfurled, shall be displayed at every meeting of this federation, national, district, or unit.

ARTICLE VII

The function of this federation shall be financed from a membership fee of not less than \$1 to be paid by all members and honorary members before their names may be enrolled as such, and by annual dues of not less than \$1, payable in advance, all to be accepted, receipted, and accounted for by the federation unit and national officers: *Provided*, That one-half of all unit fees shall be remitted to the national federation treasurer, all to be disbursed as heretofore provided, under rules and regulations promulgated by the administrative board, in keeping with the provisions of this constitution and code.

In addition, any unit, or district, or the federation, may conduct campaigns for the purpose of raising funds: *Provided*, That such campaigns shall not conflict in any manner with civil or moral law. Unit organizations shall have complete and exclusive control over their funds, provided that no part of such funds shall be expended for the personal benefit of any member, save as expression of sympathy in the event of misfortune or bereavement, or as reimbursement for actual expense incurred in performance of official duty. That the administrative board is hereby authorized and directed to meet any and all conditions, with the approval of the national president in the interest of the whole membership, not clearly and specifically provided for in this constitution and code.

National and unit treasurers or others having money or property of this corporation or organization in their possession or in their control, in the discretion of the administrative board, shall be required to furnish bond in a sum representing twice the value of such funds or property, copy of such bond to be filed with the administrative board: *Provided further*, That all such persons shall keep a true and correct account of funds or other property coming into their hands from any source whatsoever, such accounts to be open to inspection of unit presidents or representative of the district president, national president, or administrative board.

ARTICLE VIII

Amendments may be made to this constitution and code in the following manner; Proposal to amend may be presented at any regular convention of the federation, in writing, whereupon it shall be referred to a committee to be appointed by the national president which committee shall make report to the president, who in turn shall submit said report to the federation, before the proposed amendment may be presented to the federation. If on vote of two-thirds of the members present and entitled to vote, the proposed amendment is adopted, it shall then be a part of this constitution; otherwise it shall be of no force or effect; or an amendment may be proposed in any district or unit meeting and transmitted to the federation president and secretary, who shall immediately distribute such proposed amendment to all unit presidents and secretaries, who shall submit said proposed amendment to their respective units for a vote to adopt or reject. Action thereon shall be at once certified to the federation president and secretary. If the proposed amendment shall have been adopted by two-thirds of all the units voting and entitled to vote, it shall become a part of this constitution; otherwise it shall be of no force or effect.

ARTICLE IX

This federation, being incorporated under the laws of Oklahoma, has the power to sue and be sued: *Provided, however*, That no suit shall be instituted by this federation, unless authorized by the board of directors.

ARTICLE X

Roberts Rules of Order shall govern all national and unit meetings of this federation.

Read, considered, and adopted in convention duly assembled at Claremore, Okla., on this the 8th day of October 1939 and the officers of this convention are hereby authorized and empowered to execute this constitution and code of bylaws.

JOSEPH BRUNER,
President of the Convention.

Attest:

(Mrs.) JOE R. WILSON, *Secretary.*

The present officers of the American Indian Federation are as follows:

National officers: Joseph Bruner, president; John E. Curran, first vice president; Chief George Red Hawk, second vice president; W. W. LeFlore, secretary; O. K. Chandler, treasurer and chairman on organization; Floyed O. Burnett, Chaplain.

Board of directors: Curtis O. Barker, Robert Bruce, Steve Buckley, Mrs. Lorena M. Burgess, Rev. F. O. Burnett, Thomas A. Byington, Ben Carpenter, A. A. (Mack) Carselovey, O. K. Chandler, Walter Colbert, Mrs. Czarina Conlan, W. J. Couro, John E. Curran, Mrs. R. C. Farris, Mrs. R. L. Fite, Alex S. Foreman, William Foreman, Gid Graham, Peter Grant, Andie Lee Gregory, Webster Iron Wing, Miss Hazel Jack, Judge N. B. Johnson, Henry Keno, Tandy Krebs, S. R. Lewis, Lila D. Lindsay, Mrs. Pearl Blair Matheson, C. B. Mills, Alfred Minugh, Rev. George McClain, John McCracken, Mrs. Sallie McSpadden, W. E. McIntosh, W. M. Newton, Mrs. Vannoy Powers, Mrs. Lucinda Spicer, Jackson Thompson, Mrs. Edna Wilson, and Victor Youngbear.

Administrative board: S. R. Lewis, Walter Colbert, William Newton, Ben Carpenter, C. B. Mills, N. B. Johnson, Alex Foreman, John W. McCracken, W. E. McIntosh, Winslow J. Couro, and Lorena M. Burgess.

A STATEMENT OF FATHER PETER HEUEL

Principally the so-called Wheeler-Howard Act attempts to set up a state or a nation of Indians within our Nation. It separates the Indians from the white man, which is contrary to the intention of our American Republic. The Indians should be a part of the people of the State in which they live. However, it compels them to live under a different law segregated from the rest of the American citizens. About 115 years ago Congress created the Indian Department for the sole purpose to make the Indians self-reliant citizens. It is well-known that the Indian Department has failed in its purpose. During the many years past the act itself and the administration of this act violate the rights of citizenship the Indians have won through long years of efforts. It makes them wards of the Government for all time to come.

It is absurd to believe that this act gives the Indians self-government. In their so-called self-government the Indians are doomed to the will of the Indian Department. They are not a free people. Their self-reliance in fact is denied them. Wherever the Indians got away from the Indian Department, they got along well with their white neighbors.

It is useless to mention that the bill for the Wheeler-Howard Act was introduced in the Senate by the chairman, Senator Wheeler, at the request of Mr. John Collier, Commissioner of Indian Affairs. Some years later in a Senate committee hearing on Indian Affairs I heard and saw Senator Wheeler say to Mr. John Collier that that bill should never have been introduced in Congress. Had he known what was in the bill he would never have introduced it in Congress, but he had trusted in the honesty of him, the Commissioner. Senator Frazier made the statement on the floor of the Senate, that Indians came to him for advice in this matter, that he had told them to go and try it out, if they don't like it they will recall it in Congress. Indeed, with this so-called Wheeler-Howard Act the Indian Department has caused a terrible maze, disturbance, and dissatisfaction amongst the Indians instead of being true guardians to them. As wards of the Government the Indians cannot be considered an equal match against the many outstanding trickeries of the Indian Department and their attorneys to protect themselves and the welfare of their children against; therefore, this chaotic detriment to the Indians, created by the Indian Department, should not be charged as spent for the Indians' benefit, but should be borne as a lesson for the wise guardians who were set by force over the Indians against their protests.

During my 7 years of experience before the Indian Committees' hearings of Congress I have listened to the many poor Indians coming from near and far Indian reservations testifying against their treatment under the Wheeler-Howard Act. Sad and heart-breaking were the statements these Indians made. Congress, by their many, many hearings and local investigations on many reservations, knows well the veracities of these unbearable cruelties and hardships suffered by the Indians unnecessarily. Why does Congress stand for these wrongs done under their eyes?

