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Letter from John Hamilton to Senator Langer Regarding Navajo Tribe, Letters from Martin Cross, and US House Resolution 4386, May 29, 1946

John E. Hamilton

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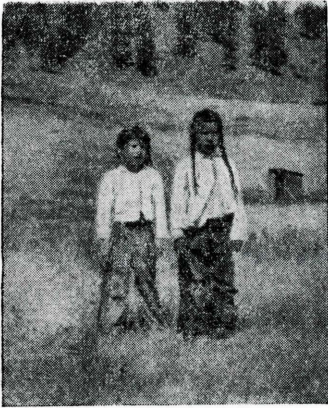
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National American Indian Defense Association, Inc.

Headquarters: ~~22 Arnold Street~~ Telephone ~~6-1187~~ HARTFORD 6, CONNECTICUT
322 Washington Street, 2-5253

We Need a Chance too. What is Our Future?
We American Indians are still held in bondage.



Thousands like these little American Indians need our Protection and the Help of all fair-minded citizens of the United States.

OUR AIMS:

- To promote the general welfare of the American Indians,
- By protecting and safeguarding their Constitutional and Legal Rights,
- By advocating an emancipated citizenship at the earliest possible time.
- By promoting their health and educational opportunities, and to create an enlightened public opinion.

In all sincerity, might we here urge all of our true paleface American friends to join us Indians in demanding the Congress of the United States to give us American Indian people our complete freedom so that we can enjoy the same rights and privileges which are accorded other citizens?

No race can progress in slavery.

May 29, 1946.

Honorable William Langer,
Senate Office Building,
Washington, D. C.

Dear Bill:

Thank you very much for your kind letter of May 25, 1946, and also, for sending me the letter addressed to you by Senator Joseph C. O'Mahoney in response to your inquiry on my behalf to testify before the Committee on Indian Affairs of the United States Senate, of the present-day conditions of the Navajo Indians.

As you know, I did not get an opportunity to speak before that Committee on this Navajo matter when I was there on May 14. The Navajos were there and made their statements, but they did not call on me to say anything at all, and naturally, I felt disappointed in the courtesy shown me.

I feel that the convenient time, as Senator O'Mahoney mentions in his letter, was on May 14, when I was there and about twenty or more of the Navajo Indians were present to testify. When I returned from the Navajo country out in New Mexico, I wrote to you and also, Senator Bushfield, requesting you to make the necessary arrangements for me to speak before that Committee on matters concerning the present-day conditions of the Navajo Indians, and naturally, when I went to Washington, I was under the impression that the Chairman would call me to testify, but as I have said before, no word was said about me speaking at that hearing.

I know Bill, you have done all you could, but the trouble lies somewhere else, but the day is coming when I will make my appearance before that Committee, and there will be plenty of other Indians there also. It looks to me as though Senator Hatch wanted to run the whole show by himself, too bad he couldn't be on the Navajo Indian Reservation when he held this meeting, so that many more Navajos would have an

May 29, 1946.

opportunity to tell their side of the story. I don't believe that Senator Hatch has ever been on the big Navajo Indian Reservation, if he has, it was only on parts which show nothing of their real miserable living conditions. I have been there and saw plenty of this Navajo neglect, and I know that the Indian Bureau is mostly to blame for it.

Bill, I received a letter some days ago, and Martin T. Cross states that he is going to be on the Executive Committee, and he and the Indians are pulling strong for you. I do not think that you have to worry very much about being re-elected to the United States Senate. He also mentions that the farmers are going strong for you, so that spells United States Senate for you, and we know that you are going to still keep on fighting for the rights of our American Indian wards.

I am leaving Hartford for the Southwest in August of this year, and I will stop in and see you before I leave the East. I am going to live where I can be more in the center of these large Indian Tribes, to see just what goes on from time to time. Someone has to go out there and keep an eagle eye on matters concerning the functions of administration affecting the Indians, and they have selected me to do the job.

When you go back Bill, you and I will have to keep in close touch with each other, because then, our big fight will just commence on this so-called Indian problem. In the next six years or more we can do a considerable amount of work along the line of remedying this present so-called American Indian problem. Bill, there is no use of talking, these Indians want to be free from further bondage, and it's up to you and I, and every other decent living American in this country to help these poor people be unshackled. The present young Indian generation want to be free, and there is absolutely no use of anybody trying to argue against this proposition, because I am in a good position to know this fact. We have just come out of a terrible conflict, fighting for the preservation of Democracy, equality, and Liberty to all, and to know that we have a minority group of our own people in this country, the greatest country in the entire world, still held in slavery, is enough to make any person stop-look-and listen.

