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# COLVILLE JUDGMENT FUNDS

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HEARINGS  
 BEFORE THE  
 SUBCOMMITTEE ON INDIAN AFFAIRS  
 OF THE  
 COMMITTEE ON  
 INTERIOR AND INSULAR AFFAIRS  
 UNITED STATES SENATE  
 EIGHTY-SEVENTH CONGRESS  
 FIRST SESSION  
 ON  
**S. 2123 and H.R. 8236**  
 LEGISLATION TO AUTHORIZE THE USE OF FUNDS ARISING  
 FROM JUDGMENTS IN FAVOR OF ANY OF THE CONFEDER-  
 ATED TRIBES OF THE COLVILLE RESERVATION

AUGUST 15 AND SEPTEMBER 13, 1961

Printed for the use of the  
Committee on Interior and Insular Affairs



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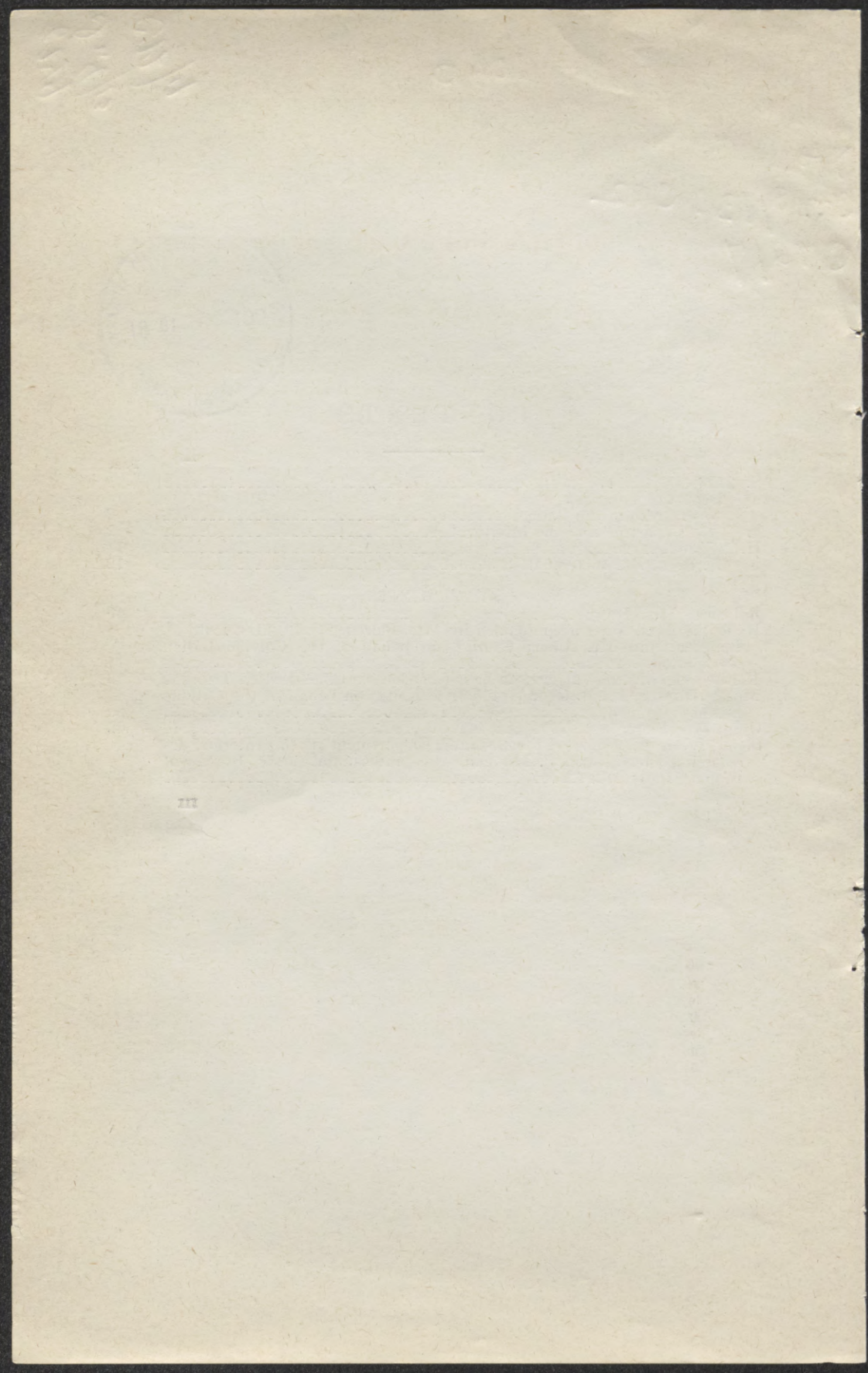
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## COLVILLE JUDGMENT FUNDS

TUESDAY, AUGUST 15, 1961

U.S. SENATE,  
SUBCOMMITTEE ON INDIAN AFFAIRS OF THE  
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,  
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to call, in room 3110, New Senate Office Building, Hon. Frank Church (chairman of the subcommittee) presiding.

Present: Senators Frank Church (Idaho), Clinton P. Anderson (New Mexico), Ernest Gruening (Alaska), Quentin N. Burdick (North Dakota), Gordon Allott (Colorado).

Also present: Senator Henry M. Jackson (Washington), and James H. Gamble, professional staff member.

Senator CHURCH. The subcommittee will please come to order.

We will take up S. 2123, introduced by Senator Jackson. A copy of the bill and the departmental report will be inserted in the record at this point.

(The bill and reports referred to follow:)

[S. 2123, 87th Cong., 1st sess.]