May I say that not only many millions of dollars, not only of taxpayers' money but also of Indian moneys, have been lavishly spent for the upkeep of the Indian

Department, which has been a detriment for the Indians. With this waste of money the just claims of the Indians for broken treaties could have been paid easily many times, and the Indians could be free and happy citizens in our country of great wealth and opportunities, but not a burden of the taxpayers.

The Wheeler-Howard Act keeps the Indians forever as wards, may I say slaves, of the Indian Department which is a very black spot in the American history. This so-called Wheeler-Howard Act should now be recalled in its entirety.

The Schafer substitute for the pending bill is at least in the interest of self-government as it will give the Indians an opportunity to vote to get out from under the provisions of the Wheeler-Howard Act as well as the opportunity which they now have under the existing law, to accept and come under the act's provisions. I therefore cannot see any valid reason why there should be any objection whatever to the substitute proposal offered by Mr. Schafer.

AUGUST 28, 1940.

Hon. JOHN COLLIER,

Commissioner of Indian Affairs, Washington, D. C.

DEAR FRIEND: We received your letters, dated June 21 and July 25, regarding Senate bill No. 2103 which without regard to the wishes of the Indians in the United States would exclude 79 tribes, including the Shoshone-Bannock Tribes, now under the Indian Reorganization Act through their own choice from the protections, benefits, and responsibilities of the act.

We appreciate very much your writing to us about this bill.

On July 9, 1940, your letter of June 21 was discussed in our regular council meeting. The minutes of this meeting contains the following paragraph which clearly shows the feeling and the attitude of the Shoshone-Bannock Tribes on the Fort Hall Reservation regarding legislation you brought to our attention.

"A circular form letter from John Collier, Commissioner of Indian Affairs, Washington, D. C., was read by the secretary to the council regarding as to whether or not the Indians of the various States wish to again accept the Indian Reorganization Act. At this time the Commissioner wanted an expression from the Indians of the various tribes throughout the United States in regard to this. The reason for this was that certain tribes voted themselves out of this and then later wanted to come in after they saw the benefits derived from this act. It was closed and it could not be opened. The Commissioner is desirous of knowing how many of the tribes wish to operate under the Indian Reorganization Act and what tribes do not. Phillip E. LaVatta, Sr., councilman from the Fort Hall district, spoke up and stated that the Indians of the Fort Hall Reservation have more voice in their affairs today than they ever have had before. He stated further that this was brought about through the Indian Reorganization Act and at this time made a motion that the Fort Hall business council feels that they and the Indians of this jurisdiction have been greatly benefited and stated that the majority of the Indians do not wish to have this act rescinded. Sarah P. Snipe seconded the motion. Motion carried."

We are glad to know that at the House committee's meeting, June 20, all the members present seemed to concur to the effect that under no conditions would they vote favorably upon Senate bill No. 2103.

It is noted that Representative Schafer, of Wisconsin, placed an amendatory or substitute draft before the committee which, if enacted, would leave it up to any and all tribes to vote themselves in or out of the Indian Reorganization Act. We believe that this is as it should be. The Shoshone-Bannock Tribes have by referendum used the Indian Reorganization Act. They have adopted a constitution and bylaws, a charter of incorporation, and a law and order ordinance. We are operating under these various authorities and powers and we feel that the Indian Reorganization Act has definitely advanced our cause at Fort Hall.

We do not want any kind of legislation enacted that will take away from us the powers, the authorities, and the benefits which the Indian Reorganization Act gives us without our full consent, and with it have had an opportunity to discard these things through a referendum of the people of the Shoshone-Bannock Tribes.

In conclusion, the Fort Hall business council is in favor of the substitute bill prepared by Congressman Schafer, as it will give the Indians affected the right to vote themselves in or out of the protections, benefits, and responsibilities of the Indian Reorganization Act. We are definitely opposed to the enactment of Senate bill No. 2103 which would deprive the Indian of the benefits of the Indian Reorganization Act and this without consulting the Indians and giving them an opportunity to express themselves about the matter.

The Indians of the Fort Hall Reservation appreciate your continued interest and activity in their behalf and in behalf of all the Indians of the United States.
Very truly yours,

PETER JIM, *Chairman,*
Fort Hall Business Council.

GENERAL COUNCIL MEETING

ELBOWOODS, N. DAK.

ELBOWOODS, N. DAK., *August 30, 1940.*

Hon. WILL ROGERS,

Chairman, House Indian Affairs Committee, Washington, D. C.

Mr. Chairman, ladies, and gentlemen, I thank you for this opportunity to present to you, and through you to the people of the United States, what I consider sufficient reason for the repeal of Howard-Wheeler-Collier law. The whole scheme is a complete reversal of the policy of the United States Government for the past 50 years, which was to make citizens of the American Indians.

Under this Collier law you are segregating yourselves into a strictly Indian community, and no so-called constitution which the Bureau of Indian Affairs consents to give you in any sense will make you a free citizen, but, on the contrary, by accepting this Collier law you waive your rights as a free citizen, and, for the first time of your deplorable history, you consent to be governed by a far-away Bureau of Indian Affairs in Washington, D. C. Further, you are going to hold your property as a community entirely separated from the common life and laws under which all other citizens live. Admitting that Indian Bureau rule for the past 50 years has been outrageous, then certainly the Indian is very foolish to now consent to such Bureau's rule, no matter how beautifully the present Bureau heads are presenting this Collier law to you. On its face it is a radical experiment unlike any other legal form existing in the United States and entirely opposed to our form of government.

The greatest thing which the Indian needs today is for the Indian himself to wake up as to his personal rights as a citizen, and then exercise such rights by voting for Congressmen and Senators who pledge themselves to fight for all your just rights.

Only through Congress will the Indian save himself and his property. No scheme of Indian Self-Government with the Bureau of Indian Affairs in control can do other than further enslave and handicap the Indian and his children. All that is necessary is for the Indian to politically assert himself, agree upon you Congressmen and Senators, and learn the power of your ballot. There are safe laws which Congress can enact to amply protect the Indian in his person and in his property. No man has a place or a fair chance to exist under the Government of the United States who has not a part to perform.

The entire "set-up" of this Indian self-rule charter is of the same class of Government as is now in Russia, Germany, and Italy. I have read "mimeographed documents" of the Honorable John Collier, Commissioner for Indian Affairs, with his usual flow of language or literary outbursts of pretense and camouflage about giving the American Indian a square deal. The sole purpose of the "documents" claimed that those of the Congress responsible for the passage of Indian legislation to repeal the so-called Wheeler-Howard Act would create a "long Indian night."

I am a humble citizen of North Dakota and the United States. I have some constitutional rights which I will assert without any fear in my own behalf and on behalf of the American Indian Federation in this country.

I now, with pleasure, inform you that the so-called Howard-Wheeler-Collier Law should be repealed and for this reason alone; that no tribe of Indians who has adopted the act has enjoyed "self-government" to this date. I challenge Mr. Commissioner Collier on this one point.

The act actually has taken the power and authority away from the Congress and vested this discretionary power, even more binding than before, in the Commissioner for Indian Affairs and the Secretary for Interior Department. The records of Mr. Commissioner Colliers' administration will show that he has abused such "discretionary" powers and the act sponsored by him should be repealed. If this is not done, he will be the one responsible for the "long Indian midnight." I thank you for your kind attention.

