

STATEMENTS OF MRS. LORENA BURGESS, PERMA, MONT.; MRS. ANNASTASIA MORIGEAU WIEVODA, RONAN, MONT.; MRS. VERA VOORHIES, POLSON, MONT.; AND MRS. LULU G. CHARRIER, WASHINGTON, D. C.

Mrs. BURGESS. Yes, sir.

Senator WATKINS. We only have a short time left today. I am awfully sorry. But if you could give us a brief statement orally and then insert the statement in the record, it will be printed the same as the rest of it. There are only a few members of the committee here anyway out of the House and Senate committees.

Mrs. BURGESS. Suppose I let the other ladies talk and bring their statements out, because I have mine all written out, and I believe that theirs is oral.

Senator WATKINS. Just move the microphone over to them, and we will proceed with one of the others.

Mrs. BURGESS. Would it be permissible, then, for me to enter my statement and all the inserts along with it? As I have mine all written out, and I believe the other ladies haven't.

Senator WATKINS. All right. We will permit you to put your statement in the record.

Mrs. BURGESS. Thank you.

Representative D'EWART. I might say, Mr. Chairman, I have looked over Mrs. Burgess' statement, and it is very informative. It goes into a good deal of background in regard to a number of matters before this committee, and I think it is an excellent statement that deserves the attention, at least, of the whole committee. It has a brief of the letter from Senator Wheeler that goes into several vested property rights, that brings a different thought into this discussion than I have seen anywhere else.

Also, Mr. Chairman, I am advised that these people came down at their own expense, and it was a little difficult to raise the funds.

Mrs. VOORHIES. My name is Vera Voorhies, and my residence is Polson, Mont., the place of my birth, where I attended high school, and have spent nearly all of my life.

I am an enrolled member of the Confederated Salish and Kootenai tribes. I was my father's secretary when in high school and, later, during the period my father was chairman of the Tribal Council of the Confederated Salish and Kootenai Tribes, I was secretary of the tribal council.

On the demise of my father, I finished his term of office, taking his place as a member of the tribal council.

Those relations with the tribal council terminated in 1932. My interests in tribal affairs since 1932 have been the personal interests of myself and my family as individual participants in tribal affairs and tribal property.

I claim that Mrs. Burgess, Mrs. Wievoda, and myself represent the wishes of the majority members of the tribe.

Dated September 14, 1953, a rough draft of a bill was mailed to the adult members of the Confederated Salish and Kootenai Tribes. The purpose therein was the termination of Federal administration on and liquidation of the Flathead Reservation.

A preliminary hearing on the matter was held by the Subcommittee of the Interior and Insular Affairs Committee of the House at the Flathead Agency, Dixon, Mont., on October 16, 1953.

In order to meet a deadline of November 1, 1953, individual Indians participated in drafting a bill which was placed on record with the above named committee.

Because more time was available, more and more study was given the subject, the range of interest increased, and the number of participants in a "nonexclusive group of individual Indians" steadily grew. Thanks to the Flathead Courier and the Ronan Pioneer, our local papers, the press became interested and gave all the angles and problems publicity and sought to inform everyone of their particular relation to our very unusual situation. Apparently, the tribal council held the theory the matter should be ignored.

Continued study pressed home the stubborn and important realization that none of the proposed legislation, including S. 2750 and H. R. 7319, proposed for a definite termination of Federal administration and a defined and conclusive liquidation of the Flathead Reservation and its assets.

A redeeming provision set forth in all of the proposed legislation is the termination of the Wheeler-Howard Act. The socialistic composition of the Wheeler-Howard Act, its functions and jurisdiction, are not compatible with democracy and progress. Therein, the individual Indian is hampered, and his individual ideas are not applicable to his well-being. Fifty percent of the enrolled members of the tribe are gone from the reservation and are making a livelihood in other places.

