

TERMINATION OF FEDERAL SUPERVISION OVER CERTAIN TRIBES OF INDIANS

JOINT HEARING BEFORE THE SUBCOMMITTEES OF THE COMMITTEES ON INTERIOR AND INSULAR AFFAIRS CONGRESS OF THE UNITED STATES EIGHTY-THIRD CONGRESS SECOND SESSION

ON

S. 2743 and H. R. 7318

PROVIDING FOR LEGISLATION PURSUANT TO H. CON. RES. 108, 83D CONGRESS, FIRST SESSION, DECLARING THAT IT IS THE POLICY OF CONGRESS, AS RAPIDLY AS POSSIBLE, TO MAKE THE INDIANS WITHIN THE TERRITORIAL LIMITS OF THE UNITED STATES SUBJECT TO THE SAME LAWS AND ENTITLED TO THE SAME PRIVILEGES AND RESPONSIBILITIES AS ARE APPLICABLE TO OTHER CITIZENS OF THE UNITED STATES, TO END THEIR STATUS AS WARDS OF THE UNITED STATES, AND TO GRANT THEM ALL OF THE RIGHTS AND PREROGATIVES PERTAINING TO AMERICAN CITIZENSHIP, AND DIRECTING THE SECRETARY OF THE INTERIOR TO REPORT TO CONGRESS HIS RECOMMENDATIONS AS TO WHAT LEGISLATION, IN HIS JUDGMENT, MAY BE NECESSARY TO ACCOMPLISH THE PURPOSES OF SAID RESOLUTION

Part 11

SAC AND FOX, KICKAPOO AND POTAWATOMI TRIBES

FEBRUARY 18, 1954

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HOUSE CONCURRENT RESOLUTION 108, 83D CONGRESS,
1ST SESSION

Whereas it is the policy of Congress, as rapidly as possible, to make the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, to end their status as wards of the United States, and to grant them all of the rights and prerogatives pertaining to American citizenship; and

Whereas the Indians within the territorial limits of the United States should assume their full responsibilities as American citizens: Now, therefore, be it

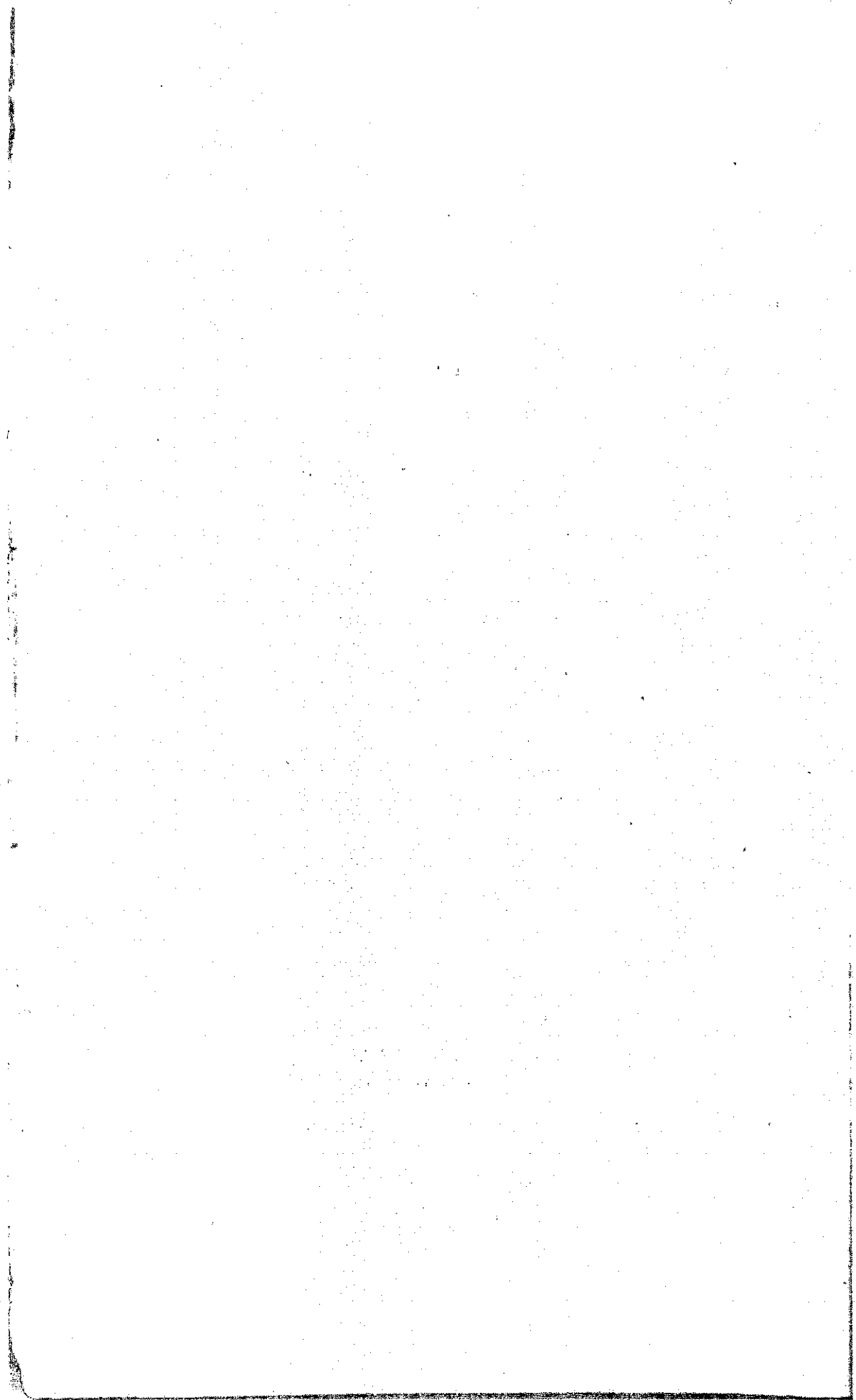
Resolved by the House of Representatives (the Senate concurring), That it is declared to be the sense of Congress that, at the earliest possible time, all of the Indian tribes and the individual members thereof located within the States of California, Florida, New York, and Texas, and all of the following-named Indian tribes and individual members thereof, should be freed from Federal supervision and control and from all disabilities and limitations specially applicable to Indians: The Flathead Tribe of Montana, the Klamath Tribe of Oregon, the Menominee Tribe of Wisconsin, the Potawatamie Tribe of Kansas and Nebraska, and those members of the Chippewa Tribe who are on the Turtle Mountain Reservation, North Dakota. It is further declared to be the sense of Congress that, upon the release of such tribes and individual members thereof from such disabilities and limitations, all offices of the Bureau of Indian Affairs in the States of California, Florida, New York, and Texas and all other offices of the Bureau of Indian Affairs whose primary purpose was to serve any Indian tribe or individual Indian freed from Federal supervision should be abolished. It is further declared to be the sense of Congress that the Secretary of the Interior should examine all existing legislation dealing with such Indians, and treaties between the Government of the United States and each such tribe, and report to Congress at the earliest practicable date, but not later than January 1, 1954, his recommendations for such legislation as, in his judgment, may be necessary to accomplish the purposes of this resolution.

Attest:

LYLE O. SNADER,
Clerk of the House of Representatives.

Attest:

J. MARK TRICE,
Secretary of the Senate.



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TERMINATION OF FEDERAL SUPERVISION OVER CERTAIN TRIBES OF INDIANS

THURSDAY, FEBRUARY 18, 1954

UNITED STATES SENATE,

HOUSE OF REPRESENTATIVES,

SUBCOMMITTEE OF THE COMMITTEE ON INTERIOR
AND INSULAR AFFAIRS OF THE UNITED STATES SENATE;
AND SUBCOMMITTEE OF THE COMMITTEE ON INTERIOR AND
INSULAR AFFAIRS OF THE HOUSE OF REPRESENTATIVES.

Washington, D. C.

The committees met at 10 a. m., pursuant to adjournment, in room 224 of the Senate Office Building, Senator Arthur V. Watkins (chairman of the Senate subcommittee) presiding.

Present: Senator Watkins, Representatives Berry, Westland, and Shuford.

Present also: Kirkley S. Coulter, chief clerk of the Senate Committee on Interior and Insular Affairs; and Albert A. Grorud, member of the professional staff of the Senate Committee on Interior and Insular Affairs.

Senator WATKINS. The subcommittees will now consider S. 2743 and H. R. 7318, bills to provide for the termination of Federal supervision over the property of the Sac and Fox of the Missouri Tribe of Indians located in the States of Kansas and Nebraska, the Iowa Tribe of Indians located in the States of Kansas and Nebraska, the Kickapoo Tribe of Indians located in the State of Kansas, and the Prairie Band of Potawatomi Indians located in the State of Kansas, and the individual members thereof, and for other purposes.

A copy of each of the bills will be inserted in the record at this point.

We also have a report from the Department of the Interior on both bills and that report will be made a part of the record at this point.

(The bills and report are as follows:)

[S. 2743 and H. R. 7318, 85d Cong., 2d sess.]

A BILL To provide for the termination of Federal supervision over the property of the Sac and Fox of the Missouri Tribe of Indians located in the States of Kansas and Nebraska, the Iowa Tribe of Indians located in the States of Kansas and Nebraska, the Kickapoo Tribe of Indians located in the State of Kansas, and the Prairie Band of Potawatomi Indians located in the State of Kansas, and the individual members thereof, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the purpose of this Act is to provide for the termination of Federal supervision over the trust and restricted property of certain Indian tribes and bands and the individual members thereof, in the States of Kansas and Nebraska, for the disposition of Federally owned property acquired or withdrawn for the administration of the affairs of said Indians and for a termination of Federal services furnished such Indians because of their status as Indians.

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SEC. 2. For the purposes of this Act:

(a) "Tribe" includes the "Kickapoo Tribe of the Kickapoo Reservation" in the State of Kansas, the "Sac and Fox Tribe of the Missouri" of the Sac and Fox Reservation in the States of Kansas and Nebraska, the "Iowa Tribe of Indians" of the Iowa Reservation in the States of Kansas and Nebraska, and the "Prairie Band of Potawatomi Tribe of Indians" in the State of Kansas, and when used in this Act shall refer individually to each of the tribes hereinabove mentioned.

(b) "Lands" means real property, interest therein, or improvements thereon, and includes water rights.

(c) "Tribal property" means any real or personal property, including water rights, or any interest in real or personal property, that belongs to the tribe and either is held by the United States in trust for the tribe or is subject to a restriction against alienation imposed by the United States.

(d) "Secretary" means the Secretary of the Interior.

SEC. 3. The tribe shall have a period of six months from the date of this Act in which to prepare and submit to the Secretary a proposed roll of the members of the tribe living on the date of this Act, which shall be published in the Federal Register. If the tribe fails to submit such roll within the time specified in this section, the Secretary shall prepare a proposed roll for the tribe, which shall be published in the Federal Register. Any person claiming membership rights in the tribe or an interest in its assets, or a representative of the Secretary on behalf of any such person, may, within ninety days from the date of publication of the proposed roll, file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such roll. The Secretary shall review such appeals and his decisions thereon shall be final and conclusive. After disposition of all such appeals the roll of the tribe shall be published in the Federal Register and such roll shall be final for the purposes of this Act.

SEC. 4. Upon publication in the Federal Register of the final roll as provided in section 3 of this Act, the rights or beneficial interests in tribal property of each person whose name appears on the roll shall constitute personal property which may be inherited or bequeathed, but shall not otherwise be subject to alienation or encumbrance before the transfer of title to such tribal property as provided in section 5 of this Act without the approval of the Secretary. Any contract made in violation of this section shall be null and void.

SEC. 5. (a) Upon request of the tribe approved by a majority of the adult members thereof voting in a referendum called by the Secretary, the Secretary is authorized to transfer within two years from the date of this Act to a corporation or other legal entity organized by the tribe in a form satisfactory to the Secretary title to all or any part of the tribal property, real and personal, or to transfer to one or more trustees designated by the tribe and approved by the Secretary title to all or any part of such property to be held in trust for management or liquidation purposes under such terms and conditions as may be specified by the tribe and approved by the Secretary.

(b) Title to any tribal property that is not transferred in accordance with the provisions of subsection (a) of this section shall be transferred by the Secretary to one or more trustees designated by him for the liquidation and distribution of assets among the members of the tribe under such terms and conditions as the Secretary may prescribe: *Provided*, That the trust agreement shall provide for the termination of the trust not more than one year from the date of such transfer unless the term of the trust is extended by order of a judge of a court of record designated in the trust agreement: *Provided further*, That if at the time of the transfer provided for in this subsection, a member of the tribe is occupying a tract of tribal land under an assignment issued by such tribe prior to the date of this Act such member may within thirty days purchase said tract at its appraised value from the trustee.

(c) The Secretary shall not approve any form of organization pursuant to subsection (a) of this section that provides for the transfer of stock or an undivided share in corporate assets as compensation for the services of agents or attorneys unless such transfer is based upon an appraisal of tribal assets that is satisfactory to the Secretary.

(d) When approving or disapproving the selection of trustees in accordance with the provisions of subsection (a) of this section, and when designating trustees pursuant to subsection (b) of this section, the Secretary shall give due regard to the laws of the States of Kansas and Nebraska that relate to the selection of trustees.

SEC. 6. (a) The Secretary is authorized and directed to transfer within two years from the date of this Act to each member of the tribe unrestricted control of funds or other personal property held in trust for such member by the United States.

(b) All restrictions on the sale or encumbrance of trust or restricted land owned by members of the tribe (including allottees, purchasers, heirs, and devisees, either adult or minor) are hereby removed two years after the date of this Act, and the patents or deeds under which titles are then held shall pass the titles in fee simple, subject to any valid encumbrance. The titles to all interests in trust or restricted land acquired by members of the tribe by devise or inheritance two years or more after the date of this Act shall vest in such members in fee simple, subject to any valid encumbrance.

(c) Prior to the time provided in subsection (b) of this section for the removal of restrictions on land owned by more than one member of a tribe, the Secretary may—

(1) upon request of any of the owners, partition the land and issue to each owner a patent or deed for his individual share that shall become unrestricted two years from the date of this Act;

(2) upon request of any of the owners and a finding by the Secretary that partition of all or any part of the land to be sold at not less than the appraised value thereof and distribute the proceeds of sale to the owners; *Provided*, That any one or more of the owners may elect before a sale to purchase the other interests in the land at not less than the appraised value thereof, and the purchaser shall receive an unrestricted patent or deed to the land; *Provided further*, That if a homestead is occupied by a person owning an undivided interest therein, the sale of such lands shall be subject to lifetime use of the home and such acreage as in the discretion of the Secretary may be necessary for the proper use of the homestead by the owner; and

(3) if the whereabouts of none of the owners can be ascertained, cause such lands to be sold and deposit the proceeds of sale in the Treasury of the United States for safekeeping.

SEC. 7. (a) The Act of June 25, 1910 (36 Stat. 855), the Act of February 14, 1913 (37 Stat. 678), and other Acts amendatory thereto shall not apply to the probate of the trust and restricted property of the members of the tribe who die six months or more after the date of this Act.

(b) The laws of the several States, Territories, possessions, and the District of Columbia with respect to the probate of wills, the determination of heirs, and the administration of decedents' estates shall apply to the individual property of members of the tribe who die six months or more after the date of this Act.

SEC. 8. The Secretary is authorized, in his discretion, to transfer to the tribe or any member or group of members thereof any federally owned property acquired, withdrawn, or used for the administration of the affairs of the tribe which he deems necessary for Indian use, or to transfer to a public or nonprofit body any such property which he deems necessary for public use and from which members of the tribe will derive benefit.

SEC. 9. No property distributed under the provisions of this Act shall at the time of distribution be subject to Federal or State income tax. Following any distribution of property made under the provisions of this Act, such property and any income derived therefrom by the individual, corporation, or other legal entity shall be subject to the same taxes, State and Federal, as in the case of non-Indians; *Provided*, That for the purpose of capital gains or losses the base value of the property shall be the value of the property when distributed to the individual, corporation, or other legal entity.

SEC. 10. Prior to the transfer of title to, or the removal of restrictions from, property in accordance with the provisions of this Act, the Secretary shall protect the rights of members of the tribe who are minors, non compos mentis, or in the opinion of the Secretary in need of assistance in conducting their affairs by causing the appointment of guardians for such members in courts of competent jurisdiction, or by such other means as he may deem adequate.

SEC. 11. Section 3243 of title 18, United States Code, is hereby amended by deleting the following: "This section shall not deprive the courts of the United States of jurisdiction over offenses defined by the laws of the United States committed by or against Indians on Indian reservations."

SEC. 12. Pending the completion of the property dispositions provided for in this Act, the funds now on deposit, or hereafter deposited, in the United States Treasury to the credit of the tribe shall be available for advance to the tribe,

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or for expenditure, for such purposes as may be designated by the governing body of the tribe and approved by the Secretary.

SEC. 13. The Secretary shall have authority to execute such patents, deeds, assignments, releases, certificates, contracts, and other instruments as may be necessary or appropriate to carry out the provisions of this Act, or to establish a marketable and recordable title to any property disposed of pursuant to this Act.

SEC. 14. (a) Upon removal of Federal restrictions on the property of the tribe and individual members thereof, the Secretary shall publish in the Federal Register a proclamation declaring that the Federal trust relationship to the affairs of the tribe and its members has terminated. Thereafter individual members of the tribe shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians, all statutes of the United States which affect Indians because of their status as Indians shall no longer be applicable to the members of the tribe, and the laws of the several States shall apply to the tribe and its members in the same manner as they apply to other citizens or persons within their jurisdiction.

(b) Nothing in this Act shall affect the status of the members of the tribe as citizens of the United States, or shall affect their rights, privileges, immunities, and obligations as such citizens.

SEC. 15. (a) Effective on the date of the proclamation provided for in section 14, the corporate charters issued pursuant to the Act of June 18, 1934 (48 Stat. 984), as amended, to the "Iowa Tribe in Nebraska and Kansas", ratified by the tribe on June 19, 1937; to the "Kickapoo Tribe in Kansas", ratified by the tribe on June 19, 1937; and to the "Sac and Fox of Missouri", ratified by the tribe on June 19, 1937, are hereby revoked.

(b) Effective on the date of the proclamation provided for in section 14 of this Act, all powers of the Secretary or other officer of the United States to take, review, or approve any action under the constitution and bylaws of the tribe are hereby terminated. Any powers conferred upon the tribe by such constitution which are inconsistent with the provisions of this Act are hereby terminated. Such terminations shall not affect the power of the tribe to take any action under its constitution and bylaws that is consistent with this Act without the participation of the Secretary or other officer of the United States.

SEC. 16. The Secretary is authorized to set off against any indebtedness payable to the tribe or to the United States by an individual member of the tribe any funds payable to such individual under this Act and to deposit the amounts set off to the credit of the tribe or the United States as the case may be.

SEC. 17. Nothing in this Act shall affect any claim heretofore filed against the United States by the tribe.

SEC. 18. Nothing in this Act shall abrogate any valid lease, permit, license, right-of-way, lien, or other contract heretofore approved. Whenever any such instrument places in or reserves to the Secretary any powers, duties, or other functions with respect to the property subject thereto, the Secretary may transfer such functions, in whole or in part, to any Federal agency with the consent of such agency.

SEC. 19. The Secretary is authorized to dispose of (a) the allotment of Blacksnake, Shawnee Numbered 69 and the allotment of Newton McNeer Shawnee Numbered 206; and (b) a forty-acre tract of unallotted land in the State of Nebraska held in trust by the United States for the benefit of the "Iowa Tribe of Indians" of the Iowa Reservation in the States of Kansas and Nebraska, the "Omaha Tribe of Nebraska", the "Santee Sioux Tribe of Nebraska", the Yankton Indians, and the Otoe Indians; and to distribute the proceeds of such disposition to the respective persons entitled thereto.

SEC. 20. The Secretary is authorized to issue rules and regulations necessary to effectuate the purposes of this Act, and may in his discretion provide for tribal referenda on matters pertaining to management or disposition of tribal assets.

SEC. 21. All Acts or parts of Acts inconsistent with this Act are hereby repealed insofar as they affect the tribe or its members. The Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378), shall not apply to the tribe and its members after the date of the proclamation provided for in section 14 of this Act.

SEC. 22. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

FEDERAL SUPERVISION OVER CERTAIN TRIBES OF INDIANS 1317

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington 25, D. C., January 4, 1934.

HON. RICHARD M. NIXON,
President of the Senate,
Washington 25, D. C.

MY DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill to provide for the termination of Federal supervision over the property of the Sac and Fox of the Missouri Tribe of Indians located in the States of Kansas and Nebraska, the Iowa Tribe of Indians located in the States of Kansas and Nebraska, the Kickapoo Tribe of Indians located in the State of Kansas, and the Prairie Band of Potawatomi Indians located in the State of Kansas, and the individual members thereof, and for other purposes.

The proposed bill is submitted in response to House Concurrent Resolution 108, 83d Congress, 1st session. It is requested that this proposed bill be referred to the appropriate committee for consideration.

We have interpreted Resolution 108 to include all four Indian tribes that are served by the Potawatomi area field office of the Bureau of Indian Affairs of this Department. Our reasons for doing so are that the Potawatomi Tribe is in Kansas only, while the Sac and Fox Tribe and the Iowa Tribe are in Kansas and Nebraska, and that the Kickapoo Tribe is at about the same stage of readiness for a termination of Federal responsibilities as the other three groups.

Exhibit A attached to this report is a section-by-section analysis of the proposed bill.

Following is a summary of pertinent data on the four groups together that relates to termination of Federal supervision. More detailed statements about each of their situations are attached to this report as exhibits B through E.

Of about 2,415 living members in the four tribes, only 600 live on or near the reservations. Most of those Indians of whom the Bureau of Indian Affairs has knowledge are wage employees in nearby towns or farm on a small scale. The great majority are self-supporting and are generally accepted in the surrounding communities.

The resources of these Indians, aside from their modest personal assets, consist of approximately 33,779 acres of land allotted in trust and 1,717 acres owned by the tribes in trust, all in Jackson and Brown Counties, Kansas, and Richardson County, Nebraska. A large portion of the allotted lands is in multiple ownership.

The Bureau of Indian Affairs is presently furnishing only a few of the usual services to these tribes and their members. Those services are 1 public health field nurse for all 4 groups, custody of individual Indian money accounts, supervision of land leasing, and contracts with the State for the education of Indian children.

Bureau representatives met with the Governor of Kansas and with the Indians affected to discuss the bill. The Governor favored termination of Federal responsibility and offered to work cooperatively toward that end. Three of the four Indian groups strongly opposed passage of this legislation as it now stands. Most of their contentions centered around the fear of loss of land or a depressed standard of living for those individuals whose land becomes taxable. The Sac and Fox Indians have not yet made comments. A more detailed summary of Indian views is attached as exhibit F.

We believe that a termination of Federal responsibility can proceed gradually with no hardship upon the Indians and with little administrative difficulty. The main obstacles to this readjustment are the heirship status of the allotted land and disposition of the Iowa tribal land assignments.

Because of the specified date by which the legislative recommendations of this Department were requested to be submitted in response to House Concurrent Resolution 108, the proposed bill and this report have not been approved by the Bureau of the Budget; therefore, no commitment can be made concerning the conformance of the proposed bill and this report with the President's program.

Sincerely yours,

ORME LEWIS,
Assistant Secretary of the Interior.

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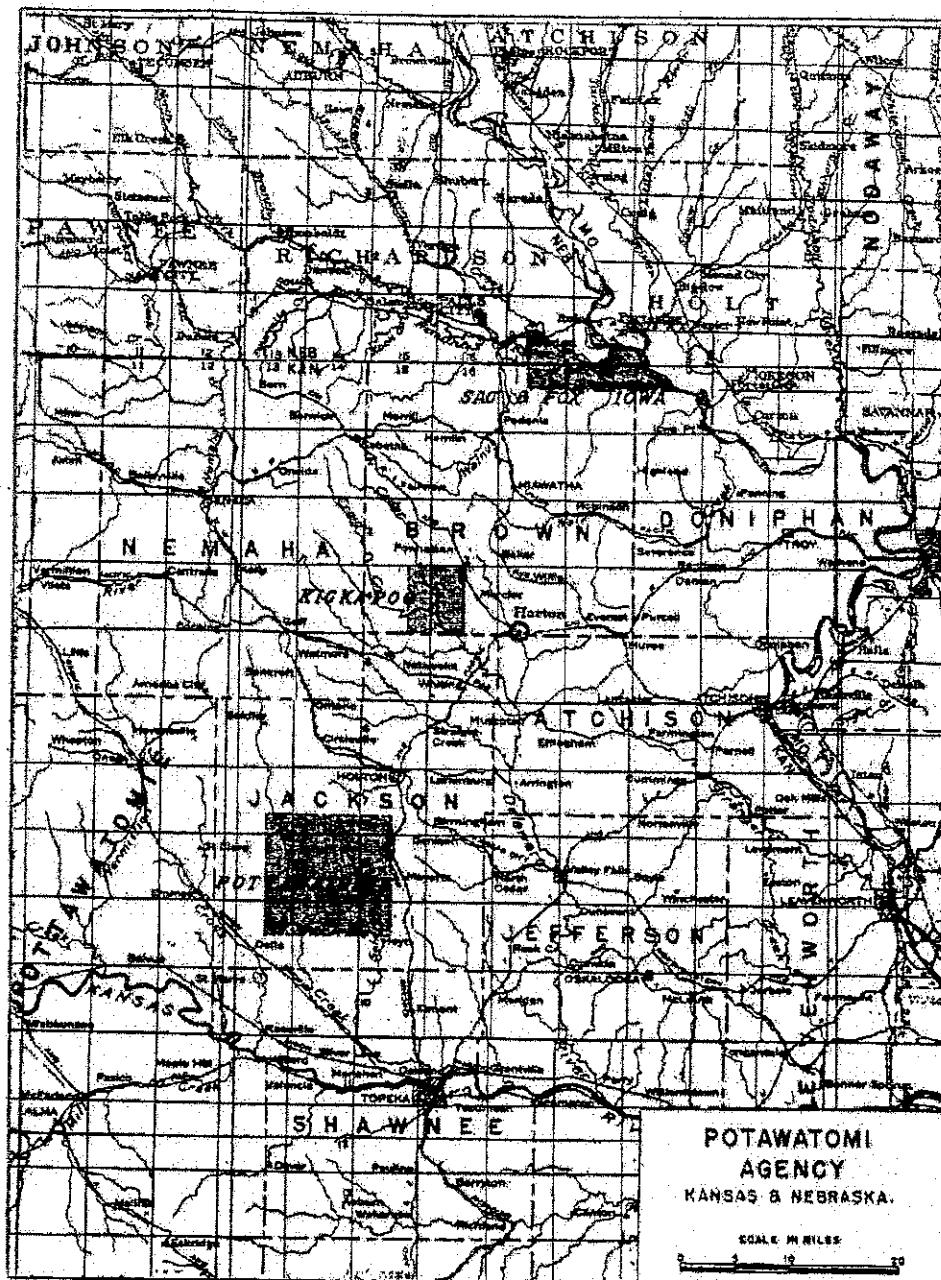


EXHIBIT A

SECTION-BY-SECTION ANALYSIS OF THE PROPOSED BILL TO PROVIDE FOR THE TERMINATION OF FEDERAL SUPERVISION OVER THE PROPERTY OF CERTAIN TRIBES OF INDIANS LOCATED IN THE STATES OF KANSAS AND NEBRASKA, AND THEIR INDIVIDUAL MEMBERS, AND FOR OTHER PURPOSES

1. Section 1 of the bill is a statement of purpose.
2. Section 2 of the bill consists of definitions that are designed to eliminate the need for repeating phrases throughout the bill.
3. Section 3 of the bill provides for the preparation and publication in the Federal Register of a membership roll for each tribe, which will be final for the purposes of the act. Primary responsibility for preparation of the roll is placed

on the tribe. The Secretary will publish the roll prepared by the tribe without reviewing it. Corrections to the roll will be handled entirely by the appeal process. Any aggrieved person may appeal to the Secretary. After the Secretary has decided all appeals he will republish the roll and it will be final for the purposes of the act. As the Secretary does not review the roll except to the extent necessary to decide appeals, a local representative of the Secretary is given the right to appeal on behalf of any Indian in order that he may protect the rights of persons who should but who fail to appeal, to the extent he knows about them.

4. Section 4 of the bill declares that the right of each enrolled member of a tribe to share in the use or disposition of tribal property is a personal property right which may be bequeathed or inherited but which may not otherwise be alienated before the Federal trusteeship over the property is terminated.

5. Section 5 of the bill provides for the termination of Federal supervision over tribal real and personal property. It directs the Secretary to call a referendum for each tribe to choose whether the Secretary should (i) transfer title to tribal property to a legal entity organized by a tribe, or (ii) transfer title to a trustee for subsequent management or liquidation. If any of the tribes do not elect either choice, the Secretary is directed to transfer title to a trustee designated by him for liquidation and distribution of tribal assets among the members of each tribe. There are two provisos to this last alternative: one provides for the termination of trust after such transfer; and the other gives a preferential right to a member occupant of a tribal land assignment to purchase his assignment at its appraised value from the trustee.

6. Section 6 directs the Secretary of the Interior to transfer unrestricted control of funds or other personal property to each tribal member.

It also provides for the termination of Federal supervision over the lands of individual Indians. All restrictions on lands are removed 2 years after the date of the act, but during that period the Secretary may partition or sell those lands owned by more than one member. There are two provisos to a sale of undivided interests by the Secretary: One, that an owner may elect to purchase the other interests and get an unrestricted deed. Two, an owner occupying a homestead on undivided land is guaranteed his lifetime use of such home even though the lands might be sold.

7. Section 7 of the bill makes State law rather than Federal law applicable to the probate of trust or restricted property of Indians who die 6 months or more after the date of the act. The Bureau of Indian Affairs will complete the probate of estates pending at that time, but will not be responsible for the probate of any new estates.

8. Section 8 provides for the disposition of federally owned property, as distinguished from Indian property, that is now used for the administration of Indian affairs in Kansas, and that will no longer be needed for such purposes when the termination program is completed. Such property may be given to the Indians or to public or nonprofit agencies if the Indians will derive a benefit therefrom, or may be retained in Federal ownership.

This section does not contemplate a transfer of Haskell Institute at Lawrence, Kans., which is federally owned, to a group of Indians or to a public body. Although members of the 4 Indian tribes for whom this bill is intended have attended Haskell, this school is not for the exclusive use of the 4 tribes and therefore would not be included in the phrase "federally owned property acquired or withdrawn for the administration of the affairs" of these 4 tribes. The school will continue in use as presently operated.

9. Section 9 of the bill makes the distribution of trust property under the act not subject to Federal or State income tax. But after the distribution is made the property and income therefrom will be subject to the same Federal and State taxes as is that of non-Indians.

10. Section 10 directs the Secretary of the Interior to protect the rights of Indians who are minors, non compos mentis, or unable to handle their property without assistance by causing the appointment of guardians or by such other means as he deems adequate.

11. Section 11 of the bill would amend that portion of section 3243 of title 18, United States Code, which provides for concurrent jurisdiction of the United States and the State of Kansas over offenses defined by the laws of the United States committed by or against Indians on Indian reservations in Kansas. This provision would place Indians under the laws of the State the same as other citizens.

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12. Section 12 provides for the use of tribal funds in the Treasury of the United States for any purpose approved by the tribe and the Secretary.

13. Section 13 of the bill authorizes the Secretary to execute any conveyancing instruments necessary to carry out the purposes of the act, or to establish a marketable title.

14. Section 14 provides that as Federal restrictions are removed from the property of each tribe and its members a proclamation will be published in the Federal Register, and thereafter such Indians will have the same status under State and Federal law as any other person or citizen.

15. Section 15 revokes all corporate charters issued to Indian groups in Kansas under the act of June 18, 1934 (48 Stat. 984), and terminates all powers under tribal constitutions that are inconsistent with any provisions of the act. This section also terminates the power of the Secretary to take, review, or approve and action under tribal constitutions.

16. Section 16 authorizes funds payable under the act to an individual Indian to be set off against any debts owed by the individual to the tribe or to the United States.

17. Section 17 of the bill protects claims heretofore filed in the Indian Claims Commission.

18. Section 18 protects existing valid leases, permits, rights-of-way, liens, or other contracts, but authorizes the Secretary to transfer any functions he may have under such instruments to another Federal agency.

19. Section 19 provides for disposition of three small scattered tracts of Indian-owned land in Kansas and Nebraska.

20. Section 20 gives the Secretary of the Interior authority to issue rules and regulations necessary to carry out the purposes of the act.

21. Section 21 repeals all inconsistent provisions in other acts, and makes the act of June 18, 1934 (48 Stat. 984), as amended (commonly called the Indian Reorganization Act), inapplicable to these four groups of Indians.

22. Section 22 of the bill contains a separability provision.

EXHIBIT B

BACKGROUND DATA ON THE SAC AND FOX INDIANS OF MISSOURI IN KANSAS AND NEBRASKA RELATING TO TERMINATION OF FEDERAL SUPERVISION

HISTORY

The Sac (or Sank), meaning "people of the outlet" or people of the yellow earth" belong to the Algonquian linguistic stock and the same subdivision including the Fox and the Kickapoo.

Their earliest known home was near Saginaw Bay, Mich. As a result of the Black Hawk War in 1832, they abandoned their territory in Illinois and Wisconsin and sought refuge with the Fox Indians who were then living in Iowa. The Sac and the Fox have been closely associated together since then. They finally moved to Kansas where a reservation was established in 1854.

Their reservation now lies in Brown County, Kans., and Richardson County, Nebr.

LANDS

The original reservation was established under a treaty of May 18, 1854 (10 Stat. 1074; II Kappler 631). A treaty of March 6, 1861 (12 Stat. 1171; II Kappler 811) with the Sac and Fox of Missouri, and the Iowa Indians provided for cession of certain lands in Nebraska by the former to the United States, and for the cession of certain lands in Kansas by the Iowa to the United States for the Sac and Fox. The Acts of June 10, 1872 (17 Stat. 392), and August 15, 1876 (19 Stat. 208), provided for the sale of portions of the Sac and Fox Reservation.

There were 7,924 acres first allotted under the General Allotment Act (24 Stat. 388). An act of August 15, 1894 (28 Stat. 206), provided for allotments to children born after the first allotting.

Executive Orders 2607 of May 4, 1917, 4571 of January 24, 1927, and 5708 of December 30, 1931, for 10 years each, extended the trust period on Kickapoo lands until 1941. The trust period was extended indefinitely by the act of June 18, 1934 (48 Stat. 984) (Wheeler-Howard Act).

Presently, the reservation consists of 610 acres allotted in trust. Most of this is Indian-used. Of a total of 19 tracts, 12 are held by original allottees

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or other single owners, and 7 are in fractionated ownership in the hands of heirs of original allottees. The land is interspersed among lands previously alienated, now white-owned.

PEOPLE

The total enrolled membership is estimated at 190, with 40 people living on the reservation and requiring few services from the Bureau of Indian Affairs. Those remaining farm or do wage labor; almost all of them are self-sustaining.

The tribe is organized under the Indian Reorganization Act (48 Stat. 984); its constitution and bylaws were approved March 2, 1937, and its charter ratified June 19, 1937. The tribal business committee has been inactive for several years. Tribal assets in the Treasury total \$36.75; there is no other tribal property.

BUREAU SERVICES

Most of the special services have been discontinued. A limited health program consists of one public health field nurse serving this and the other three groups at the jurisdiction. All but three children attending school are in public schools at no cost to the United States. The three are in Government boarding schools outside this jurisdiction. The Bureau maintains five IIM accounts in which there is \$732. That the supervision of land is nearly completed is shown by the fact that in fiscal 1932 it was necessary to approve only six leases. During the same period one fee patent was completed.

ATTITUDE OF SAC AND FOX TOWARD TERMINATION OF TRUST RELATIONSHIP

The 150 members of this tribe living off the reservation and in urban centers are evidently getting along without Bureau aid. It is doubtful that the 40 people remaining on the reservation would resist termination of the Government's trust responsibilities.