FLOYD MONTCLAIR.

ELBOWOODS, N. DAK., September 5, 1940.

HON. WILL ROGERS,
House Indian Affairs Committee, Washington, D. C.

HONORABLE AND FRIEND: Pursuant to suggestion made by you for Indians collectively and individually to express their opinions relevant to repeal the Indian Reorganization Act.

I represent that the said Wheeler-Howard Act, or the so-called Indian Reorganization Act, be repealed for the following reasons: The rule heretofore applied to the people of Fort Berthold Reservation has been that disbursements of our tribal funds every fiscal year, but since this arbitrary law or Wheeler-Howard Act applied to our people the moral and financial assets of the three affiliated tribes has been broken down and deadlocked by this communistic idea of Indian self-government.

We, the once self-sustaining virile people of this reservation, are on the verge of starvation and are slaves under the ever-increasing personnel of the Indian Bureau.

I represent further that all our tribal funds tied up under the security of the so-called revolving-fund-loan agreement without the consent of the three affiliated tribes. The cash valuation of our tribal funds is more than \$40,000 at the present time. The above funds could be of some good use to take care of our children in the way of subsistence and clothing for our old and indigent people of this reservation. We were told that this \$40,000 tribal money would be tied up for the next 20 years without consent of our people. Many of our people have passed away without any realization of getting any benefit from our tribal funds.

We were told that our Indian agent would be selected from our people but now all the promises have been broken by people in direct charge of this reservation.

We do not see any way to buy machinery for our farming operations because of our tribal money being tied in this way, and many other reasons. But I have every good reason to believe that the lawmakers in Washington, D. C., will surely make some legal adjustments in the rehabilitation of our people. In view of the above facts as herein above stated that the Indian Reorganization Act is not really, and will not, rehabilitate the Fort Berthold Indians of North Dakota.

Therefore, I represent that the desires and wishes of our people should be like the times when E. W. Jermark was Indian agent here. In those days disbursement of tribal money was made once a year and men, women, and all our children were benefited.

But Indian Bureau officials forced our people to reduce number of our horses and most of our people are now on foot. Few years ago reduction of cattle was made and at low sale price of \$2 to \$18 a head for cattle and horses. Our people had stood many unprecedented losses.

In behalf of little children, old, indigent, crippled, and blind people of this reservation, I represent above facts earnestly, and respectfully request that change be made of this bad state of affairs, and we are badly in need of some change consistent therewith, and in view of the facts, as herein above shown, discloses the fact that the Wheeler-Howard Act, should be repealed.

Very respectfully yours,

CHESTER SMITH,
Van Hook, N. Dak.

RESOLUTION

Whereas by virtue of the authority granted by the act of June 18, 1934, the Winnebago Tribe of Nebraska is now organized a chartered corporation; and

Whereas it appears that there is now under consideration by the Congress of the United States, a bill entitled—"to define the election procedure under the act of June 18, 1934, and for other purposes"; and

Whereas when on March 1, 1937, there was introduced in the Senate by Senator Wheeler for himself and Senator Frazier a bill (S. 1736) to repeal the act of June 18, 1934, the Winnebagoes, Omahas, Santees, and the Poncas, through their governing bodies and in a joint resolution dated March 22, 1937, expressed their attitude in the following language:

"That the Reorganization Act places the Indian and what little remains of his property beyond the reach of exploitation thus preventing further loss of land and other Indian property; that it starts revesting of landless Indians with land for

subsistence; that it sets up an agricultural credit system which these four tribes are now enjoying; that it provides for the advanced schooling of Indians; that it gives to Indians a preference in their own Indian Service employment; that it gives to the tribe a veto power over the leasing and disposal of their natural resources and over the expenditures of their moneys held in Government trust and that it gives the organized tribes the right to go into court to defend their own civil and property rights; that to take away/all of these rights from the Indian through the repeal of the Reorganization Act will have a demoralizing effect and to destroy the confidence which he expressed in acceptance of the Reorganization Act; that the Reorganization Act is not being given a fair trial because of agitation brought about by people outside of these Indian communities thus demonstrating the fact that the great difficulty with the Indian problem is not with the Indian but with these people who, for some political reasons, will prevail upon Congress to repeal an act which the Indian himself sanctioned; that those tribes of Indians who either rejected or have not accepted the Reorganization Act have less cause in asking for the repeal of this act and that any protest for the repeal of the Reorganization Act should rightfully come from those tribes of Indians who are operating under this law"; and

Whereas the Winnebago Tribe of Nebraska is still in existence and functioning in accordance with the provisions of the act of June 18, 1934; and

Whereas their attitude is still in favor of the Act of June 18, 1934: Therefore, be it

Resolved by the Winnebago Tribal Council, That they again express their opposition to the repeal or any amendment to the act of June 18, 1934, which will infringe upon their rights provided by that act; be it further

Resolved, That a copy of this resolution be sent to all proper authorities of the Government.

WINNEBAGO TRIBAL COUNCIL,
WILLIAM DAVIS, *Chairman*,
JOHN LITTLE WOLF, *Secretary*.

WINNEBAGO, NEBR., *September 3, 1940.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, August 31, 1940.

HON. WILL ROGERS,
Chairman, House Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. ROGERS: There are enclosed herewith copies of additional resolutions, letters, and statements from the various Indian tribes in which their views are expressed upon the proposed Schafer bill permitting Indian tribes to vote further on the Indian Reorganization Act.

A copy of each reply will be sent to you as quickly as they are received in this office.

Sincerely yours,

W. BARTON GREENWOOD,
Acting Commissioner.

RESOLUTION NO. 52

Be it resolved, That whereas the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, which tribes are organized under the Indian Reorganization Act, having received their charter on March 31, 1938, and whereas the said tribal council has received a letter addressed to Indian tribal councils by the Honorable John Collier, Commissioner of Indian Affairs, and dated June 21, 1940, together with a draft of a proposed amendment to the Indian Reorganization Act proposed by Representative Schafer, of Wisconsin; the tribal council, after careful study of the matter, wishes to go on record as being entirely satisfied with the Indian Reorganization Act, and with their organization as at present constituted. They feel that since the completion of their organization, they have been given measures of self-government theretofore unknown to them; that they have been able under the terms of their charter to be of great assistance to their people in numerous ways, helping them on the road to self-support and self-respect.

✓ The tribal council feels after careful study, that the amendment proposed by Representative Schafer would not affect them under existing conditions, and wishes to express no objection to it. It is felt that it might be helpful to some tribes of Indians, who perhaps originally voted themselves out of the Indian Reorganization Act, and who would like another opportunity to vote on the matter, or that on the other hand, it might give other tribes who might be dissatisfied with the Indian Reorganization Act, an opportunity to vote themselves out of the act. Broadly speaking, the council feels that the enactment of the proposed amendment would broaden considerably the latitude of the Indian in the expression of the form of government which he wants.

CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION
OF OREGON, WARM SPRINGS, OREG.,

By GEORGE MEACHEM,
Chairman.

