



7-13-1956

## Letter from Commissioner to Benjamin Reifel Regarding Public Law 553 and Per Capita Payments, July 13, 1956

Commissioner

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*Per Copied*

Mr. Benjamin Baifel  
Area Director, Aberdeen

My dear Mr. Baifel:

This is in reference to the passage of Public Law 533 (70 Stat. 238), enacted June 4, 1956, providing for segregation of certain funds of the Three Affiliated Tribes of Fort Berthold.

In his April 12 memorandum the Commissioner emphasized (1) placing major responsibility upon field personnel in planning with Indian groups, and (2) providing Indian people with complete and unhampered opportunity for the expression of their views. In the light of these two concepts and further because these funds represent the last large sum now in the Treasury for the Fort Berthold groups, we feel that the Secretary's regulations should be careful to facilitate the spirit of the act.

It is our feeling that before submitting a draft of the regulations for Departmental consideration, we obtain your views and those of the tribal leaders on any procedural requirements necessary for special groups and the nature and extent of the controls or limitations deemed advisable.

In general terms, we feel that our experiences in recent per capita payments will be helpful to you. Accordingly, we are attaching hereto a list of items which the Bureau has experience with and which will undoubtedly be involved at Fort Berthold. We would also like to have you give thought to the delegation of the Secretary's responsibility to approve individual programs. It is our thought that such authority should be delegated to the Area Director; however, we would be happy to entertain your views on the subject.

Sincerely yours,

Commissioner

Attachment

Copy to: Branch of Welfare  
Budget and Finance

FCAdams:lc - 7/13/56

Do not file  
Harris

1. **Membership.** Entitlement to share in segregated funds will require completion of enrollment including settlement of legal problems.
2. **Payment of adults residing away from Fort Berthold.**
  - a. Adults residing at other Indian agency jurisdictions.
  - b. Adults residing outside of the State.
  - c. Adults residing within State, but not within an agency jurisdiction.
  - d. Adults domiciled under Fort Berthold jurisdiction.
3. **Criteria for preparation and submission of plans by adults.**
  - a. Husband and wife joint plans.
  - b. Family plans including minors.
  - c. Other.
4. **Approval of plans submitted by shareholders.**
  - a. Family maintenance.
  - b. Improvement or acquisition of personal or real property.
  - c. Improvement of existing enterprises.
  - d. Savings.
  - e. Uncommitted allowances (amount?)
  - f. Other.
5. **Authority of the Area Director.**
6. **Responsibilities of the Superintendent with regard to screening plans.**
7. **Control and supervision of shares of minors or non compos mentis.**
  - a. Circumstances permitting transfer of control to responsible third parties, State appointed guardians, etc.
  - b. Transferring minor's shares for investment purposes.
  - c. Use of minor's shares for family home ownership.
  - d. Use of minor's funds for educational purposes.
  - e. Permissible portion of minor's share for support purposes (1/4, 1/2, 3/4, all)
  - f. Shares of minor's recipient of State and/or general welfare.
8. **Supervision of shares of adults needing special assistance on account of age, mental disability, excessive drinking, spendthrifts, unemployed, etc.**
9. **Other factors in any category deemed necessary to facilitate husbanding of resources to the best interest of the beneficiary.**