EXHIBIT C

BACKGROUND DATA ON THE IOWA INDIANS OF KANSAS AND NEBRASKA RELATING TO TERMINATION OF FEDERAL SUPERVISION

HISTORY

The Iowa are of Siouan stock and closely related to the Oto and the Missouri. They moved about a great deal, mainly in the States of Iowa, southern Minnesota, and northern Missouri. The Iowa was apparently borrowed by the French from Aukwa, the Dakota term signifying "sleepy ones."

They suffered at the hands of the Dakota, and it is said they were defeated by Black Hawk in 1821. By treaties signed August 4, 1824 (7 Stat. 231; II Kappler 208), July 15, 1830 (7 Stat. 328; II Kappler 305), and September 17, 1835 (7 Stat. 511; II Kappler 468), and November 23, 1837 (7 Stat. 547; II Kappler 500), they ceded their claims to land in Missouri and Iowa. By the Prairie du Chien treaty signed August 19, 1825 (7 Stat. 272; II Kappler 250), they surrendered land claims in Minnesota. The Treaty of 1836, supra, assigned part of them a reservation along Great Nemaha River in the present Brown County, Kans., and Richardson County, Nebr.

LANDS

The original reservation established by the treaty of 1836, supra, was reduced by a treaty of May 17, 1854 (10 Stat. 1069; II Kappler 628) and a treaty of March 6, 1861 (12 Stat. 1171; II Kappler 811).

An act of March 3, 1885 (23 Stat. 352), amended January 26, 1887 (24 Stat. 367), provided for the sale of certain Sac and Fox lands, for allotment in severalty, and for the fee patenting of these allotments after 25 years of trust restriction. There were 11,771 acres allotted under this authority.

Executive Order 5023 of January 10, 1929, extended the trust period on allotments to 1939. The act of June 18, 1934 (48 Stat. 984) (Indian Reorganization Act), which this group voted to accept, extended the trust period indefinitely.

The present reservation consists of about 968 acres allotted in trust and 715 acres owned by the tribe. Of the former, 5 tracts totaling 201 acres are held by original allottees or single owners, and 7 tracts are in multiple ownership. Twelve individual Iowa have lifetime use assignments of the tribal land. Most of the allotted land is also used by Indians.

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PEOPLE

Only 60 live on the reservation. The total enrolled membership approximates 524. They are employed as wage workers in nearby towns or are engaged in small scale diversified farming. Those living on the reservation are conducting their affairs under minimal supervision of Bureau officials. Economically and socially the Iowa are in the best condition of the four tribes in Kansas. The tribe is organized under the Indian Reorganization Act (48 Stat. 984) and has a constitution and bylaws approved February 26, 1937, and a corporate charter ratified June 19, 1937. Only sporadic meetings of the executive committee are held, primarily in connection with assignments of tribal land.

BUREAU SERVICES

Almost all the special services provided for Iowa Indians have been discontinued. A public health field nurse who serves this and the three nearby reservations of the Potawatomi, Kickapoo, and Sac and Fox, constitutes the health program. The Bureau of Indian Affairs provides 36 IIM accounts which now contain \$5,362. Sixty percent of the children attend public school at no cost to the United States. The other 14 children in school are in Government boarding schools elsewhere or in public school under contracts authorized by the act of April 16, 1934 (48 Stat. 596) (Johnson O'Malley Act). Land management in fiscal 1952 consisted of the approval of seven leases.

ATTITUDE OF IOWA TOWARD TERMINATION OF TRUST RELATIONSHIP

There is no indication that a large majority would resist it although many of those living on the reservation want to retain their land tax-free status. Those who have left the reservation generally believe the Bureau of Indian Affairs should complete the termination of its services at an early date.

EXHIBIT D

BACKGROUND DATA ON THE KICKAPOO INDIANS OF THE KICKAPOO RESERVATION, KANS., RELATING TO TERMINATION OF FEDERAL SUPERVISION

HISTORY

The Kickapoo are of Algonquian linguistic stock. They originally lived in the lower peninsula of Michigan; during the late 1860's they lived in Columbia County, Wis., later moving south to the vicinity of Peoria, Ill. This group of the Kickapoo fought against the colonists in the War of 1812, but assisted the United States in the Indian war against the Seminole during 1837. They ceded their lands in Illinois in 1800 and 1819 and ultimately settled on the present reservation which was established in 1862. The reservation is in Brown County, Kans., about 45 miles north of Topeka, Kans.

LANDS

The original reservation measured 6 miles long and 5 miles wide. It was established under a treaty of June 28, 1862 (13 Stat. 623; II Kappler 835). Allotment took place under the General Allotment Act (24 Stat. 338), as amended.

The acts of March 2, 1895 (28 Stat. 876), February 28, 1899 (30 Stat. 909), and March 3, 1903 (32 Stat. 1007), authorized the sale of surplus or unallotted lands. Executive Orders 3447 of May 2, 1921; 5415 of August 4, 1920; and 5026 of May 18, 1931, for 10 years each, extended the trust periods on allotments to 1941. The trust period was extended "until otherwise directed by Congress" by the group's acceptance of the act of June 18, 1934 (48 Stat. 984) (Indian Reorganization Act).

The present reservation consists of approximately 5,164 acres allotted in trust and 922 acres in tribal ownership. Of the 66 tracts of allotted land, 32 tracts comprising 2,726 acres are held by original allottees or other single owners, and 34 tracts totaling 2,438 acres are in multiple ownership.

Less than one-fifth of the allotted land and very little of the tribal land is used by Indians.

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PEOPLE

Total enrolled membership is estimated at 375, with over 215 people living off the reservation.

The tribe is organized under the Indian Reorganization Act (48 Stat. 984) and has a constitution and bylaws approved February 26, 1937, and a corporate charter ratified June 10, 1937. In effect, this group has only a semblance of tribal organization and is mainly concerned with the prosecution of its claims against the Government. The tribe has no funds. If the 922 acres of tribal land were divided per capita, each share would now be worth about \$215.

Those Kickapoo who have left the reserve have little or no contact with the Bureau and are manifesting their ability to manage their affairs without supervision. Those who remain are rather slowly integrating with the surrounding culture.

After visiting this reservation in October 1953, the area director said that practically all individuals eligible for social-security categorical aids and welfare benefits were receiving them from the State and the county.

BUREAU SERVICES

Most of the special services provided for Indians have been discontinued. A very limited health program outside of the services of 1 public health field nurse who serves the 4 groups at this jurisdiction. The Bureau contracts with the State for the education of Indian children in public schools under the act of April 16, 1934 (48 Stat. 596). The cost of this education during fiscal 1952 was \$4,625. In addition, 35 children attended Bureau schools in other jurisdictions. One hundred fourteen IIM accounts handled in 1952 amounted to \$3,808. Land management services almost wholly consist of approving leases and permits, and totaled 47 in fiscal 1952.

ATTITUDE OF KICKAPOO TOWARD TERMINATION OF TRUST RELATIONSHIP

One-third of those still living on the reservation are reluctant to relinquish their land tax-free status, but are not otherwise opposed to termination of trusteeship.

EXHIBIT E

BACKGROUND DATA ON THE PRAIRIE BAND OF POTAWATOMI INDIANS OF KANSAS RELATING TO TERMINATION OF FEDERAL SUPERVISION

HISTORY

The Potawatomi, meaning "people of the place of the fire," and hence sometimes known as the Fire Nation, belong to the Algonquian linguistic family, being most closely affiliated with the Chippewa and Ottawa.

The ancient home of this tribe was evidently in the lower peninsula of Michigan. Siding actively with the French down to the peace of 1763, they were prominent in the rising under Pontiac. On the breaking out of the Revolution in 1775, they took arms against the United States and continued hostilities until the Treaty of Greenville in 1795. They again took up arms in the British interest in 1812 and made final treaties of peace in 1815. As settlements rapidly pressed upon them, they sold their land piecemeal and a few moved to Canada, the remainder on west. In 1846, they were all united on a reservation in Kansas. In 1861, the tribe was split into two bands which have since come to be considered as separate tribes. The progressive group came to be known as the Citizen-Potawatomi, now reside in Oklahoma, and are believed to be completely acculturated. The remaining group are known as the Prairie Band of Potawatomi Indians and live in Jackson County, Kans., approximately 20 miles north of Topeka.

LANDS

The original reservation consisting of 576,000 acres acquired under a treaty of June 5 and 17, 1846 (9 Stat. 853; II Kappler 557) was subsequently modified by a treaty of November 15, 1861 (12 Stat. 1191; II Kappler 824), amended March 29, 1866 (14 Stat. 763; II Kappler 916), providing for disposition of portions of the lands so acquired, and for allotment. The acts of March 3, 1875

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(18 Stat. 437), and March 2, 1895 (26 Stat. 1021), provided for additional disposition of lands and the act of February 28, 1899 (30 Stat. 909), amended March 8, 1903 (31 Stat. 1007), authorized the sale of surplus lands after allotting lands to each absentee of the tribe and to children born since allotments were made. Executive Orders 2747 of November 2, 1917; 2927 of July 30, 1918; 3312 of July 21, 1920; 4688 of July 11, 1927; 4858 of April 16, 1928; 5299 of March 10, 1930; 5356 of May 23, 1930, and 5558 of February 11, 1931, extended the periods of trust on lands in this reservation for 10 years each (until 1941). Then, by reason of the Potawatomi having voted on June 15, 1935, to accept the terms of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), the period of trust was extended and continued "until otherwise directed by Congress."

Presently the reservation consists of 80 acres of tribal trust land, 10 acres of Government-owned land, and circa 27,028 acres of trust allotted lands in 343 tracts interspersed among lands previously alienated. Of the allotted land, 69 tracts totaling 5,071 acres are held by living original allottees, 65 tracts totaling 5,037 acres are held by other single owners, and the remaining 209 tracts totaling 16,920 acres are in fractionated ownership in the hands of heirs of original allottees. Of the total tribal and allotted lands, 2,400 acres are used by Indians and the other 24,628 acres are leased by the Bureau for the benefit of the owners. While the actual figures have not been tabulated, it is known many are absentee owners. Indicative of the volume of the land supervision exercised by the Bureau on this reservation is the fact that in fiscal 1952, 203 leases were handled for the Indians by this agency.

PEOPLE

The exact present membership of the tribe is not known. The last listing of tribal members was in 1940 and numbered 1,098. It is estimated that there are now about 1,325 eligible for membership, of which approximately 250 remain on or near the reservation. On June 15, 1935, this tribe voted to accept the provisions of the act of June 18, 1934 (48 Stat. 984) (Indian Reorganization Act), but did not adopt a constitution or incorporate.

There are 69 original allottees still living. The termination of supervision over their lands would undoubtedly result in working a hardship on them. It is believed it would be to their best interest to retain supervision over their lands during their lifetime, either by Bureau supervision or by having guardians appointed for them. The younger members of the tribe have had educational opportunities equal to those of the general population of the locality and should be able to manage their own affairs. Continued supervision of their lands by the Federal Government, due mainly to the multiple heirship interests in land, and the accrual of some lease rentals from agency-approved leases has tended to hold many of these Indians to the reservation locale.

The more progressive members of the tribe have moved to the larger urban centers and have no contacts with the agency. All are well aware of their rights as citizens. Each is accepted in whatever stratum of local society his cultural and economic development may place him. Many remaining on the reservation work at seasonal farm labor in the vicinity or as common laborers in adjacent communities. A few are farming. Many occupy homes on the reservation but work in the surrounding cities and towns within a 70-mile radius.

BUREAU SERVICES

A great many of the special services provided for Indians have been eliminated with this group. A very limited health program consists of the services of one public health field nurse (who also serves the nearby Iowa, Sac and Fox, and Kickapoo Reservations), and the Pawnee Oklahoma Indian Hospital for occasional indigent patients. The Bureau maintains about one-half (45 miles) of the roads within the reservation, the remainder of maintenance and all necessary construction being performed by Jackson County, Kans. Education is provided by the public schools through Bureau contracts with the State under the act of April 16, 1934 (48 Stat. 596). Fiscal 1952 cost was \$8,369. In addition, in 1952, 61 Potawatomi children were attending

Indian boarding schools at Pawnee, Haskell, or Chilocco. There were 422 individual Indian money accounts totaling \$10,516.37 maintained at this agency in 1952. As before noted, the principal service performed by the Federal Government for the Potawatomi is supervision of their lands.

ATTITUDE OF POTAWATOMI TOWARD TERMINATION OF TRUST RELATIONSHIP

From Bureau contacts made with members of the tribe for the purpose of compiling information for a report requested by the Committee on Interior and Insular Affairs of the House of Representatives in May 1953, it would appear that the vast majority of the 300 still living on the reservation strongly oppose termination of any service furnished by the Federal Government. They would be unwilling to accept the full responsibility of citizenship voluntarily.

EXHIBIT F

SUMMARY OF INDIAN VIEWS ON PROPOSED LEGISLATION

The Sac and Fox Tribe met without Bureau assistance—at their own request—on October 10 to discuss the termination bill, but so far they have not submitted a resolution or other expression of opinion. Bureau field officials believe the group is not showing an interest in the legislation.

Bureau representatives met with the Iowa, Kickapoo, and Potawatomi groups to explain and discuss the legislation. All three opposed passage of the bill and made these comments, as noted parenthetically after each one below:

1. Completion of a final roll (sec. 3) would be beneficial (Iowa).
2. It would be desirable to have legislation which would permit sale of heirship land on request of the majority interest (Iowa).
3. If enacted this bill would make restricted property taxable and thereby work hardships on many individuals hardly making a living now (Iowa, Kickapoo, Potawatomi).
4. They wish to retain present Federal services, and if possible enlarge and increase Federal services (Iowa).
5. A protest was made against section 6 because it would permit the Secretary to transfer land trust titles to Indian owners, and to sell trust allotted land determined by him to be impracticable to partition (Potawatomi).
6. Section 17 on claims against the United States would prevent the future filing of claims not filed at the time of enactment of this bill (Potawatomi).
7. There is discrimination against Indian children in public schools, and Indians on the Kickapoo Reservation are not able to compete with their white neighbors.

EXHIBIT F

SAC AND FOX TRIBE, KANSAS

APPRAISAL OF COMPETENCE

General

A. All members of this tribe are considered to be capable of managing their affairs independently of Bureau supervision.

B. Of a population of 140, of whom 50 are fullbloods, only 40 are receiving services from the Bureau. All speak, read, and write English. Tribalism has disappeared and acculturation appears complete. Those remaining on their lands are farmers and are self-sustaining. But the majority are gainfully employed away from the reservation, and all are experienced in the management of their own affairs. No further need for supervision is apparent.

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EXHIBIT G

THE IOWA TRIBE OF INDIANS OF KANSAS AND NEBRASKA

APPRAISAL OF COMPETENCE

General

A. All members of this tribe are considered to be competent to manage their affairs without Bureau supervision.

B. Out of a total tribal membership of 580, only 20 are of full blood and only 180 receive some Federal supervision. All speak, read, and write English and many are of little Indian blood. Only two original allottees are living. Most of the members have moved away from the reservation, locality and are employed, and tribalism has disappeared. Acculturation appears to be complete and no further need for Federal supervision is apparent.

The fractionated ownership of land has placed an undue burden upon the Indians and the Bureau. An early disposition of these tracts should be made.

Individual

A few of these members are engaged in small-scale diversified farming.

EXHIBIT H

THE KICKAPOO TRIBE OF INDIANS OF KANSAS

APPRAISAL OF COMPETENCE

General

A. All of this group is considered to be competent to manage their affairs without supervision with the possible exception of the three remaining original allottees.

B. This tribe, with 426 names on the tribal roll and 280 of whom live in the reservation vicinity, have a large proportion of fullbloods. About 60 do not read and write, although all can speak and understand English. All children are in public schools or boarding schools outside of the vicinity.

They do not receive sufficient rentals from their lands to sustain them, and their income is supplemented by unskilled labor performed in the vicinity and in distant cities. While their economic level is not high, they are getting along without assistance except for 35 welfare cases. Tribalism has ceased to exist and the outward appearances of the white man's culture have been adopted. The only service furnished by the Bureau is the approval of farm leases and a weekly visitation by a field nurse.

Individual

The more progressive members of the tribe have moved to the larger urban centers and have no contact whatsoever with the agency. Consequently there is no direct knowledge of those who are successfully engaged in a business enterprise.

EXHIBIT I

PRAIRIE BAND OF THE POTAWATOMI TRIBE OF INDIANS, KANSAS

APPRAISAL OF COMPETENCE

General

A. None of the 69 living original allottees are considered to be competent to manage their affairs without Bureau supervision. The remainder are capable of self-management but many would not do so because of lack of ambition, initiative, and responsibility.

B. This tribe is the least progressive of the four tribes in Kansas. Tribal councillors and members have strongly opposed the removal of any Federal supervision and decline to assert any initiative of their own in any matters. Out of a membership of 1,325, there are 900 who are receiving service of some kind. While all speak English, there are 125 who cannot read or write. There are 35 families receiving welfare assistance.

Two hundred and nine out of two hundred and seventy-four tracts of land are in a multiple ownership status which forces most of these people to be absentee landlords. They work at seasonal farm labor in the reservation vicinity or as

common laborers in adjacent communities. Their economic level is low but seems to be all that they desire. Because of the ownership status of their lands their progress is retarded, as it tends to tie them to the locality and yet does not furnish them adequate income.

They have adopted the outward appearances of the white man's culture, but have failed to acquire the necessary ambition, providence, and sense of responsibility to rise above their economic level. They have had little experience in the ownership and management of land resources.

Senator WATKINS. I understand that we have some witnesses here who would like to be heard as soon as possible, and, for that reason, we will now call the following witnesses: Mrs. Minnie Evans, Mazetta, Kans.; Mr. Wahwassuck, Mazetta, Kans.; James Wahb Nusan, Mazetta, Kans., and O. R. McGuire, attorney, of Washington.

We can start with whichever of those witnesses you would like to start with, the attorney or the witnesses, themselves.

Mr. McGUIRE. I would prefer, Mr. Chairman, to have the Indians heard first and I will ask the committee to hear Mrs. Evans first.

Senator WATKINS. Mrs. Evans, if you will come forward, please, we will be glad to hear you at this time.

STATEMENT OF MRS. MINNIE EVANS, CHAIRMAN OF THE TRIBAL COUNCIL OF THE PRAIRIE BAND OF POTAWATOMI INDIANS, ACCOMPANIED BY THEIR COUNSEL, O. R. McGUIRE, WASHINGTON, D. C.

Senator WATKINS. For the purpose of the record, will you give us your full name and your address, and indicate your post office address?

Mrs. EVANS. My name is Minnie Evans, Mazetta, Kans. I have no street number there, Senator.

Senator WATKINS. Before you start your testimony, will you tell us a few facts about the tribe itself and your authorization for being here and so on? Is your tribe organized?

Mrs. EVANS. No, sir; we are not under the reorganization.

Senator WATKINS. You do not have an organization?

Mrs. EVANS. No, sir.

Senator WATKINS. Do you have any official capacity with the tribe?

Mrs. EVANS. We are the council members and I am the chairman of the tribal council.

Mr. McGUIRE. I do not think she quite understands what you mean by tribal organization. This is a recognized group of Indians by the Interior Department and it does have a business council which is the executive committee for the band.

Senator WATKINS. That is a fact, Mrs. Evans?

Mrs. EVANS. Yes.

Senator WATKINS. When were you elected?

Mrs. EVANS. I have the minutes of the first meeting in my briefcase but I do not have it right here.

Senator WATKINS. I just asked you that as a preliminary and before we get through, we would like to have what you have to show that you are an official of the tribe and have the right to speak for the tribe.

Mrs. EVANS. I was elected in 1947. We changed our business committee to a tribal council and that is true.

Senator WATKINS. You may proceed in your own way and say what you would like to, to the committee.

Mrs. EVANS. My purpose, or our purpose, here is to oppose this S. 2743. We are opposed to this. We have had contact with our Senators and with our attorney here and we sent a protest to the President of the United States, telling him that we object to any changes. We want to remain according to our treaty laws, and our treaties which we have just like in 1846 we had a treaty and that treaty provides there that will be for Potawatomi Indians as long as they are in existence.

We were promised proper care and parental protection. Then, the 30-mile-square reservation was to be the same. Wob-sia was the chief at the time our reservation was set aside. It was 30 miles square at one time and on November 15, 1861, there was a separation and 1,400 of that tribe wanted to become citizens, and get their land. Then, the Prairie Potawatomi, which was 780 fullbloods were to remain in common according to their treaty. It was supposed to be held in common. That is where we are today.

Senator WATKINS. Which particular one of these groups do you represent?

Mrs. EVANS. The Potawatomi Indians of Kansas, known as the Prairie Band. That is included on the first page of the bill, the Prairie Band of Potawatomi Indians located in the State of Kansas.

Senator WATKINS. How many Indians are there in that band?

Mrs. EVANS. I do not know. There must be about six or seven hundred. You see, they have not fixed the roll yet. I want to get this in the record, that when the 1,400 wanted to become citizens and get all of their title to their land and just pull away from these 780, and when that treaty was made the Prairie Indians could not go over here with the 1,400 to get any benefits, but these people could not come over here to get any benefits and that took place. These citizen Indians got their land and sold it and then came back here in the Potawatomi Prairie Band Reservation and got allotments and disposed of that. There are several cases, and I do not want to go into detail on that. That is why I would like for an investigation to be made. We just do not know where to go to tell our troubles.

Senator WATKINS. You can tell them to us right now; we are going to give you full opportunity.

Mrs. EVANS. I am very glad that I have this chance; it is the first time.

Senator WATKINS. That is what the hearing is for.

Mrs. EVANS. I am very thankful. I have checked on two of the main persons and I have the records on that and I can give it to you later on.

Anyhow, they disposed of that land, then they got in on our Prairie Band and got that land there. There is one allotment that is Joseph I. Nettle & Co. We came in such a hurry that I did not get a chance to bring all of the records, but it is in the Kansas historical book. That is Joseph I. Nettle. There was a band that came from the 1,400 that sold all of their land and they came back on the Prairie Band. Different ones got 160 acres, or the best choice land there, and that was against my people. They fought that. They want to remain according to their treaty, and then two of the Indians were imprisoned at Fort Riley for defending their home. I, also, was threatened to be placed in Lansing in 1939, trying to defend my people, and the former agent, H. E. Bruce, has threatened to put me in Lansing in the peni-

tentiary, or where they send the women, and I knew I didn't do anything wrong. I was trying to act in behalf of my people.

That is what we have done. We want to remain according to what our treaty reads. That has been violated time and again, but we still remain there and we want to remain according to this treaty that we have.

Senator WATKINS. Do you want to have this put in the record?

Mr. EVANS. Yes; I would like to put it here in the record.

Senator WATKINS. Do you want the entire document placed in the record?

Mrs. EVANS. Yes; that is the treaty that we made with the Government. It is my understanding that it was done as early as 1887 and after that pressure was brought on the Indians because they refused to take allotments and many were thrown into jail because of their attitude in trying to protect their treaty rights.

Senator WATKINS. This sheet of paper will be marked as "Exhibit 1" and will be received as a part of the record.

(The document is as follows:)

Whereas the President of the United States of America, has moved the Potawatomi Indians from Chicago to west of the Mississippi River—the President of the United States has told the Potawatomi Tribe, that if any of the white men come there and disturb the Potawatomi Tribe of Indians (whoever is President at the time), is to attend to anybody who would ever disturb the Potawatomi Indians, after being brought to the Mississippi River. The President also told the Potawatomies that they will be treated as good as long as God is.

After a while the Potawatomies were told that they must move again, west to Kansas River. Mi-Joi-ab-be was sent to the Kansas River to buy the Kaw Indian land, 30 square miles. So the Potawatomi Nation had 30 square miles for a reservation. And in the year 1862 the Potawatomi Nation of Indians made a treaty between the United States of America and the Potawatomi Nation of Indians. The treaty was concluded November 15, 1861, accepted April 17, 1862, proclaimed April 19, 1862. Shaw-que (chief), Topenubee (chief), We-we-sah (chief), Me-yenco (chief), and Shomen (brave). Those chiefs that liked the civilization way and 780 of the Potawatomies didn't want the civilization way. Wob-sia (chief), Piannish Monah (interpreter), Man-no-wok (brave), Mi-yan-zet (speaker).

O. N. Gray got up and asked Shaw-que: "What are you going to do after you make this treaty?" Shaw-que said: "I will pay you 6 square miles of our land for the treaty that we have made." So O. N. Gray said to Chief Wob-sia: "What are you going to do after making your treaty that you will have 11 miles square for a reservation?" Wob-sia said the same, "I will give 6 square miles of the land for pay for the treaty we have made."

S. M. Ferguson, O. N. Gray, and John D. Lusby were the three men that were sent there to locate the Nation of the Potawatomie Indians. These three men were known to the President of the United States of America, and they reported that there are 780 fullbloods of the Potawatomie Nation that won't become civilized. (O. N. Gray told Wob-sia that if he agreed to this to sign, so both parties agreed to this that 1,400 of those that come want to become civilized and 780 of the full bloods that won't of the Potawatomie Nation of Indians.) Wob-sia was then told by O. N. Gray that they were given 11 miles square for a reservation, and that they will never be disturbed again, like they have been, and Wob-sia was also told that they would get along all right here. O. N. Gray got up and said to Chief Wob-sia, "Now you see I am a white man, but as long as you have your reservation don't you ever get a white man to interpret for you anymore. If you do your tribe will never get along again. You have your own interpreter (an Indian or an Indian woman) to interpret for you." That was what Wob-sia was told by O. N. Gray. Wob-sia said to O. N. Gray, "Now, I will tell you what I think, that about 20 or 30 years from now the white people will be so thick that they will be after my land all the time; then if I want to move again to some other place, would you help me to move?" "Why, yes," said O. N. Gray, "I will make out some papers and give you one of them so it will not be any trouble for you to go somewhere else."

But when you find a place, Web-sia, where you want to go, then go and tell the Government that you are ready to move to such place, then, you can move your tribe, the Pottawatomie Nation of Indians, without any trouble." That is what Web-sia was told by C. N. Gray.

Representative BERRY. I do not think that this is a treaty.

Mrs. EVANS. I have the original treaty back in my papers.

Representative BERRY. This is a statement from the treaty?

Mrs. EVANS. Yes, and I have the treaty with my papers.

Senator WATKINS. Do you have a regular attorney presenting your claims to the Indian Claims Commission?

Mrs. EVANS. Yes, sir; Colonel McGuire, and Mr. Robertson of Topeka.

Mr. McGUIRE. Could I ask a question that would help along. There is one point she has not touched on and that is just why they do not want this law passed.

Senator WATKINS. We, ordinarily, under the rules here, do not permit the attorneys to question witnesses. However, if you have questions that you would like to ask, I would be glad to ask them, but I wanted to give her an opportunity to say what she had on her mind before we started to divert her attention.

Do you have anything else you would like to say, or do you want to talk about the matter your attorney just mentioned?

Mrs. EVANS. Well, I have quite a bit yet, but I have all of my notes that I made with my papers there and I did not get them ready to turn everything over.

Senator WATKINS. Why do you not want this bill?

Mrs. EVANS. We are opposed to the termination of Federal supervision and control over the Prairie Band of Pottawatomie Indians on the following grounds:

A. The original treaty guaranteed these Indians rights to hold on to their lands or allotments free from taxation or any other change.

B. The Prairie Band rejected the Reorganization Act, desiring to remain under their treaty laws.

C. Extending all rights of citizenship would subject lands to local taxation and possible confiscation owing to the financial conditions of the Indians.

D. We desire continuation of supervision and management of the Government by Federal supervision. It is a home for our parents, ourselves, and our children.

That is what I gave you there. We desire to hold that land in common and to be a home for the Prairie Band Indians.

That is what I wanted to say.

Senator WATKINS. Those are your main responses why you are opposed to the bill?

Mrs. EVANS. Yes. Even right now, there are a lot of our Indians out there who do not even have any place to live.

Senator WATKINS. This is not going to take anything away from them. We are trying to give you all of your property outright so you can do as you wish with it, eventually. We are not trying to take anything away from you.

Mrs. EVANS. We want to remain the way our treaty reads.

Senator WATKINS. Are you, at the present time, receiving any direct help from the United States?

Mrs. EVANS. No.

Senator WATKINS. I do not mean you, personally, I mean your group of Indians.

Mrs. EVANS. Well, now, my uncle was talking to our minister, Alex Eckert, our missionary, and the missionary told him to go and sign up with the Jackson County welfare and they will take care of him under the county. Well, my uncle said that if I go and place myself there, they will have a lien on my property and the missionary said, "Yes."

Those people out there are really in a bad state, and there are no horses. They used to have horses. If you see their homes, it is very bad.

Senator WATKINS. May I ask you some general questions about these Indians? Do most of them or all of them speak the English language?

Mrs. EVANS. No, sir.

Senator WATKINS. Could you tell me about how many do not speak the English language and do not understand it?

Mrs. EVANS. Not right offhand; there are quite a number of them.

Senator WATKINS. Is there a large proportion of them or only a small group?

Mrs. EVANS. Yes, sir, I just could not set the number right offhand, but I know that there are people out there that do not read or write. Now, if I knew that I was coming, I would have brought 2 or 3 of them to your committee.

Senator WATKINS. In almost every Indian band, we find some that do not understand the English language and who have not been to school, but I wanted to know about this group.

Mrs. EVANS. Those are the ones I mean.

Senator WATKINS. You have no idea how many of them there are?

Mrs. EVANS. I could give you the names.

Senator WATKINS. If you know all of the names, we could soon add them up.

Mrs. EVANS. Yes; I know. Pe-ku-no-quash, is up around 90 years of age now and never went to school or spoke English. Then, there is Nashkawatuck, and he is 83 years old.

Senator WATKINS. Now, if you have the next one, go right ahead.

Mrs. EVANS. I just gave you a few of those Indian names.

Senator WATKINS. Now, do all of your younger people speak the English language?

Mrs. EVANS. Some of the young people can speak English and they are going to school.

Senator WATKINS. Most of your children do go to school?

Mrs. EVANS. We do not have these Government schools any more.

Senator WATKINS. They go to the white schools?

Mrs. EVANS. Yes, that is their system and their agency to send all of these Indian children to town schools.

Senator WATKINS. They do go?

Mrs. EVANS. They are forced to go to these schools. Our boarding school, they never did make any effort to try to rebuild after the fire. That burned down in 1905. They never made any effort to try to rebuild it, and as far as I know, they have gone to work and sold the school grounds. They had three minors to represent the tribe and they were Sam Blandon and Lenora Blandon and William G. Farrel, and they were minors. Now, where I got that from was a neighbor.

He was there to try to buy this land and the whole school ground, and I have forgotten how many acres. He was named at that time the Pottawatomie and the agency and these three minors were the ones who were put on the stand to sell that, unknown to the rest of the tribe.

The auctioneer said you have to bid fast, you are bidding against the Indian council preference and it was sold, and James Blandon's children did that. That is the white man that they claimed that the tribe adopted.

Representative BERRY. Do you not think the children are better off going to the white school and learning with the white children and mingling with the white children than they would be going to a segregated school?

Mrs. EVANS. I do not know. The old boarding school was what I had reference to.

Representative BERRY. You think you would rather have the Indian children go to school with Indian children?

Mrs. EVANS. Yes, and it seemed like they taught these Indian children more, or better, just like Haskell Institute. They teach them there all the economics and other subjects. I prefer the Government boarding schools.

Mr. McGUIRE. Mr. Chairman, I suggest you inquire of her about the crops they make and the farming tools and get some idea of how much income they get per year off the farms.

Senator WATKINS. We will do that. I note that we have Congressman Westland and Congressman Shuford here as members of the committee. I am very happy to have you here and this is as much your hearing as it is the Senate hearing so anytime you would like to ask questions, please indicate so.

Representative WESTLAND. I have a question that I would like to ask.

Mrs. EVANS, you are chairman of the tribal council?

Mrs. EVANS. Yes, sir.

Representative WESTLAND. You were elected to that office?

Mrs. EVANS. Yes, sir.

Representative WESTLAND. And are you representing the tribal council here in this testimony in opposition to this bill?

Mrs. EVANS. Yes, sir.

Representative WESTLAND. Was a vote taken among your membership in opposing this bill, or is this purely an action by the tribal council?

Mrs. EVANS. A meeting of the general council was held and they all signed a petition. We sent one of the first petitions, and we took a picture of the Indians in council assembled.

Representative WESTLAND. But you say there are approximately six to seven hundred Indians?

Mrs. EVANS. Yes, to my knowledge, and of course, there you have a lot of new ones and I am not counting those. We have not gone over the roll. We are delayed in that because some got on the roll without being eligible to be on the Prairie roll.

Representative WESTLAND. What I am getting at is, Did those people, the six to seven hundred, have any vote on whether or not they should oppose this bill?

Mrs. EVANS. Well, according to my knowledge, there was over 100.

Representative WESTLAND. One hundred voted out of the six or seven hundred?

Mrs. EVANS. That is right, and there are people living all around.

Representative WESTLAND. Are these lands allotted?

Mrs. EVANS. Yes, that is what I said, that they violated our treaty there, and they went to work and forced allotments and when these two old men defended that treaty, they placed them in Fort Riley. You could get the record there and if I have to, I will get that.

Representative WESTLAND. Could you tell me if you have any idea how much in funds are on deposit with the Federal Treasury for the tribe?

Mrs. EVANS. No, sir, we do not know anything and we are just in the dark. We as a council do not know what is going on out there. They used to years ago ask the tribal representatives and they would bring the matters up to these Indians and ask, but they don't anymore.

Representative WESTLAND. Do you set up a budget for the operation of the tribe?

Mrs. EVANS. We don't get any pay. This is the first time that our expenses have been paid here and we go on our own out there to try to run the affairs.

Representative WESTLAND. So far as you know, you have no funds on deposit with the Federal Treasury?

Mrs. EVANS. Yes, we have, but I don't know just how much.

Mr. McGUIRE. It is about \$3,600.

Mrs. EVANS. There is education money. In 1947, I believe I inquired about that, and there was \$1,400 and that was not used on only the Prairie Band. So, a few years back, during H. E. Bruce's time, we inquired about that money and there was only \$50 left. Where that money went, I couldn't say.

Representative WESTLAND. You realize you can always get an accounting of how your funds are spent. Your Indian agency is supposed to provide you with that.

Mrs. EVANS. Yes, but here of late they have been unable to do so.

Representative WESTLAND. You can request it at any time and it is their duty to give it to you.

Mrs. EVANS. Yes, sir.

Representative WESTLAND. They will give it to you to show exactly where those were spent.

Mrs. EVANS. Mr. Hector has been pretty nice with us. That is our new superintendent, but these former superintendents, H. E. Bruce, as I related here, was going to send me to Lansing for trying to defend my people. So, I don't know when we get home what Mr. Hector will do.

Representative WESTLAND. I think that your Congressman, I do not know who he is, will see that you are not put in Lansing for defending your rights. Could you tell me why this bill was introduced if it was opposed by the members of your tribe?

Mrs. EVANS. We did not know about it. My cousin in Colorado sent me the newspaper clippings where the Indian committee desired questionnaires to be answered and we did not know anything about that. We did not know anything about it until the newspaper came and then we just happened to be having a meeting and I thought I had better read that newspaper clipping and ask Mr. Hector what that was all about. Well, he said, "Your committee will come in on

Tuesday and we will go over those," and that was the religion part about how many different religions on the reservation. They asked how many were in each group. We went in there to answer that.

Representative WESTLAND. This bill was not introduced at the request of the Potawatomis?

Mrs. EVANS. No, sir; we would not know anything about this, if it was not for that newspaper clipping from Colorado. Ed Rice mailed me that and it was in the Denver Post.

Representative WESTLAND. I have just one more question. I am sure that one of the objections Indians have in assuming full citizenship is the fact that their land then becomes taxable.

Mrs. EVANS. Exactly.

Representative WESTLAND. Would you look with more favor on a bill such as this if it were provided that there would be no taxes on your lands for, let us say, a period of 5 years while the Indians, let us say, become better assimilated and more able to earn their living?

Mrs. EVANS. What we stand on is according to our treaty laws.

Representative WESTLAND. On the other hand, Mrs. Evans, you have objected to some of the treatment you have had from your Indian agent.

Mrs. EVANS. Yes, sir.

Representative WESTLAND. Now, I am sure you realize that if a bill like this were passed, he would no longer have anything to say, and that you could run your own affairs and judging from what you have said here, you sound to me as though you would be capable of running your own affairs.