ISAAC MCKINLEY,
Vice Chairman.

FRANK WINISHUT,
Member of Tribal Council.

WM. McCORKLE,
Member of Tribal Council.

JOE McCORKLE,
Member of Tribal Council.

FRED WAGNER,
Member of Tribal Council.

SAM WEVA,
Member of Tribal Council.

Attest:

O. B. KALAMA, *Secretary Treasurer.*

AUGUST 5, 1940.

RESOLUTION

We, the undersigned, duly elected officers of the Lower Sioux Indian Community, located in Redwood County, near the town of Morton, State of Minnesota, having received copies of the proposed amendment to Senate bill 2103 as proposed by the House of Representatives, hereby offer for and in behalf of the members of the said Lower Sioux Indian Community the following resolution:

Whereas the members of the Lower Sioux Indian Community having received many benefits by reason of its participation with the benefits of the Reorganization Act, such as the acquisition of much-needed additional land which now assures the heads of families of the community a sufficient acreage to provide an economic subsistence farm unit and the loan of revolving-credit funds with which we have been able to purchase teams, dairy cows and other livestock, together with farm implements to use in the cultivation of our assignments; and

Whereas these benefits which have been provided by said Reorganization Act have enabled the members of the community to improve their social and economic conditions which it would have been impossible for us to accomplish without this assistance: Now, therefore, be it

Resolved, That it is the desire of the members of the Lower Sioux Indian Community that the act containing the compulsory exclusion of the 79 tribes or band, now under the Reorganization Act, from its benefits, without regard to our wishes be not enacted by the Congress of the United States, but that we be given the privilege of expressing our wishes in the matter by referendum vote of the members of our community by secret ballot, and that those tribes or bands who wish to continue to operate under the provisions of said Reorganization Act be permitted to do so provided for in the amendatory Act presented by Representative Schafer, of Wisconsin.

THE LOWER SIOUX INDIAN COMMUNITY,
By SAMUEL BLUESTONE, *President.*
GEORGE ST. CLAIR, *Vice President.*
ARTHUR GOODTHUNDER, *Secretary.*
REUBEN ST. CLAIR, *Secretary-Treasurer.*

Dated at MORTON, MINN., this 1st day of July 1940.

RESOLUTION

We, the undersigned, duly elected officers of the Prairie Island Indian Community, located in Goodhue County, near the town of Welch, State of Minnesota, having received copies of the proposed amendment to Senate bill 2103 as proposed by the House of Representatives, hereby offer for and in behalf of the members of the said Prairie Island Indian Community the following resolution:

Whereas the members of the Prairie Island Indian Community having received many benefits by reason of its participation with the benefits of the Reorganization Act, such as the acquisition of much needed additional land which now assures the heads of families of the community a sufficient acreage to provide an economic subsistence farm unit and the loan of revolving credit funds with which we have been able to purchase teams, dairy cows and other livestock, together with farm equipment to use in the cultivation of our assignments; and

Whereas these benefits which have been provided by said Reorganization Act have enabled the members of the community to improve their social and economic conditions which it would have been impossible for us to accomplish without this assistance: Now, therefore be it

Resolved, That it is the desire of the members of the Prairie Island Indian Community that the act containing the compulsory exclusion of the 79 tribes or bands now under the Reorganization Act, from its benefits, without regard to our wishes, be not enacted by the Congress of the United States, but that we be given the privilege of expressing our wishes in the matter by referendum vote of the members of our community by secret ballot, and that those tribes or bands who wish to continue to operate under the provisions of said Reorganization Act be permitted to do so as provided for in the amendatory act presented by Representative Schafer of Wisconsin.

THE PRAIRIE ISLAND INDIAN COMMUNITY,
By WALTER J. LEITH, *President*.
JOSHUA CROU, *Vice President*.
AMOS A. OWEN, *Secretary*.
THOMAS OWEN, *Treasurer*.
MASON H. WALKER, *Secretary-Treasurer*.

Dated at Welch, Minn., this 2d day of July, 1940.

RESOLUTION

Whereas the Tribal Council of the Puyallup Tribe of Indians feels that every group of Indians should have the right to decide whether they want to remain under the Reorganization Act by themselves and by secret ballot as to their form of organization and as to whether the reorganization act should or should not apply to them: Therefore, be it

Resolved, By the Puyallup Tribal Council that we hereby express our appreciation and favor of the bill offered by Representative Schafer which, if adopted, will secure us this right.

PUYALLUP TRIBAL COUNCIL,
By FRANK WROLSON, *Chairman*.

Attest:

SALLY SICADE.

Resolution ordered by the council of the Puyallup Tribe at a special session at Tacoma, Wash., held August 14, 1940.

SAN JUAN PUEBLO.

At a meeting held on August 10, 1940, it was unanimously decided by our people that we prefer to remain in the Indian reorganization Act and therefore we are not in sympathy with the proposed bill S. 2103. We are well satisfied with the progress

thus has been made thus far and we feel confident that further progress can be made under the condition of our present status.

EULOGIO CATA, *Governor.*
 JOSE INEZ TRUJILLO, *Vice Governor.*
 MATHEW CATA, *Sheriff.*
 ELISEO TRUJILLO, *Councilman.*
 CARPIO MARTINEZ, *Councilman.*

PUEBLO OF COCHITI, N. MEX., *August 12, 1940.*

Mr. JOHN COLLIER,
Commissioner of Indian Affairs, Washington, D. C.

DEAR MR. COLLIER: We of the Cochiti Pueblo voted a few years ago to accept the Indian Reorganization Act. We have discussed the proposed Schafer amendment, and understand that it would give us a chance to vote whether we want to continue under the Indian Reorganization Act. We would rather not express our opinion on the matter until we have a chance to discuss it with the other Pueblos at the next all-Pueblo Council meeting.

We are writing this letter to you at a meeting held in our Pueblo on August 12. Our Governor being sick, the Lieutenant Governor is signing.

LORENZO HERRERA, *Lieutenant Governor.*
 LOUIS ORTIZ, *Councilman.*
 SALVADOR ARQUERO, *Treasurer.*
 ELUTERIO SUINA, *Councilman.*

JEMEZ PUEBLO, N. MEX., *August 9, 1940.*

Mr. JOHN COLLIER,
Commissioner of Indian Affairs, Washington, D. C.

DEAR MR. COLLIER: The Pueblo of Jemez has voted not to be under the Indian Reorganization Act. We have discussed the proposed Schafer amendment which we understand would give us an opportunity to vote whether we want to be under the Indian Reorganization Act. We are satisfied now, and do not want to have an election to vote on this matter in the future. Therefore, it does not make much difference to us if the Schafer amendment passes or not.

We are writing this to you in a meeting held on August 9, 1940.

GEORGE (his X mark) TOLEDO,
Governor.
 SAN JUANITO (his X mark) SHANDO,
Lieutenant Governor.
 SAN JUANITO (his X mark) LORETTO,
 SANTIAGO (his X mark) LUCERO,
 FOENCITO (his X mark) VIGIL,
 JOSE REYE (his X mark) LORETTO,
 JUAN E. (his X mark) SANDO,
Councilmen.

