

FINAL DISCHARGE CERTAIN INDIVIDUAL INDIANS

HEARING BEFORE THE COMMITTEE ON INDIAN AFFAIRS UNITED STATES SENATE

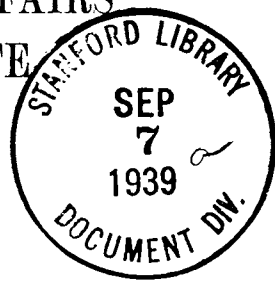
SEVENTY-SIXTH CONGRESS

FIRST SESSION

ON

S. 2206

A BILL PROVIDING FOR THE FINAL DISCHARGE OF FEDERAL
SUPERVISION OVER CERTAIN INDIVIDUAL INDIANS;
PROVIDING FOR FINAL SETTLEMENT OF INDIAN
CLAIMS, DETERMINATION OF HEIRS, AND
FOR OTHER PURPOSES



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FINAL DISCHARGE OF CERTAIN INDIVIDUAL INDIANS

MONDAY, JULY 10, 1939

UNITED STATES SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.

The committee met at 11 a. m., pursuant to call, in room 424, Senate Office Building, Senator Elmer Thomas of Oklahoma, chairman of the committee, presiding.

Present: Senators Thomas of Oklahoma (chairman), Frazier, O'Mahoney, Chavez, Wheeler, Bulow, Donahay, Ashurst, Johnson of Colorado, and Shipstead, were either present in person or by proxy.

Also present: Hon. William Zimmerman, Jr., Assistant Commissioner of Indian Affairs, Walter Woehlke, assistant to the Commissioner of Indian Affairs, W. B. Greenwood, chief finance and budget officer, Bureau of Indian Affairs, Joseph Bruner, O. K. Chandler, Hon. N. B. Johnson, and other delegates representing the American Indian Federation.

The CHAIRMAN. The committee will come to order.

This meeting today was called for the special purpose of considering Senate bill 2206, a bill introduced by me for the following purpose:

Providing for the final discharge of Federal supervision over certain individual Indians; providing for final settlement of Indian claims, determination of heirs, and for other purposes.

At this point the entire bill may be placed in the record.
(The bill, S. 2206, is as follows:)

[S. 2206, 76th Cong., 1st sess.]

A BILL Providing for the final discharge of Federal supervision over certain individual Indians; providing for final settlement of Indian claims, determination of heirs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That certain enrolled, recognized, or allotted individual Indians, to be determined as provided herein, or their heirs who have agreed to accept the full responsibilities of American citizenship shall be paid the sum of \$3,000 each in full, final, and complete settlement of any and all prior or future claims against the Government of the United States, as such Indians: *Provided,* That such payment shall be binding upon the heirs, assigns, executors, and administrators of said individual Indians or their heirs forever: *Provided,* That the determination of the heirs of deceased claimants or their heirs, shall be by State courts, in accordance with the law prevailing at the time and place of death of the deceased claimants or their heirs; payment to be made by the Treasurer of the United States direct to payees or their legal representatives out of any money in the Treasury not otherwise expended.

SEC. 2. That each individual Indian sharing in such payment and settlement shall sign a receipt, release, or agreement with the Federal Government absolving said Federal Government from all prior or future claims and obligations to said individual Indians as such, and from all further obligations or responsibilities to provide for said individual Indians as wards of the Federal Government: *Provided,* That all Indians accepting said settlement shall henceforth be entitled to

enjoy all the rights, privileges, immunities, and responsibilities of American citizens: *Provided further*, That this Act shall in no manner destroy or affect vested tribal property rights or tribal privileges.

SEC. 3. That all other enrolled, recognized, or allotted individual Indians or their heirs shall be entitled to participate in such agreement and settlement upon the terms and provisions herein set forth, provided application therefor is made within one year from the date of the approval of this Act.

The CHAIRMAN. I will state further that, pursuant to the committee's custom, this bill was sent to the Department of the Interior, which includes the Indian Office, for report. Before referring to this report, which is in the form of a letter dated June 1, 1939, from the Secretary of the Interior, I wish to say that on May 3, 1939, the Secretary wrote me a personal letter, voicing opposition to the bill. Not only did he voice opposition to the bill, but he also voiced opposition to the consideration of any similar bill and, in effect, asked me to withdraw the proposed legislation. I have now been in legislative work for more than 30 years and have never introduced a bill and afterward withdrawn it. I shall not establish any precedent of that kind now. In the first place, I shall not introduce bills on my own responsibility unless I am clearly convinced that they contain merit. When I introduce them by request, that is a different proposition. This bill was introduced by request.

At this point I wish to have made a part of the record the letter of May 3, 1939, sent by Secretary Ickes to me.

(Letter of May 3, 1939, from Secretary Ickes to Senator Thomas, is as follows:)

DEPARTMENT OF THE INTERIOR,
Washington, May 3, 1939.

Hon. ELMER THOMAS,
United States Senate.

MY DEAR SENATOR: Some months ago I had occasion to call the attention of Indians and others to an evident swindle being carried out in Oklahoma—a racket designed to collect sums of money from Indians.

This swindle and racket were being carried forward by the officers of an organization called the American Indian Federation. It consisted of an undertaking made, in return for the dollar paid to the solicitors by each Indian, to get \$3,000 from Congress for the contributing Indian. In addition, each dollar paid in the name of each dead relative or ancestor would bring back (subject to the passing of a bill by Congress) \$3,000.

The leaders of this so-called federation are one Joseph Bruner, one O. K. Chandler, and one Alice Lee Jemison.

I am now informed that these parties have come to Washington; that they have solicited the Oklahoma delegation in the House to introduce their bill and have been refused; but that you have introduced their bill. I enclose an analysis of the bill prepared for me by Commissioner Collier. It is evident that the bill has no serious legislative intent whatever; that its sole practical use will be to support and extend the solicitation of money from Indians under pretenses misleading, if not criminally false; and that the attachment to the bill of the name of the chairman of the Indian Committee of the Senate will add decisively to the money-raising efficacy of the bill among Indians.

I earnestly hope that you will give consideration to the withdrawal of this bill.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

The CHAIRMAN. At this point I wish to place in the record the letter sent me by the Secretary on June 1, 1939. I think that for the benefit of those present I had perhaps better read this letter. It is signed by the Secretary of the Interior and was written to me personally. It is as follows [reading]:

JUNE 1, 1939.

Hon. ELMER THOMAS,
United States Senate.

MY DEAR SENATOR THOMAS: On May 3 I wrote to you concerning the bill of the so-called American Indian Federation, introduced by you. The bill is S. 2206. I stated the earnest hope that you would give consideration to the withdrawal of this bill, since the scheme of the federation patently is an effort to obtain money from, rather than for, Indians. I have not received an answer to my earlier letter.

In the meantime, the House introduction of the federation bill (H. R. 5921) has been canceled through the withdrawal of that bill by its sponsor, Representative Burdick.

From Oklahoma, I am in receipt of a report of a meeting held by the so-called federation at Muskogee on May 6. At this meeting, the spokesmen of this organization were abusive toward the Oklahoma delegation in Congress, other than yourself, and they dwelt upon the need for "additional funds" for the promotion of their bill in Congress. Their bill would not be in Congress at all, if you should withdraw S. 2206.

I am sure you will agree that it is undesirable to hold out impossible hopes of vast money payments to Indians. It appears even more undesirable to use such vain hopes as a lure to collect money from Indians for the listing of their own names and the names of dead ancestors. This collecting enterprise is proving successful; prior to the introduction of your bill, I am informed, more than 4,600 Indians had paid from \$1 to \$12 to the adventuring federation. Inevitably and decisively, the federation's raid upon the Indian's lean pocketbook is made more successful so long as the federation can point to a bill actually pending in Congress.

Sincerely yours,

HAROLD ICKES,
Secretary of the Interior.

I may state that the Secretary's method of disposing of matters of this kind does not conform to my ideas about such disposition. At any time any group of our citizens claims to have grievances against the Government, or claims that its rights have been infringed by Federal officials, that group has a right to be heard. Because of that fact, it would not be agreeable to me to withdraw my bill, and it has not been agreeable for me to do so.

Had I followed the suggestion and request of the Secretary and withdrawn the bill, that would not have ended the activity of those who believe that they have some claim against the Government. In my judgment, it would have intensified their belief and their energies and efforts to bring the issue to a close or bring their claim to issue.

It is my contention that the better way to handle these matters is to afford these people who believe they have a claim against the Government an opportunity to be heard. The courts are not open to the Indians. There is no court into which they can go and present a claim against the Government for any purpose. In order to sue the Government, permission of the Government is required, which means the permission of Congress. You cannot get into the Court of Claims unless Congress gives you permission to go in.

So, it is my belief that when any citizen or any number of citizens feels that he or they have a claim against the Government, there should be some tribunal, somewhere, into which they may go and adjust such claim.

Congress being the only place where the Indians may come, it is my conviction that Congress should always be open not only to the Indians but also to others to suggest and present their claims to proper committees.

Acting upon that conviction, I have called this meeting this morning in order to afford the Indians an opportunity to have their claims

against the Government considered, and their claims are embodied in the bill that I have introduced.

Since coming to this meeting, I have been advised that although Representative Burdick introduced his original bill and later withdrew it, he has now introduced a bill providing for something similar to that proposed in the bill introduced by myself. The new, or second, Burdick bill is known as H. R. 6714, and was introduced in the House on June 7, 1939. In order that the record may be as complete as possible, I will ask that the text of the Burdick bill, H. R. 6714, be placed in the record at this point.

(The bill H. R. 6714 reads as follows:)

[H. R. 6714, 76th Cong., 1st sess.]

A BILL Providing for the final discharge of Federal supervision over certain individual Indians; providing for final settlement of Indian claims, determination of heirs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, such sum or sums as may be necessary to pay each enrolled, recognized, or allotted individual Indian or his or her heirs, who have agreed to accept the full responsibilities of American citizenship, the sum of \$3,000, in full, final, and complete settlement of all their rights, equities, or interests in and to all present, past, or future claims against the Government of the United States: *Provided,* That such payment shall be binding upon the heirs, assigns, executors, and administrators of said individual Indians or their heirs, forever: *Provided, further,* That the determination of the heirs of deceased claimants or their heirs shall be by State courts, in accordance with the law prevailing at the time and place of death of the deceased claimant or their heirs; payment to be made by the Treasurer of the United States direct to payees or their legal representatives.

SEC. 2. That each individual Indian sharing in such payment and settlement shall sign a receipt, release, or agreement with the Federal Government absolving said Federal Government from all prior or future claims and obligations to said individual Indians, and from all further obligations or responsibilities to provide for said individual Indians as wards of the Federal Government: *Provided,* That all Indians accepting said settlement shall henceforth be entitled to enjoy all the rights, privileges, immunities, and responsibilities of American citizens: *And provided further,* That this Act shall in no manner destroy or affect vested tribal rights, privileges, or claims, except such reductions therein as may result from the termination of rights, interests, and equities relinquished by members of Indian tribes who accept the settlement hereinbefore proposed.

SEC. 3. That all enrolled, recognized, or allotted individual Indians or their heirs shall be entitled to participate in such agreement and settlement upon the terms and provisions herein set forth, provided application therefor is made within five years from the date of passage of this Act.

SEC. 4. Applications as provided herein shall be filed with the Secretary of the Interior, setting forth the name of the applicant and his enrollment number, his place of residence, and post-office address.

SEC. 5. It shall be the duty of the Secretary of the Interior to examine said applications without unnecessary delay, and when said applicant is found to be duly enrolled, recognized, or allotted Indian, the Secretary of the Interior shall certify said application to the Treasurer of the United States, accompanied by a requisition for payment to said individual Indians of the sum in money as provided herein.

SEC. 6. It shall be the duty of the Treasurer of the United States to make payment, without unnecessary delay, to all individual Indians whose applications are certified to and filed by the Secretary of the Interior in accordance with the provisions of this Act.

SEC. 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

The CHAIRMAN. It occurs to me, as I have just said, that the best way in which to handle these matters is to afford the citizen an opportunity to get into any court that is open to him and to permit him to make such representations as he deems proper in support of his claim. When he has done this, he has had his day in court. Then

it is up to the proper committee of Congress and the Congress itself to consider the claim and the evidence submitted in support of the claim. When that is done, the process of justice will have been complied with, or at least an opportunity afforded not only the Indian Office but the Congress to comply with what each may think is its proper responsibility.

Before proceeding further, I wish to say that I have before me a copy of a memorandum on S. 2206, signed by John Collier, Commissioner of Indian Affairs. Inasmuch as this memorandum refers to the bill pending, I will ask that it be placed in the record at this point. (Memorandum on S. 2206, dated April 21, 1939, reads as follows:)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 21, 1939.

Memorandum on S. 2206 (introduced by Senator Thomas).

It had not been thought possible that any Member of Congress would be willing to introduce, even by request, the proposed bill which has been used by the American Indian Federation to raise money from Indians. As expounded to the Indians, this proposed bill would obtain for each living Indian, and in the name of each deceased Indian, \$3,000, upon condition that \$1 be contributed to the federation by or in behalf of each living beneficiary and in the name of each dead beneficiary.

The bill as actually introduced still would be an effective instrument to be used in raising money upon identical claims of legislative largess.

As introduced, the bill keeps all of that language designed to result in the construction holding that the \$3,000 may be paid in the name of dead Indians as well as paid to living Indians.

The bill as introduced states (par. 1, line 4) that the eligible Indians are "to be determined as provided herein," but nothing is provided in the bill as to the standards or methods of determining what living Indian shall be eligible to the legendary benefits.

In addition, the bill in its section 3, cleverly conveys, to those Indians who have already signed up and paid, the indication that they are in a privileged group as a result of having signed up and paid; i. e., section 3 provides: "That all other enrolled, recognized, or allotted individual Indians * * * shall be entitled to participate * * * provided application therefor is made within one year from the date of the approval of this Act."

The privileged group already registered made their application, not to the Government but to the American Indian Federation and paid their dollars. The inference which will be successfully planted in the Indian mind is that the other Indians shall present their applications in the same way that the privileged first lot of victims have done, which means paying their dollars to the federation.

JOHN COLLIER, Commissioner.

The CHAIRMAN. This morning I received in the mail numerous copies of a purported petition. It is a mimeographed letter addressed to me and is signed by Leonora McCaull Willis, Choctaw No. 12937, and by Wessie Burney Ray, Chickasaw No. 3723. The petition is in support of the bill pending before the committee, and for the purpose of the record I will submit a copy and ask that it be printed at this point.

(The letter of Leonora McCaull Willis (and Wessie Burney Ray reads as follows:)

Hon. ELMER THOMAS,
United Senate Chamber, Washington, D. C.

DEAR SENATOR THOMAS: It is our understanding the Indian bill, authorizing the payment of \$3,000 in final settlement of all claims, is to come up for hearing July 10.

Now we are wondering if all the Senators understand what the Indians are really asking for, as you know, many people feel this way about it: "The Government has given them their allotments—the Government has given them their per capita

payments—the Government has given, given, given. What more do they want? When, as a matter of fact, the Government has never given us anything and we have never asked them to give us anything; we have only been asking for what is rightfully our own and for what the Government has really promised to pay us.

Not many people know that we really paid actual cash for our land; with the small sum that was paid us for our lands back in Mississippi; the per capita payments were for interest on money held in trust for us by the Government, and for royalty from mineral lands, etc. When the portion of land was allotted to us individually in 1902 and 1906, it was with the promise that all unallotted land and tribal property of every kind and character would be sold and the money paid out per capita to "aid us in improving and caring for our lands." This cash was never paid, the Indians gave mortgages and secured loans to "improve and care for their lands," and the result has been that the Indians are "landless," and the loan companies and grafters own the land.

We had left, besides other tribal properties, 437,743 acres of land that is known as our "Coal and asphalt lands," on which geologists from the Geological Survey have placed the amount of coal underlying the land to be 79,000,000,000 tons. At one time we could have sold this land for \$12,319,039 but the Government said that was not enough money and refused to allow the sale.

We had left our "leased district," more than 7,500,000 acres of the finest and most valuable land in the world. We know, personally, of a deal that was consummated less than 2 months ago, on a portion of this land, being the allotment of a Kiowa Indian, in which the purchase price was \$15,000 for only 160 acres. This lay "between the ninety-eighth and one-hundredth meridian and between the Canadian River on the north and the Red River on the south," which is our "leased district." The land which we owned and for which we have never been paid, either for a lease, fee, interest, or any sum whatsoever. Thousands of acres of this land is now under lease for oil and gas purposes.

No; we are not asking the Government to bestow a gift upon us, but to actually pay us for what is our own. Surely our prayers will be answered this time.

We are mailing copies of this letter to you with the request that you see that one is placed upon the desk of each Senator, that he may know that he will be doing nothing amiss when he votes favorably for this bill.

LEONORA MCCAULL (NOW WILLIS),
Choctaw No. 12937.

WESSIE ELLA BURNAY (NOW RAY),
Chickasaw No. 3723.

The CHAIRMAN. I have before me the names of numerous other persons who are here, I presume, for this hearing and who will, no doubt, want to be heard before the hearings are completed. I will say to them that the hearings will be continued until they have been heard.

At this time may I inquire of the representative of the Indian Office whether he cares to make any statement now in connection with this bill?

Mr. ZIMMERMAN. No, I think not, Mr. Chairman, at this time.

The CHAIRMAN. Let the record show that Mr. Zimmerman, Assistant Commissioner of Indian Affairs, is present and that he does not care to make any statement at this time. I suggest that Mr. Zimmerman or his representative remain with us during the hearings.

Mr. Bruner, how do you want to present your matter? Do you want to testify first or call someone to testify for you? You are the president of the American Indian Federation?

Mr. BRUNER. Yes.

The CHAIRMAN. How do you want to proceed?

STATEMENT OF JOSEPH BRUNER, NATIONAL PRESIDENT AMERICAN INDIAN FEDERATION, SAPULPA, OKLA.

Mr. BRUNER. Mr. Chairman and members of the committee, as president of the American Indian Federation, I have the honor and privilege of presenting to you a large delegation of Indians who have

been elected by different unit organizations throughout the country. Some are not here to attend this hearing, and have sent letters stating why they cannot come. I should like to place these letters in the record.

The CHAIRMAN. Mr. Bruner, I believe it would be better to have the oral testimony presented first. Then, at the conclusion of the oral testimony, we can include all the letters that may be available at that time. So, will you keep your letters for the present and present them before the hearings are closed? Permission will be granted for you to insert in the record, I am sure, any other letters you may receive in addition to the ones you now have.

Mr. BRUNER. Gentlemen of the committee, we have delegates duly elected by the members of their respective units. We have one delegate from Montana from the Flat Head Reservation, Mrs. Burgess. Then, we have another delegate from Kansas, Mr. Mills, a Shawnee Indian. The rest of the delegation is from Oklahoma. Shall I introduce each one?

The CHAIRMAN. No; we will call upon them later and ask them to stand if they care to testify.

Mr. Bruner, let me ask you a few questions, first. Where is your home?

Mr. BRUNER. Sapulpa.

The CHAIRMAN. What tribe do you yourself belong to?

Mr. BRUNER. Creek.

The CHAIRMAN. For the record, explain the nature of your organization. I want your statement in the record first, Mr. Bruner, as to the nature of your organization. You come here with the title of national president. I want the record to show just the nature of the organization that you represent. What is this organization that you represent, the American Indian Federation? How many States does it embrace at the present time?

Mr. BRUNER. We have members in California, Idaho, Oregon, Montana, South and North Dakota, Kansas, Arizona, and New Mexico. There might be some others. We have Indians in various other States that I can't recall now.

The CHAIRMAN. How many members do you have enrolled in your organization throughout the country?

Mr. BRUNER. Approximately 6,000 Indians.

The CHAIRMAN. Of that number how many come from Oklahoma?

Mr. BRUNER. Nearly 5,000.

The CHAIRMAN. What is the purpose of the organization, if you can state that briefly?

Mr. BRUNER. As I stated, we have selected Judge Johnson to present our case.

The CHAIRMAN. We will have him later, but I want your statement in the record, because you are the one who is known as the head of the organization. I want the record to show your understanding of the organization.

Mr. BRUNER. Our organization, the national organization, in convention last year, adopted a proposed bill for an individual Indian settlement of \$3,000 for all claims the Indians have against the United States Government.

Senator CHAVEZ. That is this bill, but what the chairman wants to know is: For what reason was the organization created? What is the purpose of it?

Mr. BRUNER. The purpose is to protect Indians.

Senator CHAVEZ. Everywhere?

Mr. BRUNER. Everywhere; all over the United States.

The CHAIRMAN. As I understand it, the purpose must be dual, or twofold: First, to protect Indians against any injustice that may be threatening or threatened; and second, to secure for them all the rights to which they are entitled?

Mr. BRUNER. Yes, sir; and we are trying to protect the taxpayers as well. Our proposed plan does not concern Indians only but concerns all American citizens in connection with the wasting of money and the using of money for useless purposes by the Indian Bureau. This can be remedied, through the bill which we are sponsoring.

Indians are being used to have Congress appropriate large sums of money for the use of the Indian Bureau—not the Indians.

The CHAIRMAN. Is it the purpose of your organization to secure legislation that will abolish the Indian Bureau?

Mr. BRUNER. We don't care whether it is abolished or not if the taxpayers want to throw their money away, but as long as these claims are hanging over us, the Indian Bureau will exist and never will be abolished.

The CHAIRMAN. If the Indian Bureau should be abolished, do you not think that along with it would go the abolishment of the Indian schools, the Indian hospitals, and the things that I think all Indians are in favor of?

Mr. BRUNER. If all the Indians could use all those hospitals it would be a different proposition.

The CHAIRMAN. Aren't they all pretty well patronized?

Mr. BRUNER. They do not permit half-breeds or less. Certain degrees cannot go to school or hospitals.

The CHAIRMAN. Formerly the Government had not undertaken to define an Indian, but under this administration we have passed so many laws pertaining to Indians that we have found it necessary to try to define an Indian. There had to be a distinction drawn somewhere, so Congress decided that any person of one-quarter Indian blood or more was entitled to be called an Indian, and any person who had less than one-quarter Indian blood was not entitled to be called an Indian. Upon that definition the children of less than one-quarter-blood Indians have been denied admission to some of the schools. I think that statement is correct.

