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Memorandum from Owen D. Morken to Enrolled Members of the Three Affiliated Tribes Regarding Per Capita Payments, May 2, 1957

Owen D. Morken
Fort Berthold Agency

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Fort Berthold Agency
New Town, North Dakota
May 2, 1957

Memorandum

To: All Enrolled Members of the Three Affiliated Tribes

From: Superintendent, Fort Berthold Agency

Subject: Plans and procedures governing the distribution of segregated shares to the members of the Three Affiliated Tribes of the Fort Berthold Reservation.

The attached mimeographed sheets are being sent to you to point out the regulations governing the distribution of the segregated shares which will be made as soon as the enrollment is cleared and as soon as final bookkeeping procedures have been sent to us. It is suggested that each of you members study the attached regulations in order to familiarize yourself with the stipulations therein. Also attached is a sample programming form which you may use for a preliminary plan in working out your program. This sample form is not to be sent to this Office as you will receive instructions with new forms as soon as final information is received.

You will be aware, after reading these regulations, that the use of minors' funds is limited. I am, therefore, asking that you study this particular phase very thoroughly.

I wish to take this means of explaining to you folks that it will not be necessary for you to come in to the Office regarding this plan as this is for instruction only. It is our plan to be at each Segment to assist in programming when final word as to the amount of money for each individual and the final bookkeeping procedures are received.

Information regarding the plans for those people living off the Reservation will be handled through the mails. Each shareholder will be sent his or her plans, and these plans will be mailed to the Superintendent of the Fort Berthold Reservation. Detailed procedures relating to those living off the Reservation will be mailed to the individuals as soon as word is received from the Central Office.

As has previously been stated, we have no knowledge of the date disbursement of the segregated shares will be made. You may rest assured that as soon as final word is received you will be notified immediately.

Owen D. Morken

Owen D. Morken
Superintendent

Attachment

PLANS AND PROCEDURES GOVERNING THE DISTRIBUTION OF SEGREGATED SHARES TO MEMBERS OF THE THREE AFFILIATED TRIBES OF FORT BERTHOLD RESERVATION AS PROVIDED IN P.L. 553, ENACTED JUNE 4, 1956, 84th CONGRESS (70 Stat. 228), TO PROVIDE FOR THE SEGREGATION OF CERTAIN FUNDS OF THE FORT BERTHOLD INDIANS ON THE BASIS OF A MEMBERSHIP ROLL PREPARED FOR SUCH PURPOSE.

1. Purpose. The purpose of the act is to segregate certain funds of the Three Affiliated Tribes of Fort Berthold Reservation which are on deposit in the Treasury of the United States for distribution to members of the Tribes on the basis of a membership roll approved for that purpose.
2. Authority. Public Law 553, Enacted June 4, 1956, 84th Congress (70 Stat. 228), an Act of Congress to provide for the segregation of certain funds of the Fort Berthold Indians on the basis of a membership roll prepared for such purposes. The act authorizes the segregation of certain funds of the Three Affiliated Tribes of Fort Berthold Reservation as pro rata shares, such shares of adult members of the Tribes are subject to expenditure in accordance with plans prepared and submitted by the adults and approved by the Secretary. The act authorizes the shares of members of the Tribes who are minors and non compos mentis to be expended in accordance with procedures approved by the Secretary.
3. Source of Funds. The funds subject to segregation are the remainder of funds authorized and appropriated by Congress as compensation to the Three Affiliated Tribes of Fort Berthold Reservation for property taken for construction of the Garrison Dam and Reservoir Project, North Dakota, and for other damages to Indians caused by the project construction.
4. Definitions.
 - A. "Segregated Share" means the prorata share of funds, including interest accruals thereon, credited to a member of the Three Affiliated Tribes of Fort Berthold Reservation on the tribal roll approved for the purpose of determining who is to share in the distribution of these funds.
 - B. "Shareholder" means a member of the Three Affiliated Tribes of Fort Berthold Reservation who is entitled to a segregated share.

