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Letter from Martin Cross to Representative Burdick Enclosing Transcripts of Notes from July 15-17 Meeting, August 10, 1954

Martin Cross

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New Town, North Dakota
August 10, 1954

Hon. Usher L. Burdick
House of Representative
Washington, D. C.

Dear
Hon. Usher L. ~~Burdick~~:

I have the honor to transmit to you herewith two mimeographed copies of transcript of notes, one taken by our Tribal stenographer and the other taken by Supt. Ralph M. Shane, relative to the proceedings of the meetings held here, wherein Commissioners representative Homer B. Jenkins of Washington D. C. presented Indian Bureau's approved Comprehensive plan to release the tribal funds held in the U. S. Treasury, to the Tribal Business Council and the members of the Three Affiliated Tribes for their consideration.

The notes will show that most of the speakers did not favor the Bureaus plan as a good medium to get our Tribal funds.

It is my earnest wish that you take the time to read these notes and make your comments thereon.

The provisions of this plan is so complicated and confusing that, we thought it was wise to reject and we did it by formal action.

We are always ready to abide by your advise and we are looking forward to you to tell us whether we did the right thing or not.

With my best wishes for your continued success.

I am very sincerely,



Martin Cross
Chairman Tribal Council
Fort Berthold Reservation

Encl: 2 mimeographed copies
notes, 7-16 and 17, 1954

Notes taken by Tribal stenographer, on Conferences held July 16 and 17,
relative to Indian Bureaus approval Comprehensive Plan
presented by Commissioner's representatives, Homer B. Jenkins and others.

July 15, 1954 Mr. Homer B. Jenkins - Representative for Commissioner's
Office.

I came out here, Mr. Cross, to present to you the plan which was brought about by the Garrison Project. We won't go into it this morning but will go into it tomorrow. However, I think it will be very wise to get to the general idea.

Personally, I am no travelling salesman and I am not here to try to sell you this plan but presenting it to you for your consideration. It is something that will be of benefit to you in a long run. It may be good or it may be bad. I want you to consider this thing carefully. I know you folks have been acquainted with other resolutions and have worked them out successfully.

On the 17th of May, the Kalamath Indians of Oregon presented a plan similar to this to the bureau.

First, this plan is to provide for the termination of Federal supervision over the property of the Three Affiliated Tribes of the Fort Berthold Reservation located in the State of North Dakota and certain individual members of the tribe. Second, it was prepared for those who wish to leave could leave and those who wish or desired to remain could stay. The Kalamath Indians were given 5 years and others too.

This plan has been informally approved by the Commissioner, Secretary and has been a long controversy over this nature. I am not an old hand as these other men as I formally worked eight years with the Army Engineers, I found out I could not fight them, So I decided to work with them and after a long discussion with this plan, and this plan was informally approved.

Mr. Cross was right when he stated that he did not see this plan. On one of Mr. Cross's trips to Washington, this plan was offered to him but he backed away as if it were a rattle snake and would not touch it with a ten foot pole. Cross, in his work has been honest, diligent and has done his best. I am going to turn this Comprehensive Plan over to the Chairman and the outline of this draft will be printed in the news Bulletin and I say again, give serious consideration and analyze this plan amongst yourself or in small groups and after you and if you agree with the printing of it, tell your councilmen so it will be ready for congressional review and consideration. After you have discussed this plan thoroughly and find spots that should be amended, don't hesitate to see your Councilmen for discussion and we will be glad to discuss it with you. This is a little old and a little new, because of the old, the old of the flooding of Elbowoods and new because of this plan. It is our plan to propose to you, the Agency staff for you to discuss and work it out basically.

Here he stated the plan and stated the three alternatives and than Mr. Cross said it was lunch time and the Council members were given recess until the next day at 10 o'clock white man's time.

July 15, 1954, W. O. Roberts, Area Director, Aberdeen Area Office Representative.

I am glad to be here this morning to help you arrange to study the proposal which Mr. Jenkins presented to you. Arising from the Garrison Dam. This is an unusual situation and I believe it is up to you people who have to give it serious consideration and to work it out. This situation, it was necessary for the Government to take certain lands belonging to the Three Affiliated Tribes and that taking necessitates the remaining procedures and now this situation has risen. Several other Indian tribes have had a similar situation presented to them.

The Area office, Washington office and tribal councilmen are working to help you Indians settle and work it out with you. I attended a conference of other Indians and they are not as well off as you. They have received only the plan.

