

# EMANCIPATION OF INDIANS

---

---

## HEARINGS

BEFORE THE

SUBCOMMITTEE ON INDIAN AFFAIRS

OF THE

*U. S. Bureau of  
Reclamation*  
COMMITTEE ON PUBLIC LANDS

HOUSE OF REPRESENTATIVES

EIGHTIETH CONGRESS

FIRST SESSION

ON

**H. R. 2958, H. R. 2165,  
and H. R. 1113**

HOUSE BILLS TO EMANCIPATE THE INDIANS  
OF THE UNITED STATES AND TO ESTAB-  
LISH CERTAIN RIGHTS FOR INDIANS  
AND INDIAN TRIBES

---

APRIL 8, 9, 10, 11, MAY 15, 1947

---

Printed for the use of the Committee on Public Lands

**Committee Hearing No. 8**



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1947

## COMMITTEE OF PUBLIC LANDS

RICHARD J. WELCH, California, *Chairman*

FRED L. CRAWFORD, Michigan  
KARL M. LÉCOMPTE, Iowa  
ROBERT F. ROCKWELL, Colorado  
WILLIAM LEMKE, North Dakota  
FRANK A. BARRETT, Wyoming  
DEAN P. TAYLOR, New York  
JAY LÉFEVRE, New York  
A. L. MILLER, Nebraska  
WESLEY A. D'EWART, Montana  
NORRIS POULSON, California  
CHARLES H. RUSSELL, Nevada  
JOHN SANBORN, Idaho  
EDWARD H. JENISON, Illinois  
WILLIAM A. DAWSON, Utah

ANDREW L. SOMERS, New York  
J. HARDIN PETERSON, Florida  
C. JASPER BELL, Missouri  
JOHN R. MURDOCK, Arizona  
ANTONIO M. FERNANDEZ, New Mexico  
CLAIR ENGLE, California  
E. H. HEDRICK, West Virginia  
PRESTON E. PEDEN, Oklahoma  
MONROE M. REDDEN, North Carolina  
JOHN A. CARROLL, Colorado

E. L. BARTLETT, Alaska  
ANTONIO FERNÓS-ISERN, Puerto Rico

J. R. FARRINGTON, Hawaii

ERNEST A. GRANT, *Clerk*

---

## SUBCOMMITTEE ON INDIAN AFFAIRS

WESLEY A. D'EWART, Montana, *Chairman*

ROBERT F. ROCKWELL, Colorado  
FRANK A. BARRETT, Wyoming  
CHARLES H. RUSSELL, Nevada  
EDWARD H. JENISON, Illinois  
WILLIAM LEMKE, North Dakota

ANTONIO M. FERNANDEZ, New Mexico  
ANDREW L. SOMERS, New York  
JOHN R. MURDOCK, Arizona  
PRESTON E. PEDEN, Oklahoma  
E. L. BARTLETT, Alaska

~~E 93~~  
~~.U6976~~

2

282

87

67R 24047

## CONTENTS

Statement of—	Page
Hon. Francis Case, Representative from South Dakota.....	3
William Zimmerman, Jr., Assistant Commissioner, Office of Indian Affairs, Department of Interior.....	42, 43, 61
Boyd J. Jackson, Delegate, Klamath Indian Tribe, Klamath, Oreg....	79
Wade Crawford, Delegate, Klamath Indian Tribe, Klamath, Oreg....	84
Alfred C. Gillis, Chairman of Delegates representing Indians of California.....	92, 151
Adam Castillo, President, Mission Indian Federation of California...	97
John C. Williamson, Assistant Legislative Director, Veterans of Foreign Wars.....	101
Hon. Karl Stefan, Representative from Nebraska.....	103, 119
Frank Beaver, Chairman, Winnebago Indian Tribal Council.....	104, 122
Amos Lamson, Member, Omaha Indian Tribal Council.....	108
Charles A. Walker, Chairman, Omaha Indian Tribal Council.....	112
Otto Birdhead, Chairman, Ponca Indian Tribal Council.....	113
Charles J. Springer, Secretary, Omaha Indian Tribal Council.....	115
David Frazier, Chairman, Santee Sioux Indian Tribal Council.....	121
Joseph W. Brown, Delegate, Blackfeet Tribal Business Council.....	129
Alice H. Rossin, Vice President, Association on Indian Affairs, New York City.....	140
F. G. Collett, executive representative, Indians of California, Inc., California.....	151
Hathaway L. Stevens, California.....	162
Herbert A. Bellas, Inyo County, Calif.....	163
Manuel C. Cordova, Healdsburg, Sonoma County, Calif.....	164
John H. Province, Assistant Commissioner, Office of Indian Affairs, Department of the Interior, Washington, D. C.....	166

xi

5047



# EMANCIPATION OF INDIANS

TUESDAY, APRIL 8, 1947

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON INDIAN AFFAIRS OF  
THE COMMITTEE ON PUBLIC LANDS,  
Washington, D. C.

The subcommittee met pursuant to call at 10 a. m., in the committee room of the House Committee on Public Lands, the Honorable Wesley A. D'Ewart (chairman of the subcommittee) presiding.

Mr. D'EWART. The committee will come to order. We are going to consider this morning four bills that go somewhat together, H. R. 2165 and 2958 by Congressman Case, known as emancipation bills, and H. R. 1113 by D'Ewart, which has to do with the removal of property restrictions for Indian veterans.

As I understand this legislation, if we pass 2958, or possibly 2165 with some amendment, the other bill would not be necessary. These two general bills would take care of the situation as regards the other two. That will be brought out in the course of the discussion.

The bills will be inserted in the record at this point.

(The bills are as follows:)

[H. R. 1113, 80th Cong., 1st sess.]

A BILL To provide for removal of restrictions on property of Indians who served in the armed forces

*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 is authorized and directed, upon application by any Indian who shall have served honorably in the armed forces of the United States in time of war, to remove all restrictions upon the lands, interest in lands, funds, or other property of such Indian, and, if such lands or interests in lands are held by the United States in trust for such Indian, to issue an unrestricted patent in fee therefor. No lands or other property with respect to which restrictions are removed or a patent in fee issued pursuant to this Act shall be liable to the satisfaction of any debt contracted prior to such removal of restrictions or issuance of patent.

[H. R. 2165, 80th Cong., 1st sess.]

A BILL To emancipate certain Indians of the United States who served in the armed forces during World War I and World War II

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That hereafter any Indian who served in the active military or naval service in World War I on or after April 6, 1917, and prior to November 11, 1918, or in World War II on or after September 16, 1940, and prior to the official termination of World War II, and who shall have been discharged or released therefrom under conditions other than dishonorable, shall be a free and unrestricted Indian. Certificates of a free and unrestricted status shall be issued by the superintendent of the agency on which an Indian is enrolled and may be issued by the judge of any court empowered to grant citizenship to aliens upon application by the Indian and a showing that he meets the afore-mentioned condition.

SEC. 2. Any such eligible Indian shall be entitled to all the rights of citizenship in the States of the United States, including, but not excluding rights not specified, the following:

(a) The right to administer personal property (including money) under the laws of the State of residence;

(b) The right, upon written application therefor, to receive a patent in fee to any lands allotted to or inherited by him and to administer this or any other real property acquired by him through gift or purchase;

(c) The right to every right and benefit to which he would be entitled as a war veteran regardless of the fact that he is an Indian; and

(d) The right to appeal from any Indian court to the State and Federal courts of appropriate jurisdiction; and the exercise of any of these rights shall not deprive the Indian of any rights to which he would otherwise be entitled as a member of any Indian tribe.

SEC. 3. This Act may be cited as the "Indian Veteran Emancipation Act."

[H. R. 2958, 80th Cong., 1st sess.]

A BILL To emancipate the Indians of the United States and to establish certain rights for Indians and Indian tribes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That hereafter whenever any Indian asks for his emancipation and meets any one of the tests set forth herein, he shall become a free and unrestricted Indian and shall be issued a certificate of emancipation. Certificates of a free and unrestricted status shall be issued by the superintendent of the agency or reservation on which an Indian is enrolled (and may be issued by the judge of any court empowered to grant citizenship to aliens) upon application by the Indian and a showing that he meets any one of the following conditions:

(a) Holding of an honorable discharge from service in the armed forces of the United States in time of war;

(b) Graduation from a standard high school or its equivalent;

(c) Passing of the requirements for the naturalization of aliens; and

(d) Holding of a recommendation of competency approved by the superintendent of the reservation or by the official council for the tribe of which he is a member.

(e) Residence or domicile and self-support at some place other than an Indian reservation for a period of five years immediately prior to the application for emancipation.

#### CIVIL RIGHTS

SEC. 2. Any such eligible Indian shall be entitled to all the rights of citizenship in the States of the United States, including, but not excluding rights not specified, the following:

(a) The right to administer personal property (including money) under the laws of the State of residence;

(b) The right, upon written application therefor, to receive promptly a patent in fee to any lands allotted to or inherited by him and to administer this or any other real property owned by him: *Provided, however,* That nothing in this Act shall be construed to require the division or sale of tribal property, real or personal.

(c) The right to every right and benefit to which he would be entitled as a war veteran regardless of the fact that he is an Indian; and

(d) The same right to trial by jury in Indian courts that he would have in the courts if the State in which his reservation is located.

(e) The right to appeal from any Indian court to the State and Federal courts of appropriate jurisdiction; and the exercise of any of these rights shall not deprive the Indian of any property rights to which he would otherwise be entitled as a member of an Indian tribe; it being declared to be the sense of the Congress that the establishment of full citizenship for an Indian should not be construed to disinherit an Indian since granting of citizenship to an alien would not operate to disinherit that person from any property inheritance he might have had in a foreign country.

#### TRANSITION RIGHTS

SEC. 3. To assist Indians in transition from a restricted to a free and unrestricted status, it is specifically provided by this Act that—

(1) Upon application by an emancipated Indian, the Secretary of the Interior shall issue a special interim trust patent or title to him or her for any

lands held for him or her in trust for which such interim trust patent is requested, or for any personal property acquired by or for him with restricted funds prior to that date. The terms of such special interim trust patent or title permit the Indian owner to contract for delivery of title in fee but until said Indian does divest himself of ownership of such lands or property, they shall not be subject to taxes of any kind until or unless the Act of March 18, 1934, which extended trust periods indefinitely is amended or repealed; and

(2) no lands or other property with respect to which restrictions are removed or a patent in fee issued pursuant to this Act shall be liable for the satisfaction of any debt contracted prior to such removal of restrictions or issuance of patent.

#### RIGHTS ON RESERVATIONS

SEC. 4. (a) All laws of the United States providing for the punishment of offenses committed by or against Indians, which would not be punishable by the United States if committed by or against persons other than Indians, or providing for the punishment of offenses committed on Indian reservations, which would not be punishable by the United States if committed elsewhere than on an Indian reservation, are hereby repealed.

(b) Hereafter, no court of the United States shall have jurisdiction to convict an Indian of any crime or misdemeanor on the ground that he is an Indian or that one law applies to him because he is an Indian and a different law applies to non-Indians.

(c) All Indian reservations and all persons upon such reservations shall be subject to the criminal laws of the State within which the reservation of which he is a member is located to the same extent and in the same manner as other places and persons within such State.

(d) The Secretary of the Interior shall permit the agents and employees of a State or county in which an Indian reservation is located to enter upon such reservation for the purpose of enforcing such laws, under such rules, regulations, and conditions as the Secretary may prescribe.

(e) The Secretary of the Interior is authorized to enter into agreements with the several States, and the counties thereof, in which Indian reservations are located, to pay to such States or counties such amounts as he may determine to be proper to defray the expenses of the enforcement of the criminal laws of such States on such reservations.

#### TRIBAL RIGHTS

SEC. 5. Hereafter the Secretary of the Interior shall not permit the sale of any Indian tribal lands except when approved by a two-thirds vote of all adult members of the tribe to which the land belongs. It is hereby declared to be the intent of Congress that the tribal lands of all Indian tribes shall be preserved as a homeland for the members of their respective tribes and shall not be diminished except by approval of the tribe as herein provided.

SEC. 6. There are hereby authorized to be appropriated out of the Treasury such sums as are necessary to carry out this Act.

SEC. 7. This Act may be cited as the "Indian Emancipation Act".

Mr. D'EWART. I am going to ask Congressman Case to lead off with an explanation of his two bills and how they would apply, and the effect that they would have.

#### STATEMENT OF HON. FRANCIS CASE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH DAKOTA

Mr. CASE. Mr. Chairman and members of the committee: The two bills which I have introduced stem from a belief that the Congress and the United States should face the question of what we are going to do with our Indian citizens, whether or not Indian citizenship is to be a limited thing as it has been in the past, or whether Indian citizenship is to mean full citizenship.

In saying that, I recognize that it is difficult to make a generalization for all Indians of the United States. I recognize that there is a difference in the desires and in the background, and in the capability

for full citizenship of Indians residing on various reservations in various parts of the country, and even with Indians who are members of a single reservation.

With that thought in mind, I think, first of all, that if the Congress takes favorable action upon some one of these proposals to emancipate the Indians, it should be conditioned upon the desire of the individual Indian himself. I think full citizenship should not be forced on any Indian contrary to his own wishes. Second, I think that the Congress must determine or at least must recognize that we are now facing the basic question as to whether or not the Indian is to be encouraged, directed, and practically commanded to remain an Indian and a citizen apart from the rest of the citizens, or whether he should be encouraged to become a part of the general citizenship of the country if he wants to do so.

The bills which I have introduced are not the first bills I have introduced along that line. The first bill I introduced and called an emancipation bill was H. R. 5115 of the Seventy-eighth Congress, introduced on the 23d of June, 1944. Then, in 1945, I reintroduced the first emancipation bill in somewhat revised form. In fact, I made two bills. One of those was H. R. 3681 which I introduced on the 5th of July, 1945. It was limited to the emancipation of Indian veterans of World War I. In introducing that bill at that time, I took note of the fact that July 4 was the day of independence for the country. I had been unable for myself to answer questions satisfactorily that Indian veterans were putting to me: "How is it we fight for freedom for everybody else in the world and yet when we come back ourselves, we are denied freedom?" That question was put, I thought, about as sharply as any time in my experience at a council that was held at Little Eagle on the Standing Rock Sioux Reservation last fall, when Thomas Eagle Thunder from Lower Brule made a dramatic speech and wound up by saying, "There is one question I want the Congress to answer, Mr. Chairman," he said, "how many wars do we Indians have to help win for the United States before we get our freedom?"

He recited that he himself had been in World War I. He was working with veterans of World War II, and knew the problems that they had in trying to adjust themselves. He pointed out that the boys who went away to fight, when they were in the Army, were just as good as any other citizens. But when they came back to the reservation they were handicapped and limited. If they had a little money coming they had to go and talk it over with the superintendent, and at many times they found that the operation of the office was such that they had to accommodate themselves to the convenience of the employees rather than the employees serving them.

That was the philosophy that was back of the bills from the standpoint of the veteran.

There is another angle to the problem and that is the question of land rights of the allotted Indians. I do not care to go into the full question of the policy of allotments and the handling of tribal lands, unless the committee should want to go into that. There is much to be said for consolidating Indian land ownership in areas where the Indians want to follow a policy of community property. But when the United States established the policy of making allotments and made allotments, it seems to me that it established in the Indian mind—at least it did in the minds of the Sioux Indians with whom I



am most familiar—the fact that we wanted to encourage them to develop the idea of individual property. These allotments they understood were theirs. After the trust period had expired, they would be subject to patents. If they wanted to bequeath them to individuals, they could do so in their wills.

By the act of March 18, 1934, however, the trust period was extended indefinitely and the granting of patents was discouraged. One result of that, whatever other benefits may have come, has been to produce an increase of the fractionated interests in lands. Before, when an estate was probated, it was possible to issue a patent. It still is possible if the administrator is so disposed to do. But the policy is against it.

The result is that the number of fractionated interests in heirship land is increasing, except to the extent that it can be counteracted by finding money to buy lands out of estates.

The war encouraged a great many Indians to get away from reservations and to work in industrial plants of one sort or another. A great many Indians found during that time that they could support themselves or that they got such advantages which have made them want to live away from the reservation. That enters into the picture, too, and helps to raise the question of whether the Indian should be given a greater voice in the management of his individual property.

So the two bills which I have introduced address themselves to both of these problems. The one bill is limited to the emancipation of veterans; the other is a broader bill, and seeks to establish for Indians who qualify the right to ask for an emancipation either through the superintendent of the agency where they are enrolled, or by applying to the same court that an alien would if asking for citizenship.

To be sure, I recognize that is an anomaly that an Indian who has lived in this country all his life, and whose ancestors always lived here, should be put upon the basis of an alien and have to go into a court to ask for his rights; but if that is an anomaly, it certainly is worse than that to think that the Indian does not have that right in the first place; that is, that a man could be born in Japan or Germany or Austria or France or Sweden or any other country in the world, practically, and if he came within the quota of immigrants permitted to those countries, he could come to the United States and apply for citizenship. If he passed the examination, the court would grant him full citizenship with full property rights. It certainly seems to me that an Indian who was born in this country should at least have as much right—particularly an Indian, let us say, who has fought for his country and risked his life—as a foreign-born person who perhaps fought against this country. If it seems a little odd to provide that he have the right to go to court, it is because he does not have that right today.

In the larger bill, I proposed in addition to the discharge from service four other possible tests under which citizenship might be granted. One would be graduation from a standard high school or its equivalent. Third would be the passing of the requirements for the naturalization of aliens to which I have already referred. Fourth, the holding of a recommendation of competency by the superintendent of the reservation, or by the official council for the tribe of which he is a member.

These four were in the bill last year. I have added a fifth this year. That is, residence or domicile and self-support at some place other than an Indian reservation for a period of 5 years immediately prior to the application for emancipation.

This bill, H. R. 2958, then seeks to define some of the rights which would be established by this full citizenship. The first group is headed under civil rights in section 2, and proposes that the Indians who are given citizenship should have (a) the right to administer personal property, including money under the laws in the State of residence; (b) the right upon application therefor to receive promptly a patent in fee to any lands allotted to or inherited by him, and to administer this or any other real property owned by him, provided, however, that nothing in this act shall be construed to require the division or sale of tribal property, real or personal.

That proviso, I might say, Mr. Chairman, was added to the bill this year to guard against the fear that some of the Indians had, that the right to receive patent to any lands allotted to or inherited in some instances might be thought to require a division of tribal land. It should not.

(c) The right to every right and benefit to which he would be entitled as a war veteran, regardless of the fact that he is an Indian.

(d) The same right to trial by jury in Indian courts that he would have in the courts of the State in which his reservation is located.

(e) The right to appeal from any Indian court to the State and Federal courts of appropriate jurisdiction.

The section also provides that the exercise of any of these rights shall not deprive the Indian of any property rights to which he otherwise would be entitled as a member of an Indian tribe, it being declared to be the sense of the Congress that the establishment of full citizenship for an Indian should not be construed to disinherit an Indian, since granting of citizenship to an alien would not operate to disinherit that citizen from any property inheritance he might have had in a foreign country.

Section 3 of the bill takes up transition rights. It proposes something that is new in the way of patents. One of the fears that has been expressed against permitting an Indian to receive a patent for his land is that it would become subject to taxes and he would lose it; that he might find himself unduly burdened before he might be able to establish his home and keep the lands in a state of productivity.

Section 3 says:

To assist Indians in transition from a restricted to a free and unrestricted status, it is specifically provided by this Act that—

(1) Upon application by an emancipated Indian, the Secretary of the Interior shall issue a special interim trust patent or title to him or her for any lands held for him or her in trust for which such interim trust patent is requested, or for any personal property acquired by or for him with restricted funds prior to that date. The terms of such special interim trust patent or title shall permit the Indian owner to contract for delivery of title in fee but until said Indian does divest himself of ownership of such lands or property, they shall not be subject to taxes of any kind until or unless the Act of March 18, 1934, which extended trust periods indefinitely is amended or repealed; and

(2) no lands or other property with respect to which restrictions are removed or a patent in fee issued pursuant to this Act shall be liable for the satisfaction of any debt contracted prior to such removal of restrictions or issuance of patent.

Section 4 of the bill goes to a broader problem. It provides that:

(a) All laws of the United States providing for the punishment of offenses committed by or against Indians, which would not be punishable by the United

States if committed by or against persons other than Indians, or providing for the punishment of offenses committed on Indian reservations, which would not be punishable by the United States if committed elsewhere than on an Indian reservation, are hereby repealed.

(b) Hereafter, no court of the United States shall have jurisdiction to convict an Indian of any crime or misdemeanor on the ground that he is an Indian or that one law applies to him because he is an Indian and a different law applies to non-Indians.

(c) All Indian reservations and all persons upon such reservations shall be subject to the criminal laws of the State within which the reservation of which he is a member is located to the same extent and in the same manner as other places and persons within such State.

(d) The Secretary of the Interior shall permit the agents and employees of a State or county in which an Indian reservation is located to enter upon such reservation for the purpose of enforcing such laws, under such rules, regulations, and conditions as the Secretary may prescribe.

(e) The Secretary of the Interior is authorized to enter into agreements with the several States, and the counties thereof, in which Indian reservations are located, to pay to such states or counties such amounts as he may determine to be proper to defray the expenses of the enforcement of the criminal laws of such States on such reservations.

Mr. Chairman, that section does several things. In the first place, it establishes the full citizenship of the Indian by making it impossible hereafter to convict an Indian of any crime or misdemeanor solely on the ground that he is an Indian and has done a certain thing. That is, it says that if this is not a crime for a white man to do it, it is not a crime for an Indian to do it, or a misdemeanor.

I have been unable to find a justification for saying today that the Indian should be convicted of something simply because he is an Indian. It seems to me that you cannot do that and talk about fighting for the "four freedoms," consider the drafting of Indians—though you did not have to draft many of them because most of them volunteered; as a matter of fact, in the counties in my district where we had a heavy Indian population, for many, many months after the Selective Service Act was enacted, there were always sufficient volunteers from among the Indian boys to take care of the entire quota of those counties. For many, many months they never had to employ selective service.

The Indian volunteered. But he was subject to the selective service laws; he was subject to drafting.

I cannot see how you can say to an Indian, that we are going to draft you to fight for freedom and then say, "When you come back, we will charge you, if we please, with certain crimes, or make certain crimes for you which would not be crimes if done by a white man." That is part of what section 4 proposes to correct.

Mr. D'EWART. Mr. Lemke has a question.

Mr. LEMKE. Mr. Case, that particular restriction, however, was not put in with any idea of depriving the Indian of any right, but with the old idea that you had to protect him from certain things; is that not true?

Mr. CASE. It may have been so; the practical effect today, however, I think is about what I have suggested.

Mr. LEMKE. I agree with you. I do not like to have it felt that my Government discriminated against the Indian just because he was an Indian.

Mr. CASE. I think the gentlemen from North Dakota is correct, that protection was the original intent, and at that time it probably had some justification.

Mr. LEMKE. But the time is long since passed.

Mr. CASE. That is correct.

Mr. FERNANDEZ. Along that line, in section B you provide that the Indian may not be convicted for buying liquor.

Mr. CASE. It might, if the present law merely convicts him because he is an Indian. If he were to violate a liquor law that would also be a violation if it were done by a white man, he would be subject to the same punishment as the white man. But he would not be subject to punishment simply because he is an Indian.

Mr. FERNANDEZ. It still leaves this problem, though, that the white man who sells liquor to the Indian would be subject to conviction even though he would not be subject to conviction if he sold it to a white man. That is the effect, is it not? It does not protect in any way the man who sells liquor to the Indian.

Mr. CASE. Subsection (a), though, covers that to a certain extent, at least, because it provides that all laws of the United States providing for the punishment of offenses committed by or against Indians, which would not be punishable by the United States if committed by or against persons other than Indians, or providing for the punishment of offenses committed on Indian reservations which would not be punishable by the United States if committed elsewhere than on an Indian reservation, are hereby repealed.

Mr. FERNANDEZ. That might take care of that; I do not know. But that second section would leave the matter right where it is. It would still permit the conviction of a white man for selling liquor to the Indians.

Mr. CASE. Subsection (a) was in the bill last year. Subsection (b) I added this year because it seemed to me it strengthened and supported subsection (a) and made it clearer in its intent.

Mr. D'EWART. There is a question that arises in my mind with regard to (c). Would that not run into conflict with certain State provisions?

Mr. CASE. I have gone into that somewhat, particularly as it would apply to my own state. I find that there is a difference of opinion. As a matter of fact, the opinion which I got—and I did not bring that along with me because I had not anticipated that coming up—from the legislative counsel here in the House indicated that if jurisdiction had been ceded by the State to the Federal Government upon the admission of a State to the Union, as it was in South Dakota—that if we were to do something like this, then the jurisdiction would fall back to the State.

The District attorney in my State questioned whether or not the jurisdiction could be reimposed upon the State without an act of consent by the State. That is a difference of opinion between this attorney in South Dakota and the legislative counsel here. I would be glad if the chairman would permit, when I receive the transcript here, to insert at this point a letter which I have from the legislative counsel.

Mr. D'EWART. We will be glad to have it in the record. I think the same thing would probably apply to Montana, because I believe the four States were in somewhat the same position as far as ceding jurisdiction to United States is concerned.

(The document referred to is as follows:)

HOUSE OF REPRESENTATIVES, UNITED STATES,  
OFFICE OF THE LEGISLATIVE COUNSEL,  
Washington, D. C., May 7, 1946.

Hon. FRANCIS H. CASE,  
Room 1034, New House Office Building,  
Washington, D. C.

DEAR MR. CASE: You ask for my comments on the point raised by Mr. George Philip, United States attorney for the District of South Dakota, in regard to your bill, H. R. 3710.

Mr. Philip expresses doubts as to the jurisdiction of the offenses designated in section 329 of the Criminal Code (U. S. C., title 18, sec. 549). Mr. Philip states that that jurisdiction is based on chapter 106 of the session laws of South Dakota of 1901 and states that the statute "ceded jurisdiction of the specified offenses." He states that if the United States dispenses with its jurisdiction "and the State refuses to accept the jurisdiction," great trouble will ensue. He further states that he is not sure that your bill "will accomplish its purpose without some acceptance by the State."

By the South Dakota statute referred to, a copy of which is attached for your convenience, South Dakota relinquishes and gives to the United States jurisdiction and authority to arrest, prosecute, convict, and punish persons who, upon any Indian reservation in South Dakota, "commit any act in violation of the penal laws of the United States."

It should be noted that the statute does not deal with the jurisdiction of "specified offenses" as mentioned in Mr. Philip's letter, but only with jurisdiction over acts committed "in violation of the penal laws of the United States." It would seem, therefore, that if an act is not in violation of any "penal law of the United States" it is still within the jurisdiction of South Dakota without any further action by the Legislature of South Dakota or any "acceptance by the State." In fact, it would seem the only way that South Dakota could "refuse" to accept jurisdiction would be to pass an act expressly excepting the acts enumerated in section 329 of the Criminal Code (U. S. C., title 18, sec. 549) from punishment under the laws of South Dakota. I am assuming, of course, that in South Dakota it is a crime to commit the acts enumerated in such section; namely, murder, manslaughter, rape, assault with intent to kill, assault with a dangerous weapon, arson, burglary, or larceny.

On the enactment of your bill, many penal laws of the United States would be repealed, and of course after such repeal, would cease to be "penal laws of the United States." Acts committed in South Dakota, after the enactment of your bill, which are punishable only because committed by or against Indians, or only because committed on an Indian reservation, would by the terms of section 4 (a) of your bill, cease to be punishable by the United States, since the laws providing for such punishment are repealed by section 4 (a). Such laws, being repealed, are certainly no longer "penal laws," and hence there can be no acts committed in violation of them, and hence no jurisdiction in respect to them is given up by the South Dakota statute of 1901.

Subsection (b) of section 4 of your bill, stating that Indian reservations, persons upon such reservations, and all Indians, within any State, shall be subject to the criminal laws of such State to the same extent and in the same manner as other places and persons within such State, while evidencing the willingness of Congress to have South Dakota exercise jurisdiction, does not seem to me in any manner to be a retransfer to South Dakota of jurisdiction transferred to the United States. If after the passage of your bill Congress should again change its mind, amend or repeal section 4 (b), and reenact, for example, the provisions of section 329 of the Criminal Code (U. S. C., title 18, sec. 549), it would seem that the United States District Court for South Dakota, without further action of the Legislature of South Dakota, would be vested with jurisdiction under the South Dakota statute of 1901, because the acts referred to in that section of the Criminal Code would again become acts committed "in violation of the penal laws of the United States."

I return herewith Mr. Philip's letter.

Very truly yours,

MIDDLETON BEAMAN,  
Legislative Counsel.

[Session Laws of South Dakota, 1901, p. 132]

Chapter 106

[H. B 106]

CEDING JURISDICTION TO UNITED STATES OVER OFFENSES COMMITTED UPON  
INDIAN RESERVATIONSAN ACT Ceding to the United States of America Jurisdiction over Criminal Offenses Committed upon  
Indian Reservations Within the State of South Dakota*Be it enacted by the Legislature of the State of South Dakota:*

1. JURISDICTION GIVEN TO THE UNITED STATES. There is hereby relinquished and given to the United States of America and the officers and courts thereof exclusive jurisdiction and authority to arrest, prosecute, convict, and punish all persons whomsoever who shall, upon any Indian reservation within the State of South Dakota, commit any act in violation of the penal laws of the United States.

2. COSTS NOT CHARGEABLE TO SOUTH DAKOTA. No costs or charges incurred in the courts of the United States in the prosecution of offenses committed upon any Indian reservation shall be chargeable to the State of South Dakota.

3. TO TAKE EFFECT—WHEN. This Act shall be in full force and effect whenever the jurisdiction hereby relinquished shall be assumed by the United States.

4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved February 14, 1901.

DEPARTMENT OF JUSTICE,  
UNITED STATES ATTORNEY, DISTRICT OF SOUTH DAKOTA,  
*Sioux Falls, S. Dak., April 1, 1946.*

HON. FRANCIS CASE,

*Member of Congress, Washington, D. C.*

MY DEAR FRANCIS: I have your H. R. 3710, and I fully approve of the object of your bill.

I am wondering, however, if you have given full consideration to the fact that in South Dakota a different rule prevails than does in other jurisdictions as to the offenses designated in 18 U. S. C. A. 549. That law, which applies to South Dakota only, is based on a statute of South Dakota, chapter 106, Session Laws of 1901, which ceded jurisdiction of the specified offenses. Congress accepted that cession of jurisdiction by the act of February 2, 1903.

I have discussed this matter with Judge Wyman and also with Mr. Flynn of this office. We are all wondering whether the jurisdiction which the State ceded and the Government accepted can be dismissed as summarily as is provided in your law. If the Government now dispenses with its jurisdiction over those offenses under 549, and the State refuses to accept the jurisdiction, we will have something approaching a legal tornado in the courts of this State.

It may be that you have given full thought to this phase, and that we are unduly alarmed out here. We are all agreed with the object of your bill, but we are not sure that in South Dakota it will accomplish its purpose without some acceptance by the State. Let me know what the legislative counsel there thinks of that.

Very truly yours,

GEORGE PHILIP, *United States Attorney.*

Mr. CASE. Section 5 is a new section in the bill over what we had last year, and it is put in at the suggestion of some of the Indians with whom I discussed the bill last summer. It says:

Hereafter the Secretary of the Interior shall not permit the sale of any Indian tribal lands except when approved by a two-thirds vote of all adult members of the tribe to which the land belongs. It is hereby declared to be the intent of Congress that the tribal lands of all Indian tribes shall be preserved as a homeland for the members of their respective tribes and shall not be diminished except by approval of the tribe as herein provided.

That follows the principle which was written into many of the treaties with the Sioux, at least, to provide that their land should not be taken from them, except by approval of a two-thirds vote of the adult members of the tribe. In some instances, it was limited to two-thirds of the adult males.

In view of the fact that both the Indian men and women vote in my State, and participate in elections, I thought that it should be the adult members of the tribe.

That would give protection to the tribal lands and to the lands that might be acquired in the name of the tribe, in order that those who do not seek full and unrestricted citizenship for themselves might occupy the tribal lands, or that the tribe might continue its interest there.

Mr. LEMKE. In some of these reservations all the lands are tribal; suppose there is an Indian who wants to get his share of it? How would you give it to him, if he cannot sell his land?

Mr. CASE. Of course, if he has no allotment, this bill does not propose to allot the tribal lands.

Mr. LEMKE. He would have to stay there to get his interest.

Mr. CASE. He would not have to stay there. The bill provides that he would not lose any of his property rights. He would be entitled as a member of the tribe to benefits from the tribal property.

Mr. LEMKE. Rentals and so forth.

Mr. CASE. If it were a property interest, yes. That is, if the tribe rented all of its lands and had income, so it could make a distribution to members of the tribe. I think the gentleman from North Dakota was attending another subcommittee of the Public Lands Committee when I explained the first part of the bill. In the first part of the bill there is a subsection which deals with that. That is the language which appears between lines 11 and 18 on page 3 of the bill:

The exercise of any of these rights shall not deprive the Indian of any property rights to which he would otherwise be entitled as a member of an Indian tribe, it being declared to be the sense of the Congress that the establishment of full citizenship for an Indian should not be construed to disinherit an Indian, since granting of citizenship to an alien would not operate to disinherit that person from any property inheritance he might have had in a foreign country.

That would preserve his property rights. It would not, of course, preserve for him such rights as the right to go to the agency hospital or things of that sort. But it would preserve his property interest.

Mr. Chairman, I want to answer any questions that members of the committee may have. I would like, however, to read just a few excerpts from some of the many, many letters I have received on this subject. I should say that in the Seventy-ninth Congress we had a couple of hearings on the bill, H. R. 3710, which was the emancipation bill I introduced in the last Congress, which were informal hearings in the sense that they were held when delegations who happened to be in town asked to appear. I recall that testimony was offered by delegations from the Standing Rock, The Pine Ridge, and the Rosebud Reservations in this way.

Their testimony must appear in the records of the committee. I hope members of the committee who are interested will look up that testimony and study it. Some of it was for the legislation and some was against—but it all helped to bring out the basic problems to which we are seeking to find a solution.

Mr. MURDOCK. Mr. Chairman, before he reads the letter, may I ask a question?

Mr. D'EWART. Mr. Murdock.

Mr. MURDOCK. I recognize my colleague from South Dakota as one not only interested in Indian matters, but unusually well informed. Incidentally, I recall that the gentleman took a prominent part in

seeing to it that Indians were counted as a basis of representation in the lower House of Congress at the time of our last census.

Mr. CASE. I did try to do something on that, hoping, I might say, that it might have some benefit for my own State. I think it did establish additional representatives for some of the Southwest States.

Mr. MURDOCK. It did for Arizona and New Mexico. I often refer to that. I do not believe that Arizona and New Mexico would have received an additional Congressman had it not been for that work, and I want to give credit to the gentleman from South Dakota for leading in that move.

Mr. CASE. I appreciate the gentleman taking time to say that, even if it was not what he started to say about this bill.

Mr. MURDOCK. This is what I had in mind: This is a most complex piece of legislation. The gentleman before us has given a great deal of thought to it. He is about to read some letters, he says, concerning it. Did the gentleman in the early part of his explanation make any comment as to other interested friends of Indians and learned in the law with whom he has consulted in the preparation of the legislation?

Mr. CASE. I did not in my remarks today. I am frank to say that any bill that I ever submit to the Congress is always submitted with the expectation that the members of the committee will make some contribution in their consideration of it either by way of amendment or modification, if it appeals to them. There are members of this committee who are lawyers, as I am not, and if there are some features of this bill which should be amended or modified to meet technical, legal requirements, I certainly would hope the committee would address itself to doing that job.

Mr. MURDOCK. I was under the impression that the gentleman is a lawyer. I took it for granted in your years of study of this matter you have consulted, no doubt, with many, many individuals and organizations.

Mr. CASE. Yes, I have.

Mr. MURDOCK. And this, I take it, is a boiled down, concentrated product of these years of thinking.

Mr. CASE. This is the third general emancipation bill that I have introduced in successive terms of the Congress.

Mr. MURDOCK. My main question was, What organizations aside from the individuals, letters from whom you are about to read, have supported the proposal?

Mr. CASE. The main support I would say has come in the nature of letters from individuals, representatives from tribes in my own State, and some from North Dakota and Minnesota.

The letter which I find here on the top of my file is a letter from Scott A. Bullard of Wanblee, S. Dak., written on December 3, 1946. He says:

I am an ex-serviceman, World War II, married, and have one child. I am 36 years old, graduate of Hot Springs High School, Hot Springs, S. Dak.

My allotment is leased by Mr. Zickrick of Long Valley, S. Dak., who owns 14 quarter sections of deeded land surrounding my allotment, which is grazing land. The rental is \$25 a year, which is of little benefit to me. It would be of no benefit to anyone but Mr. Zickrick, who has agreed to pay me \$5 an acre for the land as soon as I get a patent in fee for it.

Most grazing land is selling for \$4 an acre, and State land is selling much cheaper.

Most of my life has been spent off the reservation, but due to high price of housing I would like to use this money to pay off a \$600 promissory note, which



money I used to purchase a house on three lots in Wanblee, S. Dak. I tried to get a GI loan, but the banks don't care to handle any real-estate loans, and so far I have been unsuccessful.

I was renting the place, but it was put up for sale and had to buy so my family would have a place to live. I am going to be employed at Superior, Nebr., for the Bureau of Reclamation.

I think he told me this was the third time his family had been obliged to move. There is the type of thing, a man who has an allotment, who is not able to use it, who gets \$25 a year out of it if it is leased, who cannot get a home with that, but if he could sell that he could pay off the promissory note for a home.

I have another letter from George Dreamer, who is a member of the Oglala Tribe, who is an allotted Indian who gets \$16 a year for his lease. He would like to sell his land and buy land off the reservation. He owns a small place near Custer, he and his wife. The amount they have is insufficient for their cattle.

I have a letter from a woman who says:

The reason I applied for the deed was to sell the land and buy a home for my daughter and myself. I rent the land for \$50 a year. That is all the good I get out of it.

I have not lived on the reservation since 1929, so have not received any of the tribal benefits. I doubt very much if I will ever live on the reservation again, as there isn't any way of making a living there. I must work and make a living for my daughter who is 15 years old, and who has never really had a home but apartments all her life, which means paying out rents every week.

The refusal of my application for a deed says, "The land is within the reservation consolidation area. Disposition of the land would be against the best interests of the tribe."

What earthly good is my land to the tribe? There is white land on all sides of it, and there isn't any Indian land within miles. It is between deeded lands and the town of Mission is joining on one side.

The adjoining land on another side belongs to a white man who has been renting my land for years. What would be the harm in his owning it? He has 80 acres of his own and wants to buy mine.

I am a hundred percent in favor of your bill to Congress introducing full rights for the Indians.

Here is another letter from Mrs. Philip Banks, a mother, who says that her son is home and is discharged. She states:

I've written to Mr. Owl that—

Mr. Owl is the superintendent of the reservation—

about my patent in fee, filled application for it, and Mr. Owl advised me to try and sell my land back to the tribe, so I agreed to do so, and later received a letter from the councilmen, and they claim they have no funds to buy any lands.

And I would like to stop here to say, as I said earlier in my remarks, that I certainly do not object to the consolidation of the Indian lands, but I think that you cannot defend the policy of denying patents to the Indians who are self-supporting and are able to take care of themselves, if they want to liquidate their allotment, where they are trying to sell their lands to the tribe, unless you have the money and buy the land for the tribe.

But the members of this committee, if their experience has been anything like mine during the 10 or 11 years I have been following the affairs of the Indians in Congress, must have come to the conclusion that the one appropriation that the members of Congress seem to take delight in taking away is the appropriation for the benefit of the Indians. It is hopeless to expect that adequate appropriations are going to be made to provide relief to meet the Indians' needs, to

maintain their schools, to maintain their hospitals, and to carry on other activities and at the same time to take over the individual tracts of land, of the individuals who move away or have left the reservation.

This woman writes further:

And they also said, should they get any funds, they would offer to buy my land at \$3 or \$4 an acre, so I wrote and told them that I do not care to let my land go for that price.

If I could get a patent for my land, I believe I could sell it at a better price.

The money I get from my land I intend to use to get a home and have it furnished like I've always wanted. And, another thing, I have to move back to Lower Brule, get settled and take my husband home, who has been in the veterans' hospital for almost 2 years, and we know there is nothing else they can do for him; it is just a matter of time now. There is no hope of him ever getting well and he wishes to go home.

He was sent back from New Guinea on account of his health; he was in the Navy, or rather a Seabee.

I'm proud to say I've had five in the service: The boys, my husband, and daughter. My youngest boy is stationed on the Philippine Islands right now; he is in the Air Corps.

I hope you will understand the money I get from my land will be spent for a home, and I also hope to be able to send my daughters to a girls' academy in the East.

I would like also to read an excerpt from a letter I have received from one who lives on the reservation, Ben Chief, of Kyle, S. Dak. He states:

I have heard over the radio that Senator Langer, of North Dakota, said they are going to make about 300,000 Indians of the United States full citizens the same as the white man, and I wanted to express my view on this matter. I am an Indian myself and lived among them for 49 years, and I feel that at this time 80 percent of them are not fit to become citizens like the white man, especially the older women and men; according to my visit from place to place this older group are barely making a living and if they are turned loose like the white man within a year you will find them in county poorhouses and then they will be a big problem for the Government and the States.

So in my thought the Congress ought to pass a bill or a law so that if an Indian thinks he is fit to become a full citizen like the white man and pay his taxes let him or her make an application for his or her full citizenship rights, and those that wish to be wards of the Government let them stay where they are under the Indian Bureau.

The bill I have introduced provides that the application be made by the Indian. It does not force citizenship on the Indian but provides that he make application for citizenship.

Chief goes on to say:

I think a law like this will do justice on both sides, and all those that want full citizenship rights let them have them, and those that do not want them let them stay where they are.

I do not think the Indian Bureau should be abolished at this time, but I do favor cutting down on the employees. There are too many Indian Bureau employees. Many of them could not find work to do; they sit around and let the day go by. I know the taxpayers would not like this at all, so in order to save the taxpayer's money I would favor cutting down on the Indian Bureau employees and make the appropriations direct to the Indians; for in the past the Indian Bureau appropriations have been spent by employees and little or nothing goes to the Indians.

In reading the Gordon Journal, Gordon, Nebr., I find you said you will reintroduce and press for action a bill to provide relief for the aged land-rich but money-poor Indians who lack adequate food and clothing. I pray and hope this bill will become a law; right today many old Indians have nothing to eat. The other day I saw an Indian coming home with a dead cow in his wagon; he got the dead cow from one of our white neighbors. Maybe this cow died with some kind of disease, but this poor old Indian has to have something to eat to live.

So, if your bill becomes a law you will save many old Indians' lives from starvation; so I pray you do all in your power to have this bill become a law.

I wish you will please send me all the Indian bills affecting our reservation so I can give them to the Black Hill Treaty Council.

That is signed by Ben Chief.

I might say at that point that on several different reservations old Indians are found with anywhere from 6 to as high as 22 quarters of land in which they have an interest but who are practically destitute, trying to live on the \$9 to \$11 a month they get out of the old-age assistance. They are unable to realize on any of their land, because of the restrictions on granting patents.

I could go on and read similar statements from other letters.

Mr. BARRETT. What is your judgment as to the number of Indians that would be emancipated? Based on the statement in the letter you have just read it appears that probably not more than 20 percent could be emancipated.

Mr. CASE. That was his judgement in saying that 80 percent might not be ready for citizenship. I would judge the number should be somewhat higher than that. I think the World War veterans, at least the World War II veterans, would ask for emancipation and that number coupled with the others I think would run to more than 20 percent. I am not sure. I was thinking of that when I read that figure. But, basically, I think it is a matter of justice, and as I have said earlier I personally do not have any answer to an Indian veteran who asks me how many wars does he have to fight in before he can become a full citizen of the United States.

As I said, Mr. Chairman, I could read any number of these letters; the statements would be more or less the same and I doubt if I should trespass upon the committee's time by reading more of them now. The committee will see that I have a large folder of letters here.

Mr. D'EWART. I have two or three questions I would like to ask you, Mr. Case.

Mr. CASE. Yes.

Mr. D'EWART. Yesterday there were groups of California Indians before the subcommittee who indicated their desire that the Indians of California come out from under the provisions of the Indian Bureau. How about the situation in your State; is it such as California where they desire to be released from the Indian Bureau?

Mr. CASE. You mean for the entire State?

Mr. D'EWART. Yes; the entire State. We have in other States a somewhat similar situation: Possibly New York is one and some others. Just how would that be accomplished if they desire to be released from the Indian Bureau?

Mr. CASE. There would be two ways in which it could be done—of course, this does not do it blanket provision, but there are two ways in which it probably could be done, one for the Indian to make the application within the method prescribed; and the second would be under the provision which permits the Secretary of the Interior to make an agreement with the State to handle the law enforcement. Those would bear on it, but neither of those provisions provide what you might call a blanket provision.

Mr. D'EWART. Then we have the cases where one tribe had indicated the tribe itself would like to be relieved of the Indian Bureau. Is there any provision for the tribes that ask for such release?

Mr. CASE. There is not in my bill, and I think, you would run into this situation, at least, in my own State, where there are many older Indians who would prefer to have the superintendent or the agency office handle their affairs. That is why I personally thought that there should be an application filed by the Indian rather than having it made by the tribe.

Mr. D'EWART. There is a third question: What does your bill provide in regard to the liability of the Federal Government under the treaties in regard to these individuals? Is the Federal Government protected in its rights in future liabilities as regards the individual Indians?

Mr. CASE. I do not know that I can answer that question, Mr. Chairman, unless we were to take a specific treaty and go into that. For example, in a treaty with the Sioux Indians Uncle Sam, confirmed by act of Congress, provided that the Government would take care of needy Sioux Indians. In the suit on the Black Hills claim, the Supreme Court of the United States recognized that the Government had obligated itself to take care of the needy Indians and the Government used that as a defense against the claim for additional payment for the Black Hills. In other words, the court held that if the Black Hills had been taken without compensation then the Indians might have recovered. But in view of the fact that there was compensation, even though inadequate compensation at that time, the Indians could not recover. Therefore the obligation to take care of the needy Indians constituted compensation. Should we take that away?

I might add, Mr. Chairman, that that obligation has been violated, in my judgment, by placing liens against the allotments of Indians for old-age assistance grants. These allotments are being levied upon by old-age assistance liens in spite of the fact that the United States Supreme Court has said that the Government obligated itself to take care of the needy Indians as a part of the payment for the Black Hills. I have suggested to the Sioux that they should file this as a claim with the new Indian Claims Commission.

But I mention that here merely as an illustration in the answer to your question as to the obligation of the Government. I do not see how the Government could divest itself of that obligation except by the consent of the Indians thereto. Personally I certainly do not think that the Government by law should divest the Indians of a payment that was promised to them in return for certain lands.

Mr. D'EWART. That leads me to my next question: It has been brought out in the testimony before this committee that the Federal Government is holding some \$25,000,000 that belongs to individual Indians; and in addition to that the Government is also holding \$25,000,000 more that belongs to tribal funds. In the event the Indian applies under your act and should be emancipated, what is his claim and how will that be protected against this other fund?

Mr. CASE. I would say that if a member of the tribe is entitled to any payments that might be made out of the tribal funds, he should receive them.

That is covered by the language on page 3 to which I called attention when I was answering the question of the gentleman from North Dakota (Mr. Lemke). That language says, in effect, that emancipation should not deny the Indian the property rights to which he would otherwise be entitled as a member of the Indian tribe. I would

differentiate between real property rights and such rights as remain if he lives on the reservation, for example sending his family to the agency hospital. If he has moved from the reservation, he might forfeit rights incident to living on the reservation.

Mr. D'EWART. Is it the intention when he is emancipated that the individual should receive funds that are now in the trust fund?

Mr. CASE. I would say only if they are divided. There is a provision which applies to that, found at the bottom of page two, which says:

*Provided, however, That nothing in this Act shall be construed to require the division or sale of tribal property, real or personal.*

That would mean then that if the tribe sold something, cattle, for instance, in which all had a interest, or sold its lands or otherwise disposed of property belonging to the tribe that he as a member of the tribe would be entitled to his part of the inheritance just the same as an alien coming to this country with an interest in an estate, let us say, in England, would be entitled to receive his share of the estate; so the Indian would be entitled to receive his share of a divided estate, but that he should not be in a position to require the tribe to make a distribution of the property.

Mr. BARRETT. May I ask you this question: If the Indian is emancipated, under your bill is he no longer on the roll of the tribe?

Mr. CASE. It does not say that; it does not exclude him from the roll. It gives to him certain rights but does not exclude others.

Mr. BARRETT. Under your bill, as you interpret the language, he should still be carried on the roll of the tribe in case he was on the roll at the time he was emancipated.

Mr. CASE. I do not see how you could divest him of that right. The Indian has the right. Let us take for example the Shoshone Indians: When they get a judgment from the United States.

Mr. BARRETT. Yes.

Mr. CASE. During the time he was on the Indian reservation, before that judgment, he was entitled to his rights as a member of that tribal family.

Mr. BARRETT. That is right.

Mr. CASE. In addition he might have been individually allotted certain land; if he establishes the right to patent his allotment I do not think that should divest him of any share he might have in the tribal inheritance.

Mr. BARRETT. If he is carried on the rolls I would assume that even though per capita payments were made out of the judgment fund, or of the trust fund, that he would participate the same as if he were still on the reservation.

Mr. CASE. I would say so as to property rights.

Mr. BARRETT. Yes. But as regards property rights, Mr. Case, I think there is a little difference because in the case of tribal lands the rightful owner is the tribe itself, and if he were emancipated and he reserves all his rights by being carried on the roll then he would be permitted to participate in any distribution from the tribal funds?

Mr. CASE. Well, the gentleman from Wyoming is a lawyer and probably can clarify the provision with reference to property better than I. If there should be some clarification needed I think it should be made.

With reference to property rights, it seems to me that if the Indian tribe has a claim against the Government for certain money, and the claim has not been settled it is a part of the property of the tribe. Every member of the tribe should come in for his share when the division is made. Unless you want to hold the Indians in the status which they now are you cannot require them to forfeit their share of the property as individuals. That would be an inducement to hold them on the reservation.

Mr. BARRETT. That is quite right.

Mr. CASE. I think we have got to come to a decision sooner or later whether or not we want to hold the individual Indians in a restricted status, to remain as Indians so to speak or whether we want to give them a chance to take their place along with the other people in this country and become a part of its general citizenship, if they want to do so.

Now in some parts of the country, on some reservations, the Indians desire to remain on the reservation and live as they are, but where the Indians are coming a part of our general citizenry, they are handicapped if unable to liquidate their allotted lands to build themselves a home elsewhere or if they have a lien placed against their other benefits.

Mr. BARRETT. There is one other question I want to ask you, Mr. CASE: Under your bill the Indian may be emancipated before he becomes of age, as I understand?

Mr. CASE. I think that is correct. Possibly the committee would want to make some reservation there. I have in mind, however, that an Indian over 18 years of age was subject to the draft.

Mr. BARRETT. Yes. The question I had in mind is he can make his application before he becomes of age?

Mr. CASE. Yes, as the bill is drawn at least.

Mr. BARRETT. And he may have served in the Army or the Navy before he became 21 years of age. But if you were to issue a patent to him while he is still a minor he would still be subject to the guardianship laws of the States, would he not?

Mr. CASE. That is correct.

Mr. BARRETT. The question in my mind was whether or not you should turn the property over to a minor, and particularly if you required him to hold it, which might be contrary to the laws of your State.

Mr. CASE. I think you have raised a very good point and I think perhaps some change would be necessary there.

Mr. BARRETT. That would be done by holding it until he has reached his age of majority.

Mr. D'EWART. There is another question that occurs to me, Mr. CASE, with reference to the language on page two, paragraph (C) reading:

Passing of the requirements for the naturalization of aliens.

I gather there that your idea was to allow him to go before the District Court and have his qualifications passed upon by the judge for full citizenship.

