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Fort Berthold Agency News Bulletin Election Issue, August 10, 1956

Robert Bruce McKee

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^{Fort Berthold}
FORT BERTHOLD AGENCY
NEWS BULLETIN

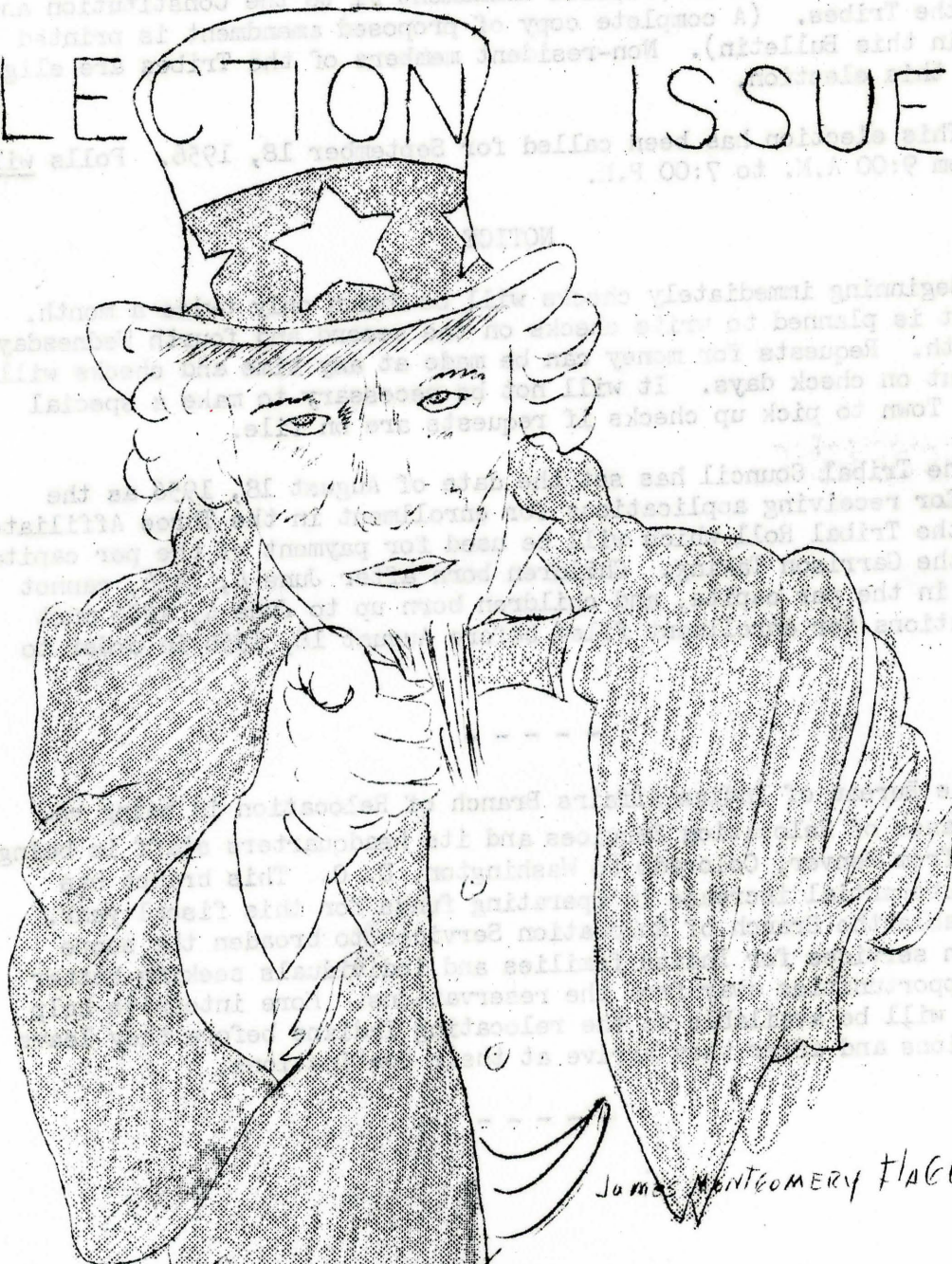
NEW TOWN, NO. DAK.

AUGUST 10, 1956

VOL. 7

NO. 8

ELECTION ISSUE



James Montgomery Flagg

VOTE SEPT. 18

ITEMS OF INTEREST

Because of the importance of getting information concerning the forthcoming "Important Tribal Election" to the Indian people, we found it necessary to dispense with many of our regular articles in this month's issue of The Bulletin. The following are items of interest. Some of them will be explained more fully in this issue.

An election has been called to permit the qualified voters of the Three Affiliated Tribes of the Fort Berthold Reservation to vote again on the adoption or rejection of proposed amendment #1 to the Constitution and Bylaws of the Tribes. (A complete copy of proposed amendment is printed elsewhere in this Bulletin). Non-resident members of the Tribes are eligible to vote in this election.

This election has been called for September 18, 1956. Polls will be open from 9:00 A.M. to 7:00 P.M.

NOTICE

Beginning immediately checks will be drawn only twice a month. At this time it is planned to write checks on the second and fourth Wednesdays of each month. Requests for money can be made at any time and checks will be mailed out on check days. It will not be necessary to make a special trip to New Town to pick up checks if requests are on file.