However, there had to be some distinction drawn somewhere in order to define an Indian. We may have made a mistake in defining an Indian as a person having one-quarter blood. Perhaps it should have been one-eighth or one-sixteenth.

We are trying to get before the committee and into the record some of the problems that confront the Indians of the country. If the Indian Office should be abolished, as some claim it should be, of course the supervision over the Indians would cease and the Indians would fall into the same class as other people—white, black, and other races—the public generally. So, this committee must consider and keep in mind always just what its ends are to be.

If your organization is favorable to the abolition of the Indian Bureau, I think the record should show what the effect would be in the event it is abolished; but if that is not the purpose, and you are simply asking the Government to make payment of so much money

to every Indian, that is another issue. We want to get the issue clearly defined, if we can, so that we will know definitely what we are trying to accomplish.

You may make a further statement or call someone to testify, if you wish.

Senator CHAVEZ. I have a few questions I would like to ask Mr. Bruner, if there is no objection, Mr. Chairman.

The CHAIRMAN. Go right ahead, Senator.

Senator CHAVEZ. When was this organization initiated?

Mr. BRUNER. In 1934, June 8.

Senator CHAVEZ. Is it a corporation, duly organized?

Mr. BRUNER. It is now.

Senator CHAVEZ. Under what laws?

Mr. BRUNER. Oklahoma State, Montana.

Senator CHAVEZ. In your articles of incorporation, do you set out the purposes of the organization?

Mr. BRUNER. Yes.

Senator CHAVEZ. They are contained in the articles?

Mr. BRUNER. Yes.

The CHAIRMAN. What fees do you charge your membership?

Mr. BRUNER. \$1 a year.

The CHAIRMAN. Annual dues?

Mr. BRUNER. Annual dues.

The CHAIRMAN. That is the initiation fee to start with?

Mr. BRUNER. Yes.

The CHAIRMAN. Then, each year the members are supposed to pay a fee of \$1 in the form of dues?

Mr. BRUNER. Yes, sir.

The CHAIRMAN. How many members have paid this \$1 if you know?

Mr. BRUNER. Why, I rather think about 5,000. We have a chairman on organization and a treasurer to keep our records.

The CHAIRMAN. What is done with the money that is collected?

Mr. BRUNER. Half of it goes to the national officers to maintain and promote legislation like this, and the other half is retained by each unit.

We have units all over the country. Tulsa has a unit organization. We have various units, and half of that money remains in the unit. They use it to promote the welfare of the organization.

The CHAIRMAN. If you have 6,000 members throughout the country and each members pays \$1 in dues, your total income each year is around \$6,000?

Mr. BRUNER. Yes, sir.

The CHAIRMAN. Of each dollar, the local unit, that collects the money, retains 50 cents, and 50 cents goes to the national headquarters?

Mr. BRUNER. Yes, sir.

The CHAIRMAN. You are the national president?

Mr. BRUNER. Yes.

The CHAIRMAN. Then, as national president, you and your staff have approximately \$3,000 with which to carry on the work of the organization throughout the country?

Mr. BRUNER. Yes.

The CHAIRMAN. Is that a fair statement of the way your business is run?

Mr. BRUNER. Yes.

The CHAIRMAN. Do you keep books on your collections and expenditures?

Mr. BRUNER. Absolutely; postage stamps, traveling expenses, and delegation expenses.

The CHAIRMAN. You have a record of those sums?

Mr. BRUNER. Yes.

The CHAIRMAN. So you know where every cent goes that you take in?

Mr. BRUNER. Yes, sir.

The CHAIRMAN. Of whom does the national organization consist besides yourself as president? Whom have you on your staff, so-called?

Mr. BRUNER. Mr. O. K. Chandler is chairman on organizations and Mr. John Curran, of Yuma, Ariz., is first vice chairman. We have a second vice president, Chief Red Hawk of Pendleton, Oreg., but he is not active.

Senator CHAVEZ. Who are the others? You said you had three.

Mr. BRUNER. We have W. W. LeFlore, national secretary, Bennington, Okla. He is not very active.

The CHAIRMAN. Have you offices located in Sapulpa?

Mr. BRUNER. Yes, sir; and then we have offices located in Miami, Okla.

The CHAIRMAN. Have you any paid employees, employees on a regular salary?

Mr. BRUNER. No, sir; not one.

The CHAIRMAN. The money is received, held, and expended for the carrying on of the work of the organization?

Mr. BRUNER. Yes, sir.

The CHAIRMAN. And for incidental expenses?

Mr. BRUNER. Yes, sir. You see, there was no collection of fees or dues made until 1938, or near then. Theretofore there were no dues connected with the organization until 1936 or 1937.

The CHAIRMAN. Have you published any sort of literature outlining the purpose of the organization, what you want to accomplish, and what you will try to do for the members if they will join your organization?

Mr. BRUNER. Yes, sir.

The CHAIRMAN. Will you at this point produce copies of those sheets for the record?

Mr. BRUNER. Yes, sir.

The CHAIRMAN. You can submit that literature for the record and give it to Mr. Grouard, who will make it a part of our record. I think it would be interesting to know just what your program is, how you operate, and anything else which you think would be of advantage for the record.

Mr. BRUNER. Now, I want to introduce Judge Johnson.

Mr. Chairman and gentlemen of the committee: Judge Johnson is district judge of the sixth judicial district of Oklahoma, and a member of the Cherokee Tribe of Indians.

Our delegation has selected him as our spokesman to present this matter to you and we will appreciate it if you will give him permission to do so.

The CHAIRMAN. We will now hear Judge Johnson.

**STATEMENT OF HON. NAPOLEON B. JOHNSON, JUDGE, SIXTH
JUDICIAL DISTRICT OF OKLAHOMA**

The CHAIRMAN. For the record, will you please give your full name?

Judge JOHNSON. My full name is Napoleon B. Johnson.

The CHAIRMAN. Where do you reside, Judge Johnson?

Judge JOHNSON. Claremore, Okla.

The CHAIRMAN. To what tribe do you belong?

Judge JOHNSON. To the Cherokee Tribe of Indians.

The CHAIRMAN. What degree of Indian blood do you possess?

Judge JOHNSON. The records show me to have one-fourth; I am, in fact, nearly a half-breed.

The CHAIRMAN. Were you born in Oklahoma?

Judge JOHNSON. I was born in Garvin County, Okla.

The CHAIRMAN. What is now Garvin County?

Judge JOHNSON. Yes, sir.

The CHAIRMAN. Mr. Bruner has said that you are at present the district judge of Rogers County.

Judge JOHNSON. I am district judge of the sixth judicial district of Oklahoma.

The CHAIRMAN. What counties does that comprise?

Judge JOHNSON. Rogers, Mayes, and Craig Counties.

The CHAIRMAN. What are the county seats of those three counties?

Judge JOHNSON. The county seat of Rogers County is Claremore, Okla. That is my residence. The county seat of Mayes County is Pryor. The county seat of Craig County is Vinita.

The CHAIRMAN. How long have you been a district judge?

Judge JOHNSON. I am in my fifth year. I was elected, and reelected without opposition for a second term.

Senator CHAVEZ. Does Vinita come within the same district as Miami?

Judge JOHNSON. No, sir.

Senator CHAVEZ. It is in another judicial district?

Judge JOHNSON. Miami is in another judicial district.

The CHAIRMAN. Mr. Bruner has suggested that you have been selected to present arguments in favor of the bill before the committee. With that introduction, you may now proceed to make such representations as you care to make for the purpose of the record.

Judge JOHNSON. I have prepared a brief statement outlining the purposes of the federation, as I understand them. I want to add, if it is proper at this time, that I am president of the local unit of the American Indian Federation of Rogers County, and our membership consists of more than 700 members.

The CHAIRMAN. Are they all residents of Rogers County?

Judge JOHNSON. Not all; there are a few who do not claim Rogers County as their home, who have preferred to register with the Rogers County unit.

The CHAIRMAN. Approximately how many members do you have in this organization from the three counties located within your judicial district?

Judge JOHNSON. Substantially 1,500. I believe there are more than 1,500 members in the three counties.

The CHAIRMAN. I think the record should show that our State of Oklahoma has by far the largest number of Indians in the entire United States. There are only some 300,000 Indians in the United States, and of that number we have approximately 140,000 living in Oklahoma, almost one-half the total number of Indians located in all States. We have in our State seven agencies, and we have the remnants of fifty-odd tribes scattered in practically every part of the State.

I think the record should show this, because in our State the Indian problem is not a minor problem; it is a major problem. In some parts of the State the population is predominantly Indian.

Senator CHAVEZ. May I ask this question: When you say 140,000, are those the ones who come within the definition you suggested?

The CHAIRMAN. No; I would not say that. There are some of those who are classified as Indians by the Census Bureau who would probably fall outside that classification if blood records were to be analyzed. Heretofore great numbers of persons were known as Indians who had less than one-fourth Indian blood, and this definition of "Indian" has caused considerable embarrassment in our State. Because of legislation, persons who claim to be Indians are not now considered Indians.

You may proceed, Judge Johnson.

Judge JOHNSON. Mr. Chairman and gentlemen of the committee: In behalf of the American Indian Federation, I thank you for this opportunity to discuss our reasons for the passing of S. 2206.

The federation proposes through this legislation a practical plan whereby the so-called Indian problem may be eventually solved, and we believe that when the people of the country are apprised of our aims and purposes they will appreciate our position, sympathize with our program, and support us in our efforts.

Briefly stated, the plan which we propose, and which in a sense is provided in the legislation under consideration now, is to confer upon the Indians full rights of American citizenship, satisfy all just claims, redeem unfulfilled promises, and cancel special privileges. Thus the Indian problem will be solved by the process of removing the reason for there being a problem—curing the disease by eliminating the cause.

Our plan is to dispose of unsatisfied claims, estimated by the Commissioner of Indian Affairs to be something over \$1,600,000,000, by paying them off. In a recent hearing before the Appropriations Committee—I think that was on February 3, 1938—Indian Commissioner Collier stated that there were on file Indian claims aggregating \$1,600,000,000 and that more claims were coming in each year. He stated that many of these claims were legal and valid and that others, while not legal, had a strong and almost irresistible moral appeal.

At the present rate of tragic spending, presumably for the Indians, the tax-paying public will have been relieved of more money in 20 years' time than it would take to pay off the Indians in full, assuming that they would be paid the full amount of claims now on file, place them upon their own responsibility, and put them in a position to be useful and self-supporting members of society.

The CHAIRMAN. At this point, Judge Johnson, may I ask, What is your program? Suppose Congress should accept your bill, enact

legislation, and appropriate money. Would you have all this money paid to the Indians at one time, in full?

Judge JOHNSON. The bill does not provide the manner in which it shall be paid; it provides only for the payment. I think it contemplates the paying of the Indians immediately, letting them sign receipts, and dispose of the matter, rather than drag it out over a period of years.

The CHAIRMAN. Suppose the Congress should enact this legislation, pass this bill, appropriate money, and give to each Indian what this bill contemplates—\$3,000 in cash. How long would the majority of the Indians have their \$3,000, in your opinion?

Judge JOHNSON. Just about as long as a similar group of white people would have it.

The CHAIRMAN. I think you are right, but then that does not answer my question very definitely. How long would the white people have it? Let us put it that way.

Judge JOHNSON. Well, we just have to bring to our assistance our common sense and experience in dealing with human affairs. Your guess would be as good as mine, but I think there would be some Indians who would soon let it get away from them, some who would invest it, and some who would use it for useful purposes.

The CHAIRMAN. I think you know that great numbers of citizens of our State are people who have come from other States. We have in Oklahoma a rather well defined cross-section of the United States. I think you will agree with me that if we should give either Indians or white people \$3,000 in cash today—Monday—many of them would have nothing by Saturday night.

Judge JOHNSON. That is right.

The CHAIRMAN. Others would have more or less of it. With that understanding, or with that conviction—I will put it that way—great numbers would not have this money long. Then what would happen to the Indians who have received their money and who have let it get away from them? Would they not be in the same condition they are in today or in a condition much worse?

Judge JOHNSON. Well, we would have an American who would have accepted the full responsibilities of American citizenship. He would be in the same status as any other American of similar standing. He might possibly go on relief; but he will always be on relief so long as he is made to believe that he is a dependent ward of the Government. There are thousands of Indians in Oklahoma who are considered as incompetent Indians by the Indian Bureau but who are competent Indians. Not a dime of the taxpayers' money should be spent on that type of citizen.

The CHAIRMAN. You may proceed now with your statement. At any time any member of the committee wishes to interpose a question, he should feel free to do so.

Judge JOHNSON. The Government is now spending approximately \$60,000,000 a year directly and indirectly for the alleged benefit of Indians. At this rate of spending the Government will have spent in the next 20 years \$1,200,000,000 or \$300,000,000 more than it would take to pay each of the 300,000 Indians in the United States the amount proposed in our bill.

Under the Government's present policy, at the end of 20 years you will still have the Indian problem and Indian claims. You will still

have the Indian Commissioner coming before you, asking for large appropriations. He stated in a recent hearing before Congress, in answer to a question propounded to him by Mr. Rich, of Pennsylvania, as to how long it would take to wind up the affairs of the Indians and how long Congress would have to continue to appropriate money for them, that it would take at least 100 years to wind up Indian affairs.

We propose to end this problem by taking a part of the money you will spend for the next 20 years in maintaining the Indian Bureau and using that money to liquidate a portion of the \$1,600,000,000 in claims now on file with the Government.

We submit that if after 150 years of close contact with the Government, direct relation with its citizens, and believers in all its institutions we must still be considered as an expensive, dependent group, then the United States has utterly failed in its avowed purpose toward the Indian. We submit that after all these years of futile experiment a change of plan is justified.

Thousands and thousands of Indians throughout the United States have long since become useful and self-supporting members of society. They have long since passed out of our national life as painted, feather-crowned heroes of the novelists and have taken their places along with the white man in the active affairs of life. Thousands of them today are holding responsible positions within their respective counties and States and with the National Government. We find them in all walks of life, as doctors, lawyers, bankers, and farmers, and in all other professions and lines of work.

Yet these same Indians are included in the 300,000 whom you are called upon to make appropriations for in order that you might maintain and support them. More than 90 percent of all the Indians in Oklahoma are absolutely self-supporting and capable of assuming the full responsibilities of citizenship; yet Congress every year is appropriating vast sums of money for their alleged maintenance and support. Our Indians are as capable of caring for themselves as are other citizens of Oklahoma.

We as the free, original American citizens of this great country disapprove of the appropriation and waste of public money in this manner. We contend that if our association, through its plans and efforts, accomplishes nothing more than the ending of this needless expenditure, we will have fully justified all our time and effort thus far expended.

We are not fighting any particular branch of the Government, but we feel that no department of the Government should be maintained unless it justifies its existence by serving a useful purpose to the country. Congress is familiar with the Indian Bureau, and an investigation of its activities is not necessary to convince any Congressman that the Indian Bureau does not justify its existence. It has long since served its purpose.

We contend that to maintain separate C. C. C. camps for Indian boys, separate sewing rooms for Indian women, separate P. W. A. projects for Indian men, separate farm and livestock agencies, and separate community projects for Indians, and reservation schools, makes the Indian race conscious and gives him an inferiority complex. It has a tendency to destroy his ambition to become independent, and it retards his advancement. At the same time there is imposed upon the tax-paying public extra millions of dollars of cost

for these separate maintenances. If the taxpayer understood and had an opportunity to express himself, he would disapprove this policy.

In conclusion, I want to say that the American Indian Federation has a membership of more than 5,000. Its members are composed of some of the most outstanding citizens in the country. It has in its membership Indians in all walks of life and of all degrees of blood; men and women who are filling responsible positions in their respective localities; county officials, State officials, and officials of the Federal Government.

Men and women who are thinking in terms of the best interests of their Government and their people; citizens who heretofore have taken a passive attitude toward these matters are now thinking for themselves; and out of this trend of thought and movement the American Indian Federation was born.

We express to you our appreciation and gratitude for this hearing and hope that out of it there will emanate a fair and equitable adjustment of a perplexing problem of the Government.

The CHAIRMAN. What is the philosophy back of your claim? Is it the fact that the Government is now paying for the support of the Indian Bureau some forty or sixty million dollars a year, and is it your contention that that sum of money over a period of time would serve the Indians a better purpose; or do you contend that the Indians have a deeper basic claim to consideration at the hands of the Government by virtue of the fact that the country was once theirs, that it was taken away from them, and that they have not been adequately paid?

Judge JOHNSON. It is the contention of the federation that the Indian has a deeper basic claim.

Senator CHAVEZ. Wouldn't you put it this way, Judge Johnson: that if an immigrant within 5 years can be made a full-fledged citizen, why should not the Indian, who is a native of the country, be a full-fledged citizen?

Judge JOHNSON. That is exactly what we have prepared in one of our statements. If an alien can come to this country and within a period of 5 years be made a citizen, certainly the Indian, in the light of his past record of accomplishment, should be granted citizenship.

Take Indians off the reservation and put them in the mission schools and in the public schools, and they make progress. I never went to an Indian school in my life. My brothers and sisters did. It just does something to the Indians—this segregation. It does something to them that cannot be explained. You can pick a Government Indian-school-trained student out of a crowd anywhere. It has a tendency to make him self-conscious.

Senator CHAVEZ. Do I also understand you to say that the federation feels that the Indian can accept his full responsibility and not expect to receive any charity whatsoever?

Judge JOHNSON. That is right. Certainly, that is true of a vast majority of the Indians. Take the white race, and you will find some who will be absolutely dependent regardless of what is done for them.

Senator CHAVEZ. I do not know, Judge Johnson, whether or not this particular bill will accomplish this, but I think your theory is fine.

Judge JOHNSON. This bill is not a paragon of perfection. I did not draw the bill or have anything to do with it, but I studied it and felt

that it was a step in the right direction. The bill probably needs some revising. This is a policy; this is a plan. I think it has merit to it.

The CHAIRMAN. In every Congress this committee has received requests from the tribes of the country for an extension of restrictions. That is particularly true of our State. For example, we gave a hearing about 2 weeks ago to the representatives of the Quapaw Tribe. Different groups were here, as was their attorney, a Mr. Thompson, I think it was, of Joplin, Mo. While their restrictions do not expire for several years yet, they commenced early to see to it that the restrictions on their allotments were extended for another period of 25 years.

The Indians in the southwestern part of our State, the Kiowas, the Comanches, and the Apaches, have had their restrictions extended on two or three occasions. The Chickasaws and Choctaws came here not many years ago and made a fight, and just before the restrictions were about to expire, Congress passed legislation extending those restrictions.

It seems to me, then, that without exception the Indians who have land do not want their lands to be relieved of their restrictions. They want them retained under the Federal restrictive clause, so that they will not be bothered with suits and judgments and taxes.

From your viewpoint, it would seem to me that you want those restrictions removed so that the Indians may have their lands on the same basis as white people have their lands, in fee simple title, so that they can do what they please.

Judge JOHNSON. If you note the provisions of the bill as originally drawn, it included members of the federation. That was done contrary to assertions that have been made by high officials of the Government who do not understand. Those names were included in there because they were members who were then and there willing to accept this plan. When this bill was drawn, their names were incorporated in the bill.

Then you will note that there is a provision that all other citizens desiring to come in under that plan may do so. I think that would answer your question about Indians who did not want to come in under that plan.

It is a compromise settlement. They get their \$3,000 and in turn become full-fledged citizens. There are no restrictions at all, and it is the beginning of the end of the Indian problem. There may be Indian citizens, if this bill is passed, who will apply for the benefits of the bill and who will assume full responsibilities of citizenship, while the Indian officials think they should not do that; yet Congress can give them the privilege if they want to do it. If there are still Indians who do not want that, who want the restrictions on their land and who want to remain under the supervision of the Indian Bureau, that is their privilege. There is nothing compulsory about this bill, unless Congress should see fit to make it mandatory as to all Indians.

The CHAIRMAN. As I get your viewpoint, it is something like the policy that formerly obtained in my native State of Indiana. When a boy became of age, many times the family would give him a horse, some kind of bed, and a quilt or two, and would tell him they were through with him and to make himself scarce on the premises. In other words, he was given his patrimony and told to go out and make his own way.

As I see this program it is to say to the Indians of the country, "If you want \$3,000, here it is now. If you take it, you are free, and we don't want to be bothered with you any more."

Judge JOHNSON. That is right, and you are not bothered with him any more.

The CHAIRMAN. Well, whether or not we would be bothered with him any more is another question.

Judge JOHNSON. Of course, the respective States may have some problems, but they have them anyhow. We still have our poor-houses and relief agencies.

The CHAIRMAN. I am trying to develop this record to get your philosophy on this program.

We will have time to hear from one other witness briefly, if you care to call one, Mr. Bruner; then we shall have to go to the Senate.

Judge JOHNSON. Senator Thomas, I do not know what the proper procedure is, but at this point I want to say that I saw in the letters that you received from the Secretary of the Interior certain statements made with respect to the names and the motives of the heads of this organization.

The CHAIRMAN. If you care to comment on them, that is public property, and you may do so.

Judge JOHNSON. I should at this time, if it is proper, like to introduce into the record in refutation of those matters our letter addressed to Congressman Burdick, which was in reply to the letter of the Secretary of the Interior to him.

Senator CHAVEZ. Congressman Burdick?

Judge JOHNSON. Yes. I believe that that would answer the matters set up in these letters.

When Congressman Burdick introduced his Lill, which he later withdrew at the request of the Secretary of the Interior and upon a letter written to him by the Secretary of the Interior, he informed us of his action, and we noted the letter in the Congressional Record.

Then the legislative committee that was here at this meeting and conferred with you wrote a reply to the Secretary's letter and requested that it be incorporated in the Congressional Record, and it was. We have here a copy of that letter, and for the purpose of this record we should like to introduce it now and to add that Congressman Burdick has introduced another bill along the lines we proposed.

The CHAIRMAN. Without objection, it will be made a part of the record.