As proof of the inadequacy and frustration of the operative provisions of the Wheeler-Howard Act, we cite the following:

The Hot Springs Enterprise, representing an investment of \$500,000, shows a net annual income of \$2,200, less than one-half of 1 percent.

Blue Bay Lodge, a fine development on a nationally famous site, an investment of \$150,000, was rented for \$1,600 per annum; \$1,900 of tribal funds were spent on the property within the same period. Income, less than three-fifteenths of 1 percent.

Outstanding loans, \$330,423.

Net cattle owned, 740 at \$65, \$48,100.

These few random items of investment authorized by the Wheeler-Howard Act total \$1,285,000.

I have a copy of the annual budget of Lake County, Mont., for the year ending June 30, 1954, which also shows expenditures for the preceding year. Lake County has 1,506 square miles, of which 53 percent is tribal trust land. About 75 percent of the total of tribal trust lands are in Lake County.

For the purpose of study and comparison, I also have a printed copy of the financial statement of the Tribal Council of the Confederated Salish and Kootenai Tribes for the year ending June 30, 1953.

Now, in behalf of the majority members of the Confederated Salish and Kootenai Tribes who desire a complete liquidation of the Flathead Reservation, I most sincerely and respectfully present and propose for enactment a bill patterned after S. 1313 of the 79th Congress, heretofore introduced for the record by Mr. Wade Crawford of the Klamath Tribe of Oregon.

We also asked the committee for immediate action on the repeal of the Wheeler-Howard Act.

I submit the following for the record and for the files of the committee.

Thank you.

Senator WATKINS. Thank you.

What degree of Indian blood do you have?

Mrs. VOORHIES. Seven-sixteenths.

Senator WATKINS. The next lady?

Mrs. WIEVODA. I am Anastasia Morigeau Wievoda, an enrolled member of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont. During my entire life, I have been a resident of the Flathead Reservation. My present address is Ronan, Mont.

I want to express my sincere appreciation for the opportunity given by this committee to the individual Indian to appear here in person and feel welcome to express our personal convictions.

I represent, I think, a majority of the ward Indians who are supporting a proposed bill for termination of Federal supervision of the property of the Confederated Salish and Kootenai Tribe of Flathead Reservation, Mont. These ward Indians of the Flathead Reservation financed our trip to Washington by small donations, and many of these Indians could not afford to make these donations. It was necessary that they do this, for the reason that a request for my being a delegate was made to the tribal council, who supposedly are our representatives, and who are the guardians of our money.

The tribal council refuses to recognize us, because we are favoring the Federal termination in general. Our council have financed others who are not members of the council, when they speak in opposition to the termination bill.

Having these facts in mind, we believe that this committee should give only such credit to the opposition as one would give to a party that is unfair in his representative capacity. We believe that they have not given this committee all of the information to which it is entitled and the tribal council has not properly presented the true sentiments of all of the Flathead Indians.

We were told that a referendum would be taken to determine the sentiments of the Indians for or against this proposed legislation and that because of the Wheeler-Howard bill, those Indians who are living off of the reservation and who are not under the economic control of the tribal council, would not be permitted to participate in this referendum. We do not believe that coercion or unfairness should be permitted in any respect in determining what the Indians really want. The Indian has been for a number of years the subject of bureaucratic control and he has never been permitted to express himself freely, but, to the contrary, always some committee or some spokesman made up his mind for him, and we believe that he should have been permitted to express his sentiments freely and without reserve before this committee and in all other questions determining his welfare.

The deep responsibility involved in the termination of the Federal supervision is a matter worthy and deserving of careful consideration of every point concerned, and the requirement of utmost honor, respect, and wisdom in consideration of the United States, your honorable committee, and ourselves, to confer complete citizenship upon such Indians and for other purposes.

Senator WATKINS. You have a report, Mrs. Burgess, the John H. Holtz report, that you wish to submit?

Mrs. BURGESS. I have the John H. Holtz report right here, and I would like to have it made a part of the record.

Mr. Chairman, I also have the State of Montana education program here, in regard to the Indian children of Montana. And I would like to have all in this report made a part of the record.

