

**EXPRESSING THE SENSE OF CONGRESS THAT CERTAIN  
TRIBES OF INDIANS SHOULD BE FREED FROM FEDERAL  
SUPERVISION**

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JULY 30 (legislative day, JULY 27), 1953.—Ordered to be printed

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Mr. BUTLER of Nebraska, from the Committee on Interior and Insular Affairs, submitted the following

**R E P O R T**

[To accompany H. Con. Res. 108]

The Committee on Interior and Insular Affairs, to whom was referred the House concurrent resolution (H. Con. Res. 108) expressing the sense of Congress that certain tribes of Indians should be freed from Federal supervision, having considered the same, report thereon with the recommendation that it do pass without amendment.

This resolution was considered by the Committee on Interior and Insular Affairs of the House; on July 15, 1953, that committee submitted its report (H. Rept. No. 841) to the House recommending its passage, and on July 27, 1953, it passed the House.

A full explanation and the history of this proposed legislation is contained in said House Report No. 841, a copy of which is attached hereto and made a part of this report, as follows:

**EXPLANATION OF HOUSE CONCURRENT RESOLUTION 108****BACKGROUND HISTORY OF THIS LEGISLATION**

Your Committee on Interior and Insular Affairs, through its Indian Affairs Subcommittee, and with the continuing cooperation of the Secretary of the Interior and the Indian Bureau, has, during this session, operated in 5 major areas of legislation affecting the Indians. This legislation, whether before the House or presently under committee consideration, has 2 coordinated aims: **First**, withdrawal of Federal responsibility for Indian affairs wherever practicable; **and**, second, termination of the subjection of Indians to Federal laws applicable to Indians as such.

To accomplish these aims, the Congress must consider:

1. *Enactment of legislation having as its purpose repeal of existing statutory provisions which set Indians apart from other citizens, thereby abolishing certain restrictions deemed discriminatory*

Interrelated legislation in this area deals with—

- (a) Restrictions applicable to Indians in personal property transactions;
- (b) Restrictions applicable to Indians as to disposition of livestock.

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(c) Restrictions applicable to Indians having to do with possession and sale of firearms.

(d) Restrictions applicable to Indians having to do with sale, possession, and use of intoxicants.

(e) The question of State civil jurisdiction over Indians.

(f) The question of State criminal jurisdiction over Indians.

The House, in enacting H. R. 3409, has indicated its desire to repeal Federal statutes applicable only to Indians having to do with personal property, the sale of firearms, and the disposition of livestock.

The committee has reported to the Speaker, H. R. 1055, which has as its purpose repeal of Federal statutes prohibiting use or possession by, or sale and disposition of, intoxicants to Indians. In addition, H. R. 1063, reported to the House as of this printing, has as its purpose the conferring of civil and criminal jurisdiction over Indians upon certain States, wherever abolishment of exclusive Federal jurisdiction is deemed practicable at this time.

### *2. Enactment of legislation, terminating certain services provided by the Indian Bureau for Indians by transferring responsibility for such services to other governmental or private agencies*

In this area of operation, your committee has programed legislation which is aimed at withdrawal of Indian Bureau responsibility for health, welfare, soil conservation, and related programs. As an initial step, the committee has reported H. R. 303, which deals with the Indian Health Service, and the operation by the Bureau of Indian hospital and health facilities. H. R. 303, as reported, would transfer to the Department of Health, Education, and Welfare responsibility for this service; it would, at the same time, authorize transfer by the Secretary of that Department of such responsibility to State, county or municipal subdivision, or to private nonprofit corporations, whenever satisfactory arrangements for such transfer could be agreed upon. In all instances of such service termination, care has been, and continually will be, taken to insure continuance of a high standard of service by the transferee agency.

It should be made clear that the transfer from one governmental agency to another will not create duplication of services; rather, it operates to place the Indian in the same position as non-Indians with respect to the service provided.

Members are familiar, in this area of legislation, with the numerous statutory enactments having as their purpose conferring of additional self-management upon specified tribes and individuals; this, through creation of tribal loan funds operated by the tribe, and increased authorizations for existing loan funds. As example, your committee has acted favorably on H. R. 5328, establishing a rehabilitation program for the Ute Mountain Tribe of Ute Indians in Colorado, and similar legislation.

### *3. Enactment of legislation providing for withdrawal of individual Indians from Federal responsibility, at the same time removing such individuals from restrictions and disabilities applicable to Indians only*

Congress has many times in the past considered and enacted legislation having as its purpose payments of current tribal income on a pro rata basis to individual members of each tribe where such payments are consistent with the point of safety in the protection of the tribe as a whole. Such payments recognize the responsibility of the tribe and of individual members to contribute a fair share of the cost of services enjoyed by them. Complementary to this aim have been the numerous bills providing for issuance of patents in fee to individuals, thus recognizing the ability of the individual to manage his own affairs.

Your committee has reported to the Speaker H. R. 4985, which would provide a procedure for the issuance of a certificate or decree of competency to any competent adult Indian making application, conceiving it to be a progressive piece of legislation in the general area considered here. Termination of Federal trusteeship over the property of competent Indians, and a complete discontinuance of all special services for them, can be fully accomplished only if a method is provided whereby the Indian who wishes to do so can obtain a declaration of competency, eventually to withdraw completely from the tribe, obtain his share of tribal property, and go on his way—as a truly “first-class citizen.” If enacted, H. R. 4985 would, in its operation, go a long way in narrowing down and helping to clarify the complex problem posed by individual withdrawal.

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4. *Enactment of legislation terminating Federal responsibility for administering the affairs of Indian tribes within individual States as rapidly as local circumstances will permit*

Legislation is presently contemplated with respect to tribes in the States of California, Florida, Iowa, New York, and Texas. Such action, of course, necessitates agreement with the proper public bodies of the political subdivisions affected, whereby individual States assume responsibility for the services customarily enjoyed by the non-Indian residents. In addition, provision must be made for distribution of tribal assets, either to tribal control, or to individual members, whichever may appear to be the better plan in each case; provision must also be made relative to trust property responsibility in all instances.

5. *Enactment of legislation terminating Federal responsibility for administering the affairs of individual Indian tribes as rapidly as circumstances will permit*

In addition to legislation presently being considered for individual tribes, and members thereof, the committee is directing particular attention to legislation which would free from Federal supervision and control and from all disabilities and limitations specially applicable to Indians the following: The Flathead Tribe of Montana, the Klamath Tribe of Oregon, the Menominee Tribe of Wisconsin, the Osage Tribe of Oklahoma, the Potawatomie Tribe of Kansas and Nebraska, and those members of the Chippewa Tribe located on the Turtle Mountain Reservation of North Dakota.

The resolution here considered, House Concurrent Resolution 108, your committee feels, would give direction to investigation by the Secretary of the Interior of legislation needed to accomplish termination of services and responsibility for administering the affairs of Indian tribes in the States therein named, and for individual tribes named, as indicated in the foregoing paragraphs.

In addition, the proposed resolution establishes January 1, 1954, as the latest date for transmittal by the Secretary of the Interior to Congress of his recommendations for such legislation as may in his judgment be necessary to accomplish the purposes spelled out in the resolution.



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