(The letter referred to is as follows:)

THE SECRETARY OF THE INTERIOR,
Washington, April 23, 1939.

Hon. USHER L. BURDICK,
House of Representatives.

MY DEAR MR. BURDICK: House Resolution 5921, introduced by you, is before me. I am sure that you have sponsored this bill in a desire to obtain all possible benefits for the Indians, and without a knowledge of the details of the money-getting enterprise of which the bill is a part. I am setting down the facts in the confidence that you will withdraw the bill and will make an effective public declaration detaching your name from the scheme which the bill represents.

Some time ago I gave to the press a statement dealing with the money-raising activity of the American Indian Federation among needy Indians. That organization was soliciting from living Indians \$1 each, and \$1 in the names of dead ancestors. In return it was undertaking to seek from Congress \$3,000 to be delivered to each Indian who paid his dollar, and \$3,000 to be delivered in the

name of each dead ancestor. I stated that the activity was in effect a racket or swindle. At about the same date, Commissioner Collier gave to the press evidence showing a working relationship between the American Indian Federation and certain groups such as the James True Associates and the German-American Bund.

In spite of these exposures, the so-called federation was able to collect a substantial total of dollar memberships from misled Indians. The bill you have introduced lists by name the Indians, who, during this preliminary phase of the racketeering enterprise, have fallen victims to the federation. They number 4,664, most of them being residents of Oklahoma but some being residents of other areas in the country.

With the introduction of this bill, whose text is extraordinary indeed, the federation's enterprise enters upon a new and far more deluding and dangerous stage.

The bill expressly states that each of the 4,664 Indians named therein, "being voluntary members of the American Indian Federation, * * * shall be paid the sum of \$3,000."

The bill continues, in section 3, to the effect that all other Indians shall be entitled to an identical payment "provided application therefor is made within 1 year from the date of the introduction" of your bill. The clear implication, and even statement, is that within 1 year from April 20, 1939, Indians who pay their \$1 to the American Indian Federation shall become eligible to the fabulous benefits of your bill, and that those who do not pay their \$1, and pay it within the year, shall be excluded from eligibility.

The American Indian Federation has attempted to make its scheme appear reasonable by asserting that when these payments, totaling \$900,000,000 if only 300,000 Indians should receive them, have been made, the Government will be put to no further expense in Indian matters. The bill conveys the identical impression. Yet the bill provides "that this act shall in no manner destroy or affect vested tribal property rights or tribal privileges." The bill uses the language of "settlement of claims." The only claims, of legal validity, which Indians can maintain against the Government are tribal claims. They receive governmental services and "privileges" by virtue of being members of tribes under Federal guardianship. Hence the bill would not discontinue the existing governmental expenditures incidental to Indian affairs.

The federation, in its solicitations of money, has held out the hope that \$3,000 would be procured in the name of each dead ancestor in whose name a living Indian might contribute an additional dollar. The bill introduced by you unmistakably writes that hope into a congressional document. This it does in section 1, line 5, on page 2, line 5, and again, with particular force, in section 3, line 24. Thus the bill will enable the canvassers of the federation to ask for additional dollars in the names of dead ancestors of its victims.

Those who prevailed upon you to introduce their bill have, obviously, no legislative intent. They know that their bill can never pass Congress or become law. They are engaged in a particularly cynical scheme of which Indians are the victims. With this actual House resolution in their hands they can accelerate and expand their victimization to an enormous extent. And so long as they hold this resolution in their hands, no amount of publicity will avail to protect fully ignorant and needy Indians.

I am entirely confident that with the facts made known to you, you will withdraw the resolution and denounce the scheme which it incorporates. Your record of friendly service to the Indians is an assurance of this.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

THE AMERICAN INDIAN FEDERATION,
Claremore, Okla., May 15, 1939.

Hon. USHER L. BURDICK,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN BURDICK: In his letter of April 28, 1939, inserted in the Record of May 1, 1939, page 6918, Mr. Secretary Ickes attacked H. R. 5921, the American Indian Federation, some of its officers, and reflected upon the character, integrity, and intelligence of its members.

In view of the embarrassing situation in which we or the Secretary have placed you, we believe it becomes our plain duty to acquaint you with the facts and to state clearly what is the attitude of some 15,000 Indians who are opposed to the

present policies of the Indian Bureau and why, and to assure you that we are not the ignorant, misled "dupes" whom the Secretary would have you believe.

H. R. 5921, sponsored by the American Indian Federation, prepared by the undersigned as a committee, and introduced by you at our request, offers a plan under which we think the perplexing problem of Indian claims may have just and early disposition. It is in direct opposition to the policy of the Indian Bureau which insists upon indefinite delay in order to perpetuate itself. We simply propose that the United States pay to those individual Indians who are willing to accept their share of the proposed sums now and relinquish all rights to tribal equities therein, just as an alien in becoming a citizen of the United States renounces his former citizenship and surrenders his rights thereunder. In this manner each payment to an individual reduces the total amount due the tribe, leaving those Indians who prefer to remain members of the tribes at the mercy of the Indian Bureau. Universal acceptance would end forever the troublesome jurisdictional bills, actions in the Court of Claims, and silence immediately the bureaucratic suggestion that a "claims commission" be added to the long list of expensive Government agencies.

The Secretary and many good citizens have bitterly criticized certain foreign nations which have diverted funds owed to the United States to preparations for war. In like manner we criticize the Interior Department for its misrepresentations to Congress in order to divert funds owed to our people to pay salaries and expenses of a social experiment station whose record is one of ignominious failure.

The Indian Bureau has represented to Congress that there are 350,000 Indians in the United States. This exaggerated estimate was given to strengthen the plea for appropriations to teach these "ignorant" people to earn a living "and for other purposes." Mr. Commissioner Collier has told a committee of Congress that the total amount of Indian claims against the Government, apparently just and legal, amounts to more than a billion dollars, and that about another half billion is "morally" right. But if there were really that many Indians and each were to be paid \$3,000, it would require \$1,050,000,000 to settle all claims. A staggering sum, indeed, and yet an increase of less than 2.5 percent of the national debt. Even so, the written word of the United States would be made good to a people who are victims of the same policy of "aggression" and "expansion" which is so righteously deplored when it is pursued in Europe or Asia or Africa.

However, the Secretary failed to remind you that Congress has authorized the expenditure of approximately \$60,000,000 annually at his request. Even if there should be no increase in these expenditures the United States will have spent \$1,200,000,000 in 20 years. That would be \$150,000,000 more in 20 years than we are suggesting for all time to come. But there is this difference: We propose that the money shall go to those to whom it is due, not to an army of Government employees. And with the added reminder that at the end of 20 years under the Ickes-Collier plan the United States would not be one step nearer a final settlement with the Indians.

Please bear in mind that the millions now being poured into the "Indian service" do not reach Indian purses; that Mr. Commissioner Collier placed in the record that there was 1 Indian bureau employee for every 25 Indians; also, that it was costing the Government \$209.90 per capita to administer the affairs of Indians.

Indian Commissioner Collier intimated to a committee of the Seventy-fifth Congress that it will require at least a hundred years at proportionately increased expense for his Bureau to complete its work. In the light of this confession of incompetency, the drain on the Treasury necessary to dispose of the whole matter and have the Indian problem justly and definitely solved pales into insignificance.

We resent, and most vehemently deny, the statement that there is any relation between the American Indian Federation and any group objectionable to a loyal patriotic citizen. We are proud of the fact, however, that we are associated with the American coalition.

The American Indian Federation was organized in 1934 in Washington, D. C. Its membership includes representatives of 33 tribes of Indians, residents of 38 States of the Union. The first shaft of criticism hurled against it from any official source followed our complaint that objectionable Indian legislation originated in a committee of the American Civil Liberties Union and smacked of communism, in opposition to which principles we are definitely committed. Later we com-

plained that certain influential officials in the Interior Department were foreign-born, one with an Americanized name; and that they did not have sufficient knowledge of or interest in Indian matters to competently administer our affairs—if, indeed, our affairs are essentially different from those of other citizens. We complained that communism was being taught in Government schools for Indian children; that religious freedom was being arrested at established Indian schools.

The purposes of the American Indian Federation are clearly set out in its constitution, bylaws, and articles of incorporation. These are, generally, to promote the interest of the American Indian by education, industry, and thrift; to encourage Christian virtue and loyal citizenship. The membership fee was originally fixed at \$1 and has not been changed. This fee has been paid voluntarily and without coercion on the part of this organization of any of its officers or authorized agents. No salary or compensation is paid to any officer or authorized representative. We contend that the Indians have the same right to organize for their own welfare as any other group of American citizens and that they have the constitutional right to petition the Congress and officers of the Federal Government for redress of any wrong or legitimate claim they may wish to present. They have the same right and privilege to contribute to the program of our organization as Secretary Ickes or Commissioner Collier have to advance the interests of the American Civil Liberties Union, which these Indians condemn as bitterly as the two public officers condemn our organization. Indians of the State of Oklahoma have stood for progress in every respect, and many of our members are now holding responsible public positions in the government of the State of Oklahoma and Indians will be found in every line of industry and useful endeavor throughout the Nation.

The Secretary told you in his letter that the federation is engaged in a "racket," etc., and that we promise prospective members or "victims" \$3,000 from the Government if they will pay us \$1. It may be merely a coincidence, but we have referred to the Indian Bureau as a "racket"; but its victims are Congress, the Indians, and the taxpayers of the United States. We have profound respect for the high office of Secretary of the Interior, but we resent the misstatement that we have promised \$3,000 for \$1, coming from any source. We have made no such silly promises. We have made no such impossible contracts. We have held out no false promises. There are open doors to all our meetings, many of which have been attended by Interior Department employees (at Government expense) to keep the Secretary informed of our activities. If, indeed, we are practicing fraud upon Indians to the knowledge of the Secretary or any of his subordinates, then they are derelict in their duty to their wards and to the Government by not bringing charges in the courts rather than in press releases and letters to Congressmen. If what he says is true, we have used the United States mail for purpose of fraud and he should have had us thrown into jail.

Our plan for final settlement was not finally developed until our annual convention in 1938—4 years after the Secretary first launched his abuse against us for opposing his policies. He hated us before H. R. 5921 was conceived and for other reasons.

We thank you again for the interest you have shown in the Indian citizen and the use of your influence in his behalf.

Assuring you of our continued confidence and esteem, we are

Very respectfully yours,

THE AMERICAN INDIAN FEDERATION,
 JOSEPH BRUNER, *President*.
 O. K. CHANDLER,
34 G Street, N.E., Miami, Okla.
 W. E. MCINTOSH,
 N. B. JOHNSON,
Legislative Committee.

THE AMERICAN INDIAN FEDERATION, UNIT NO. 4,
Elbowoods, N. Dak., May 23, 1939.

HON. USHER L. BURDICK,
Washington, D. C.

HONORED FRIEND: Pursuant to first amendment to the Constitution of the United States, the American Indians should have the same right to petition Congress as other citizens. When organized labor or the American Legion sponsor a bill in Congress no Cabinet officers write to any Congressman asking him to withdraw the bill and charge the members of these organizations with being crooks because they charge their members a membership fee of \$3 to \$12.50 a year.

FINAL DISCHARGE OF CERTAIN INDIVIDUAL INDIANS 21

The entire membership of American Indian Federation Unit No. 4 respectfully request that the attached resolution with this note and letter from Joseph Bruner and others, written to you from Claremore, Okla., May 15, 1939, be included in the record of hearings before the United States Senate Committee on Indian Affairs.

Very sincerely yours,

FLOYD MONTCLAIR.

RESOLUTION

Be it resolved by the members of the American Indian Federation, Unit No. 4, convened in special session May 23, 1939, at Elbowoods, N. Dak., That we unanimously endorse the letter of President Bruner, N. B. Johnson, W. E. McIntosh, and O. K. Chandler, of the American Indian Federation, dated May 15, 1939, at Claremore, Okla., and addressed to Hon. Usher L. Burdick, Member of Congress, Washington, D. C.

We are not "dupes"; have not been "duped"; have not attempted and will not attempt to dupe our people. We are American citizens and have the same right as other Americans to petition Congress. We are capable of understanding our problem, which is social and not racial, and we are capable of petitioning Congress in our own behalf. The bill now pending in the Senate and introduced in the House is the Indians' bill; the first, in our judgment, ever to be offered in Congress applicable to all Indians and with the distinct objective of ending "Indian affairs" as between the Indian citizens and the Federal Government: Be it further

Resolved, That a copy of this resolution be immediately mailed to Hon. Usher L. Burdick with a letter requesting that he immediately introduce into the Congressional Record the letter of President Bruner and other members of the federation's delegation referred to herein, and that a copy of this resolution be mailed to Hon. Lynn J. Frazier, Hon. Gerald P. Nye, our United States Senators, and Hon. William Lemke, our other Member of Congress.

Unanimously adopted May 23, 1939.

VICTOR YOUNG BEAR, *President.*

Attest:

FLOYD MONTCLAIR, *Secretary.*

The CHAIRMAN. The letters received from the Secretary were, of course, based upon information furnished him.

Judge JOHNSON. I take that to be true.

The CHAIRMAN. Nevertheless, his letters are part of the record.

Judge JOHNSON. It might also be proper, since a question was asked by Senator Chavez about the incorporation of this organization, to introduce into the record a copy of the articles of incorporation. It is not long.

The CHAIRMAN. Is that a certified copy of the articles of incorporation?

Judge JOHNSON. Yes; a certified copy.

The CHAIRMAN. If it is not certified, you could make a statement about whether or not it is a correct copy of the original.

Judge JOHNSON. Well, it is certified. It is a certified copy of the articles of incorporation of the American Indian Federation.

The CHAIRMAN. Without objection, they may be placed in the record at this point.

(The articles of incorporation of the American Indian Federation are as follows:)

ARTICLES OF INCORPORATION

Be it known that the undersigned citizens of the State of Oklahoma do hereby voluntarily associate ourselves together for the purpose of forming a private corporation under the laws of the State of Oklahoma and do hereby certify

First: That the name of this corporation shall be the American Indian Federation.

Second: That the purpose for which this corporation is formed is to teach and uphold the true principles of American citizenship; and, as a national nonpartisan,

nonsectarian educational organization of Indians and intermarried whites, to teach the fairness and economic justice of a final settlement as between the Indians and the Federal Government, to the end that the Indian may enjoy and assume every right and responsibility of an American citizen.

Third: That the place where its principal business is to be transacted is at 34 G Street NE., Miami, Okla.

Fourth: That the term for which the corporation is to exist is perpetual.

Fifth: The number of directors or trustees of this corporation shall be three and the names and residences of those who are selected as such directors or trustees, and who shall hold their office until the next annual election, or until their successors are elected and qualified, are as follows: W. E. McIntosh, chairman, box 888, Miami, Okla.; O. K. Chandler, secretary, 34 G Street NE., Miami, Okla.; William M. Newton, member, 121 North K Street, Muskogee, Okla.

Sixth: That the amount of capital stock of this corporation shall be (nothing) dollars and shall be divided into (nothing) shares of (nothing) dollars each.

Certificate of incorporation to be issued subject to the following constitutional requirements: That the corporation to which it is issued will submit any difference it may have with employees, with reference to labor, to arbitration, as shall be provided by law.

In witness whereof we have hereunto subscribed our names this 30th day of March A. D. 1939.

W. E. MCINTOSH,
Box 888, Miami, Okla.
 O. K. CHANDLER,
34 G Street NE., Miami, Okla.
 WILLIAM M. NEWTON,
121 North K Street, Muskogee, Okla.

STATE OF OKLAHOMA,
Ottawa County, ss:

Before me, a notary public, in and for said State, on this 30th day of March personally appeared W. E. McIntosh, O. K. Chandler, and William M. Newton, to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

[SEAL]

RITA F. NEWTON,
Notary Public.

My commission expires August 5, 1941.

STATE OF OKLAHOMA,
County of Ottawa, ss:

W. E. McIntosh and O. K. Chandler, being duly sworn, upon oath state that they were chairman and secretary, respectively of an election held at 208 Mining Exchange Building, Miami, Okla., on the 30th day of March 1939, at which the directors named in the above and foregoing articles of incorporation were elected; that the said election was held at the time and place and with the result as stated in said articles of incorporation.

W. E. MCINTOSH,
Chairman.
 O. K. CHANDLER,
Secretary.

Subscribed and sworn to before me this 30th day of March 1939.

[SEAL]

RITA F. NEWTON,
Notary Public.

My commission expires August 5, 1941.

[Endorsement on back]

Articles of incorporation of the American Indian Federation, Miami, Okla. Secretary's memorandum Oklahoma City, Okla., secretary's office. This instrument was filed for record this 31st day of March A. D. 1939, at 10 a. m. C. C. Childers, secretary of state; Katherine Manton, assistant secretary of State. Delivered to W. E. McIntosh, Miami, Okla.

The CHAIRMAN. On the question of money, it is obvious that there is not much money involved. If you have 6,000 members and they all pay, which I doubt very much, and if the local units keep one half and the other half goes to national headquarters, that would be only

\$3,000 for each. That would not go very far toward supporting any sort of national headquarters. So, if there is any question about the financial arrangements, I think it would be well to bring it out.

Judge JOHNSON. I would like to make this statement: That we have here with us affidavits from the various units of the country as to the manner in which this organization was perfected. Of course, if it is proper we could have those introduced into the record.

But the organization has nothing complicated to offer. It has simply a program, a plan, explained to the Indian citizens just as I explained it in my statement to you. If they want to subscribe to the program, they become members, and 50 cents of the money goes to the national headquarters. No Indian was ever led to believe, so far as my unit is concerned and so far as I have been able to find out, that by paying \$1 he would be in a position to get \$3,000. He understood the organization and its purposes.

This money that we now have in our unit has been used in defraying the expenses of the delegates to Washington. My expenses were paid when I came here the first time. I turned \$50 back to my organization because I had not spent it. I helped pay some of the expenses of the other delegates. Part of my expenses were paid by the national headquarters.

Senator CHAVEZ. I do not see anything unusual about that. Every organization that comes to Washington or sends a delegation uses such money.

Judge JOHNSON. This time we have sent our delegation, and our unit has helped pay some of the expenses of the other delegates.

There is nothing unusual in the charging of \$1. There may be other organization in Oklahoma that would perhaps take advantage of this situation and perhaps could use it as an excuse to get money.

Senator CHAVEZ. Who is the representative in my State? Is it Morgan, of the Navajos?

Mr. BRUNER. He used to be; he is not now. They have John E. Curran, of Yuma, Ariz.

Senator CHAVEZ. You do have a unit in New Mexico?

Mr. BRUNER. Oh, yes.

Judge JOHNSON. At every meeting of the representatives from the various units, before any action is taken as to who should go to Washington and what action should be taken, the matter is first submitted to the representatives. We take the position that the American Indians have the same right to organize as Federal employees. The Secretary of the Interior has employees who have formed a union and charge \$5 a year to promote their interests. We have no criticism of that; that is their right. But we say that the Indian has the same right; he is no different from anybody else.

Senator FRAZIER. What are the qualifications for membership?

Judge JOHNSON. Just to be an Indian, duly enrolled as an Indian, a recognized Indian who must be on the rolls.

The American Indian Federation compiled this list of 4,654 names that were incorporated in the Burdick bill originally introduced. The national headquarters took every name, checked it, checked its accuracy, checked the degree of blood, and then compiled this list so that it would harmonize with the recognized roll books in the Government records. They did that for the convenience of the Indian Office, so that they might check the names.

The CHAIRMAN. What about the claim that you are including Indians who have long been dead and that some Indians are ready to believe that if they pay a dollar for a dead Indian, they in turn can get back \$3,000?

Judge JOHNSON. I do not know of anything like that, so far as my unit or any other unit is concerned, but I do know this: They have been told that they could put in for a deceased Indian relative. For instance, my father is dead. As an heir I listed him. I paid a dollar, because if I am entitled to it as an enrolled citizen, he would be entitled to claim it if living through the violation of any contract with the Cherokee people.

The CHAIRMAN. How far back would that go? Would his father be entitled to it?

Judge JOHNSON. No; just the enrolled Indians.

Senator CHAVEZ. Just the heirs of enrolled Indians?

Judge JOHNSON. That is right. If I am an heir, I can put in for my father by virtue of his being an enrolled Indian. If there were six children, I would get one-sixth.

That is a matter for the consideration of Congress. If they think that is not proper, they can have it stricken. But that is how that originated. It is not that they are trying to use some scheme; it is just simply a legal question. The heirs would be entitled to whatever the deceased Indian would be entitled to if he were living and on the roll—his share.

Mr. BRUNER. I might explain that the Creeks made a treaty with the United States Government in 1901 to enroll the Indians. Those Indians enrolled actually are dead. Thousands of Indians who are dead were entitled to these claims. Therefore, what the deceased enrollees were entitled to, the heirs get.

The CHAIRMAN. Have you other witnesses to be heard now?

Judge JOHNSON. There was an inquiry made awhile ago about whether or not any literature was used stating the purposes of the federation. I have here a pamphlet, if you want this to go into the record.

The CHAIRMAN. I think it should.

Judge JOHNSON. I ask, then, that it may go into the record.

The CHAIRMAN. Without objection, the pamphlet will go into the record at this point. Also, the letters submitted by Mr. Bruner will be received.

(A pamphlet of the American Indian Federation, Inc., is as follows:)

THE AMERICAN INDIAN FEDERATION, INC.

The American Indian Federation is composed of a voluntary membership of Indians of the United States and members of their immediate families. It is a body corporate, a member of the American Coalition with whose 114 branches this federation cooperates in the preservation of the principles of free constitutional government and the promotion of moral, truly Christian, American ideals.

The federation submits that the Indian is legally and rightfully a citizen of the United States, entitled to all the rights, privileges, and blessings of such citizenship and obligated to faithfully discharge all its duties and responsibilities. We hold that to set the Indian apart in a racial group is an injustice to all citizens of all races and origin, accomplishes no good purpose, and tends to engender race prejudice and hatred. We submit further that to maintain a bureaucratic Government agency with the Indian a mere excuse for the useless expenditure of \$60,000,000 annually is an outrage upon the taxpaying citizens of the United States, including Indians, and a serious detriment to the Indian as such.