A BILL To authorize the use of funds arising from judgments in favor of any of the Confederated Tribes of the Colville Reservation

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Colville Tribe, San Poells-Nespelem Tribe, Okanogan Tribe, Methow Tribe, and Lake Tribe (certain constituent groups of the Confederated Tribes of the Colville Reservation) that were appropriated to pay a judgment of the Indian Claims Commission dated March 1, 1960, in docket numbered 181, and the funds which may be deposited in the Treasury of the United States to the credit of the said constituent groups or any other constituent groups of the Confederated Tribes of the Colville Reservation to pay any judgments arising out of proceedings presently pending before the Indian Claims Commission in dockets numbered 161, 179, 181-A, 181-B, 181-C, 222, and 224, and the interest on said judgments, after payment of attorney fees and expenses, shall be credited to the account of the Confederated Tribes of the Colville Reservation, and may be advanced or expended for any purpose that is authorized by the tribal governing body of the Confederated Tribes of the Colville Reservation and approved by the Secretary of the Interior. Any part of such funds that may be distributed per capita to the members of the tribes shall not be subject to Federal or State income tax.*

## COLVILLE JUDGMENT FUNDS

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C., August 11, 1961.

HON. CLINTON P. ANDERSON,  
*Chairman, Committee on Interior and Insular Affairs,*  
*U.S. Senate, Washington, D.C.*

DEAR SENATOR ANDERSON: Your committee has requested a report on S. 2123, a bill to authorize the use of funds arising from judgments in favor of any of the Confederated Tribes of the Colville Reservation.

We recommend that the bill be enacted.

The bill provides that any judgment against the United States that is recovered in the Indian Claims Commission by any constituent group of the Confederated Tribes of the Colville Reservation shall be credited in the Treasury of the United States to the account of the Confederated Tribes. After payment of attorney fees and expenses, the money could be advanced or expended for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior. Any per capita distribution of the funds to members of the tribes would not be subject to Federal or State income tax.

The bill completes the plan contemplated by the act of April 24, 1961 (Public Law 87-24). In that legislation Congress authorized a portion of the Nez Perce judgment that was allocated to the Nez Perce Indians living on the Colville Reservation, as one of the constituent groups of the Confederated Tribes, to be credited to the account of the Confederated Tribes only after the Confederated Tribes agreed with the Secretary of the Interior that any judgment recovered by any other constituent group of the Confederated Tribes would be handled in the same manner. The Confederated Tribes agreed in Resolution No. 1961-99, dated April 8, 1961, passed in a general meeting, and in a business council resolution dated April 14, 1961. This bill will carry out that agreement.

Because the constituent groups of the Confederated Tribes are so intermingled, it would be impractical to handle judgment funds in any other way.

The funds that will immediately be subject to the provisions of the bill total \$1 million, which is the net amount recovered by some of the constituent groups of the Confederated Tribes in Indian Claims Commission docket 181. Other claims that are still pending before the Indian Claims Commission and that will become subject to the provisions of the bill if judgments are recovered, are enumerated in the bill.

The expenditure by the Confederated Tribes of their share of the Nez Perce judgments recovered and anticipated is already authorized by the 1961 act (Public Law 87-24). The Department does not wish to use that authority, however, until this bill is enacted committing the Confederated Tribes with respect to judgments recovered by other constituent groups.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

JOHN A. CARVER, JR.,  
*Assistant Secretary of the Interior.*

---

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington, D.C., August 14, 1961.

HON. CLINTON P. ANDERSON,  
*Chairman, Committee on Interior and Insular Affairs,*  
*U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Bureau of the Budget on S. 2123, a bill to authorize the use of funds arising from judgments in favor of any of the Confederated Tribes of the Colville Reservation.

The purpose of the bill is to require that any judgment against the United States recovered in the Indian Claims Commission by any constituent group of the Confederated Tribes of the Colville Reservation shall be merged in the Confederated Tribes account in the Treasury. This would complete the action

contemplated in Public Law 87-24, which provided for crediting a part of Nez Perce judgment to the Confederated Tribes.

There is no objection to the enactment of S. 2123 from the standpoint of the administration's program.

Sincerely yours,

PHILLIP S. HUGHES,  
*Assistant Director for Legislative Reference.*

Senator CHURCH. Senator Jackson, you are the sponsor of this legislation, by request, to authorize the use of funds arising from judgments in favor of any of the Confederated Tribes of the Colville Reservation. We are pleased to have you here.

Senator JACKSON. Thank you, Mr. Chairman. As I understand it, there is a favorable report from the Department on the bill. It simply authorizes the Colville Confederated Tribes to receive the money as a tribe in connection with a judgment obtained in the Indian Claims Commission in docket No. 181. It is my further understanding that, under existing law, once a judgment has been obtained by a tribe, it requires an authorization by law for the tribe to receive the funds. Lyle Keith, from Spokane, is the attorney for the tribe and can make a brief statement.

#### STATEMENT OF LYLE KEITH, ATTORNEY AT LAW, ON BEHALF OF COLVILLE CONFEDERATED TRIBES

Mr. KEITH. I think the problem here is a little unusual even in the field of Indian law, Mr. Chairman, because we have an Executive order reservation on the Colville Reservation. We have a common dumping ground of about 11 or 12 different Indian tribes. Because of the jurisdictional provisions of the Indian Claims Act, each of the claims of these aboriginal bands had to be brought in the name of the aboriginal bands. They lost their identity back in 1939 when a constitution and bylaws were approved by the Secretary under the name of the Confederated Tribes of the Colville Reservation. The three judgments which we have secured and any other judgments which we might secure in the future run in the names of these aboriginal bands rather than in the name of the Colville Confederated Tribes. There is no legal entity in the original aboriginal bands in whose behalf the judgments were received and will be received in the future, we hope. The tribes have unanimously agreed in mass meetings that the proceeds of all judgments should be credited to the only legal entity now remaining, the Confederated Tribes of the Colville Reservation. The purpose of this bill is to make these funds, two judgments of which have been appropriated in the names of the aboriginal bands, but they are completely frozen in the Treasury.