I would like to assure you that the area office is interested in the overall situation and as anxious as you are in getting the matter settled.

I have lived among the Indians a long time, that I almost feel like one and I know how they feel so we are going to work out a way in which to spent this money. The nature of this issue, I saw a copy of it but I am not telling how I got it, Mr. Jenkins, I believe has or already knows where I got it. I will need to go on my way after lunch but I can assure you that the Agency staff and the Aberdeen office will accept the general statements of the people. There will be many studies of you Indians available which will give a good picture of the Three Affiliated Tribes. As the old saying goes, money cannot replace what has been taken away but we can always use the money. However, the question is of the settlement to be arrived at.

Saw Mr. Cross in February in Washington and what he told you is factual, diligent and on the job. I had to discuss with Mr. Cross many things, and I am sure the Councilmen you have to represent you, you ought to be able to get a very clear understanding of this proposal. You want to study this thing and get the opinions of the people.

A plan has been made to the Turtle Mountain Indians. The fact has scared many Indians. Those Indians were frighten by Resolution 108, they should not be frighten, after all Indians are capable people and have the conviction they they can do anything when given the opportunity. I am not saying the Resolution 108 should be adapted and accepted but it is important that every tribe in the United States study this situation carefully and they only know what is best based on reason and good judgement and what is satisfactory to the Indian people.

Matters handled on emotionally is not a way to work them out.

I say again, I am sorry I will not be here this afternoon to go on the tour Mr. Cross has mentioned but I will leave in my place, Mr. Glenn Land-bloom, Assistant Area Director of Resources and Graham Holmes, Area Counsel to assist you in anyway they may be able too.

July 16, 1954, Mr. Homer Jenkins, Representative for Commissioner's Office.

As Mr. Cross has told you, I am out here to present to you the plan that has been informally approved by the Secretary for the supervision over the trust and restricted property and tribal assets belonging to the Three Affiliated Tribes. As you can see, this plan is a rough draft for discussion purposes only and it is up to you people to decide whether you will accept this plan or not. I want to briefly run over the general plan of the thing, than I will go over the plan section by section.

Remember one thing, remember this proposed plan presented is prepared on the sole theory that the people of the Three Affiliated Tribes who wish to or decide to get the money for per capita basis must arrange a plan suitable for themselves.

Generally the provisions of this plan is as follows:

1. The settlement of funds to be distributed after setting aside contained in Sections 4 and 5 in Public Law 437. Out of five million in 1948 funds were set aside which payments from tribal land taken, minerals above or below the subsurface.

2. To establish and relocating the people in the taking area.

3. The right to reject their appraisal and could go to court if they rejected for just compensation.

4. Setting aside sufficient funds to pay any indebtedness.

This plan has three alternatives. Here the three main reasons were read by Mr. Jenkins, such as to place in the hands of a trustee, corporation etc. This will afford you 5 years to make that plan out for submission to Congress.

Now to get into the present plan in or that's in a draft form which reads for discussion purpose only. Outline was read and explained after each section was ready by Jenkins.

After recess, questions and answer period began.

Jenkins later on the afternoon. Isn't it customary to hand certain mess on people. We went down to the extreme west. It was so far that Mr. Shane had to drive home. We visited many places down there and found some people were not home. We found some places needed correction and some didn't need correction. We took pictures of the places so we may have them

to take back with us to show. I talked with one woman who was very happy about her place and one woman who was unhappy and will make a report to take back with us.

Mr. Jenkins, during the question and answer session stated this to one of the questions asked:

The closing of the roll. In the next 10 years your enrollment has developed and as you go along the enrollment will speed up and in the next 10 years you will have an increasing large enrollment. If you continue to enroll your enrollment will be less and less. Your tribal property or land amounts to about or approximately 20,000 acres. The enrollment is about 2700 or consists of about 2700 members so your interest in the tribal land and after you divide 20,000 into 2700 would give or all each would be about 10 acres of land. Subsurface rights will be kept for at least 10 years or more.

Mr. Cross, in question to Mr. Jenkins, after getting Jenkins attention had to ask his question twice. Mr. Cross, question, it seems to me you were sent to block the per capita payment.

