

MINUTES OF
CONFERENCE, WHEELER-HOWARD BILL (INDIAN
REORGANIZATION ACT), APRIL 23, 24, 1934,
AT HAYWARD, WISCONSIN, BETWEEN INDIAN
DELEGATES OF WISCONSIN, MINNESOTA, AND
MICHIGAN, AND OFFICIALS FROM OFFICE OF
INDIAN AFFAIRS, WASHINGTON, D. C.

TESTIMONY TAKEN AT HAYWARD, WISCONSIN,
APRIL 23 & 24, 1934, WHERE INDIANS OF
WISCONSIN, MINNESOTA AND MICHIGAN GATH-
ERED FOR A TWO DAY CONFERENCE TO DISCUSS
THE WHEELER-HOWARD BILL OF INDIAN RIGHTS.

MEETING OPENED BY MR. WILLIAM ZIMMERMAN JR., ASSISTANT TO COMMISSIONER
JOHN COLLIER.

MR. ZIMMERMAN: As you all know, this one of the series of
meetings that officials of the Indian agencies are holding in various
parts of the country. We set the date rather late in the hope that Mr.
Collier himself could be here, but it is unfortunate that hearings be-
fore the Senate and House committees have conflicted with this date.
He sent many of us here to take his place, and we will do our very best
to explain this bill to you. Before we discuss the bill, as long as Mr.
Collier is not here, I would like to read a few extracts of a speech
made by Mr. Collier at Rapid City:

MR. ZIMMERMAN (Reading) "I shall first talk about the fundamen-
tal conditions of your life as I understand it. And what are these
fundamental conditions which I shall suggest are wrong conditions and
ought to be put right? What are they? They are, first, that the
Indians of the United States, including your tribes, have for two
lifetimes been steadily losing their property, becoming poorer and poor-
er on the whole. That is on the side of your property. If you take the
United States as a whole, the wealth of the people has been increasing
year by year steadily until the depression of three years ago. And,
during those same years the wealth of the Indians, instead of increasing,
has been melting away. I shall give you the exact facts after a few
minutes. They are terrifying facts.

"Now, the second big condition is this: That the Indians of
the United States are living under a condition which puts them at the
mercy of the Indian Bureau.

"The guardianship of the Federal Government over Indian life,
which was intended to be a means of making the Indians both prosperous

and free, has been having the opposite effect and has been making them poor while they were deprived of their freedom. Therefore, many people and some Indians have risen up and said that the only hope for the Indian is to put an end to the guardianship of the Government so that they may stand a chance in living. Some people have said the guardianship of the Government is injuring the Indian, is keeping them in a condition of slavery. Therefore, the responsibility must be brought to an end.

"You have all heard that line of talk, and I do not hesitate to say I am speaking honestly my own feelings, that if the guardianship of the United States has to continue doing the things it has been doing; if it has to go on the old way, I think it had better be stopped, thrown aside, and the Indian better do without it. But, that is not the answer. The cure for the evils done by the Government is not to abolish but to reform it and make it do good things instead of evil things, and that is true of the guardianship over Indians."

"The United States is not making a mess of its Indian guardianship because its employees are wicked or stupid. That is not the reason. They are not wicked and they are not stupid. But because the guardianship maintained by the United States is carried out under a body of laws which are wicked and stupid and which make slaves even of the Government employees hired to enforce the laws. There was a time when it was the policy of the United States Government to rob the Indians. There was a time when it was the policy of the United States Government to crush Indian life and even to crush the family life of Indians, and during that time laws were passed and those laws are still the laws, though it is no longer the policy of the Government to rob you or to crush you, but they are the laws, and by them we must work and you must live."

MR. ZIMMERMAN: Let us go back to 1887. In round numbers the Indians at that time had 138,000,000 acres of land, among which was included some of the best land in the United States. It included some of the best farm lands, good grazing lands, and much land under irrigation, and much land rich in minerals. 2

MR. SULLIVAN: (Continuing) In 1887 Congress, over the protest of the Indians, enacted the general allotment act that since has been the "backbone" of Indian law. It is today the great basic law of Indian affairs. From 1887 until the present day the Indian has lost 91,000,000 acres, and the best land was included in the land that was lost. Much of the remaining acreage, in fact about 20 million acres is desert or semi-desert. The allotment law was not applied equally, for as you know the Menominee and Red Lake reservations and some other reservations have never been under this law. In the Southwest the Navajos and other tribes where land was not allotted, the Indians have actually increased their holdings since 1887. Some of them have twice as much as they had then. Every one of the tribes which was covered by the allotment act has more land now than in 1887. In other words, the losses of land have fallen upon those tribes that were subjected to the allotment act, so that the allotted tribes have lost in land area more than two thirds of their total holdings since that year.

If you take the value of the land lost, the figures are even worse. The allotment operation was not brought to bear everywhere at the same time. It came sooner some places and later in other places, so that the effects of the allotment system are not equal in intensity everywhere. They are variable. If you take Oklahoma as an example, the amount of land owned by the Oklahoma tribes was twenty three million acres before allotment--and all of that except three million acres has passed away. You can take individual tribes like the Oneida of Wisconsin and find that practically one hundred per cent of the land has passed from the Indians to Whites, and the Oneidas are landless. More than one hundred thousand Indians in the allotment areas have lost all their land down to the last square foot and are entirely landless.

The question that faces the administration is how to change this allotment system so as to stop the futile loss of land by Indians, increase the amount of land owned by Indians and protect the rights and equities of those Indians who have not yet lost their lands. Let me repeat and emphasize that: 1. The future sale of Indian lands must be stopped. 2. New land or more land must be procured in large amounts in order to supply those Indians who have lost all their land and in order to supplement the inadequate land of those who still have some land. 3. You may say what you will about the allotment plan, but the fact remains that allotment has created individual valid property rights in individuals. It has created individual property rights and those rights must be respected.

INTERPRETATION OF THE ABOVE BY MR. FRANK SMART OF OMAHA, WIS.

MR. SINGERMAN: (Continuing) In Washington today there are many changes going on. Most of the Government agencies, bureaus and departments are acquiring more and more power and authority. I think that the Indian office is probably the only unit of the Federal Government that is trying to get rid of some power. This proposed bill will take away from the Secretary of the Interior and the Commissioner many of the powers that these men now have. Those powers can be turned over to the Indians. In order to do that the Indians must be organized. We take the position that it is very necessary for Indians to be permitted to organize, to organize for many different purposes. It is necessary for Indians to be allowed to organize to take care of their own local affairs, and again to organize to do business in a modern business world in competition with the modern white world. In the world at large, the white world, the unorganized people are powerless. They are victims. Only organized groups have power in the white world.

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There are many kinds of organization in the modern world. For example, there are corporations, there are cattle mens' associations and stock associations. There are co-operative societies to run, for example creameries, to buy in quantities so as to cut out middlemen's profits; all kinds of co-operative economic organizations for mutual benefit. There are town governments which manage the local affairs of towns.

The ward Indian is shut out from all of these advantages of organization. He likewise, as you all know to your sorrow, is denied access to credit, financial credit. We propose that Indians shall be allowed and helped to organize for mutual benefit, for local self-government and for doing business in the modern, organized way. We are proposing that there shall be set up a new financial credit system through which the Government will extend financial credit to these organized groups of Indians. We are proposing that when the Indians do organize and they will only organize if they want to when and if they do organize, that their organizations will be instrumentalities of the Federal Government. When the Indians do organize it will be under Federal laws enacted by Congress.

The time will come, probably very soon when these changes going on in Washington will come to an end; when perhaps the country will settle down into some new pattern; perhaps in two or three years, nobody knows. But, the chance to change this Indian law is now. It is the chance of all time for the Indians to get whatever they are entitled to have. If you will use your best brains, frame an intelligent program and a clear and precise one you can get the most today. We are here today to discuss this bill with you. We are going to spend many hours trying to explain to you in detail every section of this proposed bill. Before we do that, I should like to read to you a letter which the President of the United States wrote about this bill. In about 150 words he summarizes the entire thing.

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Mr. Zimmerman: (Reading President's Letter)

"My Dear Mr. Howard:

My interest has been attracted to your bill, H. R. 7902, because of the virile American principles on which it is based. Opportunity for self-determination for the Indians in handling their property by providing modern corporate management, participation in local government, a more liberal educational system through day schools and advanced health measures are provided in the bill.

"Adequate provision is made for his training in the management and protection of his property, and the conservation of his health during the period that must intervene before the Indian may be intrusted with the complete management of his own affairs. In offering the Indian these natural rights of man we will more nearly discharge the Federal responsibility for his welfare than through compulsory guardianship that has destroyed initiative and the liberty to develop his own culture.

Sincerely yours,

(Signed) FRANKLIN D. ROOSEVELT

President

Hon. Edgar Howard,
Chairman, House Committee
On Indian Affairs.

In those few words the President has covered the field of this bill. The Bill is divided into four main sections or titles. The first one sets up machinery by which Indians may organize for self government; the second provides machinery by which Indians may be educated so that they may the better operate and manage business affairs; the third main title deals with the principal item of Indian property, namely land; the fourth deals with the proposed court of Indian affairs.

Before we take up each of these sections point by point, let me make clear our position in this matter. I hope you will keep your minds free of prejudice. For the moment, try to forget if you can any ideas you may have about the bill. Let us first explain it to you, and later we will give you all the chances you want to ask questions. We are not here to sell you anything, nor are we trying to ram anything down your throats. We realize this bill is not perfect by any means. Many changes have been made as a result of suggestions derived at previous Congresses like this one. We are here to explain this bill as we understand it, and you will be permitted to ask questions when the time comes.

I will now ask Mr. Woehlke to act as chairman for the rest of the morning.

CHAIR TAKEN BY MR. EMILIO V. WOELKE, FIELD REPRESENTATIVE TO COMMISSIONER JOHN COLLIER.

MR. WOELKE: Mr. Commissioner, delegates and guests, you are up against a tough job. Here is a Bill in technical legal language covering 52 pages. We want to discuss this bill in great detail and make it as clear to you as possible, and that is a big job. At Rapid City we had four days, and we talked from 9 A.M. to 6 P.M. and started again at 8 P.M. and continued until 11 or 12 P.M. almost every day. Here we have only two days to do the same job. At Rapid City they gave the Commission an Indian name of "Iron Man" because he had worn out four of the Sioux interpreters---literally talked them under the table. We won't do that here, but will let you do most of the talking. I believe we can safely do that because you people are more familiar with the bill. At Rapid City, one of the first Congresses, the bill was new to all the Indians and most of the white people. They had learned of it only a short time

previous to our visit. Since that time you have received a great deal of printed material concerning the bill and you must have discussed the various provisions of the act time and again, especially those parts which directly affect you. If you haven't I am very sorry, because this thing is a most important development which may vitally affect all of you, and I do hope that prior to our arrival here you have gained a fair knowledge of what this bill proposes to do. I would like just briefly to run over some of the purposes which this bill aims to reach, and to discuss them from the standpoint of the objections that have been most frequently raised.

In the first place, this bill specifically forbids any further allotments of Indian lands in severalty; it prohibits the giving of another individual piece of land to any individual. Through this provision it turns back the current which has been carrying the Indian and his property for the last 50 years. It switches the current in a new direction. The bill has been criticized equally by Whites and Reds, but I believe that all have agreed that the allotment plan during its existence has served to cut down continually the land holdings of the Indian population of the United States.

There may be some dispute as to how much land has been lost and how much land belonging to Indians has been sold and the proceeds beneficially invested. But the fact remains that under the system of giving the individual Indian an individual piece of property which he could dispose of--under that system with the sale of so-called "surplus" land which never was surplus--under that system the land holdings of the Indian people have constantly diminished and grown less and less wherever this system was applied. It is also admitted universally that where this system was not applied the Indians have not lost any land. On the

On the contrary, their land holdings have increased. That is point number one, and upon that conceded point this bill is based. It aims to stop the continuous loss of Indian lands. That is the primary purpose of the bill, and I believe that the objective is admitted by everybody to be of great benefit to the Indians. It is also a fact that a continuation of the present system of administering Indian lands must inevitably lead very rapidly to the complete separation of Indians from their lands through the manner in which the inheritance laws work out.

Many of you through sad experience know the inheritance laws and how they separate the Indian from his property. Whenever there is a death with the resulting split-up of the estate among the heirs--then further among the heirs of the heirs, you reach a time when the land can no longer be divided into these very small parcels. Therefore, the only way in which the claims of the heirs can be satisfied is to sell the land and divide the cash. You can always divide cash, but not so with land when the parcels become too small. So you can figure out for yourself how long it will be until the remaining portion of the 48 million acres still belonging to Indians will be all gone. They must be sold under the present system if there is to be satisfaction of the claims of the heirs. I think that also is universally admitted--that within comparatively few years the Indians on allotted reservations will be totally without land. The system is poor for another reason. What happens when a young man gets cash? White or Red the results usually are the same. Up here in the Sioux country in January I was addressing a meeting, and after two hours of talking, a young man got up and said: "I really have no right to speak here, but I speak to warn others. I got a fee patent, and I sold the land and bought an automobile. I wrecked the automobile, and now I have nothing but the pants I stand in."

That is the way it is going, and under this system that is the way it will continue to go, irrespective of what we would like to do about it. INTERPRETATION OF THE ABOVE BY FRANK BLANT, OMAHA.

MR. ROSENKRANTZ: (Continuing) I think the interpreter did a mighty good job of that, but I am going ahead with some more dope, and if he can translate it he is a better man than I think he is.

I think we have reached universal agreement on the fact that under the allotment system as it must be administered, the Indian land is going and will all be gone in a very few years. But in the meantime, it has another effect. Where you have all of these inheritance allotments split up into a lot of small pieces--millions of them--somebody must look after them. The Indian Bureau must act a real estate agency. It must endeavor to rent or lease the small pieces and try to collect the fees, if possible. Three different accounting entries must also be made--on the books of the agency, on the books in Washington, and in the general accounting office---three complete sets of books. I have in mind an example where one superintendent had it figured that an heir was entitled to receive 52,362 parts of 114,366,982, and there were 60 other ~~HEIRS~~ heirs, all to receive various amounts. ~~WHY~~ Why it took a group of clerks three days to figure these awful fractions, and as a net result one man got a two cent stamp, and it cost the government about \$1.50 to pay him that two cent stamp.

Now for the application of that to you. Congress makes certain appropriations for the benefit of the ward Indians. They are supposed to receive from these appropriations medical service, educational advantages, home demonstrations, etc., but a major part of that money is spent in these real estate transactions--in the effort to collect rent and lease money; in keeping track of these small parcels of land and in doing all the necessary bookkeeping in connection.

It is an unprofitable real estate business for the government and as the pieces of land become smaller the receipts from that business are going down steadily so that you can figure out that by and by it will cost the government more money to handle this business than the owner gets out of it, and Congress is beginning to realize this fact.

On a certain reservation in Oklahoma where \$80,000 was appropriated for the benefit of Indians, it was found necessary to disburse \$65,000 in these real estate transactions. That is certainly a fine thing and you can readily see why it is absolutely necessary to take a hold of this land proposition of the Indian --grab a hold of it with both hands and wring its neck.