PUEBLO OF ISLETA, N. MEX.,
August 8, 1940.

Mr. JOHN COLLIER,
Commissioner of Indian Affairs, Washington, D. C.

DEAR MR. COLLIER: We, the governor and council of the pueblo of Isleta, have on this date discussed in open meeting the proposed Schafer amendment to the act of June 15, 1935. We have accepted the Indian Reorganization Act almost unanimously, and have no wish to change our position in this matter. As we understand the Schafer amendment, it would affect our pueblo by giving us the opportunity of voting whether or not we wish to continue being under the

act. We do not want to have an election for this purpose, as we are satisfied with the act as it now affects us. Therefore, it doesn't make much difference to us whether the Schafer amendment passes or not.

We believe, however, that it would be a good idea for you to call a meeting of the All-Pueblo Council as soon as possible. This would give all of the pueblos a chance to discuss this matter together, and vote on a resolution to give you our opinion on the question as an all-pueblo body.

ANDRES (his mark) ABEITA,
Governor.

JUAN REY LUCERO,
First Lieutenant Governor

DOMINGO JOJOLA,
Second Lieutenant Governor.

PABLO ABEITA, *President.*

FRANCISCO JIRON,

TOMAS ABEITA,

PHILLIP LENTE,

PASCUAL LUCERO,

NICOLAS LUJAN,

DAMACIO LUJAN,

FELIPE ZUNI,

JOHN JOJOLA,

CHARLES F. JOJOLA,
Councilmen.

WESTERN SHOSHONE AGENCY,
Owyhee, Nev., July 15, 1940.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DEAR MR. COMMISSIONER: At a meeting of the business council of the Shoshone-Paiute Tribes held July 10, 1940, after a lengthy discussion regarding pending legislation which would exclude our people from the benefits of the Indian Reorganization Act, it was unanimously decided by the business council to write direct to the Commissioner of Indian Affairs and express, not only the reaction of this council to any legislation which would exclude us from the benefits of the Reorganization Act, but also the reaction of all members of our tribes.

We are all in accord in realizing the tremendous benefits we have already received and are receiving through the Reorganization Act. Since the Shoshone-Paiute Tribes have been organized and have obtained a constitution and charter, a very distinct responsibility has been realized, not only by the members of the council but by each member of the tribes in the operation of our tribal affairs. It limits very definitely the action which might be taken by representatives of the Government without the approval of the tribes through this council. Tribal funds are collected and expended, and tribal property is managed through the direction of this council; therefore, every expenditure is assured of being of direct benefit to members of the tribes. Money has been made available for our outstanding students to carry on in obtaining a professional education. The management of tribal lands has been turned over to the council. We do not fear that the action of some Government representative may, in the future, deprive the tribes of any land which we now have.

Through the Reorganization Act, we have established a law-and-order code which is adapted to conditions on this reservation, and law and order is maintained in a very satisfactory manner.

Additional land has been purchased through funds made available through the Indian Reorganization Act, which is invaluable in the development of resources of the tribes.

We are certain that any person who would sponsor any legislation which would exclude Indians from the benefits of the Indian Reorganization Act are either not acquainted with Indians and Indian problems, or they are being guided by minority groups.

This council heartily approves the substitute bill offered by Representative Schafer, which provides for the members of our tribes to decide for themselves whether or not we should remain under the Reorganization Act.

We wish that our views on this matter would be placed before the House Committee on Indian Affairs and that they be given consideration before any such legislation is passed upon by the committee.

Very truly yours,

HARRY THACKER,
Chairman.

WILLIAM WHITEROCK,
GUS GARITY,
GEORGE BRADY,
JOHN DICK,
GUY MANNING,
JOHN PARADISE,
Members.

FORT APACHE INDIAN AGENCY,
Whiteriver, Ariz.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DEAR SIR: We, the undersigned, duly elected members of the White Mountain Apache Tribal Council, in regular session this 5th day of August 1940, have considered Office letter of July 25 supplementary to Office letter of June 21, 1940, relative to bill, S. 2103, which has been under prolonged consideration of House Committee on Indian Affairs, and the substitute draft by Representative Schafer, of Wisconsin, which was transmitted with Office letter of June 21.

It is the consensus of opinion of the members of this council that we favor continuation of the application of the Reorganization Act to our jurisdiction. We are therefore in favor of the amendatory or substitute draft proposed by Mr. Schafer which would give us a voice in determining whether we are to keep ourselves in our out of the Indian Reorganization Act.

BYDE AMOS,
LAURENCE JOHNSON,
LESTER OLIVER,
THOMAS (his mark) COOYA,
PURCELL KANE,
FRED LARZELERE,
VIVIAN ROLLAND,
JOHN BOURKE.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DEAR SIR: This will refer to your circular letters of June 21 and July 25, 1940 regarding certain legislation now pending before the House Committee on Indian Affairs in connection with Indian organization matters.

The tribal council at its meeting on August 13, fully discussed the substitute bill offered by Representative Schafer and by a unanimous vote expressed their opposition to the Schafer bill because of the fact that we are organized on the Tongue River Reservation, we are well pleased with the results and benefits of being organized and we believe that it would be unwise to approve any legislation which would be a source of contention through bringing up the question of Indian organization at frequent intervals.

Very truly yours,

WILLIAM REDCHERRIES,
Vice President.

WILLIAM HOLLOWBREAST,
Secretary-Treasurer.

SISSETON INDIAN AGENCY,
Sisseton, S. Dak., August 7, 1940.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DEAR SIR: Reference is made to your supplementary letter to all Indian tribes outside of Oklahoma and Alaska, under date of July 25, 1940, just received at this office, relative to the Schafer substitute bill for Senate bill No. 2103.

We have held meetings in every community on the reservation the past 4 years and in all except one community the Indians have expressed a desire to come under the Indian Reorganization Act. There has been no reservation-wide vote taken since they rejected the act originally, but votes taken in various communities have indicated that 80 percent or more of the Indians are in favor of accepting the Indian Reorganization Act.

Very truly yours,

W. C. SMITH, *Superintendent.*

CHEROKEE, N. C., August 9, 1940.

STATEMENT TO THE HOUSE COMMITTEE ON INDIAN AFFAIRS

This has reference to circular letter dated June 21, 1940 and supplementary letter dated July 25, 1940, with reference to bill S. 2103, now before the House of Representatives, and the Schafer bill, which is likewise before the House of Representatives.

As far as the governing officials of this tribe are concerned, we do not wish to bring up before the council or the people of this tribe the matter of the continuance or not of the reorganization bill of June 31, 1934. It has caused endless confusion and disturbance among our people, and we are satisfied and desire that the present status continue.

JARRETT BLYTHE,
Chief for the Eastern Band of Cherokee Indians.
MCKINLEY ROSS,
Vice Chief for the Eastern Band of Cherokee Indians.
WILLIAM WELCH,
Chairman of the Tribal Council.

FORT McDOWELL,
Scottsdale, Ariz., August 15, 1940.

TO THE COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: In reference to your supplementary letter dated July 25, 1940.