Mr. Jenkins, Answer, Jenkins stated, that is exactly correct. It seems to me that Warren Spaulding said so far as the Bureau is concerned we are not oppose to per capita but now if you folks come up with a plan with a just plan we will be tickled to have it. We do not say this is the final answer to you. We did not come to force the decision on you, if you think you are capable of taken care of yourselves, than what in the thunder do you want the Bureau for anyway.

I came out here by the invitation of Mr. Cross, I am sorry that Mr. Ziegler could not be here, but he was tied up and Rex Lee is in charge. Mr. Reed, will plan to make a trip here and I assure you that what you people have said will be carried back to the Commissioner from me. I assure you to take time to study this plan thoroughly to analyze this and than if you would like Mr. Ziegler or me we will be glad to come here. I do not intend to take the meeting away from you and I say again I was glad to be here.

Mr. Cross, I will not consider or recommend my people to consider this draft and I am sorry to see it and I will try to amplify that. The meeting is still in progress.

Mr. Jenkins, this draft was drawn up for rejection of this, all we are asking you is to devise a plan for the use of this money.

Mrs. Rosie Crow Flies High, question to Mr. Jenkins. Did Mr. Cross bring this plan to us like the people have been saying?

Mr. Jenkins, here are the words that Commissioner gave me. Mr. Ziegler, Mr. Rex Lee make this meetings on this fact, I intended to make any work at the proposed plan but Mr. Cross did not lock into the plan and that is what he told you here, while in Washington D.C. last. Mr. Cross: Mr. Emmons told me to greet the Three Affiliated Tribes and said for me to tell the people that we have a good Commissioner now and that he would hold everything about the plan until he heard further from me

BRIEF RESUME OF THE GENERAL COUNCIL MEETINGS OF JULY 16 AND JULY 17 RELATIVE TO THE COMMISSIONER'S "COMPREHENSIVE PLAN FOR FORT BERTHOLD", PRESENTED BY MR.

HOMER JENKINS. RECORDED BY RALPH M. SHANE, SUPERINTENDENT.

JULY 16, 1954

The larger part of the morning session was given to Mr. Homer Jenkins to present and explain the "Comprehensive Plan" in detail. Following Mr. Jenkins' presentation, Mr. Cross, meeting chairman, turned the meeting over to people on the floor to ask Mr. Jenkins questions regarding the plan. The question-and-answer session is briefly as follows. None of the remarks are word-for-word; they are merely summaries of the main points as brought out by the various speakers.

WILLIAM DEANE: Who is going to pay the expense of Tribal Council members assigned to meetings with the reservation people to disseminate the information relative to the "Comprehensive Plan" to reservation groups?

BEN YOUNG BIRD (from the floor): Ben reiterated the question asked by Mr. Deane.

TOM SPOTTED WOLF: The present per capita payment should be separated from any proposal for termination of Federal services. The Garrison Dam is contrary to the Wheeler-Howard Act which promised freedom of action in sale of lands, etc. The Garrison Dam took our lands and it didn't make any difference what we thought about it. We should get half of the money that is on deposit in the Treasury, at least, to indicate good faith of the Government in its promises. The Indian Bureau policies are always painted rosy but are always later reversed.

Recess for lunch at 12:40 p.m. Meeting reconvened at 1:45 p.m.

Mr. Cross, chairman, called for reports by Mr. Rawie, Miss Bloodworth, and Mr. Jenkins relative to the tours of inspection of relocated homesites on the reservation to indicate justification for payment of per capita at this time to take care of immediate and pressing needs of the Indian relocatees. The meeting at that time was turned back to a question-and-answer session.

BEN YOUNG BIRD: I would like to have our Area Legal Counsel, Mr. Graham Holmes, give an interpretation of this bill in very simple language so that we can understand. The bill is written in highly technical terms and we cannot understand it that way.

GRAHAM HOLMES: The bill contains four main points and I will discuss each of them as simply as I can. (1) Closing of the Roll: The Tribal roll will be closed. This is done so that the Government will know exactly how many shares to divide the money into. That doesn't mean that your children, even though they cannot be enrolled, will not be able to participate in inheritance of property. It will be similar to the headright claim. Upon your death your unenrolled children will inherit your property and the children will receive their shares, as designated by your will, of your one headright claim. (2) Tribal Property: What are you getting out of your tribal property now? You are getting the intangible damages from the Garrison Reservoir paid on a tribal basis. This bill provides for a transfer of title of tribal property to a company or a corporation, with this company or corporation operating under State charter, either to manage this property as a business for profit, the proceeds of which would be divided by headrights, or to liquidate or sell the property in order that the proceeds from the sale might be divided by headrights. In the sale of tribal property for

liquidation, the subsurface rights, or mineral rights or oil rights, will be held at least 10 years, or until it is possible to determine the value of the mineral rights for purposes of paying off an individual who would like to take severance from the tribe with full payment to him of his share in tribal assets.