Mr. CASE. That is correct.

Mr. BARRETT. Will you pardon this interruption. Did you mean he would appear before the District Court or before the superintendent?

Mr. CASE. Either one. I do have language in there, in line 9, which states:

And may be issued by the judge of any court empowered to grant citizenship to aliens.

I think it is done by circuit courts in some States. The thought is that I could not answer a question that an Indian put to me like this: Why is it that somebody, even from an enemy country, can come in and apply for citizenship and become a citizen while I who fought for my country cannot?

Mr. D'EWART. The point I wanted to make was this: That if you give some measure of protection to your county government the county government is liable under the welfare act, and if the Indian applies to the county, or the judge of that county and says that he is competent to become a full citizen, it occurred to me that he might at some future time become a charge on the welfare funds of the county government. Therefore the judge passing on that would look into the matter carefully, in considering the application, and consider whether the Indian might become a charge against the welfare funds of the county or the State. In relieving the Federal Government and the Indian Service of that responsibility it seems to me that perhaps the court could be more concerned for the protection of the State and the county in perhaps preventing him from becoming a charge, in permitting him from becoming a full citizen, than the other provision would.

Mr. CASE. That may be. Certainly judges of courts grant citizenship, and go into the question of the ability of the applicant to be a self-supporting citizen.

Mr. D'EWART. I think that is true. And I was wondering if the court provision is not a good provision. Your bill proposes to emancipate and give the rights that you propose to give to the Indians under the bill, and one of them is that of his being a resident for a period of 5 years at some other place than on an Indian reservation. It occurred to me that he might have been a prisoner for 10 years away from the reservation under that provision of this act, section (c).

Mr. CASE. Under (c) I had in mind that the court passes upon the requirements for the naturalization of aliens.

And, (e), has reference to self-support at some place other than the reservation for a period of 5 years immediately prior to the application for emancipation. The thought occurred to me that one might be away from the reservation serving a prison sentence; so I put in the word "self-support." The man in prison is not supporting himself but is being supported by the Government.

Mr. D'EWART. Those provisions are all mandatory where the applicant goes to the district court and applies for citizenship, but someone from the Indian Bureau could appear and give testimony as to the qualifications of the Indian and his ability, and present that information to the judge for his consideration, along with circumstances that the Indian Bureau might feel were such that it would make it inadvisable. That would be entirely proper under your bill.

Mr. CASE. Certainly. I see no reason why they should not appear. I provided for someone other than the superintendent of the agency, as a sort of alternative. In all fairness, I think it can be said that at times personal questions may develop between the individual and the superintendent. There may be no fault on the part of the super-

intendent but at the same time the Indian may feel that there is. I could cite to this committee instances where such feelings existed.

Mr. D'EWART. It seems to me that the court which grants citizenship, where an applicant appears before it and presents his case, could determine whether he is entitled to citizenship or not.

Mr. CASE. Yes.

Mr. D'EWART. And that would be a good policy and would protect the county government, the Indian Bureau and the Indian himself.

Mr. BARRETT. Here is a point that is bothering me somewhat. I was under the impression that all Indians were citizens, and there is the question of whether or not they could be relieved, when they are taken from under guardianship of the United States, and I was just wondering if I am correct in saying that the Indians are regarded as citizens.

Mr. CASE. In 1924 a bill was passed that was supposed to establish citizenship for the Indians in the United States.

Mr. BARRETT. Yes.

Mr. CASE. But the Indians find they do not have the same rights as other citizens.

Mr. BARRETT. The thing that confuses me is this: You refer here to the Indians passing the requirements for the naturalization of aliens. That applies to those who are seeking citizenship. Now citizens do not have to answer such question as "I know that you have so many Senators; you have so many Representatives," and so on. They do not have to conform to those requirements. It seems to me that the only yardstick that has to be used is whether or not this particular Indian has the qualifications to hold and manage his property. Am I right in that thought?

Mr. CASE. I would say that the very fact that you brought up that point emphasizes the injustice to Indians in calling them citizens when they do not have the rights that we propose to establish for them. The use of the word "emancipation" was to indicate that they ought to get as many rights as the alien has when he comes to this country and becomes a citizen.

Mr. BARRETT. But when an alien becomes a citizen then in certain cases the court might immediately put him under guardianship?

Mr. CASE. Even an alien can exercise control over property. That simply emphasizes even more the injustice of speaking of the Indians as citizens.

I recall when Eugene Little, from Rosebud, S. Dak., came down here—I am not sure whether it was the first time he came or not—but I know he made a lasting impression upon me when he asked why they could not be emancipated.

He said he went downtown and walked around and was surprised to see here so many colored people, so many black people doing things that he could not do. He went down to the Lincoln Memorial and when he stood before Lincoln's statue he said he hoped that some day that someone would come along like Lincoln and emancipate the Indians, someone to do as much for the Indians as Lincoln had done for the Negroes.

I do not mean to say that I am suggesting that this will do so, but I do think that the Indian who was here before we ever came ought to have as much right as other Americans to own property and be an individual.



Mr. BARRETT. Mr. Case, in all fairness I question the provision of subsection (c) on page 2, because after all it does indicate that we consider these Indians along with those aliens who come in here and ask for citizenship. They are not in that class, it seems to me, and it would seem that all they would need to do would be to go into district court and show that they are qualified, perhaps, to be removed from the guardianship of the Indian Bureau rather than be emancipated.

Mr. CASE. I think I see the point you have in mind. You do not object to their establishing their rights before the courts.

Mr. BARRETT. No.

Mr. CASE. But your objection is to the use of the test of naturalization.

Mr. BARRETT. That is right.

Mr. CASE. I think your point is something to be considered. Many of the people in my State have a feeling that they ought to be emancipated; perhaps your suggestion meets the same purpose.

Mr. FERNANDEZ. You mean that they be put on a parity.

Mr. BARRETT. Yes.

Mr. FERNANDEZ. But the way the paragraph now reads is that it provides for their naturalization. Your thought is that they come into court and show that they are competent, or show that to the superintendent.

Mr. BARRETT. I am inclined to feel that the superintendent of the agency or if the court finds that the Indian is competent and is able to manage his affairs that he should be given these rights.

Mr. FERNANDEZ. I think Mr. Barrett has a very good idea, that the court can provide that without even mentioning the word alien.

Mr. CASE. Yes.

Mr. BARRETT. There is one other thing relating to the transfer of property before they become of age. Do you not think that should be changed.

Mr. CASE. I do not object to that.

Mr. LEMKE. I agree with my colleague; I think that the Indian is entitled to whatever rights accrue under citizenship; I think perhaps a better word would be to release him from wardship. I think perhaps that would be a little better language in that paragraph.

Now one other question, Mr. Case; How many Indians, if you know, are still under the supervision and control of the Department?

Mr. CASE. I do not know. I have seen a figure somewhere of about a quarter million. I have seen that figure sometime.

Mr. LEMKE. A quarter of a million.

Mr. CASE. Yes.

Mr. LEMKE. I was wondering whether the bill you have introduced continues to perpetuate the wardship which may continue for 100 or 200 years. What would you say about having the Government try to educate the children in the future to get them out from under wardship and get rid of the entire problem of the Indians?

Mr. CASE. Well, of course, whatever we do here would not bind future Congresses.

Mr. LEMKE. I was just wondering whether we could not go a step further and say that the children should be educated to the point where it would not be necessary to continue them on Indian reservations, which after all are nothing but concentration camps, where they

are being treated a little better now than they formerly were, but it seems to me that wherever they are concentrated in these reservations we ought to make provision for educating the children so as to provide a gradual abandonment of these camps. What would you think about that?

Mr. CASE. I think this is a step in that direction.

Mr. LEMKE. I consider it is. What would you think of putting a provision in to have the children that are born in the future, after a certain time, be given educational advantages under which they would automatically be taken from these reservations?

Mr. CASE. Education is something that ought to be provided. But still there are others who should be emancipated.

If there are any provisions that are not clear, and which should be clarified I have no objection to that being done.

Mr. BARRETT. I have been wondering why we should keep a man under guardianship; why should we not turn him loose, whether he wants to be or not?

Mr. CASE. Maybe we should.

Mr. LEMKE. I think perhaps we should go further and provide at least that the children of the future should be taken care of. I introduced a bill in 1938 and 1939 after talking to a number of Indian tribes to accomplish that very purpose.

This bill is a step in that direction and I approve of the bill, but I think that section (c) should be changed so as to bring about additional relief from wardship rather than to have the people who were here long before we were deprived of their rights.

Mr. CASE. I certainly have no objection. I was only emphasizing the fact that those who were born here did not have as much right as we have.

Mr. MURDOCK. Mr. Chairman, there is one comment I would like to make, rather than ask a question. I want to say that I am favorably impressed with the general provisions of this bill. I am more favorably impressed, I might say to my colleague from South Dakota, with the general idea of his bill than I am with the title of the bill. I am not suggesting that he make any change in the title, but the word "emancipation" is a pretty strong word to use; it could have more than one meaning. The connotation is greater after your suggestion coming from the old Chief. If emancipation does away with wardship as the gentleman from North Dakota [Mr. Lemke] suggested that would be more in line with my thought.

If emancipation means the abolishment of slavery it is a pretty strong word; in fact it is too strong a word. Just what does it connote? I have lived among Indians and I have talked to all kinds of Indians, and I know that the Indian Office has fallen down in many respects and is subject to rightful criticism in many respects, but the full history has not yet written the work of the Indian Service and there will come a time when Uncle Sam will be given credit and possibly some credit will be given to the Indian Service, to the Indian Bureau, or whatever you call it, for doing a pretty humane job for a subject, conquered people. Our Government has not held Indians in chattel slavery. But that is not what I started out to say.

We had yesterday a proposal made by the Indians of California that they would like, as a State group, to be turned loose; they implied that they would like, as I understand it, to have the Indian Office

removed entirely from the State of California. That is one way to do it. Then it has been suggested that we might approach the matter from the standpoint of the tribes.

Those of you who have been on this committee for some time heard me say 40 times in the last few years that there are Indians and Indians. I lived among the Cherokees and I know their high standards; ever since Sequoyah gave them a written language they have had books, newspapers, and schools; they have furnished judges and Congressmen in and from the State of Oklahoma. However, in my State there are vast Indian reservations and tribes who are not on a par in their advancement, and I will not go into the reasons why but you know it. Whether it is because they do not have the same human capacity that the Cherokees possess or whether they have been held back in some sinister fashion—as has been suggested—I am only stating the contrast as a fact.

I think we ought to do as the bill proposes, offer individuals opportunity, provide a test of competency, and among the Cherokees I am sure that a large proportion of them will be able to meet the test. Among the Navajos perhaps relatively few of them now could take a test and meet it.

So, I think the general idea is a good one, especially with reference to the veterans of the First and Second World Wars. Under the provisions of this bill, as individuals, they could get out from under the Government wardship.

This bill does not confer citizenship on them; it just simply confers rights of citizenship heretofore denied them.

This bill goes a long way in that direction, and I do approve it for that reason, but I want to say I am not willing to see the Indian Service terminated.

Mr. LEMKE. Ultimately the Indian Service will be terminated. We do not want it to be perpetuated.

Mr. MURDOCK. Definitely we do not want the Indian Service to perpetuate itself and we do not want conditions to do so. But the education of these children is our first concern and it will lead them to be able to educate themselves for major purposes.

Mr. LEMKE. I presume the schools will be so conducted under this bill that they will have a tendency to develop self-reliance and self-support, which are being inculcated in our schools throughout the nation.

Mr. MURDOCK. You are right about that. This bill will have an important effect upon individuals who would come under its provisions throughout the nation, and who will finally receive these benefits.

Mr. BARRETT. With reference to the California Indians, it seems to me that from the best evidence we have before us, from the best evidence we have heard, that a big percentage of the Indians of California will release all their rights, including the minors whose estates are scattered all over the State, operating a business located everywhere.

If there is any guardianship there as to that, I do not see why it should be maintained.

I wonder if you could not put in a provision to take care of a situation like that?

I do not see any sense in holding the children of a man operating a big business under guardianship.

Mr. LEMKE. Did we not report these bills out yesterday?

Mr. D'EWART. No, we held them up pending a decision by the Attorney General.

Mr. BARRETT. I was wondering whether there would be a provision in the bill with reference to the disposition of a man's own property, except by authority by the Indian Bureau, and unless the man was insolvent, giving a man leave to manage his own property unless the Bureau says he is incompetent.

Mr. CASE. Subparagraph (a) of section 2 of H. R. 2165 provides for—

right to administer personal property, (including money) under the laws of the State of residence;

(b) The right, upon written application therefor, to receive a patent in fee to any lands allotted to or inherited by him and to administer this or any other real property acquired by him through gift or purchase.

Mr. BARRETT. What I had in mind was that if a man is declared to be incompetent and he comes under the provisions of this bill, what happens to the children?

Mr. CASE. I think we were talking about that awhile ago, and I thought I made that clear.

Mr. BARRETT. I do not think that is clear, and I think that should be carefully considered.

Mr. RUSSELL. There have been a large number of Indians granted rights of citizenship, and they are self-sustaining under present conditions at this time. Suppose, however, in a few years, after they obtain citizenship, this country should be plunged into a depression. Under your bill would they be able to stay on the reservation, or to get Government aid in case of necessity?

Mr. CASE. I am not sure about that, but my personal opinion would be that if they take their full property rights, that goes where they have their residence, and that would be their legal residence.

Mr. RUSSELL. They would be treated as any other citizen?

Mr. CASE. Yes, they should be, in my judgment.

Mr. RUSSELL. I agree with you. There are a number of Indians who are ready for the full rights of citizenship at the present time, and I think also there are many who are not, and the Federal Government has the responsibility of providing for those Indians.

Mr. CASE. I agree to that.

Mr. RUSSELL. The Indian Service in the last few years has shown a more lenient policy in the so-called emancipation of the Indians and advancing toward that end.

Mr. FERNANDEZ. In asking this question I do not wish to seem to be critical, Mr. Case, and I may not be well informed.

I do not think we have very much in this bill insofar as giving the Indians anything is concerned. We do not give them more than they already have. If they earn the money they get, then they can come back and spend that money as they please. They can go in business, purchase a store, or run a store, or do as they please with their money.

Mr. CASE. That is money they earned off the reservation, and that does not go through the Indian Office.

Mr. FERNANDEZ. Let us see what they have so far as their property is concerned. There are three things; first, there is the tribal business.

He cannot get those tribal funds. Also, he cannot get the tribal property.

Mr. CASE. If there were a capita payment from tribal funds, or if he had property, it goes to the Indian Office, and that is part of his inheritance, and he would also have the right to administer that.

Mr. FERNANDEZ. But he cannot take this tribal property that still belongs to the tribe.

Mr. CASE. But if there were a per capita payment.

Mr. FERNANDEZ. That is part of the property he gets.

In addition to that, in only two other things do we give them anything here.

We withdraw jurisdiction of the United States Courts from the reservation completely, and we withdraw that protection of the Indian first, and, second, we withdraw all laws prohibiting sale of liquor, thereby making it easier for the white man to take his property.

Mr. CASE. I think there it would be a question of law, rather than of jurisdiction.

I think the gentleman was present at the hearing last year when it was shown that there were seven unsolved murders on one reservation because of inadequate law and order under the present set-up, and where the State authorities wanted to come in, but were denied entrance to the reservation.

Mr. FERNANDEZ. In New Mexico, where we have the Navajo Reservation, the county which has jurisdiction would be unable to control violations on that property and the administration of law and order on that reservation. The Government can't just pull out and say, "Take it."

Mr. CASE. Section (e) provides:

The Secretary of the Interior is authorized to enter into agreements with the several States, and the counties thereof, in which Indian reservations are located, to pay to such States or counties such amounts as he may determine to be proper to defray the expenses of the enforcement of the criminal laws of such States on such reservations.

Mr. FERNANDEZ. That is very indefinite; I do not know whether it will work out.

However, I have no objection.

Mr. CASE. I do not know that the bill says that the United States Government will pull out, in every instance, but it makes it possible, for the State to come in.

Mr. FERNANDEZ. It makes it certain that the United States will pull out, but does not make it certain that the State will come in.

Section 4 provides:

All laws of the United States providing for the punishment of offenses committed by or against Indians, which would not be punishable by the United States if committed by or against persons other than Indians, or providing for the punishment of offenses committed on Indian reservations, which would not be punishable by the United States if committed elsewhere than on an Indian reservation, are hereby repealed.

That completely takes away the jurisdiction of the Federal courts from the reservations.

I have no objection if we can make it possible for the States to take care of this if that can be done.

I would make it very certain that the liquor laws were enforced.

What I think ought to be done is to give that wardship where the tribes are in possession, and get that wardship so far as the individual is concerned, and I think what we need to do is to encourage them to get off the reservation and make their own living. They have a right to manage the property and sell it if they feel like it just as any white man or any other citizen.

Mr. CASE. If the gentleman will permit, before an Indian today can get a patent on land on many reservations, he has to sign a statement in which he renounces all claims to any interest he has in tribal property.

Mr. D'EWART. In reference to subsection (d) on page 3, I would like to ask about that. That subsection provides, "the same right to trial by jury in Indian courts that he would have in the courts of the State in which his reservation is located."

If you are going to try him on a reservation under the jurisdiction of the State, does that mean you can try the Indian in the Indian court?

Mr. CASE. That would depend upon whether the reservation had its own courts, as many of them do under the Indian Reorganization Act.

Mr. D'EWART. They do not have the right to a jury in their courts?

Mr. CASE. Apparently not in all of them, at least. That provision was put in on request.

Mr. D'EWART. The resolution introduced by the Indians is concerned with the right to obtain full rights of citizenship. Suppose you have a situation arise on the reservation in which two-thirds of the Indians on the reservation were granted full citizenship rights under the State law. Suppose we had two-thirds of the Indians who were going to remain in the Indian Service. What would the situation be?

Mr. CASE. My bill does not disturb the reservation or the Indian Service. It deals with individual rights upon application of the individual.

Mr. D'EWART. If the Indian reservation was made up of rather small plots interwoven, they would then be under the Indian Service?

Mr. CASE. You have a checkerboard pattern in many reservations today. I do not object to consolidating Indian lands if the allottees want to do so and if funds are available to buy up the allotted tracts. I do not think, however, an old Indian should starve because the tribe cannot buy his land if someone else is ready to do so.

Mr. Chairman, I have some letters and resolutions of veterans and various organizations which, if I may do so, I would like to submit with several pages of signatures, and ask that they be inserted in the record.

Mr. D'EWART. Without objection, it is so ordered.  
(Resolution of the American Legion is as follows:)

RESOLUTION NO. 177, ADOPTED BY THE AMERICAN LEGION CONVENTION AT SAN FRANCISCO, CALIF., SEPTEMBER 30 TO OCTOBER 4, 1946

Whereas Indians classified as such by law are not all entitled to the privileges of American citizens and

Whereas Indians have demonstrated that they are worthy of the rights of American citizens; now, therefore, be it

Resolved, by the American Legion at national convention at San Francisco, Calif., September 30 to October 4, 1946, That appropriate steps be taken to have Congress

enact statutes permitting all American Indians to become citizens of this country with all rights of citizenship and that all existing discriminatory laws against American Indians be forthwith repealed and that all existing treaty rights be retained by the Indians.

VETERANS OF FOREIGN WARS ENDORSE H. R. 2165

Mr. CASE. The bill H. R. 2165, Mr. Chairman, was introduced in the revised form this year at the specific request of the national organization of the Veterans of Foreign Wars. I believe representatives of that organization will testify directly on the proposal to give full citizenship to Indian veterans.

The following are a few of the many letters I have received on the subject. In placing them in the hearings, I do not want to be understood as saying that all Indians are in favor of these bills just as they are written. Some of these letters express doubts on some points—but they do point to the need of legislation on this subject and I hope they will help the committee to work out a practicable measure that will do the good and important things and leave out anything which the committee thinks not for the best interest of the Indians, keeping in mind the idea of letting the competent Indian become a full-fledged citizen if he himself wants to do so and letting the Indian who wants to remain in a restricted status remain so. Self-determination is a part of freedom.

(The matter referred to is as follows:)

NEW UNDERWOOD, S. DAK., October 16, 1945.

Representative FRANCIS CASE,  
South Dakota.

DEAR SIR: We, as a group, wish to express our approval of the following national bills regarding our Indian friends: S. 1194 and H. R. 3681, H. R. 2893.

We would appreciate information on bill H. R. 3710 before any comments could be made regarding it.

We hope you will use your influence for the passage of these bills.

Very sincerely yours,

MABEL C. WALLIN,  
Mrs. William Wallin

Secretary, Adult Bible Class (15 members), Secretary, Ladies' Guild, (15 members), Congregational Church.

JOSEPH YOUNG HAWK POST NO. 253,  
THE AMERICAN LEGION,  
Elbowoods, N. Dak., April 3, 1947.

HON. FRANCIS CASE,  
House of Representatives,  
Washington, D. C.

DEAR MR. CASE: I have the honor to write you expressing our appreciation for your efforts regarding the status of Indian Veterans.

I wish to call your attention to a resolution No. 177 (consolidated) Indian Citizenship as adopted by the American Legion at national convention at San Francisco September 30 to October 4, 1946.

If you can get hold of this resolution No. 177, it will strengthen your case when it comes to consideration. This resolution appears in summary of proceedings, twenty-eighth annual national convention.

We shall be happy to assist or reply to any further inquiry at an early date.

Sincerely,

MARTIN CROSS,  
Post Adjt.

THE EXECUTIVE COUNCIL OF THE EPISCOPAL CHURCH,  
DISTRICT OF SOUTH DAKOTA,  
Sioux Falls, July 25, 1945.

The Honorable FRANCIS CASE,  
Washington, D. C.

DEAR CONGRESSMAN CASE: I have just received copies of two bills which you introduced in the House of Representatives this month—H. R. 3681, to provide for removal of restrictions on property of Indians who serve in the armed forces; and H. R. 3710, to emancipate the Indians of the United States. I want you to know that I endorse both bills. It seems to me that they are only just, and steps in the right direction.

I have only one fear as to H. R. 3710, namely, that white men will take unfair advantage of Indians, especially the less advanced ones, as white men have always done. I would like to see the Indians protected in the sale of their property in some way. All those who meet any one of the four conditions in sec. 1, are not entirely competent to sell their property in fairness to themselves.

With kind regards, I am  
Sincerely yours,

W. BLAIR ROBERTS,  
Bishop of South Dakota.

RESOLUTION OF CARLTON COUNTY, MINN.

Whereas a large portion of that heretofore well known Fond du Lac Indian Reservation was located in Carlton County, Minn., and

Whereas many of the residents of Carlton County, Minn. are thoroughly familiar with the current problems facing our Indian neighbors and friends residing in this State and in our adjoining States, and

Whereas we have carefully analyzed H. R. 5115 introduced in the House of Representatives at Washington by Representative Francis Case of South Dakota at the third session of the Seventy-eighth Congress on June 23, 1944, and

Whereas we definitely feel that Congress should complete the emancipation of those American Indians to whom citizenship was given by the act of 1924 signed by President Coolidge: Now, therefore, be it

*Resolved by the Board of County Commissioners of Carlton County, Minn., at the regular meeting held in the Carlton County Court House at Carlton on Thursday, November 9, 1944:* That we thoroughly approve the above-described bill introduced into Congress by Representative Case; that, if the same is not passed by Congress with the approval of the President at this current session, we request that Representative Case reintroduce the said bill at the next session of Congress in 1945; that we definitely recommend that all Congressmen from the State of Minnesota vote for the passage of said bill.

BOARD OF COUNTY COMMISSIONERS OF CARLTON  
COUNTY, MINN.

By G. A. STRANBERG, *Chairman.*

Dated November 9, 1944.

I, Alfred Grunig, Carlton County auditor, hereby certify that the foregoing is a true and correct copy of the resolution adopted by said board of county commissioners of Carlton County, Minn., on November 9, 1944.

ALFRED C. GRUNIG,  
*County Auditor of Carlton County.*

A VETERAN STATES NEED

HOT SPRINGS, S. DAK.,  
March 5, 1947.

HON. FRANCIS R. CASE,  
*House of Representatives, Washington, D. C.*

DEAR SIR: I am writing in regards to a deed to my allotment (No. 7124) located on the Rosebud Reservation. Are there any exceptions being made to grant deeds to veterans to buy a home?

I haven't lived on the reservation for several years and don't intend to as there is no way of making a living there. I have made my home in Hot Springs since being released from the Army and want to make this my permanent home.



I have a wife and two children and want very much to buy a home for them. I get a hundred dollars a year rent from my land but that far from pays the rent I have to pay for a place to live.

I would greatly appreciate any consideration you would give my case. As I am very anxious to get a deed and buy a home.

Yours truly,

MR. LEONARD I. BORDEAUX.

KENEL, S. DAK., July 20, 1945.

HON. FRANCIS CASE,  
House Office Building, Washington, D. C.

DEAR SIR: This is in regard to the Indian Etnancipation bill, H. R. 3710 and bill H. R. 3680, purchase of restricted Indian lands, etc, introduced by you. We note by the Record your remarks on the two bills as exacting the true conditions as they exist not only on the Standing Rock but also on other Sioux countries and we are hoping that your bills may be given consideration by the Congress now.

I want to cite here one instance out of numerous cases where one old Indian died, who had around 18 quarter sections of land, who had no decent clothes to be buried in and a neighbor had to give him some clothes to be buried in. It is a disgrace to the Government. These things ought to be brought to the attention of the National Congress and the American people as well. The sons and grandsons of these old Indians are dying on foreign battlefields. If the Government will not give better treatment to these old Indians, and remove some of these many restrictions holding us down and let us live as free Americans, these boys are dying in vain, and we may ask, What are these brave boys fighting for?

I want to ask if it will be possible for you to meet with us during the recess to discuss with you on your two bills. If arrangements can be made to meet at some designated point. We are taking this matter up at our next tribal council meeting on August 6. Of course, we do not know if there will be a recess or not.

Also another matter we are happy to know that at last the pony claims bill is passed. We are much interested as to what the next step will be. Will you kindly give us the information. Send us some copies of the two bills to distribute among the districts.

Yours sincerely,

GEORGE SLEEPS.

HAYS, MONT.,  
July 12, 1944.

HON. FRANCIS CASE,  
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN: By way of introduction, I am a Gros Ventre Indian residing on the Fort Belknap Reservation, Mont., and a member of the tribal council, and am very much interested and concerned in the advancement and welfare of the Indians of the United States.

I notice in the Congressional Record, that you have introduced a bill (H. R. 5115) for a method of emancipation of Indians under certain conditions, which I believe is very timely and appropriate at this stage of the Indians march to civilization.

I would like to have you send me a copy of this bill, referred to above, and I shall appreciate it very much, thanking you in advance, and also for your efforts in the past and present, in behalf of the Indians, and, wishing you success and good health.

I am,

Sincerely yours,

THOMAS MAIN.

FOUGHT FOR FREEDOM

EAGLE BUTTE, S. DAK.,  
September 25, 1945.

HON. FRANCIS CASE.

DEAR SIR: I have read the purpose bill 5115. I am very much in favor of the bill. I think this will be a great help to our soldiers and all the veterans when they come home. I think our boys and girls have fought for freedom and liberty; free speech in the reservation as in America; as well I think they can manage their own affairs if they are given a chance.

I am a veteran of last war, served overseas 12 months, and being under the Indian Bureau chained and tied down, the tribe never gave me any help. I am in favor of Emancipation Act to pass. Wish all the members of the Indian Committee to act and see that it will pass.

I thank you, Honorable Case, for working on this bill.  
Respectfully,

THOMAS HAWK EAGLE.

CHIPPEWA RESERVATION,  
Cloquet, Minn., June 1, 1945.

Representative FRANCIS CASE,  
House Office Building, Washington, D. C.

MY DEAR MR. CASE: Many of our Indians are now returning from the European theater of war. I wish to know definitely if you have reintroduced your bill H. R. 5115 in their behalf.

In the vicinity of Cloquet, an industrial city, formerly the Fon du Lac Chippewa Reservation, with about 800 population of Indians. About 35 family heads are employed. Half the number are living in the city, own their homes, and are taxpayers.

For self-supporting reason here and elsewhere in the American Indian race, my suggestion for your amendment be provided for any meritorious tribal members of any tribe be eligible also for certificates of competency. By way of application, proven on merits, be stipulated in your bill.

Hoping to hear from you within a few days,  
I am yours sincerely,

RILEY THOMPSON.

FAVORS INTERIM TRUST PATENT

SWIFT BEAR COMMUNITY COUNCIL,  
White River, S. Dak., December 20, 1945.

Hon. FRANCIS CASE,  
Washington, D. C.

DEAR FRIEND: You have introduced some bills which concern the Indians. Majority of the full blood Indians who are educated and the mixed bloods are in favor of these bills which concern them; and we do hope that these bills pass and become laws.

We are specially interested in the emancipation bill. They should a question to Indians who are qualify and consented to be emancipated entirely from wards of the Government and of course those who would disqualified themselves and still be a ward of the Government can do so. In this way they will be no argument. We expected after we are free from the Government released all restrictions and issued patent to us all of our lands and thus become citizens of the United States. But at the same if possible and inserted in the bill that from the date we were become citizens and received our patents extended a period of twenty-five years exempted from taxation, but if any of us sale our land to a white man then this shall become taxable.

Furthermore even if we become citizens and released from all restrictions that we were imposed upon us by the Indian Bureau we don't wanted that this will infringes the claims we had against the Government. If they would be any proceed that will come from these claims. We wanted to retained to entitled it. Furthermore if there is any tribal money left we wanted to get our shares to start with when we become citizens.

We desired very much that you will kindly consider our petition and work accordingly for us.

We are your friends.

COMMUNITY COUNCIL  
JOSEPH BORDEAUX, Chairman.

JOSEPH WM. LARVIL, Secretary.

JOHN J. BORDEAUX.  
FRANCIS T. TWO HEART, Veteran.

CHARLES BORDEAUX,  
JAMES ROBERTS.

## SANTEE DISCUSS BILLS

LAPLANT, S. DAK., *March 19, 1947.*

Hon. FRANCIS CASE,  
House Office Building, Washington, D. C.

DEAR MR. CASE: In regard to the bill on which I told you that I will circulate a petition, the tribal council in the last council session appointed a committee who drew up certain matters to take to the Sioux Nation Council at Santee, Nebr. I note that your emancipation bill is one of the subjects to be taken up at that council, and I feel that the council have endorsed the bill, but I did not attend the council at Santee. Any way I think it is a matter for each reservation to decide and, according to the above situation, I think you might just as well go ahead with it.

I have had quite a talk with Mr. Spaulding recently, and he told me that at the conference held at Billings this winter by superintendents, that they all agree to turn all Indians loose that are capable of managing their own affairs and I look for a bill from the Interior Department in that line. Today, I wrote Senator a letter in which I asked for a copy of all his Indian bills. I mean Senator Langer, the propaganda on the reservations is that the Indians are to be turned loose, and that is to scare them. I do not think there is anything to that.

I heard a rumor the other day that one of the old-timers at Laplant died of starvation, and I was inclined to think it might be true. The couple are getting old-age assistance in the amount of \$30, and the way food prices are, I believe it. All of the old people are getting second-hand clothing from the missionary workers, and if this is not done many an Indian will be naked, and may be we will have to go back to blankets and tan breeches. I was wondering why the Government cannot purchase some Army clothing for the Indians—blankets, etc. There are a lot of things that the Government might condemn that the Indians can use.

In one of your letters you state what the Indian Office had to say about a fee patent. I did try to sell this land to the tribe, and was told that my wife should turn this land to the tribe for a rehabilitation loan. She refused to do this, because the land will be appraised at \$1.50 or \$1 an acre and, at this rate those who have rehabilitation loans would be required to pay back to the tribe their allotments. Many of the Indians will not have any lands that they can call their own.

Yours truly,

SAM CHARGER.

## WORKS IN MISSOURI

MEXICO, Mo., *February 19, 1947.*

Hon. FRANCIS CASE,  
House of Representatives, Washington, D. C.

DEAR SIR: A few days ago my father, Mr. Cliff Rousseau, of Rapid City, S. Dak., sent me some Rapid City Journals, and in one of them, I read an article which I am enclosing. I really think you have a good thing there, and wish you all the luck in the world in putting it through.

My family and myself are very well satisfied here in Mexico, Mo., as I have a very good position as foreman with the A. P. Green Fire Brick Co. and don't intend to move back to South Dakota.

It seems to me that my land would be of more value to some one who lives up there. As it is, it is doing no one any good; and, if I could dispose of my land, I would buy a home of my own.

Hope I haven't taken up too much of your time, but thought that letters from the public now and then help. So again I wish you lots of luck, as you seem to try and help the Indians.

Yours truly,

DAN F. ROUSSEAU.

## WOULD LIKE FREEDOM FOUGHT FOR

KENNEBEC, S. DAK., *May 17, 1946.*

Congressman FRANCIS CASE,  
Washington, D. C.

DEAR SIR: There is some controversy at the Lower Brule Indian Reservation as to the scope and jurisdiction of the so-called Indian court.

I have a copy of the Congressional Record on the provisions of the Indian Emancipation Act before Congress, which you mailed out, and the date under

Monday, is July 9, 1945, and on page 2, under section 4 (a) and (b), are given the rights of Indians on reservations, and what I want to know is whether or not such act was ever enacted and passed by Congress and is now the law of the land. If it is I would like a copy of the act as it now exists.

Some of the returning veterans are chafing and complaining about the restrictions placed over them by the so-called Indian justices and courts. They say they thought they were fighting for freedom and would like a little of it. And before advising them as to their rights I want to know the law and especially the so-called Indian Emancipation Act, as it applies to the Indians and the returned veterans. They say they went through fire, brimstone, and hell to give freedom to the other nations and want a little themselves, especially until they get back to normal, or until they think they are back. They ought to be permitted to go over low hurdles but should avoid hurdles so high as to break all athletic records.

What I want to know is the law and if the act mentioned is now the law. Send me a copy as it exists; if defeated or never passed Congress I want to know.

Thanking you for reply as soon as convenient, as I am holding the line until I hear from you.

Very truly,

J. W. JACKSON.

#### RESOLUTION IN BEHALF OF VETERANS

Whereas the Indians of the United States have been inducted into the armed forces since the Revolutionary times or insurrections within the United States and upon foreign soil throughout all parts of the earth and upon the seven seas;

Every war the Indian races have been mustered out to fight the battles along side of the armies and citizens of all countries;

That great promises have been assured, which have not materialized;

Whereas during the recent World War II thousands of Indian youths, both female and male, in their prime of life have been forced into the armed forces, have been killed, and others crippled for the remainder of their days upon this earth;

Whereas the GI bill is not effective legislation to rehabilitate the Indian veterans;

That the Indian veterans are still restricted under Federal laws and that there is immediate need for speedy legislation to relieve the present distress to our Indian veterans;

That governments of nations are constituted on behalf of all the people, and since wars begin in the minds of the people, that defenses of peace must be considered;

That ignorance of each others' ways and lives has been common cause throughout the history of mankind;

That suspicion and mistrust between the peoples of the world through which their differences have all too often broken into war;

That the great and terrible war which has now ended, far as arms is concerned, but the war against economic distress, and great denial of the democratic principles of the dignity, equality, and mutual respect for the Indians is prevalent, through ignorance and prejudice of the doctrine of the inequality of men and races;

That wide diffusion of culture and the education of humanity for justice, liberty, and peace are indispensable and constitute a sacred duty which all people must fulfill in a spirit of mutual assistance and concern;

That after the World War I patent in fees were forced upon Indians, and immediately their lands were dissipated;

That for many years Indians were subject of shysters and crooks;

That during John Collier's administration as Commissioner of Indian Affairs the policy was to have the Indian utilize his land holdings instead of leasing same for 5 cents an acre;

That they would furnish the money to carry on this project. In a very small measure some people have made good. But on account of lack of funds, majority of Indians are in dire need the past 3 years. Gratuitous gifts and relief work did help and promises of rehabilitation of all the people is impossible under the slow process as set up.

We, therefore, respectfully submit this resolution for your approval to be submitted with the signed petitions from the Indian voters and returned Indian veterans to the Senate Committee on Indian Affairs.

(The foregoing resolution by F. G. Wilson, Martin, S. Dak.)

## PETITION

We, the Indian voters and Indian veterans, respectfully petition both Houses of Congress to press all Indian legislation now pending or hereafter introduced and to concur and support such legislation to early passage during this session of Congress.

(Signed by:)

Frank G. Wilson, Martin, S. Dak.<sup>1</sup>  
 Alice S. Wilson, Martin, S. Dak.<sup>1</sup>  
 Joe Fire Thunder, Rapid City, S. Dak.<sup>1</sup>  
 Louis Babby, Martin, S. Dak.<sup>1</sup>  
 Margaret Smith, Interior, S. Dak.  
 Dora Fire Thunder, Hisle, S. Dak.  
 Louise Rose, Martin, S. Dak.<sup>1</sup>  
 Louis W. Horse, Wanblee, S. Dak.<sup>1 2</sup>  
 Julia Cassidy, Allen, S. Dak.  
 Rose Anna Allen, Martin, S. Dak.<sup>1</sup>  
 Joseph P. Allen, Sr., Martin, S. Dak.<sup>1</sup>  
 David Lessert, Martin, S. Dak.  
 Harry Conroy, Pine Ridge, S. Dak.<sup>1 2</sup>  
 Levi Amiotte, Pine Ridge, S. Dak.  
 Dave Shangreau, Martin, S. Dak.<sup>1</sup>  
 Hastings Blackeye, Martin, S. Dak.<sup>1</sup>  
 George Little Horn, Allen, S. Dak.<sup>1</sup>  
 Emily Artichoker, Martin, S. Dak.<sup>1</sup>  
 Peter Red Willow, Hisle, S. Dak.<sup>1</sup>  
 Levi Blake, Martin, S. Dak.<sup>1 2</sup>  
 James L. Mesteth, Manderson, S. Dak.<sup>1</sup>  
 Jennie Coats, Martin, S. Dak.<sup>1</sup>  
 Darwin L. Coats, Martin, S. Dak.<sup>1 2</sup>  
 George M. Coats, Martin, S. Dak.<sup>1 2</sup>  
 Robert Coats, Martin, S. Dak.<sup>1 2</sup>  
 George Bettelyoun, Jr., Allen, S. Dak.<sup>1 2</sup>  
 Carl Bettelyoun, Allen, S. Dak.<sup>1 2</sup>  
 Everett D. Bettelyoun, Allen, S. Dak.<sup>1 2</sup>  
 Joseph Bettelyoun, Martin, S. Dak.<sup>1 2</sup>  
 Harry R. Bettelyoun, Martin, S. Dak.<sup>1 2</sup>  
 Marshall Robertson, Martin, S. Dak.  
 Messord S. Bullard, Allen, S. Dak.<sup>1 2</sup>  
 Viola Young, Martin, S. Dak.<sup>1</sup>  
 Ruben Mesteth, Manderson, S. Dak.<sup>1 2</sup>  
 Wm. Jones, Manderson, S. Dak.<sup>1 2</sup>  
 Joe Condelario, Sr., Pine Ridge, S. Dak.<sup>1</sup>  
 Eugene Dubray, Allen, S. Dak.<sup>1 2</sup>  
 Mrs. Eva Dubray, Allen, S. Dak.<sup>1</sup>  
 Mary Moore, Martin, S. Dak.<sup>1</sup>  
 Grace Parlasca, Martin, S. Dak.<sup>1</sup>  
 Reuben Fire Thunder, Allen, S. Dak.<sup>1 2</sup>  
 C. L. Rivers Ghosthear, Batesland, S. Dak.<sup>1</sup>  
 Oliver F. Moore, Martin, S. Dak.<sup>1 2</sup>  
 James H. Hall, Cody, Nebr.<sup>1 2</sup>  
 William Hawkins, Patricia, S. Dak.<sup>1</sup>  
 Agnes Hawkins, Patricia, S. Dak.<sup>1</sup>  
 Louise, Hall, Cody, Nebr.<sup>1 2</sup>  
 Herbert Black Bear, Allen, S. Dak.<sup>1 2</sup>  
 Moses Bull Bear, Kyle, S. Dak.<sup>1 2</sup>  
 Morris Bull Bear, Kyle, S. Dak.<sup>1 2</sup>  
 Edison Longmon, Allen, S. Dak.<sup>1 2</sup>  
 Philip Marshall, Martin, S. Dak.<sup>1</sup>  
 Witness F. G. Wilson.  
 Roy F. Flood, Martin, S. Dak.<sup>1 2</sup>  
 Georia J. Flood, Martin, S. Dak.<sup>1</sup>  
 Carmel G. Flood, Martin, S. Dak.<sup>1</sup>

<sup>1</sup> Families of member in armed forces, or member.

<sup>2</sup> Veteran.

Mrs. Ollie Westman, Martin, S. Dak.<sup>1</sup>  
 Levi Westman, Martin, S. Dak.<sup>1</sup>

The foregoing signatures were made in my presence in the incorporated city limits of Martin, S. Dak., a county seat of Bennett, in the State of South Dakota, this 24th day of June 1946.

FRANK G. WILSON.

Patrick Nelson, Allen, S. Dak.  
 Alice Nelson, Allen, S. Dak.  
 Sam Yellow Hawk, Allen, S. Dak.  
 Fred Cut Grass, Kyle, S. Dak.  
 Mrs. (her mark) Fred Cut Grass, Kyle, S. Dak.

Witnessed by F. G. Wilson.

George W. Ruff, Kyle, S. Dak.<sup>1</sup>  
 Ivy Ruff, Kyle, S. Dak.<sup>1</sup>  
 James Colhoff, Pine Ridge, S. Dak.<sup>1</sup>  
 Annie Colhoff, Pine Ridge, S. Dak.<sup>1</sup>  
 Geo. Williams, Martin, S. Dak.  
 Rosemond Williams, Martin, S. Dak.  
 Allen Last Horse, Martin, S. Dak.<sup>1</sup>  
 Dan Bad Wound, Martin, S. Dak.  
 Peter Black Bear, Allen, S. Dak.<sup>1</sup>  
 Joe Last Horse, Martin, S. Dak.  
 Chas. Little Dog, Parmelee, S. Dak.<sup>1</sup>  
 John R. Goose, Jr., Parmelee, S. Dak.<sup>1</sup>  
 Guy L. Byrd, Allen, S. Dak.<sup>1 2</sup>  
 Jack Poor Bear, Allen, S. Dak.  
 Jos. C. Ross, Martin, S. Dak.

The foregoing signatures made this 25th day of June 1946, in city of Martin, and I witnessed each signature signed in the above.  
 Above are all legal aged individuals.

F. G. WILSON,  
*Martin, S. Dak.*

Nowal Moore, Martin, S. Dak.<sup>1</sup>  
 John Hawk Wing, Long Valley, S. Dak.<sup>1</sup>  
 John Stover, Martin, S. Dak.  
 Eugene Lamont, Martin, S. Dak.<sup>1 2</sup>  
 Francis Lamont, Martin, S. Dak.<sup>1</sup>  
 Carl C. Bettelyoun, Martin, S. Dak.<sup>1 2</sup>  
 Louis B. Mousseau, Martin, S. Dak.<sup>1</sup>  
 Stelle Mousseau, Martin, S. Dak.<sup>1</sup>  
 Henry Cotten, Martin, S. Dak.  
 Lizzie Bettelyoun, Allen, S. Dak.<sup>1</sup>  
 G. C. Young, Allen, S. Dak.<sup>1 2</sup>  
 Mary (her mark) White Rabbit, Martin, S. Dak.<sup>1</sup>  
 Witness F. G. Wilson.

Samuel G. Lessert, Martin, S. Dak.<sup>1</sup>  
 Nima Lessert, Martin, S. Dak.<sup>1</sup>  
 Horace G. Lessert, Martin, S. Dak.<sup>1 2</sup>  
 Clementine Salway, Hisle, S. Dak.<sup>1</sup>  
 Rita E. Richards, Hisle, S. Dak.<sup>1</sup>  
 Alfred B. Richard, Martin, S. Dak.<sup>1</sup>  
 E. C. Richards, Martin, S. Dak.<sup>1</sup>  
 Charles Richards, Tuthill, S. Dak.<sup>1</sup>  
 Fred Bissonette, Martin, S. Dak.

The foregoing signatures were gotten on Monday, June 17, 1946. Witnessed all above signatures.

F. G. WILSON,  
*Martin, S. Dak.*

Samuel Cottier, Martin, S. Dak.<sup>1</sup>  
 Philip Young, Pine Ridge, S. Dak.<sup>1</sup>  
 Louise Cottier, Allen, S. Dak.<sup>1</sup>  
 Alice Conroy, Allen, S. Dak.  
 Lydia Long Bull, Allen, S. Dak.  
 Sarah Allman, Allen, S. Dak.<sup>1</sup>  
 Carl J. Brown, Martin, S. Dak.<sup>1</sup>

<sup>1</sup> Families of member in armed forces, or member.

Jennie Brown, Martin, S. Dak.<sup>1</sup>  
 Edgar Rock, Pine Ridge, S. Dak.<sup>1</sup>  
 Joseph Standing Elk, Porcupine, S. Dak.<sup>1</sup>  
 Beulah Fay, Martin, S. Dak.<sup>1</sup>  
 O. C. Ross, Martin, S. Dak.<sup>1</sup>

Above signatures signed on June 26, 1946, within city limits of Martin, S. Dak.  
 Attested by

F. G. WILSON.

Henry Quonte, Wanblee, S. Dak.<sup>1</sup>  
 Webster Poor Bear, Wanblee, S. Dak.<sup>1</sup>  
 Edgar Red Cloud, Pine Ridge, S. Dak.  
 Elizabeth G. Spider, Pine Ridge, S. Dak.  
 Josephine Iron Heart, Pine Ridge, S. Dak.  
 Lillian Hudspetter, Pine Ridge, S. Dak.  
 Kate Romero, Pine Ridge, S. Dak.<sup>1</sup>  
 Angelique Cuny, Pine Ridge, S. Dak.  
 Florine LeBeau, Pine Ridge, S. Dak.  
 Josephine Provost, Pine Ridge, S. Dak.<sup>1</sup>  
 Rose E. Coffey, Pine Ridge, S. Dak.<sup>1</sup>  
 Lillian Siers, Pine Ridge, S. Dak.  
 Grace Mills, Pine Ridge, S. Dak.<sup>1</sup>  
 Joe Ecoffey, Pine Ridge, S. Dak.  
 Bernard LeBeau, Pine Ridge, S. Dak.  
 Jennie Ghost Bear, Pine Ridge, S. Dak.  
 Julia (her mark) Goings, Pine Ridge, S. Dak.  
 Witness F. G. Wilson.  
 Charles Garnette, Sr., Pine Ridge, S. Dak.  
 James Rooks, Pine Ridge, S. Dak.<sup>1</sup>  
 Harry H. Brown, Pine Ridge, S. Dak.<sup>1</sup>  
 Ethel Merrival, Pine Ridge, S. Dak.  
 Mary Shortstep, Pine Ridge, S. Dak.<sup>1</sup>  
 Pfc. Oscar A. Shortstep, Fort Robinson, Nebr.  
 Ben Mesteth, Pine Ridge, S. Dak.  
 Lawrence R. Ecoffey, Pine Ridge, S. Dak.  
 Bruce Means, Pine Ridge, S. Dak.  
 Asa Two Dog, Pine Ridge, S. Dak.  
 Isaac B. T. Pine, Pine Ridge, S. Dak.  
 Joseph Comes, Pine Ridge, S. Dak.  
 Chas. Yellow Boy, Pine Ridge, S. Dak.  
 Hobart E. Keith, Pine Ridge, S. Dak.<sup>1</sup>  
 Louise E. Keith, Pine Ridge, S. Dak.<sup>1</sup>  
 William Horncloud, Pine Ridge, S. Dak.  
 Stephen Andrew Hall, Pine Ridge, S. Dak.  
 John Red Shirt, Buffalo Gap, S. Dak.  
 Frank R. Necklace, Pine Ridge, S. Dak.  
 James H. Red Cloud, Pine Ridge, S. Dak.  
 Lloyd, Sanovia, Pine Ridge, S. Dak.<sup>1</sup>  
 Ella Sanovia, Pine Ridge, S. Dak.<sup>1</sup>  
 Mrs. Rose Spotted Bear, Pine Ridge, S. Dak.<sup>1</sup>  
 Bert Bergen, Pine Ridge, S. Dak.<sup>1</sup>  
 Calvin I. Heart, Pine Ridge, S. Dak.<sup>1</sup>  
 Eugene Yellow Boy, Pine Ridge, S. Dak.<sup>1</sup>  
 George Swift Bird, Pine Ridge, S. Dak.<sup>1</sup>  
 James LaPointe, Pine Ridge, S. Dak.<sup>1</sup>  
 Ogden F. Wilson, Pine Ridge, S. Dak.<sup>1</sup>  
 Edith Wilson, Pine Ridge, S. Dak.<sup>1</sup>  
 Frank Afraid of Horse, Pine Ridge, S. Dak.<sup>1</sup>  
 James Sanovia, Pine Ridge, S. Dak.<sup>1</sup>  
 Grover White Horse, Pine Ridge, S. Dak.  
 Frank C. Goings, Pine Ridge, S. Dak.  
 R. C. Gillespie, Sr., Oglala, S. Dak.  
 Wm. Fire Thunder, Allen, S. Dak.  
 Chas. Provost, Pine Ridge, S. Dak.  
 Wm. Bergen, Pine Ridge, S. Dak.<sup>1</sup>  
 E. Bettelyoun, Allen, S. Dak.

<sup>1</sup> Families of member in armed forces, or member.

<sup>1</sup> Veteran.

James Little Bear, Pine Ridge, S. Dak.<sup>1</sup>  
 Sidney Mills, Pine Ridge, S. Dak.<sup>1</sup>  
 Hodson, Young, Pine Ridge, S. Dak.<sup>1</sup>  
 Thomas Spotted Bear, Denby, S. Dak.<sup>1</sup>  
 Samuel Belt, Oglala, S. Dak.<sup>1</sup>  
 Moses Holy Eagle, Vetal, S. Dak.  
 Joe Comes Again, Allen, S. Dak.

Above signatures attested to on this 27th day of June 1946, at Pine Ridge Agency.

All signatures are legal-aged individuals.

F. G. WILSON.

#### RESOLUTION OF MEMBERS OF MANY TRIBES

*Resolved*, That we, the undersigned descendants of the original American Indians, representing various tribes who are employees and residents of the Black Hills ordnance depot at Igloo, S. Dak. assembled at the Black Hills ordnance depot this 23d day of May 1945, desire that emancipation bill No. H. R. 3710 be passed by this session of Congress in order that we may enjoy the liberty and rights accorded other American citizens and as an added protection for our returning service veterans.