The Indians of the Fort McDowell Mohave-Apache Community assembled at a special meeting on August 13, 1940, called by the community council, to have them express themselves as to the repeal of the Reorganization Act and the substitute bill proposed by Representative Schafer of Wisconsin.

With a unanimous voice vote the Indians of this community are against repeal or any substitute bill to change the Reorganization Act in any way.

This community has had not the time since they voted for the act, to use to full advantage which the act has made available to the Indians.

Therefore we ask the Commissioner to see that the Indian Reorganization Act be not repealed or any part of the act, as proposed by Schafer.

Respectfully,

JOHN SMITH,
President of the Council.

INTERIOR DEPARTMENT,
OFFICE OF INDIAN AFFAIRS,
Washington, September 5, 1940.

Hon. WILL ROGERS,
Chairman, House Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. ROGERS: There are enclosed herewith copies of additional resolutions, letters, and statements from the various Indian tribes in which their views are expressed upon the proposed Schafer bill permitting Indian tribes to vote further on the Indian Reorganization Act.

A copy of each reply will be sent to you as quickly as they are received in this office.

Sincerely yours,

FRED H. DAIKER,
Acting Commissioner.

SANTA CLARA PUEBLO,
Española, N. Mex., August 19, 1940.

Commissioner JOHN COLLIER,
Department of the Interior, Office of Indian Affairs,
Washington, D. C.

DEAR FRIEND: Mr. Schaefer's proposed amendatory bill has been discussed in meetings held by each of the four political parties of Santa Clara Pueblo. It has also been discussed in a council meeting attended by representatives of the United Pueblos Agency staff.

We are in favor of this proposed bill which, if passed, would make it possible for each individual Indian group to vote itself or keep itself in or out of the Reorganization Act.

We thank you for the opportunity you have given us to express our opinion regarding this proposed bill.

Your friends,

PASQUAL TAFOYA, Governor,
PHILLIP G. DASHENO,
RAMON NARANJO,
EVANGELIO GUTIERREZ,
CLETO TAFOYA, Interpreter,
ALVISTO NARANJO.

AUGUST 19, 1940.

Hon. JOHN COLLIER,
Commissioner of Indian Affairs, Department of Interior,
Washington, D. C.

DEAR FRIEND: The Pueblo of Sandia has studied your letter of July 25, 1940, and the bill of Congressman Schafer. We want you to know that the Pueblo of Sandia is very well satisfied with the Wheeler-Howard Act, which some people call the Indian Reorganization Act. That law has been very good for us.

We want you to prevent anybody from canceling that law, because no other law has ever done as much good for us. We have studied the Schafer Act. We do not think that this act has any great effect on us, and it might give other Indians a chance to have the same benefits as we have out of the Indian Reorganization Act, and the Wheeler-Howard law.

We see no objection to the Schafer law, but we do object to it if it can in any way be used to try to take away from us the benefits of the Wheeler-Howard Act, and if it does take away any benefits which were given to us under the Wheeler-Howard Act, then we would be against the Schafer law.

We want you, John, to know that we know you are doing your best to help and protect us, and we thank you very much for all you have done.

PUEBLO OF SANDIA,
By IGNACIO BACA,
Governor.
ANDRES LORIANO,
Lieutenant Governor.
DOMINGO TRUJILLO,
Staff Officer.

PUEBLO OF ACOMA, N. MEX.,
August 17, 1940.

Mr. JOHN COLLIER,
Commissioner of Indian Affairs, Washington, D. C.

DEAR MR. COLLIER: We here at Acoma Pueblo have voted some while ago to be under the Indian Reorganization Act. We are satisfied in being under the law, and do not want to change things.

At a meeting held in our pueblo on this date we have discussed the proposed Schafer amendment. We understand that if this law is passed by Congress, we will have an opportunity to vote on whether we want to continue under the Indian Reorganization Act or not. We do not want to have such an election. Therefore, it is immaterial to us whether the bill is passed by Congress or not.

MARTIN W. PIN,
Governor.

ESTVEN COMO,
Lieutenant Governor.

ROBERT VICENTE,
Councilman.

JOHN E. SANCHEZ,
Councilman.

PUEBLO OF ZIA, N. MEX.,
August 19, 1940.

Mr. JOHN COLLIER,
*Commissioner of Indian Affairs,
Washington, D. C.*

DEAR MR. COLLIER: Zia Pueblo voted a few years ago to accept the Indian Reorganization Act. We are satisfied the way things are. We do not want an election on whether we want to be under it or not in the future.

Today we have discussed the proposed Schafer amendment, which we understand would give us an opportunity to have an election on whether we want to continue under the Indian Reorganization Act. We do not want to express an opinion on the Schafer bill. We rely on your judgment as to whether the bill should be passed or not.

ANDRES SINO,
Principale.

CELESTINO GALVAN,
Principale.

JOSE REY (his thumbmark) TOVIBIO,
Principale.

JOSE SACHUPIN,
Principale.

JOSE MEDINA
Principale.

LORENZO MEDINA,
Governor.

JEUS SALAS,
War Captain.

RAMIZIO SALAS,
Lieutenant.

RESOLUTION

Whereas, the Tribal Council of the Post Gamble Tribe of Indians feels that every group of Indians should have the right to decide for themselves by secret ballot as to their form of organization and as to whether the Reorganization Act should or should not apply to them, therefore,

Be it resolved That we hereby express our appreciation and favor of the bill offered by Representative Schafer which, if adopted, will secure to us this right.

Did in regularly called meeting of the tribal council this 16th day of August 1940.

Attest:

LESTER JACKSON, *Chairman.*

Approved:

Mrs. CARL SPARKS, *Secretary.*

August 20, 1940.

O. C. UPCHURCH, *Superintendent.*

RESOLUTION

At a special meeting of the tribal council of the Colorado River Indian Tribes of the Colorado River Reservation, Ariz. and Calif., called for the purpose and held at the Colorado River Indian Agency on said reservation on August 17, 1940, it was approved by vote of 6 "yes" and 1 "against," a quorum being present; that the following resolution be forwarded to Hon. Harold L. Ickes, Secretary of the Interior; Hon. John Collier, Commissioner of Indian Affairs; Hon. Will Rogers, chairman of House Committee on Indian Affairs.

Whereas, in the letters of June 24 and July 25, 1940, forwarded to this agency by John Collier, Commissioner of Indian Affairs, stating that the House Committee on Indian Affairs have under discussion Senate Bill No. 2103, to repeal the Indian Reorganization Act;

Whereas there is now a substitute draft to amend the act of June 18, 1934, pending before the House of Representatives; and

Whereas the House Committee on Indian Affairs through John Collier, Commissioner of Indian Affairs, have requested our views on the proposed amendment; and

Whereas the council feels that the proposed amendment is important legislation now pending before the House of Representatives, because it will not only overrule the repeal act, but it will set up the machinery whereby those tribes, through their own choice, can withdraw from the act;

Whereas the council acting for the majority of the tribes have endorsed this bill and it should be passed by Congress; and

Whereas efforts should be made by the House Committee on Indian Affairs to expedite the enactment of this amendment to the Indian Reorganization Act; and

Whereas according to the council's opinion, the act itself is not oppressive, while it dissolves some former organizations, yet it does give us more training under the set-up of self-government, therefore, we cannot approve the repeal act.