The federation was organized in Washington, D. C., in 1934 and later in the same year held its first annual convention at Gallup, N. Mex. Annual conventions have been held since at San Diego, Calif.; Slat Lake City, Utah; Lewiston, Idaho; and Tulsa, Okla.

MEMBERSHIP VOLUNTARY

The constitution, bylaws, and articles of incorporation of the federation provide for a voluntary membership, a strictly democratic form of government, opens its doors to every Indian who is in accord with its purpose and plans, each of whom has a voice and vote in the operation of the organization. The membership fee is \$1. The annual dues are held to a minimum sufficient only to bear the necessary expense of conducting the affairs of the federation. No officer or agent or representative receives any salary for services performed.

The federation is divided into local units. The local unit is usually a county or community. The membership fee of \$1 is divided equally between the local unit and national federation treasury in order that both may be provided with funds to perform their respective functions.

At the beginning of its operations the federation directed most of its energies to militant opposition to the advance of subversive doctrines which tend to destroy our form of government, our social structure, our system of education, our religious liberty, our economic welfare. The federation openly charged that the Indian Bureau is under the domination of the despised American Civil Liberties Union which we held responsible for the introduction of communism in our schools, interference with religious worship, the enactment of laws and the promulgation of regulations, the very essence of which are communistic, un-American, and unjust.

REDEDICATED TO PRINCIPLES OF AMERICANISM

The federation has not retreated from its original position but rededicates itself to the principles of Americanism, Christianity, justice, and truth.

The federation holds that Indians have the same right to organize for the purpose of cooperation and mutual benefit, to receive uniform contributions of money from its members, that other groups have to organize their chambers of commerce, their clubs, or their fraternities. The federation has no fear of honest critics, but it does resent the unfair, untruthful, and malicious charges hurled against it by those who, including officials of the Government, are afraid to have their raids upon the Treasury, their invasion of the rights of American citizens, and their efforts to promote communism, exposed.

The federation points with disgust to the public records which reveal that the Indian is being used merely as an excuse to induce Congress to appropriate enormous funds to support the Indian Bureau—not Indian citizens. The present Commissioner of Indian Affairs represented to Congress, as shown by the official reports, that there are 350,000 Indians in the United States for whose benefit his Bureau is maintained. Presumably these Indians are diseased, destitute, ignorant, at the constant mercy of designing white men, shiftless and lazy. Instead of ascertaining the real facts from reliable and available sources, in some instances from Members of Congress themselves, Congress gave about \$60,000,000 per year, not to the Indians but to the Indian Bureau. The Congress might easily know that of the 350,000 Indian people many are bankers, attorneys, merchants, physicians, public officials in important positions, valuable citizens in their respective communities. The Indian Bureau is costing the taxpayers of the United States \$150 per year each to teach some of our very best and most prosperous citizens how to earn a living. Certainly no one is so foolish as to believe that the Indians themselves received any considerable share of this money. Most of them would have spurned it as unworthy charity or as the purchase price of submission to communistic drudgery.

INDIAN BUREAU HAVEN FOR JOB HUNTERS

From its very inception the federation has denounced the Indian Bureau as a useless, expensive branch of the Government and of no benefit to anyone except those who employ it as a vehicle to convey foreign isms or as a source of profitable employment. The purposes for which the Bureau was instituted have long since been accomplished. Today it is nothing more than a haven for job hunters and experiments. It is of no benefit to the Indians as it is now operated.

Taking the Indian Commissioner at his own word (75th Cong., February 3, 1938), it will be "more than 100 years to come before the Indian's claims will be

paid" and doubtless his successors in the next generations will continue the policy of delay and extend the period for the sake of jobs and opportunities. The Indian Commissioner estimates that just, legal, valid claims of Indian tribes because of contracts heretofore made with the Indians will require more than \$1,000,000,000 to pay. Since these claims are already past due, no sound reason is apparent why they should be delayed 100 years. This would seem to be especially true since the Government is now wasting approximately \$60,000,000 per year, not 1 cent of which is applied to the just debts. The money now being thrown to the winds so far as the Indian is concerned, at the present rate of spending, would discharge the whole debt in about 20 years. The American Indian Federation insists that it is more nearly just, that it is better business, wiser legislation to pay the money to those to whom it is due in 20 years than to injure the credit and reflect on the integrity of the Government by spending five times as much money in 100 years.

At the annual convention in Tulsa in 1938 the federation originated a plan whereby the Government may make its word good to its Indian citizenship, discharge its honest debt, and save millions in money by disposing of the matter now. If the Commissioner's estimate of the total amount of just claims is correct, equal distribution among living citizens would entitle each to about \$3,000. At the present rate, the Government will spend about that much in the next 2 decades, but little if any of the money will go to the Indians and none of it to reduce the capital debt. The federation offers, on behalf of its individual members, to settle now and to that end House bill No. 5921 was introduced at the request of the federation by Hon. Usher L. Burdick, of North Dakota. The bill represented in brief, succinct terms precisely what the position of the federation is.

PREPARED TO DEFEND PRINCIPLES AT BAR OF PUBLIC OPINION

If any individual Indian accepts payment, renounces any right or interest he might have had in tribal claims, releases the Government to the extent of his personal interest, then the Government's indebtedness under its treaties and contracts becomes reduced each time a settlement is made under this plan.

It is not the American Indian Federation who offers a "money-grabbing scheme." It is the Indian Bureau which has grabbed and hopes to continue in its grabbing.

It is a waste of time now to discuss the merits of these claims just as there is little use in discussing the merits of the claims our Government holds against various European countries. They are contractual claims. Wrongs have been committed, tribes despoiled of their property. The United States promised to pay. Every transaction is in writing; every wrong committed is in the Government's own records. The bitter criticism against European countries which prepare for war with money which should be paid to the United States comes in poor grace from those who would have the United States divert its funds to pay job hunters' salaries rather than pay its honest debts for past wrongs and mistreatments of its Indian citizens.

The American Indian Federation is prepared to defend its position before Congress or before the bar of public opinion whenever and wherever it may receive the courtesy of a fair hearing. We have that confidence in the integrity and justice of the American people to convince us that when all the facts are known and understood, our proposal will be seen as reasonable, just, practicable, and right.

Indian citizens who desire to become members may apply to their nearest local unit or write for more information to organization headquarters, box 934, Miami, Okla.

THE AMERICAN INDIAN FEDERATION, INC.

CONCURRENT RESOLUTION OF OKLAHOMA LEGISLATURE, APRIL 12, 1939

[Enrolled Senate Concurrent Resolution No. 8.—By Stokes, Whitaker, Paul, and Phillips of the Senate; Wallace, Gill, and Baucum of the House]

SENATE CONCURRENT RESOLUTION Memorializing the Congress of the United States to speedily pass an act bestowing American citizenship upon the Indians and paying them the sum of \$3,000 each in settlement of all claims

Whereas the American Indian has long been dealt with by treaties and agreements and has been given allotments and paid certain sums of money and had numerous restrictions held over them forbidding them to do business as ordinary citizens; and

Whereas a vast number of remaining "Red Men" are in the State of Oklahoma, and a vast sum of money is being spent annually for the administration of Indian Affairs; and

Whereas the State of Oklahoma as a whole is interested in the final settlement of the Indian problems and in seeing that justice is extended to our Indian citizens; and

Whereas a proposed bill approved by the American Indian Federation is now being recommended to the Congress of the United States accomplishing the things herein referred to: Now, therefore, be it

Resolved by the State Senate of the Seventeenth Legislature of the State of Oklahoma and the House of Representatives concurring therein, That the Congress of the United States is hereby memorialized to speedily enact a bill to accomplish these purposes; Be it further

Resolved, That a copy of this resolution be furnished each Member of the Oklahoma Delegation in Congress.

Adopted by the Senate the 12th day of April 1939.

Adopted by the House of Representatives the 25th day of April 1939.

LESLIE CHAMBERS,

Acting President of the Senate.

DON WELCH,

Speaker of the House of Representatives.

RESOLUTION

Be it resolved by the members of the American Indian Federation, citizens and taxpayers of Oklahoma, in special session assembled in the city of Muskogee, this 6th day of May 1939, That we unanimously approve the joint resolution of the Seventeenth Legislature of the State of Oklahoma memorializing the Congress of the United States to bring about a speedy and final settlement as between the Federal Government and our Indian citizens.

To treat the Indian citizen different, or to look upon him as requiring special legislation, either State or National, on account of Indian blood, is a gross injustice to the Indian; the spending of millions annually out of the Treasury of the United States to "teach" 100,000 or more Indian citizens of Oklahoma "how to become self-supporting" is an unwarranted expenditure of public funds. This money could be appropriately and economically used to discharge the moral and legal obligations of the Government to the Indians by paying the claims of the Indians for past mistreatments, violated treaties and broken contracts on the part of the Federal Government, which is the only legitimate excuse for the continuance of the Federal Bureau of Indian Affairs at this time. Justice to the Indians and economy in the conduct of Government require that this wanton waste of public money cease and that the Indians be paid in cash—now—if there is anything due them.

We appeal to the entire citizenship of Oklahoma to support us and the Oklahoma State Legislature in an effort to bring about a final settlement as between the Indians of Oklahoma and the Federal Government, and the ending of United States Indian Affairs in Oklahoma; we ask it in the name of justice to all—Indians and taxpayers alike: Be it further

Resolved, That a copy of this resolution be mailed to each member of the Oklahoma Legislature and to each Member of the Oklahoma Delegation in Congress. Unanimously adopted.

JOSEPH BRUNER.

President, American Indian Federation.

Attest:

RITA NEWTON, *Secretary.*

STATEMENT BY O. K. CHANDLER, CHAIRMAN OF THE COMMITTEE ON ORGANIZATION OF THE AMERICAN INDIAN FEDERATION

Mr. CHANDLER. Mr. Chairman and gentlemen of the committee, I have been present at most all the organization meetings of the American Indian Federation since my appointment by President Bruner in August 1938. I have devoted considerable time in its interest. I have been chairman of its committee on organization for 1 year, during which time I have visited more than 20 tribes in five different States. I have had local committees working under my direction from whom I have received reports. I am familiar with their activities.

In meetings, all of which were held in Indian communities, there has been no secrecy. General invitations to be present is invariably extended. Many white persons have been present. The aims and purposes of the federation have been explained in detail, as outlined in the folder which was inserted in your record. The statement that we have "offered three thousand dollars for one dollar" is as false as it is absurd, as is also the statement that we are a "racket" or a "swindle" in any sense of those words. The funds paid into our treasury have been used to defray expenses of printing, postage, travel, and other legitimate, necessary costs in the advancement of our cause.

We have been criticized by the Secretary of the Interior and his subordinates for organizing our people and charging a membership fee of \$1, and have been called "racketeers." It should be remembered that this vituperation comes from an official whose own employees organize and charge a fee, not \$1, but \$5 annually in dues, to promote their interests and to advance legislation and other matters for their benefit. Certainly the Indians should not be denied the same right and privilege or be condemned as "racketeers" for having the temerity to organize into an association to promote their general welfare.

Mr. BRUNER. Here is a power of attorney from the Santa Ysabel Unit of the American Indian Federation of the county of San Diego, State of California, giving me the power of attorney to represent them. This power of attorney is as follows:

Know all men by these presents: That we, officers of the Santa Ysabel Unit of the American Indian Federation of the county of San Diego, State of California, under and by authority vested in us through resolution of this unit of the American Indian Federation, have made, constituted, and appointed and by these presents do make, constitute, and appoint Hon. Joseph Bruner, of Sapulpa, Okla., national president of the American Indian Federation, our true and lawful attorney, for us, and in our name, place, and stead, and to our use, to represent this unit before the Senate and House Indian Committees of Congress, Members of Congress, and the departments of Government, in any and all matters concerning legislation now pending in Congress or to be presented to Congress designed to bring about a final settlement between the Federal Government and its Indian citizens, on a basis of \$3,000; giving our said attorney full power to do everything whatsoever, requisite and necessary to be done, with full power of substitution and revocation, hereby ratifying and confirming all that our said attorney, or his substitute, shall lawfully do, or cause to be done, by virtue hereof.

In witness whereof we have hereunto set our hands and seals, this the 28th day of June 1939.

ALBERT LINTON,
President, Santa Ysabel, State of California.
EDWARD GUACHINO,
Secretary.

STATE OF CALIFORNIA,
County of San Diego, ss:

Before me, a notary public, in and for said county and State, on this 28th day of June 1939, personally appeared Albert Linton and Edward Guachino to me known to be the identical persons and officials of the Santa Ysabel Unit of the American Indian Federation of the county of San Diego, State of California, which they represent themselves to be, and acknowledged to me that they executed the same as their free and voluntary acts and deeds, for the uses and purposes therein set forth.

In witness whereof, I have hereunto set my hand and official seal the day and year last above written.

J. C. PILNERS,
Notary Public, San Diego County, Calif.

My commission expires January 26, 1942.

RESOLUTION

Be it resolved by the Santa Ysabel Unit of the American Indian Federation of San Diego County, State of California, That we hereby clothe the president and secretary of this unit of the American Indian Federation with authority to empower our national president, Hon. Joseph Bruner, in person or by substitution, to represent us before Congress and the various committees and Departments of Government, legislative or otherwise, in effecting a final settlement between our Government and its Indian citizens.

Unanimously adopted this 28th day of June 1939.

ALBERT LINTON, *President.*

Attest:

EDWARD GUACHINO, *Secretary.*

Here is a letter from Floyd Montclair, of North Dakota, who was elected to be a delegate here with us. He could not come, so he authorized Mr. O. K. Chandler to represent him. Here is his letter:

ELBOWOODS, N. DAK., June 5, 1939.

HON. O. K. CHANDLER,
Capitol Park Hotel, Washington, D. C.

HONORED FRIEND: We hereby request that you accept the honor and responsibility of speaking for and representing the Unit No. 4 of the American Indian Federation of Fort Berthold Reservation, N. Dak., before any committee of Congress in any and all matters affecting our members.

With best wishes for a safe journey, and may success come to our people in our plea for recognition of our rights under our Government as American citizens,
Sincerely,

FLOYD MONTCLAIR,
Representative, Unit No. 4, American Indian Federation.

The CHAIRMAN. Does anyone else in your delegation wish to be heard? Do you wish to make a statement, Mr. Chandler?

Mr. CHANDLER. No; except perhaps to ask permission to insert some records and some affidavits.

Judge JOHNSON. May we at this time introduce an affidavit of Perry M. Crosby, president of Tulsa County No. 3 Unit of the American Indian Federation, as to the manner in which the American Indian Federation units are organized? Mr. Crosby is postmaster at Bixby, Okla.

Along with this we submit a list of tribes included in membership of the federation and a list of the officers of the various other units of the federation who have made similar affidavits which are in words and figures the same as that of Mr. Crosby.

The CHAIRMAN. Without objection, the matter tendered will be made part of the record.

(The affidavit of Perry M. Crosby and the list of tribes included in the membership of the federation and a list of officials making affidavit as to organization methods, and so forth, are as follows:)

LIST OF TRIBES INCLUDED IN MEMBERSHIP OF FEDERATION

Choctaws	Creek	Shawnee
Chickasaws	Salish	Kootenai
Cherokee	Flatheads	Grosventres
Delaware	Mandan	Chippewa
Mission	Sioux	Yuma
Cocceph	Miami	Western Miami
Diegano	Ottawa	Western Seneca
Peoria	Assiniboine	Mohave
Pottawottami	Omaha	Pima
Wyandotte	Con Cow	Digger
Quapaw	Arickoree	Kiowa
Colville	Sac Fox	Klamath
Karok	Cheyenne	Papago

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

MY DEAR MR. CHAIRMAN: As president of the county unit of the American Indian Federation of Tulsa County, State of Oklahoma, my attention has been called to a letter from Secretary Ickes, of the Interior Department to Hon. Usher L. Burdick, Member of Congress, dated April 28, 1939, in which the charge is made by the Secretary that the "money raising activities of the American Indian Federation among needy Indians * * * was in effect a racket or swindle." For the purpose of refuting such charge and informing Congress of the true facts, I submit the following affidavit:

AFFIDAVIT

STATE OF OKLAHOMA,
County of Tulsa, ss:

I am a resident citizen of Tulsa County, Okla., and have been for 37 years. I am an enrolled member of the Creek Tribe, opposite roll No. NB596. I am an original allottee. I have been a resident citizen of Oklahoma all my life and I am 37 years of age. I have always taken an active interest in Indian affairs and civic activities among my people and the community in which I have lived. At the present time my occupation is postmaster, Bixby, Okla.

The unit of the American Indian Federation of which I have the honor to be president was organized the 1st day of April 1939 by myself and other Indians interested in the welfare of the Indians. Our unit officers serve without compensation and with no hope of reward other than that which flows from a common service for the common good. The membership of my unit has gradually increased from the date of its organization until we have a total of 32 members, all of whom are Indian citizens, by blood, marriage, and adoption. The purposes of our unit organization as represented to our members, is clearly stated in the articles of incorporation of the federation, to wit:

"To teach and uphold the true principles of American citizenship; and, as a national, nonpartisan, nonsectarian, educational organization of Indians and intermarried whites, to teach the fairness and economic justice of a final settlement as between the Indians and the Federal Government, to the end that the Indian may enjoy and assume every right and responsibility of an American citizen."

No one has solicited memberships for this unit, except invitations extended at our unit meetings, nor promised any Indian "\$3,000 for \$1." The statement of the Secretary of the Interior to the contrary, in his letter above mentioned, is untrue as far as my unit is concerned. All membership fees of this unit have been voluntarily paid without solicitation. The fee is \$1, one half of which is retained in our unit treasury and the other half mailed to the national organization, all to be used in building our organization locally and nationally and in reaching our objective. No definite assurance has been given any member that he or she would realize or be benefited to the extent of the membership fee or any other sum. This has been emphasized. If, however, the plan of the federation

is adopted, it is our hope that our members named in our bill now before Congress, or their heirs, as a consideration for a final settlement with the Federal Government on account of violated treaties, broken contracts, mistreatments and loss of life and property, will be paid \$3,000.

As Indians we claim, and our members claim, that we are entitled to a final settlement with the Federal Government on account of violated treaties, broken promises, destruction of property, and mistreatments of the past, on the part of the Government and its citizens. We further claim that congressional appropriations for Indian Affairs, which we do not get and from which we receive little or no benefits, can be made, over a short period of years, to liquidate all classes of Indian claims against the Government or bring about a final settlement as between the Indians and the Government.

As president of the American Indian Federation Unit No. 3, of Tulsa County, Okla., I deny the charge made by the Secretary of the Interior in his letter above mentioned. I have been connected with the American Indian Federation as above stated, and I am familiar with the federation program. The Secretary of the Interior has committed a grave and unjust error in charging the activities of the federation as being a "racket" and "swindle."

In justice to myself and members of this unit of the federation, I respectfully ask that your committee make this affidavit a part of the printed hearing on the federation's bill now before your committee. I make this request in order that the Congress may be truthfully informed.

BERRY M. CROSBY,
President, Tulsa County, No. 3 Unit,
American Indian Federation.

Subscribed and sworn to before me this 24th day of June 1939.

[SEAL]

IVAN D. BROWN, *Notary Public.*

My commission expires February 5, 1940.

LIST OF OFFICIALS MAKING AFFIDAVIT AS TO ORGANIZATION METHODS, ETC

STATE OF OKLAHOMA

Berry M. Crosby, president, Unit No. 3, Tulsa County, American Indian Federation.

Alex Foreman, president, Sequoyah County Unit, American Indian Federation.

John W. McCrackin, president, Nowata County Unit, American Indian Federation.

William M. Newton, president, Muskogee County Unit, American Indian Federation.

George W. McLain, president, Pontotoc County Unit, American Indian Federation.

Holmes H. Colbert, president, Murray County Unit, American Indian Federation.

William Foreman, president, Unit No. 2, Tulsa County, American Indian Federation.

Thomas B. Starritt, president, Love County Unit, American Indian Federation.

Davison Sapsucker, president, Delaware County Unit, American Indian Federation.

N. B. Johnson, president, Rogers County Unit, American Indian Federation.

Lewis R. Walker, president, Ottawa County Unit, American Indian Federation.

Athel Williams, president, Grady County Unit, American Indian Federation.

Edwin Harley Barton, president, Unit No. 1, Mayes County, American Indian Federation.

Walter Colbert, president, Carter County Unit, American Indian Federation.

H. C. Walkley, president, Unit No. 1, Tulsa County, American Indian Federation.

George Tyner, president, Washington County Unit, American Indian Federation.

Stephens E. Dawson, president, Oklahoma County Unit, American Indian Federation.

STATE OF KANSAS

Cylus Mills, president, Labette County Unit, American Indian Federation.
Curtis Barker, president, Montgomery County Unit, American Indian Federation.

STATE OF SOUTH DAKOTA

Clyde Leading Fighter, president, Rosebud Sioux Unit, American Indian Federation.

STATE OF MONTANA

Eli Gingras, president, Lake, Missouli, and Sanders Counties, American Indian Federation.

STATE OF ARIZONA

Lee Barley, president, Unit No. 2, State of Arizona, American Indian Federation.

John E. Curran, president, Unit No. 1, State of California, American Indian Federation.

STATE OF OKLAHOMA—ADDITIONAL OFFICIALS

W. W. LeFlore, president, Bryan County Unit, American Indian Federation.
Hollis Hampton, president, Bryan County Unit, American Indian Federation.

STATE OF ARIZONA—ADDITIONAL OFFICIALS

John Brown, president, Unit No. 3, State of Arizona, American Indian Federation.

LIST OF UNIT OFFICERS AUTHORIZED BY THEIR RESPECTIVE UNITS TO GRANT POWERS OF ATTORNEY TO PRESIDENT BRUNER TO SPEAK FOR THEM AT THE SENATE HEARING JULY 10, 1939, ON S. 2206

STATE OF ARIZONA

John Brown, president, Unit No. 3, State of Arizona, American Indian Federation.

John E. Curran, president, Unit No. 1, State of California, American Indian Federation.