It is necessary to do something drastic to change the status of the Indian. It is necessary that Indians that now have land be protected from loss, and the landless Indian must be helped. That is what this bill proposes to do, but you can readily see that it would be foolish to have the Government pay out millions of dollars for the purchase of new lands and then throw them into the same sewer out of which they are at present draining. It would be altogether unjustified to buy new lands for the Indians unless the possessors of that land could be assured of its possession forever and a day--unless the repetition of history of the past fifty years can be prevented--and that is what this legislation endeavors to do. It endeavors to provide ways and means of acquiring more land for the Indians who are now landless and to safeguard that land by placing the title to it in the community rather than in the individual. That is the purpose and main purpose of this bill, to which practically everything else is an accessory.

Before I go any further I would like to call your attention to Title 5, Page 51 of the Bill. In the words of Dr. Roelcloud, Superintendent of Haskell Institute who should be right here running this meeting, through the operation of this Bill not one Indian will lose anything by the Bill. Nothing is taken away from him, but both rights and property rights are added. He has nothing to lose and everything to gain.

However, to make certain that the adoption or acceptance of this legislation is entirely voluntary, we have at the suggestion of Congressman Howard, Chairman of the Indian Affairs Committee, added a new section under which any tribe or band which does not want to come under this legislation can within four months after its passage vote to exclude itself.

In my judgment that should remove the last bit of opposition to this bill since it is designed primarily to help the landless Indian, to protect those who still have land and to help them make use of their land by a large credit fund. Since that is the object of the bill I don't see how there can be any opposition, especially in view of the fact that any tribes not wishing to assume the obligations can vote to exclude themselves.

A second section in this new title does another thing: It specifically states that no part of this bill shall be construed to impair, to diminish, or to do away with any right or claim that any Indian has against the United States Government on the basis of old treaties. Nothing in this bill would have affected these treaties anyway, but in order to make absolutely sure we added this new section which in plain language says that this bill is not in any way to interfere with the claims of any tribes against the Government of the United States, and it further provides that any appropriations made in this act for the benefit of the Indian people shall not be used as set offs in any pending claims or future claims, so that if this bill appropriates \$2,000,000 for land purchase and \$150,000 is used for the purchase of land in a specific instance, that \$150,000 can not be used as a set off in the claim that the Indian people have against the United States.

MR. WOMHLKE: (Continuing) The Assistant Commissioner just told me that it would be a good idea to have the various delegates and delegations write out questions regarding parts of this bill which are not clear so that they can be answered from the platform. Just write out any questions which you would like to ask and hand them to the secretary Mr. Daiker the ancient gentleman over there during the lunch hour.

This will be a good plan, since very often the same point is not clear in the minds of 10 or 15 persons, and by having the questions written down we can avoid repetition. We hope you will have a number of questions in the possession of Mr. Daiker so that we can start answering them right after lunch.

And now to touch briefly on this question of Indian self-government:

You must remember that for 250 years the white man and the red man have been fighting for possession of this country. It was war. Being greatly outnumbered the red man naturally fought a losing battle. Not because his fighting ability was any less, but the numbers were too great to cope with. The Indians were put on reservations originally as prisoners of war, and guarded by soldiers. Every once in a while they got away and came out raiding so Congress made many laws to control them. If a person was considered undesirable he could be thrown off the reservation. All kinds of laws were made restricting the freedom of the Indian. Now these old laws, obsolete as they are, are still on the statutes. The Indian as such has still not got the power of organization which is the right of every American citizen.

What this bill proposes to do is to give the ward Indian the power to organize in any way he sees fit. It aims to allow him to form cooperative societies, livestock associations, corporations, etc., so that he may better his general living conditions.

If you will go back to the land problem for a moment--to the proposal to buy new lands without at the same time withdrawing from the restricted Indians the protection of the government--if you go back to that point--you can see that it would be poor business on the part of the Government to buy a million pieces of land here and a million pieces there and in some other place, because if the ward Indians are to continue to have the services of the government such as public health service, farming instructions, home demonstrations, education, etc.--if they are to continue to have all this, they should be so situated to allow the services to be rendered at a reasonable cost. You can readily see that an Indian population entitled to these services which is scattered over 10 or 15 counties with 10 or 15 miles between them and with a total distance of from 50 to 75 miles in every direction from the point where the services can be rendered---you can readily see that the cost would be so high that Congress would get tired and say "lets quit."

So that the thing to do is to make the administering of these services as easy as possible by keeping these purchases in a close compact area. If that is done the next step is to bestow upon these compact areas the right of self-government---give these communities the power to run their own affairs in their own sweet way.

Self-government, however is not a light thing. You all know that a lot of American communities have made a rather bad job of self-government. You can take a look for instance at the great city of Chicago where self-government has proved to be almost a flat failure. Now the objection is frequently raised that if a white community of the size of the city of Chicago cannot efficiently govern itself, how can an Indian community ever hope to do so? Well, we have got to make a try. The self respect of the Indian demands that we give him the chance,

and I am dead certain that once an Indian community is given the right to run its own affairs it will do so efficiently and far better than a lot of whites are doing it now. But, you must start sometime. You may get a few bumps, but what of it? I have never yet seen a child who started to walk without tumbling on his nose or on the other end a number of times. It may hurt, but the child soon learns and by and by he is up and away under his own power. We never think of denying a child the right to learn to walk merely because we know it may fall down in the process of learning. And you can't learn to walk by leaning against a wall. Just try it and see. The Indian has been forced to lean on the government and on the Indian Bureau far too long. It is about time for him to stand up and get under way on his own power.

We know from experience in E.C.W. camps in the past few years that your young men are able and willing and anxious to work. In fact, they performed their work as efficiently if not more efficiently than their white brothers in the C.C.C. camps. It has been a revelation to see the marvelous accomplishments of the ECW workers. It has given us a broader outlook and a more hopeful outlook when we have seen how rapidly these gangs of workers developed their own leaders, foremen, etc. We know then that the capacity for leadership is in the Indian race. It is there just as much and sometimes more than in other races. It is merely a question of how best to set free this capacity and put it to work, and that we propose to do through the system of organized communities to which it is proposed gradually to transfer various administrative and other services for the communities to do for themselves, whereas now they are being done for them by the government through the Indian bureau.

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In other words, the Commissioner proposes through this bill--the self-government section--gradually in the course of time to eliminate the Indian Bureau as a master and to transform it into a sort of advisory system, and to give the communities the chance to work out their own problems. I could go into the details of this particular section but I won't do it now because Mr. Baumgarten informs me that dinner will be served at 12 o'clock sharp and we must get through here about 10 minutes to twelve so we will omit any detailed discussion on this subject and bring it up again.

MIKE WOLFE: Mr. Chairman. If any announcements are made we would like to have them interpreted immediately. About 90% of us understand you but there are some of us who don't understand English and we would like to have the announcements interpreted.

MR. WOHLKE: The interpreter will announce them.

MR. WOLFE: I refer to those written questions which you mentioned some time ago.

MR. WOHLKE: The interpreter will interpret them.

MR. WOHLKE: Very briefly I want to wind up the discussion on this self-government part of the bill. The self government as offered in this bill is purely voluntary. You have to come and take it if you want it. If you want a charter for a community you have to ask for it, and you have to decide what you want in that charter and confirm it by a majority vote. Every aspect of this program is voluntary. You can go as far as you want to and as short a distance as you want to. It's just as though self-government were a river. You are on a bank. You have to walk to that river to get to it and you can test it out to see if you like it. You can begin by sticking your toe in the water, and if you like it you can go in still deeper and if you don't like it you can get out. It depends entirely on your willingness and ability to handle the proposition.

At Rapid City the Sioux interpreter from Pine Ridge at the end of four or five long days got up and said when he first heard of this new deal for the Indians he liked it. Then he began to worry about it. He said: "I began to see that what we need to put this program into effect is leaders and I looked around hard and long among my people but I couldn't find any leaders and that is what we need if we are to make a success of it."

That might well apply to a great many other tribes I know of. The development of leadership among the Indians has been nullified for the past 50 years because there was no goal for the individual to be a leader. Everything was being done for them. The development of leaders was suppressed by the system under which the Indians were governed. There was no chance for development because there was no object in developing---no incentive.

So realizing this the committee and the Commissioner put into this bill Title 2 which deals with educational privileges. You will find in the amended bill that the amounts which are to be set aside for special Indian education---for the special training of your young men and women---that these appropriations have been very much increased. Now the figures stand at \$200,000 and \$50,000 where they were \$50,000 and \$15,000. We realize we must have leaders if this program is put through. Therefore these sums are to be authorized so that the most promising of your young men and women can be given professional training in administration, in medicine, in law, in agriculture and all kinds of technical subjects which are closed to them now because of the excess cost of obtaining them.. In part this money is a loan. Half is to be furnished by the men and women who receive the scholarships, but if they are unemployed payments can be suspended until such time as they are able to pay. We hope to develop a body of professionally trained Indian

men and women that will take over the task of administration off the shoulder of the white people and put it where it belongs. Now, in regard to the section which sets up a special system of Indian courts. As you know we already have the so-called Indian courts on the reservations where justice is administered in cases of minor law infractions. It is a purely informal system of courts with a loose organization and without the right of appeal. Under Title 4 the powers of the Indian community courts are limited and regulated. The manner of selecting judges is left to the community instead of to the Secretary of the Interior. The right of appeal is granted to those who feel the weight of sentence and feel they have been injured. The right of appeal is given to a special federal court of Indian affairs with seven judges equal to seven U.S. District Courts. The U.S. District Courts usually are too busy to give the Indian the time to which he is entitled.

It is in no sense an effort to create a special system of Indian judicial affairs, but rather it is effort to provide the judicial facilities to which the Indian is entitled and which at the present time he is denied. Also, this particular title is subject to amendment and may be amended before the bill reaches the floor of the House and Senate. The Committee of Indian Affairs has sent letters to all district judges asking for their opinion of this title and a good deal depends upon what their attitude is as to what amendments shall be made.

I have given you a very rapid sketch of the proposed legislation and the time has now arrived to get ready for lunch. We reconvene in this hall at 1:30 P.M. and at that time I hope you will have many of your questions ready and Mr. Marshall will start the session with a slightly detailed analysis of the proposed land system and as soon as he is through we shall begin to answer the questions and I hope you will have many of them.

SESSION ADJOURNED UNTIL 1:30 P.M.

1:30 P.M. APRIL 23, 1934.

MR. WOHLKE: The meeting will come to order.

JOE MORRISON: Since the ideas and needs of the various bands are so far apart, I would like to ask that different meetings be held so that we will not interfere with one another. I think we could get along much better in this manner.

MR. WOHLKE: We had already planned to hold different meetings tonight with the various groups and the announcements of those meetings will be made some time in the afternoon. It is not yet settled as to the locations, but we had planned to have meetings with delegations from Minnesota, and another one with delegations from Wisconsin, and another with the men from Winnebago, Sioux and Potawatamie tribes and also those from Red Lake. These meetings will be held this evening and announcements as to where they will be held will be made from the platform this afternoon. Is that satisfactory?

JOE MORRISON: That is satisfactory.

MR. WOHLKE: We will now proceed with the program as announced this morning. We will discuss in great detail the provisions of the land title and that task falls to a man whom I know you will all like. He is a man who is descended from the illustrious John Marshall, Chief Justice who made the interpretation of the Constitution which prevails today. He is not only a technical forester, but writes books in his spare moments, and some years ago he proceeded up to Alaska and for 1½ years lived in an Eskimo village. He wrote a book about it and that book later became a best seller. I know he doesn't know I know this and he probably hates to have me tell it, but when he got a lot of royalty, running into thousands of dollars, one-half of it went to the inhabitants up in that little village on the Polar Sea. He knows his business as a forester and he knows what he is talking about so he must be all right.

MR. MARSHALL: After everything nice that Chairman said about me, I hate to tell you that I am neither a lawyer nor a descendant of a chief justice, and I will say that if it was not for the lawyers and their technical phrases I wouldn't have to speak on this since it is all contained in these 15 pages from page 27 to page 41. These pages would be perfectly clear if they weren't all tangled up with legal phrases like they are in any bill.

INTERPRETATION OF ABOVE BY FRANK SMART, OMAHA.

MR. MARSHALL: Now, I think about everything that there is in this whole 15 pages I can summarize in 5 sentences--that is everything of importance from the standpoint of the average person. Now for the first sentence: 1. The Indians will keep the land they now own. 2. The Government will buy them more lands. 3. The lands will be owned in such a way that the Indians can really get the benefit of them. 4. They will be managed so as not to ruin them. 5. The tax free period will be continued indefinitely. A great deal must be explained in connection with those five sentences in order that you understand them, but those five sentences tell pretty much what those 15 pages mean.

INTERPRETATION BY FRANK SMART

MR. MARSHALL: Now, as I say that sums up pretty well what is contained in those fifteen pages, but it is early in the afternoon, and before you start your questions I will add a few more sentences to make them more complete. First, in regard to the matter of the Indians keeping the land they now own. The Bill provides two phases of the same thing: 1. No more Indian lands can be sold to the white men. 2. Those seeded portions of the Indian reservation which by hook or crook have been thrown open by Congress and have become open for homesteading by white people who pay much less than they are worth--those lands will be returned to the Indian reservations and become part of the Indian land.

MR. MARSHALL: Now when I say the government will buy you more lands that means two different sorts of land the government will buy up in this part of the country---timber and farming lands.

Because of the allotment law in the past a great many solid timber blocks have been broken up by partial white ownership and Indian timber lands have been scattered throughout with white owned patches. You know that in order to be profitable, timbering should be carried on in solid blocks and this has been impossible with white lands scattered throughout your holdings.

Under this bill it is proposed to buy up the white lands scattered throughout the reservations. Under the present system the white man controls your land so to speak and it is not a good thing for you. So, it is proposed that the Government will buy up the white timber land and make it possible to block out solid blocks of Indian lands that you could operate yourselves. On most of the reservations it is not possible to make a living only on timber lands, valuable as they may be. However, probably most of you could make a living in timber lands if you also had farms to operate. The bill proposes to buy land for landless Indians and I know a great many of you people, particularly Chippewas who through no fault of your own have lost your land--will be provided with land through the bill. Another thing of importance--in cutting timber on your lands, enough seed trees will be left so that new trees may grow up, thus avoiding barren wastes so typical of so many parts of this country.

MR. MARSHALL: (Quoting from Bill of Indian Rights)

"On the death of the owner of restricted land, other than grazing or timber land, lying within an area classified for consolidation pursuant to the provisions of this section, the Secretary shall partition such land among the heirs, or devisees, if the lands are capable of partition without impairment of the beneficial use of the lands. If the land cannot be so partitioned, each heir or devisee shall receive a certificate

entitling him to an undivided interest in land or other assets equal in value to the parcel he would otherwise inherit, and the title of the decedent shall pass to the chartered community within whose territorial limits the land is located, or, if no community has been chartered, to the tribe from whose lands the allotment was made.

On the death of the owner of restricted grazing or timber land lying within an area classified for consolidation pursuant to the provisions of this section, each heir or devisee shall receive a certificate entitling him to an undivided interest in land or other assets equal in value to the parcel he would otherwise inherit, and the title of the decedent shall pass to the chartered community within whose territorial limits the land is located, or, if no community has been chartered, to the tribe from whose lands the allotment was made.

It shall be the duty of the Secretary to determine what interests in lands or other assets shall be granted to such heirs or devisees in lieu of the parcels they would otherwise inherit. Any arbitrary and unreasonable determination may be set aside by any court of competent jurisdiction."

Each of you I suppose has different questions in your mind about this bill and I suppose it would be well to begin answering some of the questions.