It is only with the passage of this bill which was approved by the House subcommittee yesterday and reported to the full committee that these funds will be usable by the governing body of the tribe with the approval of the Secretary of the Interior. Until such a bill is passed, the funds which have been appropriated and may be appropriated in the future will be completely unusable.

Senator CHURCH. Let me understand this. Not so long ago this committee and the Congress approved a bill that would authorize a

distribution of the judgment that was awarded to the Nez Perce Tribe. A portion of that was to go to the Nez Perce Tribe located on the Nez Perce Reservation in Idaho and a lesser percentage was allocated to those Nez Perce Indians who are now living on and are a part of the Colville Reservation.

Mr. KEITH. That is correct, Mr. Chairman.

Senator CHURCH. Because the Indians on the Colville Reservation are drawn from various aboriginal groups, there is presently no method for utilizing that part of the money allocated to the Nez Perce Indians who are at Colville Reservation; is that correct?

Mr. KEITH. Your Nez Perce bill authorized the use of roughly 14 percent of these two Nez Perce judgments which you referred to, but does not authorize the use of later judgments belonging to the Colvilles, the San Poels, the Methows, and all the other Indian bands which were placed on the Colville Reservation.

We are in the clear under the bill which you passed some months ago so far as the Nez Perce proceeds are concerned. But the Secretary and the Commission have properly ruled that we should not make use of those funds until the other bands had agreed that the funds which they might receive in similar proceedings before the Indian Claims Commission would go to the same entity, the Confederated Tribes of the Colville Reservation.

Senator CHURCH. The effect of the bill would be that any recovery by one of the aboriginal bands now in the Colville Reservation would go to the Confederated Council.

Mr. KEITH. Confederated Tribes.

Senator CHURCH. The Confederated Tribes would have control over the money and its disposition.

Mr. KEITH. With the approval of the Secretary.

Senator CHURCH. With the approval of the Secretary. You say that all of the aboriginal groups in the Colville Reservation have agreed to this and are willing to acquiesce in it.

Mr. KEITH. They have. I was at the House subcommittee yesterday; I understand that there was one protest received over there. It is possible that you have received a similar protest.

Senator ANDERSON. Yes, and it says:

COULEE DAM, WASH., August 8, 1961.

HON. CLINTON P. ANDERSON,  
Chairman, Interior and Insular Affairs Committee,  
U.S. Senate, Washington, D.C.

DEAR SIR: We learned last evening that unrevealed delegation consisting of three members of the Colville Business Council and their illegally appointed attorney, Lyle Keith, are now in Washington pretending to represent the Colville Tribes on matters of which we are not informed. In view of the facts that hearings are to be held before the Senate committee on August 9 on heirship lands Senate bill 1392 and the Interior Department's substitute bill House bill 8077. We believe that the Senate bill is a reasonable approach to this perplexing problem, but the Department's bill in our judgment is a deception and an attempt to add more lands to Indian reservations thereby perpetuating Indian reservations continued segregation of Indians from other citizens prolong the Indian Bureau system and stifle legislation for terminating Federal supervision over Indians. We suspicion that these men will also attempt to induce committees of Congress to pass Senate bill 2123 and House bill 8326. The tribes have not been afforded an opportunity to reject it. At a meeting on July 8 the business council and Lyle Keith refused to take this bill up for consideration, we oppose

the provisions which will give the business council and the Indian Bureau authority to expend money for any purposes which they may determine. Please do not consider these bills until tribes have had opportunity to consider same.

COLVILLE INDIAN ASSOCIATION,  
FRANK W. MOORE, *President*.

Senator CHURCH. Is he the president of the Colville Indian Association?

Mr. KEITH. He is, which has no legal status as far as the Colville Confederated Tribes are concerned.

(Senator Anderson also submitted the following letter for the record:)

COLVILLE INDIAN ASSOCIATION,  
*Coulee Dam, Wash., August 11, 1961.*

HON. CLINTON P. ANDERSON,  
*Chairman, Committee on Interior and Insular Affairs,*  
*U.S. Senate, Washington, D.C.*

DEAR MR. ANDERSON: We are advised that hearings on H.R. 8236 have been set for August the 14th at the request of the Colville Business Council and its illegally appointed attorney, Lyle Keith. This self-appointed delegation does not represent the views of the vast majority of the tribe. The provisions of this bill which provides for placing the money in the hands of the business council and the Indian Bureau have not been submitted to the tribe for approval or disapproval.

The vast majority of the Colville Indians have no confidence in these irresponsible men of the business council. Recently a tribal vote was taken in which a percentage of approximately 4-1 of the membership indicated that they had no confidence in the present business council. We have been deprived of free elections for many years. It is safe to say that nearly 100 percent of the tribe are opposed to said provisions.

At a meeting of the tribe on April 8, 1961, at which approximately 300 members were present, more than 2 months before the introduction of this bill, when proposed legislation, in connection with the distribution of said fund was discussed the assemblage voted unanimously that the distribution of this fund should be by per capital payment. At that time, the tribe was led to believe that the legislation would include this provision. Therefore, we ask that the bill be amended so as to comply with such unanimous vote of the tribe.

Respectfully yours,

FRANK W. MOORE, *President*.

Senator CHURCH. Does he represent Indians?