The Tribal Council has set the date of August 18, 1956 as the final date for receiving applications for enrollment in the Three Affiliated Tribes for the Tribal Roll which will be used for payment of the per capita funds from the Garrison Taking. Children born after June 4, 1956, cannot participate in the per capita, and children born up to June 4, 1956 must have applications for enrollment filed before August 18, 1956 in order to qualify.

The Bureau of Indian Affairs Branch of Relocation is being re-named the Branch of Relocation Services and its headquarters staff is being transferred from Denver, Colorado to Washington, D. C. This branch has received a substantial increase in operating funds for this fiscal year. This will enable the Branch of Relocation Services to broaden the scope of relocation services for Indian families and individuals seeking better employment opportunities away from the reservations. More intensive help and guidance will be available to the relocating Indians before they leave the reservations and after they arrive at their destinations.

VOTE SEPT 18

SUPERINTENDENT'S COMMENTS

This is a special election issue dedicated to the task of supplying members of the Three Affiliated Tribes with the required and pertinent information about the coming election scheduled for Tuesday, September 18, to vote on the adoption or rejection of proposed Amendment No. 1 to the Constitution and By-laws of the tribes. This election is being called by the Secretary of the Interior as a result of a request by the Tribal Council of the Three Affiliated Tribes. Be sure to read the Chairman's Comments by Martin Cross, Chairman of the Tribal Council, in this issue of the Bulletin. Please also read letter from Wesley A. D'Ewart, Assistant Secretary of the Interior, dated July 23, 1956, to the Chairman of the Fort Berthold Tribal Business Council.

Mr. Cross urges all qualified members of the tribe to be sure and vote. As your Superintendent I also urge that you make definite plans now to vote in this all important election. Under the direction of the Secretary of the Interior, the Superintendent is required to make all efforts possible to inform all of the members of the tribe on the procedure to be followed in the election. The election order directs the Superintendent of the Fort Berthold Agency to hold the election in accordance with the Rules and Regulations for holding elections under the Indian Reorganization Act. See complete copy of letter of instructions from the Secretary to the Superintendent, also printed in this issue, dated July 23, 1956.

Special attention is called by Assistant Secretary D'Eward in both of these letters to the important fact that absent members of the tribe will now be permitted to vote in the coming election on September 18. This has been made possible by a new opinion on this question by the Solicitor's Office. A complete copy of the Solicitor's opinion of June 20, 1956, is printed in this issue of the Fort Berthold News Bulletin. The Secretary requests that the Solicitor's opinion be widely publicized and carefully explained to the tribal members. In connection with the election it will be necessary to notify all non-resident, eligible voters that they are now permitted to vote and to explain to them how they may secure an absent voter's ballot. Members of the tribe generally should understand that qualified members of the tribe who are non-resident will be able to use an absent voter's ballot and thus participate in the election. Complete instructions on this matter will be included in the information sent to non-resident, eligible voters.

The election board consisting of the Superintendent and two members of the Tribal Council, William J. Deane and Oscar Burr, announce the following plan for polling districts, judges and clerks for the election on September 18.

<u>Polling District</u>	<u>Place</u>	<u>Judge</u>	<u>Clerk</u>
Western Segment	Mandaree School	William Wounded Face	Clyde Baker
Northern Segment	Congregational Church	Ira Waters	Leo Young Wolf
Northeast Segment	Lucky Mound School	James Foote	Ralph Wells, Jr.
Eastern Segment	Matthew Fox Dance Hall	Matthew White Bear	Felix Shell
Southern Segment	Twin Buttes School	Sam Lincoln	Albert L. Owl

R. B. McKee
Superintendent

CHAIRMAN'S COMMENTS

A letter dated July 23, 1956 from the Secretary of Interior office has been received by the Tribal Council advising us that within less than thirty days nor more than sixty days from the above date an election has been called to permit the qualified voters of the Three Affiliated Tribes of the Fort Berthold reservation to vote again on the adoption or rejection of proposed amendment I to the Constitution and By-laws of the Three Affiliated Tribes.

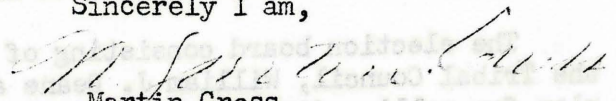
You will recall that we already have held two elections on same question before and each time the required number of 30 per cent eligible voters did not turn out to cast their votes. In order to overcome recurrence of this event, the Secretary of Interior has with approval of the Solicitor's office permitting use of absentee Ballots so that members living away from the reservation may participate in the coming election. In attempt to bring the required 30% of the eligible votes. According to rough figures that I have on my hand, it will require approximately 350 votes to constitute a 30% of all eligible voters of the Three Affiliated Tribes.

This election is in the hands of the Superintendent of the Fort Berthold Agency as all Secretarial elections are, but, however, Tribal Council will constitute part of the election board. In accordance therewith the Tribal Council by secret ballot elected Oscar Burr and William Dean to serve on the election board.

In this bulletin you will see all the copies of letters and documents pertaining to elections published for your own information, and you will also see a copy of Tribal Council resolution which in effect officially closed the enrollment on August 18, 1956.