Senator WATKINS. Who is John H. Holtz?

Mrs. BURGESS. He was in the Interior Department at that time. I believe he was an attorney.

Senator WATKINS. Is he retired now?

Mrs. BURGESS. I don't know whether he is still there now.

Senator WATKINS. I am advised that he is retired.

We will make this part of the file and if we think it is of sufficient importance, we will make it a part of the record as well. It will be filed with the committee for our information.

Representative D'EWARD. Are you going to read your statement?

Mrs. BURGESS. I was going to read it and then bring in the inserts if we had time.

Senator WATKINS. Is this entire file inserts?

Mrs. BURGESS. That is right.

Senator WATKINS. I am afraid we can't print all of that.

Representative D'EWARD. I suggest we let her read her statement, which will take about 20 minutes, and then such parts of inserts as are directly pertinent may be made a part of the record and the rest filed for reference.

Senator WATKINS. That will be the ruling, without objection.

So you may proceed to read your statement, and we will know from that.

Mrs. BURGESS. Thank you.

My name is Lorena Burgess and I reside at Perma, Mont. On behalf of the people whom I represent, I wish to thank the committee for this opportunity to speak about the proposed bills, S. 2750 and H. R. 7319. We believe that the time has come to give the Indians of the Flathead Reservation complete control of their own affairs by liquidating all tribal affairs and assets and giving individual Indians their just share. The officials of the Indian Office will give the committee the facts and figures about land holdings, tribal assets, et cetera, so I will not recite them here. In this statement, I wish to call the attention of the committee to some of the many problems which exist and, if permissible, to make certain recommendations for legislation.

It seems to me that on the Flathead Reservation, we have every type of problem that arises under Indian Bureau administration of Indian Affairs. Our land is held in every status—from tribal lands and lands for the use of Indians, to fee patent allotments with fractionated heirship land and restricted trust allotments, all check-boarded with white-owned lands and Government lands. We have timber contracts, irrigation projects, mineral rights, power sites, a tribally operated health resort, fishing, hunting, and water rights, a disputed tribal roll, and the Indian Reorganization Act to further complicate everything.

When Congress passed the Flathead Allotment Act of April 23, 1904, the intention to finally and forever dissolve the Flathead Reservation and the Flathead Tribes was clearly indicated. The Secretary of the Interior was authorized to make the necessary surveys and appraisals of all property, to prepare a final tribal roll of those entitled to participate, to allot the certain lands individually, to reserve the power sites, to purchase from the Indians and convey them to the State of Montana for school purposes, to sell the timberlands, to sell the residue of lands to the highest bidder but at not less than the appraised value, and to divide the proceeds among those whose names appeared on the final roll of 1908. I have with me one of the original allotment deeds, signed by Theodore Roosevelt, then President of the United States, which I thought, perhaps, the committee would be interested in seeing. That deed states specifically that at the end of 25 years we would be released from wardship, and at the end of that time 10 years were added by Presidential proclamation. And then came the Indian Reorganization Act, which continued the reservation. So that shows that if we were in the status that we could have been turned loose at that time, I don't see why we couldn't be turned loose now.

In 1920, when considerable land still remain unsold, Congress adopted further legislation which added to the roll the names of about 800 children who had been born since the roll was prepared. These children received allotments from the timberlands and the poorer lands that had neither been allotted nor sold. The allotted lands were to be held in trust for 25 years. Before the time expired the trust period was extended for another 10 years, and before that 10 years expired, the tribe was organized under the Indian Reorganization Act of 1934 which automatically extended the trust period on all allotments and tribal land.