(Signed by:)

William W. Jordan, janitor, Wood, S. Dak.  
 Emma S. Jordan, resident, Wood, S. Dak.  
 Myrtle Means, auto greaser, Pine Ridge, S. Dak.  
 Lucy Janis.  
 Della Means, resident, Pine Ridge, S. Dak.  
 George Rogers, Jr., bus driver, St. Francis, S. Dak.  
 Frances D. Adams, clerk-typist, Sisseton, S. Dak.  
 Cecilia Bordeaux, resident, St. Francis, S. Dak.  
 James L. Mestas, guard, Manderson, S. Dak.  
 Magdalene Gerry, resident, St. Francis, S. Dak.  
 Elbridge S. Gerry, truck driver, St. Francis, S. Dak.  
 Eva J. Nichols, stenographer-clerk, Wagner, S. Dak.  
 Juliana Standing, soldier-auto greaser, Hot Springs, S. Dak.  
 Helen Cuny, auto greaser, Hot Springs, S. Dak.  
 Joseph C. Prue, railroad trackman, Rosebud, S. Dak.  
 Thomas D. Means, railroad trackman, Pine Ridge, S. Dak.  
 Elizabeth Elk Boy, Porcupine, S. Dak.  
 Daniel V. Goodman, guard, Wakpala, S. Dak.  
 Sophia Goodman, H. W., Wakpala, S. Dak.  
 Sarah Long Bull, storage, Wakpala, S. Dak.  
 Sadie Long Bull, Rea, Wakpala, S. Dak.  
 Leona Winters, Wanblee, S. Dak.  
 A. Winters, Wanblee, S. Dak.  
 Leo Winters, Wanblee, S. Dak.  
 Grace M. Eala, clerk-typist, St. Francis, S. Dak.  
 Normalou Mills, Pine Ridge, S. Dak.  
 Freda Mills, Pine Ridge, S. Dak.  
 Gertrude Brofford, Manderson, S. Dak.  
 Rose Gibbons, Manderson, S. Dak.  
 Lillian Smith, janitor, St. Francis, S. Dak.  
 Gloria Cardini, St. Francis, S. Dak.  
 Mary Quickbear, Pine Ridge, S. Dak.  
 Flora Debersa, timekeeper, Igloo, S. Dak.  
 Alice Waters, cook, Pine Ridge, S. Dak.  
 Marie Randall, Pine Ridge, S. Dak.  
 Jennie Sheppard, Cheyenne Agency, S. Dak.  
 Lavina Cordry, Mission, S. Dak.  
 Sylvia Patton, cook, Pine Ridge, S. Dak.  
 Pearl Patton, Oglala, S. Dak.  
 Marion C. Wilkins, truck driver, Rapid City, S. Dak.  
 Dolores Valandra, waitress, Igloo, S. Dak.  
 Ephraim Brofford, mechanic, Manderson, S. Dak.  
 Mrs. Julia War Bonnet, Rosebud, S. Dak.  
 Mrs. Lydia Haas, Interior, S. Dak.

<sup>1</sup> Families of member in armed forces, or member.

<sup>2</sup> Veteran.



Michael W. One Star, St. Francis, S. Dak.  
 Joe Gairy, Burke, S. Dak.  
 Mr. James J. Black, janitor, Cherry Creek, S. Dak.  
 Albert E. Coffey, Kyle, S. Dak.  
 Jule E. Coffey, Oakland, Calif.  
 Albert E. Coffey, Jr., Oakland, Calif.  
 Edward H. Price, Okreek, S. Dak.  
 Pansy Price, Okreek, S. Dak.  
 Lucille Dearly, Oglala, S. Dak.  
 Flotine LeBeau, Pine Ridge, S. Dak.  
 Edward C. Fallin, Lower Brule, S. Dak.  
 Charles Running Hawk, Oglala, S. Dak.  
 John M. White, Jr., Pine Ridge, S. Dak.  
 Irene Johnson, St. Francis, S. Dak.  
 Mary B. Frazier, Igloo, S. Dak.  
 Mrs. Wyatte S. Hittson, St. Francis, S. Dak.  
 Miss Rosemond Roubideaux, Wagner, S. Dak.  
 C. C. Kelly, Fort Yates, N. Dak.  
 Louis Primrose, Bullhead, S. Dak.  
 Cora Shields.  
 Nephie Zephier, auto rod man, Lower Brule, S. Dak.  
 William D. Hodgkiss, Cheyenne Agency, S. Dak.  
 Isabelle Hodgkiss, Cheyenne Agency, S. Dak.  
 Paul Standing Totim, Pine Ridge, S. Dak.  
 Rita Standing, soldier, Pine Ridge, S. Dak.  
 Mae Standing, soldier, Pine Ridge, S. Dak.  
 William H. Pritchett, Igloo, S. Dak.  
 Elijah Blackthunder, Watertown, S. Dak.  
 Juanita Whiteyes, Martin, S. Dak.  
 Richard Elk Boy, Porcupine, S. Dak.  
 Lucy Holy Bear, Porcupine, S. Dak.  
 Raymond Eastman, Eden, S. Dak.  
 James Janis, Manderson, S. Dak.  
 William Kills Enemy, Rosebud, S. Dak.  
 Thomas Yellow Horse, Manderson, S. Dak.  
 William Patton, Sr., Oglala, S. Dak.  
 Lillian R. Boltz, St. Francis, S. Dak.  
 May Janis, Rosebud, S. Dak.  
 Marjorie Badmilk, Rosebud, S. Dak.  
 Lyman D. White Wash, Kyle, S. Dak.  
 Charley White Wash, Kyle S. Dak.  
 Hilda Lunderman, Rosebud, S. Dak.  
 Raymond Lunderman, Rosebud, S. Dak.  
 Peter Owleagle, Winner, S. Dak.  
 Mrs. Olive J. Black, Cherry Creek, S. Dak.  
 Mrs. Bertha Kelly, Alliance, Nebr.  
 Frances Boyer, Kadoka, S. Dak.  
 Alex J. Boyer, Kadoka, S. Dak.  
 Joseph H. Wright, Okreek, S. Dak.  
 Clara Wright, Okreek, S. Dak.  
 Anna Eastman, Igloo, S. Dak.  
 Homer F. Johnson, Igloo, S. Dak.  
 Alvina Kills Enemy, Okreek, S. Dak.  
 Alfred D. Thrice, Kennebec, S. Dak.  
 Morey L. Swiftbird, Pierre, S. Dak.  
 Laura Patton, Oglala, S. Dak.  
 Sylvia Patton, Pine Ridge, S. Dak.  
 Pearl Patton, Oglala, S. Dak.  
 Mary Yellow Horse, Manderson, S. Dak.

Mr. D'EWART. May I ask a few questions?

Why do we need a transition section in this bill? Of what particular benefit would that be to the Indian on a reservation? Why does he need this transition section to get the benefits of the bill?

Mr. CASE. Mr. Chairman, I recognize that may be unnecessary, but it has been suggested to me that if the Indian could keep his land

in a tax-free status, he would be encouraged to hold on to it; and that if he ran into a bad crop year just as he was getting started he would not lose his land for taxes.

This would be comparable in principle to the proving-up period on a homestead or the development period in a reclamation project. This "interim patent" would be to help him get started.

Mr. D'EWART. Under the provisions of section 3 and also the provisions of section 4, which would apply?

Mr. CASE. I would say section 4 would apply in any case.

Mr. D'EWART. He might own it for a hundred years and not pay any taxes on it.

Mr. CASE. That might be true, too. That is the situation you have now.

Mr. D'EWART. Would that continue?

Mr. CASE. So long as the act of 1934 is not amended or repealed. That is what you have today.

Mr. D'EWART. It simply continues it?

Mr. CASE. It gives him the complete management of his land. If he wants to sell it or keep it, he has the complete management of it. He does not have to make application and then wait for 9 months to see whether the application will be approved or disapproved and in the meantime lose his chance of selling.

Mr. D'EWART. Then this provision here is really unnecessary?

Mr. CASE. In the sense of keeping the land tax-free, it is not. Trust land is not taxable today as the chairman knows but the Indian with a trust patent today is not free to sell the land. I think the competent Indian should be free to plan his own affairs and know what he can do with his land.

Mr. D'EWART. When does he get the real patent?

Mr. CASE. The interim patent would be a real patent. He could still apply for a patent in fee the same as today. But if he wants to get an interim trust patent to carry him along until he wants to sell, that is the kind of a patent he could get.

Mr. D'EWART. He can sell it?

Mr. CASE. Yes; he would have complete management.

Mr. D'EWART. I have two more questions to ask you. At the bottom of page 5 and the top of page 6 it is provided that the Secretary of the Interior—

shall not permit the sale of any Indian tribal lands except when approved by two-thirds votes of all adult members of the tribe to which the land belongs.

Then it goes on to provide—

It is hereby declared to be the intent of Congress that the tribal lands of all Indian tribes shall be preserved as a homeland for the members of their respective tribes and shall not be diminished except by approval of the tribe as herein provided.

Does that "herein provided" apply to the first part of section 5, or to all of the provisions of section 5?

Mr. CASE. To the first part of section 5. As a matter of fact, I do not think that section needs to be in the bill at all, but it is customary.

The parliamentarian has told me if you pass legislation it automatically carries with it the authority to provide an appropriation to carry it out.

(Discussion off the record.)

Mr. D'EWART. Mr. Case, we appreciate very much your coming before us today and giving us such a complete explanation of your two bills.

Mr. CASE. Mr. Chairman, and may I thank the committee for its very generous hearing. I appreciate the very thorough way the committee is going into Indian affairs.

(Thereupon, the committee stood in recess until 2:30 p. m. of the same day.)



# EMANCIPATION OF INDIANS

TUESDAY, APRIL 8, 1947

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON INDIAN AFFAIRS  
OF THE COMMITTEE ON PUBLIC LANDS,  
Washington, D. C.

The subcommittee met, at 2:30 p. m., pursuant to notice, Hon. Wesley A. D'Ewart presiding, for the consideration of H. R. 1113, which is as follows:

[H. R. 1113, 80th Cong., 1st sess.]

A BILL To provide for removal of restrictions on property of Indians who serve in the armed forces

*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 is authorized and directed, upon application by any Indian who shall have served honorably in the armed forces of the United States in time of war, to remove all restrictions upon the lands, interests in lands, funds, or other property of such Indian, and, if such lands or interests in lands are held by the United States in trust for such Indian, to issue an unrestricted patent in fee therefor. No lands or other property with respect to which restrictions are removed or a patent in fee issued pursuant to this Act shall be liable to the satisfaction of any debt contracted prior to such removal of restrictions or issuance of patent.

Mr. D'EWART. In order to get all of the bills before us, the first one, H. R. 1113, introduced by myself is:

To provide for removal of restrictions on property of Indians who serve in the armed forces.

This is a very short bill proposing:

That the Secretary of the Interior is authorized and directed, upon application by any Indian who shall have served honorably in the armed forces of the United States in time of war, to remove all restrictions upon the lands, interests in lands, funds, or other property of such Indian, and, if such lands or interests in lands are held by the United States in trust for such Indian, to issue an unrestricted patent in fee therefor.

No lands or other property with respect to which restrictions are removed or patent in fee issued pursuant to this Act shall be liable to the satisfaction of any debt contracted prior to such removal of restrictions or issuance of patent.

I introduced this legislation at the request of certain Indian veterans in the State of Montana and suggested that if it is enacted into law that the phrase in lines 4 and 5, "served honorably in the armed forces of the United States in time of war," be changed to read, "upon discharge or release therefrom under conditions other than dishonorable."

It is simply a bill to give these rights to honorably discharged soldiers.

Mr. Zimmerman, would you like to comment on this particular piece of legislation? I would like to hold up the Case legislation until our committee gets back because I think they all ought to hear your points on that.

**STATEMENT OF WILLIAM ZIMMERMAN, JR., ASSISTANT COMMISSIONER, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR**

Mr. ZIMMERMAN. The consideration of this bill, Mr. Chairman, raises some of the same questions that need to be considered in connection with Mr. Case's bill.

I would like to point out one element that has not been considered before in the presentation by Mr. Case.

There is an administrative difficulty which would result. If all the restrictions were removed from heirship property it would have this result, that we would have undivided interests in real estate, some of which would be restricted, and some unrestricted.

In any legislation which your committee would consider I suggest that that point be noted. There would be many cases in which the allotment which the Indian has could still be sold or released from restriction, but the undivided interests in property, particularly if they were minority interests, should probably not be governed by the same kind of blanket legislation.

Mr. D'EWART. You recognize, of course, the desire of these young men who have served in the armed forces on their return to the reservation to gain a degree of independence that they have not had before, and also their desire to try to initiate opportunities for themselves in their particular area as veterans returning from war.

Mr. ZIMMERMAN. I recognize surely that desire on the part of many of the younger men. On the other hand, I am troubled by the probable loss of Indian land which might result from the wholesale removal of restrictions.

In any event, as has already been made clear to your committee, the Department is prepared under existing law to consider applications for the release of property and for the removal of restrictions, and I think the Department is inclined to be, shall I say, lenient or generous in the matter recognizing the desire of the younger men to be on their own.

I think in the consideration of this bill, as in the consideration of other bills of a similar character, the committee could well give some thought to differences in the nature of the landholdings.

The administration of timbered areas and of grazing areas is quite a different problem from the administration of farming units. There is much less objection to the patenting of farming units or allotments which are in those economic units, than there would be to the wholesale patenting of small grazing areas which would complicate the administration of large units.

Mr. D'EWART. Do we have a report on H. R. 1113?

The CLERK. No, sir.

Mr. D'EWART. It would be unfavorable?

Mr. ZIMMERMAN. I think probably it would be, yes, Mr. Chairman, although in the light of the discussion this morning I thought that I should probably call attention to some of these other factors to be set up as criteria in the event restrictions are to be removed.

(Thereupon the committee proceeded to the consideration of other business.)

# EMANCIPATION OF INDIANS

TUESDAY, APRIL 8, 1947

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON INDIAN AFFAIRS  
OF THE COMMITTEE ON PUBLIC LANDS,  
*Washington, D. C.*

(The subcommittee met, at 3:20 p. m., for further consideration of H. R. 2958, Hon. Wesley A. D'Ewart, presiding.)

Mr. D'EWART. We will proceed with Mr. Zimmerman's statement on the two Case bills, H. R. 2165 and H. R. 2958.

## STATEMENT OF WILLIAM ZIMMERMAN, JR., ASSISTANT COMMISSIONER, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

Mr. ZIMMERMAN. Mr. Chairman, I will discuss, with the committee's permission, Mr. Case's new bill, H. R. 2958, because it really includes within its provisions the substance of the earlier bill.

I ask the indulgence of the committee because I did not see this bill myself until this morning and my comments, therefore, are in the nature of extemporaneous remarks, but I am familiar in a general way with Mr. Case's purpose and I will try to give you my best opinion.

First, as to the title of the bill, I should prefer to see the word, "emancipation" eliminated. I think it has unfortunate connotations which do not really apply to the present status of the Indians.

The restrictions that exist, with the exception of liquor, and possibly one or two others, are really restrictions against the disposal of property. They are property restrictions and not restrictions against the person, and I would suggest that when the bill is reported, if it is reported, that some other words be used in the title.

Mr. MURDOCK. Mr. Chairman, if we should pass some other bill, such as Chairman Welch's bill, then it would give us more reason for changing the title. I do not like the word "emancipate" in this connection.

Mr. ZIMMERMAN. Yes. This bill does refer in section 2 to civil rights. As a matter of fact, the term "civil rights" probably would cover most of the language within the bill, and some reference to Indian civil rights would be a happier phrase than the word, "emancipation."

Mr. BARRETT. What would it be then, to grant civil rights to Indians, is that the idea?

Mr. ZIMMERMAN. I do not know. When you get the bill rewritten, I think the title will probably suggest itself.

As to section 1, section 1 sets up five criteria by which Indians shall be judged before they may be treated in the language of this bill as free and unrestricted.

Under existing law the Secretary of the Interior, either directly, or through his representatives, exercises discretion. I see no objection to permitting the exercise of that discretion or even removing his discretion at the same time setting up criteria of this character.

I agree with the comments that were made by some of the members of the committee this morning as to subsection (c), having to do with the naturalization of aliens.

It seems to me that that requirement is unnecessary if you retain subsection (b) which requires graduation from a standard high school or its equivalent. I assume that a graduate from a standard public high school would at least have sufficient intelligence and knowledge to pass ordinary naturalization tests.

As to the method by which these criteria should be applied I have not reached a conclusion in my own mind.

I see some objection to imposing this added burden on Federal judges. I have no objection from our own standpoint, but I am not sure that the Department of Justice and the courts will welcome this additional work.

Mr. D'EWART. How about the State district court or the county court? That is generally where citizenships are heard.

Mr. ZIMMERMAN. I suspect that the Solicitor and perhaps the Department of Justice, in spite of what I say about the burden on the courts, would prefer to have the Federal courts make the determination because the relinquishment of supervision and the removal of restrictions really is a Federal agency that is diverting itself of responsibility, and for that reason it would seem more appropriate for a Federal court to do it than to have a State court do it.

It might be possible for the certificate, in the first instance, to be issued by the superintendent, and perhaps an appeal could lie from the superintendent either to the Secretary or to the court in the event that the superintendent refuses to approve. I suggest that as an alternate possibility. That might not put so many cases into the Federal court.

Objection was made this morning, Mr. Chairman, because the language as here presented might remove all restrictions from the property of a minor. I would agree that it would be better if some new language were added to make it applicable only to persons of legal age.

Mr. BARRETT. Mr. Zimmerman, I am not familiar with the laws in the various States. Is 21 generally accepted as the legal age in the large majority of the States?

Mr. ZIMMERMAN. Generally, yes, sir. I think in some cases 18 years of age in some States is legal age for a married woman.

Mr. BARRETT. I think that is true in Wyoming, too.

Mr. ZIMMERMAN. And in the Sioux country there is a statute which provides for certain benefits to the heads of a family, and that might apply to a married boy or girl under 21 years of age.

Mr. LEMKE. Does the gentleman yield?

Mr. BARRETT. Yes.

Mr. LEMKE. There were a lot of bills introduced in the State legislatures during the war to lower the age limit to 18 in some of the States. Do you know whether any of those bills were passed?

Mr. BARRETT. I think language there saying legal age in the State of residence of the Indian would be better than attempting to set it at



21 because then it would take care of a married boy or girl who is 18 years of age and possibly others.

Mr. ZIMMERMAN. I see no objection to that.

I assume that sometime your committee may want the Solicitor or some representative of his office to discuss some of the legal questions in this bill with you.

Now, next referring to subsection (e) in section 1, I would like to point out that the determination of tribal membership is not a Federal function. The Indian tribes themselves determine the conditions of membership.

Now, a number of the tribes have indicated a desire to compel relinquishment of tribal membership in the event that individual Indians want to take fee patents.

Now, paragraph (e) refers to a period of 5 years absence from a reservation. In some case absence from the reservation for a period of 5 years would terminate tribal membership.

There is a basic question of policy that it seems to me the Congress must resolve and that is as to whether or not removal of Federal control should be coupled with or may be coupled with a determination by the tribe which might result in the elimination of the individual from the tribal roll.

Some of the tribes will probably insist on removing those people from the roll if they accept fee patents, and some would not.

I merely point out that it is a function that heretofore has been exercised by the tribe and not by the Federal Government.

Mr. BARRETT. Is it binding, Mr. Zimmerman? Is that recognized by law?

Mr. ZIMMERMAN. I think so. It has been generally recognized by the courts, in numerous court decisions and numerous decisions by the Departments.

Mr. BARRETT. So, it is a well-settled proposition?

Mr. ZIMMERMAN. Yes, it is a well-settled practice, and the tribes have generally set up three criteria. One of them was the possession of Indian blood; the second was affiliation and residence, and the third was recognition.

For example, in Minnesota the Chippewas who live away from the reservation do not lose their membership in the tribe, but their children and their heirs do lose it. In some cases that kind of a rule prevails, and in some cases it is set out either in the tribal constitutions or in ordinances. So, any provision here which would set a minimum or a maximum period of separation might affect tribal membership.

Mr. MURDOCK. That is for the purpose of establishing the roll?

Mr. ZIMMERMAN. Yes, sir, that is for the purpose of establishing tribal membership.

Mr. MURDOCK. How about eliminating a name from the roll?

Mr. ZIMMERMAN. That has been covered by the tribes. A number of the tribes have come to Congress and asked for special acts covering that. The Klamath Indians, for example, have an act which set up a blood limitation and various other tribes have that.

Mr. BARRETT. Let me ask you a question right there: After they are once on the rolls do they have the right to take them off the rolls? If they are removed from the reservation do they have the right to stay on the rolls?

Mr. ZIMMERMAN. I think, generally, yes. The rolls are subject to some limitation under the statute.

Mr. BARRETT. I think that is a very important point in this bill, that is, the matter of the right on the rolls.

Mr. ZIMMERMAN. As I recall Mr. Case testified this morning indicating that he would not be in favor of requiring a renunciation of interest in tribal property, a renunciation of tribal membership, but I think that is a question of general policy which the committee should consider.

Mr. BARRETT. Yes.

Mr. ZIMMERMAN. In Mr. Case's district, in South Dakota, the Rosebud Council, for one, has passed a resolution instructing us in the Department not to approve fee-patents unless the Indian is willing to renounce his membership in the tribe. That is not done in the Department. Mr. Case referred to that situation and introduced into the record a form of statement which in some cases the Indians have signed when they sold their lands. That is a matter of tribal determination, unless Congress passes a statute which would overrule them, but the question is there and will have to be faced.

Mr. BARRETT. As I understood, Mr. Zimmerman, there is no question that if we provide by law that they shall be retained on the rolls that they shall retain any rights that they have because of membership in the tribe that they then hold any benefits secured by the tribe, with reference to their membership or their rights as members.

Mr. ZIMMERMAN. I am inclined to think so. I am inclined to think that Congress could say that the issuance of a certificate of competency, or whatever it might be called, should not require separation from the tribe. I think that probably that would be within the power of the Congress.

Mr. BARRETT. And they will continue; that will extend to their children even though they are removed from the reservation and were not affiliated?

Mr. ZIMMERMAN. I am not so sure about the children, whether that would be the fact, and they would not be members by inheritance; they would not be members by that reason, and the only way in which they could become members would be by adoption. Most of the tribes do have members by adoption.

Mr. BARRETT. We are running right into this proposition, in my opinion, Mr. Zimmerman, if we do not protect these people in their rights in the tribal funds and the tribal property, and it would seem that this right should be extended to them.

Mr. ZIMMERMAN. Well I do not know. My own personal feeling has been that that could well be left to the tribes. Many of the tribes have no assets of any significance. The loss of tribal membership does not mean anything in dollars to them, and if the individual no longer wishes to be carried on the Indian rolls, or wishes to be removed from the reservation, the loss of tribal membership has no significance. In your interchange this morning with Mr. Case, Mr. Case used the words, as I recall, of vested rights.

Mr. BARRETT. Yes.

Mr. ZIMMERMAN. The individual Indian, unless Congress has acted as it has in the case of the Osages and one or two other tribes, has no vested rights. His headright, his share in the tribal estate

dies when he dies. His children have their interest in the tribal estate in their own right. They do not inherit anything additional, any additional right, from their parents. Their right to it is as members, an inchoate right.

Mr. BARRETT. That is what I was inquiring about.

Mr. ZIMMERMAN. There is no question but what Congress can change that situation. Congress can freeze the membership, if it wishes, and say that from now on there will be just 2,000 Crows in the tribe, and that means 2,000 shares of Crow stock and that from now on all other Crows will inherit from those 2,000 people. That can be done.

Mr. BARRETT. Whether they are on a reservation or off the reservation?

Mr. ZIMMERMAN. Yes, that can be done. The Osage headrights may be inherited by Indians regardless of where they live. In effect that becomes a stock corporation.

Mr. BARRETT. Under this bill, Mr. Zimmerman, as I indicated this morning, it seems to me that the Indian who is emancipated, after that determination as to citizenship is granted to him would get only the allotted lands belonging to him, and any personal property, of course. And on the other hand if he leaves the reservation he might lose his right in any tribal funds or tribal properties which were undistributed at the time. If the tribe then by its regulation decided that he was no longer on the roll, he would lose his rights. Is that correct?

Mr. ZIMMERMAN. That is right. That is not necessary unfair. Suppose, for instance, I am legal resident of Illinois and Illinois happens to have a cash surplus in the Treasury, but I decide to remove from Illinois to some other State like South Dakota—I almost said North Dakota—which we will assume has no cash surplus in the Treasury. I cannot take with me my per capita share of the surplus in Illinois. That is a part of the price I pay for wanting to leave Illinois and live in South Dakota.

Mr. BARRETT. That brings us back to the same point I raised that unless we do protect their rights we are in fact penalizing them for accepting the benefits under this bill.

Mr. ZIMMERMAN. If that might be regarded as a penalty.

Mr. BARRETT. I do not think that is exactly fair, myself. If they are entitled to this consideration, as I pointed out this morning, I do not like the approach of this bill for the reason that I do not think it is fair to the Indian or is it quite accurate to say we are granting them citizenship. Under my theory, they have always had citizenship in this country and we merely recognized in 1924, and to say that we are now granting citizenship seems to be an affront to the Indian himself. If we are going to do something for these Indians who have progressed to the point where they are probably above the average of the white population I do not think we ought to impose upon them hard and fast regulations that would say: "All right, you can get out; but now you are on your own and you have lost your inheritance by doing it."

Mr. ZIMMERMAN. Well, I do not think that is quite what was intended. When the tribal estates were distributed through allotment I think it was then the intention of the Congress in many cases, at least, to distribute whatever tribal property there was in the allotted

area; Congress generally did provide that whatever surplus land was left after the allotments were made should be sold and the proceeds paid to the Indians. It is true that since then that some of the Indians have found that their property is more valuable, timber is more valuable, and some of them have found oil on their property.

Mr. BARRETT. Getting right down to brass tacks, Mr. Zimmerman, I believe you testified before this committee some weeks ago, that there is on deposit in the Treasury about \$50,000,000 in trust funds.

Mr. ZIMMERMAN. That is correct.

Mr. BARRETT. Belonging to various tribes.

Mr. ZIMMERMAN. That is correct, tribes and individuals.

Mr. BARRETT. Tribes and individuals.

Mr. ZIMMERMAN. Yes; that is correct.

Mr. BARRETT. About equally divided?

Mr. ZIMMERMAN. That is right.

Mr. BARRETT. Now as to the \$25,000,000 that stands in the name of the tribes: The individual Indian who is a member of that tribe has no right to any part of that money except as it may be distributed by the Indian Bureau?

Mr. ZIMMERMAN. That is correct. We have no authority in most cases to make a per capita distribution; not in all cases. In the case of some tribes, legislation is necessary, as in the case of the Red Lake.

Mr. BARRETT. The point I wanted to make, Mr. Zimmerman, was this: That if the \$25,000,000 in the funds in the Treasury to the credit of the various Indian tribes represents funds in which the individual members of those tribes have no property interest.

Mr. ZIMMERMAN. Yes; that is correct.

Mr. BARRETT. Unless and until it is segregated and divided on a percapita basis and then only would they acquire interest in that fund.

Mr. ZIMMERMAN. That is correct: they have no vested interest in those funds, except as the Congress has provided otherwise; it is held in the Treasury subject to appropriation.

Mr. BARRETT. On the Shoshone Tribe I think the evidence discloses you had invested \$500 in Government bonds for each member of the Shoshone Tribe.

Mr. ZIMMERMAN. That was done pursuant to an act by the Congress.

Mr. BARRETT. And that was divided among the individual members.

Mr. ZIMMERMAN. The bonds are held in the Treasury in the name of the individual Indians.

Mr. BARRETT. That is his property.

Mr. ZIMMERMAN. That is correct. That was pursuant to a specific act of the Congress in one of the appropriation bills—I do not remember which year.

Mr. BARRETT. Now if under Mr. Case's bill an Indian is emancipated, he gets his allotted land, he takes his own personal property, but he loses any right that he may have in the tribal funds that is presently held by you as a trust fund of the tribe, and unless and until the tribe itself says he is no longer a member of that tribe he has an interest in it.

Mr. ZIMMERMAN. Under Mr. Case's bill, I think, he would not lose his tribal rights. My suggestion is that the tribe should have some

right to determine what would happen to the personal interest of any member who wanted to renounce his membership. I think Mr. Case indicated this morning that he believed that the two should not be tied together, that even though the Indian removed from the Indian reservation that he should still have his claim against the Government.

There is a second point which the committee needs to consider and that was mentioned this morning—

Mr. LEMKE (interposing). May I ask you a question before you leave the tribal matter?

Mr. ZIMMERMAN. Yes.

Mr. LEMKE. You suggested there are some 225,000 Indians on the different reservations.

Mr. ZIMMERMAN. Yes.

Mr. LEMKE. \$50,000,000, if we assume that went to the 225,000 would mean less than \$200 each, if we assume that it could be distributed that way.

Mr. ZIMMERMAN. I do not think you could assume that because it does not belong to all of the tribes.

Mr. LEMKE. I am just using that as an illustration, if it were distributed on a per capita basis, taking that as a theoretical figure—

Mr. ZIMMERMAN. I do not think you should make a supposition of that kind, because those funds are tribal funds, and they belong to particular groups.

Mr. LEMKE. Yes.

Mr. ZIMMERMAN. And you could not distribute it in that way.

Mr. LEMKE. I was just using that as an illustration.

Mr. ZIMMERMAN. You could not any more take the property and distribute it that way than you could take property that belonged to the United States Steel Co. and distribute the stock of that company to the Standard Oil Co.

Mr. LEMKE. I am just trying to find out just what is proposed to be done, just what is being lost by virtue of the Indian renouncing his membership and becoming emancipated. There would be about \$1,100 for each of the Indians if it were distributed on that basis, would there not?

Mr. ZIMMERMAN. Well, you have figured it out.

Mr. LEMKE. On some tribal lands they have oil wells, producing wells, have they not?

Mr. ZIMMERMAN. Yes, they do.

Mr. LEMKE. Now, if I were a member of the tribe that owned the oil wells I would lose my interest in the oil wells if I left the tribe, because I would not have any vested interest.

Mr. ZIMMERMAN. That is correct.

Mr. LEMKE. Others do not have any developments of that character.

Mr. ZIMMERMAN. That is correct. They lose it today if they abandon the tribal membership.

Mr. LEMKE. I just thought that fact should be brought out because this bill does not make it clear.

Mr. D'EWART. In addition to the tribal fund of \$25,000,000 referred to, there is still another \$25,000,000 which belongs to the individual Indians.

Mr. ZIMMERMAN. Yes.

Mr. D'EWART. I take it under the proposed legislation the moment the Indian is emancipated he would share in that fund.

Mr. ZIMMERMAN. I take it to be so, that this would be mandatory, although the language of section 2 is not too clear, but I read it to be mandatory, that any personal property, including money in the Treasury, would become unrestricted.

There is another minor point that I mentioned in connection with the previous bill, that needs to be considered, and that is the complication that would arise if restrictions were removed from heirship property at the same time that restrictions are removed from the allotments of individual Indians, if the language of this bill were enacted. We would have undivided interest in numerous estates. Some of these undivided interests—some of them would be restricted and some of them would be unrestricted, and there would be many complications in the administration of estates of that character. And I see no reason why a distinction could not be made between land-owning interest and lands there, because if the Indian has only a fractional interest there ought to be some safeguard placed there so we would not have the heirship problem multiplied many times over; there ought to be a provision by which we could dispose of the heirship interest.

Mr. D'EWART. You have reference perhaps to legislation we have before us regarding the Crow Indians and others where we had one-sixtieth rights in certain land. If the Indian were to be emancipated there should be a provision whereby that one-sixtieth interest could be disposed of.

Mr. ZIMMERMAN. I think so. That one-sixtieth interest is full negotiable. If some outsider bought that one-sixtieth there would be endless administrative difficulties; we would not only have the cash complications as we now have them, but we would have them multiplied many times over.

Mr. D'EWART. That is the point you are making.

Mr. ZIMMERMAN. That is the point I was trying to make, in reference to the administrative problem that would be created by the terms of this bill.

Mr. BARRETT. Mr. Zimmerman, in order to get my own point clear—and I may be rather thick this afternoon, although I cannot quite see it. Under section 2 of the Case bill the Indian upon being emancipated is entitled to all the rights of citizenship, among others being the following, but not excluding the rights not specified:

They include the right to administer personal property;

(b) The right, upon written application therefore, to receive promptly a patent in fee to any lands allotted or inherited by him and to administer this or any other real property owned by him: *Provided, however,* That nothing in this Act shall be construed to require the division or sale of tribal property, real or personal.

I just cannot see wherein the Indian gets anything except his personal property and his allotment in fee, because under the law no division is made of the judgment fund or trust funds or other tribal property, and if he has got to move off and work out his own destiny some place else, and leaves the tribe and you as the Acting Commissioner of Indian Affairs, maybe, the tribe some day through the operation of the council, will divide the trust funds, or the other property.

What do you think about that?

Mr. ZIMMERMAN. I think your interpretation of that language is correct. The proviso in section 2, subsection (b) states—

That nothing in this Act shall be construed to require the division or sale of tribal property, real or personal.

As I have indicated, and what I have said probably needs correction after reading this section. It would rest with the tribe whether or not they wished to make any payment to pay off any individual who withdrew.

Mr. BARRETT. That is right.

Mr. ZIMMERMAN. That is what this bill would permit.

Mr. BARRETT. But, Mr. Case did not indicate he was talking about vested rights or interest. There are no vested rights or interest in the tribal property.

Mr. ZIMMERMAN. I agree with you. I think the position you took in your discussion with him was fully correct, that there are no individual vested rights.

Mr. BARRETT. Of course if the Indian walks off then he would be at the mercy of the tribe and the supervision of Mr. William Zimmerman if he were no longer a member of the tribe; is that not right?

Mr. ZIMMERMAN. No. I would leave it to the tribe; it would be left to the Congress, because Congress can change it.

Mr. BARRETT. Congress might not do any better job than the Commissioner of Indian Affairs.

Mr. ZIMMERMAN. I would hope that many heads would be better than one.

Mr. BARRETT. At any rate I think we ought and the Indians ought to know exactly where they stand. If we pass any legislation, and if the Indian thinks he has got any interest, then he had better disabuse himself of it because he may never live to get anything he may think he has, or will have at some future date, because the tribe itself may use the fund for tribal purposes, for anything they may be inclined to use it for.

The thing I want to find out is this: Under this bill, if you should make per capita payments, and if you have got the authority to say to this tribe or that tribe that you cannot take this particular Indian off the roll, or if he moves away and stays for a long period of time, 5 years or longer, will the tribe get it and not the children; is that right?

Mr. ZIMMERMAN. I think the Congress probably has the authority to do it; I am not all together clear about that, whether the Congress would be invading the field which the tribe has heretofore had for themselves. Congress has not heretofore attempted nor has the tribe attempted to impose conditions of membership, or what they should receive as a result of those conditions.

Mr. BARRETT. Would it be fair to include a provision so that if a man were to get his civil rights, left the reservation, went out on his own, and then the tribe would liquidate his rights and assume the obligations to him?

Mr. ZIMMERMAN. Some of the tribes have commuted those rights.

Mr. BARRETT. Yes.

Mr. ZIMMERMAN. In the case of the Klamath Tribe that has been considered many times. If all the assets of the Klamath Indians were

sold at the market price each Indian would get a certain number of dollars. It is not likely that they would get as much if it should be put up on a cash sale. As the tribal estate is administered, as it is now being administered, the timber is being sold off over a period of 50 years, and obviously you can commute the value of that interest, which would be much less, theoretically, than the \$50,000, or whatever the man could get from an immediate disposal of it.

Mr. BARRETT. I see.

Mr. ZIMMERMAN. And so far as I am concerned I am inclined to view that that is something that ought to be left to the tribes, which have the asset and who ought to be in the best position to decide what they want to do with it, and I would say let them do it. And if they do not want to do it that again should be their privilege.

Mr. BARRETT. What we want to do here, Mr. Zimmerman, is to make it attractive enough for a man who is fully confident to manage his own affairs to get out from under the wing of the Bureau of Indian Affairs, the United States Government, to get out on his own, and if we in undertaking to do that require him to sacrifice some of his rights to things he has in the tribal fund, if he should leave, to that extent we remove the attractiveness.

Mr. ZIMMERMAN. Well there is no difficulty now; many of them are leaving; many of them are leaving as fast as they can, and we would like to see them leave, but many of them are staying on. But there are a good many thousands of Indians who are on their own. Some of the witnesses who have testified here yesterday and today have really nothing to do with the Indian Bureau.

Mr. BARRETT. I realize that.

Mr. ZIMMERMAN. They have no property that we control and they have practically nothing to do with the Indian Bureau. By and large it is those Indians who have nothing, who have no restricted property, who are the most insistent upon emancipation; it is those who have some property that are being safeguarded—

Mr. BARRETT (interposing). With reference to the California Indians they have their own civil rights, do they not?

Mr. ZIMMERMAN. Certainly.

Mr. BARRETT. It would not be a case of passing any legislation to grant them civil rights there, would it?

Mr. ZIMMERMAN. So far as I know each of them has the right of citizenship.

Mr. FERNANDEZ. This bill, without emancipating the Indian completely from the Indian Office just says that we emancipate them; it just undertakes to emancipate the Indian from the bootleg whisky, does it not? In other words, it repeals the law prohibiting the sale so they can go out and buy it.

Mr. ZIMMERMAN. May I repeat what I said previously?

Mr. D'EWART. Mr. Fernandez, Mr. Zimmerman made a statement about that matter just before you came in.

Mr. ZIMMERMAN. In our discussion of the Welch bill for the administration of Indian loans I pointed out that the bill is in conflict with section 4 of Mr. Case's bill.

Section 4 apparently intends to repeal all laws, including the liquor laws, which apply specifically and solely to Indians. The liquor bill, which Mr. Welch discussed, goes only part way; it only amends the existing liquor law; it removes the restrictions from the Indians away



from the reservation. I think you were not here, Mr. Fernandez, when I discussed that provision. I was talking about that before you came in.

Mr. FERNANDEZ. I had reference to the provisions in the Case bill.

Mr. ZIMMERMAN. Yes.

Mr. FERNANDEZ. Apparently it repeals the liquor law.

Mr. ZIMMERMAN. I think it does.

Mr. MURDOCK. May I just make a comment at this point, Mr. Chairman?

Mr. D'EWART. Yes, Mr. Murdock.

Mr. MURDOCK. I do not know that this has any bearing on the present discussion, but we are trying to shape legislation here that will permit the Indians who desire to leave the reservations to go out on their own, and to furnish them a real inducement to go out on their own. But I find among some Indian tribes that that is not at all to their liking; in fact, they are doing the best they can to prevent just that sort of thing happening. They may have religious or other reasons for wanting to keep their membership on the reservation, and within the close-knit organization of the tribe. I can state that as a fact. I do not know what bearing this has on the measure before the committee, but it is a fact that I think we should consider.

Mr. ZIMMERMAN. I think that is undoubtedly true, Mr. Murdock, but you do know many Janajos who work for the Santa Fe Railroad and other railroads 6 to 8 months out of the year and then go home for 2 or 3 months; they go back to their own place on the reservation. Also the Papagos go to where they may work all winter and then go back home for a period of time. Those people would not be affected by this legislation.

Mr. D'EWART. I do not know whether you get the point that was being made, Mr. Murdock, but this bill only refers to Indians who ask, on their own initiative, to leave. There was some discussion about whether it should be mandatory or whether it should be left up to them to decide.

Mr. MURDOCK. That is the point I had in mind. The most difficult Indian tribe to get voluntarily to dissolve probably is in the State of Arizona—the Hopi. They are living like eagles on rocks, and they are about to starve out, and we have said to them that we have some good land down along the Colorado River, and why not go down there and possess it; but very few of them so far have seen fit to do so, although the inducement is great.

Mr. ZIMMERMAN. That is right.

Mr. MURDOCK. One of the representatives of the Hopi Indians who came before the committee last year for the Hopi people live on the mountains and he said they did not want to go down on the Colorado River Indian Reservation, and when asked why, he said because their gods were up there and they did not want to leave them.

Only about 10 percent of them are Christian. You can go among the Hopi Indians and say to them that you are trying to fix it so the young men can go out and be on their own, but they do not recommend it.

Mr. ZIMMERMAN. Some of them will, Mr. Murdock. The Hopi Indians who have gone down to the Colorado River are doing just that; they have gone down there with the understanding that if, after they have been there for a year, they will either be adopted into

the Colorado River Tribe and at the same time give up their tribal membership, or they can go back home. They have got to do one or the other, because they cannot have membership in two tribes.

I think that a good many of the Hopi Indians would go down there now if we could get the land for them.

Mr. D'EWART. In your estimation, would this proposed legislation upset that arrangement?

Mr. ZIMMERMAN. No; I do not think so, because I think most of those people are now willing to go because of the economic opportunities being greater in the new location than at their old home. They have the opportunity to go to the Colorado River location to get irrigable land.

Mr. LEMKE. As I understand, the purpose of the Case bill which we have before us ultimately is to get rid of the Indian reservations entirely; that it is to be the beginning of it. However, while we undertake to give the Indian certain rights to property as an inducement to leave, he is being restricted as to many other rights; that is, as far as his interest in the tribal property is concerned and the tribal funds and real estate. Under that proviso there is no inducement for him to leave. The inducement is rather to stay on the reservation. And if we are to report this bill out I would like to have it provide some inducement for the Indians to leave, for him to go out on his own; because if you do not have such a provision, protecting their interest in the tribal funds and property, they will not want to go.

Mr. ZIMMERMAN. Maybe we ought to pay them a bonus?

Mr. LEMKE. I think perhaps that might be a good system.

Mr. ZIMMERMAN. Most people now think that every Indian now does receive a bonus of some kind from the Government.

Mr. LEMKE. It may be that the Government could give them a bonus to get them to leave. But, nevertheless, when I read this bill, which is supposed to offer an inducement for them to leave, I find on the other hand that they have to surrender some rights in order to get away from other requirements.

Mr. ZIMMERMAN. I think it offers an inducement to a good many of them now.

Mr. LEMKE. But it also takes away from them some of the rights they now have.

Mr. ZIMMERMAN. No.

Mr. LEMKE. It leaves the proviso in, as I construe it, under the clause providing that nothing in the act shall be construed to require the sale of tribal property, real or personal.

Mr. ZIMMERMAN. But it does not take any rights away from them.

Mr. LEMKE. The Indian has to surrender his interest in the tribal fund. While he may not have a vested interest in it he has an interest, and this leaves it up to the tribal council; he becomes subject to the decision of the tribal council in whatever it may wish to do with respect to that property.

Mr. ZIMMERMAN. This language does not take anything away.

Mr. LEMKE. It does not specifically take it away but it does not give him anything; the Indian has to remain there to benefit in those tribal assets.

Mr. ZIMMERMAN. He does not, under that language. It does give him rights to his individually owned property.

Mr. LEMKE. But he has certain rights to an interest in the tribal property as a member of the tribe which he loses and which he leaves behind. It may be nothing but that of being a member of the family, but he has the right to live there. But if he leaves he loses whatever interest he may have—the right to stay on the reservation, and under the parent's influence. You have suggested that some council may be willing to pay them—to make a settlement with them when they leave.

Mr. ZIMMERMAN. I think they would.

Mr. LEMKE. I think that very few of them would do so unless the law compelled them to do so, because they are just like other people: They would rather keep what they have.

Mr. ZIMMERMAN. That may be true as to some, but in some instances they will be glad to get rid of others.

Mr. LEMKE. That might be true in some cases, but they would not like to get rid of the best members of the tribe. So I have the feeling that provision should be made to let them take a part of their own interest, whatever it may be. In some cases it may be livestock, where they share in the cattle range. I think perhaps you as Commissioner did a good job in saying that it would not be to the best interest of Indians to dissipate this property, but you could give them a few cattle. Cattle have value, and that value could be readily determined. Whether they have any title to them as individuals or not, they still do have an interest as members of the tribe, and I feel that such interest should be vested, if you expect to get any of them to leave.

For instance we have a mighty fine dairy herd for some of the Indians up in my State, and I think you have done some mighty good work in developing that herd of dairy cattle. Now why not let them take one or two of these dairy cattle with them when they leave? That would offer some inducement for them to leave.

Mr. ZIMMERMAN. There is no restriction on their leaving. They can go now; they can still go.

Mr. LEMKE. They can still go, but they would like to have some cows to take with them.

Mr. D'EWART. I think what you have in mind is not covered in the bill under discussion. This bill only contemplates leaving it to the individual Indian to decide whether he wants to go. What you have in mind is the disposal of the tribal assets.

Mr. LEMKE. No; I do not necessarily have that in mind. I feel that they should keep the tribal assets, but the interest which the individual Indian has should be given to him when he decides to leave, based upon a reasonably estimated value of the interest he has in the tribal assets.

Mr. D'EWART. I think Mr. Zimmerman's point is that it should be left to the tribe to determine how much, or whether they are willing to do that.

Mr. ZIMMERMAN. That is my feeling about it.

Mr. LEMKE. Which means that the tribe will give them nothing when they leave the tribe, because the greater the number who leave the tribe the more there will be left for those who remain. We know that human nature is pretty much the same everywhere, and the Indian is just as bad as the white man in that respect. And whatever is left will be just that much greater for those who remain, and naturally they are not going to volunteer to surrender very much, unless the law provides that it shall be done.

I think there should be some provision that would do justice to the tribal members who remove themselves voluntarily from the tribe. And I do not want to break up the tribes, but there should be some provision in the bill whereby they would have to pay a reasonable amount, not necessarily in cash, but in a division of the personal property, such as cattle—a reasonable amount representing what the Indians who leave are entitled to as their fair share of the property.

Mr. D'EWART. I would like to ask you the question how you would determine it; would that be something to be determined by the Claims Commission?

Mr. LEMKE. Whenever the judgment is rendered, a proper settlement could be worked out which would protect the Indians and give those who leave a proper share of their funds. And with respect to personal property, when they left they should share in the cattle, dairy herd, or whatever it was.

Mr. D'EWART. I can see where that could be done with respect to physical property, such as cattle, but what about the situation that exists in Mr. Barrett's State where they have oil and prospects for oil on the reservation; how would that value be determined?

Mr. LEMKE. Just as you would determine the value of a piece of land where you find oil on it, or where oil developments are under way. For instance, if I sold my land today and left it to somebody else who bought it and they discovered oil on it there would be nothing I could do about it.

I think that is being done in some instances in Mr. Barrett's State; is it not?

Mr. BARRETT. I think the State requires that to be done.

Mr. LEMKE. If that could be done, we could get rid of one of the difficult questions, because I do not think that any of them are ever going to leave—in fact they will rather insist on remaining if they do not receive some of the benefits they are entitled to share out of the tribal assets.

Mr. BARRETT. Under the Case bill, assuming that the individual gets his allotment of the personal property and he goes out from the tribe into some business and then he fails pretty badly and goes flat broke, can he come back to the tribe then and receive the benefits to which the other members of the tribe are entitled?

Mr. ZIMMERMAN. I would say under the language of this bill that it leaves it open. And there is a second major problem that you should consider: If the individual Indian leaves the reservation, should he then be cut off from any further Federal funds? If he takes this step and gets the certificate making him free of any restrictions as to the use of his property, are you going to say at the same time that he is no longer the responsibility of the Federal Government?

Mr. BARRETT. Just the same as the other 140,000,000 people in the country; treat him the same as the other people are treated.

Mr. ZIMMERMAN. Yes.

Mr. BARRETT. Mr. Zimmerman, if you do it that way it seems to me that certainly you ought to do as Mr. Lemke has just pointed out: Give them a fair share of the tribal assets, figured on their present value.

Mr. ZIMMERMAN. I do not mean to be contentious about this, but it is tribal property. I guess the Congress has the authority to distribute

tribal property, but it would seem to me to be more equitable to say that it is tribal funds and that the tribe should decide whether or not they wish to pay the Indian who leaves so much when he goes.

As to the rights to Federal services, the authority of the Congress is clear there, and in fact there is a bill which we will submit to you, as a proposed amendment to one of the patent-in-fee bills, wherein we have suggested such language as that; which would authorize, as a prerequisite to the issuance of a patent-in-fee, a disclaimer by the Indian of future Federal services.

Mr. D'EWART. Your point is that this land, or funds, or whatever it may be, belongs to the tribe and does not belong to the United States Government?

Mr. ZIMMERMAN. That is correct.

Mr. D'EWART. And, morally at least, the tribe has the right of it where we might not have.

Mr. ZIMMERMAN. That is correct. It seems to me, if it is the property of the tribe then the tribe really ought to have the final voice in disposing of it.

As to the services which the Federal Government renders to the Indians, that is a matter for the Congress to determine, as I see it; but the Congress cannot, in my judgment, take the same position with reference to the other property.

If your intention is that these people who are competent to receive some certificate of competency, should no longer be considered as Indians, then we should be relieved from the responsibility a year from now, or 5 years from now, if they decide they want to come back.

Mr. FERNANDEZ. Mr. Zimmerman, these Indians who have cattle in South Dakota have personal control over them; that is, can they sell those cattle, trade in them?

Mr. ZIMMERMAN. Yes and no. It depends entirely on how the title to the cattle is vested. A good many of the Indians own cattle, with title; but for a lot of the cattle title is in the United States for the benefit of the tribe. If that is the case the sale of the cattle then depends upon receiving permission from the superintendent.

Mr. FERNANDEZ. Is that generally the case?

Mr. ZIMMERMAN. That is generally the case, yes. The regulations permit wide latitude. Then there is a second factor, an obvious one, the matter of taxation. If the title is in the individual Indian then it is personal property, which would be taxable by the local taxing unit.

Mr. FERNANDEZ. Under the Case bill they would then give up the control over these cattle?

Mr. ZIMMERMAN. They would. I think that is under section 2.

Mr. FERNANDEZ. Do you not think that the only people, the only Indians, who would ever qualify under this bill would be those having allotments and those having personal property, and nobody else?

Mr. ZIMMERMAN. I think it is clear that this bill is in many ways more applicable to the allotted areas in the North than it is in some of the unallotted reservations in the Southwest. I think that is clear.

Mr. FERNANDEZ. And the people who have allotments and personal property will be the ones who will qualify under the bill?

Mr. ZIMMERMAN. Under this language the Papagos and the Pueblos and the Navajos, where the personal property is unrestricted.

Mr. FERNANDEZ. I am now talking about the people who have allotted and personal property. They would be the only ones who would take advantage of the provisions of the bill; is that not true?

Mr. ZIMMERMAN. Well there are a good many other provisions. That is true as to that particular section.

Mr. FERNANDEZ. Yes, as far as the Case bill is concerned.

Mr. ZIMMERMAN. But there are other sections in the bill.

Mr. FERNANDEZ. As to property rights, I mean.

Mr. ZIMMERMAN. As to property rights, yes.

Mr. FERNANDEZ. You do not anticipate that anybody else, any Indians except those having allotments and also property would be "emancipated" under the provisions of this bill, do you?

Mr. ZIMMERMAN. They have to have allotments, as I say—I had better look at that again. No, this does not require them to have an allotment. Section 1 would apply to any Indian.

Mr. FERNANDEZ. But unless he has an allotment or personal property he would not get anything by this bill, would he?

Mr. ZIMMERMAN. He would not get anything out of it except whatever satisfaction there may be from it.

Mr. BARTLETT. There is no prohibition against his now walking off the reservation?

Mr. ZIMMERMAN. No, he is free to go now.

Mr. FERNANDEZ. He already has that right?

Mr. ZIMMERMAN. He is freed of the restriction on removal now.

Mr. BARRETT. He can emancipate himself if he wants to do so now.

Mr. ZIMMERMAN. That is right. Any Indian can leave the reservation under existing law. He can withdraw from the tribe; there is nothing compelling him either to stay on the reservation, or remain a member of the tribe.

Mr. BARRETT. The only thing that we are emancipating the Indian from is the liquor restrictions; is that right?

Mr. ZIMMERMAN. That, and whatever property is affected by this bill.

Mr. BARRETT. But if he has no personal property?

Mr. FERNANDEZ. We have a number of tribes which I believe could qualify now to be emancipated, either as a tribe or as individual members of the tribe. The tribal land could be given to that tribe fully, to do with whatever they want; divide up among themselves, or sell it, lease or what they might please. Is that not true?

Mr. ZIMMERMAN. That is pretty close to right. I think perhaps you will agree with me that one of the Apache groups have made phenomenal progress during the last 15 years.

Mr. FERNANDEZ. Do you not think it might be advisable for the Department to take some one of those tribes which is now capable of being emancipated, give them their emancipation, and try out that tribe first to see how it works out, before we start with the rest of them. Would not that be a good step to start with?

Mr. ZIMMERMAN. Well, of course in a way Congress did that with the Indian Reorganization Act. Under that act many of the tribes have taken on considerable authority.

Mr. FERNANDEZ. Do they have full title in those cases?

Mr. ZIMMERMAN. They do not have full title, but they are running a good many of their own affairs. It is just a question of how soon they should take on more authority; under their own constitution and charter they could take on more authority.

Mr. FERNANDEZ. I know we have quite a few Indians where they could divide up the land among themselves, go out and farm on their

own individual initiative, if they could get title to the land, and that they would make very good citizens.