As American Citizens, I believe that the American Indians have a legal right under the Constitution of the United States to petition the Congress of the United States for their full freedom.

Why don't Commissioner William Brophy recommend to Congress the proposition of enacting legislation which would automatically free the last enslaved people in the land - the American Indians? He could do it if he wanted to. That should be the Indian Commissioner's job, that is, to take office and try ~~ate~~ work it out of a job. If anybody wants to do justice for the American Indians, let a man go in as Commissioner and tell Congress that the best way to save our good name would be to emancipate the American Indians at the earliest possible time. Not one Commissioner of Indian Affairs, to my knowledge, has ever offered such recommendations to the Congress, and I am wondering why?

With every good wish to you and yours, I remain, as ever,

JEH:O

Very respectfully,

P. S. Bill, don't forget to stop H. R. 4386, "An Act to facilitate and simplify the Administration of Indian Affairs," when it comes before the Senate. This measure should be killed at once. Please do not let it pass the Senate.


Joan.

John E. Hamilton,



JUVENILE COURT OF HARTFORD
322 WASHINGTON STREET
HARTFORD, CONN.



Honorable William Langer,
Senate Office Building,
Washington, D. C.

Bill, take this in the Senate with you every day, because it may be brought up on the floor at any time, and you should have it when it is called to the attention of the Senate.

It must be stopped and not become a law.

Calendar No. 1341

79TH CONGRESS }
2d Session }

SENATE

{ REPORT
No. 1318

FACILITATE AND SIMPLIFY THE ADMINISTRATION OF
INDIAN AFFAIRS

MAY 8 (legislative day, MARCH 5), 1946.—Ordered to be printed

Mr. O'MAHONEY, from the Committee on Indian Affairs, submitted the following

REPORT

[To accompany H. R. 4386]

The Committee on Indian Affairs to whom was referred the bill (H. R. 4386) to facilitate and simplify the administration of the laws governing Indian Affairs, having had same under consideration, report thereon with the recommendation that it do pass with the following amendments:

On page 1, line 8, after the comma, insert the following:

insofar as such powers and duties relate to action in individual cases arising under general regulations promulgated by the Secretary of the Interior pursuant to law.

On page 2, line 3, after the period, insert the following:

Such delegated powers shall be exercised subject to appeal to the Secretary, under regulations to be prescribed by him, or, as from time to time determined by him, to the Under Secretary or to an Assistant Secretary of the Department of the Interior, or to the Commissioner of Indian Affairs.

On page 2, line 9, after the period insert the following:

Nor shall anything in this Act be deemed to convey authority to delegate any power to issue regulations.

This bill has been considered by the Committee on Indian Affairs of the House; on October 29, 1945, that committee submitted its report (H. Rept. No. 1164), to the House, recommending its passage, and on November 26, 1945, it passed the House.

The facts concerning this proposed legislation are fully set forth in said House Report No. 1164, a copy of which is attached hereto and made a part of this report, as follows:

[H. Rept. No. 1164, 79th Cong., 1st sess.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 4386) to facilitate and simplify the administration of Indian affairs, having considered the same, submit the following report thereon with the recommendation that it do pass without amendment.

During the Seventy-eighth Congress the Committee on Indian Affairs of the House appointed a subcommittee to look into the general economic, health, educational, and social conditions of Indian living.

Evidence was submitted to the committee on almost every reservation that the Indian Service was tied down by red tape and that, in particular, too many matters must be referred for decision to the central office in Chicago or to the Secretary of the Interior in Washington.

The Indian Service operates pursuant to a vast number of statutes, almost all of which require the promulgation of regulations to carry them out. With few exceptions, these regulations are drafted in the Indian Office, are then submitted to the Office of the Solicitor in Washington, where they are frequently revised, and are then approved by the Secretary or one of the Assistant Secretaries. The committee recognized the need for departmental approval of regulations prescribed by law. However, they could see no need for submission to the Secretary of multitudinous specific cases for the purpose of deciding whether or not they are in accordance with the regulations, after the regulations have been approved. The Commissioner and the members of his legal staff should be able to make such decisions and should be held responsible for justifying them.