Therefore, be it resolved, by the Tribal Council of the Colorado River Indian Tribes, Colorado River Reservation, Ariz. and Calif., That the House Committee on Indian Affairs and John Collier, Commissioner of Indian Affairs, be empowered to act for the said Colorado River Indian Tribes on the proposed amendment in seeking passage of the Bill.

The foregoing resolution was on August 17, 1940, duly approved by vote of 6 yes and 1 against by the Tribal Council of the Colorado River Indian Tribes pursuant to authority vested in it by section 1 (a) article VI of the constitution, or bylaws, of the tribes, ratified by the tribes on July 17, 1937, and approved by the Secretary of the Interior on August 13, 1937, pursuant to section 16 of the act of June 18, 1934, (48 Stat. 984). This resolution is effective as of the date of its adoption.

Respectfully submitted.

COLORADO RIVER TRIBAL COUNCIL,
WENDELL GOODMAN, *Chairman*.
HENRY WELSH, *Secretary*.

BAPCHULE, ARIZ., August 16, 1940.

Mr. JOHN COLLIER,
Commissioner, Department of the Interior, Washington, D. C.

SIR: In reference to the proposed substitute, Senate bill No. 2103, introduced by Representative Schafer has been fully discussed and definitely decided by the Gila River Pima-Maricopa Council, at a regular meeting that they express themselves opposed bill 2103.

Since Reorganization Act was passed and "self-government" practiced for more than 5 years, the act of June 18, 1934, should continue to apply as we found it most advantageous to this tribe. While this tribe, heretofore, could not transact any business with free expression on their tribal problems and could not train themselves for better citizenship.

It is confusing and discouraging to the tribe when such changes are proposed, especially where "self-government" is functioning successfully. It will also be an expense and much time taken in having a referendum vote every 2 years.

Therefore, it is the desire in this council that no repeal or amendment as mentioned in this section be proposed. The proposed Senate bill No. 2103 is rejected by the Gila River Pima-Maricopa Council with a unanimous vote.

Respectfully,

ALEX CANNON, *Governor*.

WINNEBAGO INDIAN AGENCY,
Winnebago, Nebr., August 19, 1940.

Hon. WILL ROGERS,
Chairman House Committee on Indian Affairs,
Washington, D. C.

DEAR MR. ROGERS: In response to letters dated June 21 and July 25, 1940, addressed to tribal councils by Hon. John Collier, Commissioner of Indian Affairs, regarding Senate bill 2103 and a substitute therefor by Congressman Schafer of Wisconsin, the following is taken from the minutes of the meeting of the Ponca Board of Governors in the Ponca Self-Help Building, Niobrara, Nebr., Wednesday, August 14, 1940:

"The president referred to a letter dated July 1, 1940, written by Mr. Parker, transmitting a letter of the Commissioner of Indian Affairs regarding the substitute Schafer bill to amend the Reorganization Act, requesting that the board notify the Commissioner of Indian Affairs or the House Committee on Indian Affairs how it feels about same. The president requested Mr. Parker to read and explain both letters and the bill. He also read the Commissioner's supplementary letter, dated July 25, on the same matter. Following some discussion, the board members made the following statements regarding the proposed Schafer bill:

"RAYMOND SMITH. In the first place in this substitute Schafer bill I do not see any benefit in changing or in passing that we would accept this bill. We would have to see something beneficial in it in order to want it. We have had many various Indian bills passed and I feel that the Indian Reorganization Act has come nearer to helping the American Indian than any other bill. But anyway, we would have to see more in the Schafer bill than we do in order to want to change.

"HENRY PENISKA. I feel like you, Mr. Smith.

"ED PENISKA. I don't see where we could profit by the Schafer bill. It would be of no benefit to the people whatever with the exception that the people who have not voted themselves in may profit by it where they could vote themselves in, but where we are already in I don't see where we can better ourselves.

"OTTO BIRDHEAD. I don't see any meaning or benefits to this Schafer bill. The only ones that I see that it benefits are the ones that are out and want to get in, so we had better stay where we are.

"GROVER ROY. I don't see anything in this Schafer bill.

"STEVEN ROY. I don't see any good or benefits in it.

"RAYMOND SMITH. The way I see this bill is to help those who did not accept it before to adopt the Indian Reorganization Act of June 18, 1934, and other than that I don't see any benefits in the Schafer bill.

"Raymond Smith made a motion that the board authorize and request Superintendent Parker to write a letter regarding the Schafer substitute bill to Hon. Will Rogers, chairman of the House Indian Affairs Committee, through the Commissioner of Indian Affairs, using the statements just preceding as representing the views of the Ponca Board of Governors; seconded by Otto Birdhead. Motion carried unanimously."

The nine members of the board of governors were present and participated in the meeting, however, three of the members were out of the board room on other work at the time the above action was taken by the board.

Very sincerely,

GABE E. PARKER, *Superintendent.*

STOCKBRIDGE-MUNSEE BAND OF MOHICAN INDIANS, INC.,
Bowler, Wis., August 22, 1940.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

(Through Superintendent, Tomah Agency)

SIR: In reply to your letter of July 25, the Stockbridge-Munsee Tribe of Indians of Wisconsin, beg to inform you that we are in absolute harmony and accord with the Indian Reorganization Act approved June 18, 1934, therefore we do not approve of S. 2103 which is, we believe, an attempt to agitate legislation "to exempt certain Indians and Indian tribes from the provisions of the act of June 18, 1934 (48 Stat. 984) as amended," by a certain, perhaps political, group, which act appears to be a very unfair instrument. Bill S. 2103 would defeat many phases of the Reorganization Act, which we feel should still stand as they are, one of the principal things being that of Indian land which is being held in trust for

the Indians by the United States Government. Past history of Indian lands, and past legislation which in many instances gave fee patents to various Indian tribes was one of the most injurious instruments of legislation ever enacted in behalf of many Indian tribes, the Stockbridge-Munsee Tribe being one that suffered greatly because of that legislation.

The proposed substitute for Senate bill No. 2103, which was prepared by Congressman Schafer does not meet the approval of our tribe, because we definitely feel that at this time and age of the Reorganization Act, no legislation should be enacted by Congress to define the election procedure under the act of June 18, 1934. As stated above we sincerely feel that such an act would permit the various tribes to dispose of their lands which would be a repetition of a great evil once enacted by Congress. We believe that provisions contained in most charters of corporations of the various tribes, which has to do with "termination of supervisory powers" reserved to the Secretary of the Interior, should continue, thereby being guided strictly by the letter of the law as set forth in the Reorganization Act itself. We, therefore, do not favor House bill, S. 2103, nor the substitute bill prepared by Congressman Schafer. Section 2 of the Reorganization Act which reads, "The existing period of trust placed upon any Indian lands and any restrictions on alienation thereof are hereby extended and continued until otherwise directed by Congress," is the letter of the law which we wish to continue to be governed by, and any legislation changing section 2 of the act would be unwise legislation for any Indian or Indian tribe now under the act, although Representative Schafer's proposal may be in full harmony with the spirit of the Indian Reorganization Act, we still do not feel that it is the proper time to enact such legislation.