The Constitutional amendment election is set for September 18, 1956 from hours of 9 o'clock A.M. to 7 o'clock P.M. Take the time to read all information please.

Sincerely I am,



Martin Cross
Chairman Tribal Council

Albert J. Ode	James Fox	Sam Lincoln	John H. School
Felix Shell	Matthew Fox	James Fox	John H. School
Ralph Wells, Jr.	James Fox	James Fox	John H. School
Leo Young Wolf	James Fox	James Fox	John H. School
Clyde Baker	James Fox	James Fox	John H. School
William Wounded Face	James Fox	James Fox	John H. School

E. E. McKee
Superintendent

R E S O L U T I O N

THREE AFFILIATED TRIBES
FORT BERTHOLD RESERVATION
NEW TOWN, NORTH DAKOTA

WHEREAS, This Corporation is an Indian Charter Corporation as defined by the Indian Reorganization Act of June 18, 1934 and authority is granted in the constitution and By-Laws, and

WHEREAS, since the enactment of PL 437, The Three Affiliated Tribes have attempted to obtain full distribution of the fund as set up therein, and

WHEREAS, on March 25, 1955, a tentative agreement was reached between the Bureau of Indian Affairs and The Three Affiliated Tribes wherein the Tribal Roll was to be closed and plans submitted by the family and the individual members thereof and upon approval the balance of the funds would be fully distributed, and

WHEREAS, pursuant thereto and as a result thereof S-2151 was introduced into the U. S. Senate and on April 25, 1956 hearings were held in Washington, D. C. before the Interior and Insular Affairs Subcommittee, the Three Affiliated Tribes being represented by members of the Tribal Council, and

WHEREAS, since March 25, 1955, The Tribal Council, through publications and notices in the Fort Berthold Agency publications and news-bulletins, has advised and informed all interested Indians of the proposed plan; that the Tribal Council has received many letters concerning the same and have answered all inquiries informing the people on and off the Reservation to enroll themselves and their children into the Tribe; that many individuals and families have written to those living off the Reservation informing and answering questions concerning said plan; that many nation wide newspapers and official National Indian Publications have carried this information as a news item, and

WHEREAS, since April 25, 1956, the Tribal Council and Tribal Enrollment Committee, have given notice through publications and notices in the Fort Berthold Agency Publications and news-bulletins that June 4, 1956 would be the deadline for proposed new members to be enrolled in the Three Affiliated Tribes, as that was the date of the passage of PL 553 and so advertised by the Tribal Council; that since June 4, 1956 and by concentrated effort through the Tribal Council and the Tribal Enrollment Committee have given notice through the Fort Berthold Agency Publications, letters, telephone calls, telegrams that June 4, 1956 would be the deadline for proposed new members to be enrolled for the purpose of sharing in the fund set up by PL 553; that many friends and relatives have transmitted this same information to those interested residing off the Reservation, and

WHEREAS, The Tribal Council believes that all reasonable means have been taken to so inform the interested persons and that more than a reasonable time has elapsed since such notifications; and

WHEREAS, The Tribal Council believes that all interested Indians have been fully informed of this date-line and that is fully understood; that reasonable time has passed since the dissemination of this information; that the Tribal Council fully believes that all applications for enrollments have been received as of this date and that due and sufficient notice has been given;

NOW, THEREFORE, Be it resolved by the Tribal Council of the Three Affiliated Tribes that no further applications will be accepted or considered for enrollment of members in the Three Affiliated Tribes for the purpose of sharing in the family distribution as set up by PL 553 after August 18, 1956; that all applications shall be received by the Tribal Council of the Three Affiliated Tribes, Fort Berthold, New Town, North Dakota, on or before that date.

Dated this 27th day of July, 1956.

C E R T I F I C A T I O N

I, the undersigned, as Secretary of the Tribal Business Council for the Three Affiliated Tribes of the Fort Berthold Reservation, do hereby certify that the Tribal Business Council is composed of 10 members of 9 constitute a quorum, were present at a special meeting thereof, duly called, noticed, convened and held on the 27th day of July, 1956; that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 8 members, none opposed, the Chairman Not voting, that the resolution has not been amended or rescinded in any way.

Dated this 27th day of July, 1956.

(SGD) SAMUEL B. MATTHEWS

Samuel B. Matthews, Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation

Attest:

(SGD) MARTIN CROSS
Martin Cross, Chairman
Tribal Business Council

Recommended for approval:

(SGD) R. B. MCKEE
R. B. McKee, Superintendent
Fort Berthold Agency, New Town, N.Dak

Signed: July 31, 1956

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
Washington 25, D. C.

AIR MAIL

Through: Area Director, Aberdeen
July 23, 1956

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My dear Mr. Chairman:

I have your letter of June 22 in which you urge that a date be set for the holding of an election to amend the Fort Berthold Tribal Constitution.

This Department for some time has been concerned over the difficulty which has been experienced at Fort Berthold in efforts to effect proposed amendments to the Fort Berthold Tribal Constitution and the election of councilmen. These difficulties were due largely to the interpretation which had been placed on Article IV, Section 2 of the Fort Berthold Tribal Constitution to the effect that absentee balloting is not permissible in Secretarial elections called to amend the tribal constitution, and that tribal members to be eligible to vote in such elections must present themselves in person at the polls. Even though an overwhelming majority of those voting were in favor of the constitutional amendments which have been submitted to Secretarial elections, this restriction against absentee balloting in such elections resulted in the amendments failing of adoption because 30 percent of the qualified voters did not participate in the elections as required by the Act of June 15, 1935 (49 Stat. 378).