(3) Allotted Land: Allotted land will not change in status unless you request it.

The status of your allotments will not change unless you make a request for a fee patent. (4) Termination of Federal jurisdiction: You can get a Certificate of

Competency if you apply for it, and you will apply for it if you want to be free and the same as any other citizen. You are a citizen now. You have the same privileges now as any other citizen except with regard to trust lands and buying liquor. You can come and go as you please, just the same as I can. You can vote the same as I can, but you cannot sell your land the same as I can. Your land is held in trust and restricted as to sale. Under this bill, a minor child will be subject to the same laws as my children. They will be subject to the State laws. There are two ways for the Government to get out of the Indian business. One is by disposition of tribal property and the second is by declaration of competency of Indian individuals. If this plan is rejected, no one knows what plan will be presented next.

BEN YOUNG BIRD: Did you say something about income tax? Has any determination ever been made about whether Indians have to pay income tax on their oil money?

GRAHAM HOLMES: File your income tax return and claim your exemption. Pay your tax as it figures out, but pay it under protest and file a request for immediate refund of taxes paid. The Income Tax Law was passed in 1913. Whether or not Indian people pay taxes on income from trust lands is a matter of interpretation of the law by courts rather than a specific statute as to whether they pay taxes on income from trust land.

BEN YOUNG BIRD: Will the bill be presented to Congress exactly as it is being presented to us?

HOMER JENKINS: If the bill is presented in its present form, it should pass Congress in the exact form submitted. If there are any changes made in the bill, the tribe should be given the opportunity to recommend relative to any change whatsoever. (Mr. Jenkins explained that the bill as it is prepared now has been considered by the Commissioner's Office and has been thoroughly studied and tentatively approved by the Office of the Secretary of the Interior, and if the Tribal Council accepts the bill as presented now, there is no reason to believe that it would not go through Congress exactly as it is written now.)

BEN YOUNG BIRD: Our past experience has shown that a bill is presented and explained to the people. Then it goes back to Washington, and when it passes Congress, they have deleted from the bill all the parts that the Indian people liked about it. The bill for the Garrison Dam was explained to us and it had a lot of things in it that the Indian people thought were good, but when the bill was passed, all of these parts were deleted.

DAVIS PAINTE: My home is in bad shape after relocation, and we need per capita in order to fix up our homes that have been relocated and are in an unsatisfactory condition after being moved. I looked across the field one day toward my mother's home and saw something that looked like a flag flying from the pump handle. I went up there and found my mother trying to pump her well. I watched my mother trying to pump water and it looks like she is doing the "Charleston." These deep wells are no good. They told us our houses will be moved up to the hills and be in as good a shape as they were before, but if you look at them now, you will find that they are not in satisfactory condition. May my house rest in pieces on the hill!

MARTIN FOX (PAIGE BAKER, INTERPRETER): Martin expressed confidence in the gentlemen present. He stated that he has bills to be paid and he needs the per capita in order to pay these bills. White people have a habit of demanding payment of their bills. Now we are demanding payment of our bills. At one time an attempt was made to move these Indians from Fort Berthold to the Indian territory in Oklahoma. One man stood out by himself against this proposal. That man was President Grant. President Grant promised that as long as our land existed we would not be moved off of it. Later, President McKinley made a promise that no white man would ever come into our reservation and move us off or bother us. Now these people are bothering us. When Martin Fox was in Washington, he talked to Congressman Burdick, and Congressman Burdick asked him if he wanted full per capita. Burdick also asked him, "Do you know that when you get it, it will be connected with withdrawal?" Burdick said he could open the door to walk out at six o'clock if that's what they want. If we buy a match stick from a white man, he wants payment. So do we. You can put your papers back in your briefcase, take them back to Washington, and forget about them. Who is trying to fool whom? If you don't want to pay the money, give us back our land.

MIKE MASON: The Tribal Council has worn a big trail to Washington trying to get this six million dollars. While it is in the Treasury, it is drawing interest. Let's just leave it in Washington to draw interest. Sometime they will get tired of it and ask us what we want to do with it.