Mr. ZIMMERMAN. We certainly want them to do that.

Mr. FERNANDEZ. I think they would do it. It might be that we could do a little missionary work along that line, because they are intelligent.

Mr. ZIMMERMAN. I do not know, of course, as to the Pueblos—you would know about this better than I—but there is fotation going on among them; there is a conflict between the younger men who have come home from the services and the older men who are already established there.

Mr. FERNANDEZ. Yes.

Mr. ZIMMERMAN. That is true in many other instances.

Mr. FERNANDEZ. Do you think it would help if you gave them title the the property now so they could divide it among themselves, and maybe they would make very good citizens; and then of course as to some of the older ones there are some in those groups where it could not be done.

Mr. ZIMMERMAN. I think there are two approaches that your committee could take. I think you could draft—and we have had this matter up in the Department—I think you could draft a general bill which would be permissive in character, which would make it possible to carry out the things you have in mind. You could have a specific bill relating to some of the particular tribes where they might want to take over complete control.

Mr. FERNANDEZ. In some Pueblos in New Mexico, I think they would like to go to the public schools, which they have, and they could do that if they did not have to depend upon the Government for everything.

Mr. ZIMMERMAN. Well of course, except for the schools, most of the Pueblo groups are self-sustaining, are they not?

Mr. FERNANDEZ. Yes, I think so.

Mr. ZIMMERMAN. The Federal Government does not provide much for them.

Mr. FERNANDEZ. I think they ought to be turned loose whether they want it or not. Naturally you are always going to have some who will want to remain as they have been.

Mr. ZIMMERMAN. I am not so sure that the purpose of this bill would cover that.

There is another provision in the bill, in section 2, with respect to civil rights, that raises a number of questions that ought to be carefully considered.

Mr. D'EWART. Mr. Zimmerman, before we start on the civil-rights provision, may I say it is now a quarter to five and it might be a good time to adjourn and take up the discussion of that provision tomorrow morning rather than starting now. We will probably want to spend some time discussing that provision.

Mr. ZIMMERMAN. Very well.

Mr. D'EWART. May I suggest to the representatives of the Black-foot and the California Indians that each of those groups select one representative to make a brief statement tomorrow on this proposed legislation. If you will select your spokesman we will be glad to allow 15 or 20 minutes to discuss the matter in regard to the purposes of the legislation.

Mr. ZIMMERMAN. Do I understand that some other delegations are coming later on?

Mr. D'EWART. Later, but we will first hear the two groups that are before us now.

The committee will stand adjourned until 10 o'clock tomorrow morning?

(Thereupon at 4:45 p. m. an adjournment was taken until 10 a. m. of the following day, Wednesday, April 9, 1947.)



# EMANCIPATION OF INDIANS

WEDNESDAY, APRIL 9, 1947

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON INDIAN AFFAIRS  
OF THE COMMITTEE ON PUBLIC LANDS,  
*Washington, D. C.*

The subcommittee met pursuant to call at 10 a. m. in the committee room of the House Committee on Public Lands, the Honorable Wesley A. D'Ewart (chairman of the subcommittee) presiding.

Mr. D'EWART. The committee will please come to order. We were considering H. R. 2165 and H. R. 2958 when we adjourned yesterday. Mr. Zimmerman was presenting the comments of his agency especially on H. R. 2958. We had gotten to page 2, civil rights, and we will take up from there.

Mr. Zimmerman, will you take the stand, please.

## STATEMENT OF WILLIAM ZIMMERMAN, ACTING COMMISSIONER OF INDIAN AFFAIRS—Resumed

Mr. ZIMMERMAN. Mr. Chairman, at the close of the session yesterday afternoon I had covered briefly a portion of section 2. I am not making any attempt in this discussion to corrections of language or precise terminology. I do want to call attention to the first line of section 2, however, line 16, where the reference is to any such eligible Indian. Obviously, that should be changed when the bill is considered for amendment to apply to an Indian who has received the certificate under this plan rather than to an Indian who is eligible.

Mr. BARRETT. That is obvious to me, too.

Mr. ZIMMERMAN. Section 2, subsection (c) states that the right to every right and benefit to which he would be entitled as a war veteran regardless of the fact that he is an Indian—frankly, I do not know the significance of that language. It seems to me that it does not contribute anything much more than editorial opinion, congressional opinion, perhaps. I am not aware of any legal rights that are involved.

Mr. BARRETT. Mr. Zimmerman, I wonder if there is any provision in the GI bill that restricts loans and benefits of some character similar to that to the Indians?

Mr. ZIMMERMAN. Not that I know of. There is no such restrictive language in the GI bill.

May I digress for a moment to go back to a point that has been discussed before, and one that Mr. Murdock has raised. That is the question of lien on trust property. Under certain arrangements such as exists at Blackfeet, the Secretary has given approval to the establishment of a lien on trust property. In the case of Blackfeet that has been done only in favor of the tribe. It might be desirable in the

GI loans otherwise are not obtained to give consideration to that possibility. I think it is possible under existing law for the Secretary to approve a loan or to approve a lien created by a loan, even against trust property. We have done it in the case of personal property of the Indians where loans are made by Farm Security and other agencies.

While I am not prepared to say existing law would permit that, it is obvious that some such provision could be written into this bill so that loans guaranteed by the Veterans' Administration could be a lien against trust property.

Mr. MURDOCK. Mr. Chairman, may I comment here that there may not be any discrimination in the language of the law itself, but discrimination comes in the administration of the law, or let us say discrimination perhaps is inevitable because of the fact that these GI's are Indians.

Not only do the Indian GI's have trouble borrowing money from the banks because of restrictive legislation because they are Indians, but GI's have other difficulties because they cannot meet the personal requirements. For instance, in getting jobs they may not have the technical training.

This bill puts up one requirement here of high-school graduation to get a certificate of competency. I wonder how many Navajo Indians there are who are high-school graduates.

Mr. ZIMMERMAN. Not very many. You know that.

Mr. MURDOCK. One job requirement is an educational qualification. We have failed through the years to furnish some Indians adequate schooling. There is nothing in the law that says to this Indian, "You cannot get such a position," but we say, "You must have as a minimum educational requirement a high-school diploma." That shuts him out.

Mr. BARRETT. I was wondering if there is any yardstick by which you could measure the equivalent of a high-school education. This law states, "High-school diploma or its equivalent."

Mr. MURDOCK. That language in educational literature means if not a high-school diploma, say, 15 units of high-school credit is regarded as equivalent to a high-school diploma. It would have to have an entirely different meaning if applied to our Indians.

It would be better if, for instance, not a high-school diploma, but some equivalent technical training was had. You will remember that when the Hopis were here they said just that:

We would like when we get back home as GI's to have our grazing permits and privileges and opportunity to own livestock. But if that is impossible, we would like technical training so that we can receive and hold a job.

Mr. BARRETT. Is that considered an equivalent, a certain amount of technical training to high-school graduation?

Mr. MURDOCK. It ought in the meaning of this measure, but it does not mean that generally in educational parlance.

Mr. BARRETT. Perhaps, then, this provision should be amended to provide that if that is what we have in mind. As I would take it under this provision it would have to be the equivalent as accepted by the school authorities.

Mr. ZIMMERMAN. I should think this language might be construed to mean graduation from an Indian Service school of high-school rank, which would not be a standard high school as the language is given

here, but graduation say, from Albuquerque or Santa Fe or Riverside, Calif., which would be the equivalent of high school.

I will go on then to subsection (d) and (e) under section 2. It seems to me that there is confusion in those two sections. The intent of the bill evidently is that the right to have trial by jury should be given to the Indians who receive the certificate provided under section 1. The right of trial by jury may be given now under existing law by the tribe. The tribes have authority to establish law and to order codes. Their codes, it is true, apply only to misdemeanors and not to the 10 major crimes.

I do not see why a war veteran should have a preferential right to a trial by jury. If it is desirable to have that, my suggestion would be that it be an inclusive provision, not limited to veterans under this act.

Mr. D'EWART. You do not recognize that need in the Indian courts?

Mr. ZIMMERMAN. Most of the Indian courts are in the nature of small claims courts, many of which under state law do not require juries. I merely say that if the tribal code provides for a jury that can be done. The question has come up in a number of cases as to whether or not a trial without a jury has been an adequate trial. My point is that these two subsections, (d) and (e), as the bill is written, will be limited to veterans who have received a certificate. I merely raise the question that the right of appeal from any Indian court, and the right of trial by jury, would seem to me to involve all Indians rather than just the few who might receive certificates.

Mr. BARRETT. The question that occurs to me, Mr. Zimmerman, is that these are tribal codes. The Indians are tried by a code set up by the tribe, I assume, is that right?

Mr. ZIMMERMAN. That is right.

Mr. BARRETT. What authority would we have to legislate with reference to a tribal code?

Mr. ZIMMERMAN. You have complete authority, in my judgment. You have the same authority that the Congress exercised when it set aside the 10 major crimes and said the Federal Government would take jurisdiction over those and leave to the Indians all the lesser crimes and misdemeanors. Congress could add to that 10, or reduce the 10.

Mr. BARRETT. Your reasoning here is that any change we want to make in the procedure under violations of the tribal codes should apply to all Indians alike?

Mr. ZIMMERMAN. That would be my thought in the matter. I point out too, that there is perhaps inconsistency between the provisions and the provisions later in the bill which provide under section 4, in effect, for the abolition of all special statutes relating to crimes by and against Indians. I think those three subsections should be read together to make sure that there is no contradiction.

The question of the right to appeal from an Indian court to State and Federal courts has been before Congress heretofore. In the original draft of the Indian Reorganization Act there was a series of provisions for an elaborate system of special courts which would have been Federal courts in addition to the tribal courts established by the Indians. Those provisions were stricken.

The question arises here as to the need for appellate jurisdiction in the case of minor crimes and misdemeanors, whether there is a need for appeal from the Indian courts to either the State or Federal courts. Again it seems to me if that right of appeal is desirable it should not be limited to certificated Indians.

Mr. BARRETT. This does seem to me to present somewhat of a contradiction. First you certificate the Indian and remove him from the wardship of the Indian Service. Then you go back and say he may be tried in the tribal courts. Then if he is not satisfied, he can appeal to the State courts.

Mr. ZIMMERMAN. I am inclined to say off-hand that if he is certificated, he probably should not be tried in the tribal courts.

Mr. BARRETT. I am inclined to agree with that. I can not quite see why he should be put back in and then have appeal again outside of that tribal court to the State courts or Federal courts.

Mr. ZIMMERMAN. Certainly if there is coupled with his certificate a surrender of tribal membership, he would not be subject to the jurisdiction of the tribal courts.

Mr. BARRETT. I quite agree with you. If in connection with getting a certificate the tribe enters into some agreement with him whereby he is removed from the rolls, we will say, of the tribe, then under no conditions would he be entitled to be tried under the tribal courts, would he?

Mr. ZIMMERMAN. I think not. I think he certainly should not be. I think that is clear.

Mr. RUSSELL. Mr. Zimmerman, as you stated, section 4 covers the fact that he shall be considered as any other citizen of the United States as to trial in courts and so forth, so that it seems to me that (d) and (e) could be excluded from this bill.

Mr. ZIMMERMAN. Probably not, because section 4 refers to laws of the United States, whereas (d) and (e) of section 2 refer to tribal codes.

Mr. MURDOCK. Mr. Chairman, before Mr. Zimmerman goes to the transition rights, section 3, I wonder if we might call on the Congresswoman from New Mexico for some comments on these educational standards.

Mr. D'EWART. We would be glad to hear from Mrs. Lusk at this time.

Mr. MURDOCK. In suggesting this, I am reminded that Mrs. Lusk is not only Congresswoman from New Mexico, but she has been in educational matters and she is well informed regarding white and Indian education in New Mexico. And New Mexico, I think, furnishes marked contrast between our old Indian groups that have made great progress and some of the large tribal groups like the Navahoes who are at the other end of the extreme.

Mr. D'EWART. I perhaps should explain, Mrs. Lusk, that this educational provision in this bill is only for this bill. We have four or five school bills before this committee regarding the Indian schooling that we are going to take up a little later as a separate subject. This provision simply applies to this particular bill. We will be glad to have your comments on the provisions in this legislation.

Mrs. LUSK. Mr. Chairman, I am glad to say in the first place that you are considering education as a real problem for the Indian. In behalf of the Indian I think it is definitely a restriction on this bill

for the reason that so many of our Indians, Indian schools, particularly our schools in New Mexico, are not actually standard schools. We regret to say this, but I think it is a fact that should be known, in checking for accreditation to public school authorities have found in many cases that the Indian schools have not met the standard requirements. For that reason, I think it would be a very definite handicap on any young veteran who would like to be recognized under this bill.

However, Indian education is a little different, and I think they learn so many things in so many ways that some of our children do not have, that we do not stress, that they probably have the equivalent of a high school education although perhaps they have not gotten that training in actual school attendance.

There is another way that you can establish the equivalent of a high school preparation or training through an examination that is given by the American Council on Education, administered by the various higher institutions in the State. If that item is left in this bill, that examination could be administered in case it were necessary to do so. It establishes the equivalency of a high-school education.

The State department has recognized that examination in lieu of a high-school diploma. I think that is something that could be done in this case. However, I would be in favor of omitting that particular requirement for the purpose of this bill. I think if they made good soldiers and they met any one of the other requirements set up here, that that could very well be omitted because of the fact that so many of our Indian young men have not had an opportunity to attend school up to this point.

On the Navaho Reservation we have around 20,000 children, and the records show at this point that the educational attainment is less than the first year of public school. It also shows that one in four of these children receive an education.

So you can see what a handicap that will be to the Indian population who might be interested in coming in under the benefits from this bill.

It is an astounding fact that our Government has neglected those children to that extent, but that is the fact.

Mr. MURDOCK. May I ask this, Mr. Chairman: We are setting up standards hereby which young Indians especially, but not necessarily GI's, are to be given a certificate which would relieve them from the restrictions of wardship. Do you suggest, Mrs. Lusk, any kind of training—mechanical or trade courses—that would be equivalent to high school training?

Mrs. LUSK. Vocational education, I think, is particularly suitable for Indian students to provide an equivalent, and is available in various schools. We have approved in New Mexico, a number of applications for education under the GI bill for Indian veterans, and they have entered various trade schools or vocational schools, and in a few instances high schools. We have given approval to those applications without any discrimination whenever the applications have come through. We did that in the State department of education regardless of what their status had been previously. We thought that they needed the training, and we did not stop to raise any questions.

Mr. BARRETT. Mr. Chairman, as far as I am concerned, I would like to have Mrs. Lusk attempt to work out an amendment to sub-

section 3 of section 1; personally, I would prefer to have her confine the amendment to a substantial equivalent to a high school education and not be governed entirely upon the educational standards that the State department might require.

I realize here that there would be very few of these younger Indians who could comply with requirements of subsection (b) as it is written. But if they in a measure have obtained an education that is equivalent, we will say, for the first 2 years of high school, as far as I am concerned I would be willing to give them the benefits under the act, because there are so few that could qualify as high school graduates, or those people who have had an education equivalent thereto.

We would not be meeting the situation that we are trying to meet here by trying to do the things that educators do in ordinary cases.

Mr. MURDOCK. Mr. Chairman, may I make one further comment? I am not a lawyer, but I listened with great care to what my friend from Wyoming says with regard to the law, but I see he is also very wise with regard to educational qualifications.

But seriously, it is pathetic to meet with these Indians as I have done recently and listen to their pleas, almost with tears in their eyes, for schools. They want their children to have a better bringing up than they have known. I may be quoting that from Enoch Arden, but that is almost the language of these untutored Indians right off the reservation.

What they say is, "Our children cannot go and enroll in a university, they would be thrown out." On any university campus you have to have a high school diploma as the ticket of admission.

We educators—I will have to confess this right out loud—have set up very definite standards, but I sometimes doubt the validity of those standards. Education does not entirely consist in exhibiting a high IQ on a psychological-test basis, or even our achievement-test basis. I hope Mrs. Lusk can help us work out something there that is a valid equivalent to the regular high-school diploma.

Mr. BARRETT. I quite agree, and I of course am not attempting to reflect in any way on the requirements of educational systems, but here is a question where we are dealing with specific people who learn a lot of things outside of school that our white children do not have the opportunity to learn in school. Their training is along different lines. We ought to be a little lenient with them, in my opinion.

Mrs. LUSK. Mr. Chairman, applying to these particular veterans, it would not work that way, but for future benefits that might be given to young Indian citizens I think you could establish a time limit when they would be high-school graduates. But until they have had the opportunity I think it is not fair to impose that restriction.

Mr. BARRETT. This provision does not apply to veterans only.

Mrs. LUSK. To all Indians.

Mr. BARRETT. Other than veterans, because the veteran gets in because of his honorable discharge. These are Indians who are not veterans.

Mrs. LUSK. I was thinking of the veteran because we have been working with veterans.

Mr. D'EWART (chairman of the subcommittee). We will appreciate your help in working out that language for section (b).

Mrs. Lusk. Mr. Chairman, there is one other comment. You made some references to their desire for education. I would like to add this, if you do not mind my taking the time: Last spring we made a survey of the Navaho school situation just for the benefit of our own State department. We found that in many cases children who would go to sit on the doorsteps of public schools around the edges of the reservations, our own public schools, begging to come to school because they did not have any other opportunity; that has occurred. In the cases where we were not too crowded they were admitted to the public schools.

In New Mexico, in many of our regular public schools around the edges of reservations, we take them in. We cannot always do that for obvious reasons. They are, I think, very anxious for an education.

Mr. D'EWART. I think that is true all over the country.

Mr. Zimmerman, will you proceed.

Mr. ZIMMERMAN. May I comment now on section 3, entitled "Transition Rights;" obviously Mr. Case had in mind a cooling off period, or a preparatory period of some kind. I am inclined to agree that such a period is desirable, but I think his language is not—would not be wholly effective. First of all, I would be inclined to say that there might be a restriction on alienation, a restriction on sale, except to other Indians for a short time after such a certificate is issued.

Mr. Case's language does not, except by limitation, give the right to mortgage property, which apparently is one of the points that needs to be considered. He does provide that such an interim certificate or trust patent would permit the owner to contract for delivery of title and fee.

I think his own explanation yesterday morning indicated that he felt that many of the Indians who might receive such certificate should have a period of time within which to make an adjustment, that they should not be required to lose their land immediately if they failed very quickly.

Mr. D'EWART. Mr. Zimmerman, provided an Indian meets the qualifications of section 1, who is going to say that he will be subject to the transition rights provided for in this bill?

Mr. ZIMMERMAN. I take it that he would be, under this language. If he received the certificate provided by section 1, that is.

Mr. D'EWART. Do you think the Bureau would have that right?

Mr. ZIMMERMAN. No; the Indian would make the application, and this language would be mandatory on the Secretary. Line 24 reads:

The Secretary of the Interior shall issue a special interim trust patent.

Mr. D'EWART. In other words, if he cannot apply for a transition right, there would be no provision that he would be subject to?

Mr. ZIMMERMAN. That is as I read it. He would have to apply. As I read sections 2 and 3 together, he could apply either for a fee patent as provided in section 2, or for an interim patent as provided in section 3.

Mr. D'EWART. Do you think there would be many apply for the transition patents?

Mr. ZIMMERMAN. I doubt it. I believe most of them would apply for a fee patent, and I believe most of them would have their lands sold within a year.

Mr. D'EWART. Either not apply at all, or else apply for a fee patent?

Mr. ZIMMERMAN. I know we cannot unscramble the egg, but I have often reached the conclusion that it would have been better for no allotments to have been made until the individual Indian had reached a point at which it could be cut off. We have built up an elaborate administrative machinery as a result of the allotment system.

Mr. BARRETT. Is it your recommendation, Mr. Zimmerman, that these transition rights be mandatory on all of the Indians regardless of their desires?

Mr. ZIMMERMAN. I think that would be desirable, particularly if the language made it clear that there could be a lien against the property.

Mr. BARRETT. Without securing the approval of the service, would they be free to do that or not?

Mr. ZIMMERMAN. I should think, unless it is fully a patent in fee, that some approval would have to be given.

Mr. D'EWART. How could you mortgage property that only had a trust title?

Mr. ZIMMERMAN. You could do it with the consent of the United States, expressed through the Secretary.

Mr. D'EWART. Your mortgage is no good unless you can take title to the property with due process, and with a trust title you could not do that.

Mr. ZIMMERMAN. The mortgage is good, I take it, with the consent of both the mortgagor and mortgagee.

Mr. D'EWART. In the case of a trust title?

Mr. ZIMMERMAN. With the consent of the trustee.

Mr. D'EWART. If the Secretary of the Interior granted permission for the mortgage, the mortgage would be granted?

Mr. ZIMMERMAN. Yes, sir; I think so. That has been done. The Secretary has approved liens on trust property, but heretofore only in favor of the tribe or where the individual Indian has borrowed money from the tribe.

Mr. D'EWART. The second paragraph of that section reads:

No lands or other property with respect to which restrictions are removed or a patent in fee issued pursuant to this Act shall be liable for the satisfaction of any debt contracted prior to such removal of restrictions or issuance of patent.

I gather that that means that the mortgage could not be satisfied by the property until such time as the patent in fee was issued. Is that what that means?

Mr. ZIMMERMAN. I take it that that language applies only to prior obligations. I think it should be amended. I see no reason why either the tribe or the United States should not collect money due to it, if there is sufficient money owing. Any of these lands might have irrigation liens for operation and maintenance in prior years, or perhaps for construction. And some adjustment of those liens should be made before the property is sold.

It seems to me the United States is entitled to that, and the tribe too, if the tribe has a lien that was established prior to the issuance of the patent.

In the lines just above section 2, Mr. Chairman, there is reference to the act of March 18, 1934. I am confident that that reference is in error, that the act of June 18, 1934, was intended. That language needs to be considered because not all of the tribes are affected by that act.



As section 1 reads, the implication is that all of the tribes in the United States are affected by the Indian Reorganization Act. That is not the case. It is the act of June 18, 1934 which extends trust periods indefinitely, but only to those tribes which have accepted the act.

Mr. D'EWART. That is the Wheeler-Howard Act?

Mr. ZIMMERMAN. Yes, sir.

Section 4, Mr. Chairman, will change radically the laws which now apply to crimes and misdemeanors committed by Indians or committed against them. In effect, the Federal jurisdiction would be terminated by these five sections. Those sections raise a question of major policy which obviously is for Congress to decide. The Department has heretofore in a number of cases recommended special legislation to permit concurrent jurisdiction or to permit State jurisdiction where the Indians have desired State jurisdiction and where the local circumstances were such that in fact the States were taking jurisdiction.

That was true in the State of Kansas, where both the State and the Indians accepted the fact that the Federal Government was not operating. There are other situations where the Indians are ready for State jurisdiction and would wish it.

I am not sure that this kind of legislation should be mandatory. The whole theory which we have been operating on is that legislation of this kind should be permissive. I suggest that you consider the advisability of allowing Indians to vote on the question of whether or not they wish to come under State jurisdiction.

In many cases, too, the States would need to pass legislation to accept jurisdiction.

We have discussed previously the effect of section 4, paragraph (a). Paragraph (b) would, as I read it, remove any special jurisdiction that the Federal courts have by reason of the special acts referring to the 10 major crimes.

Mr. MURDOCK. Mr. Chairman, before we leave subsection (a), of section 4, we have discussed that and we had a measure up with which the committee acted favorably on yesterday that will take care of one part of it. That is the matter of liquor. Does this have any other application besides the matter of liquor that you can think of?

Mr. ZIMMERMAN. Yes, I think the effect of subsection (a) is to repeal any law which applies exclusively to Indians. That is, criminal law.

Mr. D'EWART. I have the same question in my mind that Mr. Murdock does:

All laws of the United States providing for the punishment of offenses committed by or against Indians, which would not be punishable by the United States if committed by or against persons other than Indians, or providing for the punishment of offenses committed on Indian reservations, which would not be punishable by the United States if committed elsewhere than on an Indian reservation, are hereby repealed.

What kind of offense do we have on our Federal statutes which would be repealed, which would not be punishable by the United States?

Mr. ZIMMERMAN. The major crimes are murder, manslaughter, rape, assault—

Mr. D'EWART. Are those governed by Federal statutes?

Mr. ZIMMERMAN. For Indians.

Mr. D'EWART. But they are punishable by State law.

Mr. ZIMMERMAN. Assault, assault with a deadly weapon, arson, those are within the 10 major crimes.

Mr. D'EWART. In other words, those laws are enforced by our State courts; it says not punishable by the United States.

Mr. ZIMMERMAN. Ordinarily those crimes are not punishable by the United States, they are punished by the State.

Mr. D'EWART. Yet we have laws governing those matters on our statutes, but there is no provision for punishment on the Federal statute?

Mr. ZIMMERMAN. The Federal statute for Indians makes those Federal offenses.

Mr. D'EWART. These are laws that are not punishable by the United States; if there is any penalty it would not apply to this section, as I read it?

Mr. ZIMMERMAN. Which would not be punishable by the United States if committed by persons other than Indians. These special statutes apply exclusively to Indians or to crimes against Indians. In the absence of those special Federal statutes, giving the Federal courts jurisdiction over those crimes, those crimes would be tried in the State courts.

I take it that that is the intent of this language, to this effect, to repeal the Federal statute.

Mr. D'EWART. The intent of it is to make the Indians subject to State law rather than Federal law?

Mr. ZIMMERMAN. That is what I understood Mr. Case to have in mind, yes, sir.

Mr. D'EWART. You doubt the wisdom of that, is that the point?

Mr. ZIMMERMAN. It seems to me it is a major question of policy which certainly Congress must resolve. I am confident that many Indians would prefer to remain under Federal jurisdiction.

Mr. D'EWART. Already they are punishable in our State courts.

Mr. ZIMMERMAN. Not as to the 10 major crimes, no, sir. I hesitate as a layman, but let me try to make the situation clear: The theory of the law, which the courts have repeatedly pointed out, is that the Indian tribes were sovereign nations. The Indian tribes today have complete control of their legal structure of law and order, and other matters, except insofar as Congress has taken it away from them. Congress has taken away only the 10 major crimes. All other problems of law and order are subject to the jurisdiction of the tribe, not of the States, except in those cases where Congress has acted.

Congress has acted, for example, in Minnesota, and said that certain Indians who had received a fee patent prior to a certain date, or had received a trust patent prior to a certain date, are subject to State law. Congress has said that the Indians in Kansas are subject to State jurisdiction. But barring that kind of legislation, the tribe has sole jurisdiction in all of those matters except the 10 major crimes.

Mr. BARRETT. Would the effect of this section, Mr. Zimmerman, be, that in addition to the reservation of the ten basic crimes that over and above that in this matter we are now ceding jurisdiction to the State courts to prosecute all other crimes that may be committed against an Indian or on the Indians' reservations?

Mr. ZIMMERMAN. That is the effect of this section. The effect of paragraph (a) is only as to the Federal statutes. But paragraph (c)

expressly places all Indian reservation and all persons upon such reservations under the jurisdiction of the State. It would destroy the remainder of the jurisdiction that the tribe still has. That is the way I read it.

Mr. BARRETT. First they reserve the right to prosecute crimes against the Indians or by the Indians in the Federal courts as to the 10 basic crimes enumerated in the basic law at the present time; secondly, they provide that the State courts shall have sole jurisdiction over all other crimes.

Mr. ZIMMERMAN. As I see it, the effect of the two sections is to give the State court complete jurisdiction and wipe out Federal jurisdiction as to the 10 major crimes, and wipe out tribal jurisdiction as to misdemeanors.

Mr. BARRETT. Do you think that it would wipe out the jurisdiction of the Federal courts as to the 10 major crimes?

Mr. ZIMMERMAN. Yes, sir, I do. I think that is the intent of paragraph 4 (a).

Mr. BARRETT. I do not see why all this language is necessary to accomplish this purpose.

Mr. ZIMMERMAN. I am not the author of the bill.

Mr. BARRETT. It would seem to me you could state that thing very simply and give the State courts sole jurisdiction over all crimes committed by or against an Indian or on a reservation, if that is the effect of this section as you see it.

Mr. ZIMMERMAN. My point is that Congress has authority, undoubtedly, to take this action. But certainly my recommendation would be, at least as to paragraph (c) the termination of the tribal authority, whatever it may still be. That is a matter that should be referred to the Indians.

Some of the tribes would welcome that and some would not. The need for reserving to the United States special jurisdiction over the 10 major crimes seems to be not as great now as perhaps 75 or 100 years ago. Whether or not all local government should be made to conform to State law seems to me to be more questionable.

Mr. BARRETT. Let us go back to that section, Mr. Zimmerman. I cannot quite follow you. Section 4 (a) says:

All laws of the United States providing for the punishment of offenses committed by or against Indians, which would not be punishable by the United States if committed by or against persons other than Indians, or providing for the punishment of offenses committed on Indian reservations which would not be punishable by the United States if committed elsewhere than on an Indian reservation are hereby repealed.

But it seems to me that the basic crimes are presently offenses which are punishable by the United States.

Mr. ZIMMERMAN. That is right. But they are not punishable by the United States except in the case of Indians. The language is in a negative form, but it seems to me it is clear. It says, if the United States could not punish a white man then the United States should not be allowed to punish an Indian for whatever crime was committed.

Mr. RUSSELL. In other words, it is putting the Indian in the same position as the white man.

Mr. ZIMMERMAN. Yes.

Mr. LEMKE. It simply wipes out the laws, the laws against the Indian, that do not apply with equal force against the white man.

Mr. ZIMMERMAN. That is the way that I understand it.

Mr. LEMKE. And opens up the reservation as to State jurisdiction, as it is for the white people that live outside.

Mr. ZIMMERMAN. I think so.

Mr. LEMKE. I think there is no question about that.

May I ask what is the objection to that? Why should there be a special law this day and age applying to the Indians. I am looking for information.

Mr. ZIMMERMAN. I do not know. I am not prepared to say, Mr. Lemke. I said a moment ago that it seems to me that the situation is different perhaps from what it was a century ago.

Mr. LEMKE. I can see no reason for having special laws in my own State. There may be some States where it is necessary. But there is no reason in my State. I feel that the Federal court would be relieved of a lot of extra trouble and the Indian would be considered the same as the rest of us and be held amenable to the law.

Take an Indian who commits a major crime—murder, for example. If a white man commits it he is tried in the State court and the Indian is tried in the Federal court?

Mr. ZIMMERMAN. That is correct.

Mr. LEMKE. I can see no reason or any danger in my State by having the State court try him.

Mr. ZIMMERMAN. I think you probably will want to hear testimony from lawyers and from Indians. I am confident that many, many Indians would say to you that they would not get a fair trial in the State courts.

Mr. LEMKE. That would not be so in my State, but it may be. I would rather get that information from the Indians or your Bureau, because, after all, the lawyer would not know anything about that just because he happens to be a lawyer.

Mr. ZIMMERMAN. I am not prepared to say what Congress should do. The question is certainly a major one.

Mr. LEMKE. I can understand how you are interpreting the statute. I think you are right. It puts the Indian on the same basis as the white man, taking this statute as a whole. Federal jurisdiction will be wiped out in many cases where it now exists.

Mr. ZIMMERMAN. That is right.

Mr. D'EWART. I have one more question in regard to this section. Are your game laws not subject to treaty?

Mr. ZIMMERMAN. Is it your thought that this language would supersede the treaties insofar as fish and game is concerned?

Mr. D'EWART. If my recollection is right, in my State your treaty rights as regards game are ahead of any State laws.

Mr. ZIMMERMAN. I think that is correct.

Mr. D'EWART. As I remember my service in the State legislature, that is right. We are, of course, now dealing with the Federal laws. We are proposing, as I understand it, to permit in section (d), game wardens to go into the reservations and enforce State laws as regards them. If that is contrary to the treaty provisions in some of these treaties and I think it would be, could we write that legislation?

Mr. ZIMMERMAN. Certainly.

Mr. D'EWART. We could write it even so?

Mr. BARRETT. I do not know about that.

Mr. ZIMMERMAN. I think so. I think the Supreme Court has repeatedly passed on the right of the Congress to reform the treaty. To pass subsequent legislation in effect repealing or annulling the treaty, that is.

Mr. FERNANDEZ. I think we have a legal right to do that, all right, but I do not think we have the moral right. I think a law contrary to the treaty would be binding, but it would not be right.

Mr. BARRETT. I assumed that a treaty was of such high force and character that it was similar to the Constitution of the United States.

Mr. MURDOCK. A treaty duly ratified becomes a part of the Constitution of the United States.

Mr. ZIMMERMAN. As a layman, I do not like to take issue with you lawyers, but in one specific case involving the Chippewa Indians of Minnesota, an agreement was made which was ratified by Congress, by which a certain fund should be maintained intact for a period of years. I think it was the second or third year after that agreement was ratified that Congress began to appropriate money out of the principal fund. The Chippewa Indians went into the Court of Claims under a jurisdictional act and attempted to recover, and the court said that Congress had complete control, had plenary power.

Mr. LEMKE. I think the Congress has gone further in abrogating Indian treaties in the court than they have with foreign treaties.

I will also state how far Congress can go in abrogating foreign treaties, depending upon the Constitution itself. I know there is some language in it. I am inclined to think my friend Mr. Murdock is correct, that we are not permitted to violate contracts between nations if properly entered into. That does not mean these so-called trade agreements that are unconstitutional to begin with.

Mr. FERNANDEZ. I think you will find it is to the contrary.

Mr. LEMKE. There is some reference in the Constitution to the treaties.

Mr. FERNANDEZ. It says something to the effect that they are the law of the land.

Mr. LEMKE. The Constitution, the laws made pursuant thereof, may be made the supreme law of the land. That is the wording in there.

Mr. ZIMMERMAN. At least as far as Indians are concerned, the courts have repeatedly stated that the Congress has plenary power to deal with Indian affairs. The courts have also said that while Congress may have plenary power, it may not act with impunity. That is now Congress may take away Indian property, but the Indians would then have a claim against the United States.

Mr. RUSSELL. This entire bill seems to have a dual purpose, does it not? On the one hand, you are attempting to emancipate the Indians or give them all the full rights of citizens; on the other hand, you are trying at the same time to do away with Federal laws under which all Indians, either those who would be emancipated or remain on reservations, would come.

Mr. ZIMMERMAN. I am inclined to say that the bill ought to be split into two parts. In the first part of the bill you are really dealing with the property and the rights of individuals.

Mr. RUSSELL. That is right, as citizens.

Mr. ZIMMERMAN. In the second part of the bill you are reforming the Indian law that applies to the Indian country, to the whole Indian population.

Mr. RUSSELL. That is my interpretation. You would recommend that separate bills be introduced, then?

Mr. ZIMMERMAN. When we get to the point of our formal recommendations, I should like to submit to the committee several drafts of bills. I have rough drafts prepared which would accomplish some of the purposes intended by this bill, and perhaps some others. I am sure the department will not be wholly in agreement with the text of this bill as it appears.

Mr. RUSSELL. I made that statement because I believe that we are a little bit confused on the fact that there are two distinct purposes in this bill. It is rather difficult to consider the one purpose without overlapping into the other purpose.

Mr. ZIMMERMAN. As to subsections (d) and (e) under subsection 4, these would merely extend existing law to a new field of activity. Under present law the Secretary would not have authority in the operation of criminal statutes to delegate power to the States or counties, as would be provided here by subsections (d) and (e). The Secretary does have today authority to act in the fields of education and public health, social welfare, but not in the field of law and order.

I have only one other comment to make, Mr. Chairman, at this time, and that is on section 5. Under existing law, neither the tribe nor the secretary has any authority to dispose of tribal lands. Only Congress may do so. Section 5 would permit the sale or alienation of land by a two-thirds vote of all the adult members of the tribe. Whether or not Congress wishes to surrender that power to the tribe is again a question for you to consider.

At first glance, it does not seem to be necessary that that provision should be in the bill.

The intent of Congress as appears on page 6 seems to me to be good, and seems to be desirable. I should be happy to answer any more questions.

Mr. D'EWART. That concludes your statement as to the particulars of the bill; have the committee any questions now with regard to the general purpose of this legislation?

You are in accord with the broad principles behind this proposed legislation, Mr. Zimmerman?

Mr. ZIMMERMAN. I would like to divide my answer into two parts: First, as to the sections 1, 2, and 3, which have to do with individual property. I fear that the enactment of legislation of this kind will result in the loss of a large volume of land. It will be sold. All of it often will be sold under pressures. I am fearful that that result will be that we will be busy for 3 or 4 years selling Indian lands.

It seems to me that there ought to be a general provision—I do not know just how to include it. This bill assumes, and I think it is a proper assumption, that Indians of certain capacity are competent and should be allowed to handle their own affairs. There is no provision in here for any possible withholding or draw-back. It occurs to me that a veteran who has an honorable discharge might be shell-shocked, might have other difficulties. The mere fact that he is a veteran may not mean that he is competent to administer his property.

It seems to me that the legislation might provide for hearings in the

event of adverse findings of the Secretary. Perhaps there ought to be some authority for refusal of a patent in fee, refusal of a certificate, even though the Indian does meet one or more of the criteria established in the bill.

Mr. LEMKE. May I suggest there, when you begin to pick out, and so forth, do you not create an adverse public sentiment against a particular Indian, individual Indian. Would it not be just as well if you could say all of them should be for a period of 5 or 6 years or so?

By that time they will get attached to the place, if they want to live on it. There would not be so much danger.

Mr. ZIMMERMAN. I do not think you arouse too much public sentiment. For example, we have the situation at Osage. We hold formal hearings. If an Osage Indian makes application for a certificate of competency, we are required to hold a formal hearing. That is made a matter of record. On the basis of the evidence presented at the hearing, the Secretary acts. In effect, it is like a court hearing.

It seems to me there should be some safeguard.

Mr. LEMKE. You brand that particular Indian—not that you intend to hurt him—as incompetent by your decision. Of necessity, that must be the reason for withholding.

I am wondering whether that would not have a very bad moral effect on that particular Indian and his family. It is a psychological question, but at the same time sometimes we find that our psychological impression that we make on people are very lasting and dangerous to the public too.

Mr. ZIMMERMAN. That is undoubtedly true, but that would be fairer, would it not, than the present system which presupposes that all Indians are incompetent?

Mr. LEMKE. You can always put a clause in on granting patents, for instance. I have a bill I am working on now, in which I am putting in some clauses to protect the property rather than the individual.

Mr. ZIMMERMAN. I think there are many Indians who would not take advantage of these provisions. There are certain advantages in being restricted. Your property is not taxable, your property is not subject to lien. The money in the hands of the Federal Government is not subject to garnishee. There are many advantages.

Mr. LEMKE. Suppose we make this restriction optional.

Mr. ZIMMERMAN. It is opinionial by this bill.

Mr. LEMKE. We are suggesting something that would be an improvement on the bill.

Mr. ZIMMERMAN. I merely suggest that the bill might provide for some kind of evidence which ought to be considered before a certificate is issued, even if the Indian meets these criteria. There might be adverse evidence.

Mr. LEMKE. I can see your viewpoint.

Mr. ZIMMERMAN. A boy might have graduated from high school 10 or 15 years ago and he might have gone to pot since then. Actually, he should not be allowed to have control of his property.

I am suggesting at random. It seems to me there is that possibility.

Mr. D'EWART. Do you think that under the discussion we had yesterday proposing that an Indian appear before the court and the court decide whether he is entitled to a certificate of competency, would that take care of the question you have in mind?

Mr. ZIMMERMAN. That might be helpful, yes. I should think that would be a factor, especially if the court is reviewing an administrative finding, either of the Secretary or the superintendent.

Mr. FERNANDEZ. I would very much oppose any provision in a bill like this that would give the Indian Office the authority to say who shall be, and who shall not be given emancipation. I think it is putting a burden that is too big on the Office, that it will create very bad relations between the Office and the Indians, and would tend to destroy the effectiveness of the Office, and the ability to serve the Indians better. I think if we are going to have somebody pass on it it ought not to be somebody in the Indian Office.

On the other hand, I think there is no reason why this Congress should not pass a law such as the one contemplated here, by which we do not assume to say that a person who has graduated from high school is competent. We are not doing that. What we are saying is that a person who has graduated from high school is in a class which ought to make him competent. We are taking a chance on it. He might not be, or he may be. We know that when white people get to 21 they assume the burdens of an adult, and that is that. That is what this action would do. We say as to certain classes, we presume them to be competent.

Mr. ZIMMERMAN. You presume they are competent without giving them the opportunity to prove that they are competent. Under the system we have today we require some affirmative showing of competency. It is true, as you say, that the burden on the Department is not an easy one. It is a difficult decision to make, whether or not property should be released to an individual.

Mr. D'EWART. If we should place this in the hands of the court as Mr. Fernandez suggests, do you think we should then specify in the bill some guide for the judge in considering competency, or should we leave it for him to decide?

Mr. ZIMMERMAN. I do not think it would be presumption to indicate that the judge should exercise discretion based on the evidence before him and not be limited to the specific qualifications that you might write in, whether it is an honorable discharge or whatever it may be.

Mr. D'EWART. You think that we should specify that the agent in charge of the reservation from which the Indian comes should appear before the judge and give his views on the subject?

Mr. ZIMMERMAN. I should think so. I think somebody representing the trustee should be there.

There are parallels for that. There are statutes applying to Oklahoma that authorize the attorneys in the Indian Service to appear in the State courts when there are partition suits, and the termination of heirship. There are many precedents for that kind of provision.

Mr. BARRETT. Mr. Zimmerman, I am wondering here whether it would be proper to authorize the State courts to appoint court commissioners for the specific purpose of hearing these cases and making recommendations to the court, and that these court commissioners be paid out of the contingent of the Bureau of Indian Affairs, so that the courts will not be loaded down with a lot of work; thereby you could screen a lot of these cases and the courts could pass on them very quickly, particularly those cases that there is no question about.

Mr. ZIMMERMAN. I am not sufficiently familiar with the State laws, but in most States would the appropriate State court not have authority to appoint a master or a commissioner?



Mr. BARRETT. They have authority in our State to appoint court commissioners, and they do appoint them. I had in mind, however, that there would be a great deal of work involved in this matter here.

Rather than have the State or the Indian himself pay the cost of it, we might make some provision whereby he would be compensated by the Government.

Mr. ZIMMERMAN. I am glad you mentioned this matter of work involved. I think it is clear that somebody will have to foot the bill. There will be a large number of cases that will have to be determined.

Mr. BARRETT. I think you would load down your State courts with a tremendous amount of work.

Mr. D'EWART. It has not been true with aliens coming in. Those hearings are very informal. The judge sits down across the table from whoever is applying for citizenship and the commissioner from the Federal Government sits down, and the meeting is very informal. The discussions are open and everybody has a chance to take a part in them. In fact, they are quite enjoyable occasions.

Everybody learns some American history and I think the results are generally good. There is no reason why these hearings should not be equally informal. The head of your welfare department of that county could appear, your Indian agent, and anybody else who is interested should appear as witnesses.

Mr. ZIMMERMAN. I should think probably the legislation ought to provide for some kind of notice by the applicant or by the court, whatever the procedure is, to the superintendent.

Mr. D'EWART. But it could be an informal hearing.

Mr. ZIMMERMAN. It could be informal; yes.

Mr. D'EWART. You said you had the two points you wanted to make.

Mr. ZIMMERMAN. As I understood the question, it was my attitude to the bill—

Mr. D'EWART. The attitude of the Bureau with regard to this type of legislation.

Mr. ZIMMERMAN. I tried to make clear my reaction to the first part of the bill which deals with individuals.

It seems to me the problem that is presented to you by section 4 and section 5, but principally section 4, is a much more difficult one, the question of whether or not the local autonomy of the Indians is to be destroyed. My own feeling is—I am speaking purely personally—that that should not be done without the consent of the Indians.

Mr. D'EWART. You recognize, Mr. Zimmerman, the amount of pressure that is being put on Members of Congress for some recognition of competency, especially from the younger veterans. It is becoming overwhelming. They are demanding privileges which have not previously been granted under the law or under the regulations.

Also, it seems to me the time has come when we should establish some of these Indians free from wardship. A good many of them are demanding it.

I believe the evidence before us and the type of witnesses that appear here in Congress indicate beyond a doubt that a good many of them are fully competent to take care of their own affairs. I think it is part of the duty of this Congress to encourage that type of Indian in those desires. While we have no desire and hope we do not upset good administration, I still feel it is the duty of the Congress

to encourage those Indians who want to assume full responsibilities as independent parts of our citizenry.

Mr. ZIMMERMAN. I am sure, Mr. Chairman, we are not in disagreement on that over-all policy.

Mr. D'EWART. The purpose of this legislation that we are considering is to correct our present statutes so as to encourage those who wish to assume all the responsibilities of a competent person, is that not correct?

Mr. ZIMMERMAN. I take it that is correct. May I make one more point? The Department is aware of this pressure. We are engaged at this moment in revising the regulations, both those that apply to the issuance of patents in fee, and those that have to do with the release of restricted money. We are well aware that the times call for a relaxation of the strict controls that have been in effect for some time. In the matter of fee patents, as I said yesterday, in the last calendar year we have released about 400 allotments. That is a considerable increase over the number released in the previous year.

I do not know what the action will be this year, but the applications for relief are running at about the same rate. In the first 3 months of this year we have had in the neighborhood of 125 applications.

Mr. FERNANDEZ. Did you say that you think that the autonomy of the Indian tribes should be preserved? Can you give us some reason for that?

Mr. ZIMMERMAN. That is a hard question to answer. It seems to me the burden is on the proponent of the bill which would destroy the existing system.

Mr. FERNANDEZ. I presume that what we are trying to do here is to make Americans out of them, and the ultimate goal is that they would be exactly that. They would not be exactly that if we continued to hold them as nations within the Nation.

Mr. ZIMMERMAN. I do not think they need to be nations within the Nation in order to exercise local self-government.

Mr. LEMKE. One question, Mr. Zimmerman: Has the Indian Department ever made a study as to the feasibility as to sometime ending this Indian Bureau entirely by making all the Indians self-supporting and becoming just like the rest of us?

Mr. ZIMMERMAN. If we could make them all self-supporting there would be very little need for the Indian Bureau.

Mr. LEMKE. I mean throwing them out on their own responsibility, with that in view, or do you contemplate that you are going to have an Indian Bureau as long as the United States lasts?

Mr. ZIMMERMAN. I do not think that is in the cards.

Mr. LEMKE. Have you made a study, have you anything to offer from such study as to the feasibility, a plan by which the Bureau would gradually be eliminated by getting these people who were really able to take care of themselves before we came over here, so that they will again be self-supporting? Have you ever studied the Indian affairs in old Mexico and other Latin-American countries?

Mr. ZIMMERMAN. We have tried to, but Congress forbade us to spend any money to go down there.

Mr. LEMKE. I would like to give you something to go down to Mexico, because there you find the Government does not tutor its Indians, but they do still live in groups, some of them. They take care

of themselves. The only trouble that came in there was when the Government sold their particular allotments to Americans and they tried to oust them. That created trouble. But the Government never assumed any responsibility. They just have their league square and that is where they have their own community, and they live the same as the rest of the people.

It would be worth going into and studying, because I feel there is no reason to perpetuate forever the Bureau of Indian Affairs, and I think you will agree with me on that.

Mr. ZIMMERMAN. I agree with you. We might disagree on time, and we might disagree on methods.

Mr. LEMKE. I have tried to find out from you whether you have made a study, because I think your Department ought to make a study of that very subject.

Mr. ZIMMERMAN. We are constantly making studies, but we are making them by reservations in an effort to determine what can be done at a point to bring about the results you are talking about.

Mr. LEMKE. May I just ask another question there: Do you not think in the long run although there will be some among the Indians the same as the rest of us who fall by the wayside, that it is for the best interest of the Indians if they do have to take care of themselves?

Mr. ZIMMERMAN. They should take care of themselves.

Mr. LEMKE. Yes; you and I agree.

Mr. D'EWART. Thank you very much, Mr. Zimmerman, for your cooperation in this matter.

We will recess until this afternoon at 2:30.

(Thereupon, at 11:55 a. m., a recess was taken until 2:30 p. m. of the same day.)

#### AFTERNOON SESSION

The subcommittee reconvened, pursuant to the recess, Hon. Wesley A. D'Ewart (chairman of the subcommittee) presiding.

Mr. D'EWART. The committee will please come to order. We are going to proceed further with H. R. 2958 and H. R. 2165 this afternoon.

We are going to have representatives of some of the different Indian tribes that are in town make a statement as to this legislation.

Mr. Jackson, are you ready to appear at this time?

#### STATEMENT OF BOYD J. JACKSON, DELEGATE, KLAMATH INDIAN TRIBE, KLAMATH, OREG.

Mr. JACKSON. My name is Boyd J. Jackson, Klamath Tribe of Delegates, Klamath Indian Reservation, Oreg.

Mr. Chairman, and members of the committee, among the various matters that have to do with Indians has been a problem which has been before the Congress itself for the past several years.

It is of such a scope that it makes us feel that efforts are being made wherein we should be turned loose to operate and live as any other citizen of the Nation.

Investigations have been made by both Houses of Congress. The findings of these investigations have gone to a point where it seems they, too, have not reached the point at which they could take such steps as might be the means of placing the Indian on his own in a relatively short time.

Groups of Indians have asked for immediate release. Consequently, through these sources bills have been introduced in Congress which are designed to meet that purpose. These bills vary in scope. Thus, from my own personal viewpoint, they have not quite reached that point at which Congress could feel that they have done a good job in the way of working out this problem for us Indians.

We have been under the jurisdiction of the National Government in varying periods for the various tribes throughout the country. The Klamath entered into a treaty with the Government on October 14, 1864, which now is some 80 years ago. During the interim a great deal of water has flowed over the dam. Sometimes it is barely clear, and other times it is more or less cloudy.

From time to time the generations, as they came into their own, have asked that something be done. This happened with us, the Klamath Tribe.

During the period between 1911 and 1925, it was decided that we passed the issue to the members of the Klamath Tribes. I was not living within the reservation at the time; I was in Arizona, and the Southwest. But I was sent an application to sign, which would allow me to get my free patent.

I am not certain as to whether the move was made by my own tribesmen or whether it was made through political channels. I am not prepared to say; nevertheless, the Klamath Reservation has always been looked upon as a natural set-up for the livestock industry.

In view of that, the livestock men on the outside up to the present time buy our leasing privileges from us during each season; we control grazing lands that I would say are second to none in the Northwest.

Consequently, the situation is one of the reasons why we were given that trial period. That relatively short time we lost over 100,000 acres of our prime lands, natural forage lands.

The move had to be stopped. Today, although we still retain considerable acreage in irrigable lands, we lack the natural forage land that has gone from us.

Consequently, the competition is keen for our members to go up against. Our virgin timber stand within the reservation is being cut on the short end of that stand. Within a few years that cut will have been made.

The returns in revenue to the Klamath Tribe will decrease considerably. The second cutting cycle will not produce the income that we will have lost from the first cutting.

Consequently, the problem now is, how best to cope with the problem with which we are now faced. It is our feeling that some move should be designed wherein our members could be set-up and the livestock industry of the reservation revived to a point where it might mean the support of a good many of our members.

We now have, living within the reservation, 305 families, and forty-some-odd families living off the reservation. Of these 305 families that are now interested in livestock, 133 families are so interested.

The unit to each family is not at the present time large enough to assume an independent living.

Mr. D'EWART. How large a unit does it take on your reservation?

Mr. JACKSON. We have been told by those who are in the know that it takes at least a foundation herd of 80 head.

Mr. D'EWART. How many acres of range and cultivated land to support 80 head of cattle?

Mr. JACKSON. We have in excess of 850,000 acres of grazing land.

Mr. D'EWART. How many acres does it take to support a cow?

Mr. JACKSON. It is set up at 5 acres.

Mr. D'EWART. That would be 400 acres for 80 cows.

Mr. JACKSON. That is right.

Mr. D'EWART. That is very, very good range.

Mr. JACKSON. Yes.

Mr. D'EWART. Do you have to have hay in the winter for these cattle?