Mr. KEITH. Some Indians. I am not sure how many, Mr. Chairman. In that connection I think it might be helpful to the committee if I were to offer for your consideration, and what was offered and included in the subcommittee hearings in the House yesterday, which is a resolution passed by a mass meeting of the Colville Confederated Tribes on April 8, at which Mr. Moore was present and did not dissent. There were other members of the so-called Colville Indian Association which has no legal status as far as the Government of the United States is concerned.

Senator ANDERSON. I put the telegram and a letter from Mr. Moore in the record because when you get these things the best place to put them is out in the open.

Mr. KEITH. Yes, sir. That is the reason I brought the question up because I understood that there was a similar protest received by the House committee.

Senator ANDERSON. Does the Department of Interior recognize you as attorney for the Colville Confederated Tribe?

Mr. KEITH. I hope so.

Senator ANDERSON. Mr. Sigler, do you recognize Mr. Keith?

Mr. SIGLER (Lewis A. Sigler, Assistant Legislative Council, Department of the Interior). He has an approved contract recognized by the Secretary. He has been Colville attorney since 1947.

Senator CHURCH. We will accept this for the record if there is no objection.

(The document presented for the record is as follows:)

MINUTES OF GENERAL MEETING OF MEMBERS OF THE CONFEDERATED TRIBES OF THE COLVILLE RESERVATION, NESPELEM, WASH., APRIL 8, 1961

Meeting called to order by chairman of the business council, Harvey Moses, at 10:30 a.m. at Nespelem Grade School. Approximately 350 adult members of the tribe were present at the meeting.

Chairman introduced several guests at the meeting, including Stanley Poch, administrative officer from Superintendent Elmo Miller's office, and members of the business council.

Chairman announced that the purpose of this general meeting was to consider legislation now pending in the Congress of the United States and to be introduced in Congress during the present session.

The chairman introduced Mr. Lyle Keith, one of the attorneys for the Colville Confederated Tribes, who made a detailed explanation of H.R. 3898 and S. 1295, both of which are now pending in the Congress of the United States and which provide for the division and use of the proceeds of the judgment in Indian Claims Commission Docket 175-A. Mr. Keith made a similar explanation of the bill which is proposed to be introduced which would provide that the proceeds of the judgment on Indian Claims Commission Docket 181 and the funds which may be realized out of other claims of the Colville Confederated Tribes still pending before the Indian Claims Commission shall be credited to the account of the Colville Confederated Tribes of the Colville Reservation.

Following the explanation of the two pieces of legislation and the necessity and desirability thereof, the meeting was thrown open to questions. There were numerous questions asked by many members of the tribe, including Mr. Frank Moore, Mrs. Helen Toulou, Mr. Louis Wapato, Mrs. Rose Larson, and Mrs. Alice Hallenius. The explanation by Mr. Keith and the questions and answers were interpreted into several Indian dialects during the course of the discussion.

Following the recess for lunch, there was additional discussion and additional questions and answers.

The motion was made by Mr. Charles E. Williams and seconded by Mr. Frank Parliament to adopt the following resolution:

*"Be it resolved by the general meeting of the members of the Colville Confederated Tribes, That the provisions of H.R. 3898 and S. 1295 both of which are now pending in the Congress of the United States and which provide for the division of the proceeds of the judgment in Indian Claims Commission Docket No. 175-A, be and they hereby are approved; Be it further*

*Resolved That the Colville Business Council is requested to take appropriate action approving the provisions of said bills."*

The resolution was adopted unanimously.

Upon motion by Mr. William Hill and seconded by Mr. Pete Lemery the following resolution was adopted:

*"Be it resolved by the general meeting of the members of the Colville Confederated Tribes, That a bill in substance and effect as follows be introduced into the Congress of the United States and enacted into law:*

*"The funds on deposit in the Treasury of the United States to the credit of the Colville Tribe, San Poels-Nespelem Tribe, Okanogan Tribe, Methow Tribe, and Lake Tribe (certain constituent groups of the Confederated Tribes of the Colville Reservation) that were appropriated to pay a judgment of the Indian Claims Commission dated March 1, 1960, in Docket No. 181, and the funds which may be deposited in the Treasury of the United States to the credit of the said constituent groups or any other constituent groups of the Confederated Tribes of the Colville Reservation to pay any judgments arising out of proceedings presently pending before the Indian Claims Commission in Dockets 161, 179, 181-A, 181-B, 181-C, 222 and 224, and the interest on said judgments, after payment of attorney fees and expenses, shall be credited to the account of the Confederated Tribes of the Colville Reservation, and may be advanced or expended for*

any purpose that is authorized by the tribal governing body of the Confederated Tribes of the Colville Reservation and approved by the Secretary of the Interior. Any part of such funds that may be distributed per capita to the members of the tribes shall not be subject to Federal or State income tax; Be it further

"Resolved That the Colville Business Council is requested to take appropriate action approving the provisions of said bill."

The motion duly made and seconded to adjourn the meeting was unanimously passed at 4:45 p.m.

Attest:

HARVEY MOSES,  
*Chairman, Colville Business Council.*  
NELLIE RIMA,  
*Secretary, Colville Business Council.*

AUTHENTICATION OF SIGNATURES AND CERTIFICATION

I certify that the foregoing signatures of the chairman and secretary of the General Meeting of the Confederated Tribes of the Colville Reservation, held at Nespelem, Wash., on the 8th day of April 1961, are genuine that the meeting to which the minutes relate were taken in my presence at said meeting and certified to in my presence at Nespelem, Wash., April 8, 1961.

STANLEY T. POCH,  
*Administrative Officer.*

MR. KEITH. May I say Mr. Harvey Moses, on my left, is the chairman of the business council which is the legally constituted governing body of the Colville Tribe. Is there anything else, sir?

SENATOR CHURCH. If this bill were to be enacted, what would be added to the individual Indians to their prorata portion of their judgment award that applies to one of the aboriginal groups making up the Confederated Tribe?