On March 19, 1956, the Commissioner of Indian Affairs again asked that the Solicitor re-examine the Fort Berthold Tribal Constitution, the statute under which it was adopted, and the Departmental rules and regulations issued pursuant to the statute with a view to reconsidering the interpretation which had been made with respect to Secretarial elections as opposed to tribal elections.

I am happy to advise that on June 20, 1956, the Solicitor rendered the enclosed opinion (M-36350) with respect to the holding of Secretarial elections for the adoption of proposed amendments to the Fort Berthold Tribal Constitution. The Solicitor held that the Departmental rules under which the constitution and bylaws of the Three Affiliated Tribes was adopted permitted the use of absentee ballots for nonresident voters and that the same practice should be recognized in connection with elections to pass upon amendments to the tribal constitution. Consequently, I have today approved an election order submitting to a vote of the tribal membership the enclosed proposed amendment to the Fort Berthold Tribal Council, which if adopted, will redefine the communities within the present reservation boundaries and which will provide for absentee balloting not only in Secretarial elections but in all tribal elections.

UNITED STATES
DEPARTMENT OF THE INTERIOR

The election order directs the Superintendent of the Fort Berthold Agency to hold the election in accordance with the rules and regulations for holding elections under the Indian Reorganization Act. Part 9 of those regulations has been modified to permit the Superintendent to hold the election over a two day period should he deem it necessary, the first day of the election to be not less than 30 days nor more than 60 days from the date of the election order.

I am hopeful that the proposed amendment will be adopted in the election and that the tribal election for councilmen which is to be held subsequent to the approval of the amendment by this Department will resolve the tribal election problems now at Fort Berthold

Sincerely yours,

(Sgd) Wesley A. D'Ewart

(Assistant) Secretary of the Interior

Chairman

Fort Berthold Tribal Business Council

Enclosure

Transmitted 7-27-56

(Sgd) Leslie Keller

Assistant Area Director

cc: Superintendent, Fort Berthold Agency

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
Washington 25, D. C.

Perkins 3992
1759-56

Through: Area Director, Aberdeen

July 23, 1956

My dear Mr. McKee:

An election is hereby called to permit the qualified voters of the Three Affiliated Tribes of the Fort Berthold Reservation to vote again on the adoption or rejection of proposed Amendment I to the Constitution and Bylaws of the Tribes. A copy of proposed Amendment I is enclosed.

The election shall be held in accordance with the enclosed rules and regulations for the holding of elections under the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), except as modified herein. Part 3 (e) of the rules and regulations which requires that absentee ballots be sworn to before a notary public or other official authorized to administer oaths is hereby waived. Part 9 of these regulations is also waived to permit you to hold the election over a two-day period if you deem it necessary. The first day of the election should be not less than 30 days nor more than 60 days from the date of this order.

As you know, the Solicitor for this Department has previously interpreted Article IV, Section 2 of the Fort Berthold Tribal Constitution to mean that absentee balloting is not permissible in Secretarial elections for the adoption or rejection of proposed amendments to the tribal constitution and that tribal members to be eligible to vote in such elections must present themselves in person at the polls. On June 20, 1956, the Solicitor modified this opinion stating, among other things, that the Departmental rules, under which the constitution and bylaws of the Three Affiliated Tribes was adopted, permitted the use of absentee ballots for nonresident voters and that in future elections for the adoption of amendments to the constitution and bylaws the same practice should be recognized. Therefore, in this election, any member of the Three Affiliated Tribes of the Fort Berthold Reservation, who is 21 years of age and over, shall be entitled to vote regardless of whether or not he is a resident of the reservation at the time the election is held. Nonresident members who are unable to appear at the polls on election day may vote by absentee ballot in accordance with Part 3 of the rules and regulations for holding elections under the Indian Reorganization Act.

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I am enclosing a copy of the Solicitor's Opinion of June 20, 1956 (M-3635Q), and request that it be widely publicized and carefully explained to the tribal membership, perhaps through the medium of the Fort Berthold News Bulletin. A clear statement should be made to the tribal membership that nonresident members are now eligible to participate in Secretarial elections to amend the tribal constitution and bylaws.

You will note that I am offering an appropriate amendment to Article IV, Nominations and Elections, of the Fort Berthold Tribal Constitution to provide for absentee balloting in any election and to permit the Secretary of the Interior to call an election for councilmen in the event the Secretary of the Tribal Business Council fails to give the appropriate notice, or in the event the regular election has not been held.

Your attention is called to Section 10 of the rules and regulations referred to above which states that official ballots will be furnished by the Commissioner of Indian Affairs. This practice has been discontinued. The field units prepare and mimeograph the ballots locally. A suitable ballot form should, therefore, be devised to fit the needs of the tribe.

As soon as the election has been held and the results ascertained, the original of Amendment I should be returned to the Bureau of Indian Affairs for presentation to this Department. The certification form attached to the amendment should be executed by the proper tribal and agency officials, certifying as to the results of the election, and should be returned with the amendment. The amendment, if adopted, will not be in effect until it has been approved by this Department.