Mr. JACKSON. Yes.

Mr. D'EWART. How much hay does it take, a ton to a cow?

Mr. JACKSON. It all depends upon the feeding season. The season varies. Sometimes they have to run in several months, other times only a relatively short time.

Mr. D'EWART. How much hay do you figure you would have to go into the winter to be safe with 80 head of cows?

Mr. JACKSON. I think it was placed at somewhere around 2 tons.

Mr. D'EWART. You have quite a bit of snow?

Mr. JACKSON. Yes, quite a bit of snow at times. This past winter it has been an open winter. There has been not too much feeding done. It was fortunate that this happened in a way, that last summer was a dry season, and a lot of our members did not get the hay crops that they expected, either from natural or feed planted for hay purposes.

Mr. D'EWART. If my figures are right, Mr. Jackson, this figures out 640 acres for a herd of 80 cows. Where is your shortage of range for these cows?

Mr. JACKSON. Right at the moment there is no shortage. What I am getting at is this, that right now we are selling a good deal of our range to outside stockmen. What we are doing now is building up, revaluing this livestock industry among our fellows. We have only now built that back up to somewhere around 9,000 head. But we do have standing applications for cattle that we have not been able to fill.

Mr. D'EWART. I suppose these outside users are white, are they?

Mr. JACKSON. Yes.

Mr. D'EWART. What kind of lease do they have? Can you not cancel them when they run out?

Mr. JACKSON. Yes. It is operated in accordance with the increase of the Indian-owned livestock. In other words, as the Indian livestock increases, the sales of our grazing privileges to outsiders will decrease.

That is the plan that we are operating under, now.

Mr. D'EWART. Then you reserve all the range and hay you need for the cows, that the 133 families own?

Mr. JACKSON. Yes. We set aside free range for Indian livestock. They are handled by the individuals themselves.

We have more or less to plan from the livestock standpoint inasmuch as the altitude of the reservation is such that it will not allow for us to compete with us that are below on a lower level.

One time, the Klamath Tribes were independent. They reared their own livestock. The reservation was not checkerboarded, as it is now with outside owned land.

In those times they were entirely different compared to what they are today. Whether or not we will ever be able to get back to that, I do not know, which puts it into a category, I might say, such that we would never realize what it was at one time.

Although we have that existing law which allows us to buy back all these lands that are sold to non-Indian owners, yet under the high-priced levels, that is more or less out of the question.

Mr. D'EWART. Do you have a balance in your tribal fund?

Mr. JACKSON. Yes, sir.

Mr. D'EWART. How large is it?

Mr. JACKSON. The capital reserve balance is around \$2,300,000. That is aside from the annual accruals from the sale of timber.

Like any other group of people, we are more or less living a life that we perhaps should not otherwise have done. We should have lived closer to our hive, but we did not do that. If you begin to talk in terms of throwing us out on our ears, it begins to worry us a little bit.

During the depression in the early 1930's, it was the real time that my people woke up to the fact that money did not grow on trees, and we could not just go out and pick it up any old place, we had to do something for wherewithal thereafter.

In view of that, we have made efforts, I will say, sincere efforts, to gain our objective even before you say it is time for us to go.

I thought I would give you a short résumé before entering into this bill known as 2958.

This bill does not answer our purpose. For one thing, I do not think I am an alien. I was born and raised here, and do not know any other country. So why should I have to go through the ropes that an alien has to?

If we are going to allow members to withdraw and still have the privilege of maintaining their interest with the tribe, I do not see any logic in a move of that character. I, for one, if I felt disposed to and thought I was ready to go out on my own, I would go to the powers that be and say, "Here are my qualifications, I think I am confident I am competent now to take over, give me my share and I will drift. I will cease to be a member of your tribe."

That is the why I would like to see it work. In other words, I would close the door insofar as my tribal interests are concerned, forever.

I would like to see something like that worked out, but it is going to take some little time to get it done, as far as my people are concerned.

Mr. D'EWART. It is your belief that the tribe should settle with him before that door is closed?

Mr. JACKSON. Yes, in full. Or give him fair compensation as to his just share, whatever it might be.

With that thought in mind, I am not in accord with the bill that is now drawn. As I said to one of the Congressmen here this morning, I thought that some standard should be set up, a period of time which would have the force of law, and which would say to us, "You have to be ready to take care of yourselves in that given length of time."

We have something positive then, something definite to work toward. I would like to see something like that worked out as against this method of continuing without any definite period to shoot at.

Mr. D'EWART. You would be in favor of an Indian who desires to establish his competency to be given that opportunity, but you want standards to measure that competency by?

Mr. JACKSON. That would be one of the qualifications. Regardless of whether a member has had a high-school education, the question of education does not enter into the picture materially, as far as I am concerned.

From my own experience, I went to school for a number of years, and when I finally got outside of school confinements, I was a green-horn. I had then to learn the ropes as to how the outsiders lived. I had to go to school all over again.

Consequently, the standard as laid down for competency would be best judged by those, whether they be Indians themselves on the ground or not, or they have high-school education or not.

Nevertheless, I have known of my people, a good number of them, that could not read nor write, make a living just as well as the next fellow.

Mr. D'EWART. Are there any questions?

Mr. LEMKE. In connection with the so-called educational tests, as a rule, education does not qualify a man or a woman to make a living, it simply gives them some means to enjoy life; is that right?

Mr. JACKSON. That is right.

Mr. LEMKE. As a matter of fact, I have seen Indians in Mexico who were more competent to make a living than any professor I knew, they could not read or write. I think you are correct there, although I am not against education. I think education is a means of living and getting more out of life.

It used to be that if you had a college degree, you were settled for life, but no more.

As I understood you to say, there were 345 families in your tribe, with the 40 outside?

Mr. JACKSON. That is right.

Mr. LEMKE. Have the 40 the same rights and privileges as the others?

Mr. JACKSON. That is right.

Mr. LEMKE. You have about \$2,000,000 in the treasury, and 800,000 acres of land?

Mr. JACKSON. Grazing lands.

Mr. LEMKE. And also some agricultural lands?

Mr. JACKSON. Yes.

Mr. LEMKE. So that each family would really, if they stay in the tribe, be entitled to  $\frac{1}{345}$  of that \$2,000,000, and the land; is that right?

Mr. JACKSON. That is right.

Mr. LEMKE. Then if they leave the tribe, you are willing that they be given their share fairly, what they are reasonably entitled to, and then get out and stay out.

Mr. JACKSON. That is right.

Mr. LEMKE. I agree with you. So there is no use asking further questions.

Mr. D'EWART. Thank you very much, Mr. Jackson. We appreciate your appearing before the committee.

Mr. JACKSON. Thank you, Mr. Chairman.

Mr. D'EWART. Mr. Crawford, have you anything you would like to add to the Klamath statement? We would be glad to have you at this time.

**STATEMENT OF WADE CRAWFORD, DELEGATE, KLAMATH TRIBE,  
KLAMATH, OREG.**

Mr. CRAWFORD. My name is Wade Crawford, delegate for the Klamath tribe.

Mr. Chairman and members of the committee, I want to express my deep appreciation to your committee for the attitude that you have toward the American Indian.

I have been present here at a number of hearings that you have held in this committee. The position that you have taken to give the Indian the same rights as all other races in the United States I greatly appreciate.

This is the first Congress that I have ever heard so many of those words from, in stating that you believe the Indians are entitled to the same rights that all other races have.

I have been down here to Congress a number of years, and attended a number of hearings in the Indian Affairs Committees in the House and the Senate.

I want to say to this committee, with regard to Indians—there are different groups—different classes, throughout the United States. It is impossible to draw legislation in a few pages that would correct all the wrongs and give the Indians what they want and need on the different reservations throughout the United States to bring the Indians into full citizenship.

There is group one of the Indians, the progressive group, the younger group Indian race, from the ages of, say, 18 to 35 or 40. We have that group in the various tribes throughout the United States. We have the rights of minors to contend with. In other words, I say this, that the legislation you do pass must work in several different ways to rightly settle the affairs of the Indian. You could write legislation for group one, which is the younger, present generation. Then you could write legislation to take care of the minors; and the old and the crippled and the incompetent group.

If you wanted to write legislation to classify the groups, you could do that.

I think that legislation should be written for each type of Indians by itself, by that I mean: In each State there probably will be different legislation for the different tribes on account of their resources.

In some States, Indians have oil, which is their principal resource, some grazing, some have timber, some minerals.

The Indians are just people. The committee seems to be looknig at them in that light, and I am glad and happy that they are.

I want to say that we have Indians in the United States that the Indian Service has made, Indian Bureau Indians, especially in the last 15 years. They have been living under a plan that was inaugurated by Ickes, Collier, and Zimmerman, and is being carried on in the staff that is down there now.

That plan is in effect now, and over the 10 or 15 years past have developed a group of Indians communistic in thinking who handle the tribal moneys and property under that school of thought. We have Indians in the tribal troughs, and in the treasury troughs and these Indians want to stay under the Bureau under Federal control; and in these troughs.



I think the records show and Mr. Zimmerman so testified, before the Civil Service Committee, that there are 6,000 Indians in the Indian Service who are working for the Service. Those kinds of people do not want the Indians to get out from under Federal control. They want to stay in control and domineer over the balance of their fellowmen throughout the United States.

That is the situation. We have it at the Klamath. It is in every tribe of Indians. I have talked to delegations that come here from all over the United States. It is the same situation all over.

With regard to the Case bill, I should like to offer the following amendment:

That the county court joining, or in the vicinity of an Indian reservation, pueblo, band, community, or group or ward of the Federal Government, shall be known as a competency board to determine the competency of an Indian. Upon the determination of the court that an Indian is competent to manage his own affairs, he or she shall be issued a certificate of competency by the court. Any Indian receiving a certificate of competency may petition to the Secretary of the Interior for a patent in fee. The Secretary is directed to issue a patent in fee to the applicant within 60 days of the application.

Any Indian who has served in the armed forces of the United States of America, or any Indian employed by the Federal Government in civil-service status, or on a tribal board or committee established by law, or on a committee established by rules and regulations, or subcommittee thereof, or any Indian on irregular employment including officials of the tribal and general council, members of the business committee, judges, and law-enforcement officers in any capacity having authority to enforce Government regulations the Secretary of the Interior is directed to issue a patent in fee to all of his or her allotted lands, inherited and purchased.

That amendment will force the Indians I am talking about—the 6,000 that are on the tribal fund and Federal pay roll—that will force them out. I can see no good reason why a person, just because he is an Indian, should stay under the supervision of the Government and advocate that all other Indians do the same. These people in the civil service are as competent as the white people they are working with. There is no reason why the Federal Government should supervise their money or their land.

I say, if you pass the Case bill with the amendment that this committee is now talking about, and insert in this bill, it will save the Federal Government thousands of dollars. It will give the Indian who wants to get out from this bureau control the right to do it. I believe he certainly has that right. He has it for many reasons. I think those reasons the Members of Congress have pointed out.

He has served with his countrymen for freedom, he has been educated in the public schools to take his place as any other citizen in the country.

It does not make sense to me for the Government to spend thousands and millions of dollars to educate an Indian and put him through public school and high school and college and private schools, and then tell him to go home to a reservation and hold his land in common and not be taxed.

This bill of Congressman Case provides that it is not mandatory that every Indian take his fee patent. It is optional.

I cannot see why any Indian would come up here and object to the bill or any provision in it, to allow an individual who is declared competent by a court to get his fee patent.

I would like to suggest also a further amendment:

Any Indian who receives or who has received a patent in fee shall in no manner be deprived of his or her tribal rights or treaty benefits; and in no way shall he or

she be alienated from any benefits or payments of funds which may accrue to the tribe, pueblo, community, band, or group or ward of the Federal Government through settlement of claims received within a period of 5 years as provided in section 12, Public Law 726, approved August 13, 1946.

In the case of the death of any member his or her share shall descend to the heirs in accordance with the inheritance laws of the State wherein he or she may reside.

All acts or parts of acts inconsistent with the foregoing provisions are hereby repealed to the extent of such inconsistency.

This amendment will encourage the Indians to get their fee patents and get out from Government control. At the present time the Indian does not want to get his fee patent or have his restrictions removed from Federal control. He does not want to do that because he knows that he has a claim pending before the Claims Commission, and for that reason he will not get out. He knows he has a just claim and some day he is going to get thousands of dollars out of some claim that his tribe has.

Mr. D'EWART. What happens in the case of your amendment if at the end of 5 years these claims have not been assigned?

Mr. CRAWFORD. The law provides that these claims must be filed within 5 years and settled within 5 years; it is 10 years from the date the Claims Commission is set up, as I follow the law. I think if this provision were put in the Case bill, it would assure the Indians that they would not be waiving any of their future claims they might have against the United States Government.

There is another comment I would like to make on page 5 (d):

The Secretary of the Interior shall permit the agents and employees of a State or county in which an Indian reservation is located to enter upon such reservation for the purpose of enforcing such laws, under such rules, regulations, and conditions as the Secretary may prescribe.

Mr. Chairman, I should like to see that provision stricken from the bill. The bill provides for the Secretary of the Interior to be authorized to enter into agreement with the State and county. I think that is all right. But for the Secretary of the Interior to write the rules and regulations for that, is wrong. I think that language should be stricken out.

At the Klamath Reservation in Oregon, for a number of years we have had the deputy sheriffs, and the constables and State police. They have been enforcing the law for years, and Indians are being tried in the State courts.

I think, Mr. Chairman, that the Representative, Mr. Case, has shown a fine spirit, a wonderful spirit. I cannot say words that would commend him too much for introducing this bill, which will give Indians the same rights that other nationalities in the United States enjoy.

Mr. D'EWART. Would you like to make any comment on a tribe coming out from the wardship of the Federal Government?

Mr. CRAWFORD. I say this, Mr. Chairman, that each tribe should have special legislation that they can agree on with the Congress. I believe there should be special legislation for each individual tribe. I believe that would be satisfactory to the Indians and to the county and the community that they live in, to the State and to the Federal Government. I believe that can be worked out so that nobody is going to be hurt. The old and the young will be taken care of, and the competent Indians put on their own, the same as any other person. I believe that legislation could be worked out with every tribe, and I believe it should be done, and done now, in this Congress.

I want to say that Mr. Zimmerman stated before the Civil Service Committee that the Indians are in three different groups. He says group 1 should be relieved from Government supervision. He lists the tribes in group 1, the 11 different tribes and Klamath is in that group.

The second group, he says 10 years it will take before they can be emancipated or turned loose from Government supervision.

And the third group, he says is indefinite.

I want to say that Mr. Zimmerman represents the Indian Bureau, he does not represent the Indians when he comes before these committees. Mr. Zimmerman is interested in perpetuating the Indian Bureau. His testimony shows that in every hearing that he has ever attended. If you listen to Mr. Zimmerman, you are going to have Indians and the Indian Bureau for another 50 years.

At this last Congress it took \$43,000,000 plus tribal funds to run that Indian Bureau. Mr. Zimmerman would like to see that thing grow.

Mr. D'EWART. Did Mr. Zimmerman suggest before the Civil Service Committee of the Senate a means by which those 11 tribes could be taken out from under the wardship of the Government?

Mr. CRAWFORD. Yes. This is on page 239 of the hearings before the Civil Service Committee, part 2:

Mr. ZIMMERMAN. My recommendations, as far as the Klamath is concerned, are that Congress enact special bills similar to the bill that Mr. Crawford proposed in 1932. That bill would provide the incorporation of the Klamath Tribe under certain restrictions with whatever control of their business Congress might decide. My judgment is the majority of the Klamath Indians would be able to assume that kind of responsibility which that kind of organization would entail.

Mr. Zimmerman suggests that the group 1 of the Klamath and Menominee be incorporated.

Mr. D'EWART. Did Klamath accept the provisions of the Wheeler-Howard Act?

Mr. CRAWFORD. No; they voted it out. They did not want anything to do with it. It is too communistic for us. We believe in individual enterprise. We have been rugged individualists there all our lives.

I would say that there is one thing that this Congress should determine, whether or not you want Indians to live in groups and communities, to hold their moneys in common, their lands in common, or whether or not you want them to go out as individuals on their own. One or the other of the two policies must be decided upon.

I say in the last 10 or 12 years the Indian Bureau has made Communists out of a lot of these Indians. They have gotten control on these reservations and have put certain Indians in control over the others by giving them jobs and giving them special benefits whereby they now want that system to continue indefinitely. There are even young, educated Indians coming up here telling you that.

Mr. D'EWART. How do you suggest that we protect the Indian and his land holdings and still do away with tribal ownership?

Mr. CRAWFORD. Mr. Chairman, I will answer your question by saying in the last Congress Senator Morse and Senator Cordon introduced a bill for Klamath which takes care of the Klamath property. We have two different kinds of land there. We have the tribal lands and allotted lands.

Answering your question, I would say that our bill provides to give fee patents to all the Indians on their individual allotments and inherited interests in land. We would sell all the inherited lands and divide the money according to the State laws of Oregon, and the tribal lands to be sold after the Indians are given preference to buy what tribal grazing lands they want, the balance to be sold to outsiders.

Our reservation is different from the other reservations. We are land poor. We have a good deal of land. We have the finest grazing land in the Pacific Northwest.

Mr. D'EWART. We just had that testimony.

Mr. CRAWFORD. I want to say, with regard to that testimony, Mr. Chairman, that the Klamath Reservation is not being managed for the benefit of the Indians today, and never has been. It has been run for the benefit of certain lumber companies on that reservation, and run for the benefit of certain grazing people on that reservation, for the past 30 years. Today we are leasing—the Indian Service is—over 500,000 acres of our tribal lands to the white sheepmen and cattlemen, and the Indians have to meet the high bid of those big outfits. We have some million-dollar concerns that are using our grazing lands. They have thousands of head of cattle and sheep. We have to meet that competition, that competitive bid, on our own land; and we do not have the credit, because we do not have title to our lands. We cannot call this our land. It has been in the hands of these powerful groups and, politically, they have been able to control it.

Mr. D'EWART. If we can split up this tribe as you suggest, would the Indians be able to acquire sufficient land to protect themselves in the running the cattle?

Mr. CRAWFORD. Yes, they would, in our bill, with the amendments that we have suggested.

We have the bill now written. It is in Senator Morse's office, and before Senator Watkins' office. That bill provides that any Indian can buy a section of grazing land and add to his holdings of land that he has now, and what is most important—get title in his own name.

I want to say we are running cattle there now and taking care of ourselves. The Bureau is not doing anything for us, and they never have. Individually, we have to get out and hustle for our own money to take care of our own families. We have done it for years. There is no one who needs to be worrying about us, about our getting a lot of money and spending it. We have to look out for ourselves, whether we have a dollar or whether we have a thousand.

There has been a little misunderstanding before the committee. I can understand. I have heard the Indian Service come up here, Mr. Zimmerman and other representatives of that department, come up here and tell you that they are worried about some Indian going broke. There are thousands of Indians today broke, and the Indian Bureau is not doing a thing about it throughout the whole country. They never have done anything about it and they are breaking us tribally.

Mr. D'EWART. Do you feel this 2958 will help the situation?

Mr. CRAWFORD. It certainly would. It would be a step forward.

This bill does not provide or take care of all the wrongs and correct all things on our reservation. We have a tentative draft, as I said

before, before our two Senators. That would take care of our inherited lands, irrigation projects, our tribal moneys and everything we have. We believe we have a draft that is proof against any loopholes for anybody to be hurt. We provide in the bill to take care of the old and the young and the crippled and the competent Indians. We have safeguards in that draft and it will put our Indians on their own.

Mr. D'EWART. Would you suggest a provision in this bill exempting the Klamath, provided your act were enacted?

Mr. CRAWFORD. I do not see, Mr. Chairman, if this bill were enacted, where it would interfere with us at all. I think it is a step forward. I think the Indians could take advantage of it if it were enacted in this Congress. I do not know whether our bill will be enacted in this Congress or not. It has been stalled off for a number of reasons for reintroduction, but I understand it is going to be reintroduced.

This in no way would affect us. It would not do us any harm. It would do us a lot of good. I should like to see the bill enacted into law. I think it is a fine bill, with the corrections that the committee has suggested, and with the amendments which I suggested.

This will be the first time in history, if Congress passes this bill, that the Indians would have some place to go for a determination as to whether they are competent or incompetent. Mr. Zimmerman calls all the Indians in the United States incompetent and his Bureau must administer their individual funds, their individual lands, their tribal funds and their tribal lands. I take exception to Mr. Zimmerman's calling us all incompetent. We have Indians in the United States just as well educated as Mr. Zimmerman is, and we have a good many Indians who are better educated than most of those bureaucrats who have been handling our affairs for the past 20 years. We have Indians with master's degrees, they are educated the same as any other person. For one man to go up and say, "These people are all incompetent," reminds me of Hitler. Hitler ruled the country in Europe by calling the people names and calling them incompetent to handle their own affairs. We have been living under that strain for all these years.

Mr. BARRETT. I wonder if I could ask you a question there. I did not understand Mr. Zimmerman to make such a statement as that. I think he indicated that a good number of Indians were wholly competent. I think he indicated that further when he made the statement that you referred to before the Civil Service Committee of the Senate, that 11 tribes ought to be relieved from the wardship of the Indian Service.

There is one point I want to ask you about, however. I understood you to say that if and when the Indian gets a certificate of competency and get his allotted lands, his personal property, and moves off the reservation and out of the control of the Indian Service, that then he should be entitled to any division or per capita payments made by the tribe on the sale of the tribal lands or income from the tribal lands. You further say that if he dies, his heirs should succeed to his share. Is that correct?

Mr. CRAWFORD. Probably you misunderstood me, Congressman. The amendment that I offered to the Case bill provided that. I think that you had in mind, when I mentioned the draft that we have before my two Senators, Senators Cordon and Morse, we provide in that

draft that the Indians sell their tribal lands and their timber lands and divide the proceeds equally among all of them; and give fee patents to all of them. They would not move off the reservation, they would have clear title to their lands and pay taxes on their lands the same as any other citizen in that county.

Mr. BARRETT. I understood you to say that if the Indians should die, after they had done all that, that then their heirs would succeed to the interest that they had in the tribal property.

Mr. CRAWFORD. That was the amendment, Congressman, that I offered to Mr. Case's bill here, with regard to some claim that a tribe might have before the Federal court, that in the Case bill there are a number of Indians who would hesitate to get their fee patent and have restrictions removed on account of future claims. I say, if you had this provision in the Case bill, the amendment that I have suggested, it would encourage the Indian to take his fee patent so that he knows in the future he will not be denied some future claim. And any Indian on the roll at the time the bill is passed, any Indians on that roll—for instance, an Indian on that roll, entitled to some future claim, if he should die, his heirs should inherit his rights.

Mr. BARRETT. You think that the rolls should be frozen at the time of the passage of the act?

Mr. CRAWFORD. That is right.

Mr. BARRETT. And that no new names could be added to the roll?

Mr. CRAWFORD. I think on most reservations there are closed rolls, I believe that the heirs should inherit from their relatives who are on the roll when the act passes.

Mr. BARRETT. You feel, then, that that would be acceptable as a general policy?

Mr. CRAWFORD. Yes, I do. I have talked to young, educated Indians who I know are qualified and are handling their business just the same as anyone else, and I said, "Why do you not urge legislation to get out from that Bureau?"

Mr. BARRETT. The point I am trying to bring out is this: If you will consider the question generally, not particularly as it applies to the Klamath, but generally speaking, would you say that if and when an Indian gets a certificate of competency and gets his allotted land, and gets his personal property, and goes off by himself, that then his rights in the tribal property should be considered as frozen, and that his heirs then would be entitled only to such interest as he had at the time he left the tribe?

Mr. CRAWFORD. No, Congressman, I would not think that would be treating that Indian right, to say that because he got his fee patent he should lose his tribal rights.

Mr. BARRETT. I did not say that. What I meant to say was that when he disassociated himself from the Indian Service and received his patent for his allotted land, and received his personal property, that then he was only entitled to the share that he might have in the tribal property, and his heirs would only be entitled to his share in the event of his death.

Mr. CRAWFORD. That is right. But I believe there should be legislation enacted where an Indian receives fee patent and is declared competent by a court, he should have his tribal property and take it along with him—he and his family to go out on his own, and from then on become the same as any other citizen.

Mr. BARRETT. How would you determine out his equity, in latter trust funds, judgment funds, or in tribal property; where would you get the money to buy him out?

Mr. CRAWFORD. In our draft, Congressman, which is known as S. 1313, we provide in there to sell our timberlands to the Federal Government, the national forests, and then divide the proceeds of the money to each individual. It is immaterial to us whether we sell our timber to the Government or to the private concerns. Our timber is principally ponderosa pine. There is a wonderful market for it. We could sell it all in 30 days. There would be no burden to the Government at all. Then we have approximately \$2,000,000 in the treasury. That money would be divided up and would pay off the person that gets out from Government supervision. The orphan minors and the old probably would be handled by the Secretary of the Interior, to administer it until they were of age with regard to the orphan minors.

Mr. BARRETT. Let me see if we understand each other. Take a tribe that has a thousand members. Five hundred of them are declared to be fully competent to manage their own affairs. They leave, they get their allotted lands, they get their personal property. Their rights in the tribal property are frozen at the time they get their certificate. In the event of their death, the heirs get their share, and that is all.

The heirs, or the children that are born after he leaves the control of the Bureau, have no interest in the tribal property, is that right, except as to heirship?

Mr. CRAWFORD. I would not think that would be right.

Mr. BARRETT. Then we do not quite understand one another. Do you feel that when an Indian gets off the roll—gets his money and gets out—that he and his children, his heirs, his children that are born in the future, should participate in the tribal property or only as to his interest in the tribal property?

Mr. CRAWFORD. I say this: That when an Indian is declared competent by a court to handle his own affairs, then I think he should have fee patent to his land; then he should have his tribal equity in the tribal estate given to him at that time. Then he is out on his own and he has nothing more to do with the tribal land under any Government supervision.

Mr. BARRETT. What about the claims?

Mr. CRAWFORD. I provide in this amendment, if at some future time there are some claims, he would be entitled to that.

Mr. BARRETT. Only as to that?

Mr. CRAWFORD. Yes. He would be through. Any time you pay the Indian his equity in his tribal estate, then he is through.

Mr. BARRETT. Who is going to pay the Indian?

Mr. CRAWFORD. The Secretary of the Interior, under our bill, would pay him, because we would sell our timber to either the Federal Government or private concerns.

Mr. BARRETT. That is your bill; we are discussing 2958 now.

Mr. CRAWFORD. There is no provision in the Case bill to do that.

Mr. BARRETT. We can amend this Case bill, as you know.

Mr. CRAWFORD. It would be a fine amendment. I think that way an Indian is absolutely out and on his own. I did not want to offer it to complicate the bill.

Mr. BARRETT. If in the proposal that I made, then, 500 Indians get their certificate of competency and they get out, then the other 500 Indians that remain, what happens to them? Do they keep their property there in the tribe?

Mr. CRAWFORD. It would be under the supervision of the Government unless Congress passed some legislation to do otherwise.

I am not in favor, Mr. Chairman, of the Indian Service handling Indian affairs—their property, moneys, and so on—because I know that the Indian Bureau manages and administers Indian property just like the Federal Government runs all other Government agencies. They run it in such a way and do not value a dollar and do not know how hard money is to get. They are on a spending plan. They have a planned program all the time.

I want to say, at Klamath it has cost us around \$300,000 a year. That is the reason I want to get out. I cannot afford to support that kind of spending. We know the record shows us, from the Indian Bureau itself, that if this plan goes on for 10 years, we are going to be broke and \$25,000 in the red.

I will read you a statement that is before the House Committee on Appropriations. It was last year:

Mr. JOHNSON of Oklahoma. Suppose we continue on the basis of spending \$312,000 the next 10 or 12 years at your agency, what shape would you be in at the present rate of income. By "you" I mean the tribe; 10 years hence, say, in the good year of our Lord 1956. What, if anything, would you have in the treasury?

Mr. JACKSON. I think we would be getting along pretty well toward being independent.

Mr. JOHNSON of Oklahoma. Independent? Well, you would be pretty well broke; would you not?

Mr. JACKSON. I don't know whether we would be that or not.

Mr. JOHNSON of Oklahoma. If being worse than broke would make you independent, then there would be no question about your independence. In fact, you would be so independent that you might all go on relief.

Mr. JACKSON. We are not working that way; we are not thinking in those terms.

Mr. JOHNSON of Oklahoma. Did you not tell me a while ago, if your 10-year plan worked out, that you would be in the red to the tune of \$25,000 in 10 years, and that is what the figures are? This budget is pretty well within keeping of that great plan.

Mr. JACKSON. That is what the figures show; yes.

That is the deal the Klamath Indians are faced with. If we permit the Indian Bureau to continue to handle our tribal funds and our tribal lands, taking Klamath with their timber-cutting program, and alongside they have their spending program, the Indian Bureau will put us \$25,000 in the red if we permit it to go on; and if the Congress permits it.

I appreciate, Mr. Chairman, having this opportunity. I have nothing further to point out.

Mr. D'EWART. Thank you, Mr. Crawford, for appearing before the committee.

We will next hear from Mr. Gillis.

## STATEMENT OF ALFRED C. GILLIS, CHAIRMAN, DELEGATES REPRESENTING INDIANS OF CALIFORNIA

Mr. GILLIS. My name is Alfred C. Gillis. We have two bills here before us. We have prepared a statement on both bills.



The first is in regard to the liquor bill. This is something that the Indians have been asking us to present to the committees of Congress for many years.

Mr. D'EWART. Is your statement favorable to the bill?

Mr. GILLIS. Yes.

Mr. D'EWART. We passed that bill this morning. Would you be willing to file that statement?

Mr. GILLIS. Yes; I should be glad to. It is one of the rights that Indians want in California.

Mr. D'EWART. The statement will be filed. Thank you very much.

(The statement is as follows:)

APRIL 8, 1947.

*To the Subcommittee on Indian Affairs of the  
Committee on Public Lands of the House of Representatives.*

GENTLEMEN: As delegates representing Indians of California, we wish to express ourselves favorably to H. R. 2572, the bill by Congressman Welch to permit the sale of liquor to Indians by repealing the prohibitory laws relating thereto, and by amending the law to permit the sale of liquor to Indians.

We know of no justification to prohibit the sale of liquor to Indians on reservations. The Indian is no more addicted to liquor than any other person. We find that when he overly imbibes, it is usually because he must get it from a bootlegger, who usually carries an inferior grade of goods at a greatly increased cost. When he has the opportunity to buy it, an Indian frequently buys a case of wine or beer, or as much liquor as he can secure. Then he and his friends are tempted to drink it up quickly before an enforcement officer discovers he has it and takes it away from him. We are confident that if an Indian can get a glass of beer or wine or other drink when he desires it or has an opportunity to do so, he would be satisfied with a glass of wine or beer or other liquor in place of a whole bottle or a case.

One of the bad features about the existing liquor law is that it discriminates against an Indian, and makes him feel humiliated when he is refused a drink or reads a sign, "No Liquor Served to Indians."

The Indians, for the most part, are sober, industrious people. Many of them would not take a drink of liquor under any circumstances, yet they want the right to do so, the same as in the case of other persons.

Mr. W. G. Walker, a half-blood Indian of Fresno County, Calif., maintained an orderly saloon for many years prior to the prohibition era. He has the distinction, through many years in the liquor business, of never tasting a drop. He chose his grades of liquor by smell only.

Respectfully submitted,

DELEGATES REPRESENTING INDIANS OF CALIFORNIA.

By ALFRED C. GILLIS, *Chairman*.

MANUEL C. CORDOVA.

HERBERT A. BELLAS.

HATHAWAY L. STEVENS.

MISSION INDIAN FEDERATION OF CALIFORNIA.

ADAM CASTILLO, *President*.

Mr. GILLIS. In this statement we comment on H. R. 2958.

As chairman of the delegation representing Indians of California, I have been authorized to present the joint views of the entire delegation on H. R. 2958, a bill by Congressman Case of South Dakota to emancipate the Indians of the United States and to establish certain rights for the Indians and Indian tribes.

We are grateful to your committee for the privilege of expressing our views on a bill that will affect so vitally the rights of individual Indians and other descendants of tribes of Indians of California and throughout the Nation.

It should be unmistakably clear that the Indians of California have not lived in tribal relations for many years. Some of them are arbi-

trarily classified as tribes. Correctly speaking, they may be classified as descendants of tribes. The Indians of California are scattered throughout the length and breadth of the State, sometimes in small groups ranging from a dozen to about 300 persons. They number from 20,000 to 23,000 persons, and are located in as many as 58 counties. Many of them live in our large cities and towns, have street addresses and post-office boxes. They are prominent in church and civic affairs in their respective communities.

As delegates, we have traveled extensively throughout the State, and can bear witness to you that the Indians of California, for the most part, at least, are able to transact their own business, including the management of their own lands and the expenditure of their own money, wisely, without the aid of the Bureau of Indian Affairs.

Our views on H. R. 2958 are as follows:

Page 2, line 4: We recommend that the words "in time of war" be stricken.

Page 2, lines 5, 6, 7, and 8: It is our view that no Indian should be required to have graduated from high school or to have passed the requirements, such as in the case of the naturalization of aliens, to entitle him to a fee to his land. No other citizen or resident would be called upon to meet such a requirement. The compulsory educational laws of California apply to and are in force with reference to Indian children. They regularly graduate from the grammar schools and many of them graduate from high schools and attend colleges and universities.

We believe that any honest, industrious Indian is entitled to the free use of his property and money, and that all restrictions as to his property should be removed.

Page 2, lines 9, 10, and 11: We contend that the Indians of California should be presumed, and recognized, to be competent, and that in a case where individual competency is an issue, the superintendent of a reservation should not be the judge as to his competency. If there is a question as to his competency, that question should be resolved only by the State superior court, as in the case of other persons.

Page 2, lines 12, 13, and 14: We see no justification for requiring an Indian to prove his ability to maintain himself by a test period of living off the reservation for 5 years or more. Such a requirement would not be made of any other person.

### *Civil rights*

Page 2, line 16 through line 18 on page 3: We believe that these provisions are applicable to California, and will serve to emancipate the Indians of that State and free the Government from the cost of maintaining a Bureau of Indian Affairs to supervise them, and otherwise clarify his status.

### *Transition rights*

In our opinion, section 3 in its entirety is applicable, and its provisions may be beneficial, to the Indians of California.

We also advocate the enactment of section 4, beginning on page 4, line 17, through line 9, page 5. There are approximately 30 reservations in California. The language here referred to, under the caption "Rights on Reservations," would be applicable in California.

Page 5, line 10 through 14: In view of what we have already stated with reference to this bill, we wish to voice our opposition to the

Secretary of the Interior being authorized to make rules and regulations that he may hereafter prescribe, at least so far as California Indians are concerned. We want to know what the law is in advance, and we prefer to have that law written by Congress. During the closing days of the Seventy-ninth Congress, there was enacted a law—Public Law 687—that adds to the uncertainty of what rules and regulations may be prescribed.

With your permission, I will read that law:

To facilitate and simplify the administration of Indian affairs

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the purpose of facilitating and simplifying the administration of the laws governing Indian affairs, the Secretary of the Interior is hereby authorized to delegate, from time to time, and to the extent and under such regulations as he deems proper, his powers and duties under said laws to the Commissioner of Indian Affairs, insofar as such powers and duties relate to action in individual cases arising under general regulations promulgated by the Secretary of the Interior pursuant to law. Subject to the supervision and direction of the Secretary, the Commissioner is hereby authorized to delegate, in like manner, any power and duties so delegated to him by the Secretary, or vested in him by law, to the assistant commissioners, or the officer in charge of any branch, division, office, or agency of the Bureau of Indian Affairs, insofar as such powers and duties relate to action in individual cases arising under general regulations promulgated by the Secretary of the Interior or the Commissioner of Indian Affairs pursuant to law. Such delegated powers shall be exercised subject to appeal to the Secretary, under regulations to be prescribed by him, or, as from time to time determined by him, to the Under Secretary or to an Assistant Secretary of the Department of the Interior, or to the Commissioner of Indian Affairs. The Secretary or the Commissioner, as the case may be, may at any time revoke the whole or any part of a delegation made pursuant to this Act, but no such revocation shall be given retroactive effect. Nothing in this Act shall be deemed to abrogate or curtail any authority to make delegations conferred by any other provision of law, nor shall anything in this Act be deemed to convey authority to delegate any power to issue regulations.

Approved August 8, 1946.

In that law the Secretary was authorized to make rules and regulations. He was also authorized to delegate that power to the Commissioner of Indian Affairs, and the Commissioner of Indian Affairs is also, by that law, authorized to delegate his powers to make rules and regulations to a subordinate.

Page 5, lines 15 through 20. So far as California is concerned, we do not believe that this provision is necessary.

With reference to section 5, "Tribal rights," we are opposed to the requirement that an Indian possessing salable property shall be able to sell only in the event that he secures the approval of a two-thirds vote of the adult members of the so-called tribe.

This is respectfully submitted by the delegates representing Indians of California and signed by Alfred C. Gillis, chairman, Manuel C. Cordova, Herbert A. Bellas, Hathaway L. Stevens, and Adam Castillo.

#### PRESIDENT MISSION INDIAN FEDERATION

Mr. D'EWART (chairman of the subcommittee). Mr. Murdock has a question.

Mr. MURDOCK. I am bothered, Mr. Chairman, about what seem conflicting statements. I understand that there are no tribal organizations in California, and yet you have spoken of reservations in California.

Mr. GILLIS. There are two reservations in California that were set apart many years ago by Presidential order. One at Hoopa, Humboldt County, Calif., and the other is located at Round Valley. In later years small parcels of land have been bought for homeless Indians, and we speak of them as reservations. Whether they have a tribal organization there or not, I am not prepared to say.

I was the field worker for the California Indians, Inc., for many years previous to the time they bought these several parcels of land. I knew of no tribal organization in California at that time. I understand that they did not want any such organization, but wanted to go forth as other American citizens in the way their fathers, the old pioneers of California, had taught them.

In this room today we look upon those pictures on the wall. That is what it means to live in tribal relation. There are no Indians today living in that manner.

An Indian chief was a man who got up in the dark of the morning and said to his warriors, "We will swim the McCloud River seven times," so everybody arose, obeyed their chief, swam this cold, blue water in the morning. Then he ordered them from the river and said to them, "Now I will fight any one of you."

The chief was a teacher, he was a leader. He was supposed to be a man subject to fight at a moment's notice. Any of his warriors who refused to fight him at that time would be compelled to fight. That is what the Indian considers belonging to a tribe. The use of the word "tribe" is only for political purposes. The Indians of California are not living in tribal relation today nor have they been for many years.

That is a very interesting statement, that the Congress has the power. Congress is the guardian of the Indian. Congress can do anything with the Indians. It can liberate them without any restrictions. The white man as a people have lived among the Indians for over 400 years. The Indians have been a people without a historian. They have endured 400 years of wrongs; a people who never had an advocate.

I want to read you from the printed hearings of 1941 relating to the powers of the Congress over Tribal Indians. That is the reason why in California we do not speak of ourselves as tribes. These laws run against any Indian living in Tribal relation. [Reading.]

The Jurisdictional Act of May 19, 1928, under which this suit is brought, is a remedial statute and as such should be liberally construed to carry out the legislative intent. It was a statute passed by the Congress for the benefit of dependent Indian tribes under the care and protection of the United States, to whom was owed a special duty of a guardian to a ward. Such legislation should be liberally construed and doubtful expressions resolved in favor of the Indians.

Congress has plenary power over the affairs of the Indians, their lands, tribal funds, education, and general well-being; and has the authority to adopt such means as may be necessary to advance their interests and well-being. In the exercise of such power, it may pass the necessary legislation to settle their claims against the United States, either directly through appropriations or by referring them to the courts for adjudication.

This power is so universally admitted, has been exercised so frequently, and has been sustained by the Supreme Court so universally as not to require any citation of authority in support of it. In the exercise of this conceded plenary power over Indian relations, the Congress passed the special jurisdiction under which this suit is brought. The Congress has the power to create a liability, where none before existed, to waive any legal defense on the part of the United States, and to frame and mold special legislation to fit the needs and demands of such individual cases. To further the ends of justice and in the exercise of such power, the Congress created and assumed a liability in paragraph 2, section 2, of the Jurisdictional Act.

I thank you.

Mr. D'EWART (chairman of the subcommittee). Thank you, Mr. Gillis.

I have a statement here, dated February 24, 1947, from the Crow Agency, Mont. It is an outline of instructions issued to the delegate that is here in Washington at this time, by the Crow Agency. Mrs. Minnie Reed Williams is the elected delegate of the Crow Agency.

These are the instructions to Mrs. Williams:

That all enrolled members of the Crow tribe classed as incompetents by the local agency officials since the closing of the rolls in 1920 and have since reached their majority be given the right to receive their individual lease checks direct from the stockmen of such grazing units now in effect. That having the education to become teachers, nurses, stenographers, in the field of engineering, one or two taking a course in forestry, and agriculturists as well as stockmen, others in business for themselves, which proves they are competent and should be given that recognition and be given the privilege to deal directly with the stockmen. This recognition by the Indian Bureau would further encourage other members to acquire a higher education and toward independent advancement and become useful citizens.

Mr. D'EWART (chairman of the subcommittee). We will now hear from Mr. Castillo.

#### STATEMENT OF ADAM CASTILLO, PRESIDENT OF THE MISSION INDIAN FEDERATION OF CALIFORNIA

Mr. CASTILLO. My name is Adam Castillo. I am president of the Mission Indian Federation of California.

I just want to make a brief statement about the situation in southern California.

Our Congress wants to give us freedom of which I appreciate that very highly. We have been coming here for many years seeking justice. Finally both parties have adopted on their platforms to give the Indian his rights, his citizenship. We have been promised that, and I believe it is now the time to do it.

The Bureau of Indian Affairs is in the way, from what I can judge in these hearings. Collier went out of office but still his staff is in that Bureau. The new Commissioner came in, Mr. Brophy, and he is not seen here. He has not gone out to California to look over the Indian situation. None of them have. The Superintendent is still there. They have not made any changes. All the Government policemen are there. They are not needed. We have no jails or courts in the Indian villages there, but they have some 13 or 14 Government Indian police who are not needed. The Government is paying a lot of money for salaries for these men.

Most all our cases are settled in the local courts. The sheriff goes on the Indian reservation when there is a disturbance. We can call them any time. All the villages are close to the towns and there is no need for such Government police.

Since now we are about to settle our claim with the Government, our suit, our money being here in the Treasury, about \$5,000,000, and we cannot get our fingers on it; there is no way of distributing that money, because the Bureau of Indian Affairs wants it. I hear now we are to be transferred to the State of California. The California State Legislature is after this \$5,000,000, from what I hear in these hearings.

That is not right. I look upon this committee and this Congress to protect us from the Indian Bureau and the State of California getting our money. So we are in distress.

There should be a method made somehow to pay the Indians direct. I would say it could be the Secretary of the Treasury, or someone, rather than to be handled by the Secretary of the Interior or the Indian Bureau. We will never get anywhere as long as we keep these men in the Indian Bureau. They are going to hold us back, and they are holding us back. You are tied up with them. They have hog-tied you, and they have hog-tied us, so we are all in that fix; but Congress is the boss.

We need that protection, from Congress, that freedom. I do not know what this emancipation in this bill means, but I think the Indian Bureau should be emancipated from the Indians in California. We do not need them. I think it affects them more than it does us. We have been a forgotten people. The Bureau does not look after us. We have been self-supporting for 95 years, all this time. All they do is get these appropriations to help themselves to run their office and to run their affairs, but very little do they do for the Indian people.

The State is more or less helping the Indians in the State welfare. We can get relief through the welfare departments of the counties and the State.

It is very simple to give the Indian his citizenship, rights in California, must consider him as a citizen and let him go. That is all there is to it. He does not need any protection or care.

From the very beginning we have lost everything, I might say. We are still surviving and we will live many years more just the same without this Bureau control, so what is the use having the Indian agencies in California supporting them instead of the Indian?

I thank you.

Mr. BARRETT. Mr. Chairman, I would like to go into this matter of the 14 policemen you have out there on that reservation. Are you quite sure you do not need those men?

Mr. CASTILLO. Absolutely not.

Mr. BARRETT. That is not the story I have heard. They tell me you need them and need them badly out there as traffic policemen. The Indian Service cars are going by on that highway there through that reservation so fast and so furious, and all these other Government cars coming along there, that you have to have these 14 policemen to protect the Indians when they want to cross the street.

Mr. CASTILLO. Yes; and I want to say one more thing: From what I have heard, they have a headquarters in Denver, Colo., where they train these policemen to go out there and supervise the Indians to cross the streets. There is a man by the name of Clark, he is a white man, a chief of police. All the Indian police are under him. He seldom goes around the reservation.

Mr. BARRETT. How long have you been out there in California, you and your forebears?

Mr. CASTILLO. We have been the native inhabitants from way back, the first Americans.

Mr. BARRETT. How far back?

Mr. CASTILLO. Well, before the white men came to this country.

Mr. BARRETT. Over 400 years?

Mr. CASTILLO. More than that, perhaps a thousand or more. We are the aboriginals of this country and still we are aliens in our own country.

Mr. BARRETT. You do not think you ought to have to stay another thousand years under the wardship of the Government, do you?

Mr. CASTILLO. This Government is still alive, and the Indian is still alive, and we have to get an understanding on that. We are going to pass away, so we want to settle something for the younger generations that are coming up, leave something for them so that they can live happily and enjoy life as free citizens.

Mr. BARRETT. You are in favor of some legislation that will correct this situation?

Mr. CASTILLO. All that was said by Mr. Gillis; I am in favor of giving the rights to the veterans. They became wards when they were drafted into war. I think they ought to get their lands and their allotments given to them, and give them that freedom. But we do not need it. We want to be recognized as citizens. That is all there is to it. There is nothing more to look after. If we would remove the agencies from the State of California, we would not notice it, and remove the Government police, and save about \$30,000 a year which they are paying for their salaries in California.

The sheriffs come to the Indian reservations any time when they are called. They want to do that. Only the Bureau of Indian Affairs tries to keep them away, and the committees here in Washington do not know that, what is going on back there. Mr. Zimmerman won't tell you how they are wasting this money. The committee should send a man to investigate conditions in California.

They allow the State to investigate. I have their investigation here, where they are after this \$5,000,000. You have to protect us, to divide the \$5,000,000 equally among us. That is why we favor that convention bill.

If the Secretary of the Interior could hold that convention and organize the Indians to handle their own affairs, form a business committee or something like that, get an enrollment of all Indians, that is. I heard one of the men here say if they could find a method, some way to distribute this money right away without much cost, that would be much better.

Mr. D'EWART. Mr. Lemke has a question.

Mr. LEMKE. How many acres are there in your reservation?

Mr. CASTILLO. There are about 30 small reservations ranging from 100 to 2,700 acres.

Mr. LEMKE. Is it your idea that you will take care of a fair division of that property yourself and you do not need any help?

Mr. CASTILLO. Two or three years ago we were demanding a survey of all these reservations. We have lost a lot of land. The Bureau of Indian Affairs surveyors have not been able to make ends meet of these lines. We cannot get all the true lines and boundaries, as they were surveyed out when the Indian lands were set aside.

So we asked the Government to survey them. Two or three years ago they fenced in all the reservations so we know where our lines are, and we can look after them, take care of them, keep the white man out, or lease a piece of ground to a white man. That is the only way we can make a little money for living. We are not furnished

with tractors or any farming implements for 50 years. None of those reservations have been, and still they have a farmer over there that is supposed to show the Indian how to farm.

Mr. LEMKE. Has each Indian in the reservation his own piece of land now?

Mr. CASTILLO. Yes.

Mr. LEMKE. If we say you can now be free from this wardship, each Indian would have his own piece of land and there would not be any trouble about it at all?

Mr. CASTILLO. No trouble at all. That is the way we have been living.

Mr. D'EWART. Thank you very much, Mr. Castillo.

Mr. CASTILLO. Thank you.

Mr. D'EWART. I believe that finishes the testimony this afternoon. The committee will now be adjourned until 10:30 tomorrow morning.

(Thereupon, at 4:35 p. m., an adjournment was taken until Thursday, April 10, 1947, at 10:30 a. m.)



# EMANCIPATION OF INDIANS

THURSDAY, APRIL 10, 1947

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON INDIAN AFFAIRS OF  
THE COMMITTEE ON PUBLIC LANDS,  
*Washington, D. C.*

The subcommittee met, pursuant to call, at 10:30 a. m. in the committee room of the House Committee on Public Lands, the Honorable Wesley A. D'Ewart (chairman of the subcommittee) presiding.

Mr. D'Ewart. The committee will please come to order. We have with us this morning, first, Mr. John C. Williamson, of the Veterans of Foreign Wars, who wants to make a brief statement.

## STATEMENT OF JOHN C. WILLIAMSON, ASSISTANT LEGISLATIVE DIRECTOR, VETERANS OF FOREIGN WARS

Mr. WILLIAMSON. Mr. Chairman and members of the committee, I appreciate very much your permitting me to set forth the opinions of our organizations with respect of emancipation of Indians' legislation. For some years every national encampment has adopted a resolution asking that the veterans of World War I and World War II, who are Indians, be emancipated. The action of our national encampment is the result of repeated resolutions that are adopted every year by almost all of the departments west of the Mississippi River.

There are a number of phases about this type of legislation with which I am unacquainted. I do know one thing, however, that I am a veteran of World War II, and I am a free and unrestricted American, and I know that the Indians who served in this war are not free and unrestricted Americans. I hope that this committee will at least start the ball rolling and approve some legislation at least to begin something that we all know must be inevitable.

That is all I have.

Mr. D'Ewart. We have held a 2-day session on this very subject using as a basis for our consideration the Case bill, with which you are doubtless familiar.

Mr. WILLIAMSON. Mr. Case introduced that bill at our request.

Mr. D'Ewart. We heard Mr. Case one day and we heard the bill the second day. We have that all before us at this time. It is now our idea to take Mr. Case's statement and the Bureau's statement and see if we can work out the differences and make real progress in making this idea of giving the Indians their rights that we believe they desire and are entitled to at this time.

We are glad to have you here and glad to have this statement, and we will include it as part of the record on the Case bill.

Mr. WILLIAMSON. Thank you, sir. Our organization will appreciate anything that you do.

(Thereupon, the committee proceeded to further business.)



# EMANCIPATION OF INDIANS

THURSDAY, APRIL 10, 1947

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON INDIAN AFFAIRS OF THE  
COMMITTEE ON PUBLIC LANDS,  
*Washington, D. C.*

The subcommittee met, pursuant to call, at 10:30 a. m., in the committee room of the House Committee on Public Lands, the Honorable Wesley A. D'Ewart (chairman of the subcommittee) presiding.

Mr. D'Ewart. We have with us at this time a group from Nebraska. Congressman Karl Stefan is here to present them, but first he desires to make a preliminary statement, following which he will present some of his guests, whom we welcome and are very pleased to have with us today.

## STATEMENT OF HON. KARL STEFAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEBRASKA

Mr. STEFAN. Mr. Chairman and members of the committee, I deeply appreciate your courtesy in giving us the time today to present the case of the Omaha, the Ponca, the Santee Sioux, and Winnebago Tribes, who are located in Nebraska and who are located in my congressional district.

Nine members of those four tribes arrived in Washington today, Mr. Chairman, for the purpose of appearing before your committee to tell you briefly of their problems and their hopes, and bringing also to you the messages from their people.

Among them are Charles A. Walker, chairman of the Omaha Indian Tribal Council; Charles J. Springer, secretary of the Omaha Indian Tribal Council; Amos Lamson, member of the tribe acting as spokesman for all four tribes.

From the Ponca Tribe are Otto Birdhead, president of the board of the tribe; Joseph LeRoy, member of the tribe.

From the Santee Sioux come David Frazier, chairman of the Santee Sioux Indian Tribal Council; Thomas H. Kitto, member of the Santee Sioux Indian Tribe.