Under authority of the Allotment Act, per capita payments from tribal funds were paid to the Indians whose names appear on the final amended roll of 1920 or their heirs until 1943. But in 1944, under authority of the constitution adopted under the Reorganization Act, the tribal council changed the roll to include, as equal beneficiaries, all the Indians who were then living and who qualified under the terms of the Constitution as members of the tribe. Some of the allottees and heirs could not qualify under these terms and were cut off the rolls while the other heirs and some who were not heirs were added to the roll to participate on an equal basis. This was done in accordance with a decision of the Solicitor of the Interior. I served as chairman of the committee which prepared the 1944 roll. We were given a set of instructions by the Bureau officials and had to prepare the roll in accordance with those instructions. The committee was not entirely in agreement with the instructions, nor was the tribal council. But the people were clamoring for their annuity payments which the Bureau claimed it had no authority to disburse until authorized by the tribal council and a roll prepared under the constitution. It was a case of either having no payments or adopting a new roll. I do not have a copy of the syllabus which was issued on January 31, 1944, No. 35026, signed by Fowler Harper, by which we had to make our decisions but I believe the Bureau officials can supply one for the use of the committee.

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To indicate the disagreement with the instructions, the roll committee adopted a resolution which was presented to the council. This resolution stated:

In order to state and clarify the responsibilities and functions of this committee the following resolution was adopted:

"Be it resolved, by the committee appointed on April 1, 1944, by the Tribal Council of the Confederated Salish and Kootenai Tribes of the Flathead Tribes to prepare a 'per capita roll' for the distribution of a tribal payment that the roll so prepared and recommended to the council for adoption is not intended for any other purpose or use. This committee does not wish to be held responsible for the loss or gain of any rights, tribal or otherwise, which may result from the adoption of this 'per capita roll'."

In the official opinion of Mr. Fowler Harper, Solicitor of the Interior Department, dated February 1, 1944, it is stated on page 8 that:

"If the tribal council agrees that a per capita payment should be made, a constitutional roll for the distribution of the payment must be adopted. That roll may not include persons whose names appear on the 1920 roll and who died prior to April 9, 1943, nor may it include non-Indians or other persons not entitled to be recognized as members under the rules set forth in the constitution."

The roll this committee is recommending for adoption by the tribal council will be prepared in accordance with the above statement.

(Signed) LORENA M. BURGESS.
ELI GINGRAS.
ENEAS GRANJO.

As chairman of that committee, I cannot truthfully say that all decisions made by a majority vote of the committee members were just and equitable. Neither do I know whether or not we had the authority to make such a roll for the distribution of per capita payments from tribal assets in which the original 1908 and 1920 allottees had a vested right. The Solicitor of the Interior said that we did but the best attorney whom I know, and who has had long experience in Indian affairs, Hon. Burton K. Wheeler, at that time Senator from Montana, holds otherwise. In a letter addressed to Mr. Lewis Lemery, secretary, Tribal Council of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, dated June 29, 1943, the Senator said:

* * * The substitution of an Indian Bureau approved roll for a roll carefully prepared under an act of Congress for the protection of the vested interests of the individuals whose names appear thereon is clearly illegal and does not serve the ends of justice either in law or equity. * * * That roll was approved by Congress and so were the additions of names to it made later in 1920. Since the roll was made for the purpose of reimbursing the assets of the tribal residues, and since that process is not yet completed, only Congress can add to or subtract names from the 1920 roll.

The letter cites the provisions of the Allotment Act and then states:

It would seem from the above that there is some question as to whether legally there is any longer a Flathead Reservation or Flathead Tribes as such, and that the relations of the Government are with the individual that the relations of the Government are with the individuals who were living at the time of the preparation of the roll of January 22, 1920, and whose names were accepted and approved by Congress on that roll.

The admission of 800 or any other number of names to share in any residues of income to the former tribes of the former Flathead Reservation through the authority of a constitution which has no authority over any form of assets belonging to members of former tribes is an unwarranted assumption of bureaucratic prerogative. * * * It would also seem that the recent per capita payment is questionable from a legal standpoint, and if so, a gross manipulation of funds contrary to the wishes of the Indians themselves.