Sincerely yours,

(Sgd) Wesley A. D'Ewart

Asst. Secretary of the Interior

Mr. Robert Bruce McKee

Superintendent, Fort Berthold Agency

Enclosure

Copy to: Area Director, Aberdeen
Chairman, Fort Berthold Business Council (transmitted 7/27/56)

(Sgd) Leslie Keller
Asst Area Director

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100505

M-36350

June 20, 1956

FORT BERTHOLD TRIBAL AFFAIRS

Indian Tribes: Constitutions--Indian Reorganization Act

The Secretary of the Interior has authority, under the Indian Reorganization Act (25 U.S.C.A. sec. 476, 477; 48 Stat. 987) to call special elections to (a) determine whether a majority of the adult Indians desire to vote against the application of the act itself to the reservation with which they are connected; (b) to determine whether a proposed constitution and bylaws shall be ratified; (c) to ascertain whether such constitution and bylaws shall be amended; and (d) to determine whether such constitution and bylaws shall be revoked. Otherwise in the case of Tribal Governments incorporated under Section 16 of the Indian Reorganization Act, supra, the Secretary, unless granted authority by the tribal constitution or Act of Congress, may not call tribal elections to elect councilmen.

UNITED STATES
DEPARTMENT OF THE INTERIOR
Office of the Solicitor
Washington 25, D.C.

M-36350

June 20, 1956

Memorandum

To: Commissioner of Indian Affairs

From: The Solicitor

Subject: Fort Berthold--Proposed election order to submit proposed Amendment 1 to Constitution and Bylaws to a vote

Your memorandum of March 19, 1956 raises two questions (1) whether absentee balloting may be permitted in an election for the amendment of the Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation and (2) whether the Secretary of the Interior has the authority to call an election for the purpose of permitting the tribal members to vote on the election of councilmen on the basis of the community boundaries as now defined in Article III of the Fort Berthold constitution.

The question of absentee balloting was discussed and disposed of in our memorandum opinion (M-36346) dated June 8, 1956.

With regard to the question of whether the Secretary of the Interior has authority to call special elections for tribes incorporated under Section 16 of the Indian Reorganization Act (25 U.S.C. 476, 48 Stat. 987) to elect councilmen, the answer must be found either in the tribal constitution and bylaws or in the statutory law. The constitution and bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota govern the calling of elections to choose tribal councilmen. Article IV, thereof provides that regular elections shall be held on the first Tuesday of September in even numbered years and that special elections may be called by a two-thirds vote of the council or by petition signed by at least ten per cent of the qualified voters of each tribal community. Section 5 of said Article IV further provides:

"All elections shall be held under the supervision of the Tribal Business Council or an election board appointed by that Council, and the Tribal Business Council or the election board appointed by it, shall make rules and regulations governing all elections, and shall designate the polling places and the election officers."

It is clear from a reading of the tribal constitution that no provision is made for the calling of elections for tribal council members by the Secretary of the Interior.

There being no authority retained in or given by the tribal constitution to the Secretary of the Interior to call or supervise elections of tribal council members, does such authority exist outside the tribal constitution? This question has been raised in your memorandum to the Solicitor and on many other occasions. The question of the right of the Federal Government to intervene in tribal governmental affairs is one of long-standing importance. This is true not only of tribes incorporated under the provisions of the Indian Reorganization Act of 1934, supra, but also of the many tribes which have not availed themselves of the privileges of this Act. The Act of July 9, 1832 (4 Stat. 564), provided for the appointment of a Commissioner of Indian Affairs, then under the Secretary of War, and now under the Secretary of the Interior, "who shall * * * agreeably to such regulations as the President may from time to time, prescribe, have the direction and management of all Indian Affairs, and of all matters arising out of Indian relations * * *". (25 U.S.C. 2). The Supreme Court just previously in January of 1832 had had occasion to construe similar language in a treaty with the Cherokee Indians, Worcester v. Georgia, 6 Pet. 515. Chief Justice Marshall had before him the ninth article of The Treaty of Hopewell which had been entered into by the United States and the Cherokee Indians on November 28, 1785.

"The ninth article is in these words 'for the benefit and comfort of the Indians, and for the prevention of injuries or oppressions on the part of the citizens or Indians, the United States, in Congress Assembled, shall have the sole and exclusive right of regulating the trade with the Indians, and managing all their affairs, as they think proper.'

"To construe the expression 'managing all their affairs,' into a surrender of self-government, would be, we think, a perversion of their necessary meaning, and a departure from the construction which has been uniformly put on them. The great subject of the article is the Indian trade; the influence it gave, made it desirable that congress should possess it. The commissioners brought forward the claim, with the profession that their motive was 'the benefit and comfort of the Indians, and the prevention of injuries of oppressions.' This may be true, as respects the regulation of their trade, and as respects the regulation of all affairs connected with their trade, but cannot be true, as respects the management of all their affairs. The most important of these are the cession of their lands, and security against intruders on them. Is it credible, that they should have considered themselves as surrendering to the United States the right to dictate their future cessions, and the terms on which they should be made? or to compel their submission to the violence of disorderly and licentious intruders? It is equally inconceivable, that they could have supposed themselves, by a phrase thus slipped into an article, on another and most interesting subject, to have divested themselves of the right of self-government on subjects not connected with trade. * * *"

In view of the fact that language was used in the statute similar to that construed in Chief Justice Marshall's decision, it is apparent that the scope of this wording was well understood. The language "management of all Indian Affairs" is thus limited to the supervision of the commercial and trade relationships of the Indians and not to management of their internal government.