Lee, Barley, president, Unit No. 2, State of Arizona, American Indian Federation.

STATE OF SOUTH DAKOTA

Clyde Leading Fighter, president, Rosebud Sioux Union, American Indian Federation.

STATE OF CALIFORNIA

Peter Grant, president, Happy Camp County Unit, American Indian Federation.

The CHAIRMAN. In order to have the record clear, I desire to call the roll of the members of the various units present and inquire if they wish to make a statement.

Mr. Bruner and Mr. Chandler have spoken.

Walter Colbert, Ardmore, Okla., a member of the Chickasaw Tribe?

Mr. COLBERT. Present.

The CHAIRMAN. Mr. Colbert, will you want to be heard before the hearings are concluded?

Mr. COLBERT. No, sir; I think the gentlemen have covered it very well, and I do not think I care to make a statement.

The CHAIRMAN. Judge Johnson has been heard.

William M. Newton, of Muskogee, Okla.? Is Mr. Newton present? (Mr. Newton rose.)

The CHAIRMAN. Mr. Newton, do you care to be heard?

Mr. NEWTON. No, sir.

The CHAIRMAN. Is it correct that you are a member of the Cherokee Tribe?

Mr. NEWTON. Yes, sir; on the rolls.

The CHAIRMAN. That means you are on the rolls despite the fact that you are of Indian descent?

Mr. NEWTON. Yes, sir.

The CHAIRMAN. Thank you, Mr. Newton.

Mr. Alec Foreman, of Sallisaw, Okla., a Cherokee. Mr. Foreman, do you desire to be heard?

Mr. FOREMAN. I have nothing to say, Senator.

The CHAIRMAN. Are you a member of the Cherokee Tribe?

Mr. FOREMAN. Yes, sir.

The CHAIRMAN. You live at Sallisaw, Okla.?

Mr. FOREMAN. Yes, sir.

The CHAIRMAN. Mr. Ben Carpenter?

Mr. CARPENTER. Yes, sir.

The CHAIRMAN. My list shows that you live at Vinita, Okla. Is that correct?

Mr. CARPENTER. Yes, sir.

The CHAIRMAN. You are a member of the Shawnee Tribe of Indians?

Mr. CARPENTER. Yes, sir.

The CHAIRMAN. Do you desire to make any statement in behalf of those people?

Mr. CARPENTER. No.

The CHAIRMAN. Thank you, Mr. Carpenter.

Mr. JOHNSON. Mr. Carpenter is a full-blooded Shawnee and is enrolled as such.

The CHAIRMAN. Mrs. W. F. Long, of Oklahoma City. Mrs. Long, is it true that you are a Chickasaw Indian?

Mrs. LONG. Yes, sir.

The CHAIRMAN. You are here as a part of this delegation to support this bill pending before the committee?

Mrs. LONG. Yes, sir.

The CHAIRMAN. And you are a member of the Chickasaw Tribe?

Mrs. LONG. Yes, sir.

The CHAIRMAN. Do you desire to make any further statement?

Mrs. LONG. No, sir; I do not.

The CHAIRMAN. We thank you, Mrs. Long.

Mr. C. B. Mills is listed as coming from Chetopa, Kans. Is that correct?

Mr. MILLS. Yes.

The CHAIRMAN. You are a member of the Shawnee Tribe?

Mr. MILLS. Yes, sir.

The CHAIRMAN. Is that the Kansas Shawnees or the Oklahoma Shawnees?

Mr. MILLS. The Oklahoma Shawnees.

The CHAIRMAN. Of course, they all came from the same tribe originally, but some were sent to Oklahoma and some were left in Kansas.

Do you desire to make any statement in behalf of this bill?

Mr. MILLS. No, sir.

The CHAIRMAN. You are just here supporting it along with the delegation?

Mr. MILLS. Yes.

The CHAIRMAN. Mrs. Lorena Burgess, of Paradise, Mont. What is your tribe, Mrs. Burgess?

Mrs. BURGESS. Salish.

The CHAIRMAN. Do you care to make any statement in behalf of this bill?

Mrs. BURGESS. I think Mr. Johnson has covered all the statement that is necessary.

The CHAIRMAN. I see. All right; thank you.

Mrs. William M. Newton, Muskogee, Okla. Are you yourself a member of the tribe?

Mrs. NEWTON. No, sir; I married a Cherokee. I am a white woman who married a Cherokee.

The CHAIRMAN. You are here supporting your delegation?

Mrs. NEWTON. Yes.

The CHAIRMAN. Do you care to make any additional statement?

Mrs. NEWTON. No, sir; I think it has been covered.

The CHAIRMAN. Bob Walker, of Miami, Okla. To what tribe do you belong, Mr. Walker?

Mr. WALKER. Cherokee.

The CHAIRMAN. Is Miami, Okla., your post-office address?

Mr. WALKER. Yes, sir.

The CHAIRMAN. You are here sponsoring this legislation?

Mr. WALKER. Yes.

The CHAIRMAN. Do you care to make any further statement?

Mr. WALKER. I believe not.

The CHAIRMAN. Mrs. Edna Wilson, of Tulsa, Okla. To what tribe do you belong?

Mrs. WILSON. I am a Cherokee-Shawnee.

The CHAIRMAN. Are you yourself of Indian descent?

Mrs. WILSON. Yes, sir.

The CHAIRMAN. Are you here supporting this legislation?

Mrs. WILSON. Yes, sir. I am secretary of our unit.

The CHAIRMAN. Do you care to make any further statement than has been made?

Mrs. WILSON. No, sir.

The CHAIRMAN. We thank you, Mrs. Wilson.

The next and the last name on the list is Kathryn H. Chandler, of Miami, Okla.

Mrs. Chandler, do you care to make any further statement?

Mrs. CHANDLER. I believe not.

The CHAIRMAN. You are here supporting this proposed legislation?

Mrs. CHANDLER. Yes.

The CHAIRMAN. What other evidence do you desire to submit orally, if any, Mr. Bruner?

Mr. BRUNER. None.

The CHAIRMAN. Do you care to submit any other documentary evidence?

Mr. BRUNER. I do not think so.

Judge JOHNSON. We have nothing further unless the committee desires further information with regard to the matter.

The CHAIRMAN. Does the committee care to make any further inquiry?

Senator CHAVEZ. I do not.

Judge JOHNSON. We have tried to outline the plan briefly in a general way.

The CHAIRMAN. This list shows that you are represented by Creeks, Cherokees, and Chickasaws.

Mr. COLBERT. I represent two tribes, Chickasaw and Choctaw. My mother was a Choctaw and my father a Chickasaw. Most of my people are on the Choctaw roll. I represent the Choctaws in this matter.

The CHAIRMAN. In addition to the Chickasaws?

Mr. COLBERT. Yes.

Mr. CHANDLER. Senator, I believe we would like to introduce a copy of the receipt that we give our members and a copy of the membership card, the card that the member gets. I think that ought to be shown in the record.

The CHAIRMAN. Without objection, they will be included in the record if you will submit copies of them.

[Receipt]

Cherokee Roll No. ----- MIAMI, OKLA., -----, 1939.
 Received of John Doe, One and $\frac{0}{100}$ dollars, -----, Okla., membership
 fee, 1939-39.
 \$1.00

THE AMERICAN INDIAN FEDERATION,
 By -----, Secy. County Unit.

[Membership card]

1938-39

THE AMERICAN INDIAN FEDERATION
 OFFICIAL MEMBERSHIP CARD

This is to certify that John Doe is a member in good standing of The American Indian Federation, ----- County Unit, for the year 1938-39.

 Triba. Roll No. President County Unit.

JULY 11, 1939.

The CHAIRMAN. Mr. Zimmerman, is there anything that you want to submit in behalf of the Department?

Mr. ZIMMERMAN. No.

The CHAIRMAN. It is suggested that the formal departmental report has not yet been received. In the event the report is received, it will be made part of the record, of course, to appear at the proper place.

Judge JOHNSON. When the report is made, if there is any matter which arises about which the committee feels it ought to hear further from the American Indian Federation, we would like to reserve the privilege of appearing again.

The CHAIRMAN. Well, it is the policy of the committee never to foreclose the consideration of testimony prior to final action of the committee on the bill. So, if anything develops before the time the committee finally acts on this bill, the committee will be glad to act upon any additional statements or testimony that may be submitted.

I think it would be proper for the Indian Office to prepare a list of claims involved in the cases that have been filed in the Court of Claims by the various tribes represented here. The record will show

that this committee has considered and reported favorably upon the jurisdictional claims of every tribe of Indians that has made request for it. That is all we can do—give the Indians the right to go into court and assert their claims. That has been the policy of this committee for the past 10 or 12 years, and I know it was the policy of the chairman who preceded me on the committee. Senator Frazier was a member of the committee before I became a member, and I believe he will state that it has been the policy of this committee to give the Indians the right to go into court.

If any Indian tribe believes that it has a claim against the Government because of broken treaty obligations or for any other purpose, this committee will listen with a sympathetic ear to such claims.

Most of these tribes have had jurisdictional acts passed, and they have prosecuted their claims under those acts, and in many cases substantial judgments have been awarded. For example, we broke into our hearing awhile ago to listen to a claim for the distribution of a fund that was secured, as I understand it, as a result of claims filed under a jurisdictional act against the Government. In that case an award of several million dollars was secured. We are now considering the disposition of the judgment.

So, Congress, especially as represented by the Indian Affairs Committees, has been most sympathetic to the rights and claims of the various tribes and of the various members. Of course, we cannot do all that the various Indians think we should do, but we have gone about as far as we have had an opportunity to go.

Judge JOHNSON. In that connection, may I make a further statement? I think it is in some report of the Appropriations Committee—I believe it was 1938—February 3, 1938—that the Indian Commissioner had been before this committee discussing the Indian claims. They went into a discussion of the claims, the amounts, and the manner in which they were being handled, and they told about how they were going to the courts.

One of the things that the Indian confronts when he goes into court to assert his claim is the offsets or counterclaims. Of course, when you make an appropriation for a particular purpose—for instance, for schools and hospitals—that appropriation is made to the Indians on the basis of, say, 300,000. Now, all the Indians do not get the benefit, but when you go into court to assert a claim in which every individual Indian is interested, then these offsets are made, and when adjudication is made, the books balance. The counterclaim is as big as the judgment.

The CHAIRMAN. Sometimes even larger.

Judge JOHNSON. That is right. There are very few full-blooded Cherokee Indians in Oklahoma; the vast majority are quarter-bloods or less. So, the offset as to the great majority of Indians is not equitable, and that is why the compromise route is a fairer and more equitable way.

In other words, when an Indian goes into court he is always confronted with the benefits that are extended to him, but those benefits are restricted to a certain class of Indians of a certain degree of blood. That is all right, but certainly Indians of a lesser degree of blood should not be foreclosed when they go into court to adjudicate their claims.

The CHAIRMAN. For the time being, the hearings will be closed. At an early date the committee will consider the testimony that has been submitted.

(At 12:25 p. m. the hearing was concluded.)

(Subsequent to the date (July 10, 1939) of the above hearing, the following letters were exchanged between the chairman, the Honorable Elmer Thomas, and the Secretary of the Interior, Hon. Harold Ickes:)

HON. HAROLD L. ICKES,
The Secretary of the Interior, Washington, D. C.

DEAR MR. SECRETARY: Sometime ago I had a communication from you relative to Senate bill 2006, and inasmuch as I had introduced this bill "by request," I was at that time engaged in making an investigation into the origin of the suggested legislation.

This bill was brought to me by a delegation representing some 5,000 Indians of my State. In checking over the list of Indians I found for example the following signatures: Hon. N. B. Johnston, a sitting district judge representing three of the most important counties of Oklahoma. Mrs. Sally McSpadden, sister of the late Will Rogers. Morton Harrison, the owner and proprietor of the leading hotel at Claremore, Okla., and a number of other important and influential citizens of my State.

As you no doubt know, our Indians have no courts into which they can go to present their claims which they may have against the Government. If the Indian Bureau and the Secretary of the Interior are unable or unwilling to give them an audience, then their only alternative is to come to the Congress of the United States. It is my conviction that every citizen should have an opportunity to present any grievance which he may have to some responsible agency of the Government, and acting upon that conviction I took the bill from the delegation, altered it somewhat, and then introduced it in the Senate by request.

Of course I was not satisfied as to the provisions of the bill but I thought, perhaps there might be some fundamental reason underlying the movement which should have consideration. Because of the number back of the bill and because the Indians have no other place to go save the Congress, I tendered the delegation a hearing on their measure. In the event the Members of Congress had refused to introduce the bill for these Indians, then they would have been denied consideration by all branches of the Federal Government. I do not believe this is the best way to handle matters of this kind.

The activities of this group of Indians is evidence that many Indians are of the opinion that they have not been treated properly by the Federal Government. I do not believe the interests of the public would be served by denying such a group a hearing, therefore, I decided to not only introduce the bill but to give the Indians a hearing, and then if they had something that demanded consideration by the committee it would be able to consider such demands. If, on the other hand, there was nothing presented and if their demand was not substantiated, then the committee could make a finding and report the bill back to the Senate adversely with a statement of such findings.

It is my judgment that such a course is preferable to an abrupt denial of a hearing to the Indians and then criticizing them and designating their program as "a racket designated to collect sums of money from Indians."

The hearing on Senate bill 2206 was held on yesterday, Monday, July 10. The hearing disclosed that this Indian group embraces some 6,000 members; that the membership fee is \$1 per person; that the money collected is divided between the local unit and the national headquarters. The local unit obtains 50 cents and 50 cents is sent to national headquarters, same being located at Sapulpa, Okla. The money retained by the local unit is used for expenses of stationery, stamps, and organization work. The money collected by the national headquarters is used for similar purposes. It was testified on yesterday that the expenses of delegates to their State and national conferences, and to Washington, are paid from funds collected in the manner indicated.

I plan to call the Committee on Indian Affairs together at an early date to consider the testimony submitted at yesterday's hearing. While I do not know what action will be taken, it is my opinion that the committee will decide that these Indians have no just reason for asking the Federal Government for a gratuity in the sum of \$3,000 per person. It is my further opinion that the committee will report that most of the Indians and Indian tribes represented at the hearing have had their claims adjudicated in the Court of Claims and that either judgments

have been obtained against the Government or that the Court of Claims held that the Indians had no valid claims against the United States.

Personally I favor a report to the Senate that the Congress is willing to give every Indian tribe or even every Indian group an opportunity to adjust any claim that the tribe or group thinks it has against the Government under a jurisdictional bill, referring such group to the Court of Claims for consideration and adjudication. And, further, I am of the opinion that the committee will, or should, report that it is not the policy of the Congress to consider bills making a uniform gratuity available to Indian citizens irrespective of their legal or equitable rights to such gratuity.

I am hoping that the committee will give consideration to this matter and make the report before the present Congress adjourns.

Yours most cordially,

ELMER THOMAS.

INTERIOR DEPARTMENT,
Washington, August 9, 1939.

HON. ELMER THOMAS,
United States Senate.

MY DEAR SENATOR THOMAS: I have received your letter of July 11 discussing your reasons for introducing S. 2206 (by request,) the hearing on this bill, and the lines which the report of the Senate Committee on Indian Affairs will probably take.

With the outline and the tenor of the proposed report of the committee on this bill, I am in full agreement. Commissioner Collier has reported to me that as chairman of the committee you developed most effectively yet tactfully the inconsistencies and absurdities of the proposal to pay each enrolled Indian a gratuity of \$3,000. I had hoped that the committee's report would be made before the end of the present session, and that it would be strong and decisive enough to put an end to the scheme presented by the promoters of the American Indian Federation.

I do not understand your statement "If the Indian Bureau and the Secretary of the Interior are unable or unwilling to give them (the Indians) an audience, then their only alternative is to come to the Congress of the United States." The promoters of the scheme to present legislation calling for a \$3,000 gratuity never asked for and were not denied an audience either with the Secretary of the Interior or in the Indian Office. On the contrary, these promoters have consistently and studiously refrained from consulting the Secretary of the Interior or the Indian Office.

You stated in your letter of July 11 that the committee will probably report that "most of the Indians and Indian tribes represented at the hearing had had their claims adjudicated in the Court of Claims and that either judgments have been obtained against the Government or that the Court of Claims held that the Indians had no valid claims against the United States." May I again point out that S. 2206 specifically makes the \$3,000 payment a strictly personal matter and preserves any tribal claims against the United States past, present, and future? I also want to point out that this feature of Senate 2206 is in effect a demand that each enrolled Indian be paid a gratuity of \$3,000 in liquidation of nonexistent personal claims against the United States.

This bill and a similar bill introduced in the House by Representative Burdick at the request of the American Indian Federation appear to have facilitated the collection of application or registration fees by this organization. Your adroit questioning at the hearing before the Senate Committee on Indian Affairs brought out the fact that the American Indian Federation had few or no dues-paying members, that it was a paper organization until 1938 when this scheme for \$3,000 per person gratuity appropriation was hatched. The testimony at the hearing conducted by you indicated that after this scheme was put into operation nearly 6,000 dues-paying members were acquired by the Federation in a relatively short time. I am also informed that some of these dues-paying members have already assumed obligations which they hope to discharge out of the \$3,000 gratuity which they have been led to believe they will receive soon.

I hope that the report of the committee will point out the absurdity of the proposal to pay a \$3,000 gratuity to every enrolled Indian. Failure of your Committee to make a clear statement is certain to result in further collections based on the hope of attaining possession of a nonexistent pot of gold at the end of the gratuity rainbow.

I assure you that the Secretary of the Interior and the Commissioner of Indian Affairs are always ready to give a hearing to any Indian delegation which may wish to present grievances or proposals for the improvement of the service rendered by the Indian Office.

Your cooperation in the effort to protect the Indians and their property is thoroughly appreciated.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

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FINAL DISCHARGE, CERTAIN INDIVIDUAL INDIANS

HEARING BEFORE THE SUBCOMMITTEE OF THE COMMITTEE ON INDIAN AFFAIRS UNITED STATES SENATE

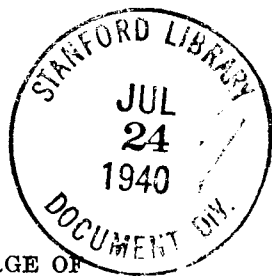
SEVENTY-SIXTH CONGRESS

THIRD SESSION

ON

S. 2206 and S. 3750

BILLS PROVIDING FOR THE FINAL DISCHARGE OF
FEDERAL SUPERVISION OVER CERTAIN INDIVIDUAL
INDIANS; PROVIDING FOR FINAL SETTLEMENT OF
INDIAN CLAIMS, DETERMINATION OF HEIRS,
AND FOR OTHER PURPOSES



PART 2

JUNE 20, 1940

Printed for the use of the Committee on Indian Affairs



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FINAL DISCHARGE, CERTAIN INDIVIDUAL INDIANS

THURSDAY, JUNE 20, 1940

UNITED STATES SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.

The committee met at 10:30 a. m., pursuant to call, in room 424, Senate Office Building, Senator Elmer Thomas of Oklahoma, chairman of the committee, presiding.

Present: Senators Thomas of Oklahoma (chairman), Chavez, Bulow, Donahey, Ashurst, Shipstead, Hatch, and McNary were present either in person or by proxy.

Also present: Hon. William Zimmerman, Jr., Assistant Commissioner of Indian Affairs; Mr. O. K. Chandler and Hon. N. B. Johnson, representing the American Indian Federation.

The CHAIRMAN. The committee will be in order. This is a special meeting of the Senate Committee on Indian Affairs and it was called to consider Senate 3750—a substitute bill for S. 2206—a bill introduced by myself, which provides for the final discharge of Federal supervision over certain individual Indians; providing for final settlement of Indian claims, determination of heirs, and for other purposes.

I ask that a copy of the bill, and the Secretary of the Interior's report thereon, be placed in the record at this particular point.

(The bill is as follows:)

[S. 3750, 76th Cong., 8d sess.]

A BILL Providing for the final discharge of Federal supervision over certain individual Indians; providing for final settlement of Indian claims, determination of heirs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sum or sums as may be necessary to pay each and every person, or their heirs or legal representative, named in section 5 hereof, who have agreed to accept the full responsibilities of American citizenship, the sum of \$3,000, in full, final, and complete settlement of all their rights, equities, or interests in and to all past, present, or future claims against the Government of the United States as members of any recognized Indian tribe or tribes.

SEC. 2. That before payment of said \$3,000 to each claimant named herein, or his heirs or assignees or legal representative, a receipt or release shall be executed by said claimant or his heirs or legal representative, which receipt shall be approved by the Commissioner of Indian Affairs, forever renouncing his or her allegiance to any tribe, nation, band, or group, other than the United States of America, and all Federal Government rights, privileges, or exemptions growing out of his or their membership or citizenship, or of their heirs, successors, or assigns, in any Indian tribe, nation, band, or group, and all of his or their right, title, and interest in and to any claim, equity, or suit in any court or elsewhere now pending or which may hereafter be brought against the United States on behalf of any Indian tribe or tribes of which they are members.

SEC. 3. That the determination of the heirs of any claimant or his heirs shall be by State courts in accordance with the law prevailing at the time and place of death of said claimant or his heirs, payment to be made by the Treasury of the United States direct to claimant, or his heirs or legal representatives.

SEC. 4. That in cases where an Indian may have established property rights in tribal lands or tribal money or other property, this Act shall not affect such property interest. The interest of any such Indian in tribal property shall be determined by the Secretary of the Interior without delay and such interest shall be paid in cash to such Indian.

SEC. 5. The names, Indian citizenship, and identification of the persons designated in section 1 hereof are as follows:

Name ----- Tribe ----- Tribal roll No. -----
(Names, properly identified as to tribe and tribal roll number, to be supplied at the hearing on bill)

SEC. 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

The CHAIRMAN. The committee has a report on the bill, of date May 17, 1940, and, following the print of the text of the bill, I ask that the record show the report signed by the Secretary of the Interior, Mr. Ickes.

(The report is as follows:)

DEPARTMENT OF THE INTERIOR,
Washington, May 17, 1940.