And from the Winnebago Tribe, Frank Beaver, chairman of the tribe; and William St. Cyr, vice president of the tribe.

Mr. Chairman, the major subjects these constituents of mine wish to discuss and are prepared to discuss include the retainment of the Indian Service, retainment and effecting the act of Congress of June 18, 1934, land purchase, inherited land purchase, homes, health, education, extension and industry, social welfare, law and order, taxes, tribal and individual claims, roads, definite objectives for termination of Federal control of Indian affairs under laws, treaties and

practices, tribal and local authorities, and stabilization of programs and cooperative procedures.

Mr. Chairman and members of the committee, it is my distinct honor to be an adopted member of all four of these tribes. It has been my honor to be acquainted with many of the members of this tribe. I have known them intimately for over 50 years. Some of them who have already passed to the Great Beyond served with me in the Philippine campaign. Some of them who are here represent the fathers, the brothers, and relatives of many Indians who served their country in the Spanish-American War, in the Philippine Insurrection, in the First World War, and in the Second World War.

Many of their relatives have died in these wars which I have mentioned. Many of them have become invalided as a result of wounds. Many of them are sick.

Many of these people, Mr. Chairman and members of the committee, represent those who worked in war plants, men and women who both worked in war plants during the war, many of them tilled the soil in order to produce food for Americans and our allies. They considered themselves and want to be considered, Mr. Chairman, as Americans.

I am very happy to introduce them to you.

In our beautiful committee room, Mr. Chairman, members of the tribes to which I belong view these beautiful pictures of these walls with admiration until, Mr. Chairman, they find one picture to which they object. These people represent Americans who live with their white brothers as neighbors. They have come here, these representatives of four tribes, some of them who have been on the warpath years ago. They have buried the hatchet, they have come together as brothers, pleading one cause, and they ask respectively, Mr. Chairman, that pictures such as this which bring up cruel memories be erased from committee rooms such as this.

It is now my great pleasure, Mr. Chairman, to introduce Mr. Frank Beaver, representing the Winnebago Tribe, who will make the first presentation.

Mr. D'EWART. Mr. Beaver, if you will come forward please, we welcome you here before us today.

#### **STATEMENT OF FRANK BEAVER, CHAIRMAN, WINNEBAGO INDIAN TRIBE**

Mr. BEAVER. Mr. Chairman and gentlemen of the committee, we represent the Omaha, Ponca, Santee Sioux, and Winnebago Indian Tribes in the State of Nebraska. We appreciate the friendship and cooperation of Hon. Karl Stefan, our Congressman, in arranging for us to be heard by the members of your committee on matters of great importance to the members of our tribes.

We believe it is not necessary to take the time of your committee to recount all the treaties, laws, and many years of administrative practices in order to establish the relationship existing between the Federal Government and the Indian people. Many agreements, commitments, and acceptances prove this relationship which is the basis for our appeal to you.

We desire to submit the following major subjects for consideration:

1. Retain Indian Service.

2. Retain and effect act of Congress of June 18, 1934 (Public Law No. 383, 73d Cong.).
3. Land purchase.
4. Inherited land purchase.
5. Homes.
6. Health.
7. Education.
8. Extension and industry.
9. Social welfare.
10. Law and order.
11. Taxes.
12. Tribal and individual claims.
13. Roads.
14. Definite objectives for termination of Federal control of Indian affairs under laws, treaties, and practices.
15. Tribal and local authorities.
16. Stabilization of programs and cooperative procedures.

In our discussions and requests we desire that these facts will be kept in mind:

1. The Indian has the right under treaty, law, ordered administration, and long custom to fulfillment of the agreements, expressed, implied, and acquiesced in. The solemnity and inviolability of agreement constitute the very foundation of the United States—violate that principle and the whole structure of our system of Government will crack and fall.

2. The Indian has the right to be heard, to be considered, to take part in the consideration of his affairs.

3. There should be no abrogation of the Indian's rights without his knowledge and consent.

4. Funds, Federal and tribal, appropriated for administration of Indian affairs, should be used more efficiently and helpfully to the Indians where they live and work. At present there are Indian offices in Washington, Chicago, and Billings, Mont. in addition to our local agency.

We feel that this system is undeniably full of unnecessary duplications and such top heavy expenditure of funds that immediate and maximum beneficial authorized services cannot be rendered and realized by the Indians. Adequate local funds, facilities, and personnel are absolutely necessary to accomplish the commitments of the Federal Government to the Indians through many years of agreements, treaties, laws, Executive orders, administrative regulations, and practices.

5. We respectfully request your cooperation in the consideration and solution of these basically important and urgent matters affecting the welfare and progress of our tribes.

Thanking you for this privilege to be present and to discuss these matters with you in person.

Mr. STEFAN. I would like to say, Mr. Chairman, our witnesses are prepared to answer questions.

Mr. LEMKE. Mr. Chairman, I would like to ask Mr. Beaver, have you any particular grievance against treaty rights that have been broken now, or claims that you are interested in?

Mr. BEAVER. We have a case that has been pending, being handled by Mr. Ralph Case of this city. I think he has already been heard by the Court of Claims. But we have other grievances which may

be brought out later on. For instance, the taxation of trust lands on our reservations.

Mr. LEMKE. You know there has been a Commission created that many of these old claims were to be submitted to. Perhaps most of your claims would go before that Commission. The President has just made the appointments and I think they have been confirmed.

What is your position on the emancipation of the Indian? Are you in favor or against that?

Mr. BEAVER. Our people want to continue the Indian Service to those who need it, because we feel that a great many of our people are not yet able to assume full responsibility of citizenship.

Mr. LEMKE. For that reason you want the Bureau continued as to those who do not want to, or are they not yet, in your opinion, ready?

Mr. BEAVER. We feel that way about it. Of course, we are bound by the decision of our people whom we represent here today.

Mr. LEMKE. If there are a certain number, and if a bill is passed giving the privilege of those who were members of the armed Forces in World War I and II who want to, to sever connections, would you favor that they would get their share of the tribal wealth that you have, and that arrangement be made by which you could either give them part of the land or else pay them not all at once but as you are able to, so as to give them an opportunity to get out and sever their tribal relations?

Mr. BEAVER. There are such people who want to sever their relations with their tribe. However, I do not think it will prove to their satisfaction. I think in the end they are going to lose.

Mr. RUSSELL. Mr. Beaver, I believe in the outline of those things which you stood for one was the policy of objective termination of the Indian Service.

Mr. BEAVER. Yes, sir.

Mr. RUSSELL. Have you any recommendation as to when that should be terminated or the policy that should be taken as to its termination?

Mr. BEAVER. We feel this way about it: We believe there are still agreements and treaties that would effect such a termination and also that the present economic condition among the Indians, especially the inherited land system, is in such a shape that I do not believe that we can effect a sudden change so soon. So therefore, we believe it would take a number of years in preparation for the termination.

Mr. RUSSELL. In other words, then, you would not favor a so-called emancipation bill at this time, as you do not believe the time is yet ripe for a gradual termination starting at this time?

Mr. BEAVER. No; not at this time.

Mr. LEMKE. What would you say to a bill that would provide that all those who wished to and who are competent by having some tests made, being emancipated, and from now on all the children that are born should be instructed in their school that at the age of 21 they would be free and would have to be free whether they wanted to or not? That would be giving them 21 years from now.

Mr. BEAVER. Some people I think will prefer to do that. Just as our patent in fee system has proved, the Indian always, when he is considered competent and receives his patent in fee, loses his land. He has not the capacity to hold on to his property yet. There may be some cases where they can. But I think the Indian still has a great deal to learn.

Mr. LEMKE. What would you say to giving him his freedom and restricting for a period of years that freedom so he gets his feet on the ground and get accustomed to a home?

Mr. BEAVER. I think that would work out all right.

Mr. LEMKE. That is my opinion of it, too. Thank you.

Mr. D'EWART. Mr. Murdock, do you have any questions?

Mr. MURDOCK. I think the questions asked have brought out the things I wanted to bring out. I am inclined to agree with you that it is a little too much to except entire tribes or organizations to be released from wardship. But there are individuals, especially these men who have fought in the wars, the younger men in the Second World War, who now feel that they may be and should be free men, no longer wards, and many of them are competent. As you expressed a moment ago, however, you feel that they should have some base, some economic base, to which they may repair in case they are unable to fight the battles of economic life. That is your view?

Mr. BEAVER. Yes, sir.

Mr. MURDOCK. That is my view, too.

Mr. D'EWART. Would you briefly give us the general picture in Nebraska? How many reservations do you have in Nebraska?

Mr. BEAVER. We represent four reservations here today.

Mr. D'EWART. Are there any other reservations?

Mr. BEAVER. There may be a small portion down on the Kansas border in Nebraska, among the Sac-Fox people, but they are not under the jurisdiction of the Winnebago Agency.

Mr. D'EWART. These nations are organized and each has its own separate agency?

Mr. BEAVER. Yes, sir.

Mr. D'EWART. Do they have considerable tribal assets, these four reservations?

Mr. BEAVER. Yes; some.

Mr. D'EWART. What is their principal source of income?

Mr. BEAVER. Principal source of income, of course, would be agricultural.

Mr. D'EWART. Livestock and grain, and other agricultural crops?

Mr. BEAVER. Yes, sir.

Mr. D'EWART. You have no oil or timber reserves in your reservation?

Mr. BEAVER. No.

Mr. D'EWART. No mineral development?

Mr. BEAVER. No mineral of any kind that we know.

Mr. D'EWART. Do your Indian children in Nebraska go to public schools, or to private Indian schools?

Mr. BEAVER. They go to public schools, the majority, but others attend schools like Wapaton, Pipestone, and some of those places which we understand were recently reduced to eighth grade schools. That is going to throw back some of our students who depend on those institutions.

Mr. D'EWART. Are the primary and grammar school grades adequately provided for?

Mr. BEAVER. I would not say adequately. The public school at Winnebago is struggling under a very heavy burden of debt. The only reason I think the high school is kept up is because of the tuition paid by the Government for the Indian children.

Mr. D'EWART. What is the health situation of these four tribes?

Mr. BEAVER. No so good. Just like any other place, the housing is not so good.

Mr. D'EWART. What is it principally, tuberculosis?

Mr. BEAVER. Not so bad, but there are some cases; but on account of housing shortage, a great many families are congregating, you might say, in one home. It is not very sanitary. They are liable to contact some of these tuberculosis cases and spread the disease among our people much more.

Mr. D'EWART. Is the housing situation pretty good, or is it not so good?

Mr. BEAVER. It is pretty good, what there is. A good many of them have no homes. They are in with some of their relatives.

Mr. D'EWART. Do most of these Indians on these reservations take part in some agricultural pursuit, do they have their own farms, or do they work for others?

Mr. BEAVER. Some do. For instance, under this Reorganization Act, we have a revolving fund that we use in connection with our farming. A good many of our people are working—others are working around in Sioux City, Omaha, and different places like that.

Mr. D'EWART. Does this revolving fund adequately finance your farming operations or do you have difficulty?

Mr. BEAVER. What we have is adequate at the present time. One situation there is that the land is not adequate. Some people think that it is because we have thirty-thousand-and-some acres of land there. It is in heirship status. The Nebraska Winnebagos are not the owners of all of that land. Half the tribe lives up in Wisconsin. They own about a third of that land. If some member of the tribe wants to farm on some heirship land it is not very handy to get.

Mr. D'EWART. Thank you very much, Mr. Beaver, we are glad to have you with us and glad to have your presentation.

Mr. STEFAN. Mr. Chairman, I would like to introduce Mr. Amos Lamson, who is acting as chairman or spokesman of the four tribes. He is a member of the Omaha Tribal Council.

Mr. D'EWART. We will be glad to hear from Mr. Lamson at this time.

#### STATEMENT OF AMOS LAMSON, MEMBER, OMAHA TRIBAL COUNCIL

Mr. LAMSON. Mr. Chairman and members of the committee, first of all I would like to express our appreciation on behalf of the four tribes of Nebraska, consisting of the Omahas, the Winnebagos, the Poncas and Santee Sioux, consolidated under the jurisdiction of the Winnebago Agency.

We wish to express our appreciation and gratitude in having this wonderful privilege granted to us as members of these four tribes. We have long looked forward to this great privilege that is now afforded us in coming before this committee. We feel that the matters we have come to you men are very vital and important. We feel that some of them are very much needed by the tribes of Nebraska.

One of the very important matters on which I heard a question asked a few minutes ago by Mr. Beaver was with regard to the housing situation. I must say here very frankly it is very very poor. On our



reservation we have many tracts of land which are taken up by inheritance. Consequently these lands are burdened by so many heirs that the agency office had to prolong the payment rentals of that land in order to have sufficient funds to draw a check.

For instance, on one particular tract of 40 acres, the Clyde Hollowell land, there are 46 heirs in that 40 acres; the Willie Hollowell lands, 60 acres, 46 heirs; and in the Lydia Thomas, 35 heirs. Those are just three of many pieces of ground that are taken up by heirship.

Consequently the thought might be, why would not some of the men, these heirs, be permitted to live on this ground? It cannot be, because there are so many heirs, and probably only one set of buildings.

Our housing is very poor. There are places on the Omaha Reservation, gentlemen, that I am familiar with, because I am from there, and I presume the Santee Sioux, the Poncas, and Winnebagos are the same, where two to three families are living in one little room 14 by 16 to 18 feet. Three families living there, sleeping in that house. We have come here with these things feeling that if there is any way that we can have some means provided that adequate housing could be provided for our people there where they could live together as families, we would like to request that.

You were asking about the question of health. We have many tubercular cases. We are very grateful for the sanitariums we have, one in Talihina, Okla., one in Rapid City and one in Tama, Iowa, and I understand there are one or two more. We are very grateful for those. Some of our young people, and old as well, have come back practically well. We are very grateful for those things.

Our hospital in Winnebago is a small hospital with a few nurses and a doctor. We feel very much in need of funds appropriated to enlarge the funds that a good surgeon could be had there, and provisions for sufficient nurses to take care of those Indian people who might be sent to that hospital. There have been many lives lost merely because of insufficient medical care.

While we come here with some of these subjects, I have members of the tribal council here and I want to present some of them to talk to you gentlemen. I was selected as chairman of this delegation, and I have touched upon a few of those things, but there are many more things.

One of the important things I would like to have enlarged upon very much is the act of 1934, the Reorganization Act. It has been one of the most beneficial acts that has ever come to the Indian people, although there have been many tribes throughout the United States that have voted it down.

In our tribe we voted 133 for it, and I think it was 14 against it. We have appreciated through the revolving credit loan that comes there, the help that it gives to put an Indian on his feet.

I could read to you some of the records, if it were necessary, how many loans have been made, and what good it is doing, giving him some stock and helping to make him self-supporting. As far as the Indian Office is concerned, the Omahas are 100 percent in favor of retaining the Office to a certain extent. A lot of field offices throughout the whole country, where large appropriations of money are being spent for supervisors and for transportation throughout the whole United States, some of those could be cut off, and then the Indian

Department could be used to take care of those who are not competent to be turned loose.

Upon our reservation we could mention numberless Indians, especially the soldier boys, who went across with the white boys, some of them gave their lives. Now, we have some that came home. So I think some are competent to be released and turned loose and to go on their own.

There are several people in our reservation that have asked that they might be released. I feel that a committee might be organized in the tribal council and our supervisors, that we could determine whether they are competent or not. I saw the most fertile land that ever laid under the Nebraska sun given deeds and patents. I was one of them I came up and sat down with two full-blooded Indians. The man there says to the full-blood, "What do you want?"

He said, "I want my patent in fee." He asked him a few questions and he was turned down.

He came to me. I was only 21 years old, knew very little or nothing about money. In fact, I was asking for money. As soon as he gave me my deed I had many fellows after me to buy that land, which I sold and spent the money. The other Indian on the other side said he would like to have his patent in fee and they turned him down. Today those two Indians have their land, they are the two largest landholders in the reservation.

The Government has made a mistake in giving them their patent in fee, and it has been sold and squandered. Not because the Indian erred, but because the Government erred. Those are some of the things we would like to have corrected, and the Government may right some of the things that they have done wrong.

Mr. Chairman, I have a statement of major subjects for consideration which I would like to submit for the record.

(The statement is as follows:)

#### MAJOR SUBJECTS FOR CONSIDERATION

##### 1. Retain Indian Service

- (a) Mutual understandings and purpose have not been accomplished.
- (b) Many very necessary things remain to be done before the job can be considered finished in justice and equity.
- (c) While many individual Indians have reached the status of competency and in their cases readiness for cooperative termination of the Indian relationship with the Federal Government, there remain many thousands who have not thus far advanced.
- (d) Laws, treaties, agreements, and long practices should be definitely recognized and accomplished however long it may take to reach the ultimate of fulfillments—language, civic, social, education, economic, and the like.

##### 2. Retain and effect act of Congress of June 18, 1934 (*Public Law 383, 73d Cong.*)

- (a) We believe this is the best and most considerate act for the recognition, inspiration, encouragement, and self-support that Congress has ever passed for Indian participation and advancement.
- (b) The Indians of Nebraska adopted the act by tribal secret ballot. They appreciate the privilege to vote on the act, their first opportunity of the kind.
- (c) The Indians of Nebraska have consistently operated under the act and they have made substantial progress in many fields of endeavor.
- (d) There remain important provisions of the act not yet provided—land, Indian participation, education, health, industry, and others.

##### 3. Land purchase

- (a) We urge the acquisition of land as provided in the act of June 18, 1934, or by a loan to be repaid over a long period of years.

(b) Land is the greatest need of our people for living and progress in all directions.

#### 4. *Inherited land purchase*

(a) The present inherited land situation, growing worse at each death, has become almost impossible of beneficial use to the heirs or the tribes.

(b) We urge the purchase of these inherited lands under the act of June 18, 1934, or under a loan to be repaid over a long period of years.

#### 5. *Homes*

(a) The scarcity of homes, the crowded conditions, often many individuals existing in small houses, the scarcity of funds of the people, health and social conditions, combine to make our living conditions a requirement of primary urgency.

#### 6. *Health*

(a) The absence of adequate health facilities in our State and the prevalence of diseases among our people urgently justify continuing and enlarging provisions for the health of our people.

#### 7. *Education*

(a) Indispensable to our children.

(b) We need an education field agent and at least two assistants.

(c) We have no such personnel at present—recently abolished.

(d) Attempting to supply this most important obligation by part-time agent from the State of Kansas.

#### 8. *Extension and industry*

(a) This service should be continued and extended to carry out the act of June 18, 1934—credit operations, farming, stock raising, and the economy of home living.

#### 9. *Social welfare*

(a) The Social Security Act is a great help to the Indians but should be more coordinative with the Indian Service to take care of indigent, helpless, old and young of all ages.

#### 10. *Law and order*

(a) A careful study and coordination of Federal and State laws, up to date, should be made at once.

(b) State and Federal laws should be supplemented by funds for the purpose.

(c) Poncas, Santees, and Winnebagoes favor repeal of Federal liquor law for Indians, Omahas oppose.

#### 11. *Taxes*

(a) The Omahas and Winnebagoes desire the repeal of the tax laws known as the Brown and Stevens bills.

#### 12. *Tribal and individual claims*

(a) We urge the appropriation of funds for the claims commission so it can begin to function.

#### 13. *Roads*

(a) We need additional roads for farm to market and encouragement of our people in farming and stock raising.

#### 14. *Definite objectives for termination of Federal control of Indian affairs under laws, treaties, and practices*

(a) We recommend a study by the Government and the Indians of the laws, treaties, orders, practices, and commitments with the view of discontinuing all that are completed and outmoded and agreeing upon objectives and necessary machinery for completing the balance.

#### 15. *Tribal and local authorities*

(a) We urgently request that eliminations of unnecessary offices and personnel be made to the end that local agencies and activities be provided funds and facilities, with Indians participating actually, thus affording the least possible duplications and the largest possible local responsibility.

#### 16. *Stabilization of programs and cooperative procedures*

(a) We believe the greatest possible benefits for the Government and the Indians can be realized by an actual working out, side by side, of a long-range program.

(b) Too frequent and often disinterested and haphazard projects have resulted in disappointment, lack of confidence, and destructive criticisms and actions by both the Government and the Indians.

Mr. LAMSON. I have the chairman of the Omaha Tribal Council, Mr. Charles Walker, that I would like to present.

Mr. D'EWART. We will be glad to have him at this time.

### STATEMENT OF CHARLES A. WALKER, CHAIRMAN OF THE OMAHA TRIBAL COUNCIL

Mr. WALKER. Mr. Chairman and members of the committee, it is a great pleasure and great honor to speak in behalf of my Omaha Tribe of Indians living in the State of Nebraska. Years ago, as my two spokesmen said, we adopted an act of Congress which gives us privilege of forming the organization into a corporation. Under the act I have always thought that we have bound ourselves under an act of Congress.

This law is the Indian reorganization law. In the second section it specifies as long as the Indians have adopted this act they cannot surrender or quit the law until the Congress of the United States desires to release them.

I feel that I am standing before the Congress of the United States. Perhaps we will be given a chance to go before the Senate.

In behalf of some 1,800 or 1,900 members of the Omaha Tribe of Nebraska, I am sure that every member has promised to stand back of us to express their wishes and desires that the guardianship, being under the Government be retained. I am one of the full-bloods. I have attained my education. At one time there was an Indian school at Carlisle, Pa. I spent 9 long years there. There are some full-bloods at home who have not gone to school, have not reached fourth- or fifth-grade education.

In the life amongst themselves they have forgotten what little education they had. They are afraid to face their paleface brothers. They cannot go shoulder to shoulder with them.

That is one reason why I plead on behalf of my uneducated people that the Government might have hold of them yet for a good many years to come.

Of course, there are some who have gone to higher training and educational life that might desire, as you say, emancipation. Take some of our Second and First World War veterans, for example. They do desire that emancipation, to be turned loose from the wardship of the Government and be declared full citizens.

There are just a very few of them. To speak of the people at home, there are some older people that have reached the age of 70 and 80 years who do not know a word of English. I am pleading for them. It is those who have a little property. They do not know what an Indian Office lease is, they do not know the paper when they see one. They take an interpreter along to explain. If it sounds good to them, they write their name to it. That part of it is all right, as long as the laws and rules and regulations that the Members of Congress direct to the Indian Office protect our people in their property.

Then again, this long channel if district offices, from Chicago to Billings, there is one in Denver, one in Oklahoma City, there is one in Sacramento, Calif.—our older people say there are too many

district offices. Some of us have read these pamphlets that have been sent to our tribal council library. Some times millions of dollars have been appropriated by you men on the Indian Affairs Committee for their benefit. But when the Indian Office in Washington, and the one in Chicago, and those other District Offices take out for their expenditure and use, by the time the money reaches the Reservations—and I am going to come out in a plain spoken manner here—we just get \$1,500 relief money. That is used for unfortunate people, in my class. I was born too late to draw out any allotment when our 300,000 acres of land was allotted to the other members of the tribe. Therefore, I never drew any allotment. Hence, that leaves me landless. I do not have any income.

Still I have a little family. I had to get out among the white people, the farmers there, to make my living, to keep my family going.

I have always looked toward the 30 to 40 million dollars that has been appropriated by both Houses of Congress for the benefit of American Indians, especially so that my Omaha people might get a portion of it for our benefit.

The white collar people who look into our affairs get mostly all of that money.

Mr. D'EWART. Is it your suggestion that the Tribal Council be given more powers?

Mr. WALKER. Yes, sir.

Mr. D'EWART. Not only over tribal funds, but over appropriations that are granted for the Indian Bureau?

Mr. WALKER. That is our wish.

Our housing conditions are awfully poor, as Mr. Lamson says. In some homes there are two or three families numbering about 16 to 20 persons living in one 22' by 24' house.

Under the Reorganization Act we have been allowed some of that money for that purpose, there were only four or five homes built. I am living in one of those homes. The cost of all of the material in that house is about \$200. There have been many thousands of dollars spent for that purpose.

The time is getting late and the other representatives have other subjects to discuss.

Mr. D'EWART. We are glad to have you come before us, Mr. Walker, and we appreciate your statement. We think you have helped in this consideration.

Mr. STEFAN. We have another witness, Mr. Chairman.

Mr. LAMSON will introduce him.

Mr. LAMSON. The next speaker will be Otto Birdhead. He is the chairman of the Ponca Tribe of Nebraska.

#### STATEMENT OF OTTO BIRDHEAD, CHAIRMAN, PONCA TRIBE OF NEBRASKA

Mr. BIRDHEAD. We urge that land acquisition follow out as the law was approved by Congress on June 18, 1934. We have received no moneys that have been appropriated yet for land purchase. We would like to know if they cannot do that. If they can loan us the money to buy out these inherited lands on a long-term basis.

The organization has loaned us \$12,500 which we made good use of. But we have not the land to continue loaning to the individuals to put them on their feet and make them self-supporting.

Mr. D'EWART. Are you veterans able to get veterans' loans?

Mr. BIRDHEAD. No, they are not. I have taken three or four to the county seat to make those arrangements, and they say they will just guarantee 50 percent of what the loan is. We have several of them that have made that effort. It seems as though every time we go to the Veterans' Administration for those funds, they throw it back and say "let the Government help you."

Mr. D'EWART. Do you feel that you are being discriminated against?

Mr. BIRDHEAD. Yes; we do. On our reservation we had just one individual that owned his own allotment and the rest is inherited, all the way from 10 up to 26. Some of those 26 are only in an 80-acre tract. They do not care to rent to an individual because they feel if he can live there, they can live there too. That is the reason it is rented out to a white man.

Mr. D'EWART. Have you any program on your reservation to take care of this heirship, trying to work out that problem?

Mr. BIRDHEAD. We are trying to work that problem out.

Mr. D'EWART. How are you trying to do it?

Mr. BIRDHEAD. We are trying to buy the heirs out. That is the reason I say if we can get a loan from the Government on a long-time basis, say, 30 or 40 years, we can do that.

Mr. RUSSELL. Mr. Birdhead, I understand that down through the years the reservation has become so involved through so many heirs to each parcel of land that at the present time most of that land has to be rented out?

Mr. BIRDHEAD. That is true.

Mr. RUSSELL. Your proposal would be for the tribe to buy out these pieces of land?

Mr. BIRDHEAD. Providing they can borrow the money from the Government on a long-time basis.

Mr. RUSSELL. That is right, if they can obtain the money from the Government.

Mr. BIRDHEAD. Yes.

Mr. RUSSELL. What does the tribe propose to do if those people from whom they purchased the land are members of the tribe?

Mr. BIRDHEAD. They not only purchase the heirship lands, but purchase other lands as well, until we get enough lands to support every family on the reservation.

Mr. RUSSELL. In other words, the heirs would not be granted outright the cash for the land, but if funds were available it would be the policy to obtain enough land to make each family a sufficient economic unit?

Mr. BIRDHEAD. Yes.

Mr. LEMKE. How many of these heirs, or what percentage of them, live on the reservation? How many are no longer on the Reservation? Do you know?

Mr. BIRDHEAD. There are about 80 percent that do not live on the Reservation.

Mr. LEMKE. If you could get rid of those, and they did not intend to come back, you would simply get this land for those who are there?

Mr. BIRDHEAD. That is right. The biggest number of our Poncas live in Oklahoma. Those are the ones that do not want to come under the reorganization law. They voted it down when it was up to them. We want to continue with the Office of Indian Affairs.

Mr. LEMKE. How many acres does it take to support the average family?

Mr. BIRDHEAD. 160 acres.

Mr. LEMKE. Thank you, that is all.

Mr. D'EWART. Mr. Birdhead, thank you for appearing before this committee.

Mr. LAMSON. Now I want to introduce another member of the Tribal Council of the Omaha Tribe, Mr. Charles J. Springer.

Mr. D'EWART. Very well, we shall be glad to hear from Mr. Springer at this time.

### STATEMENT OF CHARLES J. SPRINGER, SECRETARY OF THE OMAHA TRIBAL COUNCIL, NEBRASKA

Mr. SPRINGER. Mr. Chairman and members of the Committee on Indian Affairs: What our chairman and Mr. Lamson have said is very true. I would like to take up the question of health. I was in our local hospital for the first time. I saw the need there. The hospitals need more nurses and need good surgeons. We have two surgeons, but they are not enough. If we could have a surgeon there that would do all kinds of operations, it would help a lot of our people in the four tribes of Nebraska. I would like to see more money appropriated for the hospital.

Mr. D'EWART. You have four hospitals in Nebraska?

Mr. SPRINGER. One hospital for the four tribes.

Mr. D'EWART. How large a hospital is that, how many beds?

Mr. SPRINGER. There are about 60 beds, I imagine.

Mr. D'EWART. Do you have any health agents or nurses at the different tribes?

Mr. SPRINGER. I think there is only one nurse at Sante besides the Winnebago. We have a clinic at our subagency.

Mr. D'EWART. Are all the beds in your hospital full?

Mr. SPRINGER. Practically all the time.

Another thing I would like to take up is education. A number of our boys after they finish high school would like to go to college. It seems under the Reorganization Law there are funds provided, but it is not enough to go around with the other tribes. When it comes to us we are lacking funds. A lot of these boys cannot go to these colleges who wish to. I would also like to see more money appropriated for the education of our Indian youth.

For instance, I would like to see enough funds appropriated to go to universities. They only get as far as high school, they finish high school and that is as far as they go. There should be funds appropriated so they can get higher education.

I ask this committee to try to appropriate enough money for that.

Mr. RUSSELL. I would like to ask you one question: Are you of the same opinion as the statement that was made by Mr. Beaver, that you do not believe that the members of your tribe are ready at this time for emancipation, as it is called?

Mr. SPRINGER. Yes, sir.

Mr. LEMKE. The health conditions could be greatly improved if your housing conditions and standards of living were improved, wouldn't they?

Mr. SPRINGER. Yes.

Mr. LEMKE. You would not need so many hospitals then?

Mr. SPRINGER. We would not need so many hospitals if we got more housing. Like the gentleman said here, I know of a neighbor of mine who has just a small room, and they have two families in there with a lot of children.

Mr. LEMKE. It would be cheaper to look at that end of it than to build hospitals; I can see where you would fill hospitals under the conditions under which you live. You could not help but fill them.

Mr. SPRINGER. Yes.

Mr. MURDOCK. What proportion of your young people go to high school?

Mr. LAMSON. I might answer that question for Mr. Springer. The number of children carried on schools is 351. That is the reservations under the Winnebago jurisdiction. The total number enrolled in school is 993. But just before we left for Washington there was word that came that they had reduced the grade school from the 9th to the 8th, and therefore that left a total of 15 to 18 hundred children that are going to school to these four schools. I think it is Pipestone and Wapaton and Pierre, those three schools where the children go to school, and we have received word that they reduced from the 9th to the 8th grade.

Mr. MURDOCK. When you say they reduced it from the 9th to the 8th grade, Mr. Lamson, have they been furnishing only the 9th grade work, or do they have the full 4 years of high school?

Mr. LAMSON. As to that, I cannot answer. It was to the 9th grade. I presume that that is as far as it went, the 9th grade.

Mr. MURDOCK. As far as you know, they have never had the full 4 years of high school?

Mr. LAMSON. Not to my knowledge. At Macy, Nebr., we have a consolidated school there, Indians and whites both. That school is a high school, 12 grades. Children can go through there to the 12th grade. As to the boarding schools, I cannot answer that question.

Mr. MURDOCK. What percentage of your young people have gone to these neighboring 4-year high schools, very many?

Mr. LAMSON. Yes, there are. I could not say how many, but there is a pretty good percentage.

Mr. MURDOCK. Those are accredited schools, so a graduate could go to a university as far as credits are concerned?

Mr. LAMSON. From the Macy High School they can. There are funds provided under an act there. There is supposed to be a certain amount of funds each year to pay tuition for them to go through school.

I have a little notation made here on educational loans. There were 147 loans made, granted to 83 individuals, amounting to over \$27,000. Of this amount only \$7,000 has been repaid, leaving approximately \$20,000 unpaid, of which almost \$13,000 is now delinquent of the loans that have been made.

Mr. LEMKE. In regard to this education, I would like to ask Mr. Lamson this question: Under certain rules and regulations it is compulsory to have the children go to school on the reservation, is it not?



Mr. LAMSON. Grade school, yes.

Mr. LEMKE. What are the requirements?

Mr. LAMSON. Up to 16 years old.

Mr. LEMKE. They start in when?

Mr. LAMSON. They start in at 6 years.

Mr. LEMKE. Thank you.

Mr. RUSSELL. Can you give me approximately the per capita income per family on your reservation?

Mr. LAMSON. We have a loan from the United States—that is a revolving credit loan of \$30,000. That was borrowed by the tribal council, the corporation. \$20,000 of that has been used. \$10,000 has been left deposited. Out of that \$20,000 they have loaned out to families assisted with loans, 73 out of the \$20,000. The number of loans made is 110; loans active today, 24; and loans paid in full, 79.

The funds advanced were \$20,000, repaid by the corporation, none. Balance to be paid by the corporation, \$20,000, and balance on hand for new loans is \$9,015.75.

The amount of loan funds outstanding to clients—that is the ones operating now—\$11,595.23. Carrying charges have been paid. Out of this there were clients operating tribal funds, 3; and clients operating individual trust lands, 21; and clients operating non-Indian lands, none.

That is one of the thoughts that we had in mind in asking money to be used to purchase lands with for the sole reason that there are so many tracts of heirship land. About 3 years ago the tribal council of which I was chairman at the time had the 10 loan clients to loan them \$2,000 apiece and set them up on farms. We asked the members of the tribe that had land to be withheld from bids so that the Indians could farm it. They, instead, preferred renting it to white men. Today we have just a very few that are operating there.

Mr. RUSSELL. Would you say that the average income per year per family on the reservation would be \$500 a year?

Mr. LAMSON. The distribution of income among families: Under \$250 there are 134 Indians; from \$250 to \$499, 8 families; and from \$500 to \$749, there are only 12; \$750 to \$999, there are 6; \$1,000 to \$1,249 there are 3; and \$1,250 up, there are only 12.

Mr. LEMKE. When you say the \$1,200 income, is that gross or net income?

Mr. LAMSON. That is gross income. All the income that they have is from rentals on land.

Mr. RUSSELL. Mr. Chairman, I would like to submit these statistics relative to the Winnebago Reservation for the record.

Mr. D'EWART. If there is no objection, they will be received.

(The matter referred to is as follows:)

*Statistics relative to the Winnebago Reservation*

Population:	
Total population on the Winnebago rolls.....	1, 365
Resident population.....	1, 001
Area of the Winnebago Indian Reservation:	
Original allotments (acres).....	110, 135
Original allotments.....	1, 480
Present acres.....	33, 646
Individual trust.....	30, 184
Tribal trust.....	3, 462

## Statistics relative to the Winnebago Reservation—Continued

Land used by Indian operators:		
Total	-----	2, 870
Individual trust	-----	2, 468
Tribal owned	-----	362
Fee patent	-----	40
Land operated by non-Indians:		
Total	-----	27, 046
Individual trust	-----	25, 967
Tribal owned	-----	1, 079
Trust allotments (acres)		30, 186
Living allottees (15)	-----	680 A
Heirship land	-----	29, 506 A
Charles Mix, 80 acres	heirs	105
Bradford Horn, 40 acres	do	93
George Hunter, 40 acres	do	82
George Decora, No. 1, 40 acres	do	65
Major Shallon, 37 acres	do	60
David Shallon, 40 acres	do	56
White Woman, 80 acres	do	64
Charles Porter, 80 acres	do	57
Neehookaw, 40 acres	do	57
Anna Bighead, 40 acres	do	56
Distribution of income among families:		
Under \$250	-----	59
\$250 to \$499	-----	14
\$500 to \$749	-----	7
\$750 to \$999	-----	0
\$1,000 to \$1,249	-----	0
\$1,250 up	-----	0

<sup>1</sup> Plus undet. est.

<sup>2</sup> Plus 5 ests.

## Agricultural property (livestock)

Kinds	Number	Value
Cattle	53	\$3, 490
Swine	94	2, 300
Horses	117	4, 630
Poultry	760	3, 000

Total value of Winnebago owned livestock, \$13,495.

## Farming activities for 1946

Kind of crop	Acres planted	Acres harvested	Yield	Gross value
Forage	35	135	<sup>1</sup> 65	\$1, 500
Field corn	1, 000	1, 000	<sup>2</sup> 30, 000	24, 900
Oats	50	50	<sup>2</sup> 1, 500	900

Total value of crops, \$26,400.

<sup>1</sup> Tons.

<sup>2</sup> Bushels.

## Gardens:

80 gardens planted, total acres planted, 52	-----	<sup>1</sup> \$1, 000
Number of quarts canned, 8,700	-----	<sup>1</sup> 1, 825
Pounds dried, 1,200	-----	<sup>1</sup> 450
Pounds stored not canned or dried	-----	<sup>1</sup> 50, 000

<sup>1</sup> Estimated.

*Revolving credit loan data for the Winnebago Tribe of Nebraska*

Loan from the United States.....	\$35,000.00
Funds advanced.....	25,000.00
Repaid by the corporation.....	10,000.00
Balance to be repaid by the corporation.....	15,000.00
Balance on hand for new loans.....	6,403.80
Families assisted with loans.....	75
Number of loans made.....	132
Loans active today.....	15
Loans paid in full.....	109
Amount of loan funds outstanding to clients.....	7,734.83
Carrying charges have been paid to June 30, 1946:	
Clients operating tribal farms.....	1
Clients operating individual trust land.....	14
Clients operating non-Indian land.....	0
Operating clients delinquent as of Mar. 24, 1947.....	2
Loans totaling \$2,953.99 charged off as a loss.	

Mr. D'EWART. Have you any further statement, Mr. Lamson?

Mr. LAMSON. No.

Mr. D'EWART. Thank you, very much, for appearing before us.

We will recess until 2 o'clock.

(Thereupon, at 12 noon, a recess was taken to 2 p. m. of the same day.) ■

## AFTER RECESS

(The subcommittee reconvened at 2 p. m., pursuant to the taking of a recess.)

Mr. D'EWART. The committee will please come to order. Mr. Stefan would like to make a brief statement at this time.

**STATEMENT OF HON. KARL STEFAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEBRASKA—Resumed**

Mr. STEFAN. I ask that two more witnesses be heard this afternoon. Before proceeding I would like you and the members of the committee to know that the representatives of these four tribes who are appearing before you today purposely refrained heretofore from coming to Washington as they have always come to Washington once a year. During the time when transportation was difficult, they felt that travel should be dispensed with because of circumstances regarding which you and I are acquainted. Therefore, during the past year they made every effort to secure the permission of the Commissioner of Indian Affairs to secure for them tribal funds and give them permission to come to Washington, because their people urged them to come to Washington to appear before your committee, because of many things that have occurred there which were not taken care of by the regularly appointed and employed officials.

Among those were the school problems which were discussed this morning. Among them were the matter of security for the Indians for themselves, the matter of police protection.

I could cite you case after case of crimes committed on these Indian reservations, crimes which brought fear into the homes of these Indians. Crimes that are running rampant because there is not sufficient police protection on either of the four reservations represented here today.

Mr. Zimmerman, the Acting Commissioner, is here today, and while I have secured considerable cooperation from Mr. Zimmerman, yet I felt some obstacles have been put in the way of these Indians regarding their efforts to come here and give you their reports.

I hope something can be done to replace those funds used by the Indians for this particular travel item. The committee was kind enough to invite them to come here. These Indians who are my constituents had to supplement with their own funds some of the local Indian funds used for this trip.

Mr. D'EWART. For the information of the Congressman I believe there is a deficiency item in one of the deficiency bills we will act on on the floor of the House shortly for the purpose of reimbursing these people, at least in part, for their expenses. That is in one of the deficiency bills that is coming before the Congress shortly.

Mr. STEFAN. We appreciate that very much, Mr. Chairman, because these people are using some of their own personal funds to come here, supplementing those local funds that the councils authorized for this trip.

Mr. Chairman, by your leave I ask this time that the committee hear David Frazier.

Mr. LEMKE. May I ask a question?

Mr. STEFAN. Yes, Mr. Lemke.

Mr. LEMKE. I am somewhat puzzled on this question of education. We have a similar question in North Dakota. I have taken it up with the Commission but they come right back and tell me that you men on the Appropriations Committee have cut them down so they cannot do it.

Mr. STEFAN. I do not happen to be a member of the subcommittee which makes appropriations for the Interior Department, so over that I have absolutely no control.

Mr. LEMKE. I know, and I know you are only one of a large number on that committee. But if they are correct that they need the appropriation, and the Appropriations Committee cuts them and refuses to give them the opportunity to do the things that they apparently want to do and they admit it is a deplorable condition in my State, I think we had better tell the Appropriations Committee, with your help, to use a little more common horse sense in some of these things.

Mr. STEFAN. If we are going to spend hundreds of millions, yes, billions of dollars for UNESCO, which is a part of a United Nations program to educate people all over the world, certainly we must appropriate money to educate our own people.

When you hear witnesses testify before you, sir, that they are cutting down the grades from the ninth to the eighth, and down to the seventh, something ought to be done to educate American people before they start going all over the world to educate people.

Mr. LEMKE. May I say that my way of thinking is that it is just international lunacy, and we will get over that disease after a little while.

Mr. STEFAN. Thank you, sir. You know what has been done to these Indians. We had a wonderful Indian school in Genoa, Nebr. The Indian people sent their children from all over the State to that school and the students were given wonderful instruction, wonderful education. They became assimilated among the white people. They became owners of stores. These Indians students became school

teachers, they became professional people. They went into the trades.

They learned wonderful things out of that school, and yet the Government of the United States, through the recommendations of the Indian Bureau, closed that school and sent these Indian children back to the reservation rather than giving them opportunities available to the white children.

I agree with you, Mr. Lemke, something has to be done about raising the standard of living of our Indian people. Certainly when you start cutting out ninth grade, eighth grade, something is wrong. And we must appropriate money to give these, our own people, an education if we feel that we now have to embark upon a global program of educating people in all parts of the world.

I am sorry, Mr. Chairman, I took up this much time.

Mr. D'EWART. I would like to say for the information of the Congressman, that we have six bills regarding Indian schools and the education of Indians before this committee which we have not taken up. We are going to take those six bills up together and consider them shortly, and we will be glad to have the Congressman appear before the committee at that time.

Mr. STEFAN. I certainly shall be glad to avail myself of that generous invitation. I know the Congressman who is chairman of this committee from the great State of Montana, has the interests of the Indians at heart. Time and time again he has sat down with me and members of the Nebraska delegation and discussed these matters, and the Indians of America are fortunate, sir, in having a man of your great character, your great ability and efficiency, and your sympathy for these people as chairman of this very powerful committee.

May I at this time, Mr. Chairman, introduce another very outstanding member of one of these tribes, Mr. David Frazier, representing the Santee Sioux Indians.

Mr. D'EWART. We shall be glad to hear from Mr. Frazier at this time.

#### **STATEMENT OF DAVID FRAZIER, CHAIRMAN, SANTEE SIOUX INDIAN TRIBAL COUNCIL**

Mr. FRAZIER. Mr. Chairman and gentlemen, I wish to enlarge a little on tribal and local authorities. Under the Reorganization Act of June 18, 1934, we thought that there would be decentralization of authority, that local government officials with tribal authority would have authority to work out their problems right on the reservation. After going through 10 years of it we find that the authority of the government has been more localized away from the tribal organizations.

We feel that the American way is the best, where you can sit across the table from an individual and have an understanding. We are recommending therefore, that authority be given to local government officials that we can talk over and decide our problems with.

Right now we hear of another duplication of authority in the Billings office. They established a new district office. Although members of this office force may have the interests of the Indians at heart, we feel that we still can do a better job if the authorities were delegated to the local government officials, our superintendent and his staff.

Years ago when we had Indian agents that is the way decisions were made. Recommendations came to only one place. Now we do not know where they go. We do know that it takes a good long while before we get action on certain things.

The idea of small items that could be locally administered is also being taken further and further away from us. All four tribes agree that we would like to have this looked into.

In order to do this we believe that a definite study should be made to stabilize the progress of the Indian organizations. We believe the Reorganization Act was good for the Indians, but the administration of it was wrong. Where the local tribe was given the authority to decide for themselves on such matters of interest to them, I believe they did a very good job considering that for 70 years prior to that all decisions were made by the Indian Office.

In this study we have to have a definite objective set up so that these government agencies would have a goal to work toward, that of freeing the Indian people on their own initiative. That is the objective that we have.

That, briefly, is my statement, Mr. Chairman.

Mr. LEMKE. In regard to this Reorganization Act, which was the Wheeler-Howard Act, as I recall, we had high hopes that just what you are asking be done under that bill. I remember Edgar Howard telling us with tears in his eyes what great results would come from that. After the act was passed, for a while, Senator Wheeler introduced a bill to repeal it because it was not being administered as it was intended, and he thought the whole thing was a failure.

I also understand that it was Collier's idea, the former head of the Indian Bureau, that the Indians should be kept permanently by themselves in tribal groups, which I think is running counter to civilization.

I wonder if you will agree with this, that while you are under the Reorganization Act, whether it would not be wise in the long run for the Indians and for all of us, if we would gradually look forward for the entire abolishment of the Indian Bureau, and giving to the Indians themselves the property that belongs to them.

I do not mean by that that we should turn them loose. I agree as was said this morning, that some of them would spend it in a day or two, but there could be a long-range program worked out with that in view.

Mr. FRAZIER. That is the idea I had, Mr. Lemke.

Mr. D'EWART. Mr. Frazier, we appreciate your being here very much. We are glad to have your testimony before this committee.

Mr. STEFAN. May I have permission for Mr. Frank Beaver of the Winnebagos to have another word?

Mr. D'EWART. We shall be glad to hear from Mr. Beaver again.

#### **STATEMENT OF FRANK BEAVER, CHAIRMAN, WINNEBAGO TRIBE, ARKANSAS—Resumed**

Mr. BEAVER. Mr. Chairman, I would like to say a few words with reference to a tax bill that was passed by Congress back in 1916, taxing the trust lands of Winnebagos, and the Omaha Indians in Nebraska. I believe you are familiar with the case. There were a number of bills introduced here for the repeal of that act. Each time the bill was killed and the law was never repealed. I have a copy of the bill here.

Mr. D'EWART. I suggest you describe it to us and the purpose of the bill, and we will insert the bill in the record at this point.  
(The bill is as follows:)

[S. 6116]

Act of December 30, 1916 (39 Stat. 865) (Public, No. 291—64th Cong.)

AN ACT Providing for the taxation of the lands of the Winnebago Indians and the Omaha Indians in the State of Nebraska

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all of the lands in the State of Nebraska belonging to the members of the tribe of Winnebago Indians held under trust patents of allotments, and upon which the twenty-five-year trust period shall have expired, or shall expire, and which trust period shall have been or shall be extended as provided by law, shall be, and the same are hereby, made subject to appraisal and assessment for the purposes of taxation and subject to taxation for local, school district, road district, county, and State purposes, as provided by the laws of the State of Nebraska now in force or to be hereafter enacted.

SEC. 2. That all of the lands in the State of Nebraska belonging to the members of the tribe of Omaha Indians now held under trust patents of allotments issued in eighteen hundred and eighty-five or subsequent thereto, and upon which the twenty-five year trust period shall have expired, and which trust period shall have been extended, as provided by law, shall be, and the same are hereby, made subject to appraisal and assessment for the purposes of taxation and subject to taxation for local, school district, road district, county, and State purposes, as provided by the laws of the State of Nebraska now in force or to be hereafter enacted: Provided, That any of the lands described in section one and section two of this Act, so long as the same shall be held under trust patents, shall not be subject to levy and tax sale, as provided under the laws of the State of Nebraska for the correction of such taxes; but if such tax shall not be paid within one year after the same shall become due and payable, as provided by the laws of the State of Nebraska, then the list of such unpaid and delinquent taxes on the lands of the Winnebago Indians and Omaha Indians, as above provided, shall be certified by the county treasurer of the county in which such lands are situated to the Secretary of the Interior, who shall be authorized to pay the same from any funds belonging to the Indian allottees owning such lands so taxed and arising from the rentals thereof or under his control; and in the event that no such funds shall be in the possession or under the control of the Secretary of the Interior, he shall certify that fact to the said county treasurer, which certificate shall operate as a full release and discharge of the tax assessed against the land of the Indian so without funds.

Approved, December 30, 1916.

Mr. BEAVER. As far as we know, this is an experiment. I do not believe there are any tribes in the United States whose trust lands are being taxed in this manner. I wish to state that when this bill was proposed the Omahas and the Winnebagos had no knowledge of it. They were not asked whether they were willing to be taxed or not. They passed this law. Since 1916 their trust lands have been taxed.

Mr. D'EWART. Does this tax their personal property?

Mr. BEAVER. It is personal property, for schools, roads, just like any other tax.

Mr. D'EWART. This is levied by tribal council?

Mr. BEAVER. By State law.

The law is not working very well to my mind. The way they started, there is no method of levying the taxes and for collection. So when they were executing contracts and leases for the Indians they added in there a clause that the rental value and the tax would be paid by the lessee instead of being paid by the Indians themselves.

During the depression years a great many of the white farmers would not pay these taxes although it is in the form of a contract.

The Indians were concerned in the contract. In fact certain representatives of the white people in the county accompanied by the super-

intendent, back in 1932 or some time along in there, came down here and had those taxes canceled, relieving the white lessee, you might say, of the responsibility, to the detriment of the Indian himself.

When that happened the white lessees had the idea that it can be worked again. So in the last several years thousands of dollars accumulated in unpaid taxes by the white lessees. At the present time there are a great many cases pending in the United States attorney's office for collection of these taxes. As I understand, the people who owe these taxes are contesting. I do not know on what grounds they are contesting, but what I want to show is that this tax law is such that people seem to play with it instead of taking it as a law that should be obeyed.

Mr. D'EWART. Do you propose that it should be repealed, or that the penalties should be strengthened so that it can be corrected?

Mr. BEAVER. The Indians feel that the law is unconstitutional because the title to these lands is in the Government. They are really taxing the Government. Also, it is stated in the allotment act that the Indian allottee was to derive the sole benefit of that land, and his heirs. Yet they are taking a part of that benefit for tax purposes. I think that is a contractual agreement on the part of the Government being violated.

Mr. LEMKE. I agree with you, a State cannot tax the Federal lands without the consent of the Federal Government. Did the Federal Government give its consent in the bill you have, or is that a State law?

Mr. BEAVER. This is an act of Congress.

Mr. LEMKE. Did they give the State the right to tax the land?

Mr. BEAVER. Yes; under the State law.

Mr. LEMKE. Then the State would have the right if the Federal Government gave it to them. That is all I wanted to know.

Mr. BEAVER. That is the opinion of the Indians. They believe that their land is being taxed unlawfully. That has been commented upon, not only by the Indians, but even by representatives of the Government.

I want to read here or quote from a pamphlet issued by the Indian Education Bureau, by Mr. Beatty. This pamphlet is dated September 15, 1945. It is under the heading of "Indian Restrictions Are Privileges." He quotes from Mr. Cohen, the first of two articles drawn from an address by Felix S. Cohen in New York City in April 1944, before representatives of several groups and organizations interested in Indian affairs.

In it he says these words:

The Supreme Court has said exemption from taxation is a valuable property right of which the Indian may not be deprived without their consent.

I am absolutely certain that the Indian was never consulted when this act was passed. Today we have these privileges because of the Reorganization Act that we come here and air our own views with regard to these matters. I want to thank the committee for listening to us express our views.

Mr. LAMSON. Mr. Chairman and members of the committee, you have listened to Mr. Beaver with regard to a tax law known as the Stevens bill, taxing certain lands, and certain allotments on the Winnebago Reservation. The Omahas have one similar to that, but all the lands on the Omaha Reservation are taxed, though this tax law



does not levy against the land, the income from the land. It has caused a great deal of commotion and trouble.

It involved a good many renters. Finally the Federal Government brought suit against these lessees and sued them in the United States Federal court at Omaha for something like \$325,000. These had run over for a period of time. The suit was brought against these renters on the grounds not for taxes, but for breach of contract.