MR. KEITH. In my opinion, and I believe more importantly the Department concurs, they would have no claim. They would have no claim. Their claims would lapse into the funds received by the Colville Confederated Tribes. You have so provided in the earlier bill on the Nez Perce.

SENATOR CHURCH. So that the judgment under the terms of this bill would become the property of the Confederated Tribe.

MR. KEITH. That is right, sir.

SENATOR CHURCH. To be used by the council in such ways as the council deems fit, and the council would not be restricted in using this money for the benefit of that particular aboriginal group for which the judgment was given.

MR. KEITH. Assuming the approval of the Secretary, that would be correct. At mass meetings and at meetings of the business council over a period of several years, ever since these claims have been filed, the members of the aboriginal tribes—we have no tribal chieftains left. They have disappeared. We have no entities in each of these aboriginal bands. The only governing body since 1939 has been the Business Council of the Confederated Tribes. They have sold millions and millions of dollars worth of timber. They have paid per capitas to all of these people whose aboriginal enrollment or membership in the aboriginal tribes has long since ceased. They have been treated only as members of the Colville Confederated Tribes by the Government among themselves and without dissent since 1939. There would be no other way.

The bloodlines have so intermingled in that reservation with the confusion of these aboriginal bands since the reservation was set up

in 1872 that it would be absolutely impossible from an ethnological standpoint or any other to determine who is a member of what band any more.

Senator CHURCH. Maybe this is the way to solve the per capita distribution problem.

Senator ALLOTT. As I understand the situation, and I want to be sure that I do completely, regardless of the source of funds, which would lodge in the Business Council of the Confederated Tribes, in the event of a future distribution, each and every member of that tribe would have an equal right to share in the distribution.

Mr. KEITH. That is correct.

Senator ALLOTT. So in effect it would become a common fund, controlled by the council?

Mr. KEITH. With the approval of the Secretary.

Senator ALLOTT. But it becomes a common fund which erases all tribal lines.

Mr. KEITH. That is my opinion and I am sure the Department concurs.

Senator ALLOTT. Is that yours, Mr. Sigler?

Mr. SIGLER. Yes, sir; it is.

Senator CHURCH. I am satisfied.

Senator BURDICK. Mr. Sigler, are you satisfied that if this bill is passed that all rights of any individual Indian to a judgment are canceled and terminated?

Mr. SIGLER. Yes, sir.

Senator Burdick, the individual Indians have no rights in judgments recovered under the Indian Claims Commission Act. That act authorizes claims to be prosecuted by tribes, and the individuals have no personal rights in the recovery of that tribe. I would like to make one point I think might help you. When you passed the Nez Perce legislation in April of this year, you provided in that legislation that the portion of the Nez Perce judgment which was given to the Colville could be used by the whole Confederated Tribes of Colville only if all the other Confederated Tribes agreed to the same use of their separate moneys. Now some of these other Confederated Tribes have already recovered one or two judgments. The Indians have agreed, as Congress required them to agree, to use their money in that way. This bill will do it. That is all the bill does.

Senator ALLOTT. Is there a chance that this would subject the Government to a subsequent claim or suit? I do not know the name of any one of these tribes that has secured a judgment. Can you give me one?

Mr. KEITH. Yes. The only judgment received by any of the bands other than Joseph Band of Nez Perce is the judgment which runs—and I cannot give you the individual amounts—the gross amount is \$1 million. It runs in the favor of the Lakes, the Colvilles, and three others.

Senator ALLOTT. Five tribes?

Mr. KEITH. Yes, sir.

Senator ALLOTT. Then is there any danger, Mr. Sigler, subsequent to this, that a claim might arise in case we ever get to the place where we want to make a distribution of this, and the termination of the Colville situation, that the Government would be subject to a claim

or a suit from any one of these individual tribes claiming that money which they had recovered in judgment was being disbursed among members of other tribes to whom the money did not belong?

Mr. SIGLER. Senator Allott, the time for filing claims has elapsed. There is now no mechanism for asserting such a claim.

Senator ALLOTT. Yes; but this would have arisen after the filing of the claim period.

Mr. SIGLER. I was going to go on to that point. In my judgment there would be no basis for that kind of a claim. The individual members of the Confederated Tribe—the individual bands—have now been merged into one entity. That entity, the Confederated Tribes, have passed the resolution which you have, requesting this kind of legislation. That entity speaks for all of its parts, including these members.

Senator ALLOTT. Have the five tribes who recovered this judgment agreed to a similar agreement that the Nez Perce agreed to when they got their money?

Mr. SIGLER. They have agreed to it in the same way.

Senator ALLOTT. Thank you very much.

Mr. KEITH. I may add one thing else with respect to the one judgment. Each of our individual claims had to be brought in a representative capacity because there was no legal entity to bring it. The Indian Claims Commission required us to have the people who filed the judgment agree to the judgment when it was signed. So I think the record is abundantly clear to prevent a repeat claim from coming up.

Thank you very much, Mr. Chairman.

Senator JACKSON. I appreciate this very much, Mr. Chairman.

Senator CHURCH. I am happy to do it.

We will now proceed with other business.

