



10-29-1956

**Letter from Barton Greenwood to Representative Burdick
Regarding Per Capita Payments as Inquired by Mrs. E. V.
Schanandore, October 29, 1956**

Barton Greenwood

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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON 25, D. C.

IN REPLY REFER TO:

Tribal Government
14781-56

To: Mrs. S.
10/30/56
hope this info
will help
J. E. H. G.

OCT 29 1956

Honorable Usher L. Burdick
House of Representatives
Washington 25, D. C.

My dear Mr. Burdick:

This is to acknowledge receipt of your communication with which you transmitted a copy of a letter you received from Mrs. E. V. Schanandore of Mandan, North Dakota, concerning the payment of the segregated shares of the funds on deposit in the United States Treasury to the members of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, pursuant to the act of June 4, 1956 (70 Stat. 228).

There is before this office a membership roll approved by the Tribal Business Council for the Bureau's approval. Since receiving this roll we have been advised that the Tribal Business Council has reconsidered a number of applicants for enrollment which had previously been rejected. As a result of those later considerations, 12 rejectees were enrolled. We asked the tribal delegates to have this supplementary roll submitted as soon as possible. To date this has not been accomplished.

The act of June 4, 1956, supra, requires that "The segregated shares of adults, including interest accruals thereon, shall be subject to expenditure in accordance with plans prepared and submitted by such adults and approved by the Secretary. The segregated shares, including interest accruals thereon, of persons who are minors or non compos mentis shall be subject to expenditure in accordance with the procedures approved by the Secretary."

On August 10, members of this Bureau met with the Tribal Business Council at New Town, North Dakota, and advised with that body as to measures which should be taken to safeguard, as much as possible, the use of these funds, particularly in the case of minors and others deemed in need of special assistance. As a result of this meeting, and the more recent meeting in Washington with the tribal delegates, this office is now in the process of recommending regulations to govern the expenditure of those funds.

Upon receipt of the supplementary roll, this office is prepared to take the necessary action to have consideration given to the

approval of both rolls. There is, however, one additional factor. Title 25, USCA, Chapter 1, Sec. 1(a), as amended, has been interpreted to grant to rejected applicants the right of appeal to the Secretary of the Interior, from the action of the Tribal Business Council. Prior to the act of June 4, 1956, supra, which specifically requires the Secretary to approve the roll, such rolls were approved by the Tribal Business Council under an ordinance approved by the Department. No such appeal provisions existed under the ordinance.

The tribal delegates were disturbed by the above cited requirements and found it difficult to reconcile that interpretation with the previous method by which the tribe considered applications for enrollment. It is our thought that they were carefully advised and understood the present requirements. The delegates expressed considerable concern about the delay such requirements would produce. We appreciate their concern; however, since this will be the distribution of their last large balance in the Treasury, we are also concerned that persons legally entitled to benefits are not omitted and persons needing special assistance receive supervision.

Sincerely yours,

(Sgd) W. BARTON GREENWOOD
ACTING

Commissioner