MR. WOHLEKE: I think we will now begin to answer the large number of questions that have arrived at the desk.

QUESTION BY THE BAD RIVER DELEGATES:

QUESTION: On the Bad River Reservation the allotted Indians all hold fee patents for their individual allotments. These fee patents have restrictions. Would it be compulsory for the allottee to surrender or relinquish his land to the community if the Department so ordered. We understand that the Constitution does not give the Secretary of the Interior the right to nullify or abrogate this fee patent without the owners' consent.

ANSWER BY MR. SORHLKE: There must be a slight mixup in terms here. If it is a fee patent I suppose it has no restrictions. It would be a trust patent, so let us assume the Bad River delegates are referring to trust patents. Would it be compulsory to relinquish the land to the community? I believe we have explained once or twice that the entire system of community organization is voluntary--that no one has the right to take private property from any body else, and the Secretary of the Interior is just as much bound by the Constitution of the United States as any other citizen--therefore we can tell our friends from Bad River that it is perfectly impossible constitutionally to take land away from them and that the bill contemplates no such step. If there is to be any surrendering at all it will be a purely voluntary process. The Indians would have to consent or it could not be done.

QUESTION BY BAD RIVER DELEGATION: Will the Chair explain in detail how credit facilities will be made available for use by the chartered community?

ANSWER: The credit section of the bill authorizes the appropriation of \$10,000,000 for a so-called "revolving fund." That is, a fund out of which loans are made which are then repaid to the fund and loaned out again to others, so that the fund itself never returns to the Treasury of the United States, but continues to be used for loan purposes.

Now, under the bill as drawn at the present time, loans from this fund would be made to chartered communities and to members of that community for various purposes, a number of which are enumerated in the bill. For instance, for the building of homes, barns and fences, for the purchase of livestock, of implements, of fertilizer, and for any other purpose which would contribute to the economic success of the community and its members.

Under that provision you might set up in the chartered communities a credit union to which the government would loan a set amount, and that union in turn would loan to its members or members of the community. You might have a livestock association which would borrow from this fund and repay in installments, so that for almost any activity of the community and members, these loans would be available.

These loans need not always be made on good security or on any security whatsoever. They may be made by the credit union with the security on the character of the person who borrows it. The terms of repayment will be set by the organization; by say the credit union in the local community, and if these loans are repaid the money will become available again for loans to other members of the community, so the fund will be circulating right along. I think that just about describes the method of making loans.

QUESTION BY BAD RIVER DELEGATES: Some of our members contend that they have the right to sell wholly or in part at any time, when the money derived from such a sale, to the individuals best judgment, any land held under a restricted fee patent when such a sale helps the business the individual chooses to follow. They also contend that they have the right under the constitution of the United States to will their lands to their heirs, the fee patent title remaining with the heirs.

ANSWER: If restricted, no; if unrestricted, yes.

MR. WOHLKE: Now right here is where the chairman gets a rap on the jaw--listen to this question.

QUESTION BY BAD RIVER DELEGATION: An exception is made to one of your remarks. When were the Chippewa Indians at war with the U. S. Government? Where they became prisoners of war? Was it not through deceit that we become wards of government?

ANSWER: I believe I made the general statement that the white race occupied the North American continent and that during this process of occupation it was at war with the Indian race. I believe in general that is true, but at the same time during this 300 year war a great many of the tribes cooperated with the United States Government, as for instance the Crows and other tribes who never were at war with the United States. Several tribes in the Southwest always remained peaceful and helped the U. S. Government. But after all it was a condition of war in which the whites fought against the Red race, even though there were various alliances back and forth. Now as to the question of deceit on part of the government, that is undoubtedly true.

On the reverse side of this paper appears this question: "If this so called self-government bill is accepted, how do we know that the government will fulfill its promises? We have been deceived quite a few times!"

That is a very good question and it deserves an answer. Personally, none of us can guarantee that, but we can say that this administration has taken a new view, a new attitude toward the common man, whether White or Red. The first concern of our President seems to be with the rights of man and not so much with the rights of property.

MR. WOODWARD: (Continuing) I am quite certain that I can guarantee that whatever promises are made to you by this administration will be kept by this administration. As to the future, you must realize that up until very recent years the Indian race had land and properties that the white man wanted---especially land. The huge reservations of the 70's and 80's were right in the path of the white wave that swept across them. No matter what kind of promises the government would make the citizens would proceed to override them and take what they wanted; and frequently the government had to break its treaty promises and reduce your land holdings, because if it hadn't done so, the whites would have taken everything by force and the government would be powerless to restrain them.

The point is this: Of late years the white race has discovered that it took away too much land from the Indian race. It bit off and swallowed so much of the Indian land that now it has a national stomach-ach--cant digest it all. Because it took so much land and put it under cultivation and production it now is faced with a condition under which it produces so much from the soil---so many things like cotton and wheat and corn--so many of those commodities--that there is no market for most of it and the prices have gone to the devil and the land values have also gone to the devil. Everything has gone to hell largely because too much land was taken from the Indians and put under cultivation. All of us are suffering from these past mistakes as you have noticed from the action of Congress in limiting cotton production; in trying to limit wheat production, etc. The government realizes this, and in fact is now willing to buy back at low prices some of the land that was taken away and give it back to the Indians. That is why I believe that the promises made now will be kept. The theory now is not to take away from you, but to give back to you.

QUESTION BY MENOMINEE DELEGATION:

QUESTION: Will this self-government bill revoke all laws governing the Indians prior to the enactment of this act?

ANSWER: No, it would not.

ANNOUNCEMENT BY MR. BAUMGARTEN:

MR. BAUMGARTEN: We are now ready to announce the places in which the various meetings will be held tonight. The Minnesota Chippewas will meet in this auditorium at 8 P.M. The gentlemen in charge will be Mr. Zimmerman, Mr. Reeves. The Wisconsin and Michigan Chippewas will meet 8 P.M. under Mr. Woshke and Mr. Daiker in the dining hall, upstairs in what is known as the employees' sitting room. The Menominee and Red Lake groups will meet under Mr. Marshall in the room upstairs in the girls' building right across from the office at 8 P.M. The Winnebago, Sioux, Oneida and Stockbridge groups will meet under Dr. Roelund at the same time in the girls' building in the other sitting room which will be pointed out to you. The Potawatomi group will meet with the Wisconsin and Michigan Chippewas.

MR. WOSHELKE: The next series of questions will be answered by an old friend of yours---a man born in a tepee, raised on buffalo milk and finally winding up with a Yale degree and becoming Superintendent of Haskell Institute--Dr. Roe Cloud.

DR. ROE CLOUD: Mr. Interpreter, tell them I don't go quite as far back as the buffalo milk---tell them that I began with duck soup. Now for the questions.

QUESTIONS BY WHITE EARTH DELEGATIONS:

QUESTION: What does tutelage mean?

ANSWER BY DR. ROE CLOUD: It means instruction, guidance, education and nurture. It also has this added meaning--it means wardship and government control of Indians whenever we use that term.

QUESTION 2: What Minnesota Indians are included under Federal tutelage?

ANSWER BY DR. ROSE CLOUD: Generally speaking, I should say that all Indians in the United States--not only Minnesota--but all Indians are under Federal tutelage. In a more technical sense, the Supreme Court of the United States has said that wards and citizens are not incompatible terms--so that you and I as Indians can be wards and citizens at the same time and exercise under those terms the privileges that go with both names. The word citizen is often referred to. A fee patent Indian and also one who has separated himself from tribal connections and gone out with the white people to live--he is supposed to be a citizen. Technically he still remains a ward of the government even though he is separated from all tribal connections because in many, many instances he continues to participate in the tribal fund. A great many Minnesota Indians today are still wards and citizens in the sense that they still continue to share in the fund. In 1924 President Coolidge made us all citizens but it didn't impose upon us those well known responsibilities that go with citizenship.

QUESTION 3: What distinction if any does the bill make between "tribal" and "community?"

ANSWER BY DR. ROSE CLOUD: Of course the word tribal means the whole number of Indians in the tribe or in anything that has to do with land or property in which every member of that tribe participates. A person that has tribal relationship may have that relation with respect to both property and land.

The term community is well defined by this bill in two ways. A community is based upon a so-called economic unit. It may be defined in many different ways according to the locality and the kind of economic situation in which the Indians find themselves. In a grass area where I have been for the last month among the Sioux Indians,

an economic unit is comprised of an area containing grass, meadow hay and water. An economic unit here in Wisconsin would likely be far different and its interpretation would vary from the Sioux country just to the extent that you may have fishing opportunities, forestry opportunities, subsistence opportunities, etc.

A community is further distinguished by the word charter. Where you have a community there must be a charter.

QUESTION 4: After a community has been organized it develops that a considerable number of Indian members---say 75% refuses to work. What can be done with them? Will the other 25% have to feed and care for them?

ANSWER BY DR. ROSE CLOUD: I believe someone is letting his imagination run away with him, but I would like to say here that this new system---this new plan--provides in my judgment far more work opportunities to the Indian race than what you and I have experienced up to the present time.

Generally speaking Indians are considered lazy, largely because of two things: There is wide-spread unemployment on reservations everywhere. A reservation is the hardest place in the world to find work for the Indian. Therefore, having no employment, he stands around the streets or mopes along the road in his lumber wagon. The second factor is because of wide-spread sickness resulting from not having enough to eat--malnutrition as it is called. Maybe tuberculosis has set in and there is a dragging of the feet and a loss of ambition together with a generally weakened condition--he may not be strong enough to go to work.

Lately when these relief work opportunities have been given the Indian, he has demonstrated that he will work if he has the opportunity---as thousands proved this past winter.

In the second place, this new system sets up a new form of self-interest that we have never before experienced. Here is this \$10,000,000 loan fund that you and I can utilize to get started in something. To make industry we must have land, labor and capital, and hitherto we have not had anything but labor. Now for the first

time in our experience the government favors giving you the other two.

In the third place the bill says that beneficial use must be made of this land. The chartered communities must see to this. Drones are a problem in any community and I trust in the best judgment of the Indians to solve the problem themselves. It is a thing that cannot very well be legislated against, but I believe that it can be controlled with a lot of good horse sense.

Fourth, the chartered community brings to apply on the Indian the local public opinion. Up to the present when the Bureau asked us to go to work we said "Well, those birds are way off in Washington and we don't care very much about the white man's opinion."

But let the Indian public opinion be focused upon some one member of the community and watch the reaction. We naturally respond to what our fellows think of us and it is a most powerful force to make us do something useful in life. So I say that 75% of any community is not going to be lazy by any means.

QUESTION 5: Would ceded reservations in Minnesota under this bill be classified and considered as reservations?

ANSWER: Yes.

QUESTION 7: In dealing with the Indians in this bill it defines the status of degree at $\frac{1}{4}$ Indian blood. Then what provision is being made for those less than one-fourth Indian blood?

ANSWER BY DR. ROE CLOUD: Since the person of less than one-fourth Indian blood is excluded from the terms of the bill, I believe this is a good question to forward to the commission at Washington for final determination.

VOICE FROM THE BACK PART OF THE AUDITORIUM:

Mr. Chairman, may we ask the speakers to be a little louder? It is difficult to hear in the back part of the hall.

QUESTION BY THE LEECH LAKE DELEGATION:

QUESTION: When a band of Indians accepts the plan of self-government where will the community be established and who will be the selector of such location? Will it be the Indians or the Secretary of the Interior?

ANSWER: I should say that the selections of sites will be made by and with the advice of experts of the government. The government is helping the landless Indian with \$2,000,000 for the purchase of lands. I do not question but what the government will be very glad to listen to the desires of the Indians as to the place they would like to live, and in general this rehabilitation will begin where they already have any kind of land holding. Where there is a group of Indians that have no land whatsoever, they may wish to colonize and go to other places to live.

QUESTION: Can a person who belongs to another tribe on another reservation come over and join some other tribe on some other reservation?

ANSWER: If that is the case, any person having land in two different communities can consolidate their holdings wherever they want to live. In the case of a man and woman, the man may move to her holdings, or vice versa. This is merely a question of transfer that the communities can see to themselves.

QUESTION: What will be the money source for the development of these proposed communities?

ANSWER: The \$10,000,000 appropriation will be the source for the development of these communities. If the community wants to use its own tribal money it may do so and whatever money profits are derived from the initiative of Indians in tribal ventures may also be used in furthering the development of the community.

QUESTION: The proposed bill provides funds for the use of those Indians who are eligible for higher education. Where will these youths obtain their elementary or preparatory training which will enable them to take advantage of this provision in the bill?

ANSWER: I wonder why that question was asked--because already the government is providing most tribes with elementary education--for example at boarding schools, day schools, etc.--and wherever there is a tax supporting institution among the whites, the Indians are permitted to attend. There will be available \$250,000 and Indian boys and girls will be sent away after they have been discovered to have the capacity to become doctors and nurses, lawyers, engineers, accountants, business men and one thing and another.

MR. WORNILKE: I wonder how the interpreter can possibly interpret all that.

LENGTHY INTERPRETATION BY MR. FRANK SMART: ODAWAH.

THOMAS ST. GERMAINE OF LAC DU FLAMBEAU: Mr. Chairman, I believe that last question was perfectly legitimate. I happen to have the honor of being a graduate of the same school as Dr. Roe Cloud, and I would like to have this question elaborated on. The bill provides that the young people must reveal a capacity for higher education in order to be sent to large institutions, but how are they going to develop this capacity? Are they just going to jump right into it? If the Indian schools can prepare the youth up to the point of entering

the University of Wisconsin, or Yale, or some other large school, all well and good, but it does not prepare the youth up to that point. Why do we have a Dr. Roe Cloud or a St. Germaine or perhaps one or two others who are graduates of big schools? Why do we have so few of them? Because the system of education has been so faulty, so low in grade that it does not prepare for entrance in higher schools.

MR. WOEHLIKE: It is the policy of the U. S. Government to provide elementary and high school education for Indians wherever possible.

MR. ST. GERMAINE: Where I come from there was only one boy who received a little help. Do you mean to say that in a community like that there is only one candidate who is eligible for higher education?

DR. ROE CLOUD: I think that Mr. St. Germain's remarks are very well spoken and to the point. The government has in the past few years conducted institutions in the elementary grades that were not accredited with the college requirements. The reason for that has been that the government considered what it calls industrial education of more importance than simply getting Indians into college. Lately, however, the government is seeing to it that Indian children receive instruction in public schools that are tax supported--the aim being to see that the Indian children get the standard training that is afforded the white children to enable them to enter universities and colleges. This bill, if passed, will provide a better chance for the Indian children to receive the necessary elementary training.

MR. WOEHLIKE: I think we are getting far behind in our interpretation. Suppose we have the interpreter summarize what has been said during the last hour.

INTERPRETATION BY MR. FRANK SMART, ODANAH.

MR. WORMLIKE: I think that was a marvelous piece of work and I think that we ought to reward the interpreter by taking a recess for 15 minutes.

RECESS FOR FIFTEEN MINUTES

MR. WORMLIKE: The minutes of this conference will be mimeographed and a copy of them will be supplied to each delegate through his superintendent. If any of the other guests and visitors would like to have copies of these proceedings will they please communicate with the superintendent of their district so that the proper number can be ordered. It will probably take three weeks before these copies will be ready. Upon request additional copies will be furnished for distribution among those Indians who did not attend this conference.