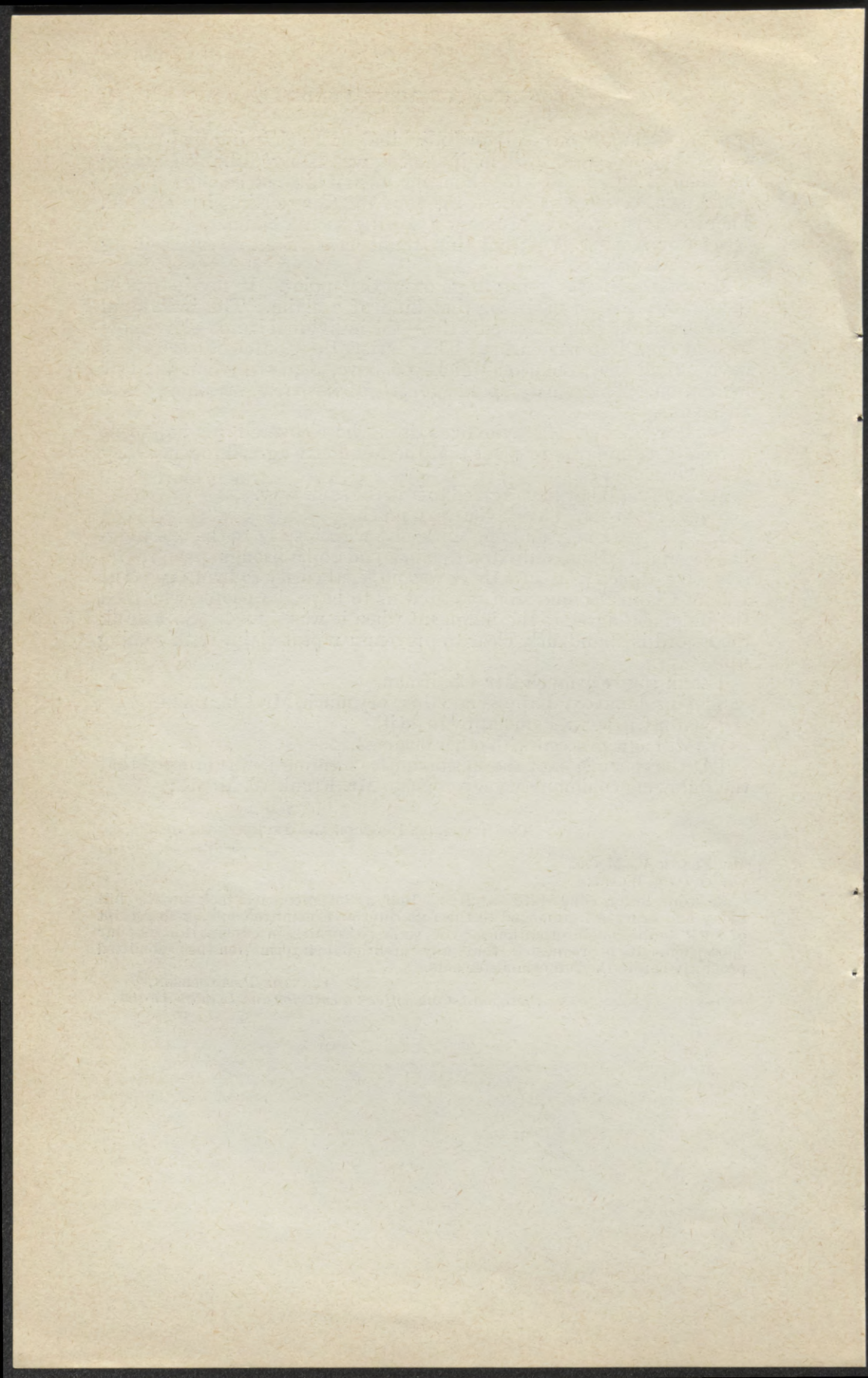
(At the conclusion of the subcommittee meeting it was ordered that the following communication be sent to Mr. Frank W. Moore:)

U.S. SENATE,  
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,  
August 15, 1961.

MR. FRANK W. MOORE,  
Coulee Dam, Wash.:

Re your letter concerning S. 2123. Indian Subcommittee took up the bill today and ordered it reported to the full Interior Committee subject to receipt of such additional information as you want to furnish in explanation of your opposition. It is requested that any additional information be submitted promptly before the full committee acts.

CLINTON P. ANDERSON,  
Chairman, Committee on Interior and Insular Affairs.



## COLVILLE JUDGMENT FUNDS

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WEDNESDAY, SEPTEMBER 13, 1961

U.S. SENATE,  
SUBCOMMITTEE ON INDIAN AFFAIRS OF THE  
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,  
*Washington, D.C.*

The subcommittee met, pursuant to notice, at 10:15 a.m., in room 3110, New Senate Office Building, Senator Frank Church presiding.

Present: Senators Church, Jackson (acting chairman of the full committee), and Burdick.

Also present: James H. Gamble, of the committee professional staff. Senator JACKSON. The subcommittee will come to order.

Senator Church will be here a little later. He has been detained.

The Subcommittee on Indian Affairs is meeting again to consider S. 2123 and H.R. 8236, a companion bill which recently passed the House and is now pending before the subcommittee, relating to judgment funds accruing to members of the Confederated Tribes of the Colville Reservation.

I will place H.R. 8236 and the House report thereon in the record at this point.

(The exhibits are as follows:)

[H.R. 8236, 87th Cong., 1st sess.]

AN ACT To authorize the use of funds arising from judgments in favor of any of the Confederated Tribes of the Colville Reservation

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the funds on deposit in the Treasury of the United States to the credit of the Colville Tribe, San Poells-Nespelem Tribe, Okanogan Tribe, Methow Tribe, and Lake Tribe (certain constituent groups of the Confederated Tribes of the Colville Reservation) that were appropriated to pay a judgment of the Indian Claims Commission dated March 1, 1960, in docket numbered 181, and the funds which may be deposited in the Treasury of the United States to the credit of the said constituent groups or any other constituent groups of the Confederated Tribes of the Colville Reservation to pay any judgments arising out of proceedings presently pending before the Indian Claims Commission in dockets numbered 161, 179, 181-A, 181-B, 181-C, 222, and 224, and the interest on said judgments, after payment of attorney fees and expenses, shall be credited to the account of the Confederated Tribes of the Colville Reservation, and may be advanced or expended for any purpose that is authorized by the tribal governing body of the Confederated Tribes of the Colville Reservation and approved by the Secretary of the Interior. Any part of such funds that may be distributed per capita to the members of the tribes shall not be subject to Federal or State income tax.

