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Letter from Floyd Montclair to Representative Burdick Regarding US Senate Bill 414 and Payment of Claims, February 29, 1940

Floyd Montclair

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Elbowoods, N. Dak.

Feb. 29, 1940

Honorable Usher L. Burdick,
and Gentlemen of the Committee:

On behalf of the Three Affiliated Tribes of Fort Berthold Reservation, State of North Dakota, I thank you for this opportunity to present to you, and through you to the Congress and the people of the United States, what the aforementioned tribes consider sufficient reason for the passage of S.414 which I hereby respectfully call to your attention that the following statement be included in the record of hearings before your committee in order that the wishes, purposes, and the position of our people in asking the early passage of bill S. 414 now pending before the House Indian Affairs Committee may be clearly and fully presented for consideration by your committee, and in making a just report on bill S. 414.

Relevant to the claim of \$400,000 anticipated by the Three Affiliated Tribes in order that they may present their claims for compensation under the articles in the treaty of 1866 negotiated with them by a duly authorized commission sent among them by the Government of the United States, and under that treaty they ceded their lands to and accepted the dominion of the Government of the United States. The Three Affiliated Tribes by the above facts ask to be permitted to go into court to seek payment of the debt they believe the Government of the United States owes them. They ask only that they be given the right to go into court, to present their claims, have them adjudicated by the court as to whether or not they are just claims, and as to whether or not they are entitled to a fair compensation.

To the Three Affiliated Tribes their right of occupancy is clear. The rights and history and legends of our people are handed down from generation to generation by written records and verbally. Unquestionably having this right of occupancy, as well as other reorganized rights

[Ans 3/4/40]

under the white man's laws, and these rights being specifically recognized by the fact that the Government of the United States sent a duly authorized commission among our people to negotiate treaties with them, made to them certain promises of lands and goods and benefits in return for which our people gave up their larger possessions and accepted the white man's government, which promises were never fulfilled, the Mandan, Gross Ventre and Arikaree Indians believe that the United States Government owes them a fair compensation. The claims that constitute this debt they ask Congress to permit them to present in court.

We believe nonpayment of this \$400,000 debt is due to the fact of what the white men call the "Indian Problems." We feel that the solution of this problem and the welfare of the Three Affiliated Tribes can be secured by the enactment of this bill upon which we ask from you a favorable report. Our people had faith in the honesty of the United States Government when they signed the treaty of 1866. We still have faith. That is why we are asking Congress to grant us permission to put our claims before the United States Court of Claims for adjudication.

We believe we have just claims. We are willing and anxious to put those claims before the court, and accept the adjudication of those claims as to its validity. We do not believe this is a matter for the Interior and Office for Indian Affairs to decide. The treaty of 1866 made on the initiative of the United States Government by a Federal commission. The promises were made to our people by the United States Government. It has been by action of the United States Government that they failed of fulfillment.

Our lands were taken from us by the United States Government. They were put into the public domain of the United States Government. The money received for them from the settlers who were given title to them and possession of them by the United States Government were put into the Federal Treasury. Therefore, the Three Affiliated Tribes believe that this debt that arises out of their dispossession of the great and valuable lands they once possessed and out of the failure of the Government to

fulfill the promises in the treaty of 1866 with them, is a matter between them and the United States Government, and not between them and the Department of the Interior and the Office for Indian Affairs.

The Three Affiliated Tribes, in the matter of their Court of Claims bill, are seeking adjudication of their claim. They are seeking and asking for justice, not charity. We know the needs of our people and would be glad to have relief extended to them in their immediate emergencies. We appreciate whatever benefits they can be given by appropriations by the Congress and the Department of the Interior and the Office for Indian Affairs; but we do not see in the according of such temporary relief and bestowal of occasional benefits a recognition of and a just payment of the debt we believe the United States Government owes us.

This does not mean that we do not appreciate nor that our people would reject any benefits of the United States Government, through the Department of the Interior and Office for Indian Affairs, or otherwise, might be disposed to extend to us. In addition to this it would carry with it a moral and spiritual value that cannot be computed into dollars. It would give the Three Affiliated Tribes the high assurance and satisfaction that the Government of the United States, to which they gave their great lands, whose Government they accepted, and on whose promises they relied, is a just and honorable Government.

We know our people, their natural prudence and ability, the qualities that have been developed in them. We believe they can be trusted to handle with prudence and common sense any share of the compensation be granted them.

We respectfully request permission to go before the Court of Claims to determine whether or not we have a case. After we find out we have a case there can be formulated by the proper authorities having jurisdiction over our people a policy as to how to disburse the money upon the basis of per capita payment.

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I commend this statement to your earnest and serious consideration. We hold ourselves in readiness to submit any information available to us which might be valuable to you. We ask, that should objection to favorable recommendations of bill S. 414 be presented, we have an opportunity to reply thereto at the present or a subsequent hearing.

I thank you again, gentlemen, for this "Day in Court."

Very respectfully yours,

Floyd Montclair

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MND