Mrs. EVANS. I don't hardly think so.

Representative WESTLAND. It would be better than your Indian agent has run them for you, perhaps.

Mrs. EVANS. Well, our main trip here is to hang onto the treaty laws, what the United States made with our tribe, and they made those rules and agreements on their own and nobody asked them to put those rules out.

Representative WESTLAND. I am sure it is the idea of both the House and Senate committee to help these Indians wherever they can, and not to force things on them.

Mrs. EVANS. That is right; we believe that.

Representative WESTLAND. It is the general impression that most Indians are dissatisfied with the treatment they have been receiving?

Mrs. EVANS. Yes, sir.

Representative WESTLAND. They could run their own affairs better themselves and that is what we are trying to do. It is to provide means that you can do that.

Senator WATKINS. You think you would rather have an Indian agent tell you what to do than to run your own affairs?

Mrs. EVANS. They are supposed to protect the Indian people according to our treaty.

Senator WATKINS. Have they done it all of the way through in your case? Have all of the Indian agents during your lifetime protected you?

Mrs. EVANS. They are supposed to.

Senator WATKINS. You know what "supposed to" means; that means that is what they ought to do, but have they done it?

Mrs. EVANS. No, sir.

Senator WATKINS. Yet, you would still rather have them than run it yourselves?

Mrs. EVANS. We want somebody that will.

Senator WATKINS. Could you not run your own affairs? Just be honest about it. Do you not think that you are capable of running your own affairs?

Mrs. EVANS. No, sir; I don't think so.

Senator WATKINS. You do not think so?

Mrs. EVANS. No, sir.

Senator WATKINS. You would rather have an Indian agent tell you what you were to do?

Mrs. EVANS. We want to be under Federal supervision.

Senator WATKINS. They have to do it through Indian agents and the President cannot come down and do it as the head of the Government.

Mrs. EVANS. I am glad you reminded me of that. Now, that is general superintendency by the President over tribes removed west of the Mississippi, 2114 of the 28th of May, 1830, and then it gives these numbers: C 148, SS 78, 4 Statute, 412, 71 Federal, 682. This section says the President is authorized to exercise general superintendency and care over any tribe or nation, which was removed upon an exchange of territory, under authority of the act of May 28, 1830, to provide for an exchange of lands with the Indians residing in any of the States or territories, and for their removal west of the Mississippi and to cause such tribe or nation to be protected at their new residence against all interruptions or disturbance by any other tribe or nation of Indians or from any other person or persons whatever.

That is what I gave you. The heading of that is that they will be treated as long as God is.

Senator WATKINS. Is this the treaty you are talking about?

Mrs. EVANS. No, sir; it is just the citation of the treaty.

Senator WATKINS. Pardon me for breaking in there, Congressman Westland.

Representative WESTLAND. I am finished.

Senator WATKINS. Congressman Berry, do you have any questions?

Representative BERRY. According to this roll here, Mrs. Evans, there are about 1,097 members of the Prairie Tribe. Is that correct?

Mrs. EVANS. I do not think so. As I stated here, some got in here without being eligible to be on the rolls.

Representative BERRY. There are some in here that should not be there.

Mrs. EVANS. They should not be there.

Representative BERRY. There are about two or three hundred that should not be in there?

Mrs. EVANS. Yes, sir.

Representative BERRY. Has the tribal council ever worked out any roll?

Mrs. EVANS. That is what we are trying to do. I have the 780 list of the Prairie band who want to hold their land in common. If these young descendants could prove those are their ancestors, all right; they are entitled to be on the roll if they can prove who their father or grandfather was as listed on that 780 roll.

Representative BERRY. Are you a fullblooded Indian?

Mrs. EVANS. Yes, sir. Can I go and get my other papers?

Representative BERRY. Where did you attend school?

Mrs. EVANS. At the mission.

Representative BERRY. How far did you go in school?

Mrs. EVANS. Fifth grade. Our father died at that time and that is why my mother just kept all of us there at home. That is as far as I got. I am sorry.

Representative BERRY. I think that is all.

Senator WATKINS. When were you elected to your position?

Mrs. EVANS. Ever since the time of 1932 and there was the Potawatomie Business Advisory Committee in 1932 and we have been there until now; until in 1947 the tribe did not see it that way and they voted to have tribal council to stay as long as they live, on good behavior.

Senator WATKINS. Were you elected for as long as you live?

Mrs. EVANS. Yes; and the other boys with me.

Senator WATKINS. Do you have records of the tribe available?

Mrs. EVANS. Yes, sir.

Senator WATKINS. Do you have minutes of the meetings of the council?

Mrs. EVANS. Yes, sir.

Senator WATKINS. Do you have them with you now?

Mrs. EVANS. Yes, sir; I have the minutes of the meeting, and, of course, I could get them out and give them to your committee whenever I get them all together.

Senator WATKINS. You do not have to get them at this moment, but I thought we would like to have a copy of the minutes of when you were elected. How many voted at the last election of the tribe?

Mrs. EVANS. That is 1932 when they first got the committee. We wrote to the Washington office and asked who was the head representing the tribe and there was nobody and the Indian Office stated that there was nobody on record that was looking after the tribe out there, the Pottawatomie Tribe, and I do not have that letter. So, they answered and he got busy and Baldwin was our superintendent then.

Senator WATKINS. You say that you were elected in 1932 for life, or during good behavior?

Mrs. EVANS. That is in 1947. That was known as the business committee of the tribe, at that time, in 1932, and during the time of Mr. Baldwin. He was our superintendent at that time.

Senator WATKINS. What I want to get now is the time when you were elected to your present position, and you say that you are the head of the tribal council.

Mrs. EVANS. Yes, in 1947.

Senator WATKINS. Were you elected in 1947?

Mrs. EVANS. Yes, and for life on good behavior. Our attorney, Mr. Robertson, was present at that council.

Senator WATKINS. That is the meeting that I am referring to.

Mrs. EVANS. Yes.

Senator WATKINS. And I asked for the minutes.

Mrs. EVANS. Yes, sir.

Senator WATKINS. And you have those minutes?

Mrs. EVANS. Yes, sir; I have them.

Senator WATKINS. Now, who else was elected at that time?

Mrs. EVANS. James Wahbnosah, who is here, and John Wahwasuck and Curtis Pequano and Dora Gokey and William Hale and James Kegakegame.

Senator WATKINS. This group were all elected at the same time?

Mrs. EVANS. Yes.

Senator WATKINS. Are they all alive now?

Mrs. EVANS. Yes, sir.

Senator WATKINS. How many of them are here?

Mrs. EVANS. Just the three, myself, James Wahbnosah and John Wahwasuck.

Senator WATKINS. Did they pass a resolution sending you here?

Mrs. EVANS. Yes, sir, that came up in a meeting.

Senator WATKINS. How many were present at that meeting?

Mrs. EVANS. I have the minutes in the papers, and Mr. Hector was there.

Senator WATKINS. Was this a meeting of your council or a meeting of the entire tribe?

Mrs. EVANS. A meeting of the tribe there on the reservation.

Senator WATKINS. That is all of those on the reservation?

Mrs. EVANS. Yes, sir.

Senator WATKINS. Can you give us an estimate of the number?

Mrs. EVANS. I don't remember. We have had several meetings and I am just kind of vague. We had a meeting and it was advertised.

Senator WATKINS. When did this meeting take place?

Mrs. EVANS. It was just recently, here about a week ago or a couple of weeks ago.

Senator WATKINS. Did you give notice of the meeting?

Mrs. EVANS. Yes, sir.

Senator WATKINS. How did you give notice?

Mrs. EVANS. We advertised in the papers.

Senator WATKINS. How long before the meeting did you give the notice?

Mrs. EVANS. We had these meetings right along, just special meetings.

Senator WATKINS. I am talking about this meeting at which the resolution was adopted authorizing you to come here and oppose this bill, or these bills.

Mrs. EVANS. Well, in the presence of Mr. Hector, the superintendent; he was there, and he attended this meeting.

Senator WATKINS. I know, but I am asking you when?

Mrs. EVANS. I just cannot tell you right just what date it was, but we had this meeting, and I have the minutes with my other papers.

Senator WATKINS. Do the minutes show how many people attended?

Mrs. EVANS. Yes, sir.

Senator WATKINS. Does it give the names of all of those?

Mrs. EVANS. Every time we have a meeting, we take the names down who is present at that meeting and that is the way we do it.

Senator WATKINS. You say they do not all understand English. How did you get notice to those who do not read?

Mrs. EVANS. We have an interpreter to explain to them what the meeting is about.

Senator WATKINS. I mean before the meeting to get the word to them and to give notice.

Mrs. EVANS. They go around from home to home and tell them that there is a meeting at the agency at a certain time. At that meeting we generally have an interpreter.

Senator WATKINS. Of course, most of them can read the paper. That is why you publish it.

Mrs. EVANS. Yes, the younger ones can.

Senator WATKINS. Are any of the younger Indians those that do not read or write English?

Mrs. EVANS. There would be Mishica and I know he is young and I did not place him on that other list of those that do not read or write.

Senator WATKINS. Is he the only one of the younger Indians that does not read or write?

Mrs. EVANS. There is this Oscar Shaun and now he is about my age and he did not go to school.

Senator WATKINS. Do you have the minutes of the meeting giving the names of those present when this resolution was adopted?

Mr. McGUIRE. I understood from Mrs. Evans that she has them, and I suggested while the other witnesses are testifying she can get them out of her bag and arrange them and we can have them here.

Senator WATKINS. Do you have the resolution and did you write a resolution?

Mrs. EVANS. Yes, and Mr. Hector was present.

Senator WATKINS. We are not interested in this question of who was present, but do you have the resolution?

Mrs. EVANS. Yes, sir.

Senator WATKINS. It was written, was it not?

Mrs. EVANS. Yes, sir.

Senator WATKINS. All right, will you produce that, too?

Mrs. EVANS. Yes.

(Copy of resolution referred to follows:)

RESOLUTION PERTAINING TO TERMINATION OF FEDERAL SUPERVISION OF THE PRAIRIE
BAND OF POTAWATOMI INDIANS

Whereas a meeting was called by Mr. Wade Head of the United States Indian Service, Anadarko Area Office, Anadarko, Okla., for the purpose of submitting for the band's consideration a rough draft of a bill to provide for the termination of Federal supervision over the property of * * * the Prairie Band of Potawatomí Indians located in the State of Kansas, and the individual members thereof, and for other purposes; and

Whereas the said meeting was had on October 11, 1953, and the said rough draft was submitted and the said band asked by Mr. Head to study the provisions thereof and to report to him the conclusions not later than November 1, 1953.

Therefore a meeting of the band was called on October 18, 1953, for the purpose of considering the said rough draft and having the provisions thereof explained, and for the further purpose of drafting such recommendations and resolutions as agreed to by the said band; and having carefully considered the provisions of the said rough draft, it was voted unanimously, and is hereby

Resolved by the said band, That they oppose the enactment of the proposed bill for the following reasons:

Sufficient explanation of the said draft has not been given by the United States Indian Service and their representatives, nor in lieu thereof have tribal funds been made available with which to pay attorneys for their services in advising the tribe regarding the legal effects of the proposed bill upon themselves and their property; and

Further the band objects to the period of time given for its consideration of the said rough draft, i. e., October 11 to November 1, for the reason that this time is insufficient for the careful consideration and explanation of proposed

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legislation having so permanent and far-reaching effects upon themselves and their property as does the said proposed bill.

Despite the aforesaid and as evidence of the efforts of the said band to follow instructions of the United States Indian Service, the band, at its meeting on October 18, 1953, discussed the provisions as contained in the said rough draft and after advice from its attorneys concerning the legal effects of such a bill, respectfully submitted the following criticism of the provisions of said rough draft as the basis for their objection to such an enactment.

Section 5. The band specifically opposes section 5 for the reason that it authorizes the "Secretary" to transfer the trust or restricted Indian lands without the consent of the respective Indians and in contravention of treaties heretofore made and entered into between the United States and the Prairie Band of Potawatomi Indians, which treaties are still in full force and effect.

We further object to this proposed section in that part which provides: "If the Secretary shall determine the said allotment is not susceptible of division, he shall cause such allotment to be sold and the proceeds distributed among the heirs * * *. That in the case of any such sale the allotments shall first be offered for sale to the heirs at the highest bid but not less than the appraised value." Our objection to this provision being that should the value be appraised too low in the opinion of the said allottees, we see no provision for the manner of appeal from said appraisal, nor is there a provision for funds to be provided indigent persons for counsel to represent them in resisting such a partition and sale of lands presently held for them in trust. In view of the large number of allottees who would be unable, by reason of their poverty, to purchase said land, this provision would be detrimental to the interest of the said allottees.

Further, that should patents be issued on land now held in trust, many absentee holders will by reason of their failure to understand the law and by reason of their inferior financial status fail to pay taxes upon the said land and such lands will be forfeited at great loss to the former owners and further impoverish them, and in many cases reduce the members of this band to dependence on local tax-supported welfare organizations.

Section 8 is objected to for the reason that it subjects without the consent of the tribe or band, or individuals in said tribe or band, the "tribal land" and individually owned land to taxation in contravention of treaties heretofore entered into between the United States and the said band.

Section 13 is objected to for the reason that if adopted in its present form, it would preclude the filing of any and all claims against the United States heretofore accrued and not filed at the time of the enactment of this proposed bill. The section is objected to as being contrary to all existing laws and prejudicial to the rights of the said band, and is inconsistent with existing statutes concerning the filing of claims by Indian tribes against the Federal Government.

Be it further resolved, That any failure to comment upon or object to the other sections or provisions of the said rough draft shall not be considered or construed to be approval of the said section by the said band.

MINNIE EVANS,
GRACE WAHWASSUCK.

Dated this 1st day of November 1953.

Representative BERRY. I would like to ask a question. Is this reservation about 30 miles square?

Mrs. EVANS. It used to be.

Representative BERRY. How big is it now?

Mrs. EVANS. Eleven miles, and there isn't very much Indian land there.

Representative BERRY. And the land belongs to the tribe and not to individuals, but there is community ownership?

Mrs. EVANS. That is the way the treaty was made out, to be held in common.

Representative BERRY. Who uses it?

Mrs. EVANS. Well, as I told you, they have violated it and forced the Indians to take allotment.

Representative BERRY. It has been allotted now?

Mrs. EVANS. There are people living in there who bought the land, and there are 5 or 6 families that are colored people living there.

Representative BERRY. On this reservation, you mean?

Mrs. EVANS. Yes, sir.

Representative BERRY. Where it is rented out or where it is leased out, who gets the money for the lease?

Mrs. EVANS. Well, those that own that land, the allottees.

Representative BERRY. It has all been allotted?

Mrs. EVANS. Oh, yes, they have violated our treaty and forced that to be allotted. I do not know on what page it is but it says the President of the United States issued an order to allot all of that land. That is in that historical book. What I wanted to know was did this 11-mile square reservation belong to the President of the United States so that he could issue an order to allot all of that land. That is what I would like to know.

Representative BERRY. Are there white people living in the reservation?

Mrs. EVANS. White people and colored people, also.

Representative BERRY. It is about half and half, is that right? It is about half Indian and half non-Indian ownership?

Mrs. EVANS. You mean that bought the land? The white people bought the land.

Representative BERRY. I think that is all.

Mrs. EVANS. I want this in the record, too. I have checked with the registrar of deeds at Jackson County and those records there are such that they cannot understand. Everything is in a mess.

Representative SHUFORD. I was a little confused there. You say that all of your tribal land has been allotted?

Mrs. EVANS. Oh, yes; it is.

Representative SHUFORD. And the home you live in you own yourself?

Mrs. EVANS. It says that the President of the United States issued an order on a certain day to allot that 11-mile square reservation, in severalty.

Representative SHUFORD. When did you get your land?

Mrs. EVANS. Well, the first allotment was in 1890, I believe, or 1892.

Representative SHUFORD. Did your ancestor get your land in 1890?

Mrs. EVANS. That is the first allotment, and that is when they first allotted that land.

Representative SHUFORD. When did you get your individual land?

Mrs. EVANS. I do not know. In 1891, it was first allotted, I believe, and then there was another after that and in the last allotment, it was 1905.

Representative SHUFORD. How many acres do you have?

Mrs. EVANS. I had 160.

Representative SHUFORD. And you owned that in severalty?

Mrs. EVANS. Yes, sir.

Representative SHUFORD. You can convey that just as any other person can do it.

Mrs. EVANS. What is that?

Representative SHUFORD. You can sell it and convey it without supervision.

Mrs. EVANS. That is under the Indian agent Williams and it seems to me like he was in partnership with these town bankers and the

way he did just like myself and my sister and others. He had a letter written and we had to copy that.

Representative SHUFORD. If you wanted to sell your land, would you have to go to the superintendent to get his permission?

Mrs. EVANS. That is the way he fixed us, and he had these Indians to copy a letter that he wrote, and we had to copy that, and then they finally knew that this banker had all of that and they loaned money to these Indians and they did not know what they were doing and they lost all of that land and that is just what little land there was left. That is going to happen to them.

Representative SHUFORD. But you do own your own land?

Mrs. EVANS. I just told you a few minutes ago.

Representative SHUFORD. And the Indians own their own land?

Mrs. EVANS. Very few still own land.

Representative SHUFORD. That is because they sold it off to the whites?

Mrs. EVANS. Yes, and you see the Indian agent right there at that time, G. L. Williams, did that.

Representative SHUFORD. How many Indians live on the reservation, or what was the reservation?

Mrs. EVANS. You mean when the reservation was first set aside?

Representative SHUFORD. No, I mean now.

Mrs. EVANS. I do not know how many there are on that reservation now. You see, some are working down at Topeka.

Representative SHUFORD. What is your main economy there and how do you make your living on that land? Is it farming?

Mrs. EVANS. The Indians do not have anything to farm with. The people haven't even got a horse. They are just there, and they are just living and some have to go to Topeka to work and earn their livelihood. Of course, I have a garden and I plant a lot of sweet corn and that is what we live on during the winter, dried corn, and we don't can ours. All of the Indians up there do not have any way of earning a living.

Representative SHUFORD. That is all.

Senator WATKINS. Did I understand that you own some land, personally?

Mrs. EVANS. I have hired land now, and we have these allotments. G. L. Williams writes a letter and has several of the Indians to copy that and sends that into the Department and the bankers all right there and they run the agency at the same time.

Senator WATKINS. Do you have any tribal land?

Mrs. EVANS. We have just one little canceled allotment.

Senator WATKINS. Do the council members occupy this tribal land?

Mrs. EVANS. No, sir; we rent that out. It had been renting for \$75 a year for the last 15 years until just recently, and I rented that and got \$3 an acre.

Senator WATKINS. How much tribal land is there?

Mrs. EVANS. That is just that 80 acres.

Senator WATKINS. All of the rest is privately owned?

Mrs. EVANS. Yes, sir; that is when they forced that allotment to change that.

Mr. McGUIRE. I think we might bring out that when you say "privately owned" it is allottees and they do not have patents.

Senator WATKINS. It is trust allotments?

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Mr. McGUIRE. Yes, and some of them have patents, because the Interior Department issued patents and sent them to them and they refused to keep them and where those patents are floating around today, I don't know.

Senator WATKINS. Is there anything further? If not, we will excuse you and call the next witness.

Mrs. EVANS. I am very glad of having a chance to talk with you.

Senator WATKINS. We are glad to have you come here and tell us your views.

Representative BERRY. Where do you live, Colonel McGuire?

Mr. McGUIRE. I practice law here in Washington.

Representative BERRY. You made the statement that these fee patents were issued and they are floating around some place?

Mr. McGUIRE. That is right.

Representative BERRY. Would the land go on the tax list as soon as the patent was issued? It would, would it not?

Mr. McGUIRE. I think they had to accept it, and they did not put it on the patent roll until the Indians accepted the allotment and they refused to do it. There was no way to compel them to, and they consulted my associate, Mr. Robertson, of Topeka, Kans., and he wrote me about it and we just simply told the Interior Department we were not going to accept them.

Representative BERRY. When was this?

Mr. McGUIRE. This was back in 1945 or 1946. I do not remember the exact date.

(The material referred to is as follows:)

WASHINGTON, D. C., February 19, 1954.

Re hearing February 18, 1954, on S. 2743 and H. R. 7318

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
United States Senate, Washington, D. C.

(Attention Mr. Albert A. Gorrud.)

GENTLEMEN: As requested by the chairman of the above-named hearing, I hand you herewith, for incorporation in the printed record, and as a part of the testimony of Mrs. Minnie Evans, the following documents respecting the authority of the three Indians of the Prairie Band Council to represent the band in its opposition to these two bills, namely:

1. Minutes of the meeting of the councilors held January 17, 1954, on the reservation wherein a resolution was adopted to request the Commissioner of Indian Affairs to permit them to use \$500 of the band's funds to pay the expenses of a trip of two or three members to Washington to attend the said hearings on these bills.

2. A copy of a letter dated January 20, 1954, signed by A. C. Hector, administrative officer of the Pottawatomie area field office, recommending that the requested amount of \$500 be made from the band's funds to pay the expenses of a delegation of two or three members to attend the hearings.

3. Copies of minutes of the Prairie Band Tribal Council held January 24, 1947, on the reservation wherein, among other things, the tribal council directed the tribal committee to send a delegation of two or three members to Washington to oppose these two bills.

4. A photostatic copy of a protest adopted by the Prairie Band Tribal Council, showing signatures of the attending and voting members of the tribe, opposing the proposed legislation, which was then in draft form and which had been submitted to the Indians by the Interior Department, apparently at the request of the Committee on Interior and Insular Affairs, or some members thereof.

5. A copy of a news story published in the November 5, 1953, issue of the Topeka State Journal, describing the tribal council meeting which adopted the protest described in the proceedings in paragraph No. 4, opposing the proposed legislation.

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6. A copy of a letter dated November 8, 1953, from Robert Stone Johnson, Esq., of Topeka, Kans., to Senator Frank Carlson, sending to him a copy of the said protest which it is understood the said secretary forwarded to the Interior Department.

7. A copy of an article from the February 15, 1954, issue of the Topeka State Journal, containing the photograph of the three Indians who appeared before your committee, as well as some of the other Indians and a news story, concerning their proposed trip to Washington, for the purpose of opposing these bills.

Incidentally, and to keep the record straight, I am advised by the three tribal councilors, who appeared before your committee, that they had to make a second request for an additional \$500 for expenses, which was approved.

However, the fourth member, who intended to attend, was prevented from doing so and a part of that amount will be returned to the tribal funds, which are understood to be approximately \$3,500, before they were charged with the \$1,000 for these expenses.

I assume that the newspaper picture in No. 7 above, cannot be incorporated in the printed hearings, and if so, the picture may be cut from the newspaper story and the news story printed with the captions under the picture.

Further, some point was made that perhaps that all of the Indians, or even a large number, did not express their dissent from this legislation. Exhibit 4, enclosed, shows a large number of Indians who did sign the document and it is my understanding that Mr. Hector testified before the committee on February 18, 1954, that a head count a few days previously showed something about 200 adult Pottawatomie Indians on the reservation. It is to be borne in mind in this connection that very frequently in National, State, and other elections, the percentage of white people voting is comparatively small and rarely exceeds 60 percent of the voting population. In some States, it is far less than even that percentage. No more in this respect may be expected of the Indians than the whites do themselves, particularly when the principal means of travel over the 11-mile-square reservation, for many of the Indians, is by walking.

Respectfully yours,

O. R. McGUIRE,

Attorney for the Prairie Band of Pottawatomie Indians.

The councilors of the Potawatomi Tribe met at the subagency office at Mayetta at 2 o'clock, January 17, 1954. Present, Mrs. Minnie Evans, chairman, and John Wahwassuck, James Kegg, James Wabnosah, William Hale, and Curtis Pequano. Also attorney Robert Johnson.

Mrs. Minnie Evans, Chairman, presided.

Motion made by Curtis Pequano that a resolution be adopted permitting the requisition of funds in the United States Treasury to the credit of the tribe, in the amount of \$500, the same to be used for the expenses of sending a delegation (2 or 3 members) to attend the hearings in connection with the proposed withdrawal legislation, and also for other expenses of the business committee (tribal councilors). Motion seconded by James Wabnosah, and voted unanimous approval.

Permission is requested from the Commissioner of Indian Affairs to send a delegation to appear before the committee when hearings are held on the proposed withdrawal bill.

It was brought to the attention of the councilors by Attorney Robert Johnson that he had been asked by Mayor Schnelbacher of Topeka if a group of the Prairie Band Indians could be present and take part in the coming centennial exposition. The consensus of opinion evidenced a willingness to take part and participate in the centennial exposition provided they are reasonably compensated for expenses and that future correspondence relative to the matter should be directed to the tribal councilors, care of Mrs. Evans.

There being no further business to come before the meeting, the chairman entertained a motion to adjourn.

Meeting adjourned 4:45 p. m.

Mrs. MINNIE EVANS, *Chairman.*

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POTAWATOMI AREA FIELD OFFICE,
Horton, Kans., January 20, 1954.

Mr. W. WADE HEAD,
Area Director.

DEAR MR. HEAD: Enclosed in duplicate minutes of the Potawatomi councilors' meeting held in the Mayetta office, Sunday, January 17, in which they request that \$500 be made available for tribal expenses, particularly for the expense of sending 2 or 3 members to Washington, at the time hearings may be held on the withdrawal legislation.

They also ask permission of the Commissioner to send a delegation when these hearings are held.

I recommend approval of their request, and suggest that it be submitted to Washington promptly, for such consideration as the Commissioner may deem proper.

Sincerely,

A. C. HECTOR,
Administrative Officer.

MINUTES OF THE MEETING OF PRAIRIE BAND POTAWATOMI INDIANS HELD AT MAYETTA, KANS., ON JANUARY 24, 1954

A meeting of the Prairie Band of Potawatomi Indians was held at 2:30 p. m., on January 24, 1954, at the Indian Community House, Mayetta, Kans., in compliance with the following quoted newspaper notices published in the Holton Recorder on January 18, and the Topeka Daily Capitol, as well as other papers:

NOTICE OF MEETING

The Potawatomi Prairie Band tribal councilors have called a special meeting of the band for 2 p. m. on Sunday, January 24, 1954, at the Mayetta Indian Agency, for the purpose of discussing the proposed sale of the fairgrounds on the reservation, owned by the Kack Kack Park Corp., as well as the advisability of sending a representative to Washington in protest of the pending effort to free all Indians from Government wardship, and other matters of general interest. All are urged to be present.

POTAWATOMI PRAIRIE BAND COUNCILORS.

A copy of the above notice was likewise posted in and about the Indian agency office at Mayetta, Kans.

Mrs. Minnie Evans, president of the Prairie Band councilors, presided, and read the above-published notice of the holding of this meeting.

A roll of persons in attendance was taken and their names are noted below:

Nash-ka-wah-tuck (or) Charles O. Bennick	Harlet Greene (Kickapoo)
Pe-kuk-no-quah	Paul Battse
Wash-cho-win (or) Marie Pewamo	William Evans (Cit)
Grace Green	Kosette Wahwassuck
George O. Bennick	Grace Pahmahmie Wahwassuck
Maggie Rice	Jewette Wahwassuck
Elizabeth Rice Maines	James Wahwassuck
Susie Masquot (or) N-Nis-no-quah	David Puckee (or) Mazhas
Ada Levler Greene	William Hale
Nora O. Bennick (Cit)	James Kagg
Maggie Wabamsee Coffin	Minnie Evans
Erma Pequano	Curtis Pequano
Mary Topash	James Wehbnosah
Earnest Darling	Madge Puckee
James Blandon Puckee	John Wahwassuck
Frank Nioce	Pauline Battze Nioce
Frank Masquot (Kickapoo)	Hery Nozhackum
Elizabeth Kegg Hale	Thelma Hale
Trilby Wahwassuck	Lucille O. Bennick Wahwassuck
Mitchell Belair	A. C. Hector and Harold M. Slater

John Wahwassuck made a talk on the advisability of sending representatives to Washington, and brought out several reasons for so doing, such as their treaty rights, their home, and fears of losing same by taxation if the Government withdraws its supervision.

David Puckee likewise made a talk to those present on injustices sanctioned by the Government in its dealing with the Indians in the past; that he also tried to buy 10 shares of the Kack Kack Fair Association stock but was dissuaded from doing so by Indian Agent A. R. Snyder. That irrespective of such advice Minnie Mc-Zhas went to Snyder and bought some stock. That she and other of his children (all minors) were sold stock, or stock was bought for them out of funds in the hands of the agency. Mr. Puckee likewise inquired in his talk concerning who was authorized to run the fairgrounds and also who had hired attorneys Francis & Francis of Topeka to represent the fairground stockholders.

Mr. Harold M. Slater, attorney for the band in these matters, spoke at length upon the purpose of the fairground sale, and brought out that although a large Indian meeting is to meet on the reservation this summer, the meeting should vote on a resolution as to whether or not the tribal councilors should endeavor to oppose the proposed sale.

Thereupon, John Wahwassuck made a motion that the tribal councilors be authorized to send 2 or 3 of their members to represent the band in Washington, providing funds are made available to make such a trip. Said motion was duly seconded and carried.

Ernest Darling thereafter proposed the following resolution: *Be it resolved*, That the Prairie Band of Pottawatomí Indians oppose the proposed sale of the fairgrounds land by the Kack-Kack Fair Association, and if outvoted at the meeting of said association on February 6, 1954, then our tribal councilors are empowered to employ attorneys and by appropriate court action if necessary, endeavor to enjoin the sale of such land on the grounds that much of the association's stock was purchased with trust funds, and further that the actions of such association have not been taken in conformity to law.

Said resolution was placed to a vote and it developed that only six members voted in favor.

Thereupon, Josette Wahwassuck was given the floor and stated that the vote in her opinion indicated that those present did not understand the nature of the resolution, and for such reason she made the motion that the meeting reconsider the matter. This motion was seconded and carried. Thereupon, the chairman asked for a second vote on said resolution and it was found that 14 were in favor, and was found to have failed.

Following the foregoing, Josette Wahwassuck made the motion thanking Mr. A. C. Hector, Indian Director, for his friendly cooperation with the band and its councilors.

Motion seconded and carried.

_____, Secretary.

PROTEST

We, the undersigned, adult Prairie Band Pottawatomí Indians, holding allotments or interests in allotted lands in our reservation at Mayetta, Kans., protest and object to the adoption of the Indian Competency Act (H. R. 4985), and to the removal of said band from under government wardship.

JOSEPH NIOCE

(And 72 others).

INDIANS IRATE, CHARGING UNITED STATES IS TREATY BREAKING—TRIBES AT MAYETTA SEE FINE PRINT IN GOVERNMENT OFFER

(By Joe Western, State Journal staff writer)

Uncle Sam is up to his old tricks in Indian affairs—he still wants to break his treaties with the Indians, which he swore when he made them would be good forever and ever, and take the Indians' land away from them.

That's what Potawatomi Indians of the Prairie Band in Jackson County say is behind the proposed new United States laws.

In a resolution drawn up by Robert S. Johnson, Topeka, counsel for the band, and signed by Mrs. Minnie Evans, chairman of the band's council the Indians flew into proposed Federal legislation emancipating Indians in the United States. Copies of the resolution are in the hands of Federal officials now.

The Government says the proposals provide for the termination of Federal supervision over the property of the Prairie Band, Sac and Fox in Kansas and Nebraska, the Iowas in Kansas and Nebraska, the Kickapoos in Kansas.

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Potawatomis say that's just a fancy way of saying the United States wants to break its treaty with them. Wade Head of the United States Indian Service at Anadarko, Okla., presented a rough draft of the bill to the Indians October 11, and gave them 11 days to study it.

Last weekend the band whipped together its objections.

They charge sufficient explanation of the proposed bill has not been given by the United States, nor have tribal funds been made available with which to obtain lawyers to advise the Indians regarding legal effects of the bill.

They charge the 11-day period given for consideration is too short since the bill apparently has permanent and far-reaching effects.

They charge the new bill gives the Government the power to restore without Indian consent the right for the Indians to sell their land. They say this is a violation of existing treaties.

The Secretary of the Interior would have the power to sell land which can't be divided among heirs and distribute the proceeds, which could not be less than appraisal value, among the heirs.

The Indians point out that should the value be appraised too low, there is no provision for appeal from the appraisal, nor any funds provided for indigent persons to obtain counsel in resisting such partition.

Since many Indians, by reason of poverty, would be unable to buy the land, such disposal would mean much land would go into hands of whites—which to the Indians seems to be a major aim of the new proposal.

In addition, they say many absentee Indians will by reason of failing to understand the law and because of inferior financial status fail to pay taxes upon their land, and the land will be forfeited for taxes. Indians thus would be further impoverished, and in many cases forced to resort to public welfare.

The very idea of subjecting Indian lands, individually or tribally owned to taxation is in contravention of existing treaties, the Potawatomis say.

Another section of the rough draft allegedly would keep the Indians from filing any more claims against the United States, a proposal the Indians say is contrary to all existing laws, prejudicial to their rights, and inconsistent with existing statutes.

And maybe that's not all. They wound up their objections by saying any failure to comment upon or object to the other sections of the rough draft shouldn't mean they approve of them.

NOVEMBER 6, 1953.

Senator FRANK CARLSON,
United States Senate Building,
Washington, D. C.

DEAR SENATOR CARLSON: You have, in the past, had letters from both Robert Stone, my grandfather, and O. R. McGuire, of Washington, D. C., concerning matters relating to the Prairie Band of Potawatomi Indians of Kansas whom we have represented in the matter of their claims brought before the Commission established by an act of Congress. Your interest in these first Americans has been appreciated.

The Indian Service of the Department of the Interior has recently been asked to furnish a draft of a bill "to provide for the termination of Federal supervision over the property of the Prairie Band and over the individual members thereof, and for other purposes." This particular band of Indians is not one of those by reason of their education or assimilation with nearby white communities to have developed to the point where they might compete successfully with the white men. The tribe members realize this fact and therefore oppose the termination of Federal supervision over themselves. Many of them speak little or no English and their tribal meetings are still held in both their native tongue and English.

This band has been asked to comment upon a rough draft of such a bill and inasmuch as they were not allowed the use of tribal funds for the purpose of paying for the services of an adviser, they came to us because of our representation of the band in their claim and asked for our assistance and advice concerning the legal effects of such legislation if it were adopted. It is realized that such legislation as this has come before Congress on many previous occasions and that efforts in the past to pass such a bill have failed. We believe that as it applies to the Prairie Band, any legislation such as this should not be at this time adopted.

In an effort to give arguments to you who represent us in Congress, the band has adopted the resolution which is enclosed. The reasons given therein for

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the band's opposition seem to us most convincing. We hope this resolution may be useful to you in determining whether or not you will support or oppose any such bill which may come before Congress, and if you determine it justifies your opposition, the information contained in this resolution may be useful to you in convincing your colleagues of the undesirability of such legislation and the crippling effect it might have on this band of Indians.

Your comments on this matter will be appreciated. Let us know if we may be of further service to you.

Respectfully yours,

ROBERT S. JOHNSON.

[The Topeka State Journal, Monday, February 15, 1954]

INDIAN SPOKESMEN TO WASHINGTON

(By Joe Western, State Journal staff writer)

Potawatomi Indian elders called on divine favor during a ceremonial feast Sunday for its protest delegation of three to Washington.

The three are to appear during hearings of a congressional committee February 18-22 to enter a protest on proposed legislation to remove Indians from Federal supervision.

Members of the delegation are Mrs. Minnie Evans, chairman of the tribal council, John Washwassuck and James Wabnosah, both members of the council. They were scheduled to leave for Washington Monday on a train.

About 200 men, women, and children of the Prairie Band of the Potawatamis gathered for the Sunday noon feast at Mrs. Evans' home. They seated themselves on the floor of Mrs. Evans' long living room around kettles and dishes of food.

The pipe of peace, a relic of an 1846 clash with Pawnees and Chickasaws, was passed, and then all drank water as the symbol of life. Wabnosah led the ceremonial rites, asking continued blessings through fire (to cook the food and for warmth) from the spirits of the universe and from the Creator.

The eating came next, and after that, Frank Masha, 73, one of the oldest of the tribe, rose to ask the spirits of the universe to fulfill the wishes of the tribe.

The delegation was picked at an election several weeks ago at Mayetta. They were to be accompanied to Washington by A. C. Hector, administrative officer of the agency at Mayetta, and other Federal employees.