Passed the House of Representatives September 6, 1961.

Attest:

RALPH R. ROBERTS, *Clerk.*

[H. Rept. No. 1000, 87th Cong., 1st sess.]

## AUTHORIZING THE USE OF FUNDS ARISING FROM JUDGMENTS IN FAVOR OF ANY OF THE CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 8236), to authorize the use of funds arising from judgments in favor of any of the Confederated Tribes of the Colville Reservation, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

## PURPOSE

The purpose of H.R. 8236, introduced by Representative Horan, is to provide that any judgment against the United States recovered in the Indian Claims Commission by any constituent group of the Confederated Tribes of the Colville Reservation shall be credited in the Federal Treasury to the account of the Confederated Tribes. After payment of attorneys' fees and expenses, the money may be advanced or expended for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior. Any per capita distribution that may be made under the provisions of the bill will not be subject to Federal or State income tax.

## NEED

The immediate need for H.R. 8236 is to provide for the disposition of a \$1 million judgment (less attorney fees and expenses) recovered by one of the Confederated Tribes in Indian Claims Commission Docket 181. The provisions of H.R. 8236 will also cover such amounts, if any, as may be awarded in several other dockets pending before the Indian Claims Commission.

This bill completes a plan of action contemplated by the act of April 24, 1961 (Public Law 87-24), which authorized the crediting to the Confederated Tribes of a portion of a judgment recovered by another of its constituent organizations if an agreement along the lines of that embodied in H.R. 8236 were worked out.

## COST

No additional expenditure of Federal funds will be entailed by the enactment of the bill.

## TRIBAL RESOLUTION

Resolution No. 1961-99 of the Colville Business Council dated April 14, 1961, recommending this legislation is as follows:

*"Be it resolved by the general meeting of the members of the Colville Confederated Tribes, That a bill in substance and effect as follows be introduced into the Congress of the United States and enacted into law:*

*"The funds on deposit in the Treasury of the United States to the credit of the Colville Tribe, San-Poeils-Nespelem Tribe, Okanogan Tribe, Methow Tribe, and Lake Tribe (certain constituent groups of the Confederated Tribes of the Colville Reservation) that were appropriated to pay a judgment of the Indian Claims Commission dated March 1, 1960, in docket No. 181, and the funds which may be deposited in the Treasury of the United States to the credit of the said constituent groups or any other constituent groups of the Confederated Tribes of the Colville Reservation to pay any judgments arising out of proceedings presently pending before the Indian Claims Commission in dockets 161, 179, 181-A, 181-B, 181-C, 222, and 224, and the interest on said judgments, after payment of attorney fees and expenses shall be credited to the account of the Confederated Tribes of the Colville Reservation, and may be advanced or expended for any purpose that is authorized by the tribal governing body of the Confederated Tribes of the Colville Reservation and approved by the Secretary of the Interior. Any part of such funds that may be distributed per capita to the members of the tribes shall not be subject to Federal or State income tax.*

*"Attest:*

*"HARVEY MOSES,  
"Chairman, Colville Business Council.*

*"NELLIE RIMA,  
"Secretary, Colville Business Council.*

## "AUTHENTICATION OF SIGNATURES AND CERTIFICATION

"I certify that the foregoing signatures of the chairman and secretary of the Business Council, Colville Confederated Tribes, are genuine; that the meeting to which the foregoing minutes relate was held in my presence, and certified to in my presence, at Nespelem, Wash., on the 14th day of April 1961.

"ELMO MILLER, *Superintendent.*"

## DEPARTMENTAL REPORT

The report of the Secretary of the Interior dated August 11, 1961, is as follows:

"DEPARTMENT OF THE INTERIOR,  
"OFFICE OF THE SECRETARY,  
"Washington, D.C., August 11, 1961.

"HON. WAYNE N. ASPINALL,  
"Chairman, Committee on Interior and Insular Affairs,  
"House of Representatives, Washington, D.C.

"DEAR MR. ASPINALL: Your committee has requested a report on H.R. 8236, a bill to authorize the use of funds arising from judgments in favor of any of the Confederated Tribes of the Colville Reservation.

"We recommended that the bill be enacted.

"The bill provides that any judgment against the United States that is recovered in the Indian Claims Commission by any constituent group of the Confederated Tribes of the Colville Reservation shall be credited in the Treasury of the United States to the account of the Confederated Tribes. After payment of attorney fees and expenses, the money could be advanced or expended for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior. Any per capita distribution of the funds to members of the tribes would not be subject to Federal or State income tax.

"The bill completes the plan contemplated by the act of April 24, 1961 (Public Law 87-24). In that legislation Congress authorized a portion of the Nez Perce judgment that was allocated to the Nez Perce Indians living on the Colville Reservation, as one of the constituent groups of the Confederated Tribes, to be credited to the account of the Confederated Tribes only after the Confederated Tribes agreed with the Secretary of the Interior that any judgment recovered by any other constituent group of the Confederated Tribes would be handled in the same manner. The Confederated Tribes agreed in Resolution No. 1961-99, dated April 8, 1961, passed in a general meeting, and in a business council resolution dated April 14, 1961. This bill will carry out that agreement.

"Because the constituent groups of the Confederated Tribes are so intermingled, it would be impractical to handle judgment funds in any other way.