I want to repeat the announcements of this evening's meetings. The Minnesota Chippewas meeting in this building at 8 P.M.; the Wisconsin and Michigan Chippewas in the building in which the dining room is located; the Menominee and Red Lake groups in the girls' building upstairs; and the Winnebagoes, Sioux, Stockbridge and Oneida groups in the same building upstairs. Visitors of course will be welcome up to the capacity of the rooms.

We will now proceed with the answering of questions, and our latest victim will be the distinguished Chief Counsel of the Office of Indian Affairs, a man who has been digging into the laws of the Indians for the past 30 years. What he doesn't know about Indian law isn't worth knowing, and you can take what he says as gospel truth.

QUESTION BY WHITE EARTH DELEGATION: Is there provision in H.R.7902 for appeal from decisions rendered by the proposed Indian Court?

ANSWER BY MR. REEVES: Yes, page 47 and 48, Section 15 of the bill reads as follows: "The final judgment of the Court of Indian Affairs shall be subject to review on questions of law in the circuit court of appeals of the circuit in which such judgment is rendered. The several circuit courts of appeals are authorized to adopt rules for the conduct of such appellate proceedings, and, until the adoption of such rules, the rules of such courts relating to appellate proceedings upon a writ of error, so far as applicable, shall govern. The said circuit courts of appeals shall have power to affirm, or, if the judgment of the Court of Indian Affairs is not in accordance with law, to modify or reverse the judgment of that court, with or without remanding the case for a rehearing, as justice may require; the judgment of the circuit court of appeals shall be final, except that it may be subject to review by the Supreme Court as provided in the United States Code, title 28, Sections 343 and 347.

QUESTION BY WHITE EARTH DELEGATION: Cite and interpret the so-called Curtis Act enacted in 1924, conferring citizenship upon the Indians of the United States, and state briefly how H.R. 7902 with its multitudes of provisions, can constitutionally be applied under grants provided for in the said act of 1924?

ANSWER BY MR. REEVES: That question has already been answered twice from this platform. It was referred to by both Dr. Ros Cloud and Mr. Woehlke. It was pointed out to you that citizenship and wardship are not incompatible. The Supreme Court has so held and the Act of June 2, 1924 in conferring citizenship upon the Indians in no way deprived you of any property rights, privileges and opportunities granted to you Indians. There is no inconsistency between the two in any manner whatever, and enactment of the H.R. Bill would only extend to you additional facilities and privileges without dispossessing you of present property rights or rights as citizens.

QUESTION BY JOHN BROKER, WHITE EARTH: What effect will that have on the Indians if they want to run for office---for instance a county office?

ANSWER BY MR. REEVES: It should have none whatever.

QUESTION BY WHITE EARTH DELEGATION: Do you not think that you are taxing the endurance and good nature of your interpreter with too lengthy statements?

ANSWER BY MR. REEVES: That is an interesting question and I want to answer it by saying that I certainly do think so.

QUESTION BY WHITE EARTH DELEGATION: Will a future administration interfere with the provisions of this legislation in the event it is enacted into law?

ANSWER BY MR. REEVES: Mr. Woehlke has already assured you that no representative of the government can guarantee what Congress will do in the future. If it enacts this measure, any future Congress has the power to supersede it with other laws. I am no prophet and can't look into the future any more than you can. Neither can we representatives of the government guarantee absolutely what is ahead of you in the way of legislation.

QUESTION BY WHITE EARTH DELEGATION: Is the court provision workable? Would it not strip the Indians of their constitutional rights they now enjoy? Would findings of fact by this court be made unreviewable on appeal?

ANSWER BY MR. REEVES: The answer to the first part as to whether the provision is workable or not is undoubtedly Yes. The Answer to the remainder as to whether it would strip the Indians of constitutional rights is no.

QUESTION BY LAC DU FLAMBEAU DELEGATION: Referring to Title 3, Page 28, Line 21. Do we now own the water rights. It is our chief asset since about one-third the area of our reservation is water.

ANSWER BY MR. HERVES: Turning to Page 28, Line 21 of the bill you will find that it provides for no lands, water rights or other assets owned by Indians shall be voluntarily or involuntarily alienated. Further, I might state that the water rights referred to deal primarily in connection with arid southwest lands where it is necessary to resort to artificial application of water to raise crops. That is primarily the water rights dealt with in this bill. With reference to the water rights among you Chippewa people, your rights depend upon whether the waters are navigable or non-navigable. As to the area within the reservation, if they are navigable waters they belong to the state--if non-navigable they belong to the tribe or individual Indians in the event the reservation has been allotted.

INTERPRETATION BY FRANK SMART

QUESTION BY ATTY. THOMAS ST. GERMAIN, LAC DU FLAMBEAU:

This question is so vital to us that I would like to add a few more words. Navigable streams have been defined by our supreme court of Wisconsin as being any stream or lake that floats along--any thing that floats a ship is a navigable stream. The reason our grandfathers preserved these waters in old treaties was to provide the Indians with hunting and fishing and to provide a store house for game. Now if you want to help these reservations your action should be this: Congress should enact a law whereby we could have exclusive jurisdiction of these waters. Otherwise self-government means nothing to us for we will have nothing to self govern with.

QUESTION BY JEROME ARBUCKLE, BAD RIVER DELEGATE:

We want to know how this bill would affect our hunting and fishing on streams which the state contends are navigable.

QUESTION BY CHARLES PICARD-CHAIRMAN L'ANSE CHIPPEWA DELEGATION:

Does the passage of this H. R. 7902 Bill nullify the citizenship Act of 1924? Indians in Minnesota, Wisconsin and Michigan now are eligible to vote for-run for, and do hold township, village, county and state offices as citizens of the state and the United States. Will this proposed law deprive them this suffrage?

ANSWER: That question has been asked elsewhere and I believe was answered fully.

QUESTION BY MR. PICARD: Sec. 2 Title 5 does not appear to protect rights acquired under treaty agreements. Will this bill annul these rights such as fishing and hunting, and holding our lands or allotments free from taxation indefinitely and forever?

ANSWER BY MR. REEVES: I do not propose to get into argument as to the decision of the courts in this matter. I do want to state however that my heart goes out in deep sympathy to the Chippewa Indians because of their losses---primarily of land. Unquestionably there have been treaty violations and to correct this matter Congress will have to change the laws---I cannot change that law---Congress will have to do it. But as to the hunting and fishing---if the streams are navigable the title is in the hands of the state and the state has the control, and if the waters are non-navigable the state has no jurisdiction.

QUESTION BY JEROME ARBUCKLE OF BAD RIVER BAND:

As concerns the Bad River band the title to the swamp lands etc. rest in the hands of the Indians, and as far as one parcel of that land is concerned, I have the patent to that land right here in my pocket. The state relinquished their claim to these lands of the Bad River and they were all allotted to individuals who today hold titles to them. The state claims no jurisdiction over our navigable rivers. If this bill takes away our hunting and fishing rights it takes everything away from us and will be of no benefit to us.

ANSWER BY MR. REAVES: This bill could take away no rights that you now have--none whatever. If this state selected other swamp lands that is fine--in Minnesota the Indians did lose their swamp lands.

QUESTION BY JEROME ARBUCKLE:

If the state contends it has jurisdiction over navigable waters, would we be liable to state law and arrest if we pass over these waters with game out of season?

ANSWER BY MR. REAVES: I think you would---I may be mistaken.

MR. ARBUCKLE: I would like to know what good our treaty is then.

QUESTION BY MR. ST. GERMAIN: Someone has said--in fact the Supreme Court has said that the treaty is the supreme law of the land. I don't know what they mean by that---perhaps they should have said all but an Indian treaty. An Indian treaty, it seems, can be twisted any old way to suit some one else. A mere interpretation by a certain group of men should not change the law. My thought is this: That that interpretation of the law has never been argued by a member who really believes and knows that the Indians retain titles of those waters within reservation lands. Give us a chance----let an Indian go there and tell those gray haired men what they should know.

CHAIR TAKEN BY MR. WOEHLKE:

MR. WOEHLKE: We are not only getting into navigable waters, Mr. Reaves, but we are getting into deep legal waters---but I don't believe that a discussion of the legal aspect of this thing will get us anywhere.

If you gentlemen from the Bad River or Lac du Flambeau reservations think that through the Wheeler-Howard Bill we are trying to take anything away from you, you are badly mistaken. It gives you

greater security, adds to what you have, and takes nothing at all away from you. If you still believe we are trying to take something away from you then we have been very much at fault in explaining this bill to you. We have been trying to explain all day long that what we want to do is to add to what you have and to help you in your present difficulties.

If we haven't made that clear it is our fault, and we hope that tonight we can tackle some of these things and see if we cannot work out a remedy that will protect you in the vital rights to these waters. But don't let us mix it up with the discussion of this particular bill which is designed exclusively to help you and to add to what you have.

We have had orders from the cook to close at once or we won't get anything to eat. So therefore we recess until 9 o'clock tomorrow morning with the exception of the evening meetings.

RECESS UNTIL (9 A.M. April 24, 1934.

SESSION RE-OPENED AT 9:00 A. M. APRIL 24, 1934.

MEETING OPENED BY MR. WOHLKE

MR. WOHLKE: I understand from various persons that met in this hall last night that several froze their feet, hands and noses, and I suggest going to the hospital for treatment if they still hurt. Where we met it was nice and warm.

We will now proceed and endeavor to answer as rapidly, yet as completely as possible the remaining written question. After we are through we would like to hear from the various delegations and I suggest in view of the limited time and the large number of reservations represented, that the delegations from these reservations select their spokesman as soon as possible so that they will be ready when they are called upon--this will aid in losing as little time as possible. After that we want to throw the subject right on the table and have expressions of opinion from anybody who might feel moved to speak on it, so I want now to ask Chief Counsel Reeves to complete the answering of the questions which he has in his pocket.

QUESTION BY BAD RIVER DELEGATION:

After the charter is issued can the restricted fee patent allottee still dispose of his land as he see fit after he has requested that the restrictions be removed?

ANSWER BY MR. REEVES: Depends entirely on whether the title you own is restricted fee or an absolute outright fee. If you have an outright fee title, one on which all restrictions are removed, or you have received a certificate of competency, then you have the right to sell it without the approval of any government agency. If you still retain the restricted title you can sell with the order of the Secretary of the Interior. As to the right of making a will, you have that right under the law as it stands today.

QUESTION BY MITCHELL RED CLOUD, CHAIRMAN WISCONSIN WINNEBAGO CLAIM COMMITTEE

QUESTION: This bill carries no provision whatsoever objectionable to the Winnebago tribe as a whole, but it does lack a provision by which an Indian can recover ownership, or, grant right to re-imbursement of taxes paid, where the loss of ownership is not through the fault of the Indian, but through the indifference and laxity of administration of the federal agents in recent years.

Many Indians would benefit by such a provision. From 1915 on, lands were purchased with trust funds and patents in fee given, carrying a clause stating that these lands were the inalienable property of the buyer, and further stating that these lands would be exempt from taxation for twenty five years. These rulings held good for a number of years. Then without warning, without consulting the Winnebagoes, a ruling was made that these lands were taxable, which compelled these Indians to pay back taxes amounting to hundreds of dollars which the Indians could not meet and thereby lost their lands.

ANSWER: The Winnebagoes in Wisconsin received fee titles with restrictions against alienation for a period of 20 years. That period automatically expired by lapse of time when the 20 year period ran out. The lands were non taxable during that period but became subject to taxation upon expiration. It also involves another troublesome angle---the purchase of land for an Indian with proceeds derived from the sale of other lands were under earlier rulings of the court held to be non taxable. After quite an interval and after everyone had been convinced that the re-purchased lands were non taxable, the higher court overruled the lower court holding it beyond the power of the Secretary of the Interior to sell land held in trust for an Indian and take the proceeds and buy another piece of land from a white man and render that re-purchased land non-taxable. It was a bitter experience to Indians who had sold tax exempt land and fortunately Congress has remedied that situation a year ago by enactment of a statute which enables the Secretary of the Interior to do what he previously was unable to do.

QUESTION BY BAD RIVER DELEGATION: In this bill and elsewhere the question of wards and non-wards has come up on several occasions. We would like to have the chair clearly define a ward and a non-ward and the status of each class. We have cases where an allottee has received a certificate of competency for 20 acres of his 80 acre allotment. Is he a ward or a non ward or just a restricted citizen?

ANSWER: He is a ward----he is also a citizen.

QUESTION BY MITCHELL RED CLOUD-WINNEBAGO

Other lands were lost through failure to make payments on drainage taxation where drainage ditches were forcibly made without the consent of the Indian land owners.

ANSWER: That has reference to a special situation in a so-called drainage area and assessments were levied against those lands but they were not sold for failure to pay.

QUESTION BY MITCHELL RED CLOUD-WINNEBAGO: Will there be only one or several Federal Court of Indian affairs to facilitate early settlement of claims arising from unpaid treaty stipulation?

ANSWER: If you turn to pages 41 and 42 of the bill you will see that it provides for one federal court of Indian affairs consisting of seven judges, any one of whom may sit individually in minor cases.

It does not however give that court jurisdiction of claims of the Indians against the government. That will remain where it now rests in the hands of the court of claims.

QUESTION BY FOND DU LAC DELEGATION: My boy has an education. He saw service in the World War. He was wounded during action. After getting back, shortly he got married, and he has five children and three of the children received payment while the other two youngest children were deprived of the annuity payment. Shortly after the Patterson

decision came into effect they were all taken off the annuity roll for the reason that they were born off the reservation. Could they be put back on the annuity roll as adopted children of the Mississippi Chippewa Indians?

ANSWER: The answer to the last part of that question is yes. If they were or are re-enrolled by adoption of tribal authority they would be re-admitted and recognized as members under the Patterson decision holding to the effect that children born off the reservation were not born under membership to the tribe and unless tribal authorities are willing to recognize them by adoption they are not automatically entitled to membership. That is a very troublesome question among you Chippewas---the right of children of non-resident members to enroll in tribal benefits. We have hoped to work out a solution to the problem, and under this new bill if it is enacted, I believe the problem will be left for the communities themselves to decide----they themselves will probably have to decide the right of memberships in cases like this.

CHAIR TAKEN BY MR. WORNKE:

MR. WORNKE: From that very brief talk by Mr. Reeves you can see the immense complexity of the problems that constantly confront the office and the legal department, and I think it is a marvelous thing that we can get together in this way to consider and discuss all these matters face to face instead of sending letters to Washington and getting a brief reply perhaps 3 or 4 weeks later, and we hope that in the future we will have a series of these Congresses so that we can have these heart to heart talks and get acquainted with one and another.

CHAIR TAKEN BY MR. DAIKER

QUESTIONS BY RED CLIFF DELEGATION:

QUESTION: Has the Indian the right to vote for County and town elections?

ANSWER BY MR. DAIKER: Yes. That has already been answered.

QUESTION: How long will it last, if successful?

ANSWER: I take it has reference to the right to vote. Of Course it will last indefinitely.

QUESTION: In regard to old Indian claims---will the Indians lose rights or not, to prosecute claims?

ANSWER: They will not. That has been answered before, I believe.

QUESTION: What will be the ratio of assessments, in regard to holdings of members?

ANSWER: That will be determined by the communities under this bill.

QUESTION: Can a member hold a piece of land outside of the community and still be a member?

ANSWER: There is no reason why he should not be.

QUESTION: What would happen if a member refused assessments, or will he be forced?

ANSWER: That has been answered before, but I will say again that it will be left to the communities to determine how those assessments will be collected.

QUESTION: An Indian tribe or band that excludes itself or does not accept the proposed community--are they denied the benefits provided in the Bill? Do they come under the jurisdiction of the state, as to citizenship?

ANSWER: The community that denies or refuses the bill of course excludes itself by its own action.

QUESTIONS BY RED CLIFF DELEGATION (Continued)

QUESTION: Under this bill can the government take taxable unrestricted land located within the Indian reservation and owned by an Indian wishing to join a community and make it restricted or tribal land? Would the present owner gain anything, and what would he gain, by relinquishing his rights to said land?

ANSWER: If the land is taxable now the only way it can be taken off the list is to have it purchased by the government and the title taken by the government--the individual benefit to the Indian would be that the land would be taken off the tax list.

QUESTION: How will this bill affect an Indian taxpayer on a reservation should a charter be granted to said community?

ANSWER: That depends upon what status his land remains in---whether he retains the title to it as an individual--if so it is still taxable. If sold to the government and the title taken by the government it is no longer taxable.

QUESTION BY STOCKBRIDGE DELEGATION:

QUESTION: Will the Stockbridge Indians come under this bill? We received patents in fee simple in 1910 but never received our trust fund? All or nearly all lands have been lost to the Indians either through sale or mortgage foreclosure. Of 11,440 acres patented to the Indians in 1910 only about 200 acres remain under Indian ownership today. These Indians still remain as a group on their old reservations paying rent or just staying by the good graces of some white man.

ANSWER: They will receive benefit to the extent that the limited funds are appropriated. So many Indians are to be provided for that it won't be enough to go around and take care of all needy cases. As to the land, that means setting up new communities with land to be purchased under the appropriations authorized in this bill.

QUESTION BY STOCKBRIDGE DELEGATION:

Would a man who could not show one-fourth Indian blood but is now on the Indian roll come in under this new bill or would he be excluded?

ANSWER: That question is answered under Section 15, Title 1 of the Bill of Indian rights which reads as follows:

"The term 'Indian' as used in this title to specify the persons to whom charters may be issued, shall include all persons of Indian descent who are members of any recognized Indian tribe, band, or nation, and all persons who are descendants of such members who were, on or about February 1, 1934, actually residing within the present boundaries of any Indian reservation, and shall further include all other persons of one fourth or more Indian blood, but nothing in this definition or in this Act shall prevent the Secretary of the Interior or the constituted authorities of a chartered community from prescribing, by provision of charter or pursuant thereto, additional qualifications or conditions for membership in any chartered community, or from offering the privileges of membership therein to non-residents of a community who are members of any tribe, wholly or partly comprised within the chartered community."

QUESTIONS BY GRAND PORTAGE DELEGATION:

QUESTION: There is objection to allowing members of an Indian community to buy their way out of the community. They fear it will defeat the object of the bill.

ANSWER: As a matter of fact I think that section on page 4 of the new bill---Section 3, title 1, is one of the most controversial and disputed subjects, and there do seem to be people who believe that members should not be allowed to buy themselves out of the community. The bill says he has the right "to abandon the community and to receive some compensation for any interest in community assets thereby relinquished, the extent of which compensation and the manner of payment thereof to be fixed by charter provision."

QUESTION BY GRAND PORTAGE DELEGATION:

QUESTION: Section 4, Paragraph J.---Does this paragraph mean that the Indians will have to relinquish any rights previously given them under former treaties, such as covers their claims against the U. S. Government, or the money that is held in trust for them at Washington, in the office of the Indian Bureau?

ANSWER: No, this law does not affect treaty claims and that is provided for in the revised act, Title 5, Section 2 which reads as follows:

"Nothing in this act shall be construed to impair or prejudice in any way any claim or suit of any Indian tribe against the United States based upon any treaty obligation or other obligation heretofore incurred by the United States. It is hereby declared to be the intent of Congress that no expenditures for the benefit of Indians made out of appropriations specifically authorized by this act shall be considered as offsets in any suit brought to recover upon any claim of such Indians against the United States."

ATTY. ST. GERMAINE OF LAC DU FLAMBEAU: You could save the Flambeau delegation a lot of troublesome worry if you will allow the interpreter to interpret what you just read.

INTERPRETATION BY FRANK SMART

FURTHER INTERPRETATION BY ATTY. ST. GERMAINE

HENRY WAKIMUP--ST. CROIX BAND:

I am here in behalf of my people, the St. Croix Indians. Referring to the Wheeler-Howard Bill, I heard men talking over in the dining room, one stating that he was a good surveyor, also another stating that he was a surveyor. I will call myself a land locator--but I am a poor land locator--I always fail to locate any land for my people. I call them the landless Chippewas, and if this bill has any effect upon our treaty rights and claims, I will have nothing to do with it.

HENRY WAKEMAN: (Continuing) I have been trying to explain to the Indians the contents of this bill, and when I explained my opinion of it, I had lots of opposition, and I used my own judgment and said if this bill has no effect upon going to Washington to present back claims I am with you.

MR. MARSHALL: I can assure you it will have no bad effects on presentation of old claims.

QUESTION BY GRAND PORTAGE DELEGATION: Will allotments, which Indians turn into the Indian community be purchased from the Indians, or will he be expected to turn in any allotments, or heirship allotments, which he may own, for the benefit of landless Indians without any compensation therefor?

ANSWER BY MR. MARSHALL: This bill does not provide that Indians with land shall give lands to Indians. A fund is set up with which the government may purchase lands for them.

QUESTIONS BY THE LAC COURTE ORILLIES INDIANS--SUBMITTED BY JOHN KINGFISHER:

QUESTION: What will be the source of income for the Indians after self government is established?

ANSWER: The source of income may be from timber operations, from farming, hunting, fishing, mining, grazing, and in fact any activity that can be carried on. Also, you may be able to find work off the reservation. Under the new system you will find it more profitable to engage in lumbering activities, etc. since the land will be blocked off in more solid blocks, permitting you to conduct your activities with more profit.

QUESTION BY LAG COURT & HILL'S INDIANS:

QUESTION: How will lands now owned by white people and held at prices too high be obtained?

ANSWER: There may be one acre in ten that you may not be able to buy, but you can usually pick up nine out of ten acres at fair prices. If the white people hold out for exorbitant prices the government simply will not pay.

QUESTION: Can a person who holds or retains his individual allotment still enjoy the rights and privileges on tribal lands acquired under the bill?

ANSWER: Yes.

QUESTION: Will the government in purchasing these lands pay the same price for lands such as lake shore lands as it will for other lands of not equal value?

ANSWER: No, the government will pay for the lands in proportion to what they are worth and will give certificates in proportion to what they are worth. If the government was buying land and one eighty had no timber and another 80 had a good timber stand, more would be paid for the latter.

QUESTION: Does the government intend to purchase enough land to restore to this reservation its original size?

ANSWER: I can't say officially the plans of the government in this respect, but personally I think it is an exceptionally fine reservation to try to block out old white holdings and block out a large timbering area. Of course if the whites demand three or four times what the land is worth, the government will not do it.

QUESTION: Will the funds credited to sections 16, commonly known as school sections be paid to the tribes of the reservations in which these lands are located?

ANSWER BY MR. MARSHALL: I am not sure of the legal status of that, but as I understand it the lands credited to Section 16 have gone to the state--that the tribe cannot get those funds under this bill or under any other bill.

INTERVENTION BY MR. REAVES: The state acquired no right to Section 16 in the reservation. I didn't understand that Section 16 had passed to the state. That will be a question we will have to look up the exact status of.

MR. MARSHALL: We could probably arrange to look this question up and write and let you know.

QUESTION: Will the Indians in the event that this bill passes be given a voice as to which lands shall be added to their reservation?

ANSWER: Yes.

QUESTION: What will become of that class of people who after this bill passes will vote themselves out of the self-government feature of the bill?

ANSWER: That question refers to the old tribes that do not want to come under that feature. The land section of the bill still applies as does the Indian court and the educational facilities. So far as the government is concerned, they are still under the Indian Bureau.

INTERVENTION BY MR. ROEMER: You corrected a statement of mine yesterday---now I'll get back at you. I think Mr. Marshall is laboring under a slight misapprehension. I don't quite get the idea of voting a tribe or a band out of the self government section. There is no such a thing as voting yourself out of this. You either accept the bill as a whole or you reject it as a whole including all the benefits. But if you decide to stay under the bill then it is strictly up to you to say whether you want any part of the self-governing features or none at all.

You can accept the entire bill and then after you have accepted it you can make your choice as to whether you want a chartered community, and if you do want a chartered community, how much power you want it to have. That thing is purely optional, and as I tried to explain to you yesterday, so far as the self-government goes, you can put your toes in the water or stay on the bank and watch the self-government river flow by--watch others wading in, and if you want to experiment you can take an easy start on it--perhaps to the extent of selecting your own judge for your community, and your own policeman, and see how it works. That might be the full extent of the amount of self-government that some of you can stand for until you get better organized and until you understand the operation of this thing better. But it is either acceptance of the entire bill or rejection of the entire bill. You can't take out the part that bestows certain benefits and leave all the obligations that it bestows---that isn't good reasoning. Take the whole thing and experiment with self-government, or reject the whole thing.

If you want self-government you will have to ask for it even if you are under this bill. If you don't ask for it you will not get it.

QUESTION BY JAMES ARTHUR OF WHITE EARTH DELEGATION:

QUESTION: Under those conditions would we as delegates be allowed to ask for certain amendments before this bill comes up?

ANSWER BY MR. WORMEKE: Why, certainly.

MR. WORMEKE: You know, I am wondering whether there is a physical culture teacher in the house. I think it might be well to get him up here to warm us up. It is awfully chilly when you sit down. Is there a teacher of that kind in the house?

VOICE FROM AUDIENCE: No, but we've got a fighting man here.

QUESTION BY GABRIEL SAICH-WHITE BANTH:

QUESTION: Last night we were called to a meeting at 8 o'clock but there were too many trappers, too many hunters there, so we didn't discuss the Wheeler-Howard Bill to amount to anything. That meeting had so much talk of hunting and trapping that I felt like going out to set my own traps but I didn't dare to because Mr. Emerson was too close. I think the questions so far have been answered to the letter, and when I was appointed a delegate to this session I made up my mind when I left my squaw in the wigwam, that if this thing looked good I would certainly try to get a home for her. Last night there was too much talk of muskrats and fish to get anywhere. I think that when we get through here I can go home and report to my wife that she has a home.

QUESTION BY MARIE J. DENOMIE-BAD RIVER BAND

In event that the Wheeler-Howard Bill becomes a law, and I join the community plan--I have a fee patent allotment improved farm in which 60 acre was reserved for timber purposes over 75 years ago, which timber is now merchantable---my investment, what would be the status of my holding?

ANSWER: If she puts this in she derives non only the great advantage of ceasing to pay taxes on it but she will get back the equivalent of its value. The status of the land becomes the same as the trust status of our lands when they have not yet been fee patented. It will continue as long as this law exists and Congress does not change its Indian policy.

QUESTION FROM RESERVE, WIS. (No name signed)

QUESTION: How hard is it going to be for Indians not at present living on the reservations to establish their rights on the reservations later? Would it be proper for the department to notify the Indians to establish their rights now?

ANSWER: The bill excludes those who were not residing on reservations from 1932 to 1934. Otherwise there would be an ingress into the reservation of Indians who have made the proper adjustment to life among the Whites, and it is not the purpose of the government to discontinue their successful careers among the Whites. It would be an unkindness to such Indians to encourage them to leave their careers among the Whites and come back to the reservations just to get some land. Also, if this were the case it would involve a great many more sums of money than are contemplated in the Bill. It would do no good to send out notices for them to come back to avail themselves of the rights of this bill because this thing goes back to 1932, and it is between the 1932-1934 period that they have to be residing on the Indian reservations.

Assistant Commissioner Zimmerman says there might be an exception as to that date period--this in regard to new reservations set up, and then I might add that the chartered communities are also given the right to make new rulings and regulations as to membership in the chartered communities---they might turn out to be other than that provided in this bill. In other words, the Indians themselves will have a chance to discuss the rights of membership.

QUESTION BY CHIPPEWAS (Unsigned)

QUESTION: Can the Pembina Indians belong to the White Earth Reservation? They originate from the Red Lake Band of Chippewa Indians. How are the Indians going to market their products derived from this Indian community to compete with the Whites? The Whites will not buy anything that the Indian wants to sell.

ANSWER: Mr. Reeves can be thinking about the first part of that question while I answer the second part. As to the question relating to the marketing of products, this question says that the whites will not buy anything that the Indians want to sell. The way I picture this Indian community, it will be an organized affair where they will often times handle merchandise, products from the soil, cattle, forest products, etc. It will be an organization handling a great quantity of commodities.

When you begin to do this under this organized plan it will certainly attract the buying public in the United States. In other words, the products of the Indians will be far more attractive to the public under this set up than they are at present under the old market basket system. Under organized system where you use high pressure salesmanship such as these people will do when they get organized, the marketing problem assumes an entirely different aspect.

QUESTION BY MICHIGAN DELEGATION OF SAGINAW, SWAN CREEK AND BLACK RIVER TRIBES:

QUESTION: The preliminary paragraph of the bill would indicate that its provisions would apply only to "Indians living under Federal Tutelage." Does this mean that the provisions in regard to landless Indians for whom land is to be purchased, do not apply to those who having no restricted land, no trust funds, and who are not living on an Indian reservation, might be regarded as not living under Federal tutelage? This is true of most of the Chippewas, all of the Ottawas and Pottawatimies. If land is to be purchased for Michigan Indians, where can it be obtained? There is no public land remaining in the Lower Peninsula.

ANSWER: As to where the land is to be purchased---if no land can be gotten in the lower Peninsula of Michigan, all I can see personally is that there are possibilities of colonization in this new bill. Where there is no land available, there is no reason why these Indians should not be allowed to colonize in some other sections of the country. There are lots of wide open spaces in these United States where they could go. Texas, for instance, where many Indian tribes would like to go, and where there is great opportunity. As to those Indians who have made adjustments among the whites---I spoke to one man last night who said that if he came back and started to borrow from this \$10,000,000 fund, it would hurt his self-respect which has been developed to a high pitch. I congratulated him. I told him that he had made his adjustment and that it would be wise for him to stay where he is---told him that the bill was not intended for him. It is intended for landless Indians to get on their feet.

DR. ROECLOUD: (Continuing) I was asked by my group to bring out a certain point in regard to education. There has been passed in Congress recently a law which is important in the matter of Indian education. Up to the present time the Indian Bureau has been making contracts with counties where Indian kids go to school with White kids. The new legislation says that the Indian Bureau can make contracts with state boards of education instead of making contracts with various counties. The advantage is that it centralizes the administration affairs of the educational bureau. Where the bureau had to write hundreds of letters to county boards, etc, it can write one state board and let the superintendent of education handle it through his office with all different counties in the state. It simplifies the administration and it does not deny one cent to the counties which they received in the past. I am told certain white people are disturbed lest they lose this tuition money, which is not true.

DR. ROXCLOUD: There is one question I would like to ask myself before I sit down and I will ask Mr. Reeves to answer it--and that is about the possibility of a member of a chartered community willing his land to whomever he will. I didn't get that very clear. What would be the rights of a person so far as willing his land is concerned inside the community?