The Indian Reorganization Act (25 U.S.C. 461, etc.) had as one of its many purposes the strengthening of self-government in the Indian tribes. Commissioner John Collier testified at the hearings called in connection with the consideration of the act that the Indians "want an arrangement by which they can buttress their self-government by a statute of congress * * *." Although it is true that the Secretary of the Interior has no authority to call special elections to elect councilmen, there is no reason to doubt that he has adequate statutory authority to call special elections to consider amendments to tribal constitutions and bylaws. And further the Commissioner is not without authority to deter abuses of tribal authority by virtue of his control over the expenditure of tribal funds, which authority stems from treaty and statute. The United States generally acts as guardian of the funds and assets of Indian tribes and as such trustee not only is held to a high degree of care in the handling of the funds and property of the Indians but exercises the ordinary supervisory restraint incident to such guardianship.

Under the Indian Reorganization Act, 1934, supra, there are several types of elections which may be called by the Secretary of the Interior "under such rules and regulations as he may prescribe." Section 18 of the act sets out that a special election shall be called by the Secretary of the Interior to determine whether a majority of the adult Indians desire to vote against the application of the act itself to the reservation with which they are connected (25 U.S.C. 478).

Section 17 of the act provides that the Secretary has the duty of calling a special election upon a petition by at least one-third of the adult Indians living on the reservation to determine whether they desire to ratify a charter of incorporation which has been issued for the conduct of business enterprise on the reservation (25 U.S.C. 477). Section 16 of the act authorizes the Secretary of the Interior to call a special election to permit the adoption and ratification of a tribal governmental constitution (25 U.S.C. 476). This section also may be construed to provide that the Secretary of the Interior shall call a similar special election, open to the same voters and conducted in the same manner as the original election, to determine whether such constitution shall be revoked. Finally section 16 of the act must be construed to permit the Secretary of the Interior to call a similar special election to determine whether the constitution and bylaws can be amended.

Your memorandum of March 19, 1956, states that a great many tribal members of the Three Affiliated Tribes of the Fort Berthold Reservation are dissatisfied with the manner in which the Tribal Business Council has been conducting its affairs and are most anxious that they be given an opportunity soon to vote on the election of council members. At present there is no authority given in the tribal constitution nor any express statutory authority to permit the Secretary to call such a tribal election. Inasmuch as the Secretary has authority to call an election to amend the constitution of the tribe, it is appropriate at this time to suggest that the tribal constitution be amended to permit the Secretary or his Delegate, upon the written request of a certain number of tribal members, to call special elections to elect councilmen and other tribal officers.

If it is determined as a matter of policy by your office that such amendments be submitted to the tribal electorate the following two additional provisions are set forth in draft form for consideration:

Article IV Nominations and Elections

Section 2. Add: Absentee ballots will be furnished to any enrolled non-resident member of the tribes upon request to the tribal secretary made 10 days before the election. The ballot must be returned to and reach the tribal secretary on or before the date of the election in order that it may be counted.

Section 3. Add: Notice of regular elections shall be given by the secretary of the Tribal Business Council who shall give to all enrolled members of the tribe 30 days notice of the time and place of the regular election. In the event the tribal secretary shall fail to give the appropriate notice, or in case a regular election has not been held, the Secretary of the Interior shall call such election and give 25 days notice, setting the time and place.

(Sgd) J. Reuel Armstrong
Solicitor

AMENDMENT
CONSTITUTION AND BYLAWS
of the

THREE AFFILIATED TRIBES OF THE FORT BERTHOLD RESERVATION
NORTH DAKOTA

AMENDMENT I.

Article III - GOVERNING BODY - of the constitution shall be amended by striking Sections 1 to 7 inclusive and substituting therefor the following:

ARTICLE III - GOVERNING BODY

Section 1. The governing body of the Three Affiliated Tribes of the Fort Berthold Reservation shall be known as the Tribal Business Council.

Sec. 2. The Tribal Business Council shall consist of 10 members elected from segments of the Reservation as follows:

Western Segment	3 Representatives
Northern Segment	1 Representative
Northeastern Segment	1 Representative
Eastern Segment	3 Representatives
Southern Segment	2 Representatives

Sec. 3. The boundaries of the segments shall be described as follows:

Western - That part of the reservation bounded on the East by the Garrison Reservoir and on the South by the Little Missouri River arm of the Garrison Reservoir.

Northern - That part of the reservation bounded on the West and South by the Garrison Reservoir and on the East by the Shell Creek arm of the Garrison Reservoir.

Northeastern - That part of the reservation bounded on the West by the Shell Creek arm of the Garrison Reservoir and on the South by the Lucky Mound Creek arm of the Garrison Reservoir.

Eastern - That part of the reservation bounded on the South and West by the Garrison Reservoir and on the West and North by the Lucky Mound Creek arm of the Garrison Reservoir.