"The funds that will immediately be subject to the provisions of the bill total \$1 million, which is the net amount recovered by some of the constituent groups of the Confederated Tribes in Indian Claims Commission docket 181. Other claims that are still pending before the Indian Claims Commission and that will become subject to the provisions of the bill if judgments are recovered, are enumerated in the bill.

"The expenditure by the Confederated Tribes of their share of the Nez Perce judgments recovered and anticipated is already authorized by the 1961 act (Public Law 87-24). The Department does not wish to use that authority, however, until this bill is enacted committing the Confederated Tribes with respect to judgments recovered by other constituent groups.

"The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

"Sincerely yours,

"JOHN A. CARVER, Jr.,  
"Assistant Secretary of the Interior."

## COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends enactment of H.R. 8236.

Senator JACKSON. The subcommittee favorably considered S. 2123 on August 15, and it was reported to the full committee. When the full committee considered the measure, there were a number of telegrams and communications brought to the attention of the chairman that raised questions concerning the action of the tribe in agreeing to this legislation. Because of the controversy, it was agreed that the bill would go over for further consideration so that all parties might have an opportunity to testify and bring to the attention of the committee their wishes and desires with respect to the bills.

We have witnesses this morning representing the Tribal Business Council as well as the Colville Indian Association—an organization, as I understand it, comprised predominantly of off-reservation members of the tribe. I think it would be appropriate to begin with the witnesses representing the off-reservation people since it appears the opposition to the bill stems largely from that group. Then we will take such additional testimony as the officials of the Tribal Business Council may wish to give, together with the testimony from the Department, if that is necessary.

I believe the three witnesses, representing the Colville Indian Association, that are here today are Mrs. Alice Hallenius, Mrs. Florence Quill, and Mrs. Ruby S. Babcock.

If you ladies would like to come forward, we will be glad to hear you now.

Mr. GRORUD, are you with them, too?

Mr. GRORUD. Yes, sir.

Senator JACKSON. Please come forward, also.

**STATEMENT OF MRS. ALICE HALLENIUS; ACCOMPANIED BY MRS. FLORENCE QUILL, MRS. RUBY S. BABCOCK, AND MR. ALBERT GRORUD, ON BEHALF OF THE COLVILLE INDIAN ASSOCIATION**

Mrs. HALLENIUS. I am Alice Hallenius, of Omak, Wash. I am secretary and treasurer of the Colville Indian Association.

We are a duly organized group with a charter issued from the State of Washington. I would like to submit our charter at this time.

Senator JACKSON. Well, you do not need to do that. All right. You would like this returned?

Mrs. HALLENIUS. Yes.

Senator JACKSON. Let the record show that she has submitted a charter, dated the 27th day of August 1956, signed by Earl Cole, secretary of state, stating that the annexed is a true and correct copy of the articles of incorporation of the Colville Indian Association as received and filed in the office of the secretary of state on that date.

Now, there is no need of your leaving that.

Mrs. HALLENIUS. Thank you.

Efforts have been made by Mr. Lyle Keith to discredit our association. At the time of his statements and following that time we were told that the Congress of the United States would certainly not recognize us but, thank God, here we are today. And I thank each and every member of your committee for allowing us to be here at this time.

Senator JACKSON. Well, I just want to say, Mrs. Hallenius, that we were all agreed that you folks have the right to be heard.

I mean, there was a question of us coming to the reservation or taking the testimony here and, the House having acted unanimously, it was felt that we should proceed on this. It was felt that you folks should be properly represented, and that is why we are holding this hearing this morning.

Mrs. HALLENIUS. Thank you.

Well, to begin with, I would like to tell you of the beginning of our association.

In years past, when we had a chief, he was Chief Jim Bernard of the Colvilles. He recognized the need for an association, for an organization.

During the early part of 1953, Mr. Carl Beck, then Special Assistant to Commissioner Emmons, visited the Colville Indian Reservation. He visited tribal members there who were working then in the organization under the name of the Colville Indian Commercial Club, whose president was a Mr. Runnels.

Mr. Beck advised them to organize under a State charter. Among other things, he said, "I want to give you some advice on this matter."

Mr. Beck said, "First, ask for a State charter. Do not ask the Secretary of Interior for a charter because you tie yourself right back to the Indian Bureau.

"Secondly, you must prepare your program so that your Indian members will be back of your program; thirdly, to form and adopt a constitutional government under State law."

The Colville Indian Association has always held fast to the intention of encouragement to the tribal members themselves. Information concerning their affairs was given them, thereby educating them to a more sound knowledge of the task at hand.

Management and mismanagement were the principal items discussed. I speak as a tribal member now when I say that the knowledge gained thus has given me a sense of self-respect and self-confidence which all tribal members need now more than ever.

The Colville Indian Association has grown to include more than 400 active tribal members. The dues are \$2 a year, payable January 1 of each year. These dollars are used to buy stamps and stationery and, lately, to pay telephone bills.

The purse strings, which the business council controls, are certainly not open to us. All officers of the Colville Indian Association try to attend all meetings. A quorum of three must be present or there is no action taken.

All members of the association pay their own expenses to and from meetings and anywhere else it is necessary to go.

I, as secretary and treasurer, am obligated to attend all meetings near or far, and I must ask my husband to take money from the support of seven children of school age in order to be able to go.

On the other hand, the Colville Business Council has practically unlimited access to tribal funds which they disburse to themselves regularly. The Colville Indian Association has always termed themselves the "voice of the people."

No person has been denied the right to speak at any of our meetings. No one has ever been called out of order.

The attorney for the Colville Business Council was illegally selected by them. He is compensated out of the same tribal funds the business council uses for its own purposes.

Lyle Keith, in his statement before your committee, tried to discredit and belittle our Colville Indian Association. He well knew that we represented the vast majