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"Agenda for the Fort Berthold Reservation" by Carl Sylvester, August 4, 1944

Carl Sylvester

Tirbal Business Council, Three Affiliated Tribes of the Fort Berthold Reservation

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AGENDA FOR THE FORT BERTHOLD RESERVATION

By Carl Sylvester, Aug. 4, 1944.

- Indians*
not *Indian*
1. All alienated land within the boundary of the Fort Berthold Reservation should be restored to Indian ownership and kept tax-free together with the rest of the Indian land.
 2. Fractionated Indian holdings should be joined and enlarged to usable units through arrangement and made available to member Indians who wish to own them. The Government should set aside funds for the tribe to buy such lands for tribal use also.
 3. Forced issues of fee patents by Federal agents in the past should be disavowed and the consequent loss of lands by Indians should be restored to them.
 4. The Three Affiliated Tribes should be given authority to exclude non-members of the tribe from inheriting lands in the Fort Berthold Reservation to prevent further land alienation.
 5. We need a Reservation-wide system of irrigation in the period of drought years. Our bottom lands are our foremost asset and we do not want to lose them through permanent flooding.
 6. The conservation of wild life on the Reservation should be left to the tribal government.. The tribe should be assisted, upon its request, by any agency of government, Federal, State or tribal, or by any educational institution.
 7. Bridge over the Little Missouri is sorely needed to facilitate communication between the Agency and Independence district whose approach by motor vehicle is very difficult most of the year and sometimes it is impossible. The health of some three hundred people is jeopardized by the isolation of this district; the physician or the nurse could not get to it when the rivers are high.
 8. We need all-weather roads throughout the Reservation and funds with which to maintain them.
 9. The Federal Law prohibiting liquor in Indian country should be repealed outright and the regulation of liquor in the reservation should be left entirely to the tribe. Off the reservation the Indian should be treated in the same manner as any other citizen. There should be no discrimination.
 10. The determination of blood quantum of the Indian for purposes of enrolment, inheritance, participation in tribal enterprises, etc., should be left to the tribal governing body.
 11. Employment of local Indian talent for positions of farmers, mechanics, teachers, field agents, superintendents, ~~shes~~ etc., should be made more flexible and favorable to the Indian as promised in the Indian Reorganization Act and should be made a reality by the elimination of red-tape.
 12. The appointment of all Indian policemen and the removal of them should be left to the tribal governing body, whether or not such policemen are paid by the Government from Federal appropriations.

13. The Three Affiliated Tribes do not want a referendum nor a second vote on the Indian Reorganization Act. Tribes who had voted not to avail themselves of the Act ought to be permitted to vote again if they wish.
14. Section 6 of the Act should be so modified as to give the Indians full control of their range and forest and all other property belonging to them within their reservation and reverted lands, and otherwise be given full latitude to work out their problems without exterior interference. The supervisory powers of the Secretary of the Interior should be terminated to give this latitude.
15. A section in the Act should be included giving power to the tribe to remove Federal employes by majority vote when it sees fit, and to vote to retain those wanted by the tribe when such employes are threatened against their wish for removal or transfer.
16. The Three Affiliated Tribes should be given authority to try and punish any person, including white, committing an offense against the tribal law, to exclude or remove him from the reservation, and to prescribe rules and regulations for his admission into the reservation and engagement in business therein, making all such acts conclusive when declared by the Tribal Business Council without Indian Office or Secretarial approval.
17. Self-government of the Three Affiliated Tribes under the Indian Reorganization Act should be left alone to develop itself. Rather it should be assisted and made stronger by adequate Government backing. We are learning and progressing steadily and should not be interfered with by any uninvited legislation.
18. Congress should make no law concerning ourselves without our consent, nor should any Indian legislation be made all-inclusive but we should be consulted and asked to vote for or against its application to ourselves.
19. We need better schools and want better control of school discipline and want morals restored. Tribal ordinances aiming to cooperate with the faculty to promote improvement of school activities should be given full credence and respect. We know how we want our children raised and educated. We need the course of study in our high school stepped-up to make it comparable to that employed by the best high schools of the country. Our children should be given every opportunity and encouragement to acquire higher learning. We feel the need of good education for all-around reservation development since we have a limited population from which to choose one another. Our recommendations for local teachers should be given full credence and preference over any other consideration, ruling or regulation.
20. Our credit system under the Revolving Fund Loan is bound up with complicated and intricate regulations making it difficult to get a helpful loan. The whole credit manual needs readjustment and simplification to accommodate a borrower in needy circumstances.
21. We need a larger hospital and an increased personnel to operate it. We need two physicians. As long as Independence district is hard to approach we need a resident nurse there to take care of the frequent cases that come up there.

AGENDA - Con.

- Done
- Indians
22. We question the authority of the State to tax us under its laws. We are paying consumers' tax while purchasing commodities brought into the reservation. For years we have been paying tax on gasoline bought within the reservation. The fees on license tags on motor vehicles are imposed on us. We are told that we must pay tax on many other items in our possession even though they are purchased with annuity money. We want a better understanding of all this. It is not clear whether we ever agreed to come under the State law. The Hand Book of Federal Indian Law by Felix Cohen, (U. S. Gov't. Print Off., Washington, 1942) on page 264, Sec. 5., 2 (a) of Chapter XIII says, "Sales to Indians on the reservation are not subject to State taxation and Indian purchasers are not required to pay the additional cost which is added to the price of the article to cover the tax." Such imposition appears to be a gross error on the part of the State and should be immediately remedied. If our contention is right refunds should be made to the Indians for this illegal imposition.
23. All mineral rights within the undiminished boundary of the Fort Berthold Reservation as of January 1910 were supposed to be held on and to be included in the agreement of that year covering every mineral of commercial value. There seems to have been some imposition committed when the Indians were asked to sign the agreement papers. Now we get revenue from only a part of that region and the royalty from the recently discovered coal veins is withheld and funds are lost to the Three Affiliated Tribes. We believe this is an unfair deal with the Indians and demand redress and full restoration of our rights.
24. Our \$400,000. claim bill now pending before Congress should have had a provision in it making interest payable from the date the treaty was involved at legal rate compounded annually. If that treaty was not ratified, as has been stated, then the land involved should be declared a part of the Fort Berthold Reservation since that land belonged to the Three Affiliated Tribes before the treaty was commenced. The United States or the State of North Dakota did not own it in the first place.
25. Funds of the Three Affiliated Tribes appropriated in the past without their consent should be reimbursed to them.
26. The Three Affiliated Tribes claim the territory north and east of the Missouri river in North Dakota and Montana which claim should have been included in the treaty of 1851 at Fort Laramie, Wyoming, by our Four Bear but which was not. About 25 or 30 years before that time Chiefs, Road Maker and Smoked Teepee, claimed this northern region along with the other portion. The approximate line runs from opposite the mouth of Cannon Ball river on the east, thence along the Missouri river westward to the stream we call Mud Creek west of Culbertson, Montana, thence northward and on to Old Man Butte and east to Souris river cutting eastward to Devil's Lake and thence southward to the place of beginning. This claim is an item that could be taken up later when more and a fitting time is available for its thorough discussion.

August 4, 1944

Carl Sylvester
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