From information which I have received from time to time, there is a great deal of dissatisfaction among the Flathead Indians concerning the tribal council

in regard to its handling of the affairs of the Indians. The subject of this letter is an instance which indicates that at least some of these complaints are well founded—the judgment of the council in too many instances yield to the dictation of the Indian Bureau officials whether or not it is for the best interest of the Indians.

I would like to have this entire letter printed in the record of this hearing at this point, so the information it contains about the Allotment Act and all of the reasons why the present tribal council has no legal authority over the tribal assets will be available for everyone, including the Indians.

If the tribal council has no authority over the assets accruing from the residue property on the Flathead Reservation, it certainly is making free with other people's money.

I enter in the record for the use of the committee the financial report, July 1, 1952, to June 30, 1953, submitted by James J. Swaney, secretary-treasurer of the tribal council and approved by Forest R. Stone, superintendent, dated September 1, 1953, and I request that page 5, showing the expenditures authorized by council resolution and by council motion, and page 6, the condensed statement of collections and expenditures, be printed in the record at this point.

I call the attention of the committee to the total collections of \$367,872.75 from tribal assets and the total expenditures by the council of \$255,058.51.

I also wish to point out the item on page 5 under the title, "Expenditures Authorized by Council Resolution" of "purchase of 1920 allotments—\$100,000." This is a case where the council is extinguishing fee title to individual property holdings of the 1920 allottees by purchasing the land with money which rightfully belongs to these allottees in the first place and which they should receive by per capita distribution. In my opinion this is about as slick a trick as could be devised for depriving people of vested rights and making them pay for it with their own money.

The complaints against the tribal council are constant; many of them justified, I shall not enter into a discussion of them except to say that the operation of the Indian Reorganization Act has been to deprive people of individual rights of ownership and heirship, always with a view to communal enterprise and ownership. The Indians are well aware of this. I have heard an ex-service man remark, "You bet I'm a Communist. I hate it but what can I do? My Indian Bureau makes a Commie out of me in spite of my beliefs for freedom." And a high school boy says, "I don't want to be a Communist, but I have to be. When I am out of school, I will go away from home, among strangers, and be free."

We were promised self-government under the Indian Reorganization Act but there is none. For example, in 1908 when the first allotments were made, the tribe legally adopted 8 white women who were married to Indians and they were placed upon the rolls and received allotments and per capita payments. But under the new roll they have been cut off. The council passed a resolution requesting that their names be added to the per capita payment roll but the Secretary of the Interior refused to authorize it. These women, Lulu Allard Charrier, Rosa Gadbout Couture, Emma Pierce Douglas, Mary House Saunders, Maud Larrivee Murray, Alice R. DeMers, Susann S. Mailett

Prongus, and the late Cora Dupuis Moxley, have lived with us all of their lives, raised their children, been good neighbors, and entered into all of our activities. They have shared their lives and are as much a part of our tribe as any with Indian blood and we feel that in all justice they should share in the per capita distributions. But the Secretary says not. And that is a good indication of how much self-government there is in the Indian Reorganization Act.

My purpose in bringing all of this to the attention of the committee is to lay the foundation for my recommendation and pleas. The people who live on the Flathead Reservation in Montana are ready to accept the full responsibilities of citizenship as individuals. The State of Montana is ready to accept us as citizens of the State. In support of which I offer for the record at this point House bills Nos. 221, 268, and 368, adopted by the State legislature in 1951.

In the last session of the legislature, the following were adopted, House bill 62, repealing State law prohibiting sale of liquor to Indians and House bill 124, permitting Indian wards to be admitted to State institutions.