MR. REEVES: As far as the right of the Chippewas to go back to Red Lake and participate in the rights there, it would depend upon being recognized by tribal authorities of the Red Lake Reservation. As far as Dr. Roe Cloud's wills are concerned, under law you have the right with the approval of the Secretary of the Interior to will your restricted property. As to the unrestricted property you can make it with the approval of the Secretary of the Interior. Under this new legislation if one of these chartered communities organized and you were a member, you would have the right to make a will transferring to your beneficiaries your personal property, your household effects, your house itself, but not the title to the land which would of course pass to the community.

Now I would like to read and answer a letter containing questions by Mr. William Skenadore of Oneida.

MR. REEVES: (Reading letter) "To the Honorable Committee From Washington D. C. Gentlemen: Oneida delegation wants to know:

"Is it necessary for Congress to enact new legislation, to reassert its obligation to the Indians--where the Supreme Court of the United States --has held for over a century --that the Indians and their lands are under the protection of the Constitution, laws and treaties made in pursuance thereof--that the Indians are outside the province of state and territorial authority and they are, and their properties are withdrawn from the operations of the state laws--and that Congress cannot

divert itself or to confer to another, its constitutional obligations to the Indians--and where the Supreme Court of the United States, had denied the petition of a county to review the decisions of the lower United States Courts--where the lower courts had held that the United States is still the guardian and the protector of the Indians and their estates even though the Indians named in the complaint had exercised the privileges of citizenship and had received the fee simple patents to their lands after the expiration of the 25 year trust period--and that it is not for any state or its municipal sub-divisions to decide when the emancipation of the Indian takes place? And please speak a little louder so that we can hear you in the back."

ANSWER BY REEVES: The answer to most of that is yes. Additional legislation by Congress is necessary and you will find it in this proposed bill. The Court of Indian Affairs on page 41 would give you a special federal court to which you can take these questions and have them promptly decided.

MR. REEVES: Just before we left Washington we received a letter from Mr. Wm. A. Brunette of Mahanomen, Minnesota which contained these three questions:

1. The claim is made by many Indians that this bill will permit the Indian office to take money from the Chippewa Tribal funds to use in establishing Chartered Indian Communities in Minnesota.

2. The claim is made that the passage of this bill will interfere with the division of the Chippewa Tribal Funds at the expiration of the 50 year period from the passage of the Act of Jan. 14, 1889.

3. The claim is made that the passage of this bill will interfere with the prosecution of the Chippewa Claims now in process of presentation to the court of claims.

MR. REEVES (Answering the three questions) The answer to the first is no. The bill does not permit the Indian office to do that. It will permit the community itself to use its own funds for that purpose and the Indian office could not do it without your consent.

The answer to the second question is no, it will not. The 50 year period has not expired. Nothing in this bill interferes with the provisions of existing law as to the disposition of that fund.

The third question has been answered a number of times from this platform and the answer is no.

INTERPRETATION BY FRANK SMART

MR. WORNHKE: We should hear from the various delegations and inasmuch as the remaining time is very short, and inasmuch as we have 25 delegations here, every one of which should have a chance to speak, I would suggest that we limit the time of each delegation to seven minutes and that the 5th minute will be indicated by one tap of the gavel so that the speaker will know he has one more minute left to speak. The end of the seven minutes will be indicated by two raps of the gavel. We will begin with the Leech Lake tribe. Is the spokesman ready? If not, we will call upon someone else.

SPOKESMAN FROM LEECH LAKE: We would like to have our remarks interpreted.

MR. WORNHKE: In that case you may speak five minutes and five minutes will be allowed for interpretation. I would like to have Dr. Roe Cloud take charge of the meeting now.

CHAIR TAKEN BY DR. ROE CLOUD.

WILLIAM MORRELL-SPOKESMAN FOR LEECH LAKE DELEGATION:

MR. MORRELL: Mr. Chairman, gentlemen of the commission, ladies and gentleman: The Delegation from Leech Lake appointed me speaker and the thought they want me to bring out for the information of the commission at this time deals with the subject of self-government for the Leech Lake Reservation.

MR. MORRILL (Continuing) The Leech Lake Reservation is so situated at this time that it is a hard problem for the delegates to decide which way to go---whether to accept or reject the proposal. Our allotments are located in the Chippewa National Forest of Minnesota. This obstacle, the National Forest of Minnesota will not in our opinion relinquish their right to give us the opportunity to improve our allotments in this area. Therefore, the Leech Lake delegation wants the commission to give us an opportunity to take this back to the Indians at home and discuss this matter further and see what they will think about it, and see if we could get legislation through Congress to move this forest aside so that we can benefit by the bill.

MR. MARSHALL: The new chief of the U. S. Forestry Service is very sympathetic with your cause---you have a much better chance than in the past to make such consolidation. Certainly it would be better under this bill than it would be under the present set up. Your best chance would come through working under the provisions of this bill to make deals with the United States Forestry Service.

MR. MORRILL: I want to thank the Commission if they will give us this opportunity to spend a little more time and give us time to look into this matter. I also want to enter on the records at this time a resolution.

THE FOLLOWING RESOLUTION INTRODUCED:

"Hayward, Wisconsin, April 23, 1934---Whereas, as there has been approved for immediate construction a Chippewa Indian Sanatorium at Gwah Ching and a general hospital at Cass Lake, to be constructed out of Federal Relief moneys, and,

RESOLUTION: (Continued)

Whereas, the conditions at the Sanatorium and hospital at Onigum, Minnesota, are intolerable, and the Indians confined therein are suffering due to said conditions, and

Whereas, it is imperative said conditions be immediately relieved, now therefore be it resolved by the Chippewa Indians of Minnesota through their duly elected delegates in council assembled at Hayward, Wisconsin, that construction of the Chippewa Indian Sanatorium at Owah Ching, Minnesota as approved and the general hospital at Cass Lake, Minnesota be immediately begun without further delay and, be it further resolved that at least 50% of the laborers to be employed thereon be members of the Minnesota Chippewa tribe.

(Signed) Wm. J. Morrell

Wm. Dutcher

George W. Rogers

Charles Ellis

Joe Ah Pah De Tung

George Fairbanks

DR. ROX CLOUD: The next speaker will be from White Oak Point.

SIMON LEQUIER OF WHITE OAK POINT--SPEAKING CHIPPEWA WITH INTERPRETATION BY FRANK SMART: When I was appointed a delegate, one of four delegates, we were not given instructions to accept or reject the bill. We were told to come here to listen and take back what we see here and what we hear, and tell what has taken place. The reason why we cannot committ ourselves is that they are widening the national forest in that district. If we sell our lands we have to sell to the forestry at \$1.50 per acre. Therefore we are stuck. We do not know what to do. On these grounds we cannot give any consent to accept or reject, but must take back to our people what we see and hear here.

GEORGE CARVIN---WING LAGO DELEGATION:

MR. CARVIN: What I have to say is very brief. When I came to this meeting, previous to that time we held various meetings on the reservation and went to other communities to gather information about this bill. Now, although we have been authorized by our people to come here, we have not been invested with the authority to accept or reject the matter under discussion; but we were sent here to gather some information and to secure the opinion of other delegates from other places. The bill itself is very good, and the discussions brought out are quite favorable to us. It was the general opinion of the Indians that they were to be removed from their lands when that self-government plan was accepted, and it was with great determination that these people said that it was better for the white man to kill us off than to have taken our lands. I feel that we have been enlightened by this meeting and as I go back home I can inform my people what has taken place here.

DR. ROE CLOUD: The next speaker will be from Nett Lake.

PETER SMITH REPRESENTING NETT LAKE TRIBE:

MR. SMITH: We have been sent here to this Council or Congress, but we have not been invested with the authority to accept or reject this bill, and there are other people that came from the same community or vicinity and they are here listening to the discussions. Our people have not given us the authority to reject or accept. We must go back home and be guided by whatever they decide. The majority rules, and it is their privilege to accept or reject---it is their privilege and their problem. We are only their ears and their mouth pieces. The majority of our people do not understand the bill, and it will be our duty to go back and give them our understanding of it after listening to these discussions. I am not a very eloquent speaker, and if I continue to talk I might get myself twisted in circles, so I think I will quit. Thank you.

DR. ROE CLOUD: That last remark reveals him to be a very wise man. The next speaker will be from Grand Portage, Minnesota.

EDM. M. WILSON---GRAND PORTAGE, MINNESOTA:

MR. WILSON: I haven't very much to say at this time. Last night I explained my views at the meeting, and I want very little to say this morning. This bill as I look at it is a God send to the Indian---a blessing and salvation, and as we look over the many things Mr. Collier has done for the Indian, I think he is a perfect gentleman. In his fight for the Indian he has been very useful---very energetic--and always uppermost in his mind was the Indian.

Last Christmas he gave me a Christmas present. He hung it on the tree, and now I am going to reach up with both hands and accept that present that he has given to me, and I sincerely hope that the Indians of Minnesota will participate in taking down that present from the tree.

DR. ROE CLOUD: We have next on the list a speaker from Mille Lac, and following that will be Fond du Lac and White Earth. I might say at this time that any speaker, although he may not want to quote his delegation for or against the bill, may state his own personal views on the bill. It will be interesting to hear some of these views.

JOE EAGLE---MILLE LAC DELEGATION:

MR. EAGLE: My statement is very short. I just want to tell why I am here. My people held a council last Saturday and delegated us to come here---but we were not invested with the authority to accept or reject the bill---but we were instructed to listen to what is being said here and get the opinions of other Indians in regard to this bill.

DR. ROE CLOUD: All right, we will hear now from Fond du Lac delegation.

HENRY LA PRANIE OF FOND DU LAC DELEGATION:

MR. LA PRANIE: We have heard the bill discussed, and so far so good, but we were not sent here to reject or to take the measure. You know, Mr. Chairman, that a man in business will never sign or take any agreement or contract without first seeing the contents of that contract. The same applies to us, so we ask for time for further consideration upon this matter. I thank you.

DR. ROE CLOUD: We will postpone hearing from the White Earth delegations until after lunch. We will now adjourn until 1:30 P.M.

SESSION RE-OPENED 1:30 P.M. April 24, 1934.

DR. ROE CLOUD: Before we start the meeting, I would like to say that we have a distinguished visitor, a member of our tribe now located at Fort Peck, Mt., who has said he shall be pleased to occupy about a minute and a half of our time to express himself.

GENTLEMAN FROM FORT PECK: As I stated last night at the meeting of the Michigan and Wisconsin Indians, I didn't know anything about the condition of my people. I created quite a stir when I gave some of my own observations. I had no instructions to come here. I just dropped down here to call upon my father and mother, and I never had instructions to talk about this bill. I don't even know what these committees sitting with my father are going to present, and Mr. Chairman and Commissioners, I am not taking anything back that I said last night. I feel that way, and if it is the will of the Chippewa people to accept this bill it is up to every one of you to make up your mind to accept it. But if you don't like it, then refuse it. I can't say any more to you. Thank you.

JOHN KINGFISHER OF LAC COURT DE OREILLES DELEGATION:

MR. KINGFISHER: Mr. Chairman and fellow Indians, I consider it very fortunate that our people of the Lac Court De Oreilles reservation have had the privilege of listening to the discussions and

interpretations of this new bill. When this bill first came up I was appointed to a committee charged with the responsibility of explaining this bill to my people, and now I have the honor of representing my people at this Congress. Just recently I have been appointed a private in the rank of the Indian Service, and since I have held that office I have been associated with a fine class of people on the reservation. We have Indians who are performing the duties of town officers with efficiency and with honor. They have been representing the people of that Indian community on the town board for nearly 10 years, and I am sure there isn't a man or woman on that town board that has ever pulled a crooked deal, and what finer example of Indian self-government can you find than that in the Town of Hunter?

There has been reason to complain of the fact that there was no say as to the disposition of property and funds, but now the government is giving them the right to voice their opinions as to what should be done with the property, both real estate and financial, and I think the biggest majority of the young people are prepared to accept this new self-government; and to the opposing faction, I will say that I am sure that in the event this bill passes and is made a law, that they will be broad-minded enough to submit to the will of the majority as all good citizens in the United States do.

DR. ROX CLOUD: We will now have the interpretation of that eloquent speech.

FRANK SMART: I was so swept off my feet by the eloquence of Mr. Kingfisher that I forgot to take notes, but I will try to interpret what he has said.

DR. ROE CLOUD: I want to present a question to the house. A certain visitor is here, and by special request he wants to have a few minutes to say a few words, and his name is George Selkirk A Chippewa from the Twin Cities. Shall we hear him?

GENERAL ACCLAIM: Yes!

DR. ROE CLOUD: Come forward now and we will give you a few minutes.

MR. SELKIRK: Delegates and visitors, on account of the lack of time I will not attempt to go into this self-governing proposition, but I feel it is my duty to pay tribute to my race. If I had the vocabulary of a Shakespeare or Emerson and the oratory of Cicero or Daniel Webster, and the eloquence of some of our old Chieftains I would fill this hall and thrill your hearts with song. Oh! Master Light! Master Light! Give us the fluence of speech and the strength that these people may hear me with understanding. Great lines have been written about the American Indian, the child of Nature who believed in the Great Spirit, who worshipped the Great Spirit in the Sun, in the Moon, in the Stars in the heavens above, in the trees, in the flowers, in the grasses, in the hills, in the valleys, and all things on earth. This child of Nature lives a strenuous life. To him it is a matter of the survival of the fittest. Only the strong survive. The Indians are a fast vanishing race. No longer can he go on the plain and chase the buffalo or go into the forest and stalk the majestic moose as his forefathers did. This child of Nature has been assimilated by the great American melting pot and has come forth a new type of Indian---a type who is the real American---the American Indian of today is this being--a different being than the American Indian of yesterday. Today he accepts his part in the social ranks of the American people. Today he stands side by side with his competitors in the ranks of industry. You will find the American Indian in every walk of life on this continent. You will find the Chippewa

Indian from coast to coast, from Canada to the Gulf of Mexico; yet it has been said that the Indians today are in a starving condition. A picture has been painted about the White Earth Indians being in a starving condition---and a few moments afterward the Chippewa Indian was lauded as the greatest leader on the face of the earth. But, ladies and gentlemen, I come here not to argue--I come here to applaud you--I come here to advise you. I do not have the time to go into the details, into the faults I can find in this bill, but let me caution you. You are regarded as the smartest Indians on the face of the earth. I will go farther than that. The Chippewa Indians are not only the smartest Indians, but they have the reputation of being the best and the kindest Indians on the face of the earth.

I feel that you are smart enough; that you have the understanding and insight to look into things, to investigate thoroughly; and before you accept or reject this proposition, dig into it carefully. Go slowly, and in conclusion, ladies and gentlemen, let me say that what the Chippewa Indian wants is not a new deal but a square deal. I thank you.

DR. ROE CLOUD: We are here to hear all sides of this question, and we are certainly glad to get that side of it indeed. I think it is true that the Chippewa is a very great and kind person. I married one--I ought to know. But I still contend that the Winnebago is the bravest Indian on this continent, and right at this time I want to call upon a distinguished member of that tribe, the Assistant Attorney General of the State of Wisconsin, Mr. Wm. J. Kershaw.

BRIEF ACKNOWLEDGEMENT AND REMARKS BY MR. KERSHAW.

DR. ROE CLOUD: I wish all of you could have traveled with me to every reservation in the United States and see the hardships

that all tribes in the United States are experiencing, and the sort of hopelessness that fills their hearts when they look at the outlook. When this new bill is interpreted to them it makes them feel the thrill of a new hope and chance. There are a handful of Indians here and there, for example St. Paul and Minneapolis, who have made an adjustment among the whites and are happy. The bill is not intended for them but is meant for the luckless Indian who is still struggling for existence among his fellow Indians.

