



9-13-1946

Letter from Assistant Commissioner of Indian Affairs Zimmerman to Senator Langer Regarding Distribution of Payments to the Fort Berthold Indians, September 13, 1946

William Zimmerman

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REFER IN REPLY TO THE FOLLOWING:

Welfare S. S.
37979-46

ADDRESS ONLY THE
COMMISSIONER OF INDIAN AFFAIRS

File

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
CHICAGO 54, ILLINOIS

Hon. William Langer,
United States Senate.

SEP 13 1946

My dear Senator Langer:

The enclosed is a copy of our reply to a letter addressed to you and to Mr. Brophy, concerning a proposed distribution of tribal funds of the Fort Berthold Indians.

Sincerely yours,

William Zimmerman
Assistant Commissioner.

Enc. 393

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ENCLOSURE 393

DEPARTMENT OF THE INTERIOR

ADDRESS ONLY THE
COMMISSIONER OF INDIAN AFFAIRSUNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON

SEP 13 1946

Mr. Floyd Montclair,
Elbowoods, North Dakota.

My dear Mr. Montclair:

We have received your letter of August 27 addressed to Senator Langer and to Mr. Brophy. The Congress has not authorized the expenditure of the \$400,000 award to the Fort Berthold Indians. The act of June 28, 1946, to which you refer, provides:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$400,000 in full and final settlement of all claims and demands of the Indians of the Fort Berthold Indian Reservation in North Dakota, composed of the Arickarees, Gros Ventres, and Mandans, which claims are based upon stipulations of an unratified treaty dated July 27, 1866 (Kappler's Laws and Treaties, vol. 2, p. 1052): Provided, That the amount when appropriated shall be deposited in the Treasury of the United States to the credit of the Indians of the Fort Berthold Reservation and shall draw interest in accordance with existing laws: Provided further, That not to exceed 5 per centum of the amount herein authorized may be used by the Secretary of the Interior for payment of fees and expenses of attorneys employed under contract approved in accordance with existing law."

Neither does the Interior Department Appropriation Act approved July 1, 1946, contain a provision for a per capita payment to the Fort Berthold Indians. It does contain the following item:

"For full and final settlement of all claims and demands of the Indians of the Fort Berthold Indian Reservation in North Dakota in accordance with the provisions of H. R. 1095, Seventy-ninth Congress, \$400,000: Provided, That not to exceed 5 per centum of the amount herein appropriated may be used for payment of fees and expenses of attorneys employed under contract approved in accordance with existing law."

In spite of the omission in both acts of any provision for the use of this money, you say that the Congress had no other purpose but to make a per capita payment to the Fort Berthold Indians. We question this if only for the reason that the clause which you say was a part of the original bill is not found in the Act.

(over)

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