I come before you this afternoon as one of the delegates of four tribes, the Santes, the Winnebagos, the Omahas, and the Poncas. The Santes and the Poncas have their lands and do not have taxes. We wonder why the Omahas' lands should be taxed, and a few of the allotments of the Winnebagos. We ask that the committee consider this very seriously.

We would ask if it is possible that this bill be repealed, that this land become nontaxable. The Omaha Indians lost a great deal of land.

I might say it is on the error of the Indian Department again. I know of cases of individual Indian's land, where it was transferred, what we might term as Indian deed. In other words, I transfer my estate over to my children, or to one of my children. The Office says that when you do it does not remove the restriction status, it goes right back in as restricted property. I know of several cases on that very thing, that the individual was informed by the Indian Office, "You don't need to worry, that land is restricted from taxation."

Taxes kept going up until there was foreclosure, and they lost the lands. They even went to the court with it, as a test case, and he lost his land. I think that is an error again on the part of the Government office. We feel that if it could possibly be done, we would like to have this repealed. We feel we are separated off as a little group being taxed and no other Indian is being taxed on the same ground that these Indians are. We feel if it can possibly be done, we would like to have that done.

I would like to have this go into the record.

(The act referred to is as follows:)

[S. 4490]

Act of May 6, 1910 (36 Stat. 348) (Public No. 159—61st Cong.) Chapter 202

AN ACT Providing for the taxation the lands of the Omaha Indians in Nebraska

*Be it enacted by the Senate and House of Representatives of the United States of America in congress assembled,* That all of the lands in the State of Nebraska belonging to the members of the tribe of Omaha Indians now held under trust patents of allotments issued prior to eighteen hundred and eighty-five be, and the same are hereby, made subject to appraisalment and assessment for the purposes of taxation and subject to taxation for local, school district, road district, county and state purposes as provided by the laws of the State of Nebraska now in force or to be hereafter enacted; *Provided,* That such lands so long as held under a trust patent shall not be subject to levy and tax sale as provided under the laws of the State of Nebraska for the collection of such taxes, but if such tax shall not be paid within one year after the same shall become due and payable, as provided by the laws of the State of Nebraska, then the list of all such unpaid and delinquent taxes on such lands of the Omaha Indians may be certified by the county treasurer of the county in which such lands are situated to the Secretary of the Interior, who shall be authorized to pay the same from any funds belonging to the Indian allottees owning such lands so taxed and arising from the rentals thereof or under his control; and in the event no such funds shall be in the possession or under the control of the Secretary of the Interior, he shall certify that fact to the said county treasurer, which certificate shall operate as a release and discharge of the tax assessed against the land of the Indian so without funds.

Approved May 6, 1910.

Mr. D'EWART. I believe the proper procedure would be for you to have Congressman Stefan introduce a bill proposing the repeal of this act. You have him introduce that legislation and then we will hold hearings on that.

Mr. RUSSELL. Mr. Lamson, of this delegation, what percentage of the group have borrowed money from the Government?

Mr. LAMSON. You mean under this revolving credit loan?

Mr. RUSSELL. Yes.

Mr. LAMSON. Speaking for the Omahas, I think the chairman of the other tribes can answer for themselves, but speaking for the Omahas there was loaned to the corporation, the Omaha Tribal Council, \$30,000.

Mr. RUSSELL. Of the members that are present and taking part in this meeting, this hearing, how many of the members do at this present time owe the Government money under this reorganization act?

Mr. LAMSON. I would have to ask them.

This question has been asked, how many present in this delegation have borrowed money from the Government and owe them any money?

Mr. BEAVER. I had a loan up to a short time ago and I paid it all up.

Mr. WILLIAM ST. CYR (vice president, Winnebago Tribe). I still owe \$200 on a revolving fund.

Mr. BIRDHEAD. I owe \$300.

Mr. JOSEPH LEROY (member of the Ponca Indian Tribe). I owe \$700.

Mr. LAMSON. The delegation from the Omahas, I do not think owe anything.

Mr. RUSSELL. All right. My second question is, Are there any of the members of the delegations representing the four tribes taking part in this hearing under the employ of the Indian Service?

Mr. LAMSON. I think not.

Mr. STEFFAN. None, sir.

Mr. RUSSELL. I have asked those questions to clarify the record in case anything should come up as to them.

Mr. LEMKE. Mr. Chairman, I would like to ask this question in connection with this tax: These taxes are called "in lieu of tax" or something of that kind, are they not? The department is not suing, and if they win, they just get that much more money for the department, and it lessens the income that you get in leasing the land because the person leasing it will not pay as much for the use of the land if he has to pay taxes.

Mr. LAMSON. When an Indian leases a piece of ground, he leased the ground, up until recently, to a white renter, at \$3 or \$4 or \$5 per acre, whatever the agreement is, plus taxes.

Some of the taxes in the Macy district—the school district was heavily bonded—ran as high as \$4 and \$3.50 at one time. It is not so now.

Mr. LEMKE. If the taxes were not there, you would have gotten that much more rent?

Mr. LAMSON. If the taxes were not there, the Indian would have gotten that. As it is now, the Indian really is beat out of his share.

Mr. LEMKE. That is all.

Mr. D'EWART (chairman of the subcommittee). Are there any more questions? Does that complete your statement?

Mr. LAMSON. I think that is all, Mr. Chairman. We certainly appreciate this privilege of meeting with this committee.

Mr. STEFAN. Mr. Chairman, this concludes the witnesses I have. On behalf of my constituents, I want to thank you and the members of your committee for the splendid treatment accorded to these fine American citizens.

Mr. D'EWART. We are very glad to have this group with us from Nebraska and have their presentation of their problems. We are trying to make a study of things like schools, security, alienated lands, fractionated heirships, and all those things that concern your tribes in Nebraska. The testimony you have presented to us will help us to understand your problems. We are glad you were able to be here, and we thank you for bringing them in.

Mr. RUSSELL. May I add to that: I think that the representatives of the four tribes that are present today have excellently presented their case, and I also feel that they should be deeply grateful that they have the representative in Congress that they have, to take up their problems.

Mr. MURDOCK. Mr. Chairman, I told them that same thing privately, but I would like to say it on the record. You have expressed my thought exactly, Congressman Russell.

Mr. D'EWART. We will now recess until 10 o'clock tomorrow morning.

(Thereupon, at 2:43 p. m., an adjournment was taken until 10 a. m., Friday, April 11, 1947.)

T  
cor  
Wa  
in  
wh  
em  
M  
ST

pi  
w  
al  
re  
th  
&  
u  
h  
l  
&  
t

# EMANCIPATION OF INDIANS

FRIDAY, APRIL 11, 1947

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON INDIAN AFFAIRS  
OF THE COMMITTEE ON PUBLIC LANDS,  
*Washington, D. C.*

The subcommittee met, pursuant to call, at 2:30 p. m., in the committee room of the House Committee on Public Lands, Hon. Wesley A. D'Ewart (chairman of the subcommittee) presiding.

Mr. D'EWART. We have two witnesses that want to be heard in connection with the Case bill that we had before us the other day which has to do with the issuance of competency certificates, or emancipation of the Indians.

Mr. Brown, would you like to make a statement at this time. Mr. Brown is representing the Blackfeet Indians.

## STATEMENT OF JOSEPH W. BROWN, DELEGATE, BLACKFEET TRIBAL BUSINESS COUNCIL, MONTANA

Mr. BROWN. On the Case bill, in a general way, in an over-all picture of that situation, we agree. We think that the Case bill would be a good bill for many of the reservations, and had we not already organized on our reservation, it would have been good on our reservation.

We are organized under the Reorganization Act. We were one of the first to accept it, and then we went on, drew up our constitution and later on a charter.

Together, we adopted all three. We immediately organized there under and became functioning under this new set-up. We have now been under it practically 10 years. We have had our ups and downs living under the act, making a few mistakes ourselves, and I think a few mistakes by the Bureau. But, after all, we are getting to the place and to the point, and have acquainted ourselves with what powers we have so that we feel satisfied with the Reorganization Act.

We can amend it as we see fit, and having that privilege, with a few amendments which will be taken up locally on our reservation, we believe we have something there that will protect the Indians, that will not turn him entirely loose, and that we hold certain strings on him before saying, "You go out into the world, we are through with you, do as you please."

I do not believe we have come to that state. I believe we have to protect our own people until they reach the stage in which we are sure that they can go out into the world and rub shoulders with you white people.

We have almost the power and the privileges under the Reorganization Act which are embodied in the Case bill. The only place that we

differ is holding a trusteeship on those who are, as we see it, are not ready for free citizenship. That is, to turn loose and have no strings upon them.

The Case bill has a clause in it which in our limited time, reading over our delegations, find objections to it. That is, at that point it applies to the Blackfeet Reservation. The clause may be all right for some other reservations. We do not want to stand in the road and block the trail of progress of any other reservation that believes it is the best thing for them.

But for us, I might say that we are living in the center of a community of wealth. We have the Park Service on one side, which is a part of our Uncle Sam.

Mr. D'EWART. Glacier National Park.

Mr. BROWN. That is right. They are reaching out to get a little more land to add to the park, which land is most dear to our hearts. It contains the timber, it contains the game and fish, and we do not know, but we believe it contains oil.

We also have the railroad company going through there. It is also reaching out for more land upon that reservation, which we are opposed to.

Then we have the oil interests on the eastern part of the reservation and on the reservation. They are reaching out for advantages. So that the Blackfeet are sitting in the center of all of this surrounding of wealth, interests that would like to get a little more on the Blackfeet Reservation.

The Case bill provides that a council or that an Indian reservation by a two-thirds vote of its people may sell their tribal land. Now you may see the situation we are in with this amount of wealth surrounding us. It would be an easy proposition for them to come in and buy two-thirds of the people there and put over a proposition whereby they would get the control of that land. For that reason this delegation, as I said, in its limited way, and limited time that they have had in looking over that does not like that provision.

We are afraid of it. We like it as it is now upon that reservation. As it is now, I will just read one clause of our constitution:

Tribal lands: The unallotted lands of the Blackfeet Reservation and all lands which may hereafter be acquired by the Blackfeet Tribe, or by the United States in trust for the Blackfeet Tribe, including timber reserve, shall be held as tribal land and no part of such land shall be mortgaged or sold.

We would like to leave it that way. If there is any way by which you can protect that which I have just read in the Case bill, we do not have any serious objection to the bill.

Also, we want the privilege and the right to pass upon our own people. I earnestly believe that if it were left to a vote of our own people, they would say that we want that in the hands of our council, and let them determine our competency and capabilities.

Mr. LEMKE. Mr. Chairman, may I ask a question right there?

Mr. D'EWART. Mr. Lemke.

Mr. LEMKE. You say you want these lands to remain as tribal lands. Suppose there is a veteran who is a member of your tribe who wants to become emancipated, which is the word that we use; would your tribal council then be willing to pay him a reasonable amount of his interest in those tribal lands?

Mr. BROWN. If we cannot get a full loaf, we will take half one.

Mr. LEMKE. You are not getting a full loaf, you are just giving the other fellow his loaf, or the part of the loaf that belongs to him.

Mr. BROWN. Then I do not understand your question.

Mr. LEMKE. Suppose there is a veteran who wishes to get out of your tribe and away from the wardship and leave your tribe, you do not want him to be able to sell, you do not want to sell any of the land. Would you be willing to have a provision so that you would owe him and pay him reasonable value for his interest in those tribal lands?

Mr. BROWN. That would be a good provision.

Mr. LEMKE. Thank you. That way you could keep your tribal land together.

Mr. BROWN. That is right. We want on that reservation all the lands that we have. We need them, and we need more. If we had the money, the constitution gives us the right to go out and buy more land and add it to the reservation.

All things that have been discussed here relating to the Case bill and the right of Indians considered, we possess 90 percent of those rights already within our constitution. The only trouble we have is carrying them out; we may want to carry out a certain power that is granted to us in the constitution. We are sometimes interfered with by the bureau of the Indian Office.

We are hampered in our business undertakings up here on the Blackfeet Reservation by what is called an extension agent division. I think they have probably 10 or 12 men employed up there under that division. It looks like, in our loan set-up, that they have more to say than the tribal council. I do not believe that this constitution gives them that right.

We are organizing under it and the powers are there, but when we go to carry them out we are interfered with.

I do not say, I am not criticizing the Indian Office or Mr. Zimmerman. We have known one another for many years; we have always pulled together and gotten things through occasionally for the benefit of the Blackfeet. I believe that if their hearts are halfway right, and they meet us, that we can get along much better up there by having a good consultation and understanding. I would like to have that done while we are in Washington. It takes a lot of money to come here. We may never come again; we do not know.

And while we have, I want to say, the friendly attitude of a committee, which, I believe, is working earnestly and hard to do that which is right for all of the Indians. I have had the pleasure of appearing before the Indian committees of both the House and Senate but I never came before a committee which caused me to feel that every effort is being made to find out what the Indian wants and what will be good for him, and the things that you can do in the way of legislation to bring that about. That includes our chairman.

I have noted in the Case bill tests for patent in fee. Under our constitution the Secretary has a right to issue fee patents to the Blackfeet people. Having that right, the bill in the Case Act, we would not like to have applied. We have that right here now and we would like to leave it that way.

We have a loan set-up under this organization. We have a loan board and we have here with us a couple of members of that loan board. They pass upon loans for individual Indians of the Blackfeet. After they pass a loan, that loan goes up to what they call the ex-

tension division. That passes on that loan. Then it will go to the superintendent. He will pass on the loan one way or the other. Then it will go to the Billings office and the Billings man will pass upon it.

If it is quite a sizable loan in value, it then goes to the Chicago office. I do not know whether it gets to Washington, D. C., or not, but we do know it gets to Chicago. Then, it is then returned, to us.

Anywhere along the line of these steps which I have given you and man sees fit to say no, that loan is gone; the applicant is knocked out of a loan

That agitates our own board. They are all members of the tribe. There are five of them. When a loan is turned down they say, "Well, what is the use of a loan board, let them handle it." We who are older and have been through the mill for many years will talk to these younger boys, "Have patience and maybe sometime things will take a turn." I believe that one of those turning points is beginning right here in this hall from what I have heard since I have been sitting down here for the last 3 or 4 days.

We have upon that reservation a system of education. We have mostly public schools. In addition we have, I think, two Government schools, one Government day school and one boarding school. We have an accredited high school. We are turning out 15 to 35 graduates every year. From there on, some of those graduates are going to colleges and universities and taking training. We take part in the development, economic development, of our reservation. It is located in Glacier County.

The larger part of Glacier County is the Blackfeet Reservation. As such, we have the sheriff, county clerk, county attorney, a commissioner. They are Indians from the Blackfeet Reservation in our courthouse. We have two members in the legislature in Montana. So we feel that if you will just let us take care of ourselves and not put too many stumbling blocks in our road, that we are going to come out all right.

I do not want, as I said, to cast any reflections on my old friend, the Assistant Commissioner. I do not know whether he knows that a short time ago we had one of the worst blizzards and storms that we ever knew of. In two storms we had over 100 inches of snowfall. For a week, the town of Browning was marooned. Worse than that, our ranch was out and the town Bad—we have a resident of Bad here with us—was marooned for 30 or 40 days. They took groceries in there in airplanes, and they had an awfully hard time. Everything was shut off; cattle feed and cattle grazing was immediately stopped.

We immediately got busy and those that we could plow to we got to and got them to get their cattle to the railroad and ship them out. They received a fair income by doing that; we saved the pay bills for a very few that were left.

Mr. D'EWART. For the information of the committee, they shipped out 18,000 head of cattle.

Mr. BROWN. The money that these cattle brought are deposited in the agency to the credit of the individual Indian on what they call I. I. M. accounts. They agreed that they would put that same money into cattle in the spring provided that cattle and sheep got down to a reasonable price where they could go back into the stock pens.

That created an awfully distressed condition up there. Our people came in and the only place that they go to is the tribal council, to the



tribal office that we have. We said, "You go up to the agency, they have emergency relief." They would go up there and say, "We have got no money."

So we devised ways and schemes by which we could help our people. Out of this distressed condition, and it still exists there, but not so much, we made a per capita payment from their money that they had. A relief payment is what we made, to relieve these people and give them a little money so that they could buy groceries and shoes and stockings for the children that were attending school.

Also, to buy groceries, shoes, stockings, and other things for the children attending school. This item says that you must not spend over one half of the accrued surplus in a per capita payment, so we spent \$69,000.

We paid it out and we are making a payment of \$20 per member of the tribe. Understand now, that is one-half of it, and the superintendent said, and I think he had a right to say, "You cannot spend any more. You have spent your half of the accrued surplus." But, gentlemen, we have got over \$200,000 to our credit in the United States Treasury.

It belongs to the Blackfeet and that fund has been there for many years. We asked the Indian Office to let us figure that as an accrued surplus so that we can spend all of our local money. They came back and said, "You cannot do it."

Now, if there is any way under the sun that we can complete this payment for the relief of these children and the people there, I hope that somebody will give a lending hand to it.

Gentlemen, if you were there and saw the situation personally, I am sure that you would feel as I do. We are not asking you for your money, or anybody else's, but we are asking you to give us our money to do this. We cannot get it.

I have not talked to Mr. Zimmerman, but I expect to talk with him, and see if there is not some way of overcoming this. Before we can use any of this money for anything that is here in the United States Treasury, they tell me that it takes an act of Congress to do it.

If that is the case, and we cannot get any help and cannot make any arrangements at the Indian Office, we are coming back here and we are going to ask you gentlemen if you will introduce a bill to give us \$50,000 of that money so that we can complete our relief payment and our relief charges that must be taken care of for subsistence and clothing, and that sort of thing.

That is what we want.

Mr. RUSSELL. Mr. Brown, what is the population of the Blackfeet Reservation?

Mr. BROWN. It is 3,530.

Mr. RUSSELL. Can you give me the approximate total amount of tribal lands that come under individual ownership?

Mr. BROWN. Approximate?

Mr. RUSSELL. Can you tell me the extent of the lands that are held by the tribe, and which they operate?

Mr. D'EWART. In other words, how big is the reservation?

Mr. BROWN. Well, it is approximately 60 miles square.

Mr. D'EWART. I would say for the information of Mr. Russell that it joins Glacier National Park on the east side. It is beautiful rolling country for the most part. It has beautiful rolling hills, and fine grazing. Part of the reservation is used for hunting and fishing. The

principal occupation is grazing of livestock and oil development. They also have quite a tourist trade in people going to and from Glacier National Park, and on the reservation they have one of the outstanding Indian museums in the country.

Mr. BROWN. It is all we have, gentlemen, and we would like to keep it there. Uncle Sam pushed us there next to those mountains where it was hard to make a living, and they thought it was not worth anything to the new farmers coming out in that country at the time, and it has now proved that they shoved us on to a bunch of oil land there out of which we are making a living now.

Mr. MURDOCK. I want to say to you, Mr. Brown, that this has been a most interesting statement that we have had from you. I have been informed by it and I appreciate it.

Mr. BROWN. Thank you, Mr. Murdock.

Mr. MURDOCK. You said a moment ago after picturing the distressed conditions created by the recent storms in Montana, that if it required an act of Congress to do something for your relief, you were coming back.

I think that you made just about as strong a statement as you could ever make for our record, and while we may have to look into the law in regard to the matter, I think that we have already been possessed with the information necessary to draft any needed law.

If I may say one more word, Mr. Chairman, I do not know who it was on this committee who said I was a philosopher, but I have been philosophizing a little bit as you were speaking, Mr. Brown.

The poet Longfellow was discussing another matter, but he said concerning the young dreamer who stood on the bridge across the Charles River and who was looking at the shadows in the wavering stream, "The young heart is hot and restless, the old is subdued and slow."

I have seen something of that difference between youth and age creeping in here in the testimony that we have had on these so-called emancipation bills. I can appreciate, too, these young hearts, and especially the Indian GI's who have been in the service overseas, playing their part, winning a victory, and coming back. They are still hot and restless and they are now better informed.

We will miss a great opportunity if we do not go a long way toward meeting their hopes. I am willing to go a long way toward meeting their hopes. I do not think that I need to expand on that much, for my attitude is well known.

A good many of you older men have come in here today, and this is not the first time that I have heard it said by Indians, "We do not feel that we older people have reached the stage yet where we can be emancipated."

We have seen too many times when the laws have been so shaped that the Indian who was not competent to take care of his own business was turned loose, given his property, and was soon parted with it by scheming neighbors, usually white men.

For my own part, I want to help shape this legislation in such a way, recognizing that there are Indians and Indians, and some have not gone very far up the ladder. There are also some who stand at the very peak of the ladder in understanding of the ways of human life and duties of American citizenship.

I think that you are one of those men, Mr. Brown, but there are others on the reservation who are as helpless as infants to whom the duty of government is their protection.

Now, the Case bill, as I see it, is the starter in the direction of shaping the law so that certificates of competency can be granted to those younger people as they can prove their merit and worth, and still retain for the older and weaker members of the tribe the wardship which is so necessary for the vast majority of the Indians on the reservation.

You, as one of the councilors and older member of a tribal organization, and we in Congress, must make it clear to these young men, the GI's and others, that with the liberty with this so-called emancipation offered them there also come responsibilities and obligations.

They must not think that they can get all of the benefits without any of the obligations that necessarily go with all of the rights of American citizens.

I just wanted to say that to you in passing and that I appreciate your statement. In addition to enlarging the rights of Indian citizens I want to do something substantial for them.

Mr. BROWN. I want to take this chance to thank you.

Mr. D'EWART (chairman of the subcommittee). Mr. Zimmerman, would you care to comment on the laws governing the issuance of war funds for relief to the Blackfeet brought out by Mr. Brown?

Mr. ZIMMERMAN. The question that Mr. Brown raises is a question of interpretation. The Department has made a ruling in what Mr. Brown said to the effect that the funds in the United States Treasury are not accumulated surplus within the meaning of the language of the private charter.

Therefore, those funds cannot be added to what funds are in the local treasury for the purpose of getting away from this requirement, and that no more than half of the accumulation may be expended.

Mr. D'EWART. Does it require legislation for them to have another payment this spring, or can you and the Secretary grant them that right?

Mr. ZIMMERMAN. The money is in the control of the local treasury and solely in their control. We have no responsibility and no authority with regard to it.

Mr. D'EWART. What is the balance in the Blackfeet tribal fund at the present time in the local treasury?

Mr. ZIMMERMAN. I do not know. I have no idea.

Mr. BROWN. Do you want to know how much money we have?

Mr. D'EWART. Yes, at the present time?

Mr. BROWN. We have just paid out \$69,000, and that would indicate one-half of the accrued surplus. We have \$69,000 there yet though it is just there and our people need it, but we cannot touch it for that purpose.

Mr. D'EWART. If I understand you, you cannot use that other \$69,000?

Mr. ZIMMERMAN. They can use it, but not for this purpose.

Mr. D'EWART. That is, not for relief purposes?

Mr. ZIMMERMAN. There is some question in my mind, and I have not discussed the matter with the delegation, as to the propriety of the per capita payment on the plea that some of the people need relief.

There are many of the Blackfeet Indians who are not in need of the \$20 payment. Their economic condition is way beyond that. What the councilor has done, as I understand it, is to authorize a payment of \$20 to all of the Indians on the reservation without regard to need.

Mr. D'EWART. Can they legally do otherwise?

Mr. ZIMMERMAN. Certainly. The councilor could have authorized the use of tribal funds for relief of those people who needed relief, if they so wish.

Mr. D'EWART. As I remember, about last October telegrams and letters began to come in. We brought a carload of coal and groceries for them. In fact, two carloads of groceries and coal were sent them. It was the tribal funds that paid for that.

Mr. ZIMMERMAN. I do not know.

Mr. BROWN. We paid the freight, I think it was.

Mr. D'EWART. You paid the freight?

Mr. BROWN. Yes, sir.

Mr. D'EWART. It was really taken out of the fund?

Mr. BROWN. It was sent to the agency and we got a carload of it out of each shipment. There were two shipments made, and we got two carloads. The agency took the rest of it.

Mr. ZIMMERMAN. There is no question, Mr. Chairman, that the Blackfeet have had one of the worst winters in history.

Mr. D'EWART. It is my understanding that they have had a very large snowfall. I believe it is 10 inches of snowfall in that area.

Mr. PEDEN. Mr. Brown, I want to ask you if you are for or against this Case bill? Either Yes or No. Are you for or against it?

Mr. BROWN. I cannot answer it by "Yes" or "No." I can answer it with a little qualification, if you do not mind.

Mr. PEDEN. All right.

Mr. BROWN. We are already permitted under this act to become citizens, and we prefer to say there. But, we do not object to the Case bill because we can see that it may apply to another reservation where they have gained competency, education, civilization, and so on, and all that goes with it, to be turned entirely loose.

We do not want to step in the way of a tribe that wants that, and to say "No. We cannot have it." We simply say that you can have the Case bill.

Mr. PEDEN. Now, if a member of your tribe wants to be emancipated, become free, you are perfectly agreeable with that, are you not?

Mr. BROWN. Yes.

Mr. PEDEN. As Mr. Lemke asked you, if a veteran wants land which the tribe owns, you will either give him the land or the equivalent amount of money when he comes under the provisions of that bill, is that correct?

Mr. BROWN. That is right.

Mr. PEDEN. What is the difference between him and anybody else? What is the difference between him, a veteran, and somebody who is not a veteran insofar as the tribal land is concerned, or in giving him the money?

Mr. BROWN. I am also anxious to answer that question. I am glad that you asked me. Right now we have around 800 Indians of the full-blood type, and they have come to me, and these boys that are here with me, before we came down, and they said, "Son, we don't want you to turn us loose down there when you get to Washington.

We want our land and we want the Government to hold that land for us. We do not want to dispose of our Indian agent. We want him."

They even wanted to come down here with us. We would have liked to have had them, but you can see the size of the expense of coming from Montana with just the six of us that are here now.

We knew they did not have the funds to allow a delegation of those full-blooded Indians, but if they were here today, they would tell you that they want the protection, as they call it, of their Indian agent. Namely, to hold their lands intact. They do not want to become free citizens.

Of the 3,530 people, not all of them are on the reservation. I venture to say that there are around 600 of our people that are scattered out over the United States in different places, working in different plants, some that have left, some that have returned, but we do have track of them when a payment comes up.

We usually find out where they are. What they want, and there are a lot of them there, is freedom, to get out from under the Bureau, and to be citizens like you.

Mr. PEDEN. Do you think every one of these individuals would give the highest praise to the Bureau and would want to stay under its jurisdiction? That is, all of the 3,530 people in your tribe.

Mr. BROWN. Do they like it the way it is? No.

Mr. PEDEN. They do not like the way it is, but at the same time they do not want to be emancipated from it. Which way would you rather have it?

Mr. BROWN. Just as it is in here.

Mr. PEDEN. You do not like either way?

Mr. BROWN. Yes. I will tell you how we like it. This gives us the right to be emancipated, if we so desire right here in this constitution and charter, but now take the Case bill, you are emancipated whether you like it or not.

Mr. PEDEN. I do not read the bill that way.

Mr. BROWN. I have not studied it, as you gentlemen know, but we have a way to make citizens of them.

Mr. D'EWART. Mr. Zimmerman, would the passage of the Case bill as proposed here in this discussion set aside any provisions of the Howard-Wheeler Act which this tribe operates under?

Mr. ZIMMERMAN. I think that it probably would. It would entirely wipe out certain provisions of law under which local self-government carried on in the reservations functions.

Mr. D'EWART. It would repeal those provisions?

Mr. ZIMMERMAN. It would. That is, the tribe has certain powers of local self-government under those charters that would be wiped out.

Mr. D'EWART. I did not read that into the proposed Case bill. The Case bill does two things. First, it provides for certain ways that a man, under his own application, shall get a certificate of citizenship.

Second, it provides amendments to the statutes having to do with offenses against the tribe.

Mr. ZIMMERMAN. It would place the onus for all practical purposes on the State law.

Mr. D'EWART. That is true with regard to the hunting, fishing, or murder, stealing and other things of a similar nature. The Wheeler-Howard Act is in essence a right to establish a corporation, and run a business as a corporation; is that not true?

Mr. ZIMMERMAN. They also have a certain rights of self-government.  
Mr. D'EWART. Under the corporation that they have set up under the Wheeler-Howard Act, that is not being repealed?

Mr. ZIMMERMAN. I am inclined to think that it would be. There could not be tribal courts, tribal law, and order codes, and other things of that nature. That is what you have in mind, is it not, Mr. Brown?

Mr. BROWN. That is right; yes.

Mr. D'EWART. I understood that what Mr. Brown had in mind was the handling of business operations of the tribe, and not the law and order and such matters.

Mr. BROWN. Yes.

Mr. D'EWART. I just wanted to get that straight.

Mr. ZIMMERMAN. I do not see how that would be affected by the Case bill.

Mr. D'EWART. I think that that is the point that bothers Mr. Brown. It would interfere with his business operations of the tribe under the organization of the Wheeler-Howard Act.

Mr. ZIMMERMAN. Under the existing system it makes the oil and gas leases, collects rentals, employs some tribal officials, and makes distribution of the tribal income.

Mr. D'EWART. I do not think the Case bill affects those provisions.

Mr. PEDEN. It specifically says that it will not affect them. As I read this bill, it says "compared to an alien becoming a citizen," and the mere fact of attained citizenship does not take away property rights, and those are property rights.

All this bill does is to provide that an Indian becomes a citizen of the United States, and equal with everybody else, if I read it correctly.

Mr. D'EWART. That is, on his own application.

Mr. PEDEN. That is right.

Mr. ZIMMERMAN. Other sections of the bill have some other provisions.

Mr. PEDEN. That is true, but it does provide that. Mr. Brown, if you are not ready for that now, when do you think they will be ready?

Mr. BROWN. I think that these that I mentioned would be ready in 20 years, and I place it at 20 years because I think they will all be dead. The rising generation that has been educated and that has gone to school and that is in school today will step into their shoes.

Mr. RUSSELL. Mr. Brown, have you talked to Mr. Lemke on that subject? That is, Mr. Lemke of this committee?

Mr. BROWN. No.

Mr. RUSSELL. That is exactly what Mr. Lemke said.

Mr. PEDEN. I daresay that if we had this committee 20 years ago, it would have been the same story—that 20 years from that time, or today, it would have been all right, too. I think that we have to do it now.

Mr. BROWN. Let me say to you that we know our people of the reservation. We have been with them for a long time. I have been with them for 50 years, and we have come up with them. I have seen the changes coming about over those people, and I know that it would take 20 years before this class of people that I meet will be out of existence.

Then, I also know that there are many of their children in schools and they are being educated along a different line, and I know that it is different situation from what the old bow-and-arrow Indian had.

Mr. PEDEN. Thank you, Mr. Brown.

Mr. D'EWART. For your information, Glacier County in which this reservation is located has its children going to the county schools the same as any of the other children.

Mr. LEMKE. Mr. Brown, it is hard to understand after listening to you that you are not equally competent as any class of people that I know to take care of yourselves.

I also assume that you have a majority, or at least a very strong minority, of the people in Glacier County; am I correct in that?

Mr. BROWN. I think you are right.

Mr. LEMKE. You have selected two members of the legislature and also a sheriff, and a sheriff is an important office in any country that I have had anything to do with. You are virtually ruling and controlling the county and I presume that you have a good government in that county.

I still feel that your people are very competent. The fee patents that have been granted were mostly granted to people who had left and wanted to sell their interest; is that right?

Mr. BROWN. The fee patents were granted, you say?

Mr. LEMKE. Yes; to people who have already left and who wanted to sell their property.

Mr. BROWN. No. Let me tell you. I think that it was around 16 to 20 years ago that the Indian Office decided to issue fee patents without request and without anyone knowing what they were doing, until the patents—I think there were 600 of them—came in one mail to the agency, and there they were.

Many of the men and women said that they did not want that. But, the Office said to take it because they were sending a copy of it to the county office, and there would be a record of it made down there, and they would have to pay taxes on the land.

We were forced, without our knowledge and without application, to do that, and they sent those fee patents to the people of the Black-foot Reservation.

Mr. LEMKE. They do not want it because they do not want to pay the taxes. I do not blame them, but would you say that the proper procedure now would be to let all of those who are competent and wish to get out, to get their wardship ended, and then to provide that all the children from now on be educated, and when they get to be 21 years of age, they have to get out?

Would you say that would be a solution? That would give us 20 years to wind up old affairs, and I am sure that you realize, and I do, too, that there always are people willing to submit to wardship if they are permitted to do so.

There are a lot of people who would like to come into your home and my home whether we wanted them or not, and be perfectly willing to stay there. But, for their own good, and for the good of our country, do you not think that the wardship over the Indian could be gradually ended by educating the youngsters and, say at age 21, tell them they are going to be released whether they want to or not, and they are going to be on their own?

Mr. BROWN. That is right.

Mr. LEMKE. That is what Mr. Russell asked. He wanted to know if we had gotten together before. That is what I feel should be done.

Mr. PEDEN. Mr. Lemke, your idea is that as the Indian reaches the age of 21, he be educated to his responsibilities?

Mr. LEMKE. He is out whether he wants to or not. At that age we are through with him. He has been an involuntary ward for a long time and we are going to get rid of the voluntary ward after 21 years of age.

Mr. D'EWART. We thank you very much, Mr. Brown, for coming before this committee and giving us your help in trying to write a new wardship bill.

Your testimony has been a help to the committee and we are very pleased to have you here. We hope that you will come back again some day and help us with other matters.

We will hear from one other witness this afternoon, Mrs. Alice H. Rossin, vice president of the Association on American Indian Affairs of New York City.

Would you take the stand please, Mrs. Rossin?

**STATEMENT OF ALICE H. ROSSIN, VICE PRESIDENT, ASSOCIATION ON AMERICAN INDIAN AFFAIRS, NEW YORK CITY**

Mrs. ROSSIN. Mr. Chairman and members of the House Subcommittee on Indian Affairs, I am Alice H. Rossin, resident of New York City, and as vice president of the Association on American Indian Affairs I wish to make this statement about the general Indian problem.

This national association of which I am an officer was established over 25 years ago by nonpartisan, non-Indian citizens, who were gravely concerned for the welfare of our first minority, the American Indian—a minority created by the process of development of our great Nation.

The Association on American Indian Affairs believes that the failure of the Federal Government to discharge fully the obligations it has assumed during the past 200 years, through treaty and pact, solemnly ratified by the Senate, is a serious reflection upon our national record and a source of embarrassment and mockery to our criticism of other nations' treatment of their dependent peoples.

These obligations of the United States Government to the Indians were established as payment for the ceding of, and extinguishment of, Indian title to practically all the land we now occupy as a Nation.

While some cash payments were made for these titles, in most cases the Government guaranteed, by treaty and pact, specific benefits, such as education, medical care, vocational training, and conservation of their remaining resources, and the enjoyment of their natural rights on reservation areas, all in perpetuity.

To administer these services, the Office of Indian Affairs was created about a hundred years ago, when Indians were removed from military control.

This Indian Bureau, controlled by the Congress through legislation and appropriation, has constantly been unable to fulfill all the many and varied treaty obligations, for want of adequate support, both economic and moral.

It has become the target of much unwarranted abuse and ridicule, rather than the recipient of sufficient funds and support for the fully integrated program required to prepare the Indians for the modern society of this Nation.

Seventy years ago, the Congress sought to bring Indians more fully into the web of American life by the Allotment Act, which was in-



tended to make Indians individual farmers, regardless of their aptitudes.

The tragic consequence of this intended reform was the loss of millions of acres of productive land from Indian ownership. This well-intended legislation failed in its purpose because Indians were not prepared for the responsibilities of individual ownership and the competitive white man in the 25 years contemplated by the act.

In 1924, Indians were granted Federal citizenship by act of Congress. This most elementary of civil rights was the first step away from dependent status Indians had experienced in the 200 years of our occupation, but even so, Congress and the executive branch together had still failed to provide the Indians with any significant measure of home rule such as is enjoyed by every other American citizen.

The first step toward home rule had to wait for the passage of the Howard-Wheeler bill in 1934, which provided for the chartering of Indian community corporations and a revolving fund to advance the necessary credits.

Now, 13 years later, the cry is raised, "Set the Indians free." Set them "free" from what? Set them "free" for what? Are Indians any less free than any other minorities of this country? Are our children, restricted by child labor legislation, for their good and the good of their country, more free than Indians?

Many present day so-called restrictions on Indians were introduced at the request of the Indians themselves, who recognized the need for protection against exploiters until such time as they were prepared for their own defense.

To abolish the Indian Bureau and supposedly "set the Indian free" would only invite grave national tragedy and grant Indians the freedom for disease that would endanger the entire Nation; freedom for further exploitation, and freedom for greater dependency, all in defiance of our treaty obligations.

Instead of abolishing the Indian Bureau, which should be empowered to effect real reforms within its frequently antiquated structure, give the Bureau the tools to properly educate our Indian minority; money for yet more and better schools; money for more and better hospitals; money for more and better housing; money for more and better land development.

Only by spending sufficiently now can the ultimate goal of full citizenship-integration of our American Indians become a fact in this country.

There is one more thing as a personal matter that I would like to bring before the committee. I am extremely distressed at the use of the word, and deplore the use of "emancipated" as applied in the last year or two by Congress as to Indians.

I do not think that it applies. I wonder if any of you have thought recently of looking up the definition of the word in Webster?

It says: "Emancipate—to set free; to liberate; specifically, to set free from bondage, as slaves."

I do not believe that there is any time, neglectfully as we have or may have treated the Indians, when we treated them as slaves. While the great Emancipation Proclamation, or the emancipation of this country is one of the things that we are proud of, I do not think that it applies to Indians.

Mr. D'EWART. Mr. Murdock has brought the use of that term to our attention and would like to be heard from again.

Mr. MURDOCK. Yes; I wish to comment on it further, Mr. Chairman, and to say that I agree with the witness in that she is perfectly right in her criticism of that word in the title.

We do have quite a number of bills, and I believe that they all include the word "emancipate" or "emancipation." It has the wrong historical connotation, to my mind. I am well aware of the fact that the Indian Service is guilty of many acts of omission, if not of commission, and I know that there is not too much to be proud of in the American treatment of the Indian.

It is true we have very frequently ignored or violated Indian treaties. We have done much, and we have failed to do much, both of which lead us not to be too proud of our government of the Indians.

But, by and large the American Government has treated the American Indian better than any conquered subjugated people in the history of the world. The record isn't all black.

Mr. LEMKE. Might I correct my friend there. I think that the Mexican Indian has been treated just as well and a lot of Latin-American Indians have been treated better than we treated our Indians.

Mr. MURDOCK. I know something of Spanish colonial policies, but I will not press that matter. I do feel that what we are trying to do here now is not to emancipate the Indian from chattel slavery. It is not a parallel case with the Negro; but we are trying to give the Indian a fuller citizenship, as he is ready for it—those fuller rights of citizenship into which he is growing and which he deserves.

Mr. LEMKE. Are you ready for a suggestion there?

I think that we are trying to set him free from the time we conquered him and tutored him along. It is a long-delayed freedom.

Mrs. ROSSIN. Do you really feel that they are so unfree? There is no reason an Indian cannot leave the reservation. There is no reason an Indian cannot leave a reservation; he can do so if he so chooses, and take up his residence elsewhere.

Mr. LEMKE. There is no more reason than in the case of a tramp who may come to my home and insist that he be set free. I feel that the more sandwiches and hand-outs that you give him, the more you subject him to the lower state of human existence and the development of an inferiority complex.

I think that the time has come for a broader and more humane point of view in helping them get on their feet the same as you and I. I am sure that you do not want to go into a reservation and live there.

Mrs. ROSSIN. There are some that I have had the pleasure of living on. We are completely in favor of and anxious that they progress and wherever they can to take their rightful place in society. We believe that it only can be done by giving the Bureau the means to do so. The greatest failure has been along the line of schooling.

Mr. LEMKE. That is what I intended to do about the emancipating when they get to be 21 years of age. You are very much mistaken if you think that the Bureau will do it. No bureaucracy will do it unless Congress does it for them.

Mrs. ROSSIN. We are very anxious to help in that process.

Mr. MURDOCK. The important thing is this: The witness before us represents a non-Indian group of fine American citizens who are interested in this one minority, she says.

Let me point out that I, too, have a very high regard for the Indians and much appreciation of the Indian Service and Office in spite of their shortcomings, but they constitute, as we Congressmen see it, a bureaucracy. They have to be held in check. I will admit it.

Mrs. ROSSIN. That is what I am asking you to do.

Mr. MURDOCK. I agree with you. What we want to do is to see that this money is appropriated to the Indian Bureau for the Indian Office, and that it arrives at its destination and accomplishes its result. This is the chief object and the chief thing to be achieved.

I have said a thousand times in this committee that there are Indians and there are Indians. I have lived among the Cherokees and they are at the top of the ladder of attainment.

In my State of Arizona we have vast Indian reservations among which is the Navajo Indian Reservation with about 60,000 Indians. They are nomadic, living on their flocks and herds, grazing over lands that already overgrazed and are denuded.

Those Indians have 17,000 children and only 5,000 of them are in schools. They plead with us for schools, more hospitals, and other facilities. I want to doubly underscore what was said about giving the Indian Bureau and the Indian Office the means of furnishing these schools to such Indians.

There are many other things that are needed by way of making the economic life of these Indians safe and secure, such as dipping vats, water wells, and improved stock for these stockmen.

I am thinking, too, of controlled grazing. They have already reduced their flocks and herds until the Indians are afraid of starvation. Many of the Navajo or the Hopi Indians are living like eagles among the rocks in their sky cities, and many of their flocks and herds are extremely reduced.

A man who used to have 150 sheep units now has 30 to 50 sheep units. To save the range the reduction was necessary. They overgrazed. That land has been washing away filling up Lake Meade. It has constantly been eroding because of overgrazing.

We have built a great investment in the Colorado River and that investment is jeopardized when you fill up Lake Meade with silt. The land from the Hopi and the Navajo Indian Reservation is washing down the Colorado River and filling up Lake Meade. When are we going to wake up to that fact?

If the cry of 17,000 school children of the Navajo's for schools, to which only 5,000 are getting admission, is not an effective appeal to us in Washington, surely an investment in the saving of a billion-dollar investment on the lower Colorado River ought to appeal to us.

I can second what you have said there about giving somebody, call them bureaucrats if you want to, but you have to give somebody the means of doing the right thing now by these Indians.

Mr. LEMKE. I wish to say that I realize the great human impulse with which you speak and I agree with you, but do you not think that some of the disgraceful things brought out here of four and five families living in one room, many of them with tuberculosis, and that if the Indians had gotten their freedom long ago part of this condition could have been prevented?

At one time, I think that every Indian in my State had tuberculosis. Do you not think that if the Indians had their freedom long ago, you would not have possibly found them in this condition?

Mr. MURDOCK. There are slum conditions that exist down my way, too. Secretary Krug was out my way and we took him around the reservation and into some hogans.

Mr. LEMKE. I am glad that he made the trip out there.

Mr. D'EWART. Is there anything further, Mrs. Rossin?

Mrs. ROSSIN. I would like to say that I hope that I have not in trying to draw in broad terms misinterpreted our position in this matter.

This is not a blanket approval of the Indian Bureau or its methods. We feel very strongly that you cannot suddenly pull the Bureau out and accomplish this goal of putting the Indians, or large numbers of them, into modern society. There is some medium that has to be there to accomplish it.

It is in the power of you gentlemen to see that they do a thorough job. No one wants to see them as paupers the rest of their lives. They do not want it. They fear and desire not to have the protection removed from them.

They would too suddenly be put in a strange land and it might be a little difficult for them to make their way around. The group that Mr. Murdock talked about, the Navajo's are marvelously skilled workers and I have worked with them. They also had an interpreter there. They came and went frequently. They had no means of getting along with the people they worked with other than the one interpreter for the several hundreds of people. The company would have liked to have kept them, but it is a vicious circle.

The greatest thing that we would or could give them would be an education and health protection.

I want to thank you very much for allowing me to express these opinions on behalf of our association.

Mr. PEDEN. Are you for this bill or against it?

Mrs. ROSSIN. The Case bill?

Mr. PEDEN. Yes.

Mrs. ROSSIN. I have not studied it and I missed your first public hearings.

Mr. PEDEN. Your testimony is not on the Case bill then?

Mrs. ROSSIN. It is simply a statement on the Indian Affairs before you.

Mr. RUSSELL. You are heartily in accord with this committee, I believe. We feel that those who are able to take care of themselves and wish to be extended the full benefits of citizenship, should be extended those rights, but those who are not ready for that should receive education and the general help that can be given them through the Indian Service, and to reach a point in possibly 21 years, where they will be entirely free?

Mrs. ROSSIN. Yes; in essence. Of course, I am of that opinion, but I do not think it is quite that simple economically. You have got the greatest concentration of the Indian population in a few Western States and to suddenly assume these big Indian populations in public schools, and for the public benefit, will be a problem that is naturally going to have to be faced as the process goes on.

I do not think that it is quite as cut and dried as that. I also wonder when you say "full citizenship," what you mean. Actually, they were made full citizens. What is the difference except that we agreed to give them these services?

If an Indian works in New York, or Washington, he goes to public schools like anybody else if he wants to. He also votes in most States except New York and Mexico and Arizona. He has all of the privileges.

The thing that you control aside from the service that we must render under the treaty, is that it is more a corporate holding for all of these complicated Indian things.

There are protections that the Bureau has to administer, or ones that are somehow incorporated in some corporations, and sometimes you dislike the management, and you may have proxy fights about it, but is that not something a little like that about the way money is handled.

I do not think that they are not citizens. The term in Mr. Case's bill bothers me—"competency." Most of the Indians that I know are competent. It is only a question of language and how to handle themselves with strange people.

Mr. D'EWART. Mrs. Rossin, we are very glad to have heard your statement and to have had you come before this committee.

We will welcome your help in any legislation that comes before us. We hope that you will get the hearings when they are printed on the Case bill. Some of the points that you have brought out here especially as to the definitions of words, such as "competency," "emancipation," and others, are things that have been discussed rather completely. I think that you will be interested in reading those provisions and the suggestions for the amendment of that legislation.

We welcome you at all times. Thank you very much.

Mrs. ROSSIN. Thank you, Mr. Chairman and members of the committee.

Mr. MURDOCK. Mr. Chairman, I would appreciate 3 minutes to make a further statement.

This last witness spoke of what happened a hundred years ago. I want to bring that down a little bit. Please hold in mind, gentlemen of the committee, that Geronimo surrendered and the Indian War stopped in Arizona in 1886. That is less than a hundred years ago. We have to be careful when we fix such dates.

Several hundred years ago a Spanish missionary, Father Kino, came into southern Arizona and settled with the Pima Indians. They were prosperous in irrigating their farms and in growing their crops.

In fact, it was an oasis of civilization in a wilderness of barbarism. Even when the American troops went there about a hundred years ago, they were glad to have refuge at the Pima villages. The white farmers came into the upper hills and valleys, took the water from the river, and the farmers in the central Gila country almost starved.

The missionaries, Presbyterian, Baptist, and Catholic, working among those people got busy and they appealed to the conscience of the American people, and while Calvin Coolidge was President of the United States Congress passed a law which President Coolidge signed, providing for the erection of the Coolidge Dam.

I was there on March 4, 1930, when ex-President Coolidge dedicated the dam which provided water for 50,000 acres of the Pima land. The people who were there that day said that the best speech was not made by President Coolidge, but by a full-blooded Pima Indian.

The Indians did not ask that the water be taken away from the white farmers. They simply asked that something be done and something was done. That is a prosperous farming community.

I will admit that the Pima Indians are not too well satisfied, but maybe you cannot satisfy folks by doing things for them, but at least we saved these Pima Indians, these peaceful, friendly Indians who do not know the color of the white man's blood, and we put them on a firm economic foundation.

Those Christian people of America who flooded Washington with telegrams and letters, from young peoples' societies, and various churches, calling attention to that fact were noticed.

It has now materialized and for that reason, I cherish the thought of what your church organizations, can do in the economy of the Nation, and in the righting of a wrong to the people who ought to be helped.

Thank you.

Mr. LEMKE. May I make a suggestion there, too? Are not those Indians capable, and have they not been capable of taking care of themselves after the water was put there the same as the other white people?

Mr. MURDOCK. They are capable with a larger degree of freedom.

Mr. LEMKE. They were given the opportunity of making good the same as the other people in your State and my State, were they not?

Mr. MURDOCK. Those are comparatively few in number.

Mr. LEMKE. You say comparatively few?

Mr. MURDOCK. Compared with the other Indians in Arizona, that is.

Mr. LEMKE. I would say that you have about the general run of them and you have them, too, if you go to New York right from the slums and in other parts you will find about the same proportion there of white people, white people and Indians, and Indians.

Mr. D'EWART. Are there any further comments? If not, I want to say that the chairman always enjoys Mr. Murdock's expression of his thoughts that he put on at the end of these hearings.

He expresses them as we would like to express them ourselves.

Mr. Zimmerman, I want to ask you a question or two. I have here in my hand a memorandum that says that you promised various favorable reports on H. R. 2097 and H. R. 2752.

Also, various patent fees, so that these would be available to finish this legislation. I have a memorandum that says we are going to get a ruling from the Attorney General on certain legislation that we have in California.

So far, we do not have those reports.

Mr. ZIMMERMAN. The last one is the easiest one to answer, Mr. Chairman. As you know, there is no hurrying the Secretary of the Interior. May I check those numbers to be sure?

Mr. D'EWART. We need those reports before we go on the floor. Yesterday we had a fee bill on the floor and one of the objectors objected and it was only by persuasion of Mr. Welch and myself that we were able to get that objection removed.

We can get them through without them, but you have indicated in each case that the report will be favorable and of help in handling the bill on the floor.

Mr. ZIMMERMAN. I will do what I can, Mr. Chairman. The reports are all in the office, somewhere. It is just a matter of getting them through.

Mr. D'EWART. Then we have a question about a law taxing income from Indian property. You were also going to get us a memorandum on that.

Mr. STEVENS. Is that yesterday afternoon?

Mr. D'EWART. Yes. There was also brought up the question of taxing income.

Mr. LEMKE. Income from the tenant which indirectly comes out of the Indian because of the lower rate.

Mr. ZIMMERMAN. I was not here. I do not know.

Mr. D'EWART. I know that you were not here, but the clerk will give you that memorandum. We would like to have it explained to us, because we do not understand what the law was, and what the situation was.

It was a protest made to this committee in regard to the taxing of income of Indians on Indian property.

Mr. LEMKE. Was it income or taxes on the land by the tenant farmer?

Mr. D'EWART. It was taxing the income from the proceeds of the farm. We are not clear on that.

Mr. ZIMMERMAN. The situation in Nebraska is a little different from the other States. There are special statutes that make much of that land taxable, but the land may not be forfeited to the county even if the tax is not paid provided the certificate is given to the treasury that the Indian is unable to pay. That may be one of the points discussed.

Mr. D'EWART. If you will, please get that, too. In regard to the Mundt bill, it has to do with inheritance. Mr. Schwabe has asked to be heard on that legislation before we give it final consideration.

Neither can we consider the California case until the Attorney General's opinion is before us. Therefore, the legislation that was listed for this week will not be considered complete until we get these reports and these opinions of the Attorney General that I have just mentioned.

We have coming before us on May 2 and May 3, Indians from Oregon and one from Oklahoma. We also have before this committee six Indian school bills on which we will hold a hearing at the earliest opportunity.

I want to express my appreciation for the patience of this committee in coming here every afternoon and morning of this week, and for getting through as much of the Indian legislation as we have.

I also wish to express my appreciation to your Department, Mr. Zimmerman.

Mr. ZIMMERMAN. Mr. Chairman, may I ask the advice of the committee? Since those two California bills were discussed earlier in the week, the attorney general from California had called a conference to be held in his office on the 21st.

I am not certain how far we can get in our discussion at that time. I mention it now to be sure that I will not be needed here by your committee during that week.

Mr. D'EWART. I believe that would meet with the approval of the committee.

Since the committee has labored so well and so faithfully, we will adjourn.

(Whereupon, at 5 p. m., the committee adjourned subject to the call of the chairman.)