The Dawes Act was a wonderful thing in its inception, but it gave only 25 years to the Indian race to get ready. This is another Dawes Act but the time element is different. Instead of only 25 years it gives you generations to make the adjustment, and I say that given the time the Indian will make a success of it. This bill does exactly that.

MR. BAUMGARTEN: Before leaving it is requested that all delegates please bring their slips to the office in person. Also we would like to have some idea of the number that will be here for breakfast.

RESOLUTION INTRODUCED BY JOHN PEMBERTON--TWIN LAKES*WHITE EARTH:

"We the assembled delegation representing N $\frac{1}{2}$ of White Earth Reservation comprising the following villages:

Twin Lakes
Rice Lake
Beaulieu
Pine Bend
Mahnomen
Waubun

"Came here for the sole purpose of hearing discussions on the Wheeler-Howard Bill in order that we may clarify certain objectionable phases of this bill--and after this hearing we may say that these

phases have been made so clear that we are in a position to accept the bill as a whole.

WE WISH TO RESOLVE IT FIRST TO GO BACK TO OUR LEGISLATIVE COMMITTEE AND HAVE OUR FAVORABLE PASS ON THE FINDING OF THIS CONFERENCE.

JOHN PRIBERTON: I don't wish to take up any more time than is allotted me, but I just want to make a few remarks in regard to this bill. Since February 1 we have held our weekly councils in regard to this bill. There are a number of people in our community who have been misrepresenting this bill to a number of our older Indians--telling them not to accept it. So at our councils we held open house and challenged anyone to come and show us where it would be detrimental to accept this bill, and there has been none one who has been able to do so. As for the White Earth Indians, I do not see what we have to lose by accepting this bill.

DR. ROE CLOUD: We will next hear from the Ponsford delegation.

JOHN BROKER---PONSFORD--WHITE EARTH DELEGATION:

Mr. Broker: I just wish to make a few remarks. We represent about 900 people in our community and we were instructed by that community to favor this legislation. Also we were instructed to use our best judgment in formulating our opinions, and in going on record in favoring the bill, I just want to make a few statements and give a few reasons why.

We have been under the Indian Bureau for a good many years--going back 60 years. The system used under the bureau is becoming obsolete, and we desire a change. There has been legislation passed through Congress by unscrupulous politicians for the purpose of exploiting the Indians on these reservations. During all that time of legislation the Bureau has never made a protest in behalf of the Indians. It seems in a great many instances that it has been a party to the deal. This system we want to get away from, and through the

new deal and the features of this bill we hope to provide that change. It gives us a better school system. It gives us more voice in the management of our affairs and in the expenditures of our money, and we have considered that bill to be very much favorable to our community. We recognize that there will be changes and amendments in this bill before it reaches final passage. We just merely want to go on record as favoring passage of the bill, but of course we want to have access to all new information that comes up on the bill. I believe that is about the extent of my statements now.

ARTHUR C. BEAULIEU--WHITE EARTH:

MR. BEAULIEU: We were duly elected and sent here for the purpose of taking part in the discussion of this bill. We went pursuant to notice but were not instructed to accept or reject the bill, but to work in cooperation with other delegates coming from that section in taking the matter back to our people. In this decision there was only one dissenting vote--that of Edw. L. Rogers.

SUMMARY INTERPRETATION BY FRANK SMART.

PETER GRAVES***RED LAKE DELEGATION:

We represent what they call the Chiefs' Council of Red Lake. Our delegation comprises 7 persons. Our instructions are to guard against the subdivision of the Red Lake Indian Reservation. Our instructions are also to guard against any unfavorable decision that the bill might impose upon the Red Lake Band of Indians. This Chiefs' Council of the Red Lake Band is composed of the older Indians. We still maintain the belief that the greatest evil the United States Government ever perpetuated was to allot land in severalty to Indians in the United States. I don't like to have these different delegations think that I am trying to advise them or anything like that. Our position is different from that of the allotted Indian, and it has not been an easy matter to have kept ourselves in the state up to the present time.

There are many of us who still believe that if we once take our land in severalty on the Red Lake reservation, our doom is sealed. The bill that is in discussion at this time, known as the Wheeler-Howard Bill is just the thing that the Red Lake Indians would want enacted so as to prevent them from dispossessing themselves of their homes.

I believe that one of the men who spoke here said it was a Christmas present. It certainly is more than a Christmas present, because at Christmas time we only give to each other little worthless trinkets, so to speak. Our delegation believes that we should accept this bill and urge Congress to have the bill enacted into law regardless of the opposition---opposition by those who in the future should never be called Indians. The old chiefs and old men that you profess to call ignorant in this day of civilization--those men had dreams of future men like Mr. Roe Cloud and Mr. Kershaw. They wanted to keep their reservations intact--keep their homes intact---make the future secure for their children. This dream of course is a bad dream. Very few will live up to be educated so that they can mix with the civilized races of this earth. I for one know that I am 99% behind what I should be now that I am grown up. I do not understand the action in instructing the delegates not to accept this bill at once after what the Indians have gone through, and in behalf of the Chiefs' Council we urge that this bill be enacted into law!

GEORGE WALTERS OF WHITE EARTH DELEGATION: (Speaking in Chippewa with translation by Frank Smart)

MR. WALTERS: I want to say a few words in regard to the subject under discussion here. At the time the councils were held in my locality I did not know that these papers were in existence (referring to papers explaining the bill) until the time when I was elected a delegate. These papers were not presented to me. These other delegates here know all about this, but all the time as for myself, only five days before I started for this conference did I know something about this. I am located very near where they are, but they never notified me. And I

kind of in a way understand that I as an Indian am being approached to ask these questions. On my account as an Indian the government is holding this conference, and I want to say at this time that I don't have a show at all at this conference. It is at this place that I hear of the contents of this bill for the first time, and there are Indians of my tribe at home that should hear this news. It is not right that individuals must be here personally to hear of this deal.

Why are we in such terrible and poor shape today? Am I responsible? The government is the cause of our privation? It is not the fault of the Commissioner of Indian Affairs we are in such privation. We are responsible for our own condition today. We did not follow the instructions of the Commissioner or the government of the United States. I am the person that tried to hold back this person that wants to be a white man and there was not a single Indian that did not oppose me. The one that talked here previous he opposed me just the same. The white Indian is too susceptible to wrong doing. He always wants the money. That is the reason for such poverty. Our money in Washington is in very small amounts now and still we are writing the government to ask them to give us some more. Isn't it a fact that future generations should be benefited by some of this ~~money~~ money? What is being left for our children---for the future generation? And what then will they live on? All these allottees have sold their 160 acres and I don't believe any of them possess even a twig of a tree and I don't believe they have as much as one shot of gun powder or a parcel of land!

DR. ROE CLOUD: Mr. Interpreter, will you tell him that the new bill will protect his land so that there need never be a loss, and also tell him it is safe for his children and grand children in future generations.

INTERPRETATION BY FRANK SMART:

MR. GEORGE WALTERS: That is all I want.

PAUL H. BEAULIEU SPEAKING FOR YOUNG COUNCIL OF RED LAKE BAND:

MR. BEAULIEU: Mr. Chairman, I have but very few words to say, and I want to start out by congratulating the old Red Lake Indians upon the stand taken in regard to this bill. The Young Council made its stand quite some time ago. That stand was forwarded to the Commissioner on January 27. We still stand on that same thing, and from that you can read between the lines that we had accepted the Indian Rights Bill as a whole, although there might be features we do not approve of. However, as a whole we do approve of the bill. That is our stand and I don't think there is a Red Lake Indian that wants an allotment. I just wanted to correct any impression that might have been created here in this respect.

DR. ROE CLOUD: You mean then that you stand for the bill as a whole, but that there might be some features you do not approve of or that you are not yet familiar with?

Mr. BEAULIEU: Yes, but we can thrash that out later at home.

DR. ROE CLOUD: It is interesting to note that these Red Lake people who have never been allotted, and who have watched the experience of other tribes, now say they don't want to be allotted. I think that is exceedingly significant and important.

JEROME ARBUCKLE: (Representing Bad River Band)

Mr. ARBUCKLE: We have instructions from our band, and we have no authority to accept or adopt this bill, but we as individual members of the band accept that bill or approve it as a whole, but feel that there are certain questionable features. One is: When is the Indian going to be given the full rights of citizenship with the privilege of doing whatever a citizen does? No provision is made for this. We do not know how long we are going to be under government supervision. We are classed as restricted citizens and it might be 100 years or longer before this is changed.

JEROME ARBUCKLE: (Continuing) Another thing is that all possible legislation and help should be given us to insure us our swamp lands. That is all.

FRANK SMART: Before we go any farther lets all stand up and rest our weary bones--and take a deep breath.

AUDIENCE STANDS UP.

VOICE FROM CROWD: Those bones of yours look to be pretty well padded, Frank.

THOMAS L. ST. GENMAINE OF LAC DU FLAMBEAU DELEGATION:

Before speaking I am instructed to ask two questions of the chair:

1. Are federal funds being used in the administration of our affairs in Flambeau. Are funds of the Lake Superior tribe being used without letting us know?

ANSWER: No Lac du Flambeau tribal funds have been used for administration purposes for the past three years and no such funds are being used now.

2. We have a camp called an ECW camp and the enormous amount of money appropriated has been expended in a certain way. Now these boys would like to know if the thought of whoever is responsible for these projects, is to make a lot of truck trails as fast as you can and as long as you can in a shorter space of time. That seems to be the thought that has been followed there. Also, in regard to workers, are the men to be graded, say for instance A, B, or C, and promoted if found qualified? There are a lot of men qualified there who are still on the same level.

ANSWER BY MR. WORNHKE: I believe the first part of this question refers to the character of the truck trails built by the ECW. The regulations governing the expenditure of ECW funds limit the expenditures of those funds to a certain type of work, and in the case of truck trails the ECW administration insists that they must

be what the name implies--namely truck trails, and not highways and roads. The money of the PWA is used for the construction of highways and through roads, whereas the ACW money is destined to be used solely for so called conservation projects, and these truck trails are to be just what the name implies--trails over which a truck can reach a certain district in case of fire. In regard to the second part, I have no personal knowledge of this promotion matter in this district, but we shall be glad to take that up with the men in charge and find out what the situation is and let you know as soon as we can get the information.

ATTY. ST. GERMAIN: (Continuing) I am not a member of the committee. When this bill was brought to us a council was held, and at that time I didn't want to be elected to that council as I didn't have the time. But as soon as the boys were elected they asked me to aid and advise them, and I am still in that capacity. They have also asked me to speak for them, so briefly I shall speak. In order to relieve the interpreter who is an able interpreter and an over-worked one, I shall speak in my own language.

MIKE LA FERNIER--RED CLIFF DELEGATION:

Mr. La Fernier: A committee of five was appointed by our reservation to discuss the bill among the members and we were sent here to get information as to the conditions and terms of the bill. We have finally come to the conclusion that we approve of the bill--that is, the delegation here does, and later on we will have a local council and if the majority approve the bill I will endeavor to send a letter to our representative in Congress in order to hold approval of this bill. I wish to thank the Commissioners for explaining this bill to us.

CHARLES PICARD---L'ANSE DELEGATION:

MR. PICARD: Ladies and Gentlemen, I am a delegate, one of the delegates of a committee consisting of four members, appointed by our people, the Lost Band of Chippewas of Lake Superior. We came to this notable gathering armed with pockets full of objections to the bill we were to consider. On the whole, however, our people were favorably impressed with the principles contained in that bill. Upon our arrival here we procured additional literature consisting of amendments to the original drafts of the bill as it was presented to us.

Studying these amendments we find that it has entirely eliminated all of the objections which our people instructed us to protest against. We have listened to all the deliberations, and all of the speeches and we find that your troubles are identical with our troubles. We have had the benefit of a private conference with some of the experts of this commission representing the Commissioner. To these experts we have submitted our own local troubles, and we have offered plans to solve our local problems. We are satisfied that this commission will put forth its best effort to assist us in solving our own local difficulties, and it is not necessary for us to take up these local problems of ours, and I wish to say that I feel safe in saying that our people back home--numbering approximately 1200 souls will be pleased upon our report to them, to accept the bill and approve it in its entirety.

Not only do we feel that they will do so, but our delegation has pledged themselves to use their influence in persuading our members of our tribe in drawing up resolutions petitioning our Congressmen to stand back of the bill. I thank you.

HENRY RICHIE--POTOWATOMIE DELEGATION:

MR. RICHIE: Mr. Chairman and representatives of the Government, I am very pleased to meet you all this afternoon. When I left home I didn't know much about this bill, but I was sent out to learn all I could about the bill, and I may say that I have learned a good deal.

I am not in a position to say what my people will do, but I am in hopes they will accept this bill. As far as I am concerned individually I think it is a good thing. This bill is being drafted by friends of the Indian, and not a thing in this bill is going to injure anybody that I can see. When I go back home I shall return with a message and explain the situation I have met here, and I think my people will accept it.

MITCHELL RED CLOUD--WINNEBAGO DELEGATION:

MR. MITCHELL: Friends, fellow delegates, and members of the Commission--there has been so much said this afternoon about this bill that I am not going to say much, only to explain my personal opinion.

I have no authority as a delegate either to accept or reject the bill, but I shall speak on the self-government phase. There is a general impression among the public that the Indian will fail in the art of self-government. I believe the Indian can succeed because it is nothing new. They had experience in it long before the coming of the white race, and they governed themselves without the aid of jails, penitentiaries, insane asylums, etc. Most of us Indians, all tribes included, still retain the power and wisdom of the old chieftains. Most of us retain the wisdom of the old councils.

[Red Cloud]

Therefore, I cannot see why the Indian should fail in self-government.

In some respects this bill is too good to be true, but we know that it is the outcome of long consideration and deep thought, and that the Indians will receive the benefit of justice. Justice may be blind, but Mr. Roosevelt and Mr. Collier are excellent eye doctors.

DR. RED CLOUD: I am glad as chairman to say that this delegates looks with broad, sympathetic view on this whole question, and it augurs well for the future especially when the delegate reminds us that the Indian is capable of self-government.

WILLARD ACKLEY---MOLE LAKE DELEGATION

MR. ACKLEY: We are in favor of the bill in all phases.

HENRY WAKEMEUP---ST. CROIX DELEGATION:

MR. WAKEMEUP: Ladies and Gentlemen and friends of the commission. I am glad of the opportunity to talk to you and I want to ask the privilege of using my own Indian tongue. I can speak in English but I want to talk Chip ewa for the benefit of my older Indian friends so that they can get the sentiment of our delegation. In the place that we come from the people are very scattered over a wide area and they have no land holdings that they might call their own granted by the government, and this situation they complained of to Washington; but when they made these complaints to the authorities no one heard them.

Now when we held these small councils, I attended and heard the pleas of these old men--pleas to get something for their children, and their pleas won my sympathy. It is true enough that at one time I gave up fighting for my people, thinking it was a hopeless job, and now we have come here especially to find the best way to lead my people. I am not an Indian in the true sense of the word as we have heard in the discussions. Perhaps the chiefs who ~~now~~ lead my people made a mistake somewhere because they never set aside a reservation for our people and for that reason

we never owned any lands----we just missed out, and listening to the proposed bill I can see far enough ahead to know that the Indian can be benefited through this bill. When we heard they were going to present this bill, we said it was no good and we had many objections to it, but since hearing the deliberation of the different delegates and the explanations by the commission, I have changed my opinion of it. In it I can see the welfare of my people, and I hope the promises which it contains will be fulfilled.