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

MY DEAR SENATOR THOMAS: Further reference is made to your request for a report on the proposed amendment to S. 2206 and H. R. 6714, providing for the final discharge of Federal supervision over certain individual Indians; providing for the final settlement of Indian claims, determination of heirs, and for other purposes, which amendment was submitted by the administrative board of the American Indian Federation. The Department has also received your request for a report on S. 3750, which embodies the provisions of the proposed amendment.

The object of S. 2206 is stated in section 1, which proposes, "That certain enrolled, recognized, or allotted individual Indians, * * * or their heirs who have agreed to accept the full responsibilities of American citizenship shall be paid the sum of \$3,000 each in full, final, and complete settlement of any and all prior or future claims against the Government of the United States, as such Indians * * *." The proposed amendment and S. 3750, however, would authorize the payment of \$3,000 to "each and every person," or his heirs or legal representatives, whose name might appear therein. There is no clear requirement that such persons shall be Indians. In my opinion, this defect makes the proposed amendment even more objectionable than the original bill.

As stated in my report of January 22, on S. 2206, I cannot approve proposed legislation which raises false hopes in the Indians, jeopardizes meritorious claims of Indian tribes, and assists unscrupulous individuals and organizations to collect money from uninformed and impoverished members of the Indian race. I express again the hope that your committee will register disapproval of such measures, thereby supporting the efforts of this Department to protect the legitimate interests of the Indians.

The Director of the Bureau of the Budget has advised me that there is no objection to the presentation of this report to the Congress, as the enactment of the proposed legislation would not be in accord with the program of the President.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

The CHAIRMAN. The record shows that another bill was introduced during the first session of the Seventy-sixth Congress. The bill is numbered Senate 2206. That bill was called up for consideration and hearings were held beginning on Monday, July 10, 1939. These hearings on the bill S. 2206, of course, will be retained and made part

of the hearings in this case. They are not to be reprinted, but are to be considered as volume 1, and the hearings taken today will be considered as volume 2.

Mr. Chandler, who will speak for the delegation? You or Judge Johnson?

Mr. CHANDLER. Judge Johnson.

The CHAIRMAN. Have you any other witnesses besides yourself and Judge Johnson?

Mr. CHANDLER. Only Judge Johnson and I.

The CHAIRMAN. All right, Mr. Johnson. You may proceed and make the record in such form as you may deem proper. Give your full name for the record.

STATEMENT OF NAPOLEON B. JOHNSON, DELEGATE, AMERICAN INDIAN FEDERATION, CLAREMORE, OKLA.

Mr. JOHNSON. My full name is Napoleon B. Johnson.

The CHAIRMAN. Where do you reside?

Mr. JOHNSON. Claremore, Okla.

The CHAIRMAN. You have appeared before this committee before, have you not?

Mr. JOHNSON. Yes, sir.

The CHAIRMAN. What official position do you hold in the State of Oklahoma, if any?

Mr. JOHNSON. District judge of the sixth judicial district.

The CHAIRMAN. What counties are embraced in that district?

Mr. JOHNSON. Rogers, Mayes, and Craig.

The CHAIRMAN. How long have you been district judge of that district?

Mr. JOHNSON. Since 1935.

The CHAIRMAN. State for the record whether or not you are of Indian descent.

Mr. JOHNSON. Yes, sir; I am.

The CHAIRMAN. What tribe do you belong to?

Mr. JOHNSON. Cherokee.

The CHAIRMAN. Are you what is known as a restricted Indian or have all your restrictions been removed and are you nonrestricted, so-called?

Mr. JOHNSON. I am considered a nonrestricted Indian.

The CHAIRMAN. Do you have any official position with any organization that is sponsoring the bill that is now before the committee?

Mr. JOHNSON. I do have.

The CHAIRMAN. First, give the name of the organization.

Mr. JOHNSON. Rogers County unit of the American Indian Federation.

The CHAIRMAN. And what position do you have with that organization?

Mr. JOHNSON. I am president of the local unit.

The CHAIRMAN. All right. Now, on that basis, you may proceed.

Mr. JOHNSON. I am also a member of the administrative board of the American Indian Federation.

The CHAIRMAN. All right.

Mr. JOHNSON. Mr. Chairman and members of the Senate Indian Committee; the bill under consideration is not a spontaneous idea of the American Indian Federation. The principle which it represents has had the consideration for many years of citizens who are interested, not necessarily in Indians, but in the economics of the Indian problem.

It is obvious that one reason the so-called Indian question has remained unanswered for so many years is that the approach to its final solution has never been seriously undertaken. The Indian has been the object of too much sympathy. The fact is, the Indian has never asked for pity nor does he want it now. All that he deserves and all that he asks is simple justice.

Another impediment to early solution has been the fact that the question has too frequently offered itself as a race problem. We are not here in our capacity as the representatives of any racial group, but rather as the representatives of an organization composed exclusively of native-born American citizens, whose patriotism and loyalty to this republic is a matter of history. Speaking for them we are asking for a final settlement of their differences with the Federal Government, not necessarily because they are Indians, but because such differences as exist between them and this Government, are morally and legally just, and should be disposed of finally at the earliest possible moment.

It has been suggested that we go to the courts and adjust our differences, rather than to the Congress. This course is inadequate and is not a satisfactory method for the final disposition of Indian matters. It necessitates the securing of separate jurisdictional bills for each tribe, or jurisdictional bills for particular claims, resulting in the first instance in great delay. Second, prolonged litigation in the Court of Claims, which would be expensive to the Government as well as the Indians and would not insure either a fair or final solution. In case a judgment is obtained it would then be necessary to come back to Congress for legislation providing for payment—with more delay.

A good example of this delay is the case cited by Commissioner Collier, page 18 of the hearings of the subcommittee of the Judiciary Committee on Senate bill 3083, where it was pointed out by the Commissioner that the California Indians had claims against the Government around \$12,000,000 and that for 8 years they worked until they got a jurisdictional act from Congress, and that this case has been pending for 10 subsequent years, due to nobody's fault in particular.

This is merely an example of the inadequacy of such procedure and is the strongest argument in favor of a direct appeal to Congress for legislation providing for a settlement of the Indian question. The significant fact is that through the jurisdictional bill procedure the Indian problem is not disposed of—nothing is final—the Indian is still in the lap of Congress and on the back of the taxpayer.

The Commissioner of Indian Affairs in a recent hearing before Congress stated that there was \$1,600,000,000 in Indian claims now pending, and that that amount was only "a fraction of the claims that may be expected to come in before we have liquidated our obligations to the Indians."

The bill under consideration proposes a final and complete settlement of all Indian claims—moral or legal, present, past, or future—by payment to the allotted or enrolled member of any recognized Indian

tribe—living or dead—entitled under now existing law to an allotment of land or a distinctive share of a tribal estate, \$3,000. Payment to be made to the heirs of deceased claimants.

Under this plan when the Indian agrees to the terms of the bill and accepts its provisions he automatically becomes an American citizen and the Government is released from any further responsibility for him other than that accorded to any other citizen.

The bill in question provides that, in cases where an Indian has established property rights in tribal lands or tribal money or other property, his individual amount or interest therein shall be determined by the Secretary of the Interior without delay and such interest shall be paid in cash to such Indian.

The Government is now spending approximately \$60,000,000 a year directly and indirectly for the alleged benefit of the Indian. At this rate of spending the Government will have expended in the next 20 years, based on this estimate, \$1,200,000,000, or \$300,000,000 more than it would take to pay 300,000 Indians in the United States the amount proposed in our bill.

Under the Government's present policy, at the end of 20 years it will still have the Indian problem unsolved and the Indian's claims unliquidated. The Commissioner of Indian Affairs will still be coming before the Congress each year asking for large appropriations of money and the Government will be no nearer a solution of the so-called Indian problem.

Mr. Collier stated in a hearing before the Appropriations Committee in the House in 1938, in answer to a question propounded to him, that it would take 100 years to wind up Indian affairs, and again on November 22, 1939, the Tulsa Tribune of that date quoted him as saying in a speech at Tulsa, Okla., that the tribal claims are for broken treaties and at the rate they are being paid by the Government, will require between "100 and 1,000 years to liquidate."

The Federation's bill if enacted into law is the beginning of the end of the so-called Indian problem. The Indian will have an opportunity, under its terms, to accept \$3,000 and compromise his individual claims against the Government and will thereupon release the Government from any further demands or claims against it. And, as each Indian comes in under the terms of the bill and settles with the Government, the Government's requirements for the maintenance of Indian affairs will be reduced in proportion to the number who settle with it.

How could the Government pay the Indians? The question has been raised as to how the Government would pay the Indians if our proposed bill becomes a law. We submit that a plan could be worked out in a very feasible way, for instance: Starting with an initial payment of 2½ percent of the estimated 300,000 Indian population of the United States and doubling the number each year, Congress can pay 232,500 of its Indian citizens, under the Federation's plan, finally and forever, within 5 years, or the method of payment could be extended over a greater number of years.

It is highly improbable that there are today in the United States 232,500 allotted or enrolled Indians entitled, under now existing law, to an allotment or distributive share in the lands and moneys of some recognized Indian tribe. Many who are informed and well versed in Indian affairs, particularly as to Indian population, estimate that

there are not today in the United States, more than 225,000 allotted Indians.

Thousand of Indians throughout the United States, who are regarded by the Indian Bureau as incompetent wards of the Government for the purpose of obtaining appropriations of money to maintain Indian affairs, have long since become useful and self-supporting members of society. They have taken their place along with the white man in the active affairs of life. We find and have found them in all walks of life, performing their share of the world's work, as laborers, farmers, mechanics, teachers, bankers, authors, writers, historians, humorists, actresses, newspaper publishers, lawyers, and doctors. They have been recognized by their fellow citizens to the extent that many of them have been honored through election to high office, as county and State officials, judges, Members of Congress, and the vice-presidency of the United States. In short we find Indians of all degrees of blood in every branch of our Government—county, State, and national—holding responsible positions in the legislative, executive, and judicial branches. This is the general rule rather than the exception. In many counties, particularly in Oklahoma, the majority of its officials and their deputies are Indians. We mention this, not boastingly, but in support of our contention that the Indian, as a whole, should not be the subject of Federal supervision or an object of pity, sympathy, or would-be charity in the form of special racial privileges from the Federal Government. Yet these same Indians are included in the estimated 300,000 Indian population which the Congress is called upon each year to appropriate millions of dollars for maintenance and support. The great majority of our Indian population are absolutely self-supporting and fully capable of assuming the responsibilities of citizenship. The Indians throughout the country are as capable of caring for themselves as any other group of citizens.

The Navajo, the largest Indian tribe and the largest unallotted Indian group in the United States, just this week published to the world their loyalty to our country and proclaimed themselves the most advanced and self-sustaining of the Indian race. Without doubt these Indians are capable of providing for their needs. Their loyalty as patriotic citizens has long been established.

The Indian people have no quarrel with their Government or any particular branch thereof. They have as vital an interest in its welfare and its institutions as any citizen or group of citizens in the land. They have always contributed their share in money and men, and have shed their blood in defense of American ideals and principles. But the Indian feels that he has a right to petition his Government for a redress of wrongs and the enforcement of rights.

Constructive criticism is wholesome and proper. We contend that to maintain separate C. C. C. camps for Indian boys, separate sewing rooms for Indian women, separate P. W. A. projects for Indian men, separate farm and livestock agencies, separate community projects for Indians, separate reservation schools and hospitals for Indians, makes the Indian race-conscious, dependent, and develops in him an inferiority complex. It has a tendency to destroy his ambition to become independent and retards his advancement, and does not conform with our idea of the American way of government. At the same time it imposes upon the taxpaying public extra millions of dollars to support

these separate maintenances. The taxpayers of the country, including the taxpaying Indians, disapprove of this policy and believe that it is a needless expenditure of public funds, and in the interest of all the people, should be discontinued.

In the late World War the Indians responded to their country's call and took their place along with their fellow citizens in its defense, not as separate and independent groups but with the Nation's Army in the common cause. And, alongside his white brother, he acquitted himself with honor and distinction. Since the war and the depression period following, not as a separate group but as a component part of the whole, he has done his part in supporting, maintaining, and furthering the American way of life.

Indian men and women of all degrees of blood are today thinking in terms of the best interest of our country. And Indians who have heretofore been inclined to take a passive attitude toward these matters of concern to the country as a whole are now giving thought to them with a view to their solution. Out of this trend of thought and movement the present American Indian Federation plan was formulated.

We believe that Indian affairs should be terminated with the least possible delay, and that every encouragement should be extended to the Indian in his desire to become a citizen. The Indian desires not only to enjoy the full rights and privileges of a citizen, but is willing to share the duties, obligations, and responsibilities of a citizen. He prefers to have a part in the maintenance and support of his Government, rather than being a burden upon it. He desires no special privileges or favors and asks for no gratuity. He seeks only the privilege of being a full-fledged citizen and a fair, final, and complete settlement of his claims and commitments against the Federal Government.

If the Congress adopts such a plan as our organization proposes it will not only discharge an honest and long-delayed debt to the Indian, but will put in operation a plan which will inure to the benefit of all of its citizens and bring about an early termination of a heavy tax burden. It will certainly relieve the taxpayers of the Nation of an annual expenditure of from 40 to 60 million dollars, which, under the present system, it has been said will continue for another "100 or 1,000 years."

The CHAIRMAN. I would like to develop one or two points to see just what your plan provides. You refer to deceased Indians and heirs of deceased Indians. I would like you to go into that and be a little more specific. Does this bill provide that the heirs of deceased Indians shall share in this claim to the extent of \$3,000 for each deceased Indian?

Mr. JOHNSON. It provides that the heirs of a recognized allotted Indian will receive whatever the deceased would have under the terms of this bill had he been alive. In other words, if a deceased Indian left six heirs, each would be entitled to one-sixth of the deceased Indian's claim.

The CHAIRMAN. Well, how far back would you go to ascertain the heirs of deceased Indians?

Mr. O. K. CHANDLER (delegate, American Indian Federation). Senator, according to our interpretation of the bill and its application, it is applicable to the allotted Indian—now allotted Indian—or enrolled Indian entitled to an allotment under now existing law, and his heirs would succeed in case of his death. If he was an

original allottee, as in the case of the Five Tribes or any of these allotted tribes, his heirs would succeed to his interest.

The CHAIRMAN. Just for illustration, down in my territory an Indian by the name of Parker used to be chief of the Comanches. Would this bill divide his money among his heirs?—He was allotted in 1901.

Mr. CHANDLER. Under this bill, if he was an allotted Indian, then his heirs would be entitled to the \$3,000. They would step in his shoes and would succeed to his interest.

The CHAIRMAN. Just using Parker as an illustration, he had several wives and several children, and his wives are all dead, so far as I know, but, of course, some of his children are dead and some of his children are still alive. Would Parker be entitled to have the \$3,000 divided among his heirs as per orders of the court that has jurisdiction of the county in which he lived?

Mr. CHANDLER. Yes; as of the time of his death.

The CHAIRMAN. Of course, that would be an adjudication or a probate matter to ascertain who his heirs are. I wanted to get that definitely. Therefore, any Indian that has been allotted under law would be entitled to this \$3,000 award, and then, when made, the heirs of such Indian would have to be ascertained in order that the division of the sum might be made? Is that what is planned in the bill?

Mr. CHANDLER. Yes.

The CHAIRMAN. How many Indians do we have now throughout the United States and Alaska—of course, they are Indians under the law—that would be entitled to be considered as claimants under the bill?

Mr. CHANDLER. Originally, within the State of Oklahoma we had 100,000 allotted Indians. You have a population down in Oklahoma of possibly 200,000 Indians.

The CHAIRMAN. My information is that the number is about 140,000 Indians, according to the prior census. I am not sure about that. I meant all persons who claim to be Indians, from a small degree of blood to fullbloods. The number is not material, because the records will show. That is for Oklahoma. I am trying to get, if I can, an estimate of the number of Indians throughout the United States who are now alive who would probably be entitled to be considered claimants.

Mr. CHANDLER. Well, I should think that there are at this time not over 225,000 allotted Indians in the United States, living or dead.

The CHAIRMAN. Take the Navajos. They are not allotted.

Mr. CHANDLER. They are not allotted Indians. There are between 50,000 and 60,000 unallotted Indians in the United States.

The CHAIRMAN. From your testimony, then, it would be fair to assume that there are something like 300,000 Indians?

Mr. CHANDLER. In all probability there are possibly 300,000 Indians, allotted and entitled to an allotment in now undistributed tribal estates.

The CHAIRMAN. How many dead Indians would be considered?

Mr. CHANDLER. That is, taking those who are entitled to an allotment and who have received an allotment?

The CHAIRMAN. If we have 300,000 that are alive, how many are dead that might be considered as claimants through their heirs?

Mr. CHANDLER. There would not be 300,000 original claimants. I

judge you would not have at this time over 225,000 claimants, living or dead. Heirs would be entitled to take the original claimants' share.

The CHAIRMAN. But the heirs would have a right to claim in their own right.

Mr. CHANDLER. They would, provided they were original allottees. They would also take their legal share in any deceased claim.

The CHAIRMAN. In other words, if Indian A is an heir to a number of dead Indians and he inherits a part of their estate—

Mr. CHANDLER (interposing). He would not be entitled to anything in his own right if he was not an allotted Indian. If he was not an allotted Indian or the heir of an allotted Indian, he would not be entitled to anything under our construction of the bill.

The CHAIRMAN. Do I understand that the so-called "too-late babies" would have no right?

Mr. CHANDLER. They would have no interest in this matter except as heirs of an allotted Indian.

The CHAIRMAN. Of course, they would be. In western Oklahoma we have a great number of Indians—Comanches, Wichitas, Kiowas, Chickasaws, and Choctaws—that are not on the rolls, because there is no provision to get them on the rolls. They are not on the rolls for land purposes. There is no land to allot them. Do you consider them as possible claimants under this bill?

Mr. CHANDLER. No, sir; unless they are heirs of the original allottee. If they are, they come within the provisions of the bill.

The CHAIRMAN. From my viewpoint, this bill is to take care of heirs of dead Indians and Indians of mature age and does not in any way affect dead Indians and Indians who are not on the rolls or who do not have land.

Mr. CHANDLER. It does not consider Indians who do not have land or who were not entitled to receive land or a distributive share in tribal property. The only interest they would have would be as an heir of some Indian allotted or entitled to an allotment. Our position is that when you divide tribal lands and property the individual whose name appears on the approved tribal roll becomes vested with a vested right. At death his heirs succeed to his right.

The CHAIRMAN. This bill would take care of only a certain percentage of the Indian population that lives today?

Mr. CHANDLER. It is not the purpose of the bill to take care of anybody.

The CHAIRMAN. By "taking care," I mean to provide for.

Mr. CHANDLER. I wish to make it plain that our bill applies only to the original allottee or enrollee who is entitled under now existing law to a distributive share of an estate of a now recognized Indian tribe.

The CHAIRMAN. I am trying to get as best I can an understanding of the bill to see where it leads us.

Mr. CHANDLER. Yes, sir.

The CHAIRMAN. So if this bill should be enacted and the money should be appropriated and the money should be divided, we would still have an Indian problem confronting the Government?

Mr. CHANDLER. I cannot see how you would.

The CHAIRMAN. What is going to become of all these young Indians?

Mr. CHANDLER. They are just like anybody else.

The **CHAIRMAN**. Now we are giving them schools and hospitals and benefits and loans and other benefits.

Mr. CHANDLER. If and when the Government discharges fully its obligations to the Indians on account of violated treaties, broken contracts, and mistreatment of the past, it will not owe the Indian any more consideration than it does any other citizen.

The **CHAIRMAN**. The young Indians, of course, are not responsible for their inheritance, which is being a member of a certain tribe of Indians, and they are not responsible for there being no land for them, and they are not responsible for facing the future, if any, responsibilities. I am wondering what your idea would be as to our future responsibility to the sons of Indians who would get money out of this bill but who, if they spent it, would leave nothing to their children. What would you do with those children?

Mr. CHANDLER. There is no land for white girls and boys. Indian lands are all taken. Practically speaking, there are no more Indian reservations to open up to settlement. We have the young Indian boy and the young white boy in the same boat in that respect. An Indian is not unlike any other racial group. Given the same opportunity with the white man he will take care of himself and our idea is to dispose of the Indian question, finally and forever. That is the purpose of our bill. If we run on under the present system, as the Commissioner said, we will be a thousand years from now just where we are today. Indians will reproduce if permitted to live, and we will continue present evils under the present system.

The **CHAIRMAN**. If this bill should be enacted and \$3,000 should be provided for each Indian covered by the bill and the money should be paid to them, some of the Indians are good business people—men and women—and they know what to do with the money, but, like the white people, if we should give a similar sum to white people, by Saturday night many of them would have nothing, and that would be true of the Indians.

Mr. CHANDLER. It is hardly fair to predicate the payment of an honest debt due the Indian upon the use he will make of the money. Anyway, the Indian spends or saves money like other people. Just because he is an Indian does not necessarily mean he throws money away.

The **CHAIRMAN**. If this bill should be enacted and the money appropriated and divided, it is my opinion that in 30 days you would have the same Indian problem as you have today.

Mr. CHANDLER. You would have no Indian problem after that. You may have the same situation with the Indian as you have now with the white citizen. Thousands upon thousands of white people are on relief. The Indian might be on relief, but he would be on relief as a citizen the same as others, not as an Indian.

The **CHAIRMAN**. We are taking care of the white people on relief.

Mr. CHANDLER. You could take care of the Indian just like you would other citizens. Give him the same treatment.

The **CHAIRMAN**. If this bill is enacted it would settle the Indian problem in your judgment?

Mr. CHANDLER. Yes, sir, Senator, that is my judgment. It cannot fail to reach the end. It is headed definitely in that direction.

The **CHAIRMAN**. What would we do with our Indian schools all over the United States which are now maintained by Federal funds?

Mr. CHANDLER. Personally, I do not think Indian schools are the proper method of educating Indian children. In an Indian school Indian children grow up as Indians—not citizens. You will have Indian schools a thousand years from now under an Indian-school system. Teaching Indian children to be Indians perpetuates the system.

The CHAIRMAN. Your view is that it would be better to place Indian children in white schools?