WALTER PLENTY CHIEF: (Not allowed to talk because he was a "Citizen.")

CLARENCE PERKINS: Washington doesn't know what is going on out here on the reservation. I'll tell you what is going on. On the Fourth of July the Government had 12 cops standing around and yet anybody could buy whiskey if they wanted to get it. They have dug wells for us. A lot of this water in new wells isn't fit to drink. When you make coffee out of it, the coffee is so black the Agency stenographers could use it for ink. The basement for my relocated house is unsatisfactory. I need a per capita so that I can complete my basement. I went down to Riverdale and wanted to go across at the dam. I got a pass all right, but they asked me where I was from. I told them from Elbowoods. They said Elbowoods is going to be flooded and I said we have never been paid for it yet. They told me that the money had been sent to the Indian Bureau at Washington to pay for this land. I told him they shouldn't have sent it there. They should have given it to us. The game wardens are arresting our people now for hunting in the Taking Area, and they are taking our guns away from us.

BEN YOUNG BIRD: Could we have our tribal attorney explain his opinion of this bill?

Q. R. SCHULTE (Tribal Attorney): I don't think it is fair that the termination bill is tied onto per capita. The Indian Bureau is setting up the per capita as a plum to get you to take the termination bill.

WILLIAM DEANE: (Read a statement from a speech of Commissioner Emmons in Philadelphia. In his speech Mr. Emmons stressed that the people make effective use of their lands.)

MARTIN CROSS: He stated that Public Law 843 was passed as an enabling act directing that the money be distributed to the tribe.

MR. JENKINS interrupted to say "On the approval of the Secretary of the Interior."

MR. CROSS: This bill is new legislation to Congress to authorize expenditure of funds which the Secretary already has the authority to expend. It is only

necessary now for us to take some action strong enough to force the Secretary of the Interior to disburse the funds that are ours.

MR. JENKINS: It is a trust responsibility of the Secretary of the Interior to protect disbursement of every cent of tribal funds to prevent suit against the Government for dissipation of funds. The Secretary now is inviting you to prepare a plan whereby funds on deposit in the Treasury to the credit of the Three Affiliated Tribes be disbursed on a sound basis. A trustee cannot be forced to disburse funds when he knows it is contrary to his responsibility.

FRANKLIN HOWARD: Can the \$7,500,000 be invested in some sound investment company to pay per capita yearly by interest?

MR. JENKINS: Any plan devised for sound use of the money would be acceptable to the Secretary.

GUY FOX (Councilman): The money on deposit in the U. S. Treasury draws 4% interest on the principal. This interest fund is being used for Council expenditures. It is no use leaving this money on deposit there.

MRS. NORA PAINTE: I think we should leave it to our councilmen to take care of our affairs. These delegates from Washington are unable to answer the question about interest. I had to plant my potato patch this year from potato peelings because they didn't give me any money by per capita to plant my garden with. I wish our Superintendent would come down and look at my potato patch. You people from Washington are not interested in us. None of you are taking notes on what we say except our Superintendent, and I suppose he is taking notes only on what you say and not on what we say. I need my per capita.

LEVI WATERS: I approve this bill because I think it will be good for our people.

FRANKLIN HOWARD: When these people were taken on the tour of inspection of relocated homesites, did they make close inspection of our foundations and the condition of our buildings? Did they look at our wells? I have a well that is 499½ feet deep. There is no sense in a well that deep.

MRS. GEORGE CROW FLIES HIGH: Now is the time to bring out your complaints against our councilmen. You are always blaming our councilmen for what happens. Now you have a chance to watch our councilmen fight for us. If you don't think they are fighting for us, now is the time for you to speak against them. I want full per capita.

MARTIN CROSS: I think we should reiterate our request for a \$200 per capita at this time. I don't think that if the Commissioner wanted to present his plan to us he should send one of his subordinates to explain this plan to our people. This subordinate is telling us something different from what the Commissioner told me when I was in Washington. He told me to tell my people that they have a good Commissioner and the Commissioner told me he would hold everything until he heard further from me.

MRS. BYRON WILDE: Why can't some of our people speak? Why are not the people you call "Citizens" allowed to speak? I think some of the older people who have had great experience should have a chance to speak. (Mrs. Wilde was denied her request to speak by Martin Cross, Chairman of the meeting.)

