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Letter from John Hamilton to Senator Langer Regarding President Grant's Indian Policy, October 27, 1945

John E. Hamilton

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Thousands like these little American Indians
need our Protection and Help

OUR AIMS:

To promote the general welfare of the American Indians,
By protecting and safeguarding their Constitutional and
Civil Rights,
By advocating an emancipated citizenship.
By promoting their health and educational opportunities,
and by fostering their Arts and Crafts.

October 27, 1945.

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

Dear Bill:

I am enclosing herewith certain material in reference to President Grant's Indian policy and the termination of treaty making among the Indian tribes. I hope that this information will be of some value to you as you proceed with the necessary steps in the matter of the Fort Berthold Indians.

I was very glad to see you again, and also to meet Mr. Davidson of Williston. He appears to be a very reliable person.

Bill, do you think that his testimony in North Dakota and also in Washington is going to hurt things any? I was under the impression that the Williston Group, which I understand he is one of them, would oppose this contemplated project together with the Indians. As you undoubtedly remember, I sent a telegram to Floyd Montclair to the effect, that they should cooperate with this group and get the same lawyer as the Williston Group.

It does not appear to me that the Williston people are going to get a lawyer due to Mr. Davidson's testimony before the Committee, stating that they do not object to the Dam as long as it is built within a certain measurement agreeable to them. It certainly looks to me that the Indians will have to shoulder this cause by themselves as far as damage and so forth is concerned. I believe that the Williston group are sincerely with the Indians and hope that they get a square deal in the matter, but as far as fighting the case together with the Indians, as it stands at the present time, I do not believe that they are anxious to come in as a party to the suit because they are only leasing certain portions of the Indians land. In other words, the Indians own the land, and therefore, they are going to be the losers, and not the williston people.

Although, it would seem to me that the Indians have a good clear case against the Government for damages, etc., and as you say, if it comes to the courts there is nothing to loose for the Indians, if anything, they will win out in the end.

I should like very much to know if you have contacted Secretary Ickes on the proposition of advancing money to these Indians for necessary legal expenses. I know you talked over the phone to the Solicitor's office when I was there inquiring into this matter. Have they told you as yet, how much money there is to the credit of these Indians?

I believe that it is the duty of the United States, as the guardian and trustee of the Indians to protect them in their property rights, and that the Secretary of the Interior to whom we have entrusted this guardianship should see to it that these Indians are legally defended against all damages within their respective territory, and that he should furnish these Indians with enough money and all other legal assistance which may be necessary for the prosecution of any suit or suits brought by the Fort Berthold Indians against the United States.

I am inclined to believe that the Secretary of the Interior has the power to do this if he wants to.

Bill, do not hesitate to let me know of further developments in this matter. I shall keep in close contact with you in this regard.

Will you kindly send me some copies of the Congressional Record in which you made a speech in the United States Senate in reference to the Fort Berthold Indian Delegation to Washington, etc. You gave me one to take back home but I forgot to put it in my brief case. Would you also, kindly send me some more copies of the Congressional Record of June 1, 1945. If you would seal them up in your envelopes I would be very glad to mail them out to the Indians and other people in North Dakota under your frank if you desire me to do so.

You may send these Congressional Records to the following address:

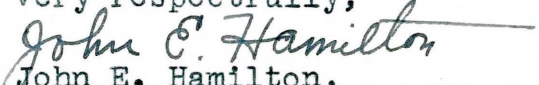
Juvenile Court for the State of Connecticut,
322 Washington Street,
Hartford, Connecticut

We trust that you will be very successful in obtaining relief for the Fort Berthold Indians, and that you will get in contact with me whenever anything else develops of importance in this case.

With all good wishes to you and your family, please believe me, I am

JEH:O

Enclosure:

Very respectfully,

John E. Hamilton,
National President.

P. S. Has Mr. Davidson gone back to North Dakota as yet? Have you heard from Martin Cross since he returned home? I am going to write him a letter.

THE REFORMS OF PRESIDENT GRANT AND THE AMERICAN INDIAN RESERVATION
SYSTEM

THE TERMINATION OF INDIAN TREATY MAKING

MARCH 3, 1871

Immediately upon becoming President of the United States, U. S. Grant appointed General Ely Samuel Parker, a Seneca Indian Chief, and his former Military Secretary, Commissioner of Indian Affairs. General Parker resigned the Commissionership office in 1871 to accept another public office in New York, therefore, only serving as Commissioner of Indian Affairs from 1869 to 1871.

Pursuant to the recommendation of the Board of Indian Commissioners in its report of 1869, President Grant caused to be passed the Act of March 3, 1871. This act provided that thereafter "no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may deal by treaty: Provided, further, that nothing herein contained shall be construed to invalidate or impair the obligation of any treaty heretofore lawfully made and ratified with any such Indian nation, or tribe." (Act of March 3, 1871, 16 Stat. L., 544-566, R. S. 2079, 25 U. S. C. 71.)

Having done this, in 1873, President Grant made the following address to Congress:

"My efforts in the future will be directed to the restoration of good feeling between the different sections of our country; . . . and, by a humane course, to bring the aborigines of the country under the benign influences of education and civilization. It is either this, or war of extermination. Wars of extermination, engaged in by people pursuing commerce and all industrial pursuits, are expensive, even against the weakest people, and are demoralizing and wicked. Our superiority of strength and advantages of civilization should make us lenient toward the Indian. The wrong inflicted upon him should be taken into account, and the balance placed to his credit. The moral view of the question should be considered and the question asked, cannot the Indian be made a useful and productive member of society by proper teaching and treatment? If the effort is made in good faith, we will stand better before the civilized nations of the earth and in our own consciences for having made it." This was President Grant's Second Inaugural Address, March 4, 1873.)

In his first Message to Congress, on December 6, 1869, he made the following Address:

"From the foundation of the Government, to the present management of the

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original inhabitants of this Continent - the Indians - have been a subject of embarrassment, and have been attended with continuous robberies, murders, and wars," declared the President. "From my own experience upon the frontiers and in the Indian countries, I do not hold either legislation or the conduct of the Whites, who come most in contact with the Indian blameless for these hostilities. The past, however, cannot be undone, and the question must be met as we now find it. I have attempted a new policy toward these wards of the Nation (they cannot be regarded in any other light than as wards), with fair results so far as tried, and which I hope will be ultimately attended with great success.

"A system which looks to the extinction of a race is too horrible for a nation to adopt without entailing upon itself the wrath of all Christendom and engendering in the citizen a disregard for human life and rights of others, dangerous to society."

The anomalous nature of Indian treaties, but a fiction of law, and the harm they had produced, has been shown. The decisions of Chief Justice Marshall that the tribes were not independent nations but dependent communities, had made them necessarily a part of the body politic. So. in 1866, the Supreme Court of the United States had declared that all the guarantees of our Federal Constitution applied to the Indians. How could such a people be dealt with by treaties?

Having abolished the baneful system of Indian treaties by the Act of March 3, 1871, under which the Indians had been made the shuttlecock of local politics in Congress, President Grant set to work with the utmost energy to negotiate with all the tribes Executive Agreements pursuant to which he might secure to them definite reservations. The power of the President to do this was subsequently upheld. (U. S. v. Leathers, 6 Sawyer 17, 26 Fed. Cas. No. 15, 581; U. S. v. Clapox, 35 Fed. 575.)

Penalties were also provided for settling on Indian Reservations, and the United States attorneys were charged with the duty of representing tribes whose rights in them were infringed. Thus, it is seen that God at last had sent to the Red Race another "great oak" among men, one who like President George Washington combined the knowledge, power and moral courage to do justice. Grant's American Indian policy alone would mark him for posterity as a great man.

Respectfully submitted,

John E. Hamilton,
National President,

NATIONAL AMERICAN INDIAN DEFENSE ASSOCIATION, INC.

22 Arnold Street,
Hartford 6, Connecticut.