Since the removal of the Indian Office from Washington to Chicago, a small beginning has been made in the delegation of authority from the Secretary of the Interior to the Commissioner of Indian Affairs, although a number of delegations have been made without specific statutory authority, delays have resulted merely from the necessity of securing a legal opinion in each instance. It appeared to the committee that a general power of delegation was desirable in the interest of prompt, efficient administration. Once the policy has been laid down in the regulations, the application of the policy should be left generally to the Commissioner and his staff either at headquarters or in the field. The committee recommended that the Secretary give consideration to the revision of the regulations in order to eliminate some of the departmental approvals which are now required.

The committee heard many complaints that the credit operations of the Indian Service were slow and cumbersome. Here again, more authority should be vested in the Commissioner and his field officials. The committee believed that the Indian Office is to be commended for its efforts to make the Indians understand that loans must be repaid and for its success in obtaining repayments, but earnestly urged that efforts be made to simplify forms and regulations.

The committee heard testimony which indicated that some of the red tape in the Indian Service is prescribed by acts of Congress and by rulings of other governmental agencies. The cost of fiscal administration of Indian Affairs has been increasing and will certainly continue to increase unless positive corrective steps are taken.

The committee gave careful consideration to the breadth of the delegation of authority. The responsibility for deciding which duties should be delegated and which should be exercised personally ultimately rests with the Secretary of the Interior, and it will be his duty to see that delegations of authority are proper, expeditious and discriminating. Since the necessity for particular delegations cannot be determined in advance, remedial legislation must be cast in general terms.

It is felt that in many cases the superintendent or local agent being fully cognizant of the local problems and needs might be and in all probability would be, in a far better position to render equitable decisions of a routine nature and would not need to burden the already overburdened offices of the Commissioner here in Washington.

The Commissioner also pointed out in his testimony that appropriate machinery for appeal would be provided which would give aggrieved parties the right of appeal to higher authority in the event of any misuse of delegated power.

The bill has the approval of the Bureau of the Budget and the committee was unanimous in favorably reporting H. R. 4386 without amendment.

Calendar No. 1341

79TH CONGRESS
2^D SESSION

H. R. 4386

[Report No. 1318]

IN THE SENATE OF THE UNITED STATES

NOVEMBER 27 (legislative day, OCTOBER 29), 1945

Read twice and referred to the Committee on Indian Affairs

MAY 8 (legislative day, MARCH 5), 1946

Reported by Mr. O'MAHONEY, with amendments

[Insert the part printed in italic]

AN ACT

To facilitate and simplify the Administration of Indian affairs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That for the purpose of facilitating and simplifying the
4 administration of the laws governing Indian affairs, the
5 Secretary of the Interior is hereby authorized to delegate,
6 from time to time, and to the extent and under such regu-
7 lations as he deems proper, his powers and duties under said
8 laws to the Commissioner of Indian Affairs, *insofar as such*
9 *powers and duties relate to action in individual cases arising*
10 *under general regulations promulgated by the Secretary of*
11 *the Interior pursuant to law.* Subject to the supervision

1 and direction of the Secretary, the Commissioner is hereby
2 authorized to delegate, in like manner, any powers and
3 duties so delegated to him by the Secretary, or vested in him
4 by law, to the assistant commissioners, or the officer in charge
5 of any branch, division, office, or agency of the Bureau of
6 Indian Affairs. *Such delegated powers shall be exercised sub-*
7 *ject to appeal to the Secretary, under regulations to be pre-*
8 *scribed by him, or, as from time to time determined by him,*
9 *to the Under Secretary or to an Assistant Secretary of the*
10 *Department of the Interior, or to the Commissioner of Indian*
11 *Affairs. The Secretary or the Commissioner, as the case*
12 *may be, may at any time revoke the whole or any part of*
13 *a delegation made pursuant to this Act, but no such revo-*
14 *cation shall be given retroactive effect. Nothing in this Act*
15 *shall be deemed to abrogate or curtail any authority to make*
16 *delegations conferred by any other provision of law, nor*
17 *shall anything in this Act be deemed to convey authority to*
18 *delegate any power to issue regulations.*

Passed the House of Representatives November 26, 1945.

Attest:

SOUTH TRIMBLE,

Clerk.

Calendar No. 1341

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2^D SESSION

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