GUY FOX: Our Tribal Constitution states that the Commissioner may use his discretion to remove the restrictions on lands to allow sales, etc., at the request of an Indian individual. We don't need this bill to facilitate our land program.

MR. JENKINS: At the request of the individual.

MRS. SAM LINCOLN: I would like to work on this plan or something similar to it to make a plan that we would like.

Meeting recessed by Mr. Cross, Chairman, to 9:00 A.M., Saturday morning, July 17.

JULY 17, 1954

Meeting called to order at 9:15 A. M. Council members, Mr. Homer Jenkins, Mr. Graham Holmes, Mr. Glenn Landbloom, and Superintendent Shane met to consider revision of Constitution and By-Laws. Members of the Council present at this meeting were Martin Cross, Chairman, William Deane, Jack Lone Fight, Sam Matthews, Peter Star, Guy Fox, and Philip Ross.

The General Council Meeting was called to order at 10:40 A. M. At this time the Council Resolutions Committee of Martin Cross, Guy Fox, and William Deane convened in closed session with Area Counsel, Graham Holmes, to draft resolution to present to Mr. Homer Jenkins. Sam Matthews, Vice-Chairman, Tribal Council, acted as temporary chairman of the general discussion meeting and the discussions from the floor continued.

PHILIP ADKINS (SAM MATTHEWS, INTERPRETER): I thought these discussions were to be about per capita, but it seems the main discussion is about termination. Per capita is not going to be paid by the Bureau. This money is the proceeds of the sale of lands in the Garrison Reservoir, and the proceeds are due us. (He went on to complain about deep, dry wells and homes damaged in being moved to the hills.) I want to make my suggestion: Let's make a different plan or document. The promises of the Government in the Wheeler-Howard Act are a great failure. The promises of this bill will fail again. The Garrison Reservoir is a violation of the Wheeler-Howard Act. This proposed plan will give the Government a way to beat us again. They will find a lot of offsets to be made against our Treasury deposits for the tribe.

JOE YOUNG BIRD (SAM MATTHEWS, INTERPRETER): Our privileges to live in the good bottomlands have been removed. Old as I am, I remember the stipulations in Public Law 437 that the balance, after relocation had been paid, would be available for distribution to the Indians. My wife was made a "Citizen" and for two years it was good. Now, it is dropping back and is no good to be a "Citizen." I want the per capita payment reconsidered. I object to this bill because it is like dumping out a bunch of young mice. They will grow up and eat everything.

MRS. PHILIP ADKINS (SAM MATTHEWS, INTERPRETER): How can you men from Washington remember all the questions we are asking without taking any notes? In the past, all of our individual people have spoken freely in meetings with officials but nothing happens after those officials go back. General Pick said after completion of relocation of people, shrines, etc. balance will go back into your own hands. The main point in Jenkins' document is "Citizenship" and we object. The "Citizens" are left barehanded today. We are helpless because we are not educated and white man will not recognize us for promotions, etc. For example, the son of Joe Black Dog established a business as a mechanic in Brockton, Montana

but he had no customers. He was forced to go out of business and he had to sell his business to a white man. If we were to open a restaurant on Main Street, no white people would come in to give us business. There is no point in our accepting "Citizenship." All the representatives of the Bureau office talk smooth and sell us on a point, but they don't keep faith with their promises. The Wheeler-Howard Act was pointed out in all its good points and promises, but we never see those good things. Everything was supposed to be in black and white, but they don't follow out. We were promised not to have to move from the bottomlands. Look what is happening. Even our graves were moved. They don't get everything out of our graves. They just take one square foot of material from the grave. Our coal reserves and open mines are now covered up. We will freeze in the winter and they will have no sympathy for us.

MR. JENKINS: This is the first woman I ever knew to admit she was a member of the older generation. There was an article in the Minot Daily News about our meeting. One part of that article is not true---the part about termination of Federal services in five years. The article states that the bill provides that after a five year period termination of Federal service will take place. This is not true! There seems to be some political aspect to the interpretation of the bill that we are presenting. The bill only removes from Federal jurisdiction those who ask for it. You people have been asking for a per capita and this bill provides a way for you to get per capita. The five-year matter is this. It is a five-year period after this bill is accepted, during which you can write your own plan for termination of Federal services.

PETER STAR (Councilman): Do we have to wait five years for our per capita?