MR. WOSHLKE: Unfortunately Dr. Roe Cloud has to leave in a short while. Also, he was afraid of pronouncing the name of the next delegation so he turned the gavel back to me and I don't like it so I am going to ask your old friend Mr. Farver to take the floor.

CHAIR TAKEN BY J. W. *Balmer*
~~Farver~~:

WILLIS JACKSON--MOUNT PLEASANT DELEGATION:

MR. JACKSON: Mr. Chairman and fellow delegates, we have come here on a great mission. We have learned many points in this paper, this bill, although we had some instructions on it that were very brief; but just the same we had considered it and we sent in a resolution in regard to it and in that we accepted the bill and we desired a change in our community. I have gained much information that I will be able to go back and perhaps give them in a detailed manner information regarding what is planned to help them in the future. And now in the matter of education, it is a vital proposition. It is required in our district very much and I am glad that it covers our request because the future generation has

then a chance to compete with the elements he will meet on the way.

MR. Balmer: I am sure it is very gratifying to hear such common sense. I worked down in Michigan where this man is from and in the early days the Indians were designated as competent and non-competent. When the patents were first given out, many of them used to tell me how they were cheated out of their lands. A buyer would come in and say he just wanted to buy a few trees on the allotments, and the Indians would sign over their entire allotments. Many Indians told me this in Michigan. This new bill is going to give you a home for eternity if you want it. We have allotments similar to what you have here and the people are happy because that home will be continuous.

CHARLES FRECHETTE---MENOMINEE DELEGATION:

MR. FRECHETTE: Mr. Chairman, ladies and gentlemen and guests, it gives me great pleasure to tell this assemblage in a few words how the Menominee Indians are situated. They have a beautiful reservation. They are a happy tribe. They are wealthy and prosperous. They have various assets such as timber on their reservation. The reason for this is that the Menominee Indians were thoughtful enough to hold their land in one, and from that they are the happiest tribe in the State of Wisconsin. That explains the situation on the Menominee reservation.

Now then, for the last 6 years the Menominees have been advocating self-government and a voice of their own and during the last general council the tribe voted in favor of the Wheeler-Howard Bill of Indian Rights. Now then, the delegates from the Menominee Reservation will also accept the bill as a whole and also stand behind the Honorable Commissioner of Indian Affairs, John Collier, one hundred per cent!

MR. FARVER: There is a similar situation in Red Lake. These people are also all big and fat and happy and smiling.

REV. C. AARON---STOCKBRIDGE DELEGATION:

MR. AARON: Mr. Chairman, Honorable assistants of the great Commissioner, and my dear Indian friends, it happens that I bring up the tail and almost of this grand and glorious meeting. Some of you perhaps may think it would make our hearts sore, but it doesn't! I am glad to be behind such a wonderful gathering we have had here these past two days. Consider when a man goes to war. We know when the white man goes to war he doesn't start out by shooting with cannons. No, he takes the little guns first and then comes the cannon! I take great consolation in that gentlemen.

I think it was Alexander the Great who once stood looking over the last of his people and said: "They have done wonderful-- in fact, everything has been done, and what is there left for me to do? I feel in a sense like that man. After being here at this conference for two days I see what my fellows can do. I see that they are able orators, and I am almost standing in the same place where they stood and gave such wonderful speeches. However, as a member of the Stockbridge tribe, formerly the Mohicans of the East, I accept this pleasure gratefully.

Many years ago our forefathers took up their bows and arrows in defense of what they called their rights. We their sons and daughters do in no ways condemn them, although historians and writers of fiction have done so these many years. Gentlemen, I believe however the time has arrived when you and I and every Indian in the United States should begin to act with an eye to future security. We should pick up and take off and begin to work where our forefathers left off. The tide of events may have turned against them, but their cause was always right, and it is up to you and to me to take action to bring our people to the level to which God

But I do not believe we can or should resort to primitive means to accomplish this. Ill will, hatred, prejudice have all been laid aside and the silent road of glory leads through enlightenment through enactment of the provisions of the Wheeler-Howard Bill of Indian Rights.

My dear friends, I have studied that bill thoroughly. I also have followed our esteemed commissioner as he has gone about through our land trying tirelessly to do everything to make the truth known to our people. My common sense tells me that John Collier is a member of the White Race, but my heart tells me John Collier is an Indian! Yes, indeed. John Collier is an Indian with a heart as big and broad as the day is long. The Indian is as capable as any class of people on earth--the only trouble is we haven't had the chance to prove it to the white man. We have been like a smudge. The blanket has been put over us and the smoke couldn't be seen, but through the provisions of the Wheeler-Howard Bill we see a new day dawning.

You like to fish, don't you? I do. What does it feel like when you prepare for fishing all through the weeks, worrying that when the day arrives it perhaps will be raining--how does it feel when you wake up and see the sun coming over the hills, dispelling all your fears? My friends, we have had plenty worry in the past, but now through the enactment of the bill, the sun is shining and I am sure that my people will merit every confidence and trust that the white man is placing in him. The Stockbridge delegation comes here with instructions to accept that bill to the man!

PAUL ABRAHAM---PIPESTONE---SIOUX

Mr. ABRAHAM: Here goes the biggest cannon---the last kick on the program. Before I start in I would like to finish a statement made by Dr. Roe Cloud and correct a statement made by Mr. St. Germaine. Dr. Roe Cloud says the Chippewas are the smartest Indians and the Winnebagoes are the bravest, but he forgot to add that the Sioux are the best looking. With reference to the Sioux being driven West of the river, let me say the Sioux have heard the call of Horace Greeley, "Go West boys and be a man."

We bring you greetings from the Sioux country in the same sense that our forefathers have smoked the peace pipe with you. We are sent here by our people to participate in this great Congress and seek for the light in this new plan. Our understanding is that we should come here for information and not to argue, and if we didn't like the plan we should tell the Commissioner like a man that we will not accept the bill. We have been listening and keeping quiet, but we have been thinking a whole lot. Now I wish to advise that our delegation is in favor of the plan, but owing to ancient customs and the respect that we have for our people, we are going to go back home and interpret this plan to them and we are positive that they will accept the plan. But until then we will hold the matter in abeyance. But you may tell the Commissioner that the Sioux delegates of this great Congress have not yet stuck their toes in the water, but we hope that by the time the bill is passed we will be in up to our necks!

At this time we wish to go on record that we extend to the Commissioner our appreciation for his manifestation of interest in our affairs toward making us better citizens and particularly for the opportunity by his proposed legislation to better our condition in every respect. May the same Great Spirit who has taken

care of his Red children bless him and his associates in their efforts to enable us to get up on our feet.

Further, we wish to say that we owe our obligations to Superintendent Baumgarten and his efficient corps of employees who give their time unselfishly to make our stay here one long to be remembered. I thank you.

WILLIAM SKENADORE---ONEIDA DELEGATION:

MR. SKENADORE: I assure you it is a great pleasure to stand before this grand body of Indians, although I feel I wish to say this that if the Winnebago Indians are the bravest and the Sioux are the best looking, we have overlooked the fact that the Oneidas have got the most money. In behalf of the Oneida Indians I will tell a little story which best tells how we felt toward the United States. A farmer went up to see the president of the last administration, and the president asked him to lunch. The farmer accepted the invitation and went to lunch with the president. While they were eating the president stepped out and a little while later came back and saw the farmer's plate empty. Another course was ordered and the president stepped out again. When he came back the plate was empty again. "My what an appetite you've got," the president said, "I wish I had it. When the farmer returned to his home he told about it. He said: "The president took everything we had. Took our stock, our land, our machinery, and now he wants my appetite!"

The Oneidas are right up to the times--keeping in touch with the movements of Congress, and at the Council at Oneida on March 14, 1934 we passed a resolution which was approved by 500 Indians. This resolution favors passage of the bill of Indian rights.

RESOLUTION HANDED TO CHAIRMAN BY WILLIAM SKENADORE:

RESOLUTION: "The Oneida Indians of the Oneida Indian Reservation, in Wisconsin, assembled in Council at the Parish Hall, Oneida, Wisconsin, March 14, 1934, determined:

Through their chiefs, to express our appreciation to the President, Franklin D. Roosevelt, through our new Commissioner of Indian Affairs, Honorable John Collier.

That we, the Oneida Indians, have felt the spirit of the new deal in the administration of the affairs of the people of the entire country as being carried out as intended.

That we will forever be thankful to you as the new Commissioner of Indian affairs, as the tried and true friend of the Indians, which they have sorely been in need of for a century. We have known for many years that you were studying and fighting hard to bring about a betterment of the conditions of the Indians throughout the country. And we are hoping and struggling with you so that you will realize our desires.

We know it to be a fact that it was you who was instrumental in having the Indians to be included in the Emergency Relief and Civil Works Programs, which relief we have received this winter was surely appreciated by the Oneidas, which relief has never before been accorded to us.

We believe the best time to encourage a fighter to win, is when he is in the midst of a battle. And we are with you, as Oneida Indians, in your struggle, by giving publicity to have Congress pass the Indian Rights Bill, which you were instrumental in getting introduced. And should it become a law and a reality, we are sure that, what Abraham Lincoln was to the colored people, you are going to be the Abraham Lincoln to the Indians.

We understand the aims and substance of the Indian Rights Bill to be as follows:

(Resolution Continued)

1. Due to the fact of the destitution of Indians in general, brought about by the General Allotment Act of 1887.

2. That it is the intention of the new administration to have the government re-assert its obligations and safeguard the Indians from extinction, and their properties.

3. To stop the divesting of the lands from the Indians.

4. To provide lands for those Indians that have become landless so that they again can have homes.

5. Extended trust periods not to expire as intended.

6. No more lands to be allotted to individual Indians.

7. No more taxation of Indian lands.

8. Indians never more to have the right to sell or mortgage their lands.

9. Education of Indians as lawyers, doctors, nurses, teachers, clerks, engineers, and other professions at the leading universities, colleges and schools.

10. Provide facilities for re-forestrations, grazing and farming of Indian lands.

11. Transfer authority over to the Indians from the Secretary of the Interior and commissioner of Indian affairs, to the Indians for self-determination concerning their tribal affairs.

12. United States to provide funds and assistance to Indians in building up self government again.

13. Secretary of Interior to issue charter providing the essentials of self-government, that of liberty of conscience, worship, speech, and free speech.

14. United States to build highways, bridges and local churches.

15. Courts to be established for civil and criminal cases.

16. Lawyers to be provided for Indians at all times.
17. Relieve Indians in distress
18. Indians at liberty to abandon Indian community at any time.

The above proclamation approved unanimously by the five hundred Oneida Indians assembled in council. Signed March 17, 1934:

Wm. Skenadore, Presiding Chief Oneida Indians

Chief Richard Sannor

Chief Hipon John

Chief Nelson Skenandoah

Chief William Cornelius

MR. WOEHLKE: I have waited with this final word to you until I could find out just how your sentiment was drifting. Now we have spoken of the stream of self-government into which would run the creeks of various appropriations for the benefit of the Indians. We have spoken of wiggling your toes in it, or of going right into it, but as yet, my friends, there is no water---there is merely the possibility of having such a stream---it isn't there yet. The Wheeler Howard bill has not been passed, and while the Commissioner and his staff have been spreading this legislation before the Indian people all over the country so that he might inspect it---during that period powerful forces have been organized to defeat it in its entirety.

Those forces have been working day and night and they will jeopardize the passage of this bill at this session unless those who believe in the bill, who believe in the principles which it tries to accomplish, will not only approve the bill, but will go out and do battle for it just as the opposition is battling against it.

To many of the members of the House and Senate Committee there is arriving constantly a stream of letters from various individuals

opposing this bill, and from those who will be benefitted by it, those who favor it, there is hardly a word; until the committee has come to the conclusion that nobody wants this bill.

On top of that you have the natural resistance of the government itself against any increased appropriations for the Indians, and you must remember that this bill carries not only authorization for heavy appropriations immediately, but it also carries authorization for large appropriations to be made year after year---appropriations, the total of which will be a very large sum, and naturally there is resistance toward the making of obligations the size of which are indeterminate and which may run up to very large sums in the future.

All these things combine to make it exceedingly difficult to push this legislation with its appropriations through Congress at the present session, unless your passive approval is followed by active work on behalf of this bill. As groups and as individuals, let your representatives in the House and Senate know just how you feel about it, and write them and tell whether you are for or against the bill, and do it early and often!

REV. C. AARON: In view of the remarks made by Mr. Welke, I suggest we all put some power behind this bill. We know this power is created through the pen and through the tongue. I believe that in this gathering here there are men who are really able with the pen and also men that are able with the tongue, and I would like to suggest that after you go home today or tomorrow from this gathering, please remember what he has said, and by pen or by tongue do what you can to make this bill go through. For myself, I am going to speak four times in Chicago and three times in Detroit in the next month that I might put this cause before those people that I might have the chance to speak for.

JOHN BROCKEN---POWERSFORD

MR. BROCKEN: In regard to education---I have noted at times in the schools that the Indian child is somewhat handicapped in learning the English language. If they had a class or some provision made for them whereby they could learn their own language I believe they would be better off. I have noted at times that they have been handicapped by learning an alien language. Could it be possible under this new program to have schools in the Indian language to preserve the language and the past history of our people.

I suggest that we take it up with the director of education to see if we can do it.

WM. BUTCHER---LACCH LAKE:

MR. BUTCHER: Our land is in the National Forest area and contains about 230 acres and in this area that has been marked off are graves of our forefathers. We could ~~xxxxx~~ hardly leave those graves; and for another thing there are two churches in this national forest area, and it is there we go to worship God in whom we believe, and it has become sacred ground to us. We want the commission to thoroughly understand that we want them to relieve the situation that our national forest that we want for our home, and which our forefathers had enough foresight to set aside for us. These Indian graves are very sacred to us, and another reason we hate to leave is because of our schools. We love them because our children are getting an education there.

MR. WOHLKE: Mr. Baumgarten has arranged to have the Wheeler-Howard Bill translated into the Chippewa language and copies

of this translation will be available at the office of the Superintendent probably within the next week, and if you desire copies, please get in touch with Mr. Baumgarten.

Now I would like to tell you how delighted and grateful Mr. Collier will be when we report to him about the character of this meeting, and when he is able to read the transcript of what was said here.

He will be exceedingly pleased, and I know that you in turn will not rest upon your oars, but that you will give him the support which in your judgment his efforts deserve, and now since Mr. Baumgarten has announced that dinner will be ready at 5:30 I think we will have to adjourn. I thank you.

TRIBAL DELEGATES

CASS LAKE

White Earth	58
Grand Portage	3
Nett Lake	4
Leech Lake	6
Fond du Lac	9
Mille Lac	2
White Oak Point	3

KISHENA

Onida	8
Menominee	10
Stockbridge	3

MOUNT PLEASANT

L'Anse	4
Saginaw, Swan River, and Black Creek	3

LAC DU FLAMBEAU

Lac du Flambeau	11
St. Croix	2
Mole Lake	2
Red Cliff	6
Bad River	10
Lac Courte Oreilles	6

RED LAKE 11

TOMAH

Pottawattomie	9
Winnebago	6

PIPESTONE

M. Sioux	2
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