## APPENDIX

---

### STATEMENT OF FRANK BEAVER, CHAIRMAN, WINNEBAGO TRIBE, ARKANSAS

For more than a century the Indian race, guided by laws enacted by Congress and the policies of the Indian Office, has been trying to adapt themselves to a new life.

Uneducated, and not versed in diplomacy but in simple faith, he accepted the proffered hand of friendship of the Government of the United States in treaties of friendship, in which the bounds of his habitation are defined.

This was the beginning of the reservation system—creation of a Bureau in the Interior Department by the United States as trustee for its ward, the Indian. Upon this system depended the rise or fall of the Indian race.

Treaty by treaty his vast domain began to diminish until Congress passed an act to make no more treaties with the Indians.

In 1887 Congress, no doubt with the finest of intentions, passed the General Allotment Act, conferring citizenship on the allotted Indian.

In 1903 some thoughtful citizen and friend got the idea the Indian ought to be permitted to sell his heirship land so the idea was enacted into law. To speed up the drain on Indian land, Congress made further legislation so any Indian allottee, who in the estimation of the Indian office to be competent, was issued a patent in fee to his allotment. Later the Indian Office sent out a Competency Commission to issue patents in fee to Indians, and practically forced it upon some Indians. So the history goes on. The Indians' land is almost gone—first by treaty and then by legislation. The result is a checker-boarded reservation.

The present Indian administration and Congress saw the sad situation, and as a redeeming feature, Congress passed the Indian Reorganization Act of setting up a credit system, land purchase, some home rule, etc. Now, as we see it, in our overanxiety to cut Government expenses, we tabled this act as a Russian idea, and some wish to repeal it. I am sure if this idea can be improved upon with an American idea and give better aid to the Indians, they will be grateful. Especially at this time when our country looks with compassion upon the Greek, the Turk, and other unfortunate nations the American Indian, a minority people representing the weakest link in the chain of the social structure of American life, looks to his country for some consideration.

---

### LETTER OF BOYD J. JACKSON, DELEGATE, KLAMATH INDIAN TRIBE, KLAMATH, OREG.

WASHINGTON, D. C., April 21, 1947.

HON. WESLEY A. D'EWART,  
*United States House of Representatives,*  
*Washington 1, D. C.*

MY DEAR CONGRESSMAN D'EWART: Following testimony given by myself and Mr. Wade Crawford as delegates for the Klamath Tribes of Indians on April 9, I requested that you allow me to answer in writing certain portions of Mr. Crawford's testimony. You were kind enough to grant that request and I submit herewith my comments.

The stenographic transcript, at page 85, includes Mr. Crawford's proposed amendment to the bill under consideration. The amendment would provide that county courts bordering on Indian reservations be constituted as boards to determine competency and grant certificates to Indians considered competent. The Secretary of the Interior would then be required to grant a fee patent to any competent Indian within 60 days of the filing of an application. I should like to point out to you that such a proposal by Mr. Crawford is contrary to instructions given to him by the Klamath General Council, whom he represents as a



delegate. A motion made by Mrs. Ida Crawford before the Klamath General Council on October 4, 1945, which proposed that S. 1313 then pending in Congress be voted upon by secret ballot, was voted down by 84 to 40, thus indicating clearly that the majority of the Klamaths were opposed to the liquidation of their reservation.

Mr. Crawford also referred to my testimony of March 15, 1946, when I appeared before the subcommittee of the Appropriations Committee of the House in connection with the Interior Department appropriation bill. In response to questions from Chairman Johnson, I testified, in effect, that the suggested long-range program for the Klamaths had never been put into effect and that there was little likelihood of its being adopted. I also stated at that time that I did not see where this long-range program was an issue. I also testified, in response to questions from Chairman Johnson, that in my judgment the Klamath Tribe would be well along toward being independent within 10 years due to the development of the cattle industry and other resources on the reservation, and that the virgin timber stand would not by that time be exhausted and that we would have second growth timber in addition to look forward to for future timber operations.

On the 9th of April Mr. Crawford read extracts from my testimony in 1946, but in so doing he failed to give the substance of my testimony as above stated.

The testimony in 1946 will be found in the hearings of the Subcommittee on Appropriations, Seventy-ninth Congress, second session, relating to the Interior Department appropriations bill for 1947, which was printed and will be found on pages 1293-1303 thereof.

I thank the committee for the opportunity to appear before it and to present this statement.



# EMANCIPATION OF CALIFORNIA INDIANS

THURSDAY, MAY 15, 1947 .

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON INDIAN AFFAIRS OF THE,  
COMMITTEE ON PUBLIC LANDS,  
*Washington, D. C.*

The subcommittee met, pursuant to call, at 10:40 a. m., in the committee room of the House Committee on Public Lands, the Honorable Wesley A. D'Ewart, chairman of the subcommittee, presiding.

Mr. D'Ewart. The committee will come to order, please.

The next matter with which we are concerned this morning has to do with the California Indians. We have had some presentation of this subject before the committee, but in order to complete those hearings we have asked Mr. Collett to appear here today. He has certain members of the California Indians with him that he wishes to present.

Will you proceed at this time, Mr. Collett?

## **STATEMENT OF F. G. COLLETT, EXECUTIVE REPRESENTATIVE, INDIANS OF CALIFORNIA, INC., CALIFORNIA**

Mr. COLLETT. I am executive representative of the Indians of California, Inc., a nonprofit organization. It is eleemosynary in nature. The Indian delegates are prepared to present their cause. If there are any questions, I will be glad to supplement the presentation made by them.

Mr. Gillis has a statement on behalf of the delegates which was prepared not only by the delegation here, but by several others who were here in February and have returned to their homes.

Mr. Gillis is chairman of the delegation and will present the statement for and on behalf of the delegation.

Mr. D'Ewart. Mr. Gillis, will you come forward and proceed?

## **STATEMENT OF ALFRED C. GILLIS, CHAIRMAN, DELEGATES, ALTERNATES, AND SPECIAL DELEGATES REPRESENTING INDIANS OF CALIFORNIA**

Mr. GILLIS. Mr. Chairman and members of the Subcommittee on Indian Affairs of the House Committee on Public Lands, we have been officially advised that the Indian Bureau has for some time been negotiating with the Governor and members of the State Legislature of California to the end that the Indians of California may be transferred from Federal to State supervision, or perhaps it would be more correct to say to joint supervision to be provided by a specially created board of managers, the cost of such board to be paid for jointly

by the Federal Government, the State of California, and the Indians of California out of their \$5,000,000 now in the Treasury of the United States to their credit.

We understand that at least two officials of the Indian Bureau are now in California for that purpose.

Mr. D'EWART. Before you proceed further, Mr. Gillis, I should state that Governor Warren has been in and has been negotiating with the Indian Bureau, and is still in negotiation with them in regard to some of the matters before this committee today.

We are taking this testimony at this time, but we would rather not act until such time that we have the report in regard to Governor Warren and the result of the negotiations.

Mr. GILLIS. We are confident that our Indian people are definitely and unalterably opposed to the creation of a new Indian Bureau. For many years our people have asked that they be freed from Indian Bureau supervision and that they be accorded full citizenship, including the right to manage their own property now held in trust by the Indian Bureau. Our people are qualified to manage their own affairs without cost to the Federal Government.

The Indians of California desire to be accorded the same rights and privileges as other citizens. They desire to be freed from Federal supervision by the earliest date possible.

We feel that unless a definite program is adopted by Congress, with the aid of the Indians of California, the unnecessary cost of their supervision will continue as heretofore, years without end. We are relying on you, as Members of Congress, for remedial legislation. There is no other tribunal from which the relief we need can be secured. We need, among other things, legislation that will permit our people, by the process of delegates in convention, to reach conclusions whereby our people will be vocal, and recognized by Congress, as to their recommendations. A bill, S. 1102, is now pending before the Senate Committee on Public Lands.

For several weeks, beginning in January of this year, eight Indian delegates representing Indians of California conferred in Washington with each other and the officials who could furnish them with information. They had before them the recommendations of Mr. Zimmerman, Acting Commissioner of Indian Affairs, which he presented to the Senate Civil Service Committee on February 8, 1947. A copy of his recommendations and tabulation of amounts now being expended by the Indian Bureau through its agencies in California—a total of more than \$1,000,000 annually—is attached to the statement handed to you, entitled "Statement of Delegates, Alternates, and Special Delegates Representing Indians of California."

In order for you to get the picture clearly before you, I shall first read the statement of Mr. Zimmerman, followed by the statement of the delegates.

Mr. Chairman, do you want me to read that statement, also?

Mr. D'EWART. No; it will not be necessary.

Mr. GILLIS. I will put it in the record at this point.

Mr. D'EWART. That will be all right.

Mr. GILLIS. I shall continue reading the statement which commenced on page 1 and pass up Mr. Zimmerman's report, because it has been made a matter of record and it is well known.

(The report is as follows:)

The Indians of California should be freed from all supervision by the Federal Government, and the Government should be freed from its total cost of such supervision. The Indians should be treated the same as other citizens of the State.

As far back as 1916, in a test case (*Anderson (an Indian) v. Shafter Mathews, County Clerk of Lake County*), the Supreme Court of California found and declared that the Indian is a born citizen, entitled to all the privileges and amenable to the same laws as other residents and citizens, including the right to register and vote (174 Cal. 537).

The Indians are required to pay for hunting and fishing licenses the same as other persons within the confines of the State, when hunting or fishing off the reservation. The majority of the Indians do not have any connection with any reservation, and are therefore required to secure licenses.

They are assessed taxes in all cases, the same as other persons residing in California, including automobile and gasoline taxes, sales, property, and school taxes. Under the laws and the Constitution of California, the Indians are entitled—

(1) To vote.

(2) To attend public schools. (Whether the Indian has taxable property or not, he is not required to pay any tuition and his school books are furnished free. In 1929, the Supreme Court of California declared unconstitutional, null, and void, the act of the State legislature intended to bar Indian children from attending public schools if the Indian resided within 3 miles of a Government school.) (193 Cal. 664.)

(3) To receive old-age pensions when they are 65 years of age or over.

(4) To receive monthly allowances for the care of orphan and half-orphan children.

(5) To receive monthly and temporary allowances when blind or in indigent circumstances, also to be admitted to county hospitals and alms houses, under the same circumstances as any other resident of the county; also free care in State institutions.

(6) To Social Security benefits when unemployed.

Notwithstanding these facts, the Indians of California are treated by the Indian Bureau as wards of the Federal Government, which involves many thousands of dollars each year for the maintenance of Indian agencies. According to Mr. Zimmerman's report to the Senate Civil Service Committee recently, the Interior Appropriation Act for the year ending June 30, 1947, appropriated for California the total of \$1,122,668. We believe this total is in error.

#### PROPOSED PROGRAM FOR THE INDIANS OF CALIFORNIA

We recommend—

- |  |            |
|--|------------|
| A. That item 9, page 3, of Mr. Zimmerman's advice to your committee, entitled "Proposed California Indian Program," regarding cost of maintaining and operating Sherman Institute, at Riverside, Calif., be discontinued as of June 30, 1947, thereby saving the Federal Government an annual cost of . . .  | \$253, 324 |
| B. That item 2, page 3, of Mr. Zimmerman's proposed California Indian program, "Education, including subsidy," be discontinued as of June 30, 1947, thereby saving the Federal Government annually the sum of . . .  | 181, 729   |
| C. That item 3 of Mr. Zimmerman's proposal, page 3, "Health services, including cost of State medical contract," be discontinued as of June 30, 1947, thereby saving the Federal Government annually the sum of . . .  | 239, 037   |
| D. That item 4, page 3, "Welfare and relief," be discontinued as of June 30, 1947, thereby saving the Federal Government an annual cost of . . .   | 23, 533    |
| E. That item 5, page 3, relating to "Forestry protection;" item 6, relating to "Agricultural expenses and credit;" item 7, relating to "Irrigation, maintenance and operation;" and item 8, "Roads," be discontinued as of June 30, 1947, or transferred to the appropriate Department of the State or Federal Government having facilities and appropriations to absorb these activities, thereby saving the Federal Government for these four items an annual total of . . . | 199, 475   |

## PROPOSED PROGRAM FOR THE INDIANS OF CALIFORNIA—continued

We recommend—Continued

F. That item 1, "Reservation administration, including construction and maintenance of buildings and utilities," be discontinued as of June 30, 1947, thereby saving the Federal Government annually a total of.....	\$153, 170
or as much of that sum as may not be needed for an orderly liquidation and a readjustment that may be found to be advisable.	
Grand total.....	1, 050, 268

We are not sufficiently familiar with item 10, relating to the amount "Allotted to Yuma from Colorado River (Ariz.) Agency (estimated) \$30,000," to make any recommendations.

Undoubtedly a large number of the "104 full-time classified employees and 73 unclassified employees" can be reduced as to their numbers.

While it is a fact that, as of May 18, 1928, there were in round numbers 23,000 Indians of California enrolled as such, according to the Census Bureau's vital statistics figures this number has been reduced by deaths to approximately 17,000. The children born since May 18, 1928, are not classified by the Bureau of Indian Affairs as Indians of California, due to the fact that they have not been identified as qualified enrollees.

We also recommend:

G. That, in fairness to the State of California (in view of the fact that a total of "605,000 acres, of which 415,000 acres are in tribal status and 190,000 acres are in individual allotments and homesteads" and "most of the Indian land is in the mountains and deserts," and are therefore held in trust by the Government and are exempt from taxation), that Congress authorize the payment to the State of California of an amount equal to the tax levied by the State of California on similar properties.

A large portion of the Indians of California do not reside on restricted land. Many of them have acquired land and homes of their own. They are enterprising and self-respecting citizens.

H: The Court of Claims records show that more than 611,000 acres of restricted lands have been charged against Indians of California at \$1.25 per acre, as an offset in their judgement which resulted in a net recovery of \$5,000,000. The Indians have therefore paid for such lands. No title of any kind or description has been accorded to the Indians for these lands for which they have paid. The Indians should be given titles to these lands, thereby freeing the Government of further personnel and cost of supervision.

I. That (1) allotments and tribal lands held in trust, retain their present status until the trust period has expired, or until Congress has otherwise directed: Provided, that the allottee may make application to the Secretary of the Interior for fee patent at any time, and that such application, if not granted, may be presented to the appropriate committee of Congress for such action as it deems appropriate, and that the Indians concerned shall be fully advised as to any and all actions contemplated; and (2) that fee patents to public-domain allotments and homesteads be approved upon application by the owners.

J. That Indians concerned with tribal property be authorized by Congress to submit, to the Secretary of the Interior and to the committees of Congress concerned with Indian affairs, recommendations as to the use and final disposition of tribal property.

K. That the rancheria lands, now held in common for Indians of California in trust by the Federal Government, be subdivided and assigned as equitably as possible to individual Indians, and that immediately, or as soon as Congress may deem proper, the Indians concerned be given a fee patent to their individual holdings. The present uncertain tenure of holding of lands does not create initiative or encourage the development of the lands and improvements thereon.

L. That no waiver would be necessary by an Indian who was freed from Bureau control in the State of California to the effect that he would not assert a "right to any special Federal Indian gratuity services for himself and family." No other citizen or alien who acquires citizenship is called on to make any such waiver.

M. That the roll of Indians of California be reviewed to remove from it all persons who have died since May 18, 1928, and by adding to that roll all Indian children and their descendants, now living, born since May 18, 1928, and by adding the names of such persons who can establish that they are descendants of Indians residing in California on June 1, 1852, and their descendants now living. There were a few Indians who happened to be living in adjacent States on May

18, 1928, but, although they could establish themselves as being Indians of California were deprived of enrollment at that time because they were not living in "said State." Therefore, they are not classified as beneficiaries in common with other Indians of California.

N. That \$4,000,000, and accumulated interest on the net judgment of \$5,000,000 now in the Treasury of the United States to the credit of the Indians of California, be paid (to all who are now or may hereafter be enrolled), on a per capita basis, and that \$1,000,000 be retained in the Treasury of the United States to the credit of the Indians of California as a reserve fund, subject to the wishes of the Indians of California and subsequent authority by Congress.

O. That law enforcement be transferred to the State and counties of California, thereby relieving the Federal Government of any cost or responsibility for that purpose. Federal policing of reservations would not then be necessary.

P. That a "joint Indian welfare board" is not necessary or advisable. The Indians of California should be treated in the same manner and not different from any other citizens or residents of the State of California.

Q. That Congress establish a committee of five members to be selected from the Indian Affairs Committees of the Senate and the House of Representatives, to work out the details of the complete surrender of the Federal Government over the affairs of Indians of California.

R. That the individual Indians of California concerned be given a full and complete accounting of their individual, tribal, and community funds now being held by the Department of the Interior or any of its agencies, and the source of such funds, giving name and last known address of each such person, and the names and locations of the depositories of such funds, and that such report be filed with the Civil Service and Public Lands Committees of the United States Senate.

S. That the dual system maintained by the State and Federal Governments be discontinued. The present system makes the Indian a shuttlecock between the two governments, resulting in grave perplexity as to where the Indian should look for relief accorded to other citizens and residents in similar circumstances.

#### INQUIRY

We would like to know if the Indian Bureau, under the provisions of the Interior Appropriation Act for the year ending June 30, 1947, is authorized to use as much as \$50,000, of the money now in the Treasury of the United States to the credit of the Indians of California, and can a portion of that sum be used to pay the expenses of the undersigned delegates, alternates, and special delegates representing the Indians of California, from their respective homes to Washington, D. C., and return, including a per diem comparable to that allowed delegations of Indians from other States. The provision referred to is found on page 12, Public Law 478, Seventy-ninth Congress, and reads as follows:

#### MISCELLANEOUS INDIAN TRIBAL FUNDS

Administration of Indian tribal affairs (tribal funds): For expenses of administering the affairs and property of Indian tribes, including pay and travel expenses, \$278,170, payable from funds held by the United States in trust for the particular tribe benefited; not to exceed \$50,000 for any one tribe.

Sincerely yours,

CLYDE F. THOMPSON, *Chairman*,  
HERBERT A. BELLAS,  
MANUEL C. CORDOVA,  
ALFRED C. GILLIS,  
Mrs. FRANKIE MOORHEAD,  
DEWEY CONWAY,  
HATHAWAY L. STEVENA,  
ADAM CASTILLO,

*Delegates, Alternates, and Special Delegates Representing Indians of California.*

ADAM CASTILLO, *President*,  
*Mission Indian Federation of California.*

#### SUPPLEMENTARY STATEMENT OF DELEGATES, ALTERNATES, AND SPECIAL DELEGATES REPRESENTING INDIANS OF CALIFORNIA

There are many instances in California where Indians have acquired trust patents under authority of Congress to lands occupied by them. The trust provides that the lands shall be held for the allottees and delivered to them or their heirs at the expiration of the trust period, free of all encumbrances.

Through Executive orders of the President and special acts of Congress, some of the Indians have acquired vested rights in certain other lands in California. By agreement, Congress has created in the Indians concerned a vested right. The courts have repeatedly held that:

"Wherever the rights are vested, it is the duty of the courts to protect such rights against the executive officers of the Government, even to the head of the Department, the Secretary of the Interior, for he, like all others, is subject to congressional legislation."

The courts have also held repeatedly that a vested right is a sacred right and should be protected. A selection made at a time when the rights exist to do so, creates an interest or right so vested that it descends to the heirs and fixes the right of property. We therefore doubt that there exists any right for the transfer of the trust holdings of Indians of California from the Federal Government to the State. Furthermore, the Indians do not want to be so transferred. They have sought for years and earnestly plead now that they be accorded their full rights, and freed from all governmental supervision, Federal and State, that in any way treats them apart from or in a different way from other citizens.

Former United States Senator Burton K. Wheeler, who acquired a thorough knowledge of the Indians of California by his many visits to all parts of the State as chairman of the Senate committee on Indian Affairs, on April 30, 1934, said to his committee colleagues:

"There is not any more reason why those Indians out there (in California) should not handle their own affairs than any white man. Hardly any of them are more than quarter-breeds, and most of them are eighthths. They are white people. And this Government of the United States is handling their affairs. In my judgment, those Indians ought to have that land allotted to them. They ought to run their own affairs. They ought to come under the laws of the State of California, and the guardianship over those Indians ought to cease completely" (Senate hearings on Wheeler-Howard bill, p. 151).

The Indians of California do not owe the Government of the United States anything for services heretofore rendered to them.

The Indians of California have the distinction of having repaid the United States Government all it claimed to have expended for their benefit through the years from 1850 to 1944—a total of more than \$12,000,000.

Furthermore, although they have been allowed a settlement for the claims of only from one-third to one-half of the Indians of California (as shown by the records of the Court of Claims), the Indians of California have repaid the Government the total amount claimed to have been expended by it for all of the Indians of California. It is our contention that this was not an equitable settlement.

Now, the Indians of California ask for their freedom from the Bureau of Indian Affairs. They desire to control their own money and property.

The Indian Bureau's answer to us and to our people is a proposal, now being negotiated with the Governor and other officials of the State of California, whereby the more than \$5,000,000 now in the Treasury of the United States to the credit of the Indians of California may be controlled by a new board or Indian Bureau. Is that the kind of a real-estate deal our people merit? We want our freedom. We want to be treated as other citizens. We appeal to this committee and to the Congress for just treatment.

Mr. PEDEN. I just want to say that that is a very fine statement. It is indeed evidence of the statement of a real American.

Mr. GILLIS. Thank you.

Mr. PEDEN. I thoroughly agree with your contentions. There is, however, one thing that I do not quite understand about it. In your last paragraph, you state that the Indian Bureau's answer to you and to your people is a proposal now being negotiated.

In other words, if I understand it correctly, the Indian Bureau does not want to let you go free without keeping a few more strings on it. Is that correct?

Mr. GILLIS. I think that is what is being planned. It may be hidden. I do not understand what transfer is being made. It was being negotiated. The Indians do not approve of any transfer. They do not want to be under State or Bureau control. They want to be given their patents in fee, and they want to be turned loose.



If they are living in California in any community that they feel does not give them an opportunity to go forward as any other citizen they can sell out and move away; they will be free to move into more friendly communities, to be free to move where they can do better for themselves.

Mr. PEDEN. In short, you want to be liberated?

Mr. GILLIS. That is right. We want to be emancipated from all controls that hinder the Indian in his progress. There is a lot of propaganda that emanates from certain sources that is not to the best interest of the Indian people. It relates to having Indians arrested and prosecuted so they could be referred to as having a police record. These reports are circulated and thrown about Indians and do great harm.

When the Indians try to speak for themselves, all these reports are thrown up to them. This matter is something that moves along secretly. It has been going on for years, and the false impression is created in the minds of many people that if an Indian is given any money he will squander it.

If the Indian were given his patent in fee, he would squander the proceeds from the sale of it is a myth. I know a man who was given his patent in fee to his allotment in the redwoods in California. He sold his allotment, and made good use of his money. The Indians are not all drunkards. There are thousands of Indians that have never taken a drink in their lives. Another myth is that the Indian might become a public charge. These are the hinderances that the Indian has to face as he moves along the path of life.

These lies have to be run down. A lie has no bones. It has no framework. It runs its course and bursts like a bubble.

Mr. PEDEN. I believe that you speak for at least the majority of the Indians of California in this statement; do you not?

Mr. GILLIS. I do. I have here a number of petitions relating to that. These are more than 2,000 petitions here represented. These petitions have been sent in by whites and Indians. They came from white men who have lived among the Indians and knew them from childhood.

#### REDUCTIONS

Whereas the Indians of California are citizens of the State of California and of the United States, and as such are entitled to all the rights and privileges and are amenable to the same laws as all other citizens and residents of California, including (1) the right to register and vote; (2) free admission to the public schools; (3) pensions at the age of 65 years; (4) monthly allowances when indigent circumstances or blind; (5) monthly allowances for the care of orphans and half-orphan children; and (6) social-security benefits when unemployed; and

Whereas the Indian men and women in large numbers from all parts of California served in World War II, and many of them served in World War I; also many of them have been graduated from our State high schools, colleges, and universities; and

Whereas the Indians of California are required to pay all State and Federal taxes, the same as other citizens and residents in like circumstances; and

Whereas the existence of agencies of the Office of Indian Affairs in California results in much confusion and complexity among the Indians as to whether the Indian should rely on State or Federal agencies for relief and aid in cases of need; and

Whereas personal and real property and trust funds are being supervised in many instances by many agencies of the Federal Government at great cost to said Indians, amounting to more than \$12,000,000 as of June 30, 1944; now, therefore, we, the undersigned Indians of California, do hereby petition the President and the Congress of the United States to enact as speedily as possible

such law or laws as may be necessary to completely and equitably settle with all Indians of California, and free them from supervision of their real and personal property and trust funds, and that any and all Federal laws that are discriminatory to the Indians of California to be repealed.

Mr. JENISON. Mr. D'Ewart has asked me to carry on in his absence. One matter that he asked me to develop, Mr. Gillis, was the proposal that \$1,000,000 of your \$5,000,000 be retained in the Treasury, assuming that you are seeking complete emancipation of your affairs.

I wonder if you could tell the committee why you think it advisable, to retain that \$1,000,000 as a trust fund subject to future action That is item N on page 4.

Mr. GILLIS. In the first place, to reserve \$1,000,000, it would be evidence of good business sense. It would be used for such purposes as the Indians may hereafter conclude to be proper, including a further and subsequent per capita payment, subject to congressional approval.

The claims of the Indians have not all been settled.

The nontreaty Indians were just as numerous as the Indians included in the treaties. Should we be compelled to send delegates back to Washington, we would have available funds to meet these expenses.

It is the wish of all of the Indians of California, as we understand it now, that there is embodied in this statement the things the Indians really want. We want to leave this record clear, as a footprint that everyone may know what the California Indians really stand for. We recommend to the committee the plan contained in this statement.

We are not perfect. We want the committee to know that our plan is the work of the hands of flesh and we do not claim that we have a perfect plan.

Mr. JENISON. Mr. Gillis, is it fair to say that if we are able to do all that is proposed to be done, then we would leave a certain number of things undone subject to the necessity of financing by this one item of \$1,000,000?

Mr. GILLIS. Yes. That it is for whatever the Indians may want to do with the money. We cannot look into the future. That reserve fund could be released at any time. We could use it for the benefit of all the Indians in their organization work in California. It is drawing interest. There is no danger of anybody going to grab it and use it for his own purpose. It is under the protection and control of the Treasury of the United States.

Mr. JENISON. Mr. D'Ewart was interested in your item Q on the same page proposing a committee of five members from the Indian Affairs Committee of the Senate and the House work out the details over the affairs of the Indians of California. Could you amplify your wishes in that direction? Do you care to do that, or would you prefer to have somebody else do it?

Mr. GILLIS. It is our plan to obtain the help of Congress in our effort to free the Indians. The Indians are willing to go along with the Congress.

We want to be free from the Bureau and all its influences.

Mr. JENISON. This proposal seems to endorse such a committee. Are you in favor of that?

Mr. GILLIS. We are in favor of a committee whereby the Indians could secure their freedom and work out a plan whereby the status

of Indian trust lands and other holdings could be investigated by a joint committee of the House and Senate committees of Congress.

Mr. JENISON. Perhaps I do not make myself clear. You stated, as I understand it, that you propose that the Congress establish such a committee?

Mr. GILLIS. Perhaps Mr. Collett can better answer that.

Mr. COLLETT. Originally, there were conferences with the Indians and the Indian Bureau as to a convention of Indians in California. A bill was drawn with the aid of some of their advisers for that purpose. It was introduced this year and received an unfavorable report.

In other words, they advised that there not be a convention of Indians whereby they could speak for themselves and conduct their own business as others would under parliamentary procedure. Why they did that, why they wrote an unfavorable report, I do not know. They were talking favorably in Washington, and in agencies in California, until negotiations began for the transfer of the Indians from Federal to State jurisdiction.

Then the Indian Bureau came forward with opposition to the convention whereby the Indians could speak and arrive at a decision by a majority vote.

Since then the delegates in conference with congressional friends have decided to leave that convention bill on the table for the time being, and they are now asking that Congress create a joint committee which will inquire into what ought to be done in California, and be prepared with a report at the beginning of the next session of Congress.

The Indian Bureau has made recommendations. There is a basis now for finding out what ought to be done. That is, what should be done. We are urgently urging that there be a joint committee established at this session of Congress and that the committee make a report at the beginning of the next session.

Mr. JENISON. Thank you.

Mr. PEDEN. The only question in my mind is this: If you liberate the Indians by State, I wonder of there is an overlapping of tribes, say, not only in the adjoining States, but if you try to limit it to a State, would it work a hardship on the ones that are part of the tribe in another State? How would that work?

Mr. COLLETT. There are different State laws. We are asking that the Indians of California come under the jurisdiction of all State laws and be treated the same as other folks and not differently or apart from other citizens of the State.

I do not think there would be any conflict with the Indians of other States, who are also ready for freedom. However, that would be a matter for Congress to determine. We are speaking only for the State of California.

Mr. PEDEN. I am in complete sympathy with that question.

The only question that arose in my mind is that you have an Indian, say, who lives in California, and maybe he has got land on an Indian reservation in Arizona. I am just using that as a case.

The point I am raising is whether or not at the present time it is by individuals or by tribes, or how it would be done.

Mr. COLLETT. It probably can be done in a number of different ways, but on those questions, you might ask now what could only be

answered by a group of Congressmen actually making a determination of the exact situation along those border lines. I think there would be no trouble establishing the freedom of the Indians in California, under the existing laws and decisions of the Supreme Court of California, both as to citizenship and the right to attend public schools. I think the other rights would also be in favor of the Indian.

Mr. HEDRICK. May I ask a question?

Mr. JENISON. Dr. Hedrick.

Mr. HEDRICK. Do you think the Indians in California are better qualified than the Indians in other States?

Mr. COLLETT. They are better qualified than the Indians in many States. In Arizona, for example, and New Mexico, they are much more backward. In California, they have shifted for themselves from the beginning of the gold rōsh, way back in the early fifties.

They attend our public schools. Thousands of them have graduated from grammar school. Many hundreds have graduated from high school. Some have gone to universities and graduated. They have made notable progress, whereas I understand the Indians of New Mexico have not had the educational advantage, and that they were even refused the right to serve in our last war because they could not speak the English language and could not read nor write. They were very much more backward.

Mr. HEDRICK. They have not had the opportunity?

Mr. COLLETT. That is right.

I have found this: that when the Indian is given the opportunity, such as other persons are given, he makes good. He has the capacity of equal education and development.

Mr. GILLIS. There are no tribes in California.

Mr. COLLETT. No tribes.

Mr. GILLIS. Only political, except where they organize under the Wheeler-Howard Act. They are governed by a council, but as far as the tribal relations are concerned they have ceased to exist many years ago.

Mr. PEDEN. How many Indians are there in California?

Mr. GILLIS. On record, about 23,000. There has never been an accurate counting of all of the Indians of California. There are many living in different towns and cities. There is in Redding many Indians that have their own homes. There are 3,000 living in the San Francisco Bay area. There are 3,000 in Los Angeles County. Many of these Indians did not want to be on an Indian roll. They have ceased to be Indians and want to go out as Americans under the Constitution of the United States. They do not want to be supervised.

Mr. PEDEN. But you say that on the rolls there are 23,000?

Mr. GILLIS. Yes, sir; about 23,000 Indians.

Mr. PEDEN. Now, do you know how much was spent by the Indian Bureau in the last fiscal year on these 23,000?

Mr. GILLIS. Mr. Collett?

Mr. COLLETT. More than \$1,000,000, but Congress would have great difficulty without the aid of the Interior Department to find out how much.

However, the Commission was asked by the Civil Service Committee for information, and Mr. Zimmerman did submit it, showing that from funds allocated, they spent about \$1,000,000 in California during the past year.

Mr. PEDEN. That is, in the last fiscal year?

Mr. COLLETT. Yes. You would probably find the record indicating maybe \$25,000 or \$100,000 at the most. That would be all you could read into the appropriation act. Much of the funds being used in California are allocated from general appropriations and do not come from specific appropriations.

Mr. PEDEN. You figure \$1,000,000. Where did you get that figure. Have you got some official records?

Mr. COLLETT. Yes.

Mr. PEDEN. That that is the figure?

Mr. COLLETT. Yes. A copy of the Commissioner's report is attached to the statement handed to you, beginning on the second page. The third page shows the exact amount that is now being spent through the process of allocation.

These are not our figures.

Mr. PEDEN. These figures are submitted by the Bureau?

Mr. COLLETT. Right.

I think this is the first time Congress has ever been able to put its finger on the approximate amount that is now being spent in California. The Indians are not being benefited by it. Bureau agencies are.

Mr. JENISON. Does that give you the information you wanted, Mr. Peden?

Mr. PEDEN. Yes.

Mr. JENISON. Do you have any further questions on that?

Mr. PEDEN. No further questions.

Mr. JENISON. Well, thank you very much, Mr. Gillis.

Mr. GILLIS. We thank you.

Mr. JENISON. May I ask, Mr. Collett, we have three people from your group, and we would like to give them a hearing.

I know you are prepared, and would like to finish this.

We also have a representative of the Bureau who would like to make a statement.

Informally, shall we recess long enough to answer the roll call and then reconvene?

I would be glad to come back in about 20 minutes, or probably a quarter of 12. We could reconvene, if that will be of service to you.

Mr. PEDEN. That is all right with me.

Mr. JENISON. Or would you prefer to defer this? If we defer it further to this afternoon, I am afraid we may find ourselves involved.

What is the schedule, then, Mr. Chief Clerk?

Mr. GRANT (the clerk). We are clear as far as the committee is concerned, but I understand that the Greek-Turkish conference is up. It may be expedited and be finished in an hour, or it may not. You may be free all afternoon.

Mr. JENISON. May I ask how long it will take you, Mr. Collett?

Mr. COLLETT. I would say not to exceed 30 minutes for all of those who wish to be heard.

Mr. JENISON. How long would you like to have, Mr. Provinse?

Mr. PROVINSE. I would only take 3 or 4 minutes.

Mr. JENISON. Assuming that we could finish in 30 minutes, if you would like to reconvene at 11:45, I will make an effort to be here, and then we can complete it.

If that is satisfactory, we will stand recessed until 11:45.

(Thereupon, a short recess was taken.)

Mr. JENISON. The committee of one will come to order.

Mr. Collett, whom do you wish to present? I have noted Mr. Hathaway Stevens.

Mr. COLLETT. Mr. Stevens.

Mr. JENISON. Please take that chair, Mr. Stevens, and proceed with any statement you care to make, and I will try to relay the information to the rest of the committee, with the benefit of the record.

### STATEMENT OF HATHAWAY L. STEVENS, CALIFORNIA

Mr. STEVENS. Mr. Chairman, I will say this much: That Mr. Gillis has read everything into the record. We have prepared this record and made a careful study of it, and we all realize what it is, and every word in there is just exactly what we wanted to present before the committee.

Mr. JENISON. I see.

Mr. STEVENS. I will say this much: That so far as our California Indians are concerned, I know a lot of our people in our part of the country in the northern part of California, and our people up there have been in hopes that we would obtain our freedom some day from the Indian Bureau.

We would like to become citizens the same as any white person in the State, and we would be glad to pay our land taxes. That is the only thing we do not pay taxes on now, is our land, since it is held in trust by the Government.

The Indians in my part of the country would like to hold all the lands that they now have.

From what I understand, and I know, the Indian Bureau has sold us out in different places. For instance, the lower Klamath. We lost our commercial fishing rights there, whereby the California sporting element closed this Klamath River from commercial fishing, and they took away at that time the last thing that the Indians had for a livelihood.

And I understand they sold 20 miles of the lower Klamath and received \$25,000 for it, which was supposed to go into the tribal fund for the lower Klamath Indians. Later on, they spent this money on a little foot trail up the Klamath River.

I worked on that trail myself, and I found out later that we were working for our own tribal money. And they spent, I think, \$17,000 on this foot trail.

Later on, they came back and spent \$3,000 more. And that trail is still there. They never did finish it. It is all slid in now, and grown up with brush, and that is how the Bureau has always handled our tribal money, which we do not approve of.

We would like to be in control of our tribal money, and to use it in any way we see fit—for homes, and other property improvements.

These are the things I can point out to you, and I can show you where they spent a lot of the Indians' money.

Mr. JENISON. Mr. Stevens, probably it has been presented before, but where is your home?

Mr. STEVENS. My home is in Hoopa, Calif.

Mr. JENISON. What is your vocation now? What do you do there?

Mr. STEVENS. What do I do?

Mr. JENISON. I assume you are not living on a reservation.

Mr. STEVENS. Well, they call it a reservation, the Hoopa Reservation. I have only lived there a little over a year.

I fell heir to some land on the reservation and that is the reason why I am living there. Other than that, I have lived outside of the reservation all of my life.

Mr. JENISON. There will not be any questions, I guess, at this time, since the original statement is most comprehensive, and we will give it careful consideration in the subcommittee, of course.

We are glad to have you here, and we are glad to accept any contribution you have.

If that covers your particular feeling, we will be glad to move on to the next witness.

Mr. COLLETT. Mr. Chairman, as I understand the situation in the Klamath there, they spent this \$17,000 and it was only to begin a trail which was never finished.

Therefore, there was no benefit derived from that expenditure for the Indians.

Mr. STEVENS. That is right.

Mr. JENISON. Do I understand that that expenditure was made by the Indian Bureau on Indian land?

Mr. STEVENS. Yes.

Mr. JENISON. But without the request of the Indians?

Mr. STEVENS. Without the request of the Indians.

Mr. JENISON. That is, the Indians living there, on or near the land.

Mr. STEVENS. That is right.

Mr. JENISON. Your contention is that they received no benefit from it?

Mr. STEVENS. They received no benefit.

Mr. JENISON. That will be noted in the record.

Thank you, Mr. Stevens.

Mr. STEVENS. Thank you.

Mr. JENISON. We will next hear from Mr. Herbert Bellas.

Will you please be seated and identify yourself to the reporter, Mr. Bellas?

#### **STATEMENT OF HERBERT A. BELLAS, INYO COUNTY, CALIF.**

Mr. BELLAS. My name is Herbert A. Bellas, from Inyo County, Lone Pine, Calif. My home is located in about the central part of California near the Nevada line.

Our chairman has covered mostly what we had in mind. We helped to prepare the statement. It took us many weeks to prepare it, and I can say we worked hard on it.

I will say, the sentiment throughout California among our people is that they want to be set free, and to be treated the same as any other citizen.

I am a veteran of the last war, I am a cook by trade. Since I came back from the war, I have not done any work because I had malaria and was unable to work. My people took care of me.

I am speaking on behalf of my people. I am an official delegate. I am speaking for the people that signed the petition that supported me and asked me to go to Washington.

Mr. JENISON. Do you feel that the economic status of the individual Indians in California will be improved if the program you present is adopted in whole or at least partially?

Mr. BELLAS. Yes; that is true, because we have made our living there all these years, many own their own land and homes and they live among white people, our reservation is right in the heart of Lone Pine.

My brother has been working for the last 15 or 20 years on the same job. And all the people that I know of there are supporting themselves. So, if we are turned free, there will be no difference at all. All the Indians in my part of the country have worked all their lives. Many have good jobs and neat homes.

Mr. JENISON. Let me ask you this: Mr. Bellas, as a veteran, have you encountered any difficulty or any additional difficulty in obtaining GI benefits because of the fact that you are an Indian? That matter has been brought up from time to time.

Mr. BELLAS. That question I cannot answer, because I have not really applied for a job benefit yet or loan. I receive my disabled pension every month and it is not very much.

Mr. JENISON. But you have not experienced any discrimination, as such. Your troubles are not any greater than any other GI's; is that true?

Mr. BELLAS. That is right.

Mr. JENISON. I am glad to know that.

Thank you very much, Mr. Bellas.

Mr. BELLAS. Thank you.

Mr. JENISON. We will now hear from Mr. Manuel C. Cordova.

#### STATEMENT OF MANUEL C. CORDOVA, HEALDSBURG, SONOMA COUNTY, CALIF.

Mr. CORDOVA. Mr. Chairman, my name is Manuel Cordova from Healdsburg, Sonoma County, Calif.

As the delegate said, our chairman has covered everything that represents the wishes of the people. We have studied hard while we are back here for the benefit of our people.

I am supported by about 12,000 or more people by petition, and these people, as I traveled through the State of California, wanted this: They wanted to live just like any other people. They wanted to be free from the Indian Bureau.

They want to get their drinks. They want to go into the saloons or the barrooms, rather, I should say, and get their beer, just like any other people, just like the Mexicans and the Negroes and the Chinese and Japs and white people.

But there is a law that says they cannot get a drink.

But while they were in uniform, most of the boys who enlisted, got their drinks with their buddies, but when they came back and got their civilian clothes on, those who came back, they have to stand outside and watch their buddies take their drinks.

It is embarrassing on both sides.

Now, I am a citizen of the State of California, a taxpayer, and a voter, and a member of the American Legion at the present time. I was in the First World War. I fought for the freedom of this country, just like other people did in this Second World War.

Now, as I feel, and the people feel this way in California, we are held back, or we are under a supervision which makes it seem as though we are tied down in many ways; so I believe that our people wish to be free from the Indian Bureau.



Of course, our people are self-supporting people. There are many people in the State of California who are graduates from high schools and from the universities, and some have graduated from the law colleges, and many are teachers, preachers, in business—the lumber industry, fishing—and the people are well qualified to be full-fledged citizens just like any other class of people.

That is about all I have to say.

Mr. JENISON. Well, thank you, Mr. Cordova.

I just want to ask one question: We are assuming, of course, that the original intent of the Indian Bureau is to render services to the Indians, not to regulate them. I think we all agree that was the aim and certainly the over-all effort of the Bureau.

Now, as we relinquish these controls, assuming we do—or relinquish these services, whichever way you want to put it—we are assuming the services rendered the average citizen of California will take their place; is that right? For instance, your benefits from the schools and the hospitals is a matter in point. They will be available in the State of California rather than from the Indian Bureau?

Mr. CORDOVA. That is right; yes; because as taxpayers we pay the sales tax to support our schools. And, of course, the other taxes are paid. The old people receive the old-age pensions and other benefits that the State provides.

Mr. JENISON. You are convinced, then, that the benefits of rehabilitated statehood, so to speak, will be more than the benefit of the Indian Bureau management in the past. Is that true? Maybe that was not a very clear question.

Mr. CORDOVA. No.

Mr. JENISON. I assume that you feel that you will get more benefit as a citizen of the State of California unencumbered by the Indian Bureau than you do now as wards of the Indian Bureau?

Mr. CORDOVA. Yes; I believe so, because we are getting the same benefit as the other citizens at the present time.

There was a certain lady I took to the hospital, and they asked if she was from the reservation, and she said, "No".

And then they asked me, "Who is going to pay for this?"

And I told them, "The county is going to pay for this."

He says, "No; the county cannot pay for that."

Finally, I went to higher authority, and the county did pay for the hospitalization.

As a taxpayer, as a citizen of the State and of the county, the Indian is entitled to all the benefits under law as other citizens.

Mr. JENISON. Thank you very much, Mr. Cordova.

Mr. Collett, did you have anything you wanted to add in summary?

Mr. COLLETT. I believe not, other than perhaps to suggest that since Mr. Provinse has indicated that he will say what he has to say in a matter of about 3 minutes, it would be helpful to your committee and be desirable on the part of the Indians of California if the Commissioner would submit to your record a report, complete as to his recent negotiations in California, whereby it was proposed that the Indians be transferred to other control than that of the present Federal control.

Then the Indians are very much disturbed by the inquiry noted in the statement here: that perhaps as much as \$50,000 is now being taken out of their funds by general authority, not specific authority, so far as the Indians of California are concerned.

That is on page 5.

They would like to know whether any of that money has been spent, whether it is being spent, or whether it will be spent under authority of that kind, or any other general authority in an appropriation act.

There are several very general items in the appropriation act, and it may be that the Bureau has spent considerable amounts. It may be that they have the authority to do it.

The Indians do not want the money expended by the Bureau or anyone else without specific authority from Congress.

Mr. JENISON. All right.

I am sure, Mr. Collett, that insofar as he is able to do so at this time, he will be glad to provide us with the information and for the added information I am sure he will introduce it in the record.

Mr. COLLETT. One other item, Mr. Chairman. That is as to the \$1,000,000 as a reserve fund.

The Indians felt that it was only good business to have a reserve fund. They do not know whether they will use any of it or not, or if so, how much, but it is subject to such needs as may arise. It is subject, also, to such authority as may hereafter be granted by Congress.

They have in mind that perhaps the situation may arise at some future date that they might ask for a per capita payment of the balance, but they thought that until they were sure of the use for which it might be needed and what portion might still be left for a further per capita payment, that there should be some money kept in the Treasury until they had more mature judgment; until Congress determined whether or not every dollar should be spent or not.

Mr. JENISON. Thank you, Mr. Collett, for your contribution to the record.

Now, we will be glad to hear from the representative of the Indian Bureau.

**STATEMENT OF JOHN H. PROVINSE, ASSISTANT COMMISSIONER,  
OFFICE OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR,  
WASHINGTON, D. C.**

Mr. PROVINSE. My name is John H. Provinse, Assistant Commissioner, Office of Indian Affairs.

I have only a short statement to make.

Earlier this week there was introduced in the Senate side two bills dealing with this same subject, and the statement that was read by Mr. Gillis was incorporated into the Congressional Record as of May 12.

I presume we will be asked for a report upon those bills, and we will be able to furnish a comprehensive report of our position at that time.

This also can be furnished to this committee.

Mr. JENISON. I think that would be well.

Mr. PROVINSE. I can say for the record that the Office is in sympathy with the objectives that are stated in the excellent statement made by Mr. Gillis this morning.

I feel that the factual material presented by him is, on the whole, as nearly as I could gather it as he read it, a good statement of the problem in California.

The Bureau is anxious to achieve what is frequently called liberation for the Indians of California. I personally will be in favor strongly that we ought to get out of business in California.

I think our only disagreement is in terms of the details of the procedure as to how that shall be accomplished.

One of our feelings is that the States have got to be considered in any transfer of responsibility of the Federal Government for Indian Affairs, and pursuant to achieving some understanding with the States, Mr. Zimmerman, the Acting Commissioner, and I had a 2-hour conference with Governor Warren during his recent visit in Washington early this week.

Governor Warren asked if we would submit to him a statement of the California Indian problem. I think he knows it probably as well as a good many people out there, but he asked if we would make a formal statement of the number of Indians, what we expended and for what, and what we propose to do; and what he suggests we would have to make is something as to how the State of California might assume certain of the responsibilities that are now undertaken by the Federal Government, and that he would then refer that to his administrative heads in the State and get recommendations from them upon the feasibility of doing some of the things we would like to do.

It may be necessary, in California, to have some legislation to assume responsibilities which are now assumed by the Federal Government, and they may not be provided under the present State law.

I am thinking particularly of the school situation. Even though the income-tax money paid into the State is used for the support of the school, and there is ample in that fund for the support of California schools, the matching is done on a basis of the county, the local community, paying a certain amount toward school support.

In a particular county, where there is a preponderance of Indians, or in a particular school district where there is a preponderance of Indian children, the Indian trust, or the Indian-owned land, which is not taxable, would have great difficulty in many cases for the local unit to provide the school unless there was some support from the Federal Government, or unless the State legislature changed its allotment laws.

There are things of that type that we will have to go into in our negotiations with the State.

How soon we can have that statement to Governor Warren I cannot say for the record, but we have a mass of information and it should not take us too long to prepare a statement and send it out to him.

One point in the comment by Mr. Collett on the convention bill I would like to clarify slightly.

Mr. Collett made the statement that we had completely disapproved the idea of a convention in the unfavorable report which we made on the convention bill. As I read the report, which I have seen this morning for the first time, I feel that it is not a complete disapproval, as we are not against a convention type of some sort which would allow for representation of the Indians of California as to what their desires are.

As the gentlemen who have testified will admit, and as I found out when I was in California 3 weeks ago, there is a great deal of difference among certain factions of the Indians of California as to just how things should be handled.

I believe that we should have some mechanism whereby we can get a more representative type of judgment of what the Indians themselves want down in the State of California.

So I think that a more careful rereading of the convention report would indicate that we feel it should go ahead, but it should go ahead on the basis of a slightly different procedural mechanism than was recommended in the bill.

I would simply like the record to show that.

On the matter of the authority for the expenses for the delegates, I can only say that the \$278,000 which is shown there is the money which is appropriated by Congress on their requests, of the Department of the Interior, for the handling of the delegates' expenses and the expenses of tribal councils set up in our budget from various reservations in the United States.

That money is earmarked on the basis of what is conceived or of what is going to be the expenses of a particular reservation.

Then it is all lumped together, and it comes out, in this particular year, \$278,000.

Then when the tribal delegates come in from that particular tribe, we pay their expenses out of that.

I have not had a chance to check, but I think I am perfectly safe in saying that none of that money has been allocated from the funds in California at the present time, because there was no request for expense money out of the California funds, tribal funds, during our last appropriation.

And I will check on that when I go back. If I am mistaken, I will make a statement for the record.

Mr. JENISON. If you could advise us for the record it would be helpful.

Mr. PROVINSE. Surely.

Mr. COLLETT. Mr. Chairman, the Indians do not charge, of course, that it is being used. They feel that the authority would permit the Office to use it, and they want to know whether or not it is being used.

They are not so much concerned whether they are going to be paid out of that, while they feel that their actual expenses, comparable to the expenses of other delegates, should be paid out of some fund; but the burden of their inquiry is as to whether that \$50,000 or any such sum is or can be used by the Indian Bureau without more specific authority.

Mr. PROVINSE. I would say in this particular situation, no, it could not.

Mr. COLLETT. That is, it is not being used for any purpose now.

Mr. PROVINSE. Yes; it is being used for the purpose of defraying expenses of delegates who come into Washington from other tribes.

Mr. COLLETT. But not out of California funds?

Mr. PROVINSE. Not out of California funds; no. That is out of their tribal funds.

If the Klamath delegates come in here and the money is paid out, it is out of the Klamath delegates' tribal funds.

Mr. JENISON. Does that clear your inquiry, Mr. Collett?

Mr. COLLETT. Yes; I understand Mr. Zimmerman is going to make an inquiry and submit more definite information as to whether or not it is being used.

JUN 7-1948

We desire, I believe, that the emphasis should not be put on whether or not it can be used for the present delegation, but whether or not it is being used for any purpose whatsoever.

Mr. PROVINSE. You mean the \$50,000 out of the California funds?

Mr. COLLETT. Yes, sir. It would seem to be a blanket authority and there are several other items giving blanket authority to the Bureau in the appropriation bill that are of such a general nature.

Mr. PROVINSE. It is a blanket authority, but it is based upon a compilation of budget items we submit.

Mr. COLLETT. They are only interested as to California.

Mr. PROVINSE. I would say we are not using any California money.

Mr. COLLETT. One thing more, Mr. Chairman, and that is this: The unfavorable report on the convention bill did not offer any substitution, and therefore it becomes rather discouraging as to what the Bureau's attitude may be. If they think that there should be a convention, then we would be happy to consider any proposal that they may have; but we do believe that the present convention bill carries the most workable language that can be found, and we—the delegates and myself—have studied the situation in California very carefully over a period of years, and we feel that we know the situation.

But if any amendments or if any proposals could be made that are more workable, we would be more than glad to consider them.

Mr. JENISON. Well, Mr. Collett, I believe that the committee will be most interested in following that matter through to a successful conclusion, and you can rest assured that it will receive attention.

Thank you very much, Mr. Provinse; you have been very helpful, and I was extremely anxious to give everybody here a chance to make a contribution to this measure.

As you know, the committee is deferring action pending the current negotiations, but everyone will be advised of the progress of the work.

Mr. COLLETT. Mr. Chairman, we thank you and your committee for a very neighborly, friendly hearing.

Mr. JENISON. I will convey your thanks to the members who are unfortunately absent, and the committee will stand adjourned until the call of the Chair.

(Thereupon, at 12:20 p. m., the committee adjourned to meet at the call of the chairman.)

×