MR. JENKINS: If your Indian people will accept this bill by November first, that will give 60 days for the bill to make the rounds in Washington for various approvals and be ready to be presented to Congress when Congress reopens in January. It will then go to the committees of the House and Senate, and if both sides are in agreement, probably it will take about 60 days in Congress. The bill should be enacted by March first or March fifteenth. Then, if an individual asks for a Certificate of Competency, the bill allows the Secretary 90 days in which to grant or reject the Certificate of Competency. If the individual makes his request immediately after the bill is enacted, and if his Certificate of Competency were granted, he would be able to get a per capita by next June first. However, if the bill, as presented to you now, is not accepted in that form, and if there are a large number of changes, it will take more time to gain approval because this bill as presented is tentatively approved in all of the offices in Washington. I want you to realize that Federal trusteeship does not terminate in five years. It means that you have five years to write your own plan for termination. When we had the big meeting in Washington with most of the Tribal Council present, Mr. Carl Whitman, representing the Stockmen's Association; Superintendent Ben Reifel; Mr. Spaulding; and Mr. Paul Hand, of the Washington Office; Mr. Glenn Landbloom, Aberdeen Area Office; and Mr. Langan, of the Commissioner's Office, Mr. Hand made a statement: "We have a problem of excess population to the resource potential of the reservation. Some of the people should move away. Is there any way that we can make a per capita so as to make it attractive for those who want to leave the reservation?" Mr. Spaulding stated that it is the abuse in spending of the money that worries us in making a per capita. Otherwise, we favor a per capita.

WILLIAM DEANE: Is this bill the only way we can get our per capita? Will some bill be forced on us sooner or later? The Garrison Dam was forced on us and has brought a lot of bitterness. This bill will bring bitterness among our own people. When we consider this bill, there will be two sides and there will be bitterness among our people.

TOM SPOTTED WOLF (SAM MATTHEWS, INTERPRETER): Yesterday I said I didn't want this bill and I advised Mr. Jenkins to pack up his things and go back to Washington and not bring any more bills. Who asked for this bill to be prepared? We asked for a per capita and not a bill. We must eat and live. You never consider how we have to live in North Dakota. You judge by the way you live in Washington. You are a human being and you know how hard it is to make a living. You are here as our friend. Go back to Washington and help us to get our per capita.

MARTIN FOX (SAM MATTHEWS, INTERPRETER): The people will disagree with this bill. Our land should remain tax exempt forever. This bill as presented in these meetings was drafted by the white people who are here, but I wish the Commissioner was here to hear for himself. Ask the Commissioner why he hates me and won't give me my money. I told him we have been cooperative in war and peace. The Sioux people have been enemies of the white people, but the Sioux get their funds. I will give you a limitation of 60 days to pay our per capita to us. If not paid in 60 days, we will repossess our lands. Taxation is the main thing. Someone from the State of North Dakota told me as long as I live I will not have to pay taxes. As a friend, go back to Washington and get us our money. The Agency is crowding out our Indian employees. Husbands and wives are working as employees so that our Indian people do not get the jobs. I want you to move the Agency out of New Town on to the reservation. Our Agency employees spend their time behind the coffee pot instead of riding horseback on the land to see what goes on on the reservation.

Discussion meeting closed and Mr. Cross again took over as Chairman of the meeting to present to the full council the resolutions drawn by the Resolutions Committee in order that the people in the general meeting could witness the action taken by the Tribal Business Council. The first resolution presented asked for reconsideration by the Commissioner of the resolution of March 12, 1954, for a \$200 per capita. The complete resolution is attached hereto. The motion was made by William Deane for adoption of the resolution as presented by the Resolutions Committee. Motion was seconded by Sam Matthews. The vote was 5 for adoption and one opposing (Peter Star) with the chairman, Martin Cross, not voting.

The second resolution presented was for rejection by the Tribal Business Council of the proposed bill presented by Mr. Jenkins. The complete text of the resolution is attached hereto.

A short discussion followed.

PETER STAR (Councilman): (Maintained that he felt the bill had not been given sufficient consideration up to this time for the Council to press for a vote.)

WILLIAM DEANE: (Councilman): We are discussing, and this bill is determining, the future of our people. Our future doesn't depend on us old people. It depends on our young people. Our young people should have been here to voice their own opinions of a bill which is determining their future. Education is an important thing.