Mr. CHANDLER. Yes. Because a person is an Indian, fullblood or mixed blood, does not necessarily mean that his mental powers are deficient.

The CHAIRMAN. I have made the argument to Congress for the continuation of Indian schools and also for an expansion of those schools. As a result of the request of the membership in Congress from our State, we are expanding the Indian schools. Take the school at Chilocco. It is much more advanced than it was years ago. Take the school at Fort Sill. It is different now than it used to be. It used to be a primary school. Now they are expanding those schools and are giving the children the advantage of vocational and special kind of training and increasing the grades, until now the schools have the equivalent of first-year high school, second-year high school, and I think some of them have a full high-school course.

I was under the impression that many Indian children could not, from the standpoint of money, attend white schools. For instance, they would not have the money to buy books, and they do not have and could not get money to buy clothing. They would not have the money to provide lunches, because of the inability of Indians to provide themselves with it, and that means proper food.

If I have been wrong, I have been sadly wrong, because I have proceeded on that theory.

Mr. CHANDLER. All right. This Government is now spending millions upon millions of dollars on children of white people who cannot buy books and properly clothe and feed them.

The CHAIRMAN. They furnish the books.

Mr. CHANDLER. Yes, sir; furnish them clothes or pay them money.

The CHAIRMAN. What do you mean by that?

Mr. CHANDLER. The Federal Government gives white children money, in some instances \$12 and \$15 per month, thus enabling them to acquire an education.

The CHAIRMAN. Where are they doing that?

Mr. CHANDLER. In Oklahoma; in Miami, Okla.

The CHAIRMAN. I do not know about that. Can you give me some specific illustration? I may be wrong.

Mr. CHANDLER. That is true.

The CHAIRMAN. You mean the National Youth Administration?

Mr. CHANDLER. Yes, sir.

The CHAIRMAN. Well, you are right.

Mr. CHANDLER. The State of Oklahoma, on proper showing, furnishes books and clothing for needy children—white or Indian—it also furnishes hot lunches.

The CHAIRMAN. You may be right, but I want the record to show that if it is true.

Mr. CHANDLER. I am quite sure that is true. But the full-blood Indian we are so concerned about is never going to develop into a re-

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sourceful, independent, self-supporting citizen until he is given an opportunity to mix and mingle with the white child and white race from school days to the end of his days. Educate an Indian child in a Government Indian school and you educate that child to be, act, and think as an Indian, and he thinks and acts as an Indian, not a citizen, for a long, long time afterward. He has to grow out of being an Indian in order to become a citizen. He succeeds or fails in this effort through his ability to unlearn what he should have never been taught—to be an Indian, live and think as an Indian, instead of a citizen of these United States, the only country he has ever known.

We have here in Washington a seven-eighths-blood Indian, the head of the Interpretative Division of the Internal Revenue Bureau of the Federal Government. He was sent recently to South America to represent 130,000,000 American citizens, not Indians, in an important matter affecting this Government. He was born in a State where the Indian population is from 150,000 to 200,000. He attended public school; came to Washington, entered the Government service, studied law, and rose steadily to his present position in the Internal Revenue Bureau.

This is not an isolated case. Our Indian people, given the same environment and an opportunity to mix and mingle with the white child from childhood to maturity in our public schools, can and will take care of themselves. If we continue the present method of Indian schooling and Indian hospitals, we will have the Indian problem as we have it today 1,000 years from now, as the present Indian Commissioner suggests. We will never get it over with.

If the Government owes the Indian anything, it should pay him. If it does not owe him anything—I think it does, and every other informed person so thinks—it should release him into the life of his country, with every opportunity and advantage accorded other citizens. Duly recognized as a citizen of his country—he would be better off if not so recognized and all his commitments against the Government forgotten—he will make his way.

The CHAIRMAN. Your viewpoint is that these Indian schools should be closed.

Mr. CHANDLER. I am positive of that. As a lasting benefit to the Indian he most certainly should be educated in our public schools—for his own good and as a savings to the taxpayers of the Nation, who are called upon to meet a double and useless expense.

The CHAIRMAN. Notwithstanding the fact that our white schools are open for Indian children, because we provide money to pay their tuition, and notwithstanding the fact that we have many schools which Indian children can attend, you also know it is a fact that we have Indian children not attending a school of any kind?

Mr. CHANDLER. That is true; and it is also true of white children. All over the country there are white children not attending school, just as there are a number of full-blood and mixed-blood Indians not attending school. That is a social problem, not a racial problem.

We have had the Government Indian school system for almost a century. Millions upon millions of dollars of the taxpayer's money, in addition to millions of dollars of tribal Indian funds, have been spent on this method of Indian education, yet in localities where the education of the Indian has been under the complete control of the Bureau, no later than 1936—in the Navajo country—thousands of Indian children were not attending school.

In the State of Oklahoma I can cite instances where Indians have grown to womanhood and manhood without acquiring an education, yet day after day, week after week, month after month, year after year, Indian Bureau officials now grown old and gray in the service, passed within a mile and a mile and a half of the homes of the parents of these Indians and never once turned aside to inquire whether or not their children were attending school or attempted to have them do so.

The CHAIRMAN. Of course, you are right about a lot of white children not being in school.

What would you do with existing hospitals such as the ones at Claremore, Shawnee, and Talihina?

Mr. CHANDLER. If the Government does not owe the Indian anything on account of violated treaties, broken contracts, and mistreatments of the past, it certainly does not owe him a hospital or free medical treatment. If it does, it owes its other citizens the same consideration. The fact that he is an Indian does not put him in a preferred class if the Government has not robbed or cheated him in the past or has made full restitution for such shortcomings. If it owes him, a hospital is not the best medium of exchange in the payment of a debt—some Indians are not always sick.

If the Government is not guilty of any shortcomings in its dealings with the Indian—not mistreated him in the past, violated any of its contracts or treaties with him—he stands exactly in the same shoe as any other citizen. If he dies or starves, he does not present an Indian or racial problem—all races meet death individually and each have their poor.

I would pay the Indian on account of past wrongs—there are many—if I were the Government and we could arrive at a fair measure of damage, then I would treat him exactly as I treated other citizens. If he should become financially poor, he would not be alone—others become financially poor, through no fault of the Government. Again, that is a social, not an Indian or a racial problem. Let the Indian alone. He has had too much supervision and direction by poor supervisors and directors.

As to his health: In Oklahoma, in every county, we have medical aid for white citizens. This same aid is available to the Indian, full-blood and mixed-blood. Yet while we have a county doctor and a county Red Cross nurse for white people and Indians, and hospitalization for both races, within the past few years we have set up the same service for Indians alone—of all degrees of blood. Why have separate dependencies for the poor and needy—Indian or white—with extra costs to the taxpayer? The Indian of Oklahoma—it should be true throughout the Nation—is entitled to every right and privilege enjoyed by other citizens.

The thing for the Government to do is to pay the Indian, if it owes him, and close the Indian Bureau. Nonpayment of Indian claims and mistreatments of the past are the only excuses for continuance of the Bureau. The Indian and his condition, whatever it is, has long since ceased to be racial—it is social. If the Government does not owe the Indian, it should tell him to go his way. To look at him through glasses of racial dependency or inferiority is to keep him dependent and inferior, always.

The CHAIRMAN. I do not share that viewpoint, because if I did I would have to share that same view with respect to white people. Right now it could be said we do not owe the people in distress anything.

Mr. CHANDLER. All right. Understand me. After the Government pays the Indian, if it owes him anything, and along with other citizens he becomes distressed, treat him as you would other citizens—the problem is social, not racial.

The CHAIRMAN. I share that viewpoint, but I do not share the other viewpoint. We are not saving people from distress because we owe them anything, but we are doing it from a humanitarian standpoint. We cannot see them starve to death.

Mr. CHANDLER. In answer to that, of course, if the Congress is of the view that it does not owe the Indian anything—

The CHAIRMAN (interposing). I am not expressing that viewpoint.

Mr. CHANDLER. All right. What the federation is trying to do is bring about a final solution of the so-called Indian problem—working toward the end. The Indian is entitled to full citizenship and to be paid, if there is anything due him. He contributes to the upkeep of this Government. He contributes to the maintenance of the Indian Bureau. The Indian Bureau, with its mounting costs, will go on forever under the present system—it is expanding and growing larger constantly. The Indians and the taxpayers will have to stop it.

The Department of Indian Affairs was created in 1832. The appropriation for the first year of its existence was approximately \$400,000. The past few years we have been spending 150 times that amount, annually. Yet at the time of the creation of the Bureau there were not many Indians in the Nation who could read, write, and speak the English language. Today there are not many who cannot speak, read, and write the English language. Those who cannot are the ones who have been under the thumb of the Bureau. Today Indians all over the Nation are helping in the formulation of our Nation's laws. They are interpreting and enforcing our Nation's laws; yet, as just stated, we are spending 150 times the amount of money on the Bureau that we spent 115 years ago—it is growing and expanding every day. It will never cut its own throat—quit.

These Indian hospitals, buildings and maintenance; these Indian schools, buildings and maintenance; these thousands of Indian Bureau employees; these thousands of automobiles used by them, and the millions of gallons of gas and oil which they consume, must be furnished and paid for by someone.

In the first instance, through congressional appropriation the taxpayer—and the Indian to the extent that he is a taxpayer—meets this bill. In the second instance the Indian, in the event his tribe is lucky enough to win a suit for some violated treaty, pays the bill. As an Indian and as a taxpayer he makes a double contribution to the upkeep of the Bureau when his tribe wins a tribal claim in the courts.

Bureau maintenance is charged to all members of the tribe—possibly only a few are allowed to enjoy the benefits, if any, from Government Indian schools, Indian hospitals, and the Indian Bureau officials whose salaries all must pay for—the homes, furniture, telephones, automobiles, and other expenses incident to their upkeep, which are paid for by the employees in addition to their salaries.

The conduct of the Chinese Government is as well understood and is just as effective upon thousands and thousands of the Indian citizenship of this Nation as that of the United States Indian Bureau. Multiplied thousands of our Indian people scarcely know that the Indian Bureau exists. They have become a part of the life of the Nation. Bureau activities are beneath their notice, yet they, as Indians and as taxpayers, in the event the tribe to which they belong wins an Indian claim suit, pay twice for Indian Bureau upkeep.

In the first place, the Indian did not ask that the Indian Bureau be created. He does not need it. He does not want it. He cannot use it, regardless of his degree of Indian blood, as a means of obtaining self-reliance, self-sufficiency, and the respect of his white associates.

In absolute fairness to the Indian and the taxpayer I would bring these injustices to an end, were it within my power to do so. Pay the Indian, if there is anything due him and let him get his education and hospitalization as other citizens acquire such benefits.

The CHAIRMAN. If this plan should be adopted, what would you suggest as a means of handling the property of Indians? For instance, take the Osage Nation. There is a tribe of Indians, between two and three thousand, and they have at least all the mineral rights under the Osage Indian lands. For instance, you take the Choctaws and Chiskasaws. They own the coal land under their surface land. How would you handle that?

MR. CHANDLER. This is an individual bill. It applies only to the Indian who cares to have it apply to him. The individual tribal interest of the Osage would be determined by the Secretary of the Interior and he would be paid in cash the value of his interest at the time of final settlement with the Government. Naturally, if he had any individual money in the hands of the Government, that would be turned over to him. That would be his individual right. That is an amendment to our original bill clarifying the division of tribal estates or the handling of a tribal estate now undivided.

The CHAIRMAN. The idea will persist with me that if we should adopt this bill and appropriate the money we would not to any extent lessen the Indian problem that confronts the country, from my viewpoint. You and I do not have the same viewpoint, apparently. I do not think we can refuse or fail to go ahead and take care of the Indian citizen and his children.

MR. JOHNSON. This bill does not contemplate the immediate discontinuance of the Indian Bureau. It is a principle or plan which will in a very few years solve the so-called Indian problem. As long as there are Indian children and as long as you have Indian schools, "Indian this and Indian that," you will continue to have the so-called Indian problem.

The CHAIRMAN. I believe that is the one object of the Indian problem—to educate the youngsters and try to develop them to be self-supporting, so that after a while you could not tell an Indian from any other citizen.

Looking at you two gentlemen, you look a little more sunburned than I am. Otherwise I hope I am as good looking as you are, and I hope I am as intelligent. That is my hope for the future of the Indian

race. You are bound to mix with the white people. You are doing it more or less, I think, to the betterment of the tribe.

As I see the picture, it is a matter of long disintegration. After a while you won't know the difference. America seems to be the melting pot for a good many races. Persons come from foreign nations, and when they arrive they have very distinct racial characteristics. Take the German or the Italian. When they first arrive you can tell by looking at them what their race is. After they have been here for some years and the families mix, they lose their former nationalistic traits. That is my viewpoint.

I know that solutions oftentimes, when they are first thought about, may not be very comprehensive or all-embracing, but the more we think about them and the more we see of them and what they lead to, and if the idea back of the suggestion is good, they will develop satisfactorily; and when it is bad, it cannot get so very far.

Mr. CHANDLER. Our bill or idea will have to stand on its merit. America is the melting pot for European races. It long ago would have melted the Indian had it not sought to push and shove him off to himself—on reservations; prison camps in a way.

The CHAIRMAN. I agree with you.

Mr. CHANDLER. Our idea of paying the Indian and releasing him into the life of the Nation is not new—it is the American way.

The CHAIRMAN. Well, speaking as one of the Senators from Oklahoma, we have down there the remnants of fifty-and-odd tribes and I think we have seven agencies. We have a great many schools and a great many hospitals, and these Indians to me are the same as the other people. They deserve the attention that the Congressmen give them. They make progress only in the proportion that they are helped or help themselves.

Mr. Chandler suggests that the way we try to help the Indian in his opinion is not helpful; it may keep him from getting away from the Indian characteristics. There is a division of opinion on that point. Some think that they should keep up the tribal customs. Everybody is not in agreement with that.

Are you through with your statement, Judge Johnson?

Mr. JOHNSON. Yes; I am through.

The CHAIRMAN. Did you have anything to say, Mr. Chandler?

Mr. CHANDLER. I have nothing more to say except that we would like to introduce some records at the close of the hearing.

The CHAIRMAN. If you will give that to Mr. Grorud, it will be placed in the record and printed as part of the hearings.

Mr. JOHNSON. We may want to supplement what we have said with written documents.

The CHAIRMAN. That privilege is always accorded.

Inasmuch as this is a new proposal, I would like to see it developed to the nth degree, so those who are interested can see what it embraces and what it contemplates. I consider it to be in the nature of a claim bill.

Mr. CHANDLER. It is a new thought possibly, but an old principle—dependency breeds dependency; without effort put forth to reach the end the end can never be reached.

Our position is the Indian is not different to other races, and that once you dispose of Indian claims you destroy the excuse for the Indian Bureau. The Indian can have no claim on the Government

when his claims are paid, except that consideration which is due him as a citizen. If an Indian is distressed, as a citizen, his relief should be reached with the same yardstick as is being used to reach distressed conditions of other citizens. Again, the Indian of today and his condition, whatever it may be, is a social, not a racial problem.

The CHAIRMAN. Well, of course, the Indian problem has been with us a long time, and I can see no ultimate solution of it excepting through disintegration. Now, others do not agree with me. If they have a better plan, I want to help their plan along, because I am sure that the plan that I have will work in time. There is nothing to prevent it from working. The full-blood Indians that lived like they used to live before our day are gone and their children are not living like their fathers and grandfathers lived. It is a very rare occurrence in our State to see a full-blood living like his grandfather or grandmother lived. We have some rather primitive Indians who wear moccasins and some wear the remnants of ancient Indian costumes, but they are the exception to the rule.

Without looking a second time, many times you cannot tell one from a white man. In the summertime a white man gets rather sunburned, and you cannot tell him from an Indian.

I cannot see any solution to the problem except to educate them out of it.

Mr. CHANDLER. As stated before, our bill is individual. It is the beginning of the end. As far as our old Indians and our younger Indians are concerned, our old Indians were a credit to our younger Indians in point of frugality, honesty, and self-support. They told the truth. They paid their bills. They provided for their needs. That is not altogether true of the younger generation, especially those who have grown up under Indian Bureau supervision.

I do not make this statement as being critical of the Indian Bureau. I do not intend it as a criticism of that Department—it is the truth, a statement of fact. That is true of our old-time Indian regardless of the tribe to which he belonged. Our old-time Indians were far more resourcesful, far more honest, far more self-supporting than our present generation, who are able to read, write, and speak the English language, drive a car and tune in a radio. Again, that is not critical of the Indian Bureau—it is the truth.

The CHAIRMAN. As illustrative of that suggestion, I was shown a tree one time in a public park, I think, at Okmulgee, close to the council house. This may be an Indian yarn, but it may not be an Indian yarn. I was told that on one occasion an Indian was tried there for an offense and he was sentenced to be shot. When the time was fixed for the execution some days hence, the Indian was turned loose. On the day for the execution he appeared there and was shot.

Mr. CHANDLER. Ellis Childers, now deceased, whose father, during Creek tribal days, was an officer, told me of the trial and conviction of a Creek Indian for murder. Mr. Childers' father had this Indian in custody. About 30 days before the time for his execution the prisoner's family came to the sheriff's home with a wagon. The prisoner was allowed to go home with his family. He was at home about 30 days, getting his affairs in shape. When the day of execution came, he returned—he and his family. He walked out and sat on a box, with an object over his heart, and they shot him.

The CHAIRMAN. I had heard those stories.

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Mr. CHANDLER. That was told to me a few years ago. It is true that our old-time Indians did tell the truth and were honest. They did not know so much about how to drive a car or how to turn on a radio, but they did know how to take care of themselves.

My grandmother scouted for 3 weeks in the mountains of North Carolina to keep from being driven to Indian Territory in 1835. I am a one-eighth blood Indian. My mother is a one-fourth blood Indian, and my grandmother was a one-half blood, and my great-grandmother a full-blood Indian. They were forced to move to the Indian Territory, now Oklahoma, just after the close of the Civil War. The country was war-torn and the people were destitute. My grandmother, and other Indian women, went over a 10-acre field, after the crop had been once harvested, with scissors, and harvested the grain which made the flour for their first winter in the Indian Territory. Don't think the Indian cannot and will not survive—he will, if others survive, if the Government never pays his claims against it, long past due. Pay him if he has anything due and forget him, as an Indian. He will take care of himself. Let him become a citizen—not an Indian. He was not placed in a separate company when he went to war. He did his share of the fighting, acquitted himself with honor and credit to his country, his race, and his family.

Again I say pay the Indian whatever is due him; give him the same opportunity as other citizens and treat him as such—not as an Indian. If he starves, others not Indians, may starve. If you have a humanitarian principle applicable to all citizens, apply it to him.

The CHAIRMAN. I doubt if a white man will starve to death. If he is forced to, he will take what he needs and live. I suppose an Indian will, too.

Mr. CHANDLER. He undoubtedly will have some white and Indian traits in that respect. He will take care of himself.

The CHAIRMAN. Are there any additional suggestions with respect to this bill from anyone present?

Mr. WILLIAM ZIMMERMAN, Jr. (Assistant Commissioner of Indian Affairs). I would like to ask the witness two questions that go to the text of the bill.

Mr. Chandler referred to the fact that the bill related only to allotted Indians.

Mr. CHANDLER. Allotted Indians.

Mr. ZIMMERMAN. I do not find anything in the bill that excludes any Indian for any reason whatsoever. It refers to an Indian of any recognized tribe or tribes.

Mr. CHANDLER. Section 5 of the bill includes the names of the persons to whom the bill will apply, and our program has been always not to say to any Indian or allow any Indian to become identified with the federation for final settlement purposes unless "an allotted or enrolled Indian entitled to an allotment under now existing law."

Mr. ZIMMERMAN. Do you not think the text of the bill should carry some reference to that policy? There is nothing in the bill to prevent any Indian whatsoever from signing this petition. It would put the control of the list in your hands. You would determine whether or not any particular Indian would be allowed to sign this petition, as I read the text of the bill.

Mr. CHANDLER. We are not presenting the bill as a petition. However, approved tribal rolls, under existing law where Indians have been allotted by act of Congress, is the method whereby Indians entitled will be determined.

Mr. ZIMMERMAN. The language of the bill would permit any Indian, as I read it, to sign in accordance with section 5.

Mr. Chandler says that whoever handles the preparation of these listed Indians would not allow any Indian who was not allotted to sign. It seems to me that is a fatal defect in the bill.

I would like to ask Mr. Chandler whether or not in section 4 it is contemplated that any distribution of tribal property would be paid out of the Federal Treasury. Senator Thomas mentioned the Osages, who have a tribal estate which obviously cannot be disbursed in cash. There is no tribal cash which could be paid out. Is it contemplated that section 4 would require the Federal Treasury to provide that, in addition to the \$3,000?

Mr. JOHNSON. No. Section 4 reads:

In cases where an Indian may have established property rights in tribal lands or tribal money or other property, this Act shall not affect such property interest. The interest of any such Indian in tribal property shall be determined by the Secretary of the Interior without delay and such interest shall be paid in cash to such Indian.

Mr. ZIMMERMAN. My question is, Where does the cash come from?

Mr. JOHNSON. From the sale of his interest in tribal property.

Mr. ZIMMERMAN. You would require a sale?

Mr. JOHNSON. Yes; a fair and equitable appraisal of his interest would be made.

Mr. ZIMMERMAN. How can you sell?

Mr. JOHNSON. An Osage sometimes sells his interest in tribal oil properties and the particular individual interest has been determined and sold.

Mr. ZIMMERMAN. The Indian has his head right. It is paid out every quarter. What I am getting at is that the Osage estate is a tribal right that continues until 1993, or thereabouts. Under that language you would require a sale of that potential oil value, would you?

Mr. JOHNSON. The individual Indian who has a vested right in the tribe or any tribal property would have to have his interest determined, under the terms of this bill, by the Secretary of the Interior.

Mr. ZIMMERMAN. I understand that.

Mr. JOHNSON. I do not know. It might be that the Secretary would have it appraised.

Mr. ZIMMERMAN. Suppose you cannot sell it. Take the Choctaw and Chickasaw coal lands. You cannot sell those coal lands. Under this bill you would let the Secretary pay the value. Where are you going to get the money?