The processes of amalgamation have long been in operation on the Flathead Reservation. The biggest majority of us are mixed bloods of varying degrees, we are self-supporting and our income and mode of living compares favorably with those of our white neighbors. Many of our members have left the reservation and are making their own way with honor in communities all over the United States. We believe that the affairs of the tribe should be finally terminated. We do not believe that the bills before this committee as now drawn will accomplish this. With your permission, I would like to make the following recommendations to either amend these bills or to draft new proposals:

1. Repeal the Indian Reorganization Act. When that legislation was before the Congress for consideration, Indians opposed it and tried to make clear that it would promote communism among the Indians. I was one of those who opposed it. I was also one of those who came before the Senate committee to tell how the act was operating on our reservation and to ask that it be repealed. Without going into lengthy discussions, I have again tried to point out to the committee some of the results of this act upon the Flatheads. We are loyal Americans and we cannot believe that it was ever the intention of Congress to make Communists out of the Indians. We hope that this Congress will justify our faith by repealing the entire act as it applies to all Indians.

2. The proposed bills contain no provision for dividing the property up individually. We are very weary of having our tribal assets dissipated. Our position would be to have Congress enact legislation directing the Secretary of the Interior to liquidate all tribal assets and give each individual Indian his or her share immediately. We see no need for the appointment of trustees to do this work. The Government has employees enough to complete the work started by the Allotment Act of 1904 without further expense to the tribe. We certainly want no more "corporate" experiments.

3. We wish the Congress to either reopen the 1908 and 1920 rolls or to direct preparation of a new roll which shall include all the original allottees and their heirs and all members of the Flathead

Tribe living at the time this new act is passed. We want this stated clearly in the bill and not left to the discretion of the Secretary of the Interior. We want the right of appeal from the decisions of the Secretary to either the Federal district courts or the State courts of Montana, with a limitation of the time for filing such appeal stated in the bill.

4. We want protection of our claims retained in the bill.

5. We want all gas, oil, and mineral rights, water rights, hunting and fishing rights on individual allotments reserved to the owners of the allotments.

6. I would like to offer an amendment to S. 2750, page 4, line 2:

Provided, however, That all power sites on the reservation and all income from the lease of such power sites shall be held in trust by the Secretary of Interior and the funds be distributed annually to the allotted Indians.

7. We believe that the Federal Government should continue to help the State educate the Indian children in public schools by extending the application of the Johnson-O'Malley Act for 10 or 15 years.

8. We believe that the older Indians should have the right to hold some land tax-free during their lifetime, or until they choose to sell.

9. In the event the proposed bill contains any questions which must be submitted to a referendum vote of the tribe, we wish this referendum election to be held in accordance with the laws of the State of Montana and to include all absentee members of the tribe.

On the statement there that I have just read, I had written a few other little items on the back. These items should be included. Mrs. Charrier is with us, and she is also an enrolled member of the tribe. She has a very few words to say, but I think that she should be entitled to say them.

Mrs. CHARRIER. I am Lulu G. Charrier, C-h-a-r-r-i-e-r, 3210 Terrace Drive SE., Washington, D. C.

Mr. Chairman and members of the committee, I appreciate your hearing me, because you have had a strenuous time. So I won't say very much, just a little bit.

I am not authorized to represent any particular groups, but I would like to mention the eight white women who were adopted and allotted on the Flathead Reservation.

In 1905, I was married to Charles Allard, a Flathead Indian, and I began my mature life then. I made my home on the reservation, and his people became my people.

There were seven other white women who had married members of the tribe, and they also lived there.

One of the 8 is dead, 3 still living on the reservation, 1 at Deer Lodge, and 1 at Kalispell. I live here temporarily, as my husband is in active service with the Armed Forces.

All of us were married long before the reservation was opened to settlement and before there was any thought of a tribal inheritance.

The reservation at that time was far from what it is now. There were no roads and no cars and no radios. There was 1 small store at Polson and 1 at Ronan and 1 at St. Ignatius. Transportation to Kalispell was an all day trip by boat over the lake.

The Indians, at that time, were somewhat isolated. They were governed by one Indian agent, and they were individually engaged in the cattle industry.

The eight white women made their home and raised their families in these rather lonely surroundings, and because of this they were accepted and made welcome by the people, and were treated as members of the tribe, a fact that was proven in 1908 when we were adopted into the tribe and given allotments.

I believe it was the intention of these people who adopted us that we should share equally with the tribe in every way. This we did until January 1, 1935, when we were removed from the annuity rolls. However, we were still carried along until 1942, when we were officially dropped. Our names still remain on the roll—but receive no annuity payments.

During this time, we made inquiries as to what was going on regarding our payments, and no one of us ever received a satisfactory reply.

The tribe have, to current census, recognized the seven of us white women but we no longer participate in the tribal assets. Our legal rights have never been tested by law, but our moral rights have always been recognized by the Indians.

I have no children, and I do not know if the children of the Flathead inherit from their mother or from their father or from both, but the removal of the mothers of the children from the annuity roll may affect the inheritance of their children.

We believe that we eight white women were legally adopted and made full members of the Flathead Tribe, and that our heirs should participate fully with the tribe.

Senator WATKINS. Thank you.

We thank you ladies for your appearance here. The matters will be given consideration with all the other evidence before the committee.

Representative BERRY. First I want to commend the ladies for this appearance and this very helpful information. Certainly it is helpful to this committee, in trying to work out these problems.

I was just wondering, Mrs. Burgess: Were you employed by the tribe or by the Government at the time the Wheeler-Howard constitution was approved by the reservation?

Mrs. BURGESS. No; I was not.

Representative BERRY. Well, do you know that it was a majority of those voting that voted in the Wheeler-Howard constitution?

Mrs. BURGESS. Well, I know that I did everything in my power to defeat the act—to keep it from becoming a law.

Representative BERRY. But do you know whether any “no” votes were counted, and if a person didn’t vote it was considered a “yes” vote?

Mrs. BURGESS. Superintendent Shotwell, I believe it was, told me, “If you don’t go and vote.” I said, “I don’t believe I am going to vote, but I am strictly against it, and there are so many of us that are against it.”

And he said, “All those who don’t vote, their votes will be counted ‘yes.’”

Representative BERRY. But you don’t know of your own knowledge whether that actually happened?

Mrs. BURGESS. No; I couldn’t prove that. Only he said that those who did not vote, their votes would be counted “yes.” That is all I know.

Representative BERRY. You definitely feel that the tribal organization has not been beneficial?

Mrs. BURGESS. No; I think that according to that patent that you have there, if that had been followed to the letter, it would have never been needed. At one time, before the Wheeler-Howard Act came in there, there was no such thing as a poor Indian; there was no such thing as a needy one; there was no State relief—no welfare of any kind. The Indians were independent—strictly independent—before the opening of the reservation, and after the reservation was opened and the Wheeler-Howard Act became effective, it just seemed to break all incentive for being successful citizens. They just seemed to be held under control and supervision and all desired to go along in the independent way that they formerly had.

Representative BERRY. How much time do you think should be taken in working out the provisions of this bill?

Mrs. BURGESS. Well, I think the bill should be passed as soon as possible.

Representative BERRY. And how much time do you think it would require? Do you think that 2 years would be sufficient time to work out the problems under the bill?

Mrs. BURGESS. Oh, yes. Indeed, it should be.

Representative BERRY. What percent of the eligible voters of the Flathead Tribe do you people represent? How many people feel the same as you do? What percentage of them?

Mrs. BURGESS. Practically everyone that I have talked to, and I have talked to several who said they would like to go along with us, but they were authorized not to.

Representative BERRY. You mean they were afraid not to?

Mrs. BURGESS. That is right.

Representative BERRY. Do you think it would make any difference in the outcome whether the vote was simply those who live on the reservation or those who are enrolled?

Mrs. BURGESS. I think that every enrolled member should have a vote, an equal say, whether they are on the reservation or whether they are off.

Representative BERRY. They all have an equal interest in the property?

Mrs. BURGESS. That is right.

Representative BERRY. That is, the adult members?

Mrs. BURGESS. That is right, the enrolled members, those of voting age.

Representative BERRY. Do you know, Mrs. Voorhies, about the vote on the Wheeler-Howard constitution?

Mrs. VOORHIES. No, just what Mrs. Burgess said, that that was told all over the reservation.

Representative BERRY. That if you didn't vote, it would be counted as a "yes" vote, but you don't know whether that is true or not?

Mrs. VOORHIES. No. But I think it is.

Senator WATKINS. Do you know whether absentee members did vote on the constitution?

Mrs. VOORHIES. No, I don't think they voted. And I think those were the votes that were counted "yes," the absentee votes. At least, that is to my best knowledge.

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Representative D'EWART. I am very glad you ladies were able to come down here and appear today. I think you have made a real contribution to our understanding of what is before us. We were very happy to hear you.

Senator WATKINS. You may be excused, then.

Thank you very much.

At this point the chairman will direct that a letter under date of February 16, 1954, addressed to Hon. J. Hugo Aronson, Governor of the State of Montana, by Paul L. Fickinger, area director, for the Indian Bureau, will be made part of the record.

(The document referred to is as follows:)

BILLINGS AREA OFFICE,
Billings, Mont., February 16, 1954.

HON. J. HUGO ARONSON,
Governor, State of Montana.

MY DEAR GOVERNOR ARONSON: Within the last 3 or 4 days, I have had the privilege of discussing in considerable detail with Mr. Fouse, State director of welfare, and Dr. Renne, president of the Montana State College, various provisions and their effects, if enacted into law, of the pending bill to terminate Federal trusteeship and supervision over the affairs and property of the members of the Confederated Salish and Kootenai Indians of the Flathead Reservation.

There apparently has been a great deal of misinformation circulated relating to the possible effect of the provisions of this bill upon the Indians, State, and counties. One of the great concerns appears to be that the enactment of this bill would mean "dumping" a heavy welfare load on the local counties. This, of course, does not appear to be in accord with the facts.

At the outset, let me say that the members of the Confederated Salish and Kootenai Tribes of the Flathead Reservation are not an improvident people. On the contrary, they have rather valuable resources in which all members of the tribe share equally. One of these resources can be listed as good merchantable timber which at present is being cut on a planned sustained-yield basis. This particular asset we value at something near \$40 million. The members of the tribe collectively also own important power sites, one of which, as you know, has already been developed and is known as the Kerr Dam, for which the tribe currently receives a rental of \$200,000 per annum. We have not made any attempt to evaluate these properties nor some of the other properties that the tribe holds in common but it will amount to several million dollars additional.

Under the provisions of section 5 of the bill, the members of the tribe are given the opportunity to vote by referendum on several methods of handling these tribal assets. For example, should the tribe vote to liquidate these tribal holdings, it would mean that each of the some 4,000 members of the tribe would receive probably somewhere between \$10,000 and \$15,000 as their share of the proceeds of such a sale. On the other hand, should the tribal members determine on an alternative, the management of their tribal resources under a trust-management agreement and on a continued sustained-yield basis for the timber cutting as is now being done, they would realize, after the cost of management was deducted, a substantial annual per capita income.

Illustrative of such an income would be in the case of the timber cutting. It is our very conservative estimate that 15 million board-feet should be cut each year (it is probable that the figure should be nearer to 20 million). A weighted average of the value of the stumpage is \$21.60 a thousand, which would mean a gross income of \$324,000 for timber. Added to this, of course, would be the \$200,000 annual payment from the Montana Power Co. for the Kerr Dam license plus any other income from any other tribal resources that might be developed. These above incomes, of course, would be over and above any income earned by individuals from their own personal businesses or employment. Again, I say emphatically, that these people are not improvident.

Now, let us consider the people themselves. There are approximately 4,200 individuals enrolled as members of the Confederated Salish and Kootenai Tribes of the Flathead Reservation ranging in degree of Indian blood from a little less than 300 fullbloods down to some with very small degree of Indian blood, in some instances, I believe, as low as one sixty-fourth. The present tribal ordinance