Southern - That part of the reservation bounded on the North by the Garrison Reservoir and on the North and West by the Little Missouri River arm of the Garrison Reservoir.

Sec. 4. The Tribal Business Council shall have the authority to change the segment boundaries, subject to the approval of the voters of the reservation at any regular or special election.

Sec. 5. Within 3 days after the election for councilmen has been held, the newly elected Tribal Business Council shall meet and organize by electing a chairman, a vice chairman, a secretary, and a treasurer from its own members; and from within or outside its own members, it may elect or appoint a sergeant at arms and such other officers and committees as it may find necessary.

Sec. 6. The members of the Tribal Business Council shall hold office until the next regular election and until their successors are elected or appointed and qualified.

Article IV - NOMINATIONS AND ELECTIONS - Sections 2, 3 and 6 of the constitution shall be amended to read as follows:

Sec. 2(a). Any member of the Three Affiliated Tribes of the Fort Berthold Reservation, who is 21 years of age or over, shall be entitled to vote at any election.

Sec. 2(b). Absentee ballots will be furnished to any enrolled non-resident member of the tribes upon request to the tribal secretary made 10 days before the election. The ballot must be returned to and reach the tribal secretary on or before the date of the election in order that it may be counted.

Sec. 3(a). Not less than 20 days nor more than 30 days after the date on which this amendment becomes effective an election shall be held. At said election representatives to the Tribal Business Council from the segments as described herein shall be elected to serve until September 1958. Thereafter, the regular election of a Tribal Business Council shall be held on the first Tuesday of September in even numbered years.

Sec. 3(b). Notice of regular elections shall be given by the secretary of the Tribal Business Council who shall give to all enrolled members of the tribe 30 days notice of the time and place of the regular election. In the event the tribal secretary shall fail to give the appropriate notice, or in case a regular election has not been held, the Secretary of the Interior, upon the receipt of a petition signed by at least 30 percent of the adult members of the tribe, shall call such election and give 25 days notice, setting the time and place.

Sec. 6. In the first election after the adoption of this amendment any qualified voter of the Three Affiliated Tribes of the Fort Berthold Reservation who is a bona fide resident of one of the segments described herein may become a candidate to represent said segment on the Tribal Business Council by filing a notice of his candidacy with the Secretary of the Tribal Business Council at least 15 days before the election in which he is to be a candidate. In all succeeding elections a qualified voter to be eligible to become a candidate must have resided in the segment he proposes to represent for a period of at least six months next preceding the date of the election. At least 10 days before the election, the Secretary of the Tribal Business Council shall post the names of all candidates in each voting community. In the event that any community has no qualified candidate, as provided herein, such community may nominate one or more candidates by petition, signed by at least 10 qualified voters of such community.

As a result of the many requests by Indian people and merchants for the extension of credit, we thought it might be desirable to again print the following memorandum in its entirety.

April 19, 1956

Memorandum

TO ALL SUPERINTENDENTS AND OFFICERS IN CHARGE, ABERDEEN AREA

From: Office of the Area Director

Subject: Assignments of Funds in IIM Accounts

It has been brought to our attention that Indians are issuing authorizations to Superintendents to make disbursements from income accruing to their accounts in favor of merchants or other individuals with whom the Indian has contracted some debt.

The mere authorization on the part of Indians in requesting action to be taken over their trust moneys is of no force or effect without prior consent of the Superintendent. If the Superintendent becomes a party to assignment agreements, he may do so only under the authority delegated to him in Section 30.2 of the Code of Federal Regulations and under the further provisions of Section 221.9 of the Code. The authorities contained in these sections of the Code deal entirely with the assignments which are given as security for loans. The treatment accorded such assignments which are general practice in the business world is not inconsistent with the purposes for which assignments may be approved, but the general use of the assignment as a means of permitting Indians to contract credit obligations for living expenses ahead of income is undesirable and in most instances should not be approved.

Information should be given to Indians through the medium of news letters that no assignment of income will be recognized unless it is a part of the program of an Indian borrower and then only executed as security for a loan. Any credit arrangements that Indians may make on their own initiative should be treated as a transaction between the Indian and the merchant and it should be generally understood by members of the community that the Government is not a party of such transactions and cannot undertake to assist in the collection of any indebtedness.

The instructions contained herein supplement and confirm the instructions contained in Memorandum dated March 5, 1956, which prohibited the mailing of a check of an Indian to an address in care of some third person who may be a merchant or other individual to whom the Indian is indebted. Please see that all possible publicity is given to this determination so that suitable adjustments in current practices may be accomplished.

(Sgd.) Glenn R. Landbloom
Acting Area Director

Pertinent Exerpts from Rules and Regulations governing
Tribal Elections under Act of June 18, 1934 (48 Stat. 984).

The complete text may be read at the Fort Berthold Indian Agency Office.

A. Amendments.

3. Eligibility

(a) Any member of the tribe or tribes, shall be entitled to vote, regardless of whether or not he is a resident of the reservation at the time of such election.

(e) Non-resident members may vote by absentee ballot. A ballot will be sent upon request to such member in sufficient time to permit him to execute and return same on or before the date of the election. The ballot must be returned in a sealed envelope marked on the outside Non-resident Ballot. Proper records shall be kept of all ballots sent out, to whom mailed, date of mailing, address of the voters, and of all such ballots returned, from whom received, and time of receipt. Absentee ballots shall not be counted until all other ballots are counted and no ballot received after the polls have closed shall be counted.

5. No person shall be entitled to vote unless he has reached the age of 21 years.
6. There shall be an Election Board consisting of the Superintendent of the reservation and representative of an authorized council, whose duty it shall be to conduct the election,
7. The Election Board shall compile a list of voters, which shall be posted at the agency office and at various other public places through the reservation at least 10 days prior to the election.
8. The Election Board shall determine any claim as to the right of any person not listed to vote, not less than five days before the election,
10. Posters in English, shall be posted at the agency office and at various other public places throughout the reservation. Absentee members shall be notified by circular of the calling of the election,...
12. Mimeographed copies of the proposed (Amendment) shall be distributed to every eligible voter requesting same prior to the election.
13. A polling place shall be designated for each district, the choice of which shall be based upon the needs and convenience of the Indians.
14. The polls shall remain open from 8:00 A.M. to 6:00 P.M., unless different hours are determined in advance, and the Indians are notified thereof.

Notice is being given that polls will be open from 9:00 A.M. to 7:00 P.M., September 18, 1956.

C R E D I T

"Your Lender Takes A Look"

There are still remaining a few of our Cattle Clients, who have not made their payments in accordance with the terms of their contracts. Our Credit Committeemen have been working diligently to bring these accounts into the good graces of their lending operations. You are being urged to contact these committeemen and arrange for immediate payments.

The Fort Berthold Stockmen's Association is making plans for a special meeting early in September. A definite date will be selected and the members will be notified. Watch for this meeting date and plan to attend as matters of great importance to you will be the subject of discussion and action.

Our Agency Credit Department has several items of machinery for sale. You may contact our office if you are in need of a tractor, plow, disc, and other farm and hay machinery -- To members of the Three Affiliated Tribes we would consider the acceptance of interest-bearing notes on assured future income.

F. F. Fielder
Agency Credit Officer

NEW TOWN HEALTH CLINIC NEWS

It is still not too late to have your child vaccinated with the Salk vaccine against polio. Vaccination are strongly recommended all through the months of August and September.

There has been a slight fall off of clinic visits by Fort Berthold people during the month of July. Let us hope that this reflects a fall in the amount of sickness rather than a summer apathy toward seeking to better one's health.

Plans for the New Town Health Center's new building are now being drawn up by a Bismarck architect. This is to be a private venture not aided by federal funds; however, it is planned that the new Center will continue to be the central health facility for out-patient services for Fort Berthold.

Mrs. Esther Carlson is just finishing a needed two weeks vacation.

Miss Phylis Cross is helping out at the Clinic until it is time for her to go to College about the second week in September.

Herbert J. Wilson

LAND OPERATIONS

Notice to Farmers and Lessors

Meetings are being held in the McLean County A.S.C. office at Garrison, North Dakota to distribute the 1956 wheat marketing cards. The schedule is as follows:

August	7	Raub	1:00 PM to 4:30 PM
		Roseglen	6:00 PM to 9:30 PM
August	8	Garrison	8:00 AM to 5:00 PM
		Garrison	6:00 PM to 9:30 PM
August	9	Wilton	1:00 PM to 4:30 PM
		Washburn	6:00 PM to 9:30 PM
August	10	Colenarbor	1:00 PM to 4:30 PM
		Underwood	6:00 PM to 9:30 PM
August	11	Mercer	1:00 PM to 4:30 PM
		Turtle Lake	6:00 PM to 9:30 PM
August	13	Ruso	1:00 PM to 4:30 PM
		Butte	6:00 PM to 9:30 PM
August	14	Benedict	1:00 PM to 4:30 PM
		Max	6:00 PM to 9:30 PM

NO MARKETING CARDS WILL BE IN THE GARRISON OFFICE ON THE ABOVE DATES, except on August 8th.

If it is impossible for you to obtain your card at one of the places named above, please call at that office anytime after August 14th.

Farmers in other counties may pick up their marketing cards at their respective counties.

E. G. Jackson
Land Operations Officer

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BRANCH OF EDUCATION

SCHOOL OPENING: Our Agency Schools in all segments will open September 4. Word has been received from the Flandreau Boarding School that their school begins Sept. 4. Information regarding the arrival date of the Flandreau bus will be given later. The Wahpeton bus will leave Garrison at 9:00 AM Aug. 29. No word has been received from Pierre regarding the arrival of their school bus. We shall announce this when we hear from Pierre.

PERSONNEL: A number of changes in our school staff occurred during the summer. Mr. Ernest Magnuson, Prin-Tchr. of the Southern Segment School transferred to Tama, Iowa. Mr. & Mrs. Abraham Tucker have been transferred from the Turtle Mountain Agency to fill the positions left vacant by Mr. Magnuson and Mrs. Tschaekofsky. In the Eastern Segment, Miss Barbara Ann Roberts and Mr. Donald Kakazu are being transferred from the Pine Ridge Agency to fill the Home Ec. vacancy and high school English and Social Science respectively. Mr. Ted Shields, Jr. of Grand Forks will be teacher of the eighth grade.

Olaf Nelson
Reservation Principal

Fort Berthold Agency
New Town, North Dakota

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