Most respectfully,

STOCKBRIDGE TRIBAL COUNCIL,
By ARVID E. MILLER, *President.*

CAMP RICHARDSON,
Lake Tahoe, Calif., August 12, 1940.

Be it Resolved by the Tribal Council of the Washoe Indian Tribe, under authority granted to us under the bylaws of our tribal constitution, article II, section 2, we wish to petition Congress to vote unfavorably on Senate bill No. 2103.

Also we wish to state that we are in favor of the proposed bill by Representative Schafer of Wisconsin, which gives Indian tribes the right to vote on whether they want to be included in the act, since it will give a chance for some tribes who have rejected the act to come under it now.

Passed at a meeting on August 12, 1940, at which six council members were present, constituting a quorum.

WASHOE TRIBAL COUNCIL,
By ROMA JAMES,
WILLIE SMOKEY,
RAY FILLMORE,
WILLIE JAMES,
DON JAMES,
WILLIE JIM.

CAMPBELL RANCH,
Yerington, Nev., August 14, 1940.

Be it Resolved by the Tribal Council of the Yerington Paiute Indian Tribe: Under authority granted to us under the bylaws of our tribal constitution, article II, section 2, we wish to petition Congress to vote unfavorably on Senate bill No. 2103.

Also we wish to state that we are in favor of the proposed bill by Representative Schaefer of Wisconsin, which gives Indian tribes the right to vote on whether they want to be included in the act, since it will give a chance for some tribes who have rejected the act to come under it now.

Passed at a meeting on August 14, 1940, at which five council members were present, constituting a quorum.

YERINGTON PAIUTE TRIBAL COUNCIL,
By WESLEY KENO,
FRANK QUINN,
HOWARD ROGERS,
AL NULLO, Jr.,
AUNDY DICK.

RESOLUTION

Be it resolved by the Walker River Paiute Tribe: The tribe still remain under the Wheeler and Hower Act. This 10th day of August 1940. That the tribal council constituting a quorum composed of seven members favor the Schafer substitute bill.

Seven members of the council present a motion by Roylan Voorhees that the tribal council drafts a resolution favoring the Schafer substitute bill. Motion seconded by William Frank. Motion called.

Minutes of the special meeting of the Walker River Tribal Council, August 10, 1940; also mass jointly meeting with the tribe at 8:30 p. m. at the community hall to discuss Wheeler-Howard Act; also Schafer substitute bill.

There being no further business before the council on motion by Earnest Reymous, the meeting adjourned at 12 p. m. Motion seconded by McKinley Powell. The motion was passed unanimously.

PETER JOHNSON, *President.*
CLEVELAND BOBB, *Secretary.*
WILLIAM MILLER,
STEWART BENTZ.
SULLIVAN THORN,
MCKINLEY POWELL..

FALLON INDIAN RESERVATION,
Fallon, Nev., August 13, 1940.

MR. JOHN COLLIER,

Commissioner of Indian Affairs, Washington, D. C.

DEAR MR. COLLIER: The following statement was adopted by the Fallon Tribal Council at its regular meeting August 13, 1940.

We, the undersigned members of the Fallon Paiute and Shoshone Tribal Council are opposed to Senate bill S. 2103, which would repeal the Indian Reorganization Act for Indians in Nevada. The act has done lots for Nevada Indians, we don't want it changed.

All council members present and all members voting opposed to repeal Indian Reorganization Act and opposed to passage of Senate bill S. 2103.

WILLIE STEVE,
HENRY W. WILLIAMS,
RAY ALLEN,
JIMMIE BOWSER,
FRANK KAISER.

FALLON INDIAN RESERVATION.
Fallon, Nev., August 13, 1940.

MR. JOHN COLLIER,

Commissioner of Indian Affairs, Washington, D. C.

DEAR MR. COLLIER: The Fallon Tribal Council adopted the following statement at its regular meeting August 13, 1940.

We the undersigned members of the Fallon Paiute and Shoshone Tribal Council go on record in favor of the proposed Schafer bill.

All Council members present and all members voting in favor of the Bill.

Signed:

WILLIE STEVE.
RAY ALLEN.
HENRY W. WILLIAMS.
FRANK KAISER.
JIMMIE BOWSER.

McDERMITT, NEV. August 15, 1940.

MR. JOHN COLLIER, Washington, D. C.

DEAR SIR: A special meeting of the Fort McDermitt Tribal Council was called on August 15, pertaining to the proposed substitute for Senate bill 2103. A quorum of seven council members were present and the following resolutions were adopted.

We, the undersigned Fort McDermitt Council Members, do hereby resolve that we oppose the repeal of the Reorganization Act for the following reasons:

We have organized our self-government, secured our corporate charter, and are now enjoying the many privileges it has given us.

Additional land has been purchased for our use under the act.

The Reorganization Act has given us an opportunity to borrow money under the credit plan. Cattle, horses, and farm machinery were purchased. Records show that \$10,393.13 was borrowed by members of our tribe and to date we have repaid \$6,236.26 of this amount.

It has given us an opportunity to improve our living conditions and encouraged us to become independent and self-supporting. If this proposed bill is passed it will prevent our further progress.

We enjoy the voice we have in the developments on our reservation.

We realize that if all these rights are taken away, it will certainly discourage all further attempts toward self-improvement.

Therefore we humbly request that the Indian Affairs Committee give us a fair deal and defeat this bill, 2103.

We wish to go on record as being in favor of Schafer bill.

ROSS E. HARDIN,
Secretary, Tribal Council.

HARRY LOSSING,
Chairman, Tribal Council.

EMMETT CRUTCHER.

TIBO CRUTCHER.

GEORGE HORSE.

OMAR SKEDDADLE.

WILLIE CRUTCHER.

HERBERT SNOPP.

GREAT LAKES INDIAN AGENCY,
Ashland, Wis., August 22, 1940.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: At a meeting held on August 5, the Hannahville Tribal Council, Harris, Mich., went on record as favoring, unanimously, the passage of the Schaefer bill, a proposed substitute for S. 2103. The following is quoted from the minutes of that meeting relative to this matter:

"Frank Wandahsega read letter from the Commissioner relating to the Schaefer bill, also the bill, to the council. Motion by Frank Wandahsega favoring the Schaefer bill or substitute draft to S. 2103. Seconded by Harry Mishigaud. Carried unanimously."

Seven members of the Hannahville Tribal Council were present at this meeting.

The Sakaogon or Mole Lake Chippewa Council, Nashville, Wis., at a special meeting held on July 10, took the following action with reference to the Schaefer bill:

"After considerable discussion of circular letter concerning an amendatory bill introduced by Representative Schaefer of Wisconsin to define election procedure under the act of June 18, and for other purposes, the members of the Sakaogon Chippewa Tribal Council wish to go on record as being in favor of the 'Schaefer Bill.'"

The signatures of six councilmen are appended to this statement.

As soon as information is received regarding the action of the other communities regarding this bill, it will be forwarded to your office.

Very respectfully,

J. C. CAVILL, Superintendent.

X