Mr. CHANDLER. Under the bill, it does not specifically provide that the Government shall buy undivided tribal property. It does not say so in so many words, but in substance it could be so construed, if the property could not be divided, or sold and the money divided.

Mr. ZIMMERMAN. What I am getting at is that you expect the Government to put up additional money over and above the \$3,000.

Mr. CHANDLER. Since the formation of the United States Government it has "extinguished Indian title" to millions of acres of Indian land through direct purchase out of the Treasury of the United States.

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Mr. ZIMMERMAN. All I am trying to find out is where the money would come from.

Mr. CHANDLER. As far as the Choctaw-Chickasaw coal lands are concerned, they have had that question, undisposed of since allotment in 1906. There is not much choice left to the Choctaws and Chickasaws. They can divide the land or sell to the Government or anyone who will buy it, and divide the money, or they can die and leave it. About half of the Choctaw and Chickasaw owners of these lands have died and left the land and the coal for the Indian Bureau to guard and keep for them. And, if the Bureau has its way, when the last Choctaw and Chickasaw has passed out of this life, the Bureau will still be guarding and keeping the Choctaw-Chickasaw coal lands, as one of the excuses for the continuance of the Bureau.

Mr. ZIMMERMAN. I want to point out that the property affected by section 4 could be sold only to the Federal Government, so there would be a potential future charge against the Treasury.

Mr. CHANDLER. The Government would be getting value received.

Mr. JOHNSON. That was one of the difficult matters considered in writing the amended bill.

Mr. ZIMMERMAN. I can see that.

Mr. CHANDLER. I do not see that that is so difficult. The Government is acquiring land every day, for every purpose under the sun. Thousands of acres have been purchased in Oklahoma alone, for playground purposes. And the Government has acquired several thousand acres of worthless land in Oklahoma alone—for Indian reservations—which is a potential charge against the Treasury. The Government could sell the coal off the Choctaw-Chickasaw coal lands and get something back for all the taxpayers. Likewise it could realize something from an Osage head right, on account of oil. The Secretary of the Interior fixes the value of the individual rights of the Choctaw, Chickasaw, or Osage who cares to settle with the Government under the terms of our bill.

Mr. ZIMMERMAN. I am only concerned with the bill that is here before us, as to how that would work out.

Mr. CHANDLER. The Government would acquire the property at a fair value, if it bought it. If not, it would be sold and the proceeds divided. The Indian who wished to do so would take his share and receipt the Government. I doubt that there is a Choctaw or Chickasaw living today who would not gladly take a fair price for his or her interest in the undivided coal lands of these tribes.

The CHAIRMAN. Does that conclude your statement?

Mr. JOHNSON. Yes.

The CHAIRMAN. If you have something in addition, submit it to Mr. Grorud, and he will have it placed in the record.

(Thereupon, at 11:45 a. m., the hearing was concluded.)

(The additional statement and documents above referred to are as follows:)

FURTHER STATEMENT OF O. K. CHANDLER, MIAMI, OKLA.

It was intended, in keeping with section 5 of our bill, to submit for the record at this hearing the names, tribes, and respective roll numbers of our members now agreeable to a final settlement with the Federal Government as provided in our bill. However, in view of the war situation and the need of national preparedness at this time, we appre-

ciate that this Congress cannot seriously consider our bill. We will therefore refrain from encumbering the record with our membership roll. It would entail an extra printing cost and would serve no good purpose at this time. Our 1939 and 1940 membership approximates 7,000, taken from 40 separate and distinct tribes, located in 40 States of the Union. This number of course will be materially increased by the time the Congress can give serious consideration to the federation's legislative program. Most certainly, once the Indians and taxpayers become informed on the subject of Indian affairs there will be a pronounced reaction. These injustices cannot prevail against public opinion.

Mr. CHANDLER. The following letter from Hon. Charles J. Rhoads, Commissioner of Indian Affairs, December 11, 1939, addressed to Hon. Lynn J. Frazier, then chairman of the Senate Indian Committee, is submitted for the record to show the inadequacy of the jurisdictional bill procedure as a means of a final and just settlement between the Indians and the Federal Government, as viewed by Commissioner Rhoads. And the physical impossibility of bringing about an early and final settlement under such procedure. He says there can be no release of Government guardianship over the Indians "until * * * alleged broken treaties" are disposed of; that "with the procedure as at present" the task "might well require 100 years":

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

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

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

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

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

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

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

My thought on its positive side is as follows: Could not all of these matters be dealt with, and brought to a finality within a limited number of years, if a special Indian claims commission were created? This commission might and

probably should be altogether independent of the Interior Department; its membership might be named by the President, subject to confirmation by the Senate; it should be adequately budgeted.

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

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

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

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

Sincerely yours,

C. J. RHOADS, *Commissioner*.
RAY LYMAN WILBUR, *Secretary*.

Approved December 18, 1929.

MEMORIAL

MINNEAPOLIS, MINN., June 14, 1940.

HON. SENATOR ELMER THOMAS,
Chairman of Senate Committee of Indian Affairs,
Washington, D. C.

DEAR MR. CHAIRMAN: This memorial is to kindly inform you that the undersigned persons heartily endorse and approve Senate bill No. 3750.

Each of us are Indians, and as such are vitally interested in our welfare and good being. It is our belief and understanding that the proposed bill will aid and benefit all Indians encompassed within its provisions.

To our way of thinking, this bill will accomplish many good purposes and destroy many evils that now surround our daily lives. These may be briefly enumerated as follows:

It will sever the ties of paternalism that exists between our Government and the Indians; cause the Indians to assume and maintain the full duties of American citizenship; destroy the thought of wardship and restore to us a state of equality with our fellow man; uproot a Bureau that has grown top-heavy with expense and nonproductive employees; discharge and fully satisfy an honest debt of the American people for the utilization of the Indian's resources, thereby ending, once and for all, the constant litigation aimed at legal redress for the Indian; and, finally, it will provide aid and assistance to that great group of Indians who are now desirous of bettering their condition and manner of life by education and development of their own resources and abilities.

It is our sincere hope that you may be strengthened and endowed with renewed vigor to fight for our progress. We pray that you will receive aid and encouragement from your fellow Members in Congress. We pledge you whole-hearted support and approval. Permit us now to thank you for your genuine and unselfish devotion to the cause of the American Indian.

The above and foregoing memorial is presented to the Senate Committee of Indian Affairs by the undersigned, as representing the views and expressions of

353 Indian citizens of the State of Minnesota, comprising members of 8 separate and distinct tribes of Indians who are now residing in Minnesota, and who have personally signed this memorial.

Respectfully,

WILLIAM MADISON,
Minneapolis, Minn.

The above and foregoing memorial is presented to the Senate Committee on Indian Affairs by the undersigned, as representing the views and expression of 353 Indian citizens of the State of Minnesota, comprising members of 8 separate and distinct Indian tribes who are now residing in Minnesota and who have personally signed this memorial.

WILLIAM MADISON,
Minneapolis, Minn.

We respectfully submit for the record articles of incorporation, constitution, list of national officers, board of directors, and administrative board.

The articles of incorporation of the American Indian Federation follow:

ARTICLES OF INCORPORATION

Be it known that the undersigned citizens of the State of Oklahoma do hereby voluntarily associate ourselves together for the purpose of forming a private corporation under the laws of the State of Oklahoma and do hereby certify

First: That the name of this corporation shall be the American Indian Federation.

Second: That the purpose for which this corporation is formed is to teach and uphold the true principles of American citizenship; and, as a national nonpartisan, nonsectarian educational organization of Indians and intermarried whites, to teach the fairness and economic justice of a final settlement as between the Indians and the Federal Government, to the end that the Indian may enjoy and assume every right and responsibility of an American citizen.

Third: That the place where its principal business is to be transacted is at 34 G Street NE., Miami, Okla.

Fourth: That the term for which the corporation is to exist is perpetual.

Fifth: The number of directors or trustees of this corporation shall be three and the names and residences of those who are selected as such directors or trustees, and who shall hold their office until the next annual election, or until their successors are elected and qualified, are as follows: W. E. McIntosh, chairman, box 888, Miami, Okla.; O. K. Chandler, secretary, 34 G Street NE., Miami, Okla.; William M. Newton, member, 121 North K Street, Muskogee, Okla.

Sixth: That the amount of capital stock of this corporation shall be (nothing) dollars and shall be divided into (nothing) shares of (nothing) dollars each.

Certificate of incorporation to be issued subject to the following constitutional requirements: That the corporation to which it is issued will submit any difference it may have with employees, with reference to labor, to arbitration, as shall be provided by law.

In witness whereof we have hereunto subscribed our names this 30th day of March A. D. 1939.

W. E. MCINTOSH,
Box 888, Miami, Okla.
O. K. CHANDLER,
34 G Street NE., Miami, Okla.
WILLIAM M. NEWTON,
121 North K Street, Muskogee, Okla.

STATE OF OKLAHOMA,
Ottawa County, ss:

Before me, a notary public, in and for said State, on this 30th day of March personally appeared W. E. McIntosh, O. K. Chandler, and William M. Newton, to me known to be the identical persons who executed the within and foregoing

instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

[SEAL]

RITA F. NEWTON, *Notary Public.*

My commission expires August 5, 1941.

STATE OF OKLAHOMA,

County of Ottawa:

W. E. McIntosh and O. K. Chandler, being duly sworn, upon oath state that they were chairman and secretary, respectively, of an election held at 208 Mining Exchange Building, Miami, Okla., on the 30th day of March 1939, at which the directors named in the above and foregoing articles of incorporation were elected; that the said election was held at the time and place and with the result as stated in said articles of incorporation.

W. E. McINTOSH, *Chairman.*

O. K. CHANDLER, *Secretary.*

Subscribed and sworn to before me this 30th day of March 1939.

[SEAL]

RITA F. NEWTON, *Notary Public.*

My commission expires August 5, 1941

[Endorsement on back]

Articles of incorporation of the American Indian Federation, Miami, Okla. Secretary's memorandum Oklahoma City, Okla., secretary's office. This instrument was filed for record this 31st day of March A. D. 1939, at 10 a. m. C. C. Childers, secretary of state; Katherine Manton, assistant secretary of state. Delivered to W. E. McIntosh, Miami, Okla.

CONSTITUTION AND CODE OF THE AMERICAN INDIAN FEDERATION

ARTICLE I

The name and style of this corporation shall be the American Indian Federation.

ARTICLE II

The purposes for which this corporation is organized and shall be operated and maintained are as follows:

"To teach and uphold the true principles of American citizenship; and, as a national nonpartisan, nonsectarian, educational organization of Indians and intermarried whites, to teach the fairness and economic justice of a final settlement as between the Indians and the Federal Government, to the end that the Indian may enjoy and assume every right and responsibility of an American citizen."

And further, to use any proper means within its power, to promote the welfare of the American Indian, to advocate religious freedom and the practice of Christian virtues; to receive, hold, and use donations, bequests, and gifts of money or property for the uses and purposes herein set forth; and as citizens, to remain in steadfast loyalty to the principles of government as set forth in the Constitution of the United States of America.

ARTICLE III

Any enrolled, allotted, or recognized American Indian residing in the United States, or a United States Indian citizen residing temporarily outside the United States, his or her heirs or members of his or her immediate family 18 years of age, and any white citizen intermarried with an Indian, is entitled to membership in this federation with full enjoyment of any and all of its privileges and advantages; and any white citizen of the United States not intermarried to an

Indian who expresses concurrence in its principles and purposes is entitled to honorary membership, with all rights and privileges except the right to vote on any question, or to hold any office or position, except honorary, to which he or she may be appointed.

ARTICLE IV

The membership of this federation shall be divided into units. Such units shall be authorized on application of 10 eligible persons, application to be made to the national organizer and approved by administrative board and national president, each bearing a name to indicate its geographical location or tribal origin, with jurisdiction exclusive in its own territory, whose constitution and government shall conform to the federation's national constitution, and which shall be established, operated, and maintained under the control of this corporation: *Provided*, That there is hereby authorized to be created districts, in the discretion of the administrative board hereinafter provided for, with the approval of the federation president, to be presided over by district presidents, appointed by the president, subject to the approval of the administrative board, together with district secretaries selected by the district presidents, said districts to be defined by the administrative board: *Provided further*, That any member or prospective member who does not reside within the jurisdiction of a unit, or who does not elect to become a member of any unit, may become a member of the national organization, with all rights unimpaired because of residence.

ARTICLE V

The business and affairs of this corporation, its government, its activities, and its fortunes are hereby delegated to a federation composed of its officers, national, district, and units, and its members. Delegates to all annual conventions, or special conventions, shall be chosen by the respective units of the federation, in regular or specially called meetings for that purpose, on a ratio of 1 delegate for each 20 members or major fraction thereof of each unit: *Provided*, That any member of any unit, or national member may attend meetings of the federation with the privilege of the floor. All national officers or national members present at any regular or special meeting shall be entitled to cast his or her vote in said meeting: *Provided further*, That in the absence of any member of the federation from any official meeting, he or she may be represented by a proxy bearing the written authority of such absentee to speak and act in his stead, but such proxy shall be a member of the same unit as the member represented—national members through proxy in the hands of a national member.

ARTICLE VI

SECTION 1. The national officers of this federation shall be a president, first vice president, second vice president, executive secretary, secretary, treasurer, parliamentarian, chaplain, and sergeant-at-arms, elected biannually by the national convention, and whose duties shall correspond in all respects to those performed by officers in other parliamentary bodies and whose order of succession in the event of vacancies shall be in the order named herein. Unit organization officers, elected by the unit members, excluding that of executive secretary, and their duties, shall conform in every respect to those of the national organization: *Provided*, That the term of office of national officers shall be 2 years; that of unit officers, 1 year.

SEC. 2. There shall be created, in keeping with the Oklahoma law governing this corporation, a board of directors, not to exceed 41 in number, of which board the incorporators shall automatically become members. Said members of the board of directors shall be selected by a nominating committee, said nominating committee consisting of 4 members of which the president shall be the *ex-officio* chairman of said committee, the other 3 members shall be the incorporators of the federation. This nominating committee shall become a permanent committee of this organization: *Provided*, That all members named by the nominating committee, for the board of directors of the federation, must have approval of the federation in convention assembled; 10 (including 3 incorporators) or not more than 50 percent of the members of such board shall hold office for a period of 1 year, and the remainder for a term of 2 years; that there shall be elected thereafter, annually, as nearly as possible, 50 percent of said directors, for a term of 2 years: *Provided further*, That there shall be created, out of the board of directors as provided herein, an administrative board of not more than 11 nor

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less than 5 members; appointed by the national president and approved as provided in the selection of the board of directors.

SEC. 3. (a) The functions of the administrative board shall be general supervision of the affairs of the federation when not in convention: to consider matters of policy; to recommend any necessary changes in membership fees and dues; to consider and finally determine what shall be proper methods of procuring funds; to determine the disposition which shall be made of the funds of the federation, under the provisions of this constitution and code; to have supervision of the audit of all books of accounts; and, generally, to supervise all financial operations of the federation.

(b) To pass upon and recommend proper action to be taken by the federation upon proposed State or Federal legislation or appropriation of public or tribal funds pertaining to Indian matters; to supervise or direct the publication and distribution of literature pertaining to the Federation or to Indians; to weigh public opinion with regard to Indians in general and the federation in particular; and, generally, to promote favorable opinion of the federation and its principles and policies.

(c) It shall be the duty of this board to adopt and direct the supervision of plans for the increase in membership of the federation; to advise the president and the federation as to the meaning and effect of this constitution and code, or any amendment proposed thereto; to assist in or direct the establishment of local units and districts; to consider resolutions offered affecting the activities of the federation, and in the event of dispute, misunderstanding or misapplication of any of the provisions of this constitution, code or resolutions, to sit as a tribunal for the trial of such matters; or to hear charges of misconduct against any officer or member of the federation, based upon this constitution and code; or misconduct against any officer or member of the federation, based upon the constitution and code of the American Indian Federation adopted at Gallup, N. Mex., June 1934.

(d) The action of the administrative board shall stand as the action of the federation until the same is approved, disapproved, or amended by the federation in convention assembled: *Provided*, That the administrative board is hereby authorized and directed to appoint committees from the board of directors or from the membership, whenever deemed by it necessary to carry out its functions.

(e) No officer or member of any committee shall receive pay for his services except reimbursement for any outlay for actual expenses in the discharge of his official duties: *Provided*, That attorneys, counsel, or other necessary service may be engaged by the administrative board with the approval of the president of the federation, at a reasonable salary or fee and such service paid by proper authorization, from the national treasury.

(f) All national officers elected at Tulsa, Okla., August 1938, for periods of 2 years, shall continue in their stations until the first election in 1940, under this constitution: *Provided*, That all vacancies occurring within the national officers, board of directors, and administrative board through death, resignation, or otherwise, shall be filled through appointment by the national president, to serve until the next annual convention of the federation.

(g) This federation shall meet annually at such time and place as may be determined in open session or which may be fixed by the administrative board, with the approval of the federation president: *Provided*, That notice of not less than 30 days shall be given each unit. Extraordinary sessions may be called by the national president, by and with the approval of the administrative board, of which notice of at least 30 days shall be given each unit, together with full information as to time, place, and purpose of said extraordinary meeting or convention. No business shall be in order at any extraordinary convention or session except that specified in the notice of the meeting or convention.

(h) Each meeting of the federation or each unit shall be opened with scripture reading, or prayer, and with a salute to the flag of the United States and pledge of allegiance. Religious and patriotic songs may also be used as part of the ceremony of opening. The Holy Bible, open, and the United States flag, unfurled, shall be displayed at every meeting of this federation, national, district, or unit.

ARTICLE VII

The function of this federation shall be financed from a membership fee of not less than \$1 to be paid by all members and honorary members before their names may be enrolled as such, and by annual dues of not less than \$1, payable in

advance, all to be accepted, receipted, and accounted for by the federation unit and national officers: *Provided*, That one-half of all unit fees shall be remitted to the national federation treasurer, all to be disbursed as heretofore provided, under rules and regulations promulgated by the administrative board, in keeping with the provisions of this constitution and code.

In addition, any unit, or district, or the federation, may conduct campaigns for the purpose of raising funds: *Provided*, That such campaigns shall not conflict in any manner with civil or moral law. Unit organizations shall have complete and exclusive control over their funds, provided that no part of such funds shall be expended for the personal benefit of any member, save as expression of sympathy in the event of misfortune or bereavement, or as reimbursement for actual expense incurred in performance of official duty. That the administrative board is hereby authorized and directed to meet any and all conditions, with the approval of the national president in the interest of the whole membership, not clearly and specifically provided for in this constitution and code.

National and unit treasurers or others having money or property of this corporation or organization in their possession or in their control, in the discretion of the administrative board, shall be required to furnish bond in a sum representing twice the value of such funds or property, copy of such bond to be filed with the administrative board: *Provided further*, That all such persons shall keep a true and correct account of funds or other property coming into their hands from any source whatsoever, such accounts to be open to inspection of unit presidents or representative of the district president, national president, or administrative board.

ARTICLE VIII

Amendments may be made to this constitution and code in the following manner: Proposal to amend may be presented at any regular convention of the federation, in writing, whereupon it shall be referred to a committee to be appointed by the national president which committee shall make report to the president, who in turn shall submit said report to the federation, before the proposed amendment may be presented to the federation. If on vote of two-thirds of the members present and entitled to vote, the proposed amendment is adopted, it shall then be a part of this constitution; otherwise it shall be of no force or effect; or an amendment may be proposed in any district or unit meeting and transmitted to the federation president and secretary, who shall immediately distribute such proposed amendment to all unit presidents and secretaries, who shall submit said proposed amendment to their respective units for a vote to adopt or reject. Action thereon shall be at once certified to the federation president and secretary. If the proposed amendment shall have been adopted by two-thirds of all the units voting and entitled to vote, it shall become a part of this constitution; otherwise it shall be of no force or effect.

ARTICLE IX

This federation, being incorporated under the laws of Oklahoma, has the power to sue and be sued: *Provided, however*, That no suit shall be instituted by this federation, unless authorized by the board of directors.

ARTICLE X

Roberts Rules of Order shall govern all national and unit meetings of this federation.

Read, considered, and adopted in convention duly assembled at Claremore, Okla., on this the 8th day of October 1939 and the officers of this convention are hereby authorized and empowered to execute this constitution and code of bylaws.

JOSEPH BRUNER,
President of the Convention.

Attest:

(Mrs.) JOE R. WILSON, *Secretary.*

The present officers of the American Indian Federation are, as follows:

National officers: Joseph Bruner, president; John E. Curran, first vice president; Chief George Red Hawk, second vice president; W. W. LeFlore, secretary; O. K. Chandler, treasurer and chairman on organization; Floyd O. Burnett, chaplain.

Board of directors: Curtis O. Barker, Robert Bruce, Steve Buckley, Mrs. Lorena M. Burgess, Rev. F. O. Burnett, Thomas A. Byington, Ben Carpenter, A. A. (Mack) Carselowey, O. K. Chandler, Walter Colbert, Mrs. Czarina Conlan, W. J. Couro, John E. Curran, Mrs. R. C. Farris, Mrs. R. L. Fite, Alex S. Foreman, William Foreman, Gid Graham, Peter Grant, Andie Lee Gregory, Webster Iron Wing, Miss Hazel Jack, Judge N. B. Johnson, Henry Keno, Tandy Krebs, S. R. Lewis, Lila D. Lindsay, Mrs. Pearl Blair Matheson, C. B. Mills, Alfred Minugh, Rev. George McClain, John McCracken, Mrs. Sallie McSpadden, W. E. McIntosh, W. M. Newton, Mrs. Vannoy Powers, Mrs. Lucinda Spicer, Jackson Thompson, Mrs. Edna Wilson, and Victor Youngbear.

Administrative board: S. R. Lewis, Walter Colbert, William Newton, Ben Carpenter, C. B. Mills, N. B. Johnson, Alex Foreman, John W. McCracken, W. E. McIntosh, Winslow J. Couro, and Lorena M. Burgess.

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