It was moved by Guy Fox to adopt the resolution as presented and seconded by William Deane. Passed with a unanimous vote. Martin Cross proceeded to make an explanation in the Indian language of the action that had been taken by the Tribal Council relative to the bill. Motion was made for adjournment and the meetings were adjourned at 12:55 P. M.

RESOLUTION OF THE GOVERNING BODY OF THE THREE AFFILIATED TRIBES
OF THE FORT BERTHOLD RESERVATION

WHEREAS: The Tribal Business Council, jointly with members of the Three Affiliated Tribes have received and taken under consideration the Bureau's approved Comprehensive Plan for release of the Tribal Funds held in the U. S. Treasury to the credit of the Three Affiliated Tribes, which has been presented to the tribes by the Commissioner's representatives headed by Mr. Homer B. Kenkins, and others, and

WHEREAS; The above-mentioned Comprehensive Plan does not meet the immediate needs of the Fort Berthold Indians as described by the Tribal Business Council Resolution adopted March 12, 1954, attached hereto, and,

NOW THEREFORE BE IT HEREBY RESOLVED, by the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation that the adopted Tribal Business Council Resolution dated March 12, 1954 is hereby reiterated and reasserted as being the position and temper of the Three Affiliated Tribes.

CERTIFICATION

I, the undersigned, Acting Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 10 members, of whom 7 constituting a quorum were present at a special Meeting thereof, duly called, noticed and convened and held on the 17 day of July, 1954, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, no member passed, 1 member opposed and the Chairman not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 17 day of July, 1954

Attest:

(Sgd)
Martin Cross, Chairman
Tribal Business Council

Approved:

(Sgd)
Ralph M. Shane, Superintendent
Fort Berthold Agency

(Sgd)

Samuel B. Matthews, Acting
Secretary of the Three Affiliated
Tribes of the Fort Berthold
Reservation; and Indian
Chartered Corporation.

RESOLUTION OF THE GOVERNING BODY OF THE THREE AFFILIATED TRIBES
OF THE FORT BERTHOLD RESERVATION

WHEREAS, The rough draft of a Bill for discussion purposes only, to provide for the ~~termination~~ of federal supervision over the property of the Three Affiliated Tribes of the Fort Berthold Reservation located in the State of North Dakota, and certain individual members thereof, and for other purposes, has been presented to the Tribal Business Council and members of the Three Affiliated Tribes thereof for a full and careful study, and

WHEREAS, the Commissioner's representative, Mr. Homer B. Jenkins, stated that the Comprehensive Plan, or the Bill, can be approved, amended or rejected at the tribes' discretion, and

WHEREAS, The Commissioner's representative, Mr. Homer B. Jenkins, and Area Counsel, Mr. Graham Holmes, have explained the contents and provisions of the above-stated Bill, and

WHEREAS, The said Comprehensive Plan, or rough draft of a Bill has been designed by the Bureau of Indian Affairs to be an instrument for the release of the Tribal Funds,

NOW THEREFORE BE IT HEREBY RESOLVED by the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation in the State of North Dakota, that the said Comprehensive Plan, or Bill, is hereby rejected for the following stated reasons:

- 1) The Bill, or Comprehensive Plan, is premature, insofar as the House Concurrent Resolution 108 is concerned,
- 2) It is detrimental to the well-being of the Three Affiliated Tribes, as to social, economic and political functions,
- 3) It is unfair and ungracious as to meeting the request and the needs of the Three Affiliated Tribes,
- 4) It is contrary to the provisions of the Public Law 843 - 81st Congress, Chapter 1052, 2nd Session,
- 5) It is contrary to amicable settlement of the Garrison Dam Controversy under which the Tribes accepted the settlement and provisions of Public Law 437; 81st Congress; Chapter 790, 1st Session.

CERTIFICATION

I, the undersigned, as acting Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 10 members, of whom 7, constituting a quorum were present at a special meeting thereof, duly called, noticed, convened and held on the 17th day of July, 1954, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, no member passing, none opposed and the Chairman not voting, and that said resolution has not been rescinded or amended in any way.

Sgd/ Samuel B. Matthews

Samuel B. Matthews, Acting Secretary
Three Affiliated Tribes of the Fort
Berthold Reservation, an Indian
Chartered Corporation

Attest:

(Sgd) Martin Cross
Martin Cross, Chairman
Tribal Business Council

Approved:

(Sgd) Ralph M. Shane
Ralph M. Shane, Superintendent
Fort Berthold Agency