- C. "Minor" means any person who has not reached majority as defined by the laws of the state of his domicile.
 - D. "Non Compos Mentis" applies to persons determined to be non compos mentis by judicial action, or persons under institutional care as mentally ill or mentally deficient.
 - E. "Area Director" means the Area Director, Aberdeen Area Office.
 - F. "Superintendent" means the Superintendent of Fort Berthold Agency, unless otherwise specified.
5. Procedures to be followed by shareholders in obtaining their shares.
- A. Applications. Each application of an adult shareholder shall be supported by a plan for the use of the share in a manner beneficial to the shareholder and his dependents. The applications of adult shareholders shall be submitted to the Superintendent of the Fort Berthold Agency for his recommendation and forwarding to the Area Director for action. In the case of those shareholders who are domiciled on another Indian reservation, their applications shall be submitted to the Superintendent of the Agency having jurisdiction over the reservation. Upon attaching a statement of his recommendation, he shall forward the application to the Superintendent of the Fort Berthold Agency for his concurrence and forwarding to the Area Director for action.
 - B. Plans. In preparing and submitting plans factors such as the following should be considered by shareholders.
 - (1) Husbands and wives may find it beneficial for their family to plan jointly for the expenditure of their shares. Indebtedness to all creditors, including the United States or the Tribe, should also be given attention in planning. Foreseeable income and other available funds from the sale of capital assets, chattel or from inherited interests should be taken into consideration in planning the expenditure of the segregated share.
 - (2) Welfare clients receiving Bureau assistance or those receiving public assistance through County Departments of Public Welfare should be advised to review their plans with appropriate staff of the Bureau or county agencies so that their funds may be used to the best advantage and future eligibility in case of need will not be affected adversely.
 - (3) Shareholders whose shares are to be used for family subsistence should consider the possibility of planning monthly or bimonthly payments in amounts based upon family requirements.

- (4) Shareholders who are adults, or minors who are married or heads of a family may include in their plans an uncommitted allowance of an amount not to exceed \$200.00 of their segregated shares.

6. Authority of the Superintendent of the Fort Berthold Jurisdiction with Respect to Applications and Plans of Shareholders.

- A. All applications and plans of shareholders shall be subject to review and recommendation, or concurrence of the Superintendent of the Fort Berthold Agency.
- B. The Superintendent is authorized in his discretion to consider information proposing the use of funds given by a shareholder on his application as an adequate plan provided the Superintendent is satisfied that such plan is reasonable and the shareholder is able to cope with his situation.
- C. The Superintendent may, in his discretion, require modifications in an application and a supporting plan. If in his opinion the shareholder will need assistance or supervision in carrying out his plan he may recommend that the funds be deposited in the Individual Indian Money Account of the shareholder and expended under supervision.
- D. The Superintendent shall determine indebtedness of the shareholders to the Tribes and to the United States as shown by Fort Berthold Agency and tribal records, including delinquent income taxes and any payments due and payable to any Federal Agency. This indebtedness shall be included in the plan prepared and submitted to the Superintendent by the adult shareholder and any indebtedness due and payable may be set off against his segregated share. The shares of minors shall not be considered available in reducing or liquidating indebtedness of adults.

If a debt is not due and payable, payment will not be required from the segregated share of the debtor. An analysis of each outstanding loan shall be made, however, to determine whether the interests of the Tribes in the loan are adequately protected. If the tribal interests are protected, even though the loan may be delinquent at the present time, an extension of the repayment terms may be arranged so the loan would not be due and payable. In this even, the segregated shares would not be applied so the indebtedness, unless the individual voluntarily desired to do so. If the analysis reveals that the tribal interests are not adequately protected, even though the loan may be current in payments at the present time, steps should then be taken to declare the loan in default and immediately due and payable, and the segregated shares be applied on the indebtedness.

7. Authority of the Area Director with Respect to Approval of Applications Plans and Payment of Shares.

- A. The Area Director is authorized in his discretion to approve applications and plans, and to authorize payment of shares to shareholders upon recommendation or concurrence of the Superintendent. In the instance of shareholders who in the opinion of the Superintendent will need assistance or supervision in carrying out their plans, the Area Director may authorize the share to be deposited to the credit of the shareholder in his Individual Indian Money Account to be expended under supervision.
- B. The Area Director is authorized to approve as a part of the shareholder's plan an application for an uncommitted allowance not to exceed \$200.00. Payments of the uncommitted allowance may be made contingent upon the availability of funds and provided that payment of this advance allowance does not jeopardize the interest of the Tribes and the United States on any loans owed by the shareholder. Where, in the opinion of the Superintendent of the Fort Berthold Agency and approved by the Area Director, the uncommitted share should be expended under supervision, the Area Director may authorize deposit of the uncommitted allowance in the Individual Indian Money Account of the shareholder.