The Prairie Band leaders maintain removal of Federal supervision violates their treaty with the United States. They want to remain wards of the Government which makes them tax exempt and which keeps Indians from selling their reservation land. The leaders say the Potawatamis are not yet ready to compete with the white man.

LAW OFFICES, O. R. McGUIRE,
Washington, D. C., February 20, 1954.

Re rehearing February 18, 1954, on S. 2473 and H. R. 7318.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
United States Senate, Washington, D. C.

(Attention: Mr. Albert A. Gorrud.)

GENTLEMEN: I requested permission at the conclusion of my statement on February 18, to insert in the hearing following my remarks copies of certain correspondence I had had with Senators Watkins and Carlson concerning these bills as they related to the Prairie Band of Potawatomi Indians. I now enclose copies of such letters with the request that they be made a part of the record as follows:

1. A copy of a letter dated September 2, 1953, from Senator Butler to Senator Carlson which the letter forwarded to me with his letter dated September 14, 1953, and to which I replied in letter dated September 21, 1953. I request that these three letters go into the record.

2. A copy of my letter dated February 2, 1954, to Senator Watkins, the original of his reply dated February 3, 1954, and a copy of my answer dated February 8, 1954, to Senator Watkins. I request that these three letters also be made a part of the record.

3. The original of a letter dated January 28, 1954, from the chairman of the Prairie Band of Potawatomi Indian councillors requesting that I appear before

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the committee and speak for the Indians which I agreed to do but only after the delegation had first testified before the committee as best they could.

I desire the record to show that my appearance before the committee and the time I have devoted to this matter has been without fee, representing a donation of my time and energy to these poor people who are unable to pay any fees.

Further, because of a statement made by a particular member of the committee who would not agree that I might interrupt to answer him at the time, I state that I represent these Indians, as well as others, in presenting their claims under the Indian Claims Commission Act of 1946 on a contingent fee basis which may not exceed 10 percent and that due to the poverty of these Indians we attorneys have had to advance all costs and expenses to date. At the same time, the Congress has furnished ample funds and technical assistance to the Department of Justice to defend these cases. And they are being defended to the last ditch, with refusal to make any compromise and settlement agreements.

Finally I may add that these Indians made known their opposition to the proposed legislation even before these bills were introduced in Congress but they were included notwithstanding. In order to make their objections to the committee they have been compelled to come to Washington, at their own expense, charged against the remaining pittance of their tribal funds, to the extent of at least one-fourth of the total fund.

Respectfully,

O. R. McGUIRE.

SEPTEMBER 2, 1953.

HON. FRANK CARLSON,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: Receipt is acknowledged of your recent letter enclosing a letter from Mr. O. R. McGuire relating to the Indians in Kansas. You ask for my comments on the views contained in Mr. McGuire's letter.

I would like to say first that I do not believe anyone suggests that all Indian lands be removed from trust status immediately as Mr. McGuire seems to fear. It is recognized that there are still some Indians who may not be able to take care of their property.

However, I must strongly differ with Mr. McGuire's general approach toward the Indian question. Most of us on the committee have come to believe that the control of the Indians by the Bureau of Indian Affairs has been much too far-reaching and has gone on too long. The Federal Government has not done a particularly good job of looking out for the interests of the Indians. On the contrary, the policies followed by the Indian Bureau have delayed the adjustment of the Indian to modern life and have denied him the rights to which he is entitled. I feel strongly that any Indian who is competent to handle his own affairs should have the right to do so. Along with such rights would naturally go responsibilities of private citizenship. I think you will find that a great many Indians deeply resent the policies which have kept them in the status of "wards of the Government." To name only one, a late very distinguished citizen of your State, the Honorable Charles Curtis, who was Vice President of the United States, was a restricted Indian all his life and could not even make decisions regarding the handling of his own property without the approval of the Bureau of Indian Affairs.

Hoping the above is of help to you in answering this letter, I am

Sincerely yours,

HUGH BUTLER, *Chairman.*

NOTE.—Copies of the above letter sent to Rober Stone, Esq., and Mrs. Minnie Evans, Pottawatomie Reservation, Mayetta, Kans., September 22, 1953.

UNITED STATES SENATE,
September 14, 1953.

Mr. O. R. McGUIRE,
Washington 5, D. C.

DEAR MR. McGUIRE: I have just received the attached letter from Senator Hugh Butler and am passing this on to you for your information.

If I may be of help to you in the future, please do not hesitate to write to me.

Sincerely yours,

FRANK CARLSON.

SEPTEMBER 21, 1953.

HON. FRANK CARLSON,

United States Senate, Washington, D. C.

DEAR SENATOR CARLSON: Many thanks for your letter of September 14, 1953, transmitting a copy of a letter dated September 2, 1953, from Senator Hugh Butler of Nebraska, commenting on my recent letter to you respecting the opposition of the Prairie Band of Potawatomi Indians of Kansas to the enactment of legislation by the Congress which would have the effect of removing practically all Federal Government supervision over the Indians, the allotment of their communal held lands in severalty, etc., and which would place them on substantial equality with the white people.

Chairman Butler suggests that I have approached the Indian question from a wrong angle and that conclusion would seem to be correct to anyone who approaches the question from the viewpoint expressed in Senator Butler's letter.

I note that Senator Butler has stated that the late Vice President Charles Curtis "was a restricted Indian all of his life and could not even make decisions regarding the handling of his own property without the approval of the Bureau of Indian Affairs." I am not advised as to the restricted status, if any, of the late Mr. Curtis, but I would seriously doubt the correctness of such a statement. Curtis was a mixed-blood Kaw, or Kansas Indian. These Kaw Indians are among the most intelligent of the various tribes or bands of Indians in America. It would seem strange indeed, if Senator Butler's statement be correct, that Senator and Vice President Curtis, during his long service in the Congress, did not sponsor some such legislation as Senator Butler now seems to sponsor.

My objections on behalf of the Prairie Band are not based on my personal conclusions; they are based on a very close study of some 150 years of the history of dealings of the United States Government with the Indian tribes—and a sorry page in history that is, too. The Senate committee handling the present proposed legislation can prove this to itself if it will have its staff go through the hearings concerning Indians before many committees of both the House and Senate on Indian matters, the reports of the several committees over the many years, and submit a digest of all of this material to the present committee of the Senate in charge of this legislation, along with a showing of what actually happened to the Indians who were allotted lands in severalty, who were admitted to citizenship, who were declared competent by court after court, and who sold and spent, if not squandered, the proceeds obtained from the sale of their individual lands.

There have been, and there are now, some halfbreeds among the Indians, who are intent upon immediate gain, favoring such legislation, as they have done from the outset. The treaty of 1861 by which the Kansas Potawatomi Reservation of 30 miles square was broken up and some of it allotted to individual Indians and the balance finally sold under the 1867-68 treaty is a splendid example of exactly this process. I enclose herewith for your information a copy of my reply brief in that case which indicates exactly how that result was brought about.

I fully agree with Senator Butler that the policies followed by the Bureau of Indian Affairs, or the Office of Indian Affairs, or whatever name it may have had over these many years, has been, by and large, one of contradictions and reversals of policy in dealing with practically every tribe of Indians and with the Indians in general. This, too, is illustrated by what happened to the Potawatomi Indians following the treaty of 1833 to date and what is true of the Potawatomi Indians is true to a lesser or greater degree as to other tribes of Indians, some of whom were moved into Kansas, on reservations they had purchased and paid for themselves in many instances, and later removed into the Indian Territory, now a part of Oklahoma, only to encounter the same conditions used as an excuse to take from them their reservations in Kansas or further east.

Also, I agree that policies "followed by the Indian Bureau," often pursuant to legislation enacted by the Congress, "have delayed the adjustment of the Indian to modern life and have denied him the rights to which he is entitled." The Congresses of yesterdays cannot escape their full share of responsibility for such conditions in the past and even in the present. These mistakes should not be repeated by present and future Congresses, particularly when the records of the legislative branch of our Government show exactly how these events occurred and the results thereof. The legislative staff of the Congress can compile this history for the use of the Congress and no one's word has to be taken for what did happen in this respect.

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I further agree with Senator Butler that there are some Indians fully capable of managing their own affairs without Government supervision, but there are far many more who are not capable of doing so—and who realize their inability to cope with the white man's civilization and who are strongly opposed to the removal of the protecting arm of the Federal Government, however weak, inefficient, and contradictory that support may have been in the past.

The remedy does not lie in the abolishment of the Office of Indian Affairs and the removal of all Federal protection of the Indians, as has been proposed. On the contrary, it lies in the appointment and retention in the Indian Service of competent and trained individuals and in adequately spelling out their authority and limiting it by law. The Indian Service needs overhauling and modernization, rather than abolishment. Also, there should be a cessation of the attempts to pour all Indians into a common mold and to treat the halfbreeds and intelligent Indians in the same way that the fullblood and unintelligent Indians should be treated in order to protect them, even against themselves. The Indians, themselves, realize and welcome such protection as is illustrated by the testimony before a Senate Subcommittee on Indian Affairs, which was held in Wisconsin on September 23, 1900, published by the Government Printing Office in 1910 on Senate Resolution 263. The Indian witnesses at this hearing had been trying to fend for themselves since 1833.

This tremendous authority cannot be left to the discretion of politically appointed or bureaucratic officialdom of any political party. Even in the case of the Prairie Band Indians on the 11-mile-square reservation, near Mayetta, in your own State of Kansas, previous Commissioners of Indian Affairs and Secretaries of the Interior have made attempt to force the Indians to accept allotments of land in severalty by issuing patents and sending them to the Indian agent for delivery to the named Indians. Many of them have refused to accept such patents and insist upon continuing to hold their land in common for their mutual protection.

Specially trained people, of the psychiatric profession, are used in civil courts in determining the competency of persons charged with crime, or whose competency may be in question. Certainly the services of such trained personnel should be used to determine the competency of Indians, rather than to continue to follow the haphazard procedure of the past and leave the matter to a judge or jury unadvised by capable persons trained in modern science.

In a word, my plea is that the problems of the Indians be approached by trained personnel representing the Government; that there be adequate checks on such personnel; that the problems of individual Indians be approached on an individual and scientific basis; and that all questions concerning tribal, communal property be not determined until after adequate explanations to the tribe or band concerned and a secret yes-and-no vote by the entire tribe or band had thereon, which shall be controlling.

I enclose an extra copy of this letter which you may send to Senator Butler, for whom I have profound respect.

Very truly yours,

O. R. McGUIRE.

FEBRUARY 2, 1954.

Re your bill, S. 2743, and corresponding House bill.

HON. ARTHUR V. WATKINS,

United States Senate, Washington, D. C.

DEAR SENATOR WATKINS: As you know, hearings on the above-cited bills have been called for February 18 and 19, 1954, in Washington. The Prairie Band of Potawatomi Indians, whom I represent before the Indian Claims Commission, have advised me that representatives of the band wish to attend the hearings but they are very poor and none of them has the money to pay his expenses to Washington and return. They are trying to secure a small part of a yet small sum of money they have with the United States for this purpose but it is doubtful if they are able to do so.

These Indians are very much opposed to this bill because its effect, if enacted into law, will be devastating upon the homes of these Indians.

I suggest and urge that these hearings should either be held on the reservations in Kansas, where the Indians may readily attend the hearings and make their views known or else the committee conducting the hearings should provide the money to pay their expenses to Washington.

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It was solemnly agreed in the 1846 treaty that the Potawatomi Indians should have their reservation in Kansas as their home forever. That promise has not been kept by the United States except as to an 11-mile-square tract carved out of the larger 30-mile-square tract and now it is proposed to withdraw that promise after more than 100 years.

An early reply will be appreciated.

Very truly yours,

O. R. McGUIRE,
Attorney for the Prairie Band of Potawatomi Indians.

UNITED STATES SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
February 3, 1954.

Re S. 2743.

Mr. O. R. McGUIRE,
Washington 5, D. C.

DEAR Mr. McGUIRE: In response to your letter of February 2, 1954, relative to the Prairie Band of Potawatomi Indians, I regret that I must inform you that we cannot provide expense money for all of the delegations representing the various tribes respecting which legislation has been introduced and hearings will be held; therefore, we cannot take the stand of paying the expenses of any one or more groups.

The announcement of hearings which went out conveyed to the tribes the information that their written statement can supplement a personal appearance or be submitted in place of an appearance and the statements will be given full consideration by the subcommittees of the Senate and the House before any decision is made relative to the pending legislation.

It is also impossible to conduct these hearings on the reservation due to the fact that to do so would of necessity take the members of the committees away from Washington and away from the floor action which they must be present to participate in. This would also involve much greater expense to the Government in per diem expenses for these Congressmen and staff members than can be afforded. I regret that it will be impossible to make available to these Kansas Indians either of the alternatives which you propose in your letter, but as indicated above, their written statement will be acknowledged and welcomed in lieu of personal appearance.

Sincerely,

ARTHUR V. WATKINS.

FEBRUARY 8, 1954.

Re S. 2743 and H. R. 7318.

Hon. ARTHUR V. WATKINS,
United States Senate,
Washington, D. C.

DEAR SENATOR WATKINS: I acknowledge receipt of your letter of February 3, 1954, and I also acknowledge that by general consent you are an able, kindly, and honest man.

However, I am sure that your letter of February 3, 1954, must have been prepared by others for your signature because you are placed in the position of having introduced S. 2743 which appears to have been drawn in the Department of the Interior, even though it is known to your committee that the Prairie Band of Potawatomi Indians are resolutely opposed to this legislation. They have also made this fact known to their two Senators from Kansas, as I understand, and to the Congressman from the district in which their reservation is located.

The bill is fostered by the Department of the Interior, Senator Butler and others who, no doubt, honestly believe that these Indians should have withdrawn from them all protection of the Federal Government other than that given to any citizen generally.

The Indians are expected to come here in some way, at their own expense, and make known personally their opposition to these bills, or write letters as you have suggested, in opposition.

As early as the treaty of 1861 and 1868, by which the United States broke its promise to these Indians, to have the 30-mile-square reservation as their home forever, these Indians submitted written protests against the treaty, urging the Senate of that day not to ratify the same. That protest was sent by the Secre-

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tary of the Interior to the President and the President transmitted it to the Senate but the treaty nevertheless was ratified. I may add that these various treaties were entered into with but a segment of the tribal organization.

If, as you indicate, the United States Government does not have the money, which may be made available to your committee, to pay the expenses of a delegation of these Indians to come before the committee and make known to all the members of the committee their opposition to the legislation, and their reasons therefor, or if there is not sufficient money available for a subcommittee of the joint committee to go to Kansas and hear these Indians in person and see for yourselves the conditions under which they presently live then, I think that this legislation should be indefinitely postponed. As attorney on behalf of the Indians, I request that the legislation be indefinitely postponed and the proposed hearings canceled instead of the Congress of the United States proceeding as to this 11 square miles to break its promise again that the land ceded in 1846 to the Indians and for which they paid some \$87,000, should be their land and home forever and that the Government would protect them in that respect.

Respectfully yours,

O. R. McGUIRE,

Attorney for the Prairie Band of Pottawatomie Indians.

MAYETTA, KANS., January 28, 1954.

Col. O. R. McGUIRE,

Attorney at Law, Washington, D. C.

MY DEAR COLONEL: I am taking the liberty of writing to you as you will recall that I am president of the Tribal Council of the Prairie Band of Pottawatomie Indians.

On February 15 and 16 (which dates should be checked), there is to be a hearing in Washington before what I assume to be the congressional Indian committee. The purpose of such hearing is to consider what I understand to be bill 108, which in brief has as its purpose to release the Federal Government from supervision or further wardship over certain tribes of Indians.

If funds are released or provided by the Bureau of Indian Affairs, I hope to be in Washington with 1 or 2 others, to attend the hearings and want you to speak in our behalf. The Prairie Band opposes the action contemplated or desired in the above bill, on the following grounds:

1. Our reservation was reserved to us forever tax free by treaty.
2. While many have moved from the reservation itself, it is still the home for the parents of many of our tribe. These old folks are without funds and the forcing of a patent upon them would ultimately result in the loss of their lands by taxation.
3. In line with the foregoing and is common knowledge with anyone who really knows the older Indians, they are still incapable of handling their own affairs, evidenced in part by the fact that their lands would not only be lost to them by taxation, but also, the money would be dissipated on inconsequential items.

4. The Indian as a whole, is proud of his home and is equally proud of the fact that he owns something, if only his allotment.

Other reasons may occur to you, but Mr. Harold M. Slater, our attorney here with Mr. Robert Johnson, insists that someone speaks for us who is capable of logically and chronologically presenting our views in opposition.

Furthermore, it is necessary that we inform the committee the names of persons desiring to speak in our behalf. Therefore, and if agreeable, we wish that you would immediately contact the committee and get your name of record for such purpose.

I may be asking too much of you in the foregoing but this is a matter very close to my heart. Therefore, I do hope that you may find it convenient to accommodate us.

Would you please let me hear from you as soon as possible?

Yours truly,

(Mrs.) MINNIE EVANS.

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LAW OFFICES, O. R. McGUIRE,
Washington 5, D. C., March 9, 1954.

Re S. 2748 and H. R. 7318.

CLERK, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
United States Senate, Washington, D. C.

DEAR SIR: Mrs. Minnie Evans, the chairman of the Prairie Band Tribal Councillors of the Potawatomie Indians, returned to her home following her testimony before your committee in opposition to the above-entitled bills, and obtained a petition, signed by some 73 Pottawatomie Indians living on the reservation in opposition to the bill.

She has sent me a copy thereof which I enclose herewith with her request that if at all possible this petition be made a part of the hearings in the said case. Please advise me whether that can be made a part of the hearings at this late date. I have in mind the fact that the transcript and exhibits may have been sent to the Public Printer.

Very truly yours,

O. R. McGUIRE
Attorney of the Prairie Band of Potawatomie Indians.

POTAWATOMI PRAIRIE BAND,
MAYETTA, KANS., INDIAN RESERVATION,
February 27, 1954.

To the United States Senate and House of Representatives;

PETITION

We, the undersigned members of the Prairie Band of Potawatomie Indians, hereby petition the Congress of the United States to vote against and refuse to enact into law, either Senate bill No. 2478 or House bill No. 7381, or any part of the same which would include the Pottawatomi Prairie Band Indians as we are unalterably opposed to such legislation, and our ancestors have likewise been opposed since 1861 to taking our lands in severalty and having patents issued to us for the same, and the removal of the protection of the United States Government over us. We desire to hold our lands in common and as nontaxable tribal property.

MINNIE EVANS,
(And 79 others).

Senator WATKINS. All right, Mr. Wahwassuck, you may state your name and residence.

STATEMENT OF JOHN WAHWASSUCK, MEMBER OF THE TRIBAL COUNCIL OF THE PRAIRIE BAND OF POTAWATOMI INDIANS, ACCOMPANIED BY THEIR COUNSEL, O. R. McGUIRE, WASHINGTON, D. C.

Mr. WAHWASSUCK. My name is Mr. John Wahwassuck. I reside in Jackson County, State of Kansas. I live on the reservation, rural route, Delia, Kans. It is rural route 2.

Senator WATKINS. What is your occupation?

Mr. WAHWASSUCK. I haven't got any.

Senator WATKINS. What do you do for a living?

Mr. WAHWASSUCK. That is what I have been wondering.

Senator WATKINS. Do you farm?

Mr. WAHWASSUCK. No.

Senator WATKINS. Are you an Indian?

Mr. WAHWASSUCK. I am an Indian.

Senator WATKINS. Of full blood?

Mr. WAHWASSUCK. Yes, a full-blooded Indian.

Senator WATKINS. And you do not have any occupation and you do not work?

Mr. WAHWASSUCK. I haven't got any occupation of any kind.

Senator WATKINS. And you do not do any work of any kind?

Mr. WAHWASSUCK. I don't do any work of any kind.

Mr. McGUIRE. Ask him why, Mr. Chairman.

Senator WATKINS. We will give him an opportunity to explain that. I am interested to know.

Mr. McGUIRE. You have to ask him the specific question.

Senator WATKINS. Why was it, Mr. Wahwassuck, you do not work?

Mr. WAHWASSUCK. Well, the reason why is that I am 54 years old and it won't be very long, now, until the white man won't hire me any more for woodcutter work. During, I imagine about 1923, after a man is passed 50 years old, then he is just like an old horse, and he has passed his age of work.

Senator WATKINS. Were you working up-until recently?

Mr. WAHWASSUCK. That is right.

Senator WATKINS. Where?

Mr. WAHWASSUCK. I just worked everywhere.

Senator WATKINS. What kind of work did you do?

Mr. WAHWASSUCK. Labor.

Senator WATKINS. That is what I was trying to find out in the first place, I asked for your occupation now.

Mr. WAHWASSUCK. I can't understand these words you people use on me here.

Senator WATKINS. You have been using about the same kind of words I am using, and I am trying to make it so you can understand. If you do not understand, just say you do not understand; and then we will try to get it in language that you do understand.

You stopped working when?

Mr. WAHWASSUCK. Well, I don't know just the exact dates.

Senator WATKINS. About when? How many years has it been since you worked?

Mr. WAHWASSUCK. I don't know. I wouldn't know exactly the dates at all.

Senator WATKINS. Are the employers refusing to hire you?

Mr. WAHWASSUCK. Recently.

Senator WATKINS. Just recently?

Mr. WAHWASSUCK. Yes, it has been about 8 months.

Senator WATKINS. Eight months since you worked?

Mr. WAHWASSUCK. Yes, sir. My wage scale was very meager.

Senator WATKINS. What kind of work were you doing the last time you worked?

Mr. WAHWASSUCK. Construction and one thing and another. And I couldn't stay no place no one time; it was just here and there.

Senator WATKINS. Have you ever gone to school?

Mr. WAHWASSUCK. Very little.

Senator WATKINS. Where?

Mr. WAHWASSUCK. Here at Haskell.

Senator WATKINS. How many years were you at Haskell?

Mr. WAHWASSUCK. I don't suppose I was there over 6 months, or 3 months at the most.

Senator WATKINS. Why did you not stay longer?

Mr. WAHWASSUCK. On account of my health.

Senator WATKINS. Are you in good health now?

Mr. WAHWASSUCK. I think I am.

Senator WATKINS. You were a young man, I take it, when you went to Haskell?

Mr. WAHWASSUCK. Yes.

Senator WATKINS. Is Haskell the only place you went to school?

Mr. WAHWASSUCK. I went to some rural schools.

Senator WATKINS. What is that?

Mr. WAHWASSUCK. To some rural schools, to district schools, or whatever you might call them.

Senator WATKINS. White man's schools?

Mr. WAHWASSUCK. Yes, sir.

Senator WATKINS. In the neighborhood of the reservation?

Mr. WAHWASSUCK. That is right. And I couldn't get along with the white man and the white kids. They told me to get out. That is the way it is down at the reservation at all times. The Indian children and the white children can't get along.

It is just the way it is all over. The Indian children are different from the white children, and they seem to not understand one another.

Senator WATKINS. You seem to have learned to speak the English language fairly well while you were at that school or somewhere else.

Mr. WAHWASSUCK. I just learned it like being among you people here. People would talk and I would ask them the meaning of whatever they were talking about. That is the only way I could learn.

Senator WATKINS. Do you have a family?

Mr. WAHWASSUCK. Yes, sir.

Senator WATKINS. How many?

Mr. WAHWASSUCK. About 11.

Senator WATKINS. Eleven children and your wife?

Mr. WAHWASSUCK. Yes.

Senator WATKINS. Are they at home now with you?

Mr. WAHWASSUCK. They are scattered all over.

Senator WATKINS. They have gone to school; have they not?

Mr. WAHWASSUCK. Two of them went to Oklahoma.

Senator WATKINS. They have gone to the white schools?

Mr. WAHWASSUCK. No. They went—I guess you could classify it a white school, to South Dakota to that Catholic school. They are all white schools. Nevertheless, that is the way I take it, any school you go to is a white man's school, regardless of what kind of school it is. It is a white man's school.

Senator WATKINS. They all speak the English language; do they not?

Mr. WAHWASSUCK. Oh, yes.

Senator WATKINS. And they are working now, are they?

Mr. WAHWASSUCK. I suppose.

Senator WATKINS. They live on the reservation?

Mr. WAHWASSUCK. They are off and on the reservation.

Senator WATKINS. How many are on the reservation with you?

Mr. WAHWASSUCK. I have two.

Senator WATKINS. Two out of the 11?

Mr. WAHWASSUCK. Yes, sir.

Senator WATKINS. Are they all married?

Mr. WAHWASSUCK. No.

Senator WATKINS. These two who are with you are not married?

Mr. WAHWASSUCK. They are not married.

Senator WATKINS. Those that are married are not living on the reservation, is that right?

Mr. WAHWASSUCK. No. These two little ones are down here at Oklahoma.

Senator WATKINS. Do any of your married children live on the reservation now?

Mr. WAHWASSUCK. No, they can't exist and couldn't exist there. It is a miracle to me how they are existing.

Senator WATKINS. I take it you are opposed to this bill.

Mr. WAHWASSUCK. That is right.

Senator WATKINS. And you want this condition to continue that you have now, where they cannot exist on the reservation?

Mr. WAHWASSUCK. Well, I always took the attitude that it was the responsibility of the Federal Government to have supervision.

Senator WATKINS. I understand the House Members have a quorum call. Would you like us to proceed while you are away?

Representative BERRY. If you will. We will try to get back.

Senator WATKINS. We will be very happy to have you back. Do you want to tell the committee why you oppose this bill?

Mr. WAHWASSUCK. Well, yes. I will tell them the reason I oppose this bill. One particular reason is that it has been the responsibility of the Federal Government to supervise the Indians, as I see it. After all, our welfare is in a pretty critical condition right at the present day. Not only that, but the people that are on the reservation are in pretty bad shape. They cannot farm; they cannot do anything.

Senator WATKINS. Why can they not farm?

Mr. WAHWASSUCK. They haven't got any money.

Senator WATKINS. Do they have any land?

Mr. WAHWASSUCK. They have got land but no money.

Senator WATKINS. Is it good land?

Mr. WAHWASSUCK. No, it is not good land; it is rocky.

Senator WATKINS. If you have money it would not do any good to try to farm it if it is not good land?

Mr. WAHWASSUCK. No, that is right.

Senator WATKINS. Is all of the land rocky?

Mr. WAHWASSUCK. Most of it is rocky; only a very small portion of it, along the streams, is good land. The white man has got that. They have all of it.

Senator WATKINS. That was originally given to the Indians and allotted to them; was it not?

Mr. WAHWASSUCK. It wasn't given to the Indians. The Indians bought it, from 1846 up to now.

Senator WATKINS. Well, the Indians bought it. Then what happened to it after you bought it?

Mr. WAHWASSUCK. After the Indians bought it, the Secretary of the Interior and some of the Government officials went to work and made an allotment act.

Senator WATKINS. And by that they gave it out to individual Indians?

Mr. WAHWASSUCK. That is right.

Senator WATKINS. Ninety acres apiece?

Mr. WAHWASSUCK. Whether they wanted it or not, they went ahead and put it out there and told them to take it.

Senator WATKINS. That was this good land along the creeks?

Mr. WAHWASSUCK. Yes, sir.

Senator WATKINS. And the Indians did not take it?

Mr. WAHWASSUCK. The Indians they were swindled out of what land they really actually had, all of the good land. That is why I say the white man is just like a fox. He is a fox, and he will take all of the good land which the poor Indians have. I am still poor. All we have been living on all of these years is promises, and promises and promise upon promise. We still haven't accomplished anything as yet.

Senator WATKINS. Let us get back to this land. You say the white man got all of the good land, but you told me the Indians bought the land?

Mr. WAHWASSUCK. Eleven miles square—it was 30 miles square.

Senator WATKINS. And the land, good land, was allotted to the Indians?

Mr. WAHWASSUCK. That is right. No, it was all allotted to the Indians. I don't say that they picked out one particular good piece, I said all of it.

Senator WATKINS. It was allotted?

Mr. WAHWASSUCK. Yes, and I covered the whole territory.

Senator WATKINS. And now what happened to it when it was allotted?

Mr. WAHWASSUCK. They started selling them off.

Senator WATKINS. Who, the Indians?

Mr. WAHWASSUCK. Yes.

Senator WATKINS. That is what we are trying to find out. The Indians then sold off the good land and the bad land as well?

Mr. WAHWASSUCK. They compelled them to sell it.

Senator WATKINS. Who compelled them to sell it?

Mr. WAHWASSUCK. By a system. The Government had a system whereby the Indian, for example, my wife had a piece of land, and this is my story. My wife had a piece of land, and it was 80 acres. I wanted to build on my property, or either on hers, either one. The man's name is Robert Miller that was a big racketeer at that time.

Senator WATKINS. A big what?

Mr. WAHWASSUCK. A racketeer, a land-graft man. He would go over there and say—well, my wife went to the Indian agency, I and her went together. Mr. Snider was superintendent at that time. I said, "Mr. Snider, I want to build a house in 1 of the 2 places, and we have trust money here in this office." "Well," he said, "John, I don't know. You ask Bob Miller, and no." I said, "I thought you were the superintendent, no." He said, "You ask Bob Miller if you can reserve perhaps 2 acres." And Bob Miller was renting these 2 properties of 80 acres at that time. He said, "You talk to Mr. Miller first."

So I went to Mr. Miller and I said, "Mr. Miller, I want to reserve 2 acres. I would like to build over there on 1 of the 2 places." "Well," he said, "I will tell you, John," he used some pretty bad language, "I am not going to reserve you 1 acre, not even a half an acre, and you get that through that head of yours."

"Well," I said, "what am I going to do then?" Mr. Snider told me to come over here and ask you to reserve 2 acres; and I have got some trust money over there at the Indian office, some trust funds." "No," he said, "I am not going to reserve not 1 acre."

So in about a week he came over there and he said, "Mrs. Wahwassuck, I want you to go to the Indian office." And I said, "Wait a minute, if she goes, I go too."

So Mr. Snider said, "The best thing for you to do if you want to build, Mrs. Wahwassuck, you are going to have to sell that land because Mr. Miller has got that for 4 years, and we are not going to reserve 1 acre of it for you to build on."

"Well," my wife said, "you are going to have to sell." Well, I told my woman then, "I am not going to do it and I am not going to let you because after all if you sell that piece of property they are going to continue just selling this off, like they are doing today, to other people."

Senator WATKINS. Was this land that you are talking about an allotment which your wife had?

Mr. WAHWASSUCK. Yes, sir.

Senator WATKINS. And she accepted it?

Mr. WAHWASSUCK. We didn't have to accept it.

Senator WATKINS. The lady who was on, Mrs. Evans, said something about they didn't accept these allotments?

Mr. WAHWASSUCK. They didn't accept it; it was forced on them. For an example, my allotment there, they told me, "Well, there is yours over there." They told Mrs. Evans, "There is yours over there." And so on and so forth; they said, "That is yours over there, and that belongs to you." This land is not held in common any more.

Senator WATKINS. Do you have any of that land?

Mr. WAHWASSUCK. I have got 70 acres.

Senator WATKINS. Of the allotment?

Mr. WAHWASSUCK. Yes, sir.

Senator WATKINS. What do you do with it?

Mr. WAHWASSUCK. I rent it out.

Senator WATKINS. You get the money?

Mr. WAHWASSUCK. Through the superintendent, yes.

Senator WATKINS. I do not care how you get it. Do you get the money?

Mr. WAHWASSUCK. Sure.

Senator WATKINS. How much do you get for it?

Mr. WAHWASSUCK. \$160.

Senator WATKINS. That is \$2 an acre?

Mr. WAHWASSUCK. \$160.

Senator WATKINS. Does your wife have an allotment as well?

Mr. WAHWASSUCK. No, that is what I just got through telling you.

Senator WATKINS. Did you get one too?

Mr. WAHWASSUCK. Sure. I just got through telling you that my wife is the one they compelled to sell that 80 acres.

Senator WATKINS. Did she sell the 80 acres?

Mr. WAHWASSUCK. She had to sell it.

Senator WATKINS. She does not have it now?

Mr. WAHWASSUCK. That is right.

Senator WATKINS. And you are the only one who has any left?

Mr. WAHWASSUCK. That is right.

Senator WATKINS. Did she get the money for the property that was sold?

Mr. WAHWASSUCK. No, sir. All they handed her was a piece of paper every time she wanted to buy something.

Senator WATKINS. Did they give her credit in the agency for the money?

Mr. WAHWASSUCK. I don't know what you call it. For an example, if you want to buy a horse you just write a piece of paper; and when you get through, maybe you put it this way, they say, "Sign this."

Senator WATKINS. They gave her something for the land?

Mr. WAHWASSUCK. Yes.

Senator WATKINS. And she used whatever she got, you used that to buy things with?

Mr. WAHWASSUCK. Yes, sir.

Senator WATKINS. Do you know how many things she bought with it?

Mr. WAHWASSUCK. No, I don't. The only thing was, what we put the house up with is the trust funds; that is what we put that house up with.

Senator WATKINS. You did not put it up with any of the money you received from the sale of the land?

Mr. WAHWASSUCK. No; that is right.

Senator WATKINS. What was the price supposed to be of the land she sold; how much was she supposed to get for it? Now I used the word "supposed" because I think that you used that once.

Mr. WAHWASSUCK. Well, I don't know, I couldn't say.

Senator WATKINS. Do you not remember?

Mr. WAHWASSUCK. I don't remember.

Senator WATKINS. Who did she sell it to?

Mr. WAHWASSUCK. I don't even know that.

Senator WATKINS. Is your wife here with you now?

Mr. WAHWASSUCK. No; I was going to bring her here with me.

Senator WATKINS. Did you not help with the transaction; do you not know who she sold to?

Mr. WAHWASSUCK. No; I do not. No, sir. Whenever they sell Indian land, regardless of who you are with, married to or anybody else—

Senator WATKINS. They do not tell you anything about it?

Mr. WAHWASSUCK. No, sir.

Senator WATKINS. Not a thing?

Mr. WAHWASSUCK. No, sir.

Senator WATKINS. They do not tell you how much you are going to get, who is to get the land, or who is buying it?

Mr. WAHWASSUCK. No, sir; that is the absolute fact. That is the way they did that particular allotment. I know that because my wife is the one that they did that to.

Senator WATKINS. Now let us go on with your reasons why you are opposed to that bill. Perhaps I have not asked you all of the questions, but you tell me if you have more reasons, let us hear them.

Mr. WAHWASSUCK. My reason is I don't think that he is capable, or I don't think he has the knowledge; and I don't think he has the ability to handle or transact his business. Of course, you might say, just like you told me a little while ago, I talk pretty good English. But yet at the same time I am proud of some of our Indian people here in the United States that pick up English very easily, and yet they are not educated. There isn't any of them that has a college degree, or there isn't any of them, I would say, that has a high-school education; very few of them even passed grade school. I myself was one of them.

Senator WATKINS. You mean you did not pass grade school?

Mr. WAHWASSUCK. No, sir.

Senator WATKINS. But you did learn how to work at labor, at various types of labor jobs.

Mr. WAHWASSUCK. Just like a horse.

Senator WATKINS. Like a what?

Mr. WAHWASSUCK. Like a horse.

Senator WATKINS. Well, a horse could not do quite the things you were doing?

Mr. WAHWASSUCK. I don't know about that. Now when you are being bossed by somebody else, you can't do what you want to do.

Senator WATKINS. But you can do what the boss wanted you to do?

Mr. WAHWASSUCK. Sure, just like a horse.

Senator WATKINS. You said labor. Now did you work with a pick and shovel, or did you work in an industry? I would really like to know the kind of work you did.

Mr. WAHWASSUCK. Construction and so on and so forth.

Senator WATKINS. What did you do on construction?

Mr. WAHWASSUCK. Digging ditches and what they call foundations for some big buildings like this.

Senator WATKINS. Did you dig them with pick and shovel?

Mr. WAHWASSUCK. That is right.

Senator WATKINS. Now that is what we are trying to get, you could have told me that in the first place. You did that kind of work?

Mr. WAHWASSUCK. Yes, sir.

Senator WATKINS. And are you able now to work, physically, I mean?

Mr. WAHWASSUCK. I think that I am.

Senator WATKINS. Did you ever try to get a job?

Mr. WAHWASSUCK. I tried and tried and tried.

Senator WATKINS. But you do not have any job.

Mr. WAHWASSUCK. No, sir.

Senator WATKINS. And you do not have any income?

Mr. WAHWASSUCK. No income.

Senator WATKINS. Do you not get some welfare help from the State and the county?

Mr. WAHWASSUCK. No.

Senator WATKINS. Do you have money on deposit somewhere that you live on?

Mr. WAHWASSUCK. I wish that I had.

Senator WATKINS. Now answer my question, do you or do you not? I am wondering how you live, you do not have any money and you do not work. I am not being nosey, but I want to know your condition, and if you are a tribal chieftain, I want to know.

Mr. WAHWASSUCK. I am on the tribal council.

Senator WATKINS. I have been told that in some places we have all chiefs and no Indians.

Mr. WAHWASSUCK. You have got something now, that is right. You have really got it in the bag. What was it you were asking me, now?

Senator WATKINS. I was trying to find out how you live. Since you do not have any money and you do not work, I would like to know how you are doing that?

Mr. WAHWASSUCK. In the first place, my children give me a little assistance. They come home on weekends.

Senator WATKINS. Well, they work?

Mr. WAHWASSUCK. Yes, they work; they come home and sometimes they don't work. Sometimes there is bad weather.

Senator WATKINS. What kind of work do they do?

Mr. WAHWASSUCK. Labor, pick and shovel, and so on and so forth.

Senator WATKINS. I take it that your children at home are boys, then?

Mr. WAHWASSUCK. Some of them.

Senator WATKINS. You only have two of them, as I remember, that you said lived at home?

Mr. WAHWASSUCK. Yes, boy and a girl.

Senator WATKINS. So your son helps you, and does your girl work, too?

Mr. WAHWASSUCK. Yes.

Senator WATKINS. She does not work at pick and shovel work, what does she do?

Mr. WAHWASSUCK. She works down there at the Seamore packing house.

Senator WATKINS. Now we are getting somewhere. The Indians do have an opportunity to work if they want to work; do they not?

Mr. WAHWASSUCK. Well, it all depends.

Senator WATKINS. On what, for instance?

Mr. WAHWASSUCK. Whether he is really segregated or not.

Senator WATKINS. Now, you know what you are talking about when you say "segregated"?

Mr. WAHWASSUCK. Yes, I do.

Senator WATKINS. What do you mean by that?

Mr. WAHWASSUCK. There are differences between races.

Senator WATKINS. Well, I can understand, but you say that you are segregated and they will not take you because you are an Indian?

Mr. WAHWASSUCK. That is right, the people won't take you because you are Indian.

Senator WATKINS. You could have fooled me easily if you had come to me for work. I never would have known that you are an Indian.

Mr. WAHWASSUCK. I am going to tell you something.

Senator WATKINS. And I know Indians pretty well, too.

Mr. WAHWASSUCK. I am a full-blooded Indian.

Senator WATKINS. I am taking it for granted that you are. But you could have fooled me easily and I would not have known.

Mr. WAHWASSUCK. I can talk better English than I can Indian.

Senator WATKINS. That is good; that is an accomplishment.

Mr. WAHWASSUCK. If these people here at Mazetta had the right kind of supervision, I think that they would get along very well.

Senator WATKINS. What do you mean by the "right kind," and tell us about that?

Mr. WAHWASSUCK. Well, from what I could see of other people, and other races of people, they treat their people, or clients, or whatever you might say, a whole lot better than we are being treated.

Senator WATKINS. You are not satisfied with the way you are being treated?

Mr. WAHWASSUCK. That is right.

Senator WATKINS. And that has gone on for years and years and years?

Mr. WAHWASSUCK. Yes, sir; that is why I say we have been living on promises and promises, one right after another.

Senator WATKINS. You would like to continue living on promises, I take it, and you do not want any change now; you want it to go on as it is?

Mr. WAHWASSUCK. Well, that is what I say; it makes no difference what we do, or make a complaint, it doesn't seem that we have accomplished anything.

Senator WATKINS. That is what I will probably agree with you on. You are not satisfied with what you have, and we are trying to get something for you, yourself, that you could run at this time.

Mr. WAHWASSUCK. That is something else, however. Mrs. Evans is the chairman of the tribal council, Wahbnosah and I are members of the council. They gave us what they call a constitution and bylaws.

And all right, we go ahead. We try to do business for our tribe and the Indian himself, just like I say, it is hard for him to understand. He is like myself. But I understand feelings better than I could anybody else. That is why I am here today. They gave us a constitution and bylaws for the purpose of trying to manage the present Indians that are down there. But on that one particular point that I wanted you people to realize and recognize; that we only have one that we are empowered with.

Senator WATKINS. What is that?

Mr. WAHWASSUCK. One that we are empowered with, through the Commissioner of Indian Affairs.

Senator WATKINS. And the one is the Indian Act?

Mr. WAHWASSUCK. That is in alphabetical form, and it goes down "a," "b," and "c." I think Mr. Head knows something about that, or the Secretary of the Interior knows it.

Mr. Head is a pretty good friend of mine.

Senator WATKINS. I have not been able to get out of you just why you are dissatisfied. You are dissatisfied with what you have and it has not been good. That is not the reason why you want to go on because it has not been good?

Mr. WAHWASSUCK. We are not capable of paying taxes. There would not be enough there to raise on those families to even pay taxes. If you were compelled to pay taxes, you could not raise enough grain on that particular piece of property to pay taxes. If we would go out and work, we still would not make enough money to pay that.

Senator WATKINS. I cannot imagine the county trying to collect taxes on a piece of worthless land. They do not ordinarily do that because it would be sold for taxes and the State would have it on its hands. They would have to sell it again and again and again.

Did you live in North Topeka?

Mr. WAHWASSUCK. That is right.

Senator WATKINS. When you were down there you worked for the Santa Fe Railroad Co.?

Mr. WAHWASSUCK. Yes, sir.

Senator WATKINS. As a laborer there?

Mr. WAHWASSUCK. Yes, sir.

Senator WATKINS. Why did you leave that job?

Mr. WAHWASSUCK. Racial segregation.

Senator WATKINS. Racial segregation?

Mr. WAHWASSUCK. Yes, sir.

Senator WATKINS. Well, they knew you were an Indian when you went there; did they?

Mr. WAHWASSUCK. Not for quite a while.

Senator WATKINS. Not for quite a while?

Mr. WAHWASSUCK. No, sir.

Senator WATKINS. Did you tell them you were an Indian when you went there?

Mr. WAHWASSUCK. Yes; Mr. Goble asked me what nationality I was. Mr. Goble said, "I want to know what nationality you are."

Senator WATKINS. And you told him?

Mr. WAHWASSUCK. Yes; I told him.

Senator WATKINS. You told him the truth?

Mr. WAHWASSUCK. Yes, sir.

Senator WATKINS. And he did not turn you down and say you could not have a job because you were an Indian?

Mr. WAHWASSUCK. That is right.

Senator WATKINS. So there was not any race feeling there?

Mr. WAHWASSUCK. No; that is between him and I.

Senator WATKINS. He was the boss; was he not?

Mr. WAHWASSUCK. He was the boss; that is right.

Senator WATKINS. How much were you paid per day when you worked at the railroad?

Mr. WAHWASSUCK. The wage scale was at that time when I first began work I got 75 cents an hour.

Senator WATKINS. How many hours?

Mr. WAHWASSUCK. Eight hours a day.

Senator WATKINS. When was that, about what year?

Mr. WAHWASSUCK. About 1942. Mr. Hyde made recommendations for me to go to the Santa Fe. He gave me a little slip of paper.

Senator WATKINS. They were anxious to get men then; were they not?

Mr. WAHWASSUCK. That is right. Regardless of what nationality you were, you were hired just the same.

Senator WATKINS. And you worked there until recently; did you not?

Mr. WAHWASSUCK. Yes, about 8 months ago.

Senator WATKINS. About 8 months ago.

Mr. WAHWASSUCK. Yes, sir.

Senator WATKINS. During the time you were there, that is, from 1942 to about 8 months ago, you were getting 75 cents an hour?

Mr. WAHWASSUCK. No; the wage scale there now, under our union order there was that those wage scales vary.

Senator WATKINS. They are more than they were?

Mr. WAHWASSUCK. That is right.

Senator WATKINS. You were getting more money than 75 cents an hour?

Mr. WAHWASSUCK. Yes; \$1.54 an hour.

Senator WATKINS. You were not doing so badly then, were you?

Mr. WAHWASSUCK. I could not keep up with it, at the rate of \$1.54 an hour, 8 hours a day.

Senator WATKINS. How many days a week?

Mr. WAHWASSUCK. I believe it was 40 hours.

Senator WATKINS. Now, did they discharge you?

Mr. WAHWASSUCK. They had to; I quit.

Senator WATKINS. What was that?

Mr. WAHWASSUCK. They had to; I quit.

Senator WATKINS. You quit?

Mr. WAHWASSUCK. That is right.

Senator WATKINS. They did not say "You're fired," did they?

Mr. WAHWASSUCK. No.

Senator WATKINS. You just quit on your own account?

Mr. WAHWASSUCK. That is right.

Senator WATKINS. And you could have gone on working?

Mr. WAHWASSUCK. No; I couldn't.

Senator WATKINS. Why is that?

Mr. WAHWASSUCK. They made it so miserable for me that I had to quit.

Senator WATKINS. What did they do?

Mr. WAHWASSUCK. They drove me from the time I hit that place, to the time I quit.

Senator WATKINS. They wanted you to keep on working while you were on the job?

Mr. WAHWASSUCK. Sure, and I was the only one that was working. The rest of them stood around.

Senator WATKINS. You were the only one?

Mr. WAHWASSUCK. Yes, sir. It was a freight-house crew.

Senator WATKINS. The others sat around and you had to do all of the work?

Mr. WAHWASSUCK. There you are; yes.

Senator WATKINS. And so you just quit, that was too much?

Mr. WAHWASSUCK. I couldn't stand it. That is why I said I was just like a horse.

Senator WATKINS. Then you moved to the reservation?

Mr. WAHWASSUCK. Moved back to the reservation and where I originally belonged.

Senator WATKINS. And the principal reason why you want to carry on, as I get it from what you have said, is because you have not been treated right on the reservation; and they are all dissatisfied but you do not want that situation changed?

Mr. WAHWASSUCK. I don't want, or I am not able to pay taxes.

Senator WATKINS. You never have paid any taxes, have you?

Mr. WAHWASSUCK. No; not as yet.

Senator WATKINS. You have never had to pay any income taxes, I take it, with the family you had of 11 children?

Mr. WAHWASSUCK. A little, very little. That is why I said I couldn't pay it.

Senator WATKINS. What is the value of the property that you own now?

Mr. WAHWASSUCK. You would have to ask somebody else on that.

Senator WATKINS. You don't have any idea what it is worth?

Mr. WAHWASSUCK. I don't have the least idea. And I don't know the valuation of any kind of property, or real estate, or land or anything about it.

Senator WATKINS. Is it good farming ground?

Mr. WAHWASSUCK. No, it is upland.

- Senator WATKINS. Rocky?
- Mr. WAHWASSUCK. Rocky land.
- Senator WATKINS. Is it good for grazing?
- Mr. WAHWASSUCK. It would be good for grazing if they would put it to grazing.
- Senator WATKINS. Well, you have, as I remember, \$2 an acre rental per year for it so it could not be very good grain ground?
- Mr. WAHWASSUCK. No, it is not good.
- Senator WATKINS. Did you ever ask to find out how much it would cost you if you had to pay taxes on that piece of ground?
- Mr. WAHWASSUCK. No, I haven't, I never.
- Senator WATKINS. I judge from what you say and what the other witnesses have said, that the folks do not have anything so I do not see how you would have to worry about taxes. The property is not worth anything; it will not produce anything. And that is all of the rental you can have. I do not see why you should worry about taxes.
- Mr. WAHWASSUCK. The only thing that I am proud of, is that we have got a home, whether the land is worth anything or not, we have got a place to go to.
- Senator WATKINS. I am not acquainted with your Kansas law, but I would assume that on a home, such as you have talked about, that you probably would have very, very little tax to pay and it would not amount to anything. If you could earn \$1.54 an hour, you would be just like white people. They have to pay taxes on their homes.
- I do not have any further questions. If you would like to say anything further, you go right ahead.
- Mr. WAHWASSUCK. I have nothing further to say. The only thing that I wanted to say at the present time was that I was going to mention that even our Indians say, for example Charley Bennet who has some children and there are 5 families in that 1 particular house, about 2 rooms, that is the situation on that reservation. There are several others just like that. And there is George Metsato down there. He has a place down there that is about 2 or 3 families in that 1 particular house.
- Senator WATKINS. What kind of a house is it?
- Mr. WAHWASSUCK. Just a frame building. It is like any ordinary house. I think that there is about 2 or 3 rooms in that house.
- Senator WATKINS. Is it a farm, a good farm?
- Mr. WAHWASSUCK. Yes, I don't know whether it is or not. It is just like mine.
- Senator WATKINS. It is rocky?
- Mr. WAHWASSUCK. Yes, it is rocky.
- Senator WATKINS. And it is not worth farming?
- Mr. WAHWASSUCK. No, but they farm it. For what little meager living they can get out of it, they farm it.
- Senator WATKINS. And you have not any idea of how much taxes would be levied against a piece of land of that kind?
- Mr. WAHWASSUCK. No, sir.
- Senator WATKINS. And you cannot do anything with it because the Government has control of it. You could not sell it and dispose of it, without getting permission from the Government?
- Mr. WAHWASSUCK. Well, that is what the Government wants to do with it now, I guess.

Senator WATKINS. You cannot even rent it without Government permission, can you?

Mr. WAHWASSUCK. Well, I don't know.

Senator WATKINS. Did you not have to get the agent's permission before you could lease this ground?

Mr. WAHWASSUCK. Oh, yes.

Senator WATKINS. And you want it to continue that way; you want to have to go to the agent?

Mr. WAHWASSUCK. If we get a good superintendent, we might be able to exist.

Senator WATKINS. I cannot promise you that you are going to get any better one than you have had. I think that you have had some good ones. But you do not like them and you are dissatisfied with them.

I cannot understand a man of your apparent intelligence why you would want to go on with that kind of a situation?

Mr. WAHWASSUCK. I have no intelligence. I don't know what you mean by that.

Senator WATKINS. We do not want to harm you. The reason I am asking some rather searching questions is to find out your actual situation. Now, really if you are giving up anything that might hurt you, and I cannot see, for the life of me, how you are giving up anything; your property is not worth very much, it does not bring you any income; it costs money to keep an Indian agent out there, and the supervision and bookkeeping on it. I would think that you would know enough when you are dissatisfied with the other fellow's activities and that you would know at least when he is wrong; otherwise, you could not point out and say that he has not been doing the things that he should do.

If you know what is wrong you ought to be able to correct it.

Mr. McGUIRE. I think he put his finger on it when he said he had leased a home.

Senator WATKINS. He could still have his home. You do not understand that this legislation proposes to take his home away from him?

Mr. McGUIRE. But he can sell it.

Senator WATKINS. Do you not think he ought to be able to sell it?

Mr. McGUIRE. He says not and his tribe says not. If you get him drunk, he will sell it. That is the way a lot of that land was taken out. We can put that on and give you the history of it.

Senator WATKINS. The United States would have a terrific job on its hands if it took over all of the drunks in the United States and tried to keep them from doing things they should not do.

Mr. McGUIRE. It is our position that this legislation throws right in the face of this 100 years of history.

Senator WATKINS. We are trying to improve the situation that is very unsatisfactory.

Mr. McGUIRE. But these Indians think, and I must say I agree with them, that this would not improve it, but it would make it worse.

Senator WATKINS. From what I have heard today, I do not see how it could make it much worse.

Mr. McGUIRE. It would make it worse if a man has no home at all. Even if it is a cabin that he can stay on, he has something.

Senator WATKINS. I take it that this witness is not a drinking man. You are not a drinking man; are you?

Mr. WAHWASSUCK. I drink water.

Senator WATKINS. You know what I mean. I am paying you much more of a compliment than some of your own people. I think that you have the capacity to do many things, if you would only think that you have the capacity to do them, were permitted to do them, and had to stand on your own feet.

Mr. WAHWASSUCK. I am not able to. This is one thing, and I don't know how many of these people are in recognition; and I wanted to state my facts in the presence of them; but I will state my facts that we members of the tribal council come here for the purpose of being in opposition to this bill. That is our purpose. I have tried the best I could to explain for ourselves and our purpose here. So, therefore, as time goes on, I didn't come up here for the purpose of making a great big speech, but Mr. Head, while he is here and Mr. Hector, I would like to state it as I stated it a few minutes ago, where we have been deprived of our rights and duties as a tribal council, we have been left in the dark all of the way through, it seems as though that is our situation at the present time.

It has mostly been dictated to our tribe. The superintendents and the Commissioner of Indian Affairs has done that.

Now, I just stated a little while ago the thing that we had in mind in regard to the bill here is that we do not want anything to do with that bill. There have been bills pending time and time again for the purpose of emancipating the Indian from the Federal wards of the Government. Time and time again, and every time it comes out, it comes out in a different form.

For myself, I am not too well versed on laws or anything like that, but, nevertheless, I think anything that is in the purpose of introducing bills for the purpose of the Indians, I see that everything looks as though it is very detrimental.

I thank you. But, Mr. Head, I want you to verify my statement here, and Mr. Hector.

I have here a brief that was made of the constitution and bylaws of the meeting of the Prairie Band Indians, November 21, 1858. I just got through stating a little while ago that we had only one article in this constitution and bylaws under which we were empowered to do anything. That is, "a" handling the tribal claims. That is the only one we have. It is making inquiries, recommendations, and suggestions, pertaining to tribal problems and general welfare. That was taken away from the tribal welfare by counseling with the Indians on the reservation and providing they slip in such things as farm, education, and of lease and so on.

Those things we have never had a chance to do anything with. That is "b" and "c."

Mr. HEAD. What was it you wanted me to verify, Mr. Wahwassuck?

Mr. WAHWASSUCK. I was just saying before these people here that we only had one provision or article that we benefited by, and that was this one here.

Mr. HEAD. I think I will give this to Mr. Hector.

Mr. WAHWASSUCK. I want you to verify it. Are you not the area director?

Senator WATKINS. We will put them on the stand. We have some questions that we will ask them.

Mr. HEAD. I have never seen that.

Senator WATKINS. I will say that we have conducted an extensive investigation of the witness as to his own activities and the work he was doing. He has been working for the Santa Fe Railroad up to about 8 months ago. He was finally getting around \$1.54 an hour. He left the railroad freight office because they made him do all of the work and the rest of them just stood around.

He has finished his testimony unless you gentlemen have some questions.

Very well, since there are no more questions, we will call the next witness.

Senator WATKINS. State your name and your place of residence, please.

STATEMENT OF JAMES WAHB-NO-SAH, MEMBER OF THE TRIBAL COUNCIL OF THE PRAIRIE BAND OF POTAWATOMI INDIANS, ACCOMPANIED BY THEIR COUNSEL, O. R. McGUIRE, WASHINGTON, D. C.

Mr. WAHB-NO-SAH. My name is James Wahb-no-sah.

Senator WATKINS. Tell us what your occupation is.

Mr. WAHB-NO-SAH. I would like to give my address. It is Rural Route 2, Delia, Kans.

Senator WATKINS. What is your occupation?

Mr. WAHB-NO-SAH. I have none.

Senator WATKINS. You are not employed at the present time?

Mr. WAHB-NO-SAH. No.

Senator WATKINS. How old are you?

Mr. WAHB-NO-SAH. 52 years old.

Senator WATKINS. Have you gone to school in the past?

Mr. WAHB-NO-SAH. Yes.

Senator WATKINS. Tell us about your education?

Mr. WAHB-NO-SAH. I do not have much education, just about 7 months.

Senator WATKINS. Where did you go to school?

Mr. WAHB-NO-SAH. Wittenberg, Wis.

Senator WATKINS. You went to the Indian school?

Mr. WAHB-NO-SAH. Yes, sir.

Senator WATKINS. When was that?

Mr. WAHB-NO-SAH. In the fall of 1916 and the spring of 1917.

Senator WATKINS. Was that the only period of your life that you were in school?

Mr. WAHB-NO-SAH. Yes, sir.

Senator WATKINS. How long have you been unemployed?

Mr. WAHB-NO-SAH. About 3 months.

Senator WATKINS. What did you do when you were employed?

Mr. WAHB-NO-SAH. I was working for brick construction.

Senator WATKINS. Where was that?

Mr. WAHB-NO-SAH. In Shawnee County, Kans.

Senator WATKINS. What kind of work did you do?

Mr. WAHB-NO-SAH. Pick and shovel work.

Senator WATKINS. You did not operate any of the big machinery?
Mr. WAHB-NO-SAH. Oh, no; no, sir.

Senator WATKINS. A hand shovel is what you meant?

Mr. WAHB-NO-SAH. Yes.

Senator WATKINS. How long did you work at that job?

Mr. WAHB-NO-SAH. About 10 days.

Senator WATKINS. You have been employed a great part of your life, have you not, up to this time?

Mr. WAHB-NO-SAH. No, sir.

Senator WATKINS. Did you ever work for yourself?

Mr. WAHB-NO-SAH. Yes.

Senator WATKINS. Did you run a farm?

Mr. WAHB-NO-SAH. Yes, sir.

Senator WATKINS. On the reservation?

Mr. WAHB-NO-SAH. Yes, sir.

Senator WATKINS. How many years?

Mr. WAHB-NO-SAH. In 1923 to 1933.

Senator WATKINS. You still have your farm?

Mr. WAHB-NO-SAH. Yes, sir.

Senator WATKINS. You are living on it now?

Mr. WAHB-NO-SAH. No; I am renting.

Senator WATKINS. I do not care to pursue this any further. I wanted for you to get a chance to be acquainted with us a little bit. Would you go ahead and tell us what you wanted to say and then the members of the committee will probably ask you some questions. Will you go ahead and tell us what you want to say?

Mr. WAHB-NO-SAH. I am here to represent my tribe of Indians, Prairie Band of Potawatomi Indians, residing in the reservation near Marietta, Kans. I know my tribal Indians have no education and no money to pay taxes on our lands. The net income from our land is below the figure of tax value. For that reason, I oppose in behalf of tribal Indians this bill which is in Congress.

Representative WESTLAND. Could I ask a question here?

Mr. WAHB-NO-SAH. You say that your are renting this farm now?

Mr. WAHB-NO-SAH. Yes, sir.

Representative WESTLAND. Do you own any land?

Mr. WAHB-NO-SAH. Yes.

Representative WESTLAND. Well, if you own land, could you tell me why you are renting it?

Senator WATKINS. I understood him to mean that he owned land but he was not using it himself and he is renting it to others?

Representative WESTLAND. You are renting the land to someone else?

Mr. WAHB-NO-SAH. Yes.

Representative WESTLAND. I understood he was renting some land and living on a farm, Mr. Chairman.

How much do you get in rent?

Mr. WAHB-NO-SAH. \$50 for the pasture.

Representative WESTLAND. \$50 a month or a year, or what?

Mr. WAHB-NO-SAH. A year.

Representative WESTLAND. You get \$50 a year?

Mr. WAHB-NO-SAH. Yes; for the pasture.

Representative WESTLAND. Is there any other income?

Mr. WAHB-NO-SAH. I inherited land of my father, one-fourth of 80 acres.

Representative WESTLAND. Well, the total income, or all of the money that you are getting then from this rent of the land that you own is \$50 a year, is that right?

Mr. WAHB-NO-SAH. And some grain; yes.

Representative WESTLAND. What would that be worth?

Mr. WAHB-NO-SAH. Around about \$75.

Representative WESTLAND. In other words, you get \$50 in rent and about \$75 worth of grain a year?

Mr. WAHB-NO-SAH. Yes, sir.

Representative WESTLAND. How many acres is that land?

Mr. WAHB-NO-SAH. You mean the total?

Representative WESTLAND. Yes; the total that you are getting this rent for?

Mr. WAHB-NO-SAH. One hundred and three and two-sixths.

Representative WESTLAND. That would be about 103 acres?

Mr. WAHB-NO-SAH. Yes, sir.

Representative WESTLAND. Could you tell me what the taxes would be on that land if it were taxable?

Mr. WAHB-NO-SAH. No; I have no idea.

Representative WESTLAND. Do you have any idea at all?

Mr. WAHB-NO-SAH. No.

Representative WESTLAND. I wonder if the attorney might give us any idea on that?

Mr. McGUIRE. I do not know, because that land is not generally taxed out there.

Representative WESTLAND. I understand the reservation land is not taxed, but what would the taxes be on a similar 103 acres off the reservation?

Mr. McGUIRE. I am not a native of Kansas so I could not tell you.

Representative WESTLAND. You are opposing this bill basically because you would not have enough money to pay your taxes on the land, is that right, Mr. Wahb-no-sah?

Mr. WAHB-NO-SAH. That is right.

Representative WESTLAND. Would you be in favor of this bill if it were put in the bill that Indians would not pay taxes on their lands for, let us say, 5 years, until you could get going a little better? Would you then be in favor of the bill, do you think? Suppose, we say no taxes for 5 years on your land.

Mr. WAHB-NO-SAH. No.

Representative WESTLAND. You still would not like it?

Mr. WAHB-NO-SAH. No.

Representative WESTLAND. Could you tell me why?

Mr. WAHB-NO-SAH. Because I expect to live another 30 years.

Representative WESTLAND. Sure, so do I, and then you would have to pay taxes for 25 years, is that right?

Mr. WAHB-NO-SAH. Yes.

Representative WESTLAND. That is all, Mr. Chairman.

Representative SHUFORD. In following up Mr. Westland's question, where do you live? You rent out your land, and where do you live?

Mr. WAHB-NO-SAH. I live on my father-in-law's allotment.

Representative SHUFORD. How many children do you have?

Mr. WAHB-NO-SAH. I have no children.

Representative SHUFORD. Do you have to pay him rent for the use of his land?

Mr. WAHB-NO-SAH. No.

Representative SHUFORD. How many acres does he have?

Mr. WAHB-NO-SAH. He has 80 acres there where I live.

Representative SHUFORD. How many are living with him?

Mr. WAHB-NO-SAH. My wife and myself.

Representative SHUFORD. And your father-in-law lives there, too?

Mr. WAHB-NO-SAH. Yes.

Representative SHUFORD. Just the three of you?

Mr. WAHB-NO-SAH. Yes, sir.

Representative SHUFORD. What income do you have or do you have to pay him rent?

Mr. WAHB-NO-SAH. No, sir.

Representative SHUFORD. Do you farm his land?

Mr. WAHB-NO-SAH. No, sir.

Representative SHUFORD. Who does farm his land?

Mr. WAHB-NO-SAH. A white man.

Representative SHUFORD. Well, does he rent? Does your father-in-law rent that to the white man?

Mr. WAHB-NO-SAH. Yes, sir.

Representative SHUFORD. How much rent does your father-in-law get?

Mr. WAHB-NO-SAH. I cannot answer that. Do you mind if Mr. Hector answers that?

Representative SHUFORD. Does your wife do any work at all except around the house?

Mr. WAHB-NO-SAH. What was that?

Representative SHUFORD. Does your wife work out anywhere?

Mr. WAHB-NO-SAH. No.

Representative SHUFORD. She stays at home?

Mr. WAHB-NO-SAH. Yes, sir.

Representative SHUFORD. I think that is all.

Representative BERRY. Well, you were talking about the Indians on this reservation not having an opportunity for an education.

Mr. WAHB-NO-SAH. Yes, sir.

Representative BERRY. How far do they have to go to school? Do you have a school at Delia? Is there a public school there?

Mr. WAHB-NO-SAH. Oh, yes.

Representative BERRY. Do some of the Indian children go there?

Mr. WAHB-NO-SAH. No.

Representative BERRY. Do they have a school at Marietta?

Mr. WAHB-NO-SAH. Yes.

Representative BERRY. Do some of the Indian children go there?

Mr. WAHB-NO-SAH. A few.

Representative BERRY. How many, would you say?

Mr. WAHB-NO-SAH. Five are going to high school.

Representative BERRY. How many go to the grades?

Mr. WAHB-NO-SAH. Around 10.

Representative BERRY. Do some of them go to school at Hoyt?

Mr. WAHB-NO-SAH. No, not at the present time.

Representative BERRY. Do some of them go to school at Emmett?

Mr. WAHB-NO-SAH. No.

Representative BERRY. Do you have a town on the reservation?

Mr. WAHB-NO-SAH. A store, yes.

Representative BERRY. Where is that?

Mr. WAHB-NO-SAH. Is is about one mile and three-quarters west of the center of the reservation.

Representative BERRY. Do you trade there?

Mr. WAHB-NO-SAH. No.

Representative BERRY. Where do you trade?

Mr. WAHB-NO-SAH. In Grove, Kans.

Representative BERRY. Where is that?

Mr. WAHB-NO-SAH. Nine miles south of the reservation.

Representative BERRY. What I would like to find out is where do most of the children that live here go to school?

Mr. WAHB-NO-SAH. To the public schools.

Representative BERRY. And are there any public schools inside the reservation?

Mr. WAHB-NO-SAH. Yes.

Representative BERRY. Those are operated by the county or the school district, are they?

Mr. WAHB-NO-SAH. I cannot answer that.

Representative BERRY. The tribal council has nothing to do with it and the Government has nothing to do with them, have they?

Mr. WAHB-NO-SAH. I know the tribal council has nothing to do with it. I do not know about the Government officials.

Representative BERRY. Is there anything else that you object to other than getting title to the land? If it was not for the title on the land, would you approve of this bill and would you just as soon this bill passed?

Mr. WAHB-NO-SAH. I don't quite understand.

Representative BERRY. If it was not for the question of titles, would you object to this bill going through?

Mr. WAHB-NO-SAH. Land titles?

Representative BERRY. In other words, you do not want to get a patent to your land?

Mr. WAHB-NO-SAH. No.

Representative BERRY. Is that the only thing that you object to in this bill?

Mr. WAHB-NO-SAH. Yes.

Representative BERRY. That is all?

Mr. WAHB-NO-SAH. Yes.

Representative BERRY. If your land did not go on the tax list, you would not care, would you, whether the bill passed or not?

Mr. WAHB-NO-SAH. I do not quite understand you.

Representative BERRY. I mean that you do not want your land to go on the tax list. Is that what you are objecting to?

Mr. WAHB-NO-SAH. That is right.

Representative BERRY. If your land did not go on the tax list, you would not care about the rest of the bill and you do not object to the rest of the bill?

Mr. WAHB-NO-SAH. In this bill, I do not understand the rest of it.

Representative BERRY. You do not understand the rest of it?

Mr. WAHB-NO-SAH. No, just that particular part there.

Representative BERRY. Did you talk it over with your lawyer and did he tell you anything about what else was in the bill?

Mr. WAHB-NO-SAH. No.

Representative BERRY. What does your name mean?

Mr. WAHB-NO-SAH. What is that?

Representative BERRY. What does your name mean?

Mr. WAHB-NO-SAH. Wahb-no-sah means in the dawn.

Representative BERRY. I think that is all.

Senator WATKINS. Do you have any other income than you get from renting your land?

Mr. WAHB-NO-SAH. No, sir.

Senator WATKINS. You and your wife have to live off that sum of money?

Mr. WAHB-NO-SAH. In part, yes.

Senator WATKINS. How do you get your living?

Mr. WAHB-NO-SAH. We live off the old man.

Senator WATKINS. He puts up the money for you?

Mr. WAHB-NO-SAH. Yes, sir.

Senator WATKINS. You are able-bodied and you can work?

Mr. WAHB-NO-SAH. Oh, no.

Senator WATKINS. Are you sick?

Mr. WAHB-NO-SAH. Yes.

Senator WATKINS. What is the matter and what is your trouble?

Mr. WAHB-NO-SAH. Well, I couldn't explain that.

Senator WATKINS. You do not necessarily have to do it and if you are not able to work and if you are not able-bodied, that is another thing.

Mr. WAHB-NO-SAH. According to the Veterans' Administration, I am 100 percent disabled.

Senator WATKINS. You get the money from the Veterans' Administration, then, do you not?

Mr. WAHB-NO-SAH. No, I have been trying to get it for the last several years and I can't get it.

Senator WATKINS. They say that you are 100 percent disabled and you do not get any money?

Mr. WAHB-NO-SAH. That is right.

Senator WATKINS. Do you have any papers advising you that you are 100 percent disabled?

Mr. WAHB-NO-SAH. It is on file with the Veterans' Administration office in Kansas City.

Senator WATKINS. You served in the Armed Forces of the United States?

Mr. WAHB-NO-SAH. Yes, sir.

Senator WATKINS. Where did you serve?

Mr. WAHB-NO-SAH. In the States.

Senator WATKINS. In the Army?

Mr. WAHB-NO-SAH. Yes, sir.

Senator WATKINS. How long were you in there?

Mr. WAHB-NO-SAH. Six months and twenty-four days.

Senator WATKINS. You have not received any aid from the Government?

Mr. WAHB-NO-SAH. No, sir.

Senator WATKINS. You have received none whatever?

Mr. WAHB-NO-SAH. No, sir.

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Senator WATKINS. You have been trying for several years now to get this relief from the Government on the theory that you are 100 percent disabled?

Mr. WAHB-NO-SAH. Yes, sir.

Senator WATKINS. Did they tell you why you cannot get the relief if they tell you that you are 100 percent disabled?

Mr. WAHB-NO-SAH. What was that, again?

Senator WATKINS. I will put it this way: They say to you that you are 100 percent disabled, but why do they say you cannot get any relief or any help? You know that others who are disabled get help.

Mr. WAHB-NO-SAH. Because I cannot get any evidence. I cannot substantiate my claim, even though I have four affidavits notarized affidavits.

Senator WATKINS. You told me once you worked for 10 days for this construction company.

Mr. WAHB-NO-SAH. Yes.

Senator WATKINS. Why did you quit that job?

Mr. WAHB-NO-SAH. Some white men came in there and crowded me out.

Senator WATKINS. How long ago has it been since you worked at that job?

Mr. WAHB-NO-SAH. About 2 or 3 months ago.

Senator WATKINS. And you were able to do the work all right?

Mr. WAHB-NO-SAH. Well, not very good, no.

Senator WATKINS. Well, the construction company did not discharge you or did not fire you, did they?

Mr. WAHB-NO-SAH. I don't know.

Senator WATKINS. You said some white men crowded you out, and what do you mean by that? How did they crowd you out?

Mr. WAHB-NO-SAH. Well, they told me they got some men here that have been working for them.

Senator WATKINS. Did they say you could not work any more?

Mr. WAHB-NO-SAH. They didn't say.

Senator WATKINS. Did they tell you to come back to work?

Mr. WAHB-NO-SAH. No.

Senator WATKINS. Did they tell you they were dissatisfied with your work?

Mr. WAHB-NO-SAH. No.

Senator WATKINS. This was work with a shovel, shoveling the earth?

Mr. WAHB-NO-SAH. Yes.

Senator WATKINS. Was it heavy work?

Mr. WAHB-NO-SAH. No, it was not.

Senator WATKINS. But you could do it all right?

Mr. WAHB-NO-SAH. For a little while; yes.

Senator WATKINS. Did that trouble which you have which disabled you occur in the Army?

Mr. WAHB-NO-SAH. Yes.

Senator WATKINS. But you had no evidence of it?

Mr. WAHB-NO-SAH. That is what they tell me.

Senator WATKINS. You think that you do have evidence of it. Was there an accident or did it come about as a result of disease?

Mr. WAHB-NO-SAH. It was an accident.

Senator WATKINS. Have you tried to get work anywhere else, other than the construction company?

Mr. WAHB-NO-SAH. Yes.

Senator WATKINS. Many times?

Mr. WAHB-NO-SAH. Yes.

Senator WATKINS. Did you get work?

Mr. WAHB-NO-SAH. Yes.

Senator WATKINS. Where else did you work?

Mr. WAHB-NO-SAH. The Benje Construction Co.

Senator WATKINS. How long did you work there?

Mr. WAHB-NO-SAH. Seven days.

Senator WATKINS. Did they discharge you or fire you?

Mr. WAHB-NO-SAH. They fired me.

Senator WATKINS. Why was that?

Mr. WAHB-NO-SAH. Because I can't stand the work.

Senator WATKINS. You could not stand the work?

Mr. WAHB-NO-SAH. No.

Senator WATKINS. Other times; did you seek employment?

Mr. WAHB-NO-SAH. Yes, sir.

Senator WATKINS. Did you get employment?

Mr. WAHB-NO-SAH. Yes.

Senator WATKINS. What would happen? How long would you work when you would get these jobs?

Mr. WAHB-NO-SAH. From 2 weeks to 4 months.

Senator WATKINS. Did the Veterans' Administration doctors examine you?

Mr. WAHB-NO-SAH. Yes.

Senator WATKINS. Do you have any paper from them saying that you are thoroughly disabled?

Mr. WAHB-NO-SAH. Yes.

Senator WATKINS. Do you have those papers with you?

Mr. WAHB-NO-SAH. No, I was not expecting that question.

Senator WATKINS. The reason I am asking you is that it is aside from this entire question but if you are 100-percent disabled, I think that you ought to be helped anyway that we can help you to get your disability and benefits, providing of course you come within the law. It would seem to me that if you are 100-percent disabled, something ought to be done about it, or at least to determine finally whether you are one who can take advantage of the law.

Mr. McGUIRE. We can get that taken care of in Topeka by local counsel there.

Senator WATKINS. How long has it been since you were told that you were 100-percent disabled?

Mr. WAHB-NO-SAH. In 1948.

Senator WATKINS. That was in 1948?

Mr. WAHB-NO-SAH. Yes.

Senator WATKINS. I think that is all.

Mr. McGUIRE. It is probably that they cannot establish that it is service-connected. That is probably where the difficulty is.

Senator WATKINS. That is all unless the members of the committees have some further questions.

Mr. McGUIRE. I would like to make a short statement, Mr. Chairman.

STATEMENT OF O. R. MCGUIRE, ATTORNEY, WASHINGTON, D. C.,
COUNSEL FOR THE PRAIRIE BAND OF POTAWATOMI INDIANS

Mr. MCGUIRE. My name is O. R. McGuire, an attorney with offices in the Southern Building this city. Prior to my entering private practice, I served for some 21 years in the Government service. In 1945, or about that time, Mr. Robertson, of Topeka, Kans., who had been representing the Potawatomi Indians, associated me with him in connection with a bill that was pending in Congress, which is not material and which did not pass. During that time, there was passed the Indian Claims Commission Act of 1946 and the Prairie Band Indians retained his firm as counsel in the case and they associated me with the claims as attorney of record here in the District of Columbia.

Mr. Robertson has since become rather ill, and I have been carrying on alone.

This matter came up of this legislation and they were unable to handle it there in Topeka because of Mr. Robertson's illness, and the Indians asked me to come up here with them and assist them in what I could in connection with it. I have had a little correspondence with the authors of the bill, and I am going to ask permission to introduce in the record as a part of my remarks the letters which I received from the Senator and Congressman, together with copies of my replies.

The position of these Indians, as I understand it, is that they have assured me and as I know from other correspondence with Mr. Robertson they have been unalterably opposed to any legislation of this character which would have the effect of giving them patents to land and recording the patents and having to pay taxes and this would give the individual Indians the right to sell that land.

This is nothing new with this Prairie Band of Indians. These Indians originated around Chicago and Illinois and Indiana and by the treaty of September 26, 1833, they were promised land in Iowa, in western Iowa, and the treaty commissioners told them that it should be their land and home forever. They had not much more than arrived in Iowa and lit their campfires until the Government began to negotiate with them to move farther west. At the same time, there was a group of the Potawatomi Indians who had been moved to the Osage country in eastern Kansas. There were about five or six thousand of these Indians to begin with, at this time, and finally, in 1946, they did negotiate another treaty with them, whereby the United States paid them \$850,000 for 5,909,000 acres of land and charged them \$87,000 of that for a reservation 30 miles square near Topeka, Kans., including this Jackson County that we have been talking about this morning.

The various groups of Indians were combined in the treaty of 1856 into the Potawatomi Nation and they were moved to this territory in 1847. Very soon thereafter, again, the Government began to talk to them about going to the territory to the south, the Indian country, which is now Oklahoma, and Indian territory. Finally, they negotiated a treaty in 1861, which some of these Indians have referred to, which provided in effect that those Indians who wished to do so could take allotments of land in severalty, of certain acreage stated in the treaty for each Indian adult, child, and so forth, and that they could apply for a certificate of competency from the court and if he secured that then he could sell it.

This Prairie Band, the representatives of whom are here, would have nothing to do with that treaty. They would not send any delegates down there and they would not sign it and they prepared a written petition that the chief signed and submitted to the President of the United States for submission to the United States Senate in an effort to prevent the ratification of the treaty because they objected to the allotment of the land in severalty. They objected to the division of the territory and the breaking of the promise that was contained in the 1846 treaty, that this land which they had paid for should be their land and home forever. That is in the law.

But, no attention was paid, apparently, or at least it did not stop the action and they went ahead and ratified the treaty, and some two-thirds, or 1,400, of the group of Indians left at that time, elected to take their land in severalty and they did that and did take it in severalty. Most of them received certificates of competency and they sold the land and then they were without homes or lands.

By the way, this 11-mile-square reservation was set aside for these Prairie Band Indians, and they were to hold that in common.

Representative SHUFORD. That was in the treaty of 1861, and it was so provided?

Mr. McGUIRE. Yes. The Indian bands were known as the citizen band Indians and there was a surplus lot of land there. Why there should have been any surplus, when they had these Indians up here in the 11-mile-square reservation and why should they have not had their third added to their reservation, I don't know. Nevertheless, the Government proceeded then and provided in the treaty that the Government would sell that land for them. It was sold to the Leavenworth & Pawnee Railroad for \$1.25 an acre, in coin, and they were to divide the money with them.

Well, as I say, those Indians, and I will not pursue that because it has nothing to do with this, who took their land in severalty, disposed of their land and disposed of the money. Of course, there were some, or a few, that did not dispose of their lands, and their descendants are still living in that country, a few of them. But the great bulk of these people did. They had no money and no home and so the Government then finally bought them a reservation in Oklahoma and moved them down there. That is where they are yet and, incidentally, when they moved them down there and put them on that land, they took away from them their right to dispose of the land without Government approval. They were willing enough for them to dispose of it as competent Indians in Kansas but when they got to Oklahoma they could not do that without the approval of the Government.

I think it is quite right and I think the mistake was made in the first instance. Now, these Prairie Band Indians remaining up there in this area 11 miles square, protested this treaty, this 1868 treaty, under which the land was sold. They refused to accept the division of their allotments in severalty and have them capitalized and for many years up to 1908 these Prairie Band Indians received their annuities per capita. They have not changed since 1861 their opposition to taking land in severalty, or each Indian fending for himself and becoming a citizen, because they seem to realize that from experience, not only were there citizen bands, their brother Indians in the Potawatomi Tribe, but also the surrounding Wyandots and the Kaw

Indians and others that were located in the territory. That is their position now.

They object to it for the same reason they objected then, because they feel a greater sense of security; that at least they can hold onto the land; at least they can have a home.

Now, the difficulty and danger of what this bill provides is this: I have been out there on the reservation in connection with the preparation of these cases and I went out there and looked at it. I did not go all over it but I saw part of it and saw how the Indians live, and I think it would be very much worthwhile if the members of this committee or if a subcommittee of this committee would look at it themselves and go out there and see how they live. The land is rough. It is good grazing land, but it is not good farming land except on the streams, as you have been told. I did not see anything, and this was in the height of the growing season, in crops growing except gardens and a few things like that. I doubt seriously and I think they are absolutely correct when they say they do not produce enough on one of those farms to pay the taxes, even if they are only twenty or twenty-five dollars a year and have enough to feed their families and buy their clothes and what not, and this is the first time these Indians have had an opportunity since 1833, and certainly since 1846, to come here to the committee and state their opposition to the Government breaking its promise that this could be their land and their home forever.

They want to continue that way. I appreciate, and I would like to see, economy as much as anybody, and I would like to see the budget balanced, but we cannot balance it at the expense of these poor helpless people. That is what they are. I had some experience with these Indians, or with Indians, when I was a very young boy in Oklahoma. They do not seem to be able to do a white man's work. I have never seen one yet that would do it. So I am merely stating what their position is, as their attorney.

Now, to say that you are going to give them additional rights, that is only superficially true. It appears so on the record, but the fact of the matter is that if this bill were to go through and they were forced to take their lands under a patent, a great many of them, addicted to liquor, would dispose of the lands and the money would be squandered, and then where would they and their families be? There is no more open land that United States can buy and send these Indians to as they did the Citizens Band back in 1861 and 1862. We do not want those Indians and they do not want to be beggars on the streets of Topeka and the streets of the West.

As you have heard it said, there was segregation, or rather, discrimination, and I think that is the word they want, with respect to employment. I do not think it is so much discrimination because they are Indians; it is because of the fact that, generally speaking, you cannot get as much work out of an Indian as you can out of a white man. There is some difference.

In 1908, when I spoke of not being able to get these Indians to agree to the commutation of their annuity, the Government in 1908 acting under statutes which said the agreements should be negotiated with the tribe, the agents of the Government went out there and negotiated the treaty not with the tribe as formerly, but with the individual Indians. They talked to some of them at a meeting, but

then the rest of them they hunted and searched around and found them where they could and some of them lived up in Wisconsin and they went up there and got some of their signatures, and they received a majority of 2 or 3 votes.

So, they commuted their annuities and it only paid them \$10 a year, but they paid them a lump sum of \$208, but that took away from them the money they generally used to buy seed. At that time, very few of those Indians did or could sign their names to the commutation agreement. They could not read or write in English, and in taking testimony in one of these cases that we have pending or we had pending before the Indian Claims Commission, a number of those Indians had to testify through an interpreter. We had the interpreter and the record will so show.

Now, it is my understanding that these Indians have or did have about \$3,600 on deposit with the Treasury, and that is not quite the correct amount but I do not know what that amount is. It is a very small amount because they received no moneys from the Government, and this comes from the matter of Indian moneys they have earned perhaps for minors and things like that, or products and funds that have gone in there. It is a small amount.

I knew of their poverty and I tried to get this committee to act through a subcommittee and take this testimony in Kansas on the reservation where they could go out there and see them because these Indians are not able to pay for coming here.

They have asked for an advance, and they have gotten it, and no doubt it is charged to this small sum for three of them to come. That is to oppose legislation which they have never asked for, and have been steadily opposed to it all along.

Now, to exempt them for 5 years would not be any benefit to these Indians. It would be a benefit for 5 years, yes, but what is going to happen after the 5 years. The taxes would be slapped on. Why is Jackson County and Kansas State authorities so anxious to get these Indians apparently to receive patents and attempt to collect the taxes from them when they would not accept the patents?

Now, I know that has happened. If you are interested in that record, I think we can find it for you. I do not blame the people of Kansas for wanting to collect the taxes, but still the Government cannot or should not violate its promise of 1946 and withdraw that protection. I think that that is all I have to say about it.

Representative BERRY. I did not get a chance to hear the final statements of your testimony, Colonel McGuire. How many times have you been out there?

Mr. McGuire. Just one time.

Representative BERRY. What would be your solution, and what do you think should be done?

Mr. McGuire. Well, one thing, we have had no consistent policy. My study of the records for the past 150 years in connection with these cases shows me that almost with every change of administration, or change of secretaries, there would be a change of policy.

Representative BERRY. That is not confined to the Indian department, is it?

Mr. McGuire. It is particularly disturbing when you are dealing with the Indians. They do not know what they are told to do. It

keeps them confused. If we could have a consistent policy, it would be helpful.

I do think the Government at present has embarked upon a very sensible program of having rather first-grade men as area directors and paying them enough that you can get first-rate men for those jobs.

Now, the men who are actually on the reservations, of course we cannot pay them as much, and you cannot get as good men; but with an active vigilant area director who can keep a pretty close rein on these men in the field, I think that is a good thing. I think we should do whatever we can to persuade the Indians to let their children go to school.

Representative BERRY. Do they not go to school?

Mr. McGUIRE. Very reluctantly, in most instances. The Indians love their families very much, and they do not like to have their children sent away to boarding schools.

Representative BERRY. But on this reservation is there not sufficient schools within reasonable range so that they could all attend?

Mr. McGUIRE. The difficulty there, Congressman, is this, as has been mentioned: If they send them to a white school, the white children and the Indian children fall out and they fight. There is all kinds of difficulties there. The problem is very great and the Indian children stay home.

I think if you had a school on the reservation for Indians with perhaps some educated Indians to do the instruction work, you would find a good deal of popularity with it.

Representative BERRY. I live on an Indian reservation, and I have for 25 years. My people are Sioux. In my experience where these Indian children have an opportunity to go to school with the white children, we have no difficulty.

Mr. McGUIRE. You do not have too many of them. There you have a great many more white people and just a few Indian children.

Representative BERRY. As to the ratio in the town of Mission on the Rosebud Indian Reservation, there are at the present time more than a third more Indian children than there are white children. It depends on the school.

Mr. McGUIRE. Perhaps you could get someone from the Rosebud Reservation to go down there and show those people how to handle this thing. Certainly, they do not get along now.

Representative BERRY. How are they going to learn to get along 50 years from now if they cannot get along now?

Mr. McGUIRE. That is the reason I think there ought to be an effort to feed them into the schools. We have been trying to civilize the Indians for at least a century and a half, and we do not seem to have made a great deal of progress.

Representative WESTLAND. I would like to interrupt this conversation a bit.

Mr. McGUIRE has made a few statements here, some of which I certainly disagree with, and I certainly disagree with your last statement. I know quite a few Indians in my State, for example, that are getting along fine, and I do not like any broad statement like that to go into the record.

Mr. McGUIRE. I was talking about this reservation.

Representative WESTLAND. You were making a pretty general statement there; therefore, you have told about the Potawatomi Tribes here. I realize that the history of this country and the treatment of the Indians perhaps has not been good. But by the same token, I understand that you are suing the Government now in claims for those damages.

Mr. McGUIRE. That is right.

Representative WESTLAND. Therefore, they are getting representation for any mistakes, or errors of omission or commission, that our Federal Government has made.

Mr. McGUIRE. May I interrupt?

Representative WESTLAND. No. And you are making that claim right now. I understand that you do not have a general contract of representation for this tribe, which is certainly normal when an attorney appears for them, or for any tribe.

Normally, a contract is agreed by the Secretary of Interior. Therefore, you are here, in my opinion at least, and I may be wrong, very ex officio.

Mr. McGUIRE. If you want to know about that, I have stated on the record how that happened.

Representative WESTLAND. The purpose of this committee I am positive, is to help Indian tribes achieve a full status in the country. I do not believe that there is any intent on the part of the committee to force Indians into any status that they do not desire. In my district, in the State of Washington, there are a great many Indians that want to assume full citizenship status, that are quite willing to pay the taxes on their lands in order to achieve that status.

Where a tribe, such as the Potawatomis here, claim they do not want it, it still has to be proven to me that this tribe does not want it because we had an earlier testimony from Mrs. Evans that out of some 600 to 700 Indians living on this reservation, there were only 100 votes against this bill.

I would like to know how the other 500 or 600 feel. Where they do not want to achieve a full status, then I do not believe it is the intention of this committee to force them into it.

Mr. McGUIRE. If the committee will just take them out, that is good. But so far as this appearance is concerned, I have full appearance. I appear as associate attorney with Mr. Robertson, and the assignment is before the Commissioner of Indian Affairs. I am the attorney of record before the Indian Claims Commission in each case. I represent the Wyandots and two or three other tribes.

Representative WESTLAND. There is no record, so I am told, of a contract with your firm for general representation of the Potawatomis.

Mr. McGUIRE. I was asked to because Mr. Robertson could not come, and the Indians asked me to come up here and help them.

Representative WESTLAND. I wanted that as a matter of record, that there is no contract.

Representative BERRY. Do you have any other questions, Mr. Shuford?

Representative SHUFORD. I have no questions.

Representative BERRY. I would like to ask this question. I do not know whether you are in a position to answer or not. Suppose that the Government, through the Indian Department, would enter into a

contract with the school districts and with the counties, however their schools are run, whether by county or school district, to maintain or to pay for the cost of education, or to make a payment in lieu of taxes either for law enforcement, or for roadbuilding, or for schools, and so forth. Do you think that that would help the situation any?

Mr. McGUIRE. It would certainly be a step forward, I think. It is unfair to ask the people of Kansas, for instance, to establish schools down there and pay for them out of their own pocket when, of course, they cannot tax the land.

Representative BERRY. Is this discrimination a result of the failure of the Government to carry its share?

Mr. McGUIRE. I do not know that that is it. I think it is just where you have these children going to the same school, and just a small number of Indians compared with a large number of white people, and there seem to be antagonism built up between the children. Now how you can get rid of that, I really have no answer to it. It would seem to me that at least for certain periods, say the primary grades, 6, 7, or 8 eight years old, they might if they could get Kansas to do it establish a number of one-room country schools or something like that down there in the reservation and send the children to that.

Representative BERRY. Are not the first 5 or 6 the impressive age of a child and is not that when he should be with the white pupils?

Mr. McGUIRE. That is generally true, but the difficulty is transporting these little fellows in the buses to other sites.

Representative BERRY. They transport the white children, do they not?

Mr. McGUIRE. I know, but the Indian parents do not seem to send their own that way, except occasionally. In other words, you are not getting them into school and there must be something wrong at present; and when you do get them in there is this antagonism. I think that that is a job for some racial or school experts to go down there and solve.

I would really think that the Government has representatives here today of the Indian Office, and they might very well arrange to have some of these men that are trained, and also women who are trained, in the Rosebud School go down and see if they could help those people out in Kansas.

Representative SHUFORD. There are two or three questions that I would like to ask. Mr. McGuire, do you know how many Indians live on the reservation?

Mr. McGUIRE. I do not know exactly, but I would think that there are probably around 650, or from 500 up to 650.

Representative SHUFORD. How many families would that be?

Mr. McGUIRE. I do not know. I believe there are some statistics here in one of the Government publications as to the number that are there. There is a large volume, and I think that you have that volume that has those statistics. Whether that is correct, I could not say.

Representative SHUFORD. Now, Mr. Wahb-no-sah seems to be a typical member of that tribe, and his income, so far as this record shows, is \$125 a year for himself and his wife. He lives with his father-in-law.

Mr. McGUIRE. He gets some support from him.

Representative SHUFORD. Yes. Now, is that typical of the tribe, or the members of the tribe, that that is the only income that they have during the year?

Mr. McGUIRE. From what I saw when I was there, the Indians live as Mr. Wahwassuck said, in a pretty poverty-stricken condition. The houses are very small. I saw no livestock, or very little livestock, occasionally a cow or perhaps a hog.

Representative WESTLAND. Mr. McGuire, if that is the case, how can it be worse than it is now? I mean, it seems to me that a tribe like this has reached the depths, then, and how could they be worse off than they are? Perhaps if they were given their, let us say, freedom, and do not have this idea of relying and leaning on somebody, and if they had thought that they had to get things for themselves, perhaps that would be better.

Apparently, from the description here you have them in the worse condition you could get them in, and how could it be worse?

Mr. McGUIRE. We did not get them in that situation.

Representative WESTLAND. Well they are in it.

Mr. McGUIRE. They got in it because I think the Government in the first place put them up there in a poor section.

Representative WESTLAND. They are there now, and that is water over the dam. How can it be worse, and perhaps this would be better?

Mr. McGUIRE. It would just add to the misery, I can assure you on that, on the basis of history and experience of these tribes, of these Indians. You will find no doubt as to your Indians in Washington, unless you have people who can treat the Indian a whole lot better and more understandingly than we have done up to now, the same situation will arise there.

It seems to me, Congressman, this is what happens: They got this land, and they have got a place to go to. They can put up a tent and they can build a cabin, and they have a home. Now, it was our hope that if we had any recovery in any of these Indian cases that that money could go right back up here before anything took place, setting up a trust fund for these Indians that are living, and their dependents, inevitably, with no provision that they can be paid out any money except the interest.

Representative WESTLAND. May I interrupt there? I will take that part up first. First of all, if a judgment is rendered, and some very substantial judgments have been rendered, then the rest of the taxpayers of the country have to pay interest on that money as it sits in the Federal Treasury, and some of them are drawing 5 percent interest. We can only sell our Government securities at about 2½ to 3 percent. That does not seem quite equitable, that the money should be allowed to stay there.

The other point I would like to bring out is that if these people are afraid of losing their land, why do not you draw up a trust agreement for them, and put their lands in trust, so that they cannot get rid of them, and they can have their own trust?

Mr. McGUIRE. There is only so much work a lawyer can do. I have my hands full with these cases.

Representative WESTLAND. There must be some lawyers around that could draw up a trust, so that some scalper could not come in and take it away from them.

Mr. McGUIRE. I think the Government is the best trust that the Indians could have.

Representative WESTLAND. Apparently it has not worked out very well.

Mr. McGUIRE. It has not been satisfactory, I will agree. A large part of it has been due to that. I think the Government can do it, at least today with these area directors, with first-rate people. I do not want to say it in his presence but here is Mr. Head, and I wish you would look him over when he testifies. That man can get out here and see what is going on in all of these agencies. He can get new ideas, and he could go up to Rosebud and see what is going on there and come down to Kansas and look at the situation and say, "Why here, let us do something about this."

The trouble of it is we have not had that kind of a man in the Indian agency very often. We had a man by the name of Elliott out there in Iowa in 1833. We had Dr. McCoy that did worlds for the Indians in 1837 and 1838 and 1840.

Representative BERRY. The truth is you have no solution for this thing except to sit here in Washington and represent these people?

Mr. McGUIRE. My representation will be over when these cases have been ended.

Representative BERRY. That is your principal interest; is it not?

Mr. McGUIRE. No. If we can recover the money, I do not want to see it wasted. I do not think it should be. I think that it should be hedged about with protection that these Indians will not be brought to this state any more.

Representative BERRY. Suppose when you were young your parents had set up a trust for you to pay you \$100 or \$200 a month as long as you lived. Do you think that you would be practicing law in Washington and have reached or attained the success that you have apparently obtained?

Mr. McGUIRE. I am certain that I would not.

Representative BERRY. And I do not think you would be in this room, and yet that is what you are proposing for his son.

Mr. McGUIRE. I do not concede that the Indian and the Anglo-Saxon approach these things from the same viewpoint. What we may consider important, the Indian does not think is important at all, and vice versa.

Representative BERRY. They are very much like us. They are pretty much the same as us white people. You give them something, just a little bit less than he can live on, and he is going to live on it.

Mr. McGUIRE. That is what they have now, a whole lot less.

Representative BERRY. Do you not think we can improve it? I do.

Mr. McGUIRE. Not by taking their land away from them and letting them sell their land and their homes.

Representative BERRY. Does anyone else have any questions they would like to ask?

Since there are no more questions, I think that the meeting will be adjourned.

We will stand in recess until 2 o'clock.

(Thereupon, the hearing recessed at 12:45 p. m., Thursday, February 18, 1954, to reconvene at 2 p. m., the same date.)

AFTERNOON SESSION

The hearing was resumed at 2 p. m.

Representative BERRY. The subcommittee will come to order.

The first witness that we shall call this afternoon is Mrs. Cadue. While Mrs. Cadue is coming to the witness stand, I have here the statement of Congressman Howard S. Miller of Kansas, that he has asked to have placed in the record, and without objection, it will be made a part of the record.

(The letter referred to is as follows:)

STATEMENT OF CONGRESSMAN HOWARD S. MILLER CONCERNING S. 2743 AND H. R. 7318

It is my pleasure to introduce to this joint meeting of the Subcommittees on Indian Affairs of the Senate and House Committees on Interior and Insular Affairs, representatives of the tribal councils of 2 of the 4 tribes that reside in, or partially in, the First District of Kansas.

I had the opportunity on several occasions during the adjournment of Congress to meet with these various tribes on their own reservations to discuss the matters in the bills under discussion today. I wish to take this opportunity to thank this joint committee for giving these tribal representatives the opportunity to present the views of their tribes on these bills.

Present today are: Mrs. Vesta Cadue and Mr. Ralph Simon of the Kickapoo Tribe; and Mrs. Minnie Evans, Mr. John P. Wahwassuck, and Mr. James Wahu-no-sah of the Potawatomi Tribe.

It is my understanding that the council of the Iowa Tribe which is partially in the First District of Kansas and partially in Nebraska, has sent a statement. The tribal representative of the Sac-Fox Tribe was unable to be present today.

Representative BERRY. Also the statement of Leonard Fee and George Kills of the Iowa Tribe, which will, without objection, be made a part of the record.

(The statement referred to is as follows:)

RDLO, NEBR., February 7, 1954.

HON. HUGH BUTLER,

United States Senator from Nebraska,
Washington, D. C.

HON. HUGH BUTLER: A meeting was held by the Iowa Tribe of Indians in the States of Kansas and Nebraska on this date February 7, 1954, and all the members voted to protest the bill S. 2743 and H. R. 7318, providing for the termination of Federal supervision over the property of the Sac and Fox, the Iowa Tribe of Indians of Kansas and Nebraska and the Kickapoo, and the Prairie Band of Pottawatomie Indians in Kansas.

We are not sending a delegate for the public hearing on this bill, but have sent a written protest.

The members of the Iowa Tribe of Indians of Kansas and Nebraska feel that you should know the reasons for the protest.

Below is a summary of the general opinion of the members; if this bill is passed the members would like these modifications:

1. The members of the tribe be given the first chance to buy heirship, allotted, assigned, or any tribal lands on their reservation.
2. A finance stipulation, enabling them to buy these lands through a Federal loan agency, guaranteeing them aid through a Federal loan, making it possible for them to buy their lands. This is one of the main and necessary modifications, because there are 13 families living on assigned lands and none of these members have the necessary money to enable them to make the downpayment on these lands. This would force them off their homes. Several of these are aged, have large families, and are incapable of making a living other than farming.
3. Several claims are pending against the Government by the Iowa Tribe of Indians of Kansas and Nebraska and the members strongly feel that all claims should be settled by the Government before this bill is passed.

1386 FEDERAL SUPERVISION OVER CERTAIN TRIBES OF INDIANS

As our Congressman, we feel that you will endeavor to protect our interests therefore we are relying on your support.

LEONARD FEE, *Chairman,*
GEORGE KILLS, *Secretary,*

Executive Members of the Iowa Tribe of Indians of Kansas and Nebraska.

Representative BERRY. Mrs. Cadue, for the record, will you state your name and where you reside?

STATEMENTS OF MRS. VESTANA CADUE, CHAIRMAN, AND RALPH SIMON, SECRETARY, KICKAPOO TRIBAL BUSINESS COUNCIL

Mrs. CADUE. You know my name.

Representative BERRY. Your name is Vestana Cadue, and you live where?

Mrs. CADUE. Eight miles west of Horton on the reservation.

Representative BERRY. Do you have a written statement?

Mrs. CADUE. Yes.

Representative BERRY. Do you wish to read it?

Mrs. CADUE. This is a statement of Mrs. Vestana Cadue, chairman, and Ralph Simon, secretary, of the Kickapoo Tribal Business Council, before the Subcommittee on Indian Affairs of the Senate and House Committees on Interior and Insular Affairs, concerning S. 2743 and H. R. 7318.

There are some 170 Kickapoo Indians, out of approximately three or four hundred enrolled members of the tribe, remaining on the present Kickapoo Reservation, whose chief source of income is the rentals received from land held in trust by the Government. Through a system of land management in the past, all the land on the Kickapoo reservation has deteriorated so badly that only a fraction of its former productivity remains. As a result, those who depend on land rentals for a livelihood and those who use these rentals as a supplement to the meager wages received from outside employment, have had to accept less income from their land, and an additional burden of high land taxes cannot be met without an appreciable lowering of living standards which are already far below those of our white neighbors.

Indians of the Kickapoo Reservation are not generally competent to handle their own affairs in competition with their white neighbors. They are lacking in education and are totally unaware and ignorant of the many civil laws to which they might have recourse and to which they would be subjected. To illustrate this situation we refer to the revolving loan program conducted by the Kickapoo Tribe in accordance with powers conferred upon the tribe by its constitution and bylaws. A total of \$25,000 was loaned to the Kickapoo Tribe by the Government for credit operations; 58 loans were made to 25 different individuals. These loans were for the purpose of assisting Indians in becoming self-supporting through engagement in farming enterprises. The program resulted in practically 100 per cent failure in that only 2 individuals out of the 25 who were granted loans are yet engaged in farming operations. All the others have long since been forced to sell out and look to other means for a livelihood. There can be but one conclusion drawn from the above example. These Indians did not fail because of laziness. They were not qualified to handle their own affairs and made many mistakes from which they could not recover. With adequate supervision from

the Government, all these Indians could have become self-supporting and independent in their farming enterprises. To illustrate further, a corporate enterprise was established in 1942 which had as its main purpose the furnishing of farm machinery to Indians unable to purchase such equipment. This project was financed through a small rental charge to those using the equipment. Until removal of Government extension personnel from the Pottawatomie Agency this project was entirely self-supporting. Now, the equipment is idle and deteriorating through disuse, and the enterprise shows no activity for several years. Again only one conclusion can be drawn. A general lack of business acumen prevented anyone from taking over and keeping the enterprise active.

The economic situation of the Kickapoo Indians has been and will be the cause for many injustices done those who depend on the reservation for a living. There is never enough money in a household to maintain a proper standard of living. There are times when a family or individual will need money in an emergency. To him, this is the all-important thing in his life at that time. There are instances where our Indians attach too great an importance on the present situation without thought for the future and will forfeit future profits for a smaller gain if it is forthcoming immediately. Without supervision and control, our people will surely make improper decisions and use bad judgment in times of financial distress, and may thereby enter into legal agreements for an immediate consideration which would result in the disposal of their property and possessions for a fraction of its true value. We need Government supervision and controls in these matters because our people do not have a sense of values as do our white neighbors.

There is a certain amount of discrimination in the public schools which our children must attend. Our children are often shunned by their non-Indian schoolmates. Growing up in this sort of atmosphere does little to bring out the best qualities in a child during his most impressionable years. There is, also, discrimination directed at our people when in competition with non-Indians for various jobs. Indians who have equal job qualifications with non-Indians are almost always given the last opportunity for employment when the employer has a choice. We realize that this is something that only time will overcome; however, it definitely has an effect on us at the present time, and places us at a disadvantage in earning a living. Making our lands taxable would only render it more difficult for us to maintain our present low standard of living, and until such time as there is no discrimination at all, we will never be on an equal footing with our white neighbors.

Finally, we feel that this bill should not become law because in doing so we are thrown upon the public not as assets but as liabilities. Very few, if any, will be able to keep their land if it becomes taxable. Even should the land be disposed of for its true value there is no assurance that the proceeds will be used wisely. Those who dispose of their lands will not be eligible for public welfare if the proceeds are dissipated before a predetermined time. These people must live in some manner, however. To remove these lands from a trust status will eventually mean that three-fourths of the reservation Indian population will become public-welfare clients. We feel that our remaining

land should be protected from alienation as there will be a time when many more of our tribesmen will return to the reservation. We wish to have a place to return to if it becomes necessary to go out in search of work and find that we are unable to wholly compete with the outside world. We want our lands to remain for our children and our children's children as was promised our forefathers when they were forced to move from place to place always with the assurance that they would be protected and their treaty rights respected. Removal of the agency and its employees will take from us the medium from whence we obtain advice and assistance on many of our problems, the nature of which no other comparable agency or office would be concerned or interested. We highly feel that if there be justice for a small minority group such as we, then we ask in all humility that our views and wishes be respected, that serious consideration be given to our objections, and that action be taken to devise a program which contains the recommendations enumerated further:

1. We recommend that the Potawatomi Agency remain essentially as it is now, but that more attention be given to the items listed below.

2. Recognizing the deplorable health conditions of our people and the lack of individual funds for medical and hospital care, we recommend that more health services be furnished. This should be in the nature of more funds for payment of medical and hospital care in non-Indian hospitals and for payment of expenses incident to the transportation of patients to the Pawnee Indian Hospital, Pawnee, Okla., and/or to other health centers.

3. Recognizing that vocational training cannot be overemphasized, we recommend that the education program be modified to permit the enrollment of our children in the vocational schools of Haskell Institute, Lawrence, Kans., and Chilocco Indian School, Chilocco, Okla., by choice rather than on a welfare basis as heretofore.

4. The present rules and regulations governing the disposal of trust and restricted Indian land should be modified and relaxed to the extent that lands involving multiple heirs could be disposed of upon application by the majority shareholders. The application should be considered without regard to the competency of anyone making such application or to any of the others who are shareholders. The interests of minors, however, should be protected at all times.

5. Sufficient personnel should be furnished by the Government to carry out efficiently any program of the Indian Bureau in regard to the recommendations made above.

Representative BERRY. Thank you, Mrs. Cadue. That is a very nice statement and very well prepared. Who helped you prepare it, if I may ask?

Mrs. CADUE. Well, when we had a council, the members of the tribe all said what they would like to have done, and so we wrote it on a paper, and we had one of our clerks type it for us. We tried to make it as short as we could in a businesslike way. So Mr. Morrison typed it for us.

Representative BERRY. And when was this meeting held?

Mrs. CADUE. It was held in October.

Representative BERRY. Do you have any official position in the tribe?

Mrs. CADUE. Well, I am chairman of the council.

Representative BERRY. You are chairman of the council?

Mrs. CADUE. Yes.

Representative BERRY. Is your reservation an organized reservation under the Wheeler-Howard Act?

Mrs. CADUE. Well, I don't know what is the Wheeler-Howard Act. I don't have any understanding about that.

Representative BERRY. But it is organized?

Mrs. CADUE. Yes; it is organized.

Representative BERRY. And you have a tribal council. How many on your council?

Mrs. CADUE. Just seven.

Representative BERRY. And you say there are about 170 Indians that belong to your tribe?

Mrs. CADUE. That are on the reservation. There are more enrolled. But the majority of them are out in other places.

Representative BERRY. This 170. How many families would that include?

Mrs. CADUE. Well, we counted 32 homes, and there were 5 homes vacant. They moved to town, to Horton.

Representative BERRY. So there are about 29 families actually living there now?

Mrs. CADUE. Yes.

Representative BERRY. Do you have any funds? Does your tribe have any funds, any money?

Mrs. CADUE. Well, I don't know. There are funds there at the office, but I don't know whether that belongs to the tribe or not.

Representative BERRY. Do you have an agency office here?

Mrs. CADUE. Yes.

Representative BERRY. A superintendent?

Mrs. CADUE. Yes.

Representative BERRY. How long is your reservation? The reservation is how big?

Mrs. CADUE. Six by five miles, 6 miles one way and 5 miles the other way.

Representative BERRY. What kind of land is it?

Mrs. CADUE. Well, I would say it is poor.

Representative BERRY. Poor? Rolling?

Mrs. CADUE. Well, it is rough.

Representative BERRY. Is it allotted? Has it been allotted to families?

Mrs. CADUE. Well, yes. These that still have allotted lands are the ones that are still living there on the reservation.

Representative BERRY. And those that were not given allotments, most of them, have moved away?

Mrs. CADUE. The younger generation, yes.

Representative BERRY. Are they getting along pretty well?

Mrs. CADUE. That is what made them move away, because there wasn't any way of making a living there if the State owned the reservation. That is why they got out.

Representative BERRY. And if you held this reservation, Mrs. Cadue, as it is, for the next hundred years, it would be just the same, would it not? About 27 families could make a living on it, and that would be just about all? Wouldn't that be about right?

Mrs. CADUE. Well, the way it seems to me, we don't have so many old people left there now. So I don't know.

Representative BERRY. Where have the old people gone?

Mrs. CADUE. We are still working on it, our generation.

Well, I have an old mother living there yet. She is still on the land.

Representative BERRY. And do you live on the farm?

Mrs. CADUE. On the allotment.

Representative BERRY. How many children have an interest in that allotment? How many were there in your family?

Mrs. CADUE. There were eight of us.

Representative BERRY. And how many of those are still living?

Mrs. CADUE. Let's see. I have 2 brothers and 2 sisters. Five.

Representative BERRY. Where do they all live?

Mrs. CADUE. My brother lives in Topeka. He works there. And I have another brother in Washington, in Seattle. He is working there. And I have a sister in Oregon. That is where they make a living. And I have a sister living with my mother. She is sick. Then I live on my allotted land.

Representative BERRY. Are you married?

Mrs. CADUE. Yes.

Representative BERRY. You have a family of your own?

Mrs. CADUE. Yes.

Representative BERRY. You have an allotment of your own; is that correct?

Mrs. CADUE. Yes.

Representative BERRY. Now, your brothers and sisters who have left, the one in Washington, the one in Oregon, the one in Topeka, are getting along very nicely, are they not?

Mrs. CADUE. Yes.

Representative BERRY. And they get nothing at all from the Federal Government?

Mrs. CADUE. Oh, no.

Representative BERRY. And do not want anything, do they?

Mrs. CADUE. No; they don't.

Representative BERRY. They live just the same as any other person, don't they?

Mrs. CADUE. Yes. But my brother in Topeka is interested in trying to keep our lands nontaxable on account of my mother and the home place there.

Representative BERRY. And, actually, the tax situation is about the only thing you people are interested in, on this bill, is it not?

Mrs. CADUE. Yes.

Representative BERRY. If there wasn't any provision that you should get a patent to your land and it would be placed on the tax list, actually you would not have any objection to the bill at all, would you?

Mrs. CADUE. No.

Representative BERRY. And I think that is about the same situation that the Potawatomi people, who were in here this morning have; don't you?

Mrs. CADUE. I don't know about them. We don't work together or anything.

Representative BERRY. You are not too far apart, are you?

Mrs. CADUE. No.

Representative BERRY. Your people go to public schools, do they not?

Mrs. CADUE. Yes; I have one, my youngest one, still in grade school, and I had 2 boys and 2 girls that went to high school and all graduated, finished high school.

Representative BERRY. And they did not have any trouble, did they?

Mrs. CADUE. No; my children didn't.

Representative BERRY. By and large, the children, then, have not had any trouble, have they?

Mrs. CADUE. I don't know anything about the others.

Representative BERRY. But when your children came home, they would talk about the other children? If the other children were not getting along well, you would pretty much know it, would you not?

Mrs. CADUE. Well, I have here just rumors about how the younger ones were being treated in grade schools. But my boys were in high schools, and they never said anything about the younger ones, because they didn't know anything about them. So I don't know. I don't know how it really worked.

The way it looks to me, it would seem like just individuals.

Representative BERRY. I think that is right. And I think it is not the fact that they got along well because they were Indians or they did not get along well because they were individuals. It is just a proposition of the individual Indian himself, is not that it?

Mrs. CADUE. That is the way I think.

Representative BERRY. That is the way I think, too. I think you and I are pretty much in agreement, Mrs. Cadue. And I think that you and I are pretty much in agreement on the fact that children are better off when they go to a public school, instead of going to an Indian school. Don't you think that is right?

Mrs. CADUE. That is the way it was in my family. I still have a boy in grade school, and he seems to be getting along all right.

Representative BERRY. How much land do you folks farm?

Mrs. CADUE. Well, we are not farming. I was allotted 80 acres, and I traded this 80 for 40 that had already improvements on the place. So we have about 40. And there are only about 31 acres of farming ground, and we rent that out.

Representative BERRY. And what do you folks do? What does your husband do?

Mrs. CADUE. Well, he is working. He goes back and forth to Atchison to work, just in labor.

Representative BERRY. Do you work, yourself?

Mrs. CADUE. No. I did when the day school was on. I was a teacher for the schoolchildren. After that closed I haven't been doing anything. I did a little work in the laundry, but that didn't last long. On account of my sister being sick, I had to go out and take her to the doctor.

Representative BERRY. You raised a family of four children?

Mrs. CADUE. I have five children.

Representative BERRY. You have done a pretty good job, haven't you?

Mrs. CADUE. The old girls are married and are out for themselves now. So I have three boys.

Representative BERRY. My experience has been that in our high school at home—and I live on an Indian reservation—we find that the Indian boys do make just a little better job of playing basketball than their white neighbors, and by and large, I think they are probably a little bit more popular, lots of times, than the white boys are.

You were talking about these loans. Now, this loan that was made to these members of the tribe was handled through the tribal council, was it not? Or wasn't it? Was that handled through the agency office?

Mrs. CADUE. Well, I would say it was handled by both.

They have a tribal counselor, and they should have gone and talked to them first about different things. And then the agency handles it, most of it.

Representative BERRY. Handles the loan making, the papers, the approving of the loan, and so forth?

Mrs. CADUE. Yes, sir.

Representative BERRY. Now, I had it marked here, but I cannot see it right now.

Twenty-five thousand dollars was loaned, was it not, to 25 different individuals?

Mrs. CADUE. Yes.

Representative BERRY. Well, now, in your experience these were all made to farm, weren't they?

Mrs. CADUE. Yes.

Representative BERRY. Setting boys up as farmers?

Mrs. CADUE. Yes.

Representative BERRY. In your experience, do you think that there is any greater percentage of Indian boys or Indian men that can make a success of farming, than white people? I mean, it is about the same percentage, isn't it? About the same number out of a hundred Indian men? There are probably about 25 or 30 who would make a success farming? Would you say that was about right?

Mrs. CADUE. Yes.

Representative BERRY. And out of a hundred white people, white men, there are about 25 or 30 that would make a success of farming; isn't that right?

Mrs. CADUE. Yes.

Representative BERRY. And if 25 loans are made to set these men up in the livestock business or the farming business, don't you think that if those same loans had been made to white people, under those same circumstances, there would have been just about the same amount of failures? In other words, this program was set up to make farmers out of Indians. Just because they were Indian people, the Government thought they should be farming and they should be farmers.

If they had taken that same money, possibly, and taught them to be mechanics or taught various trades, maybe they might have been better off, mightn't they?

Mrs. CADUE. Well, I don't know. It seems to me like that would apply to individuals, too.

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Representative BERRY: Well, whatever they were best fitted for?

Mrs. CADUE: Yes; what they wanted.

Representative BERRY: But you didn't have any program to help them get into the store business or to teach them to be mechanics or anything like that?

Mrs. CADUE: No.

Representative BERRY: The only thing you had was a program to make farmers out of them. And it failed. And therefore they thought, "Well, it is because they are Indians." It is because of the program. That is my judgment. Would you agree with that?

Mrs. CADUE: That just because they are Indians, they couldn't make a success in farming? Well, I don't know what happened.

Representative BERRY: How much land did they give these boys when they set them up in the stock business, or the farming business?

Mrs. CADUE: The way I understood it, I thought they bought land for them, and they assigned about 80 acres to each assignment, to these farmers that wanted to farm.

Representative BERRY: You can't live on 80 acres, can you?

Mrs. CADUE: No.

Representative BERRY: They couldn't have made a success out of it if they had been supermen, I don't think.

Don't you think that by and large your people would be better off if they received the same services that the rest of us do? I mean, when we need help, when we need hospitalization, and don't have the money, we go to our welfare office. Don't you think that if your people went to the welfare office instead of the agency, they would be just as well off or maybe better off than they are going to the agency?

Mrs. CADUE: Well, the way the Indians are back there, the order Indians, they are just used to being under the Government. And that is what they can't quite understand. They don't want to go to the welfare, because the welfare people just limit them, just give them so much. And if an Indian goes and tries to ask for a little more or something, they turn them down flat. Right there it shows that they don't care much for the Indians on that part.

Representative BERRY: Well, but now, wait a minute. Suppose I did the same thing. They would probably turn me down, too, wouldn't they? I mean, they have a certain criterion that they follow, don't you think? Do you think they discriminate against the Indians? The welfare office?

Mrs. CADUE: Yes. They do in Hiawatha. I know that woman who goes around does. I have seen that.

Representative BERRY: I think that is all, Mr. Shuford, are there any questions?

I want to thank you, Mrs. Cadue, for being a very excellent witness, and giving us a very fine picture of your people and your reservation, and for making a very fine statement.

Thank you very much.

Mrs. CADUE: Thank you.

Representative BERRY: Now we have Ralph Simon.

You may state your name and where you are from, Mr. Simon.

Mr. SIMON: Ralph Simon, Powhattan, Kans., P-o-w-h-a-t-t-a-n.

Representative BERRY: This town is right on the edge of the reservation, is it?

Mr. SIMON: Yes, it is.

Representative BERRY. How large a place is it?

Mr. SIMON. I don't know the actual figure, but I would estimate it at about 2,000, or 1,500, perhaps, somewhere in that neighborhood.

Representative BERRY. And what do you do? What is your business?

Mr. SIMON. Farming.

Representative BERRY. How far out of town do you live?

Mr. SIMON. My nearest town is about 12 miles.

Representative BERRY. From Powhattan?

Mr. SIMON. Well, in either direction, Powhattan, or there is another little town, by the name of Netawaka, about the same size as Powhattan.

Representative BERRY. You are about in the middle of the reservation. Would that be right, then? Your farm?

Mr. SIMON. No, not exactly in the middle. I am more on the western edge.

Representative BERRY. About half way down through it.

Mr. SIMON. Yes, sir.

Representative BERRY. What do you have? Cattle, or general farming, or what?

Mr. SIMON. It is general farming in that particular area. My principal enterprise is dairy cattle.

Representative BERRY. Dairy cattle?

Mr. SIMON. Yes, sir.

Representative BERRY. Do you milk?

Mr. SIMON. Yes, sir.

Representative BERRY. How many do you milk?

Mr. SIMON. At present I am milking six head.

Representative BERRY. And how many head of cattle do you have?

Mr. SIMON. Eight.

Representative BERRY. What else do you do? Do you have some cropland?

Mr. SIMON. I this year farm 160 acres, of which about 35 acres is permanent pasture and about 15 acres temporary pasture, and the rest is divided among small grain and hay crops.

Representative BERRY. Did you have a fairly good crop this year?

Mr. SIMON. Well, it was, I would say, maybe just a little below average.

Representative BERRY. What did you have it in? Wheat?

Mr. SIMON. I had it in wheat and corn and hay.

Representative BERRY. What did your wheat make?

Mr. SIMON. My wheat averaged 31 bushels.

Representative BERRY. That is winter wheat?

Mr. SIMON. Yes, sir.

Representative BERRY. And how many acres did you have in the wheat?

Mr. SIMON. Well, close to 40 acres.

Representative BERRY. Do you farm with a tractor?

Mr. SIMON. Yes.

Representative BERRY. Now, did you get a loan from the Government to get started?

Mr. SIMON. No, sir. I started too late. There weren't any funds available at that particular time.

Representative BERRY. How did you get started? Did you make a loan at the bank, or how did you get started?

Mr. SIMON. Well, when I first started my farming program, I didn't have any funds whatsoever. And, naturally, you must have security to secure a loan from any bank. And that seemed especially true with—I hate to say it, but with the Indian people, because of their past financial record in dealing with banks, local banks, and loan firms.

So I was fortunate enough to have access to my father's machinery. He is engaged in farming operations also. In that way, I worked with him for 1 year, and it was a pretty good year, so I kind of got started on my own hook. And since then, I have established credit at banks and have been able to finance my operation in that way.

Representative BERRY. Since you have established your credit, you don't have any difficulty?

Mr. SIMON. Well—

Representative BERRY. I mean, we all have difficulties with banks.

Mr. SIMON. I have some difficulties. But no, generally speaking, if I need something, I can usually get what I ask for, if it is reasonable; a sound loan.

Representative BERRY. How far did you go in school?

Mr. SIMON. I attended through the eighth grade and 3½ years of high school.

Representative BERRY. Where?

Mr. SIMON. Part of this schooling was at Haskell Institute at Lawrence, Kans., and about 4 months was down at the Chillico Indian Agricultural School at Chillico, Okla.

Representative BERRY. Did you go to high school, to the public high school?

Mr. SIMON. Yes, I did.

Representative BERRY. How long did you go to that high school?

Mr. SIMON. I attended for 2 years, 1 year at Powhattan, Kans., and 1 year at Horton, Kans.

Representative BERRY. Horton is the county seat, is it?

Mr. SIMON. No, sir, Hiawatha is our county seat. We reside in Brown County.

Representative BERRY. You did not have any trouble when you were going to high school, did you?

Mr. SIMON. I don't quite get what you mean. I had a few scraps.

Representative BERRY. How did you come out?

Mr. SIMON. I usually ended up with about the same number of marks.

Representative BERRY. I mean, you would have had those scraps regardless. There is no difference between the Indian boys going to high school and any other kids going to high school; is there?

Mr. SIMON. Well, from a personal standpoint, that is rather difficult for me to answer, for this reason: that even some of my own friends and people kid me about being a Dutchman. So I don't know how to exactly answer that.

But I do feel that I should speak on behalf of my fellow tribesmen and try to pass on to you their wishes and desires. And, actually, I really don't think I can answer that satisfactorily. I am sorry.

Representative BERRY. Now, getting away from your personal self, your personal situation, tell me whether you think that the people of

your tribe are better off going to public school than they would be going to an Indian school.

Mr. SIMON. Would you state that again, please?

Representative BERRY. I say, do you think that your people are better off, your children, the children of the tribe generally who live out here, going to a public school than they would be going to just purely an Indian school?

Mr. SIMON. Well, that one there is going to be pretty hard to answer, too, that is, to give you an honest answer.

The only thing I can say is that the children perhaps would be greatly benefited by this practice; although many of our families on the reservation are actually looked down upon by the white people because of certain actions.

Representative BERRY. What do you mean?

Mr. SIMON. Well, naturally, in any group of people you have some that will uphold their rights and their obligations, and you have others that don't. So that is about the way it goes with schools, in my opinion. I actually don't know the real truth.

Representative BERRY. You are a married man?

Mr. SIMON. Yes, sir.

Representative BERRY. Do you have a family?

Mr. SIMON. Yes, sir.

Representative BERRY. Don't you want your children to go to public schools?

Mr. SIMON. If I can afford it, I do.

Representative BERRY. And you think that they are better off going to public school and being the same as anybody else?

Mr. SIMON. Well, I think that they perhaps would get along just as well. I don't know whether they would be any better off.

Representative SHUFORD. He said "If I could afford it." I would like to have him elaborate on that. Just what difficulty would you have in your children going to public schools? Do they charge the people anything for that service?

Mr. SIMON. Well, Indian people are not familiar with tuition and the cost of books and so forth, because we have always had that taken care of by our Indian agency.

As for myself, I don't actually know what it would cost to send my family through school. That is the reason I said that.

Representative SHUFORD. Are the members of your tribe citizens? Do they vote?

Mr. SIMON. They can have the privilege of voting, if they desire.

Representative SHUFORD. And are the school books furnished free to the whites in the public schools?

Mr. SIMON. I would say "no."

Representative SHUFORD. So the only charge that they make to the Indians to go to school are the clothes and the books, and maybe some tuition. Do you have to pay a tuition charge?

Mr. SIMON. Well, if we were put on the same basis as our white neighbors, naturally we would have to pay to foot the same bills that they are now paying, as I understand it. So the way I see it, that would include tuition and books.

And, incidentally, they do pay for the Indian children's meals. They have access to the hot lunches at these schools.

Representative SHUFORD. You mean at the public schools?

Mr. SIMON. Yes, sir.

Representative SHUFORD. So the Indians, when they go to the white schools, are treated just the same as the white children; aren't they?

Mr. SIMON. Generally speaking, I would say they probably are given the same opportunities to participate in any activities, school activities, such as FFA or maybe even the basketball or football teams.

Representative SHUFORD. They get their lunches free, just like the white children?

Mr. SIMON. The whites, as I understand it, have to pay for their lunches.

Representative SHUFORD. But the Indians don't?

Mr. SIMON. No, sir.

Representative SHUFORD. So, really, it would be less expensive for an Indian child to go to the public school than it would for the white child; wouldn't it?

Mr. SIMON. Under the present setup, it is.

Representative SHUFORD. All right.

Representative BERRY. You are a veteran of World War II?

Mr. SIMON. Yes, sir.

Representative BERRY. Did you have an opportunity to take advantage of the GI benefits?

Mr. SIMON. Yes, sir.

Representative BERRY. And did you get some loan benefits through that, in helping you to get established?

Mr. SIMON. No; I didn't. I tried that angle, of financing my program, when I started out, but even that, too, failed, for the simple reason that I couldn't find a financier who would finance those loans on the terms of the GI bill. In other words, it seemed to me that I didn't have any security or credit standing.

Representative BERRY. You tried to work it out; did you?

Mr. SIMON. Yes, sir; I tried at 3 different banks and 1 loan company.

Representative BERRY. I was interested in one thing. Do you pay taxes on your personal property, the same as any other individual?

Mr. SIMON. No; I don't, sir.

Representative BERRY. Do you pay taxes on your farm machinery?

Mr. SIMON. No, sir.

Representative BERRY. You are not taxed at all?

Mr. SIMON. No, sir.

Representative BERRY. Do you know how that is handled?

Mr. SIMON. No, I don't.

Representative BERRY. Well, the property is in your name; isn't it?

Mr. SIMON. Yes.

Representative BERRY. It is not in the name of the Government?

Mr. SIMON. No.

Representative BERRY. And it is not the offspring of any cattle that were in the name of the Government. Or is it?

Mr. SIMON. No, not actually speaking. Although I did obtain all my assistance, like I stated previously, from my father, my father's implements, and so forth, which he did receive through this loan program that was adopted under this Reorganization Act.

Representative BERRY. Is your land assessed?

Mr. SIMON. I live on land that is held in trust.

No, it is not assessed.

Representative BERRY. Well, it wouldn't be if it was in trust. But if it were not in trust, it would be assessed, wouldn't it? Where anyone has a patent on their land, that is assessed?

Mr. SIMON. I presume it would be.

Representative BERRY. I wonder if the rest of the members, the other members of the tribe, who are in the cattle business, pay taxes? Do you know? On their cattle?

Mr. SIMON. Well, there aren't but a very few. Right offhand, I would say there were only about 5 or 6 of their members that were actually actively engaged in farming practices. And as far as I know, they do not. They do not pay any taxes.

Representative BERRY. Do you have a car?

Mr. SIMON. Yes, sir.

Representative BERRY. You have to pay taxes on that, don't you, for license, and so on?

Mr. SIMON. Yes, sir.

Representative BERRY. Now, you are a member of the tribal council; is that correct?

Mr. SIMON. Yes, sir, secretary of the Kickapoo Tribal Business Council.

Representative BERRY. And you people have held a meeting and have gone over this bill before they sent you down here; is that correct?

Mr. SIMON. Yes, sir; we had a number of meetings.

Representative BERRY. And what was the principal thing that was found objectionable in the bill, other than the tax feature?

Mr. SIMON. Most of the people would like to see, and myself too, our children and their children have access to the school at Haskell, Haskell Institute of Lawrence, Kans., and the Chilocco Indian Agricultural School. We feel that even though perhaps a very small percentage of our children would take advantage of these schools, it still would be a great step for us in making our own way the same as other people. In other words, our people don't feel that the actions that are pending now to withdraw supervision over them—they don't feel that they are ready, that they are capable of being turned loose with their white neighbors.

Representative BERRY. But, actually, most of them are anyway, aren't they? I mean, outside of the older people? The older people will be getting old-age assistance, and a good many of them are living on old-age assistance anyway, aren't they?

Mr. SIMON. Yes.

Representative BERRY. Outside of the older people, though, the younger people, like you folks—I will call you young, because you are not any older than I am—actually, there is not much you get from the Government service now, is there?

Mr. SIMON. Well, as far as physical service is concerned, for instance, we lost our field agricultural assistant. But we still do benefit a great deal through the office that we have.

Representative BERRY. What do you get?

Mr. SIMON. Well, one of those benefits would be not having to pay taxes on our land, as we have all mentioned.

Another help that we get would be advice on our own affairs. We perhaps would otherwise not be able to get it at public places.

And then we get this educational benefit.

Representative BERRY. Out of going to Haskell, and those two Indian schools?

Mr. SIMON. And also attending the public school, where our children are furnished free lunches and free books and their tuition is taken care of.

Representative BERRY. There is no tuition when you live in the district anyhow, though, is there? And they get their books anyhow. There is no charge for books, is there?

Mr. HECTOR. Yes; they have to furnish their own books. They have to buy books.

Representative BERRY. Come on out to South Dakota. We will give them to you free.

Mr. SIMON. I have some pictures here. I don't know whether you would be interested in seeing them.

Representative BERRY. I certainly would.

Mr. SIMON. They are pictures I have taken of our different homes out there. I tried to pick out the ones where if you saw these you would see about all of them.

Representative BERRY. Could these be made a part of the file, not a part of the record but a part of the file? I mean, could we keep them?

Mr. SIMON. Certainly. That was my idea. I hoped they would be of some benefit when I took those.

Several of those homes there have as many as 2 or 3 families living in them or occupying the premises.

Representative BERRY. How do they make their living?

Mr. SIMON. I wish I knew.

Representative BERRY. They can't do it on 80 acres of land, can they?

Mr. SIMON. No, sir.

Representative BERRY. How many people that you know of are not capable of managing their own affairs?

Mr. SIMON. I would venture to say that a hundred percent of the people on the reservation are not capable, at the present time.

Representative BERRY. Of managing their own affairs?

Mr. SIMON. Yes, sir.

Representative BERRY. You are.

Mr. SIMON. Well, I don't pay any taxes. My schoolbooks are furnished free, and my lunches.

Representative BERRY. If you were taxed, do you know what the tax would be on a cow, for instance, just one of your cows?

Mr. SIMON. I haven't any idea. I am sorry.

Representative BERRY. What do you guess?

Mr. SIMON. I don't know how they base it.

Representative BERRY. Do you think it would be more than 80 cents a cow a year?

Mr. SIMON. I don't know. Frankly, I don't know.

Representative BERRY. If it was a dollar, that would only be \$80, wouldn't it?

Mr. SIMON. Yes.

Representative BERRY. And that wouldn't break you, would it?

Mr. SIMON. Well, no, it wouldn't actually break you. But still it wouldn't make you, either.

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Representative BERRY. Do you think that the assessment on this land would be more than \$35 or \$40 a year? The tax on the land? Do you know?

Mr. SIMON. Well, I don't know actually the amount, but I would say this, that most of this land out there under the present conditions, under the present rent, that it rents for, would barely be enough to pay the taxes. I would say that.

Representative BERRY. Outside of taxes; how much did you tell me lived on the reservation?

Mr. SIMON. I didn't say.

Representative BERRY. How many are there?

Mr. SIMON. Well, I would venture to take a guess that there would be 25 families or maybe 30.

Representative BERRY. Of those, how many do you think would not be able to handle their own affairs?

Mr. SIMON. Well, as I stated previously, I think a hundred percent of them are not ready to handle their own affairs. As this thing came up, even I can remember that I have been brought up to depend on Uncle Sam to take care of my taxes and hold my land, and it is the way I was raised up. Perhaps if they had some time to make these changes, and not make them overnight, in time I would say they would be capable. Because, after all, time will do wonders.

Representative BERRY. How long would you think?

Mr. SIMON. Well, that would depend on a good many circumstances, but I would guess about in the neighborhood of 20 years.

Representative BERRY. How many are enrolled? Do you know?

Mr. SIMON. I would guess about 400, or maybe better.

Representative BERRY. And of that 400, there are 170 that live on the reservation?

Mr. SIMON. Those I presume are—

Representative BERRY. Children and all?

Mr. SIMON. Yes. Although I might say I think a detailed investigation would disclose there would probably be 220 or 230 that actually live on the reservation.

Representative BERRY. But there would be about 230 to 250 who were off of the reservation, who get no benefit from the Government at all?

Mr. SIMON. Yes, sir, they receive benefit, the same as we people who live on the reservation. Other than having their lands tax free, even if they don't live on these lands, they are still having the benefit of having these lands preserved for them or being held in trust. Also, these people who live on the reservation have the privilege of sending their children to the high school at Chilocco, the same as we do. So they do have—receive some benefits.

Representative BERRY. Suppose that a trust were set up. Well, there is one bad thing about this land. When your father dies, there are several children, and that land goes equally to all of them, doesn't it? The first thing you know, it gets into an awful mess of heirship, doesn't it? And the longer it goes, the worse it gets. Every generation divides it up just that much more.

Suppose that some kind of a trust were set up on the reservation; I mean, to hold the land, to keep it off the tax list. But that is privately owned land, isn't it? You haven't any tribal land?

Mr. SIMON. Yes, we have 820 acres, I think, of tribal land. But setting that program up as you just spoke of, would only lead back to this thing you asked about previously, whether the Indian could handle his own affairs. And the past goes to show and prove the actual fact that the Indian cannot handle his affairs. So even if this land could be set up under State charter or what have you, that still wouldn't answer the problem. Because, after all, if you can manage your affairs in one room, what is the use in moving to the next one?

I think it is something that time alone will solve.

Representative BERRY. As long as we have this reservation here set apart, there is always going to be a certain number of people that live there, isn't there?

Mr. SIMON. Yes, sir.

Representative BERRY. They are always going to think about that as home, and come back there when they get out of a job or something, aren't they?

Mr. SIMON. Well, it even goes further than that. There is a pretty deep sentimental feeling there among any Indians who claim that place for their home. All of our forefathers and relatives have our cemeteries there on this reservation. I think those should be considered also, other than just a place to bum around.

Representative BERRY. What would be your recommendation? If you were sitting in the spot that we are sitting in here, what would be your recommendation? What would you do?

Mr. SIMON. Well, that would depend on how much pressure was behind me.

Representative BERRY. That is a good answer.

Mr. SIMON. If there was no pressure, I probably would do almost anything. Although I would say that we would certainly appreciate it if the gentlemen would consider this matter, as we stated before, from a human standpoint.

Representative BERRY. That is exactly what we want to do.

Mr. SIMON. In other words, we feel that you are trying to work for our betterment, and I personally hope that you know the answer.

Representative BERRY. Well, we don't. We are asking you.

Mr. SIMON. Well, even though this proposed legislation becomes a law, that still isn't going to get rid of the Indian. I think we will see that he will still be there for somebody to look after him, because he is absolutely not ready. They haven't been versed and been given a chance or an opportunity to prepare themselves to bring their children up to be taxpaying citizens, citizens like the white men. In other words, the whites raise their families to be conservative and to know their obligations, where, on the other hand, we weren't brought up that way.

Representative BERRY. When I got out of the law school, I suddenly realized that I had to make a living for myself.

Mr. SIMON. You knew that, though, before you went to law school. In other words, you knew that from childhood, that someday you would have to make a living for yourself.

Representative BERRY. Yes, but when the time came, I was just as scared as you are right now.

Now, do you think I would have been better off—

Mr. SIMON. Personally, I can answer you there. I am not answering you from personal views of myself. The only benefit that I would lose is education for my children, in the event they should happen to want to attend one of these schools.

Representative BERRY. Do you think I would have been better off if my folks had gotten scared and said—they couldn't if they wanted to, but suppose they had said, "We will give you a hundred dollars, or \$200, or \$500 a month to live on." Do you think I would have been better off today if they had done that to me?

Mr. SIMON. No, you wouldn't have been better off. I don't quite get what you mean there.

Representative BERRY. Well, I mean there comes a time when all of us have had to go through exactly the same thing. We have had to take the reins into our own hands and drive, you see. And I think possibly all of us have been just as fearful, I think, as these 80 families are down there today. And the question is, the thing that I want to know is: Do you think that these people, if they did take the reins in their hands and start to drive, wouldn't get along?

Mr. SIMON. No, sir, they would not.

Representative BERRY. You said you don't think any of these 80 are able to handle their own affairs. Why don't you think they are able to handle their own affairs? Couldn't they make a living?

Mr. SIMON. No, sir.

Representative BERRY. Couldn't they get along?

Mr. SIMON. No, sir.

Representative BERRY. They could do as good, couldn't they?

Mr. SIMON. It is hard to answer that.

Representative BERRY. Well, don't you think you would be just a little bit mad if some of your neighbors come up and said that you couldn't make a living without having the broad hand of Uncle Sam down there to say, "You do this, and do that, and you can't do this, and you can't do that"?

Mr. SIMON. Well, I think you have a little misunderstanding there, as far as our agent or any area director actually dictating to us that, "You can do this, and you can spend this money for that." They actually don't do that. In other words, I have found that many people have that misinterpretation there. The actual life on the reservation is nothing in that nature at all. We are not actually told that we can't spend our money for this or that. But they do advise us on certain affairs, and it goes a long ways to help our economic condition.

Representative BERRY. What do you think of the President's new farm program?

Mr. SIMON. Well, I think that, too, will take some time, before we realize how it is going to work out.

Representative BERRY. Do you think that we should follow the advice of the Secretary of Agriculture and go on to a sliding-price scale?

Mr. SIMON. With your permission, I would rather not answer that.

Representative BERRY. I appreciate that. I would rather not, too. You would have the services of the county agent the same as anybody else, wouldn't you, on farm matters?

Mr. SIMON. Yes.

Representative BERRY. You don't have a soil conservationist down there from the Department, do you?

Mr. SIMON. Not in the agency department, no, sir.

Representative BERRY. You just have a superintendent there?

Mr. SIMON. We just have an area director.

Representative BERRY. (Don't you have anybody at the reservation?

Mr. SIMON. Yes, we have a chief clerk, an assistant clerk, a field nurse.

And, incidentally, as to this field nurse, while this agency that we are under covers several different tribes, we are one of them that is under this jurisdiction.

Representative BERRY. How many do you have right at your agency?

Mr. SIMON. Well, at the present time, there are two employees there full time, and then we have an area field director that is there on alternate days, Mondays, Wednesdays, and Fridays.

Representative BERRY. How many do they have down at Potawatomi? Do you know?

Mr. SIMON. No, sir. I don't know.

Representative BERRY. Do you know how many they have up at this other reservation, known as the Sac and Fox?

Mr. SIMON. I think they are also under the jurisdiction of the area field office, which also the Indians are under.

Representative BERRY. But you have two full-time men?

Mr. SIMON. They are clerks. They are full time, yes, sir.

Representative BERRY. And there are only 30 families living there, or 27 families living there?

Mr. SIMON. Well, their job covers these other two tribes, in addition to the Kickapoo Tribe.

Representative BERRY. And they are stationed where?

Mr. SIMON. At Horton, Kans.

Representative BERRY. They are not on the reservation?

Mr. SIMON. No, sir.

Representative BERRY. Do you have any questions?

Mr. GROWD. What degree of Indian are you?

Mr. SIMON. Five-eighths, according to the record. My father is fullblood, and my mother is a quarter, I think.

Representative BERRY. Would you want to put any time on when you think the Government could withdraw from your reservation?

Mr. SIMON. Without creating any hardships on individual Indians, I think they could possibly withdraw in a period of 20 years, provided that they knew that this time would be up in 20 years. That has been the catch so far, I think.

Representative BERRY. You mean the people didn't know when the Government's supervision was going to be withdrawn?

Mr. SIMON. No, sir, they did not. As for our older people, it is their determined belief that the Government will have jurisdiction over them forever. But, of course, it seems that we are running into events now that may prove different.

Representative BERRY. I think that is all.

I want to thank you, Ralph, for being a very good and helpful witness.

Did you have a statement that you wanted to read or put in the record?

Mr. SIMON. This is the statement.

Representative BERRY. The statement of Mrs. Cadue?

Mr. SIMON. Yes. I would like to say, though, before I leave the stand, that on behalf of the Kickapoo Indians of Kansas, we wish to thank you all very deeply for giving us a chance to appear in your hearings today. I feel that I am greatly honored to have this opportunity to testify for my fellow tribesmen.

Representative BERRY. Well, we appreciate that. We appreciate your coming up here. We appreciate the interest that you have shown and the help that you have been in trying to help us to work out a difficult situation. I hope that it isn't just a case of being fearful of fear. It doesn't make any difference when the Government tries to change anything, even if it is a mail route, there is opposition. In my district, they consolidated two forests, national forests. And if you think that popular, you are mistaken.

Whenever there is any change made, there are those who fear that the service that they have been getting is going to be disrupted. I hope that nothing is going to be done that is going to make you people actually lose anything that you now have.

And I want to thank you folks, both of you, for coming up.

Mr. SIMON. Thank you.

Representative BERRY. As our next witness, we will call Mr. Rex Lee, Associate Commissioner of Indian Affairs.

Will you proceed, Mr. Lee?

STATEMENTS OF H. REX LEE, ASSOCIATE COMMISSIONER OF INDIAN AFFAIRS; A. C. HECTOR, SUPERINTENDENT, KANSAS AGENCY; AND LEWIS SIGLER, COUNSEL, BUREAU OF INDIAN AFFAIRS

Mr. LEE. Yes. Thank you, Mr. Chairman.

My name is Rex Lee, Associate Commissioner of the Bureau of Indian Affairs. I have with me on my left, Mr. A. C. Hector, superintendent of the Kansas Agency, and on my right, Mr. Lewis Sigler, Program Counsel for the Bureau of Indian Affairs.

As we have done in past hearings on these termination bills, we have tried to have our local man present a factual picture of the situation out at the reservation level.

Mr. Hector is our superintendent there and has the facts at hand. I think it would be well for him to proceed with his testimony before we get into the consideration of the bill itself.

Representative BERRY. Will you continue, Mr. Hector?

Mr. HECTOR. My name is A. C. Hector, official station at Horton, Kans., Potawatomi area field office.

We have a factual statement giving a good bit of definite information here.

The number of living persons on the roll is given as a total of 2,741. That covers all four of the tribes. The people who testified first this morning are from the larger tribe, the Potawatomi. We have 1,300 total. Not more than half of those are known locally. They are scattered all over the country. A great many of them are in Wisconsin. The Kickapoo have 426, the Sac and Fox have 140, and the Iowa 580.

Now, those figures are all in the same fix, that a very considerable portion of them do not live on the reservation.

The number of fullbloods we have estimated as 700 for the Potawatomi, 250 for the Kickapoo, 50 for the Sac and Fox, and only 20 for the Iowa. The Iowa group are practically all quarterbloods.

As for the number who cannot speak English; we have indicated that there are none who cannot speak some English. There are a few who can speak but little, but they can all make their wants known. They need an interpreter on a complicated matter in some cases, but I didn't count any of them as not speaking any English.

The adults who cannot read and write I have estimated at 125 for the Potawatomi and 60 for the Kickapoos and none for the others.

We made an actual physical count of the Indians on the 2 larger reservations within the last 2 weeks. There are 289 actually living on the Potawatomi Reservation and 162 on the Kickapoo Reservation. The estimate on the Sac and Fox is 10, and 50 for the Iowas; a total of 511. Those are the individuals actually living on the reservations. It doesn't include those living in the surrounding towns.

The matter of welfare was mentioned. We have 44 Indians who are receiving total support from welfare and 19 who are receiving partial support, and the great majority of those are in the two tribes which testified here today. Very few of them are in the others.

The median income per family on the reservation in adjacent territory will run from eighteen to twenty-four hundred dollars, and amongst the white people in the surrounding country about thirty-five hundred dollars.

Now, the figure which raises the income for the Indians is the fact that a number of them work in plants like the Goodyear Tire & Rubber Co. at Topeka, the foundry at Atchison, and other similar occupations.

I will next go into the matter of land. The Potawatomi Reservations is by far the largest. It has 27,118 acres remaining in the trust status. The Kickapoo, 6,092; the Sac and Fox 600; and the Iowa 1,683. This Sac and Fox Reservation is practically gone. It just eliminates itself, as one after another gets a patent.

Taxes out there will run from 50 cents to \$1 per acre on the farmland. I would say 75 cents would be a good average. It would be a little higher at Brown County, due to the fact that the land is a little better.

Representative BERRY. What would the livestock tax run per cow? What is the levy? Do you know on that?

Mr. HECTOR. I don't have the figures on that. I noticed in the testimony given a bit ago the boy said he wasn't assessed. We had that come up last year among the Iowas, and the assessor did assess the Iowas last year, but I don't know what the rate was.

We have a matter of land use or tenure called "standard assignments." These are lands that were bought for the rehabilitation program, and they were farmlands that were bought up at a reasonable rate, and the Kickapoo Tribe and the Iowa Tribe have those. The other two tribes do not. In the Kickapoo Tribe there are 5 of those assignments that are in actual use by the Indians, and 3 others that are not.

Representative BERRY. Was that a submarginal program?

MR. HECTOR. They are not actually submarginal. It was similar to the submarginal program. But they were purchased lands, purchased farmlands.

In the Iowa reservation, there are 715 acres, divided into 12 assignments, and they are all occupied by Indians. On those assignments, they pay a fee of 4 percent of the value of the improvements which were on the places, and nothing if there were no improvements. In the Iowa Tribe, 1 Indian has built perhaps \$3,000 worth of improvements on one of the eighties. He is Mr. Leonard Fee, the chairman of the Iowa Committee. They very much want to get consideration to be allowed to purchase.

The status of those assignments is that the program, while it may have been beautiful to start with, didn't actually work. In the Kickapoo Reservation, there are five still occupied. Three of those boys are fairly successful farmers, of which one was the witness here, and the other two are occupied merely as a homesite. The others not occupied are rented.

In the Iowa tribe, all of the assignments are in use, and two of them owe nothing, because there were no improvements on the land. Two others have paid their assignment fees to date. A third one is close enough that he can pay. And the others are delinquent 5 and 6 years, and 1 is delinquent 9 years. We recently made an attempt to remove him. We are holding it up at the present time until the Washington office has a chance to pass on it.

Now, in the reservation allotments, the twenty-seven thousand and some acres remain in the Potawatomi. That is more than a fourth and less than a third of the original reservation, the balance having passed into white ownership. In the Kickapoo Reservation, I have 5,163 acres of allotted land. It is the same proposition. It is a checkerboard area, the 1 reservation being 11 miles square, the other 6 miles from north to south and 5 miles from east to west.

Then in the Sac and Fox, as I said, we only have 600 acres remaining, and in the Iowa 967 of allotted. The balance of theirs is this assignment land.

Now, the land that is used actually by the Indians is rather small. Practically 80 to 90 percent of the land is rented out for cash rents, and sometimes grain rents. The cash rents will not exceed \$2 per acre per year.

We went into the matter of determining the number of single owners and original living allottees. The cases where there were multiple owners, which is the great problem of the whole business, are heirship lands.

In the Potawatomi tribe, the larger tribe, there are 67 of the original allottees still living and still owning, and there are 65 other single owners; that is, by heirship or deed or other means. And with less than 5 heirs to the tracts, there are 102 tracts, and with 6 or more there are 107 tracts. That gives me a total of 341 tracts on that 1 reservation. And, as you can see there, approximately 200 of those are in an heirship status, and they will run up to 25 or 30 heirs, I believe 35 in the worst case that we have.

In the Kickapoo Reservation, the picture is different. There are only eight of the original people living. Two of those live in Oklahoma and have for years, so that leaves six of them in the local Kickapoo.

poo Reservation. There are 29 single owners other than the original allottees, and then the multiple owners are about 17 with 5 or less heirs, and 17 with more.

Now, in the Sac and Fox Tribe there are only three of the original allottees living, and they are people of mixed blood, and those tracts are small. They are about 25 acres each. They are little lots up in the bend of the Nemaha River. There are 6 single owners and 6 with less than 5, and only 1 very complicated one in that tribe.

In the Iowa Tribe there are only 2 of the original allottees living, 4 single owners, and 5 with less than 5 heirs, and only 2 that are badly complicated. The worst one in that case lies in a bend of the Missouri River, and the land is accretion land, there are 35 heirs, and the income is \$74 a year. Three of those heirs are white people, and the others are scattered all over the country. We have to divide up and send out little \$1 and \$2 checks.

The next item we have here is credit. There are no funds due the United States by any of the four tribes at this time. The Iowa Tribe repaid the balance of their loan since the 1st of January. The Kickapoo Tribe was paid out some time in the last year.

There are some funds outstanding, on education loans, reimbursable loans, and so forth.

Now, in spite of the very extensive credit program that existed, it was a \$50,000 loan to the Iowas and \$25,000 to the Kickapoos. There are today not more than four successful farmers in the Kickapoo Reservation, but collections have been made and the loans paid off. In the Iowa Tribe, a considerably larger percentage are actually making it. They are really as capable as their white neighbors.

Now, we should give you a few things on schools. There were some items in the testimony this morning that didn't seem clear to me.

We have contracts with two counties for educational purposes. Brown County, with 65 pupils, gets \$6,993. Jackson County, with 119, gets \$8,007. The arrangement made with the superintendents of education is that they apportion the money out to the local district, and they get paid for school lunches for the Indian children, and in a number of instances for books for Indian children, from this contract fund, and the balance goes into the local school fund.

There are a number of small schools on the reservation, especially the Potawatomi Reservation. I will separate it from the Kickapoos. The Indian children do attend these schools. One of the teachers, a Mrs. Place, is herself an Indian. Up until the past year there was another Indian teacher on the reservation, but he was not successful, and the board would not reemploy him. He is farming and is employed part time on other work in Topeka.

I think every child on the reservation is within reach of school, a grade school, or the buses take them into town. These are mostly one-room schools.

Now, under the existing instructions, we will probably ask the county superintendents not to include school where there are only 1 or 2 children, another year, feeling that the county should take the responsibility where there are not more than 1 or 2 in a school in which the pupils are predominantly white.

In the Kickapoo Reservation, we had a two-room Indian day school, with a cook, a bus driver, and teachers. The cost was about \$10,000 a year. That was abolished in 1951.

The Indians did not like the employees, and the average attendance for the last year of operation was 8.5.

Those children are going by bus into the town of Powhattan, and there are over 50 of them in that school up there, with a school capacity of about 160. In other words, nearly one-third are Indian. They are the ones with the larger contract.

There is one other Indian school in Brown County, which is in the Iowa Reservation, and it is small. There are not over a dozen children, and 4 or 5 of them are more than a quarter Indian. Others of Indian blood are less than a quarter. And one of the Indian women, the wife of one of the committeemen, was the cook last year, and this year the white wife of another member of the Indian committee, is the cook at this school. It is really their school, but they don't have quite half the pupils in the school.

The total number of school age attending public schools for the whole jurisdiction, the whole 4 reservations, is given as 673, and those attending public schools at 340. And then there are others, probably, that we have no breakdown on. In the Federal schools, Haskell, Chilocco, and the Pawnee School at Pawnee, Okla., there are a total of 82. And in the Catholic mission school at Marty, S. Dak., there are 53. They are all Potawatomis and Kickapoos. None of the Sac and Fox or Iowa go to that school.

The other services that are rendered have been considerably reduced over the last several years. We are maintaining 30 miles of secondary road on the Potawatomis Reservation in Jackson County, and while we could put our maintainer and employee into the other county, it hasn't been desirable to do so, and also Brown County has been able to maintain the reservation road without assistance.

We have no soil conservation at the present time, no irrigation. Our service furnishes no welfare. The welfare which is furnished is furnished by the counties. As for law and order, the State has joint jurisdiction under the act of June 8, 1940.

So that would show you that the amount of service which we are now able to render is pretty small and consists very considerably of assisting them with their leases and the approval of those leases.

There were in that setup some time back two farm agents or farm management supervisors who were later carried as district agents, and their positions abolished, so that there is no assistance of that kind. They will have to go to the county extension agent for such assistance.

You might want to know how much tribal funds there are. As of January 1954, we had \$10,233.16 for the Potawatomis, only \$557.90 for the Kickapoos, \$36.75 for the Sac and Fox, and \$2,720.77 for the Iowas. That is a total of \$13,547.77. That is all the tribal funds in the Treasury. I have \$3,600 of local tribal funds to the credit of the Kickapoo Tribe and about \$500 to the credit of the Iowa Tribe, after paying the balance of their indebtedness to the Government, and they still have outstanding among their members in the Iowa Tribe two or three thousand dollars which will be tribal funds when it is collected. There has been enough collected to reimburse the Government completely for the original loan.

Three of these tribes are organized under the Indian Reorganization Act, and the fourth one, the Potawatomis Tribe, the people who

were in here first this morning, would not organize. They were voted into the act, perhaps largely by absentee ballot, and the local group, which was pretty well represented here, object to taking part in various programs—the local bunch claim they never should have been voted in, and they were very much opposed to coming under the act at all. The only benefit it is to them is that it has extended their trust period.

I have here a little statement of the costs to the Bureau. In the fiscal year 1953, the total was \$50,400 for the 4 groups.

Now, we have a field nurse, and we get a small allotment of funds for hospitalization of Indians in non-Service hospitals; another small amount, about a thousand dollars, for other medical service; and then all who can be persuaded to go to Indian Service hospitals are transported to Pawnee or Claremore, Okla., or possibly some other hospital, occasionally one to Lawton, occasionally one to Winnebago.

At the present time, I have exhausted the funds available for the current year. I had an acute appendix that put me over my limit just recently. And the Indians have gotten very wise. They don't want to travel down to Pawnee, 285 miles, to have a baby, so they wait until it gets to where they are going to have it on the doorstep, and then Mr. Superintendent is going to have to put them in the hospital.

Representative BERRY: They would rather use the facilities available than the Government hospital?

Mr. HEORON: Well, you can't blame anybody for not wanting to go 285 miles in a baby case.

That is our current situation on those things. The total education expense was \$22,922. Our education field agent who was a part-time employee, serving part time with the Winnebago Agency in the Aberdeen area and part time at Horton in the Anadarko area, suffered a severe heart attack a year ago and was obliged to retire on disability, and the position has been dropped. I don't know how the other area is doing, but we can get along without it for our part.

The area director, Mr. Head, and I, prepared a little statement in regard to the contacts that we had with various officials from October the 5th to November 1st. We first held a conference with Governor Arn at Topeka. He was very cooperative and interested. He gave us a good hearing. And he subsequently sent his child welfare director and one of his school personnel to Horton, and they spent half a day with me, to learn what they might expect to take over in case of withdrawal. They were very cooperative, but there has been little so far that they could do.

The area director and myself met with the Kickapoo Tribe the same day and with the Iowa Tribe the day following, and we went to Falls City, Neb., and met with the chairman of the Sac and Fox group. He preferred to hold his meeting privately, and did so on the following Saturday. However, he has not given us any opinion and has failed to answer a written request. The members of his tribe who attended the meeting say that the decision was that they were not particularly interested and would take no action.

During this same period of time, the Potawatomi Tribe held three tribal meetings. At the first one, Mr. Head, Mr. Hyden from the area office, and myself attended. There were about 125 people. At

the second one held about a week later, there were about 60 people. Mr. Robert Johnson, attorney, of Topeka, who is connected with their claims, was asked to assist them, and he wrote the resolution which objected to the bill. They didn't want to vote on it that day. They set another date, for the 1st of November, and finally, on the 1st of November, they held a third meeting, at which there was not more than half the number that were at the second meeting. I believe the actual vote was 26. They voted to have the chairman and secretary sign the objection to the bill.

Now, after Mr. Head and Mr. Hyden had gone back to Anadarko, I conferred with the county commissioners of Jackson County and also the welfare director there. They are all interested. I also conferred with the school superintendents in both Brown and Jackson Counties. They likewise are interested, but they feel that the school contracts are of some assistance, although they understand that when the land becomes taxable, if it should, that assistance would cease.

We also picked out from the various resolutions some of the attitudes. The Iowa Tribe were of the opinion that completion of a final roll would be beneficial, and they have done some work on it since that time. They also felt it would be desirable to have legislation which would permit the sale of heirship land on the request of a majority interest, rather than every owner.

All three tribes who objected, the Iowa, Kickapoo, and Potawatomi, felt that making the land taxable would be a hardship, and they all three wished to retain such Federal services as they have, although they realize that they are small. The Iowa Tribe thought Federal service should be increased as to them.

The Potawatomi Tribe felt that if they were completely emancipated they could not file any future claims. They still feel they didn't get all their old claims filed within the period.

Then there is the matter of discrimination against Indian children. I think it is not very acute, but where your Indian child is not clean or well dressed, he probably is not as well received in the school as he would be where he pays tuition.

That, I believe, covers what we felt we should present, and we will try to answer any questions.

Representative BERRY. By and large, except the Sac and Fox folks, they have all pretty much objected to this bill.

Mr. HECTOR. Yes, sir.

Representative BERRY. Can you tell me about this treaty that was referred to this morning?

Mr. HECTOR. No, sir.

Mr. LEE. I can give you a general statement on that, Mr. Congressman.

Representative BERRY. Very well.

Mr. LEE. In regard to all of these bills we have reviewed hurriedly the treaty provisions that we thought might affect this legislation. In no instance do we think these proposed bills break any treaty obligations.

Now, these studies were hurried, probably not as exhaustive as we would have liked to have had them. It is a terrific job, and we simply haven't had the legal manpower available.

If on any of these bills anyone will point out where they think there are treaty violations, we would be glad to take a look at the

particular treaty or section of treaty they refer to and give you a statement on it. But by and large, as I say, we have reviewed the treaties, and we don't think the proposals conflict with any of the treaty provisions.

Again, I would like to say that you can't be absolutely sure on this kind of thing, with the type of hurried study we have had to make.

Representative BERRY. It did appear from this morning's testimony of Mrs. Evans and also this attorney, McGuire, that possibly there may be some treaty provisions that may conflict; I mean, that may lay the Government liable in the event that there is withdrawal without taking care of those treaty provisions.

Mr. LEE. Well, we would be glad to check again the particular references that they made this morning, and give you a further statement before you mark up this bill.

Representative BERRY. Do you feel that most of these people are able to take care of themselves, handle their own affairs?

Mr. HECTOR. Well, they practically do.

Representative BERRY. How long have you been on these reservations?

Mr. HECTOR. I have been on this particular one since August 1951.

Representative BERRY. And you have become pretty well acquainted with, say, the 30 families of the Kickapoo?

Mr. HECTOR. Yes, sir.

Representative BERRY. Would you say that they, in your judgment, are able to handle their own affairs?

Mr. HECTOR. We visited at least half of those families in the first part of October. Two of the Kickapoo Indians wanted to show Mr. Head the reservation. And their idea was to show us the poorest places. I had been to most of those places before. I did get into one or two that I hadn't previously known. Half of those people were already on relief, and should they lose their little interest they might have in the places they were squatting on, they would still be on relief.

There are a few others who have a small income, perhaps eight or nine hundred dollars a year, from inherited lands and one thing and another of that sort, who were not on relief.

There are actually four farmers in that whole group, Mr. Simon and two others, on assignment basis, and I believe one other. So that there inevitably would be a few who would feel that they were somewhat handicapped, and there is always the belief among them and among the white population surrounding that lands would be disposed of rather rapidly and the income dissipated. However, it probably won't be so large that it would make any great difference.

Representative BERRY. There is the sentimental value that Mr. Simon mentioned, that will always exist; is that not correct?

Mr. HECTOR. Yes, sir; that is correct.

Representative BERRY. The fact that their forefathers are buried there, and so forth.

Mr. HECTOR. Yes. I didn't want to give that too strong support, because there are a comparatively small percentage of the fullblood people who come back and stay on the reservations. A majority of our people, three-fourths of them, are away from the reservations. And I don't think there is so much sentimental value that we need to give it a great deal of consideration. There will always be some.

Representative BERRY. You told about meeting with the Governor and the welfare workers. How about the county commissioners of, say, Jackson County?

Mr. HECTOR. Well, they are the ones most involved. At the present time, they were interested. They didn't make too much comment.

The local commissioner, who has the roads in the reservation, would like to have the Government spend thirty or forty thousand dollars a year more than they are on his roads. But he will personally buy 1 or 2 tracts of land if they become available.

Representative BERRY. What about Brown County, the commissioners of Brown County?

Mr. HECTOR. I didn't get in touch with the commissioners in Brown County. They are not as accessible to us as Horton is at the south side of the county. The county seat is at Hiawatha. They have never taken as much local interest as the Jackson County people; although their welfare department does very nicely by our folks.

Representative BERRY. Did you meet the county commissioners of Richardson County?

Mr. HECTOR. No, sir. In fact, we only have about 10 tracts of land in Richardson County, Nebr.

Representative BERRY. Brown County and Jackson?

Mr. HECTOR. Brown County and Jackson.

Representative BERRY. Are the schools operated by counties, or by school districts?

Mr. HECTOR. They are operated by districts, under a county superintendent, and our contracts are with the county superintendent. We attempted to make a contract with the State superintendent of education, but he said that he didn't have legal authority to do so. Up until the last couple of years, the contracts were with the local districts.

Representative BERRY. Do you handle those contracts?

Mr. HECTOR. Yes, sir.

Representative BERRY. Direct with Washington?

Mr. HECTOR. Through the area office.

Representative BERRY. And what basis are they on? Are they on a per capita per day?

Mr. HECTOR. Yes, sir. That is the basis on which they start to figure.

Representative BERRY. Not on the actual cost of operation?

Mr. HECTOR. No, sir. They are obliged to furnish figures on those things before the contracts are approved. By local agreement, they have furnished lunches and books. In other words, the money that is spent for that could have gone for other school purposes. But because the Indian children are usually unable to pay, say the lunches are 20 cents a day, someone who has 4 or 5 children just doesn't have the money.

Representative BERRY. How would that be handled if they were white? Would that be handled through the welfare office?

Mr. HECTOR. In some schools they feed every child, whether he has money or not, and as for many of the small schools on the reservation, I think in all but one or two the lunch has been discontinued.

The hot-lunch program is a very good one sometimes, because in some cases it is the only good meal the child gets.

Representative BERRY. If this bill passes, and these Indians take their land and dissipate the proceeds, what is going to be the attitude of the local people with regard to those 30 families or however many there are, say, 10 percent of them, or 25 or 50 percent of them, on relief? What is going to be the attitude of the local people with regard to them? Is that going to create a feeling against them?

Mr. HECTOR. Well, the local people resent it a little at the present time. In fact, one of the commissioners from Jackson County has complained that the county is standing the relief and that the land is not taxable. The welfare director in Jackson County is very cooperative, and when we have an Indian who collects in, say, a couple of hundred dollars in rent moneys, we pay it out at the same rate that the county would pay it out, and they take them off their rolls for that period of time. They have not forced us to try to sell. In those two counties, they have been most helpful, and they do have general assistance.

Representative BERRY. Do you have a social-security lien in Kansas?

Mr. HECTOR. Yes.

Representative BERRY. Old-age assistance?

Mr. HECTOR. Yes, sir. The law passed last June, became effective last July 1, that fourth-class claims may be filed against the estates of deceased recipients.

Representative BERRY. And is a lien against the land?

Mr. HECTOR. Against the estates. In our case it would be filed with our examiner of inheritances.

Representative BERRY. Do you have any questions, Mr. Grorud? I think that is all.

In fact, I am quite sure it is all, because I have a meeting that started 10 minutes ago.

Mr. LEE. Mr. Chairman, I think we could wind ours up in about 2 or 3 minutes, if you wanted to take the time.

Representative BERRY. Go ahead.

Mr. LEE. In response to House Concurrent Resolution 108, we submitted the official report of the Department of the Interior on January 4, and as a result of that report, the two bills, S. 2743 and H. R. 7318, have been introduced.

Now, in our January 4 report, we have a very complete report and a section-by-section analysis of the proposed bills, so I don't think it is necessary to go into that at this time, if it is agreeable with you.

Representative BERRY. It is.

Mr. LEE. We will simply let our report speak for itself.

Now, there are a couple of comments that I would like to call attention to, and then we will be through.

Under the section providing for the termination of Federal trust over tribal property, we have the suggested amendment that we have been placing in each of these bills. On S. 2743, on page 4, line 23, after "agreement" insert:

Provided further, That the trust agreement shall provide that at any time before the sale of tribal property by the trustees the tribe may notify the trustees that it elects to retain such property and to transfer title thereto to a corporation, other legal entity, or trustee in accordance with the provisions of subsection (a) of this section, and that the trustees shall transfer title to such property in accordance with the notice from the tribe if it is approved by the Secretary.

The only other thing that I would like to call your attention to: In S. 2743, on page 6, line 17, there seems to be a typographical omission in the bill. On line 17, after "the land" there should be inserted the words "is not practicable, as all or any part of the land." It is correct in the House bill, but apparently there was a typographical omission in the Senate bill.

Now, because of time limitations, unless you have questions, we will not elaborate further on our written report, unless the Senator has questions.

Senator WATKINS. I would probably be covering matter already covered, in view of the fact that I know my colleague here has probably covered the matter very extensively.

Representative BERRY. We have had a very interesting and profitable meeting this afternoon, and we have had some very good witnesses, and I am sorry you were not here.

Senator WATKINS. I am sorry I was not, too, but we have too many things to take up.

I greatly appreciate the fact that you have been able to be with us in all these hearings.

Representative BERRY. According to the schedule, the next hearing is Monday, which is Washington's Birthday, so we decided to move all of it back one day if that is all right with you people, making the 23d and 24th on Klamath and 25th and 26th on Flathead.

Let the record show that Mr. Lazarus was granted permission to file his statement.

(The statement referred to is as follows:)

STATEMENT ON UTAH, WESTERN OREGON AND KANSAS-NEBRASKA
WITHDRAWAL BILLS

S. 2670 and H. S. 7390, S. 2746 and H. R. 7317, and S. 2743 and H. R. 7318 have as their respective purposes the termination of existing Federal supervision over, and assistance to, certain Indian groups in the State of Utah, the tribes and bands of Indians located in western Oregon, and the four Indian tribes in Kansas and Nebraska served by the Potawatomi area field office of the Bureau of Indian Affairs. Aside from the fundamental policy decision as to whether Congress should take any action at this time to cut off Federal assistance to these Indians, careful consideration must also be given to the manner in which the severance, if any, of special relations between the United States and the above-named groups is to be effected, and it is to such questions that this memorandum is directed.

The Association on American Indian Affairs has already commented in detail upon the provisions of the Flathead, Seminole and Turtle Mountain Indian withdrawal bills and, with regard thereto, has expressed the view that this proposed legislation, as now drafted, does not satisfy basic requirements for the honorable and constructive achievement of the termination of Federal responsibilities. The association has urged, therefore, that, even in the event that legislation looking toward the withdrawal of Federal services is deemed immediately desirable, the pending bills should not be enacted until basic amendments thereto are adopted. The considerations which have led the association to these findings and recommendations are as follows:

- (1) The pending bills would grant the Secretary of the Interior additional controls over the affairs of the Indians involved.
- (2) The pending bills would disregard specific rights of the Indians involved.
- (3) The pending bills would subject the Indians involved to the burdens of State laws without guaranteeing that they will enjoy the benefits thereof on a continuing and nondiscriminatory basis.
- (4) The pending bills would establish a framework of Federal withdrawal which is not sufficiently flexible to meet the needs of the Indians involved.
- (5) The pending bills would tend to destroy the organization and economy of the Indians involved.

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The major provisions of S. 2670 and H. R. 7390, S. 2746 and H. R. 7317, and S. 2743 and H. R. 7318 are either identical or comparable to those contained in the Flathead, Seminole and Turtle Mountain Indian withdrawal bills. The general suggestions, criticisms and conclusions advanced by the association with regard to the latter proposals, therefore, are equally applicable to the former bills, and, in order to avoid repetition, are incorporated herein by reference. The following comments concern only those objectionable features of the Utah, western Oregon and Kansas-Nebraska withdrawals bills which have not been discussed in previous statements by the association.

UTAH: S. 2670 AND H. R. 7390

(1) Section 5 (a) of S. 2670 and H. R. 7390 provides that the tribes affected by the proposed legislation may, in the discretion of the Secretary of the Interior, be restricted to a period of 3 months during which to "study means of disposition of tribal property." Such a time limitation in effect would thwart the operation of effective tribal planning, and might result in economic losses to the Indians involved through the hasty sale of their assets. The minimum period during which the Utah tribes may consider and decide upon a program for the future management of their property, therefore, should be raised to 2 years at the very least.

(2) Section 22 of the pending bills, as proposed by the Interior Department in its report thereon, dated February 15, 1954, would subject irrigated Indian lands to the assessment and collection of construction costs, which charges previously have been deferred. It is clear that many of the Utah Indians are marginal operators, eking out a bare subsistence, and that the sudden imposition of additional expenses probably will result in the rapid and involuntary alienation of their property. In order that Indian land ownership may be protected, therefore, consideration should be given to the cancellation of these charges.

WESTERN OREGON: S. 2746 AND H. R. 7317

(1) Section 3 of S. 2746 and H. R. 7317 provides that, in the "absence of applicable law, or eligibility requirements in an approved constitution, bylaws, or membership ordinance," eligibility for enrollment on a tribal membership roll shall be determined under such rules and regulations as the Secretary of the Interior may prescribe. Generally, the basic power to formulate regulations governing membership belongs to the tribe. This provision, therefore, should be amended to allow each Indian group an opportunity to establish rules controlling the eligibility of individuals for enrollment.

(2) Section 6 (b) of the proposed legislation would remove trust restrictions on individually owned Indian lands in western Oregon 2 years after the date of passage of the act. By virtue of various statutes and Executive orders, however, some of the Indians of western Oregon may actually have a vested right to the maintenance of such trust protection for a longer period of time, the loss of which would constitute a violation of their rights. In order to avoid possible complicated litigation and to insure that the rights of the Indians involved are fully protected, the provisions of the pending bills should be revised to provide that, in the event that a vested right thereto exists, the trust restrictions on individually owned real property shall not be lifted without the consent of the Indians concerned.

(3) According to the Interior Department report of January 4, 1954, the Federal and State Governments have treated the Indians of western Oregon as possessing fishing and hunting rights on their lands not enjoyed by their non-Indian fellow citizens, and, indeed, have established special procedures whereby such rights may be protected. Section 13 (a), which provides that "the laws of the several States shall apply to the tribe and its members in the same manner as they apply to other citizens or persons within their jurisdiction," and section 10, which would repeal all acts or parts of acts inconsistent with the act now under consideration, would terminate such special hunting and fishing privileges without consent and without consideration. As is requested in a resolution adopted by the Confederated Tribes of the Grand Ronde Community, the pending bills should be amended to declare that nothing contained therein shall be construed to deprive any Indian of any hunting or fishing right granted under Federal law, treaty, or agreement.

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(4) The report of Assistant Secretary of the Interior Orme Lewis on S. 2746 and H. R. 7317 notes that the Indians of western Oregon "have declined to take any positive action on these proposals" until the judgment funds recovered by the Rogue River Indians, the Alsea Band of Tillamooks, and other bands of Indians in the area are distributed. The Indians affected by the pending bills thus have recognized that the withdrawal of Federal protections and services cannot be effectively and honorably achieved until the United States has satisfied its admitted obligations to them; the funds so realized, which otherwise would be unavailable, could be used by the Indians to develop their resources, to provide for community enterprises, to prevent the sale of property to nonmembers of the tribe and generally to raise their economic standards. In view of these facts, the enactment of or at the very least the operation of the proposed legislation should be conditioned upon payment by the United States to the Indians of western Oregon of all judgments now due and owing.

CONCLUSION

The foregoing analysis of the proposed legislation to terminate Federal obligations and services to certain Indian groups in the State of Utah, the tribes and bands of Indians located in western Oregon, and the four Indian tribes in Kansas and Nebraska served by the Potawatomi area field office of the Bureau of Indian Affairs, demonstrates conclusively that substantial revisions are needed in the pending bills if withdrawal is to be honorably and constructively achieved. The Association on American Indian Affairs urges, therefore, that S. 2760 and H. R. 7390, S. 2746 and H. R. 7317, and S. 2743 and H. R. 7318 not be enacted unless and until amendments are adopted to eliminate their objectionable features.

It is the belief of the association that in order to prepare the Indians involved for independent participation in American economic life, constructive measures are needed to improve their social and economic wellbeing. Such measures should be founded on conserving their ownership, use and control of tribal properties, and on developing additional opportunities, as has been suggested by Commissioner Emmons.

Respectfully submitted,

ARTHUR LAZARUS, JR.,
RICHARD SCHIFTER,
Counsel, Association on American Indian Affairs, Inc.

RULO, NEBR.,
February 7, 1954.

OLIVER LA FARGE,

President, Association on American Indian Affairs, New York, N. Y.

DEAR MR. LA FARGE: A meeting was held by the Iowa Tribe of Indians in the State of Kansas and Nebraska on this date Feb. 7, 1954, and all members voted to protest these bills, S. 2743 and H. R. 7319.

We are not sending a delegate.

Below is a summary of the general opinion of the members; if this bill is passed the members would like these modifications:

1. The members of the tribe be given first chance to buy heirship, allotted, assigned, or any tribal lands on their reservation.
2. A finance stipulation, enabling them to buy these lands through a Federal loan agency, guaranteeing them aid through a loan making it possible for them to buy their lands. This is one of the main and necessary modifications, because there are 13 members and their families living on assigned lands, and none of these members have the necessary money to enable them to make the down-payment on these lands. This would force these families off their homes. Several of these are aged, have large families, and are incapable of making a living other than farming.
3. Several claims are pending against the Government by the Iowa Tribe of Indians of Kansas and Nebraska and the members strongly feel that all claims should be settled by the government before this bill is passed.

Signed by the executive members of the Iowa Tribe of Indians of Kansas and Nebraska.

LEONARD FEE, *Chairman,*
GEORGE KELLY, *Secretary.*

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KICKAPOO TRIBAL COUNCIL—RESOLUTION

Whereas the Bureau of Indian Affairs has caused to be drawn up a proposed bill to provide for the termination of Federal supervision over the property of the Sac and Fox of the Missouri Tribe of Indians located in the States of Kansas and Nebraska, the Iowa Tribe of Indians located in the States of Kansas and Nebraska, the Kickapoo Tribe of Indians located in the State of Kansas, and the Prairie Band of Potawatomi Indians located in the State of Kansas, and the individual members thereof; and for other purposes; and

Whereas, the Kickapoo Tribal Council in a series of meetings has thoroughly discussed, both pro and con, the provisions of this bill, and have heard the unbiased opinion of a majority of residents on the Kickapoo reservation; and

Whereas the Kickapoo Tribe has been asked to outline its own views and objections to the passage of such a bill; and

Whereas the tribe, meeting in general tribal meeting, has instructed the tribal council to place the tribe on record as strenuously protesting and opposing the bill and favoring any substitute bill which would be more liberal in its terms and which would be more in keeping with the promises that have been made by the Government in treaties and other agreements with the Kickapoo Tribe: Now, therefore, be it

Resolved by the Tribal Council of the Kickapoo Indian Tribe of Kansas, That opposition to the bill be registered in the strongest possible terms for the reasons outlined below:

1. There are some 170 Kickapoo Indians, out of approximately three or four hundred enrolled members of the tribe, remaining on the present Kickapoo Reservation, whose chief source of income is the rentals received from land held in trust by the Government.

Through a system of land management in the past, all the land on the Kickapoo Reservation has deteriorated so badly that only a fraction of its former productivity remains. As a result those who depend on land rentals for a livelihood and those who use these rentals as a supplement to the meager wages received from outside employment have had to accept less income from their land, and an additional burden of high land taxes cannot be met without an appreciable lowering of living standards which are already far below those of our white neighbors.

2. Indians of the Kickapoo Reservation are not generally competent to handle their own affairs in competition with their white neighbors. They are lacking in education and are totally unaware and ignorant of the many civil laws to which they might have recourse and to which they would be subjected.

To illustrate this situation, we refer to the revolving loan program conducted by the Kickapoo Tribe in accordance with powers conferred upon the tribe by its constitution and bylaws.

A total of \$25,000 was loaned to the Kickapoo Tribe by the Government for credit operations. Fifty-eight loans were made to 25 different individuals. These loans were for the purpose of assisting Indians in becoming self-supporting through engagement in farming enterprises.

The program resulted in practically 100 percent failure in that only 2 individuals out of the 25 who were granted loans are yet engaged in farming operations. All the others have long since been forced to sell out and look to other means for a livelihood.

There can be but one conclusion drawn from the above example. These Indians did not fail because of laziness. They were not qualified to handle their own affairs and made many mistakes from which they could not recover. With adequate supervision from the Government all those Indians could have become self-supporting and independent in their farming enterprises.

To illustrate further, a corporate enterprise was established in 1942 which has as its main purpose the furnishing of farm machinery to Indians unable to purchase such equipment. This project was financed through a small rental charge to those using the equipment. Until removal of Government extension personnel from the Potawatomi Agency this project was entirely self-supporting. Now, the equipment is idle and deteriorating through disuse, and the enterprise shows no activity for several years. Again only one conclusion can be drawn. A general lack of business acumen prevented anyone from taking over and keeping the enterprise active.

3. The economic situation of the Kickapoo Indians has been and will be the cause for many injustices done those who depend on the reservation for a living. There is never enough money in a household to maintain a proper standard of

living. There are times when a family or individual will need money in an emergency. To him, this is the all-important thing in his life at that time. There are many instances where our Indians attach too great an importance on the present situation without thought for the future and will forfeit future profits for a smaller gain if it is forthcoming immediately. Without supervision and control our people will surely make improper decisions and use bad judgment in times of financial distress, and may thereby enter into legal agreements for an immediate consideration which would result in the disposal of their property and possessions for a fraction of its true value. We need Government supervision and controls in these matters because our people do not have a sense of values as do our white neighbors.

4. There is a certain amount of discrimination in the public schools which our children must attend. Our children are shunned by their non-Indian schoolmates. Growing up in this sort of atmosphere does little to bring out the best qualities in a child during his most impressionable years. There is, also, discrimination directed at our people when in competition with non-Indians for various jobs. Indians who have equal job qualifications with non-Indians are almost always given the last opportunity for employment when the employer has a choice. We realize that this is something that only time will overcome; however, it definitely has an effect on us at the present time and places us at a disadvantage in earning a living. Making our lands taxable would only render it more difficult for us to maintain our present low standard of living, and until such time as there is no discrimination, at all, we will never be on an equal footing with our white neighbors.

5. Finally, we feel that this bill should not become law because in doing so we are thrown upon the public not as assets but as liabilities. Very few, if any, will be able to keep their land if it becomes taxable. Even should the land be disposed of for its true value there is no assurance that the proceeds will be used wisely. Those who dispose of their lands will not be eligible for public welfare if the proceeds are dissipated before a predetermined time. These people must live in some manner. However, to remove these lands from a trust status will eventually mean that three-fourths of the reservation Indian population will become public-welfare clients.

We feel that our remaining land should be protected from alienation as there will be a time when many more of our tribesmen will return to the reservation. We wish to have a place to return to if it becomes necessary to go out in search for work and find that we are unable to wholly compete with the outside world.

We want our lands to remain for our children and our children's children as was promised our forefathers when they were forced to move from place to place always with the assurance that they would be protected and their treaty rights respected.

Removal of the agency and its employees will take from us the medium from whence we obtain advice and assistance on many of our problems, the nature of which no other comparable agency or office would be concerned or interested.

We highly feel that if there be justice for a small minority group such as we, then we ask in all humility that our views and wishes be respected, that serious consideration be given to our objections, and that action be taken to devise a program which contain the recommendations enumerated further: Now, therefore, be it further

Resolved, That the Kickapoo Tribe, acting through its tribal council, go on record as favoring and recommending the following for inclusion in any future program involving the Kickapoo Tribe.

1. We recommend that the Potawatomi Agency remain essentially as it is now but that more attention be given to the items listed below.

2. Recognizing the deplorable health conditions of our people and the lack of individual funds for medical and hospital care, we recommend that more health services be furnished. This should be in the nature of more funds for payment of medical and hospital care in non-Indian hospitals and for payment of expenses incident to the transportation of patients to the Pawnee Indian Hospital, Pawnee, Okla., and/or to other health centers.

3. Recognizing that vocational training cannot be overemphasized, we recommend that the education program be modified to permit the enrollment of our children in the vocational schools of Haskell Institute, Lawrence, Kans., and Chilocco Indian School, Chilocco, Okla., be choice rather than on a welfare basis as heretofore.

4. The present rules and regulations governing the disposal of trust and restricted Indian land should be modified and relaxed to the extent that lands

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involving multiple heirs could be disposed of upon application by the majority shareholders. The application should be considered without regard to the competency of anyone making such application or to any of the others who are shareholders. The interests of minors, however, should be protected at all times.

5. Sufficient personnel should be furnished by the Government to carry out efficiently any program of the Indian Bureau in regard to the recommendations made above.

Passed by a vote of 16 "Yes" and 0 "No" votes at a special meeting held October 27, 1953, at the Potawatomi area field office, Horton, Kans.

VESTANA CADUE, *Chairman.*

Mr. LEE. That is perfectly all right with us. So the next hearing will be on Tuesday, the 23d?

Representative BERRY. Tuesday, the 23d.

Thank you very much.

And we will adjourn until 10 o'clock Tuesday morning.

(Whereupon, at 4:30 p. m., the hearing was adjourned until 10 a. m., Tuesday, February 23, 1954.)