8. Control and Supervision of Shares of Members of the Tribes who are Minors.

- A. Availability of Funds of Minors 18 years of Age and Over. The shares of minors who are 18 years of age and over or who are married or heads of families may in the discretion of the Area Director be paid to them subject to the same procedures on applications and plans applying to adult shareholders.
- B. Availability of Funds of Minors 18 years of Age and Under who are neither married nor heads of families are available only as hereinafter provided;
 - (1) An amount not exceeding a total of four hundred dollars may be considered available for payment. This amount may remain in the Treasury to be released as approved by the Area Director or in the discretion of the Area Director be deposited in the Individual Indian Money Account of the minor to be expended under supervision.
 - (2) The remainder of the share is unavailable until the minor is 18 years of age, is married or is the head of a family, at which time his share is to be paid under procedures applying to adult shareholders. An exception may be made in the case of any minor who has completed the eighth grade or reached his fifteenth birthday whichever comes first, and who is in need of the remainder of his share to continue his education.

C. Applications.

- (1) Applications for payments from the shares of minors may be submitted by parents, state appointed guardians, fiduciaries or others having the custody of the minor, or by the minor himself. All applications shall be subject to concurrence of the Superintendent.
- (2) Applications for the available portion of the share may be included in family planning if the minor is domiciled in his family home in the custody of his parents or supported by his parents away from his family home.
- (3) Applications for the funds of a minor who is the ward of a court, or who has been removed from the custody of his parents or who is responsible to a state appointed guardian or fiduciary will be acceptable only if concurred in by the agency or persons vested with legal responsibility for the minor.
- (4) Applications for the portion of the share retained in the United States Treasury may be made for educational purposes, beginning six months after the issuance of this letter of authorization and at such time as the minor has completed the eighth grade or reached his fifteenth birthday whichever comes first. Applications may be submitted each year thereafter until the minor attains his eighteenth birthday or until his funds are exhausted.
- (5) Applications may be made for expenses related to education or training purposes in amounts not exceeding \$300.00 in any one year except in instances where special circumstances which seriously affect the educational progress of the minor. In such cases an application may be made for an amount not to exceed one-half the remaining share.
- (6) Applications for any balance of the share which was not required during high school education may be retained in the United States Treasury subject to release upon application by the minor when he is entering his first year of college or has attained his eighteenth birthday.

D. Authority of the Superintendent. All applications made by or in behalf of minors for payments of any portion of their shares are subject to review and concurrence of the Superintendent. The Superintendent may, in his discretion, recommend that payments made to or for a minor be deposited in his Individual Indian Money Account to be expended under supervision.

E. Authority of the Area Director. All applications made by or in behalf of minors shall be subject to approval of the Aberdeen Area Director who may in his discretion authorize the payment. Checks made against the shares of minors may be made payable to the applicant indicating the applicant's name as payee for the minor whose name shall also be shown on the check.

9. Payments From the Shares of Adults Non Compos Mentis. The shares of adults who are non compos mentis or under other legal disability shall be deposited in their Individual Indian Money Accounts subject to expenditures under 25 CFR Part 221.5. Inclusion of the shares of such persons in family planning is subject to the recommendation of the Superintendent and approval by the Area Director.
10. Disposition of Segregated Shares of Deceased Enrolled Members. The disposition of the segregated shares of deceased enrolled members of the tribes shall be made in accordance with 25 CFR Part 221.10 and Part 81.
11. Appeal Procedure. Appeal from a decision made by the Area Director with respect to the approval of plans and payments of shares in accordance therewith may be taken to the Commissioner whose decision shall be final.

Mar 6, 1957

(SGD) W. Barton Greenwood
Acting Commissioner

DATE:

VLewis:lm 2/27/57

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
FORT BERTHOLD AGENCY
New Town, North Dakota

Date _____, 19__

Superintendent:

(I) (We) hereby make application for the use of \$ _____, which represents (my) (our) segregated share of monies on deposit in the United States Treasury under Public Law 553, June 4, 1956 - All 70 Stat. 228, 84th Congress, 2nd Session.

<u>PURPOSE</u>	<u>AMOUNT</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL	\$ _____

Recommended for (Approval) (Disapproval)

Superintendent

Signature of Applicant

Signature of Applicant

Approved: _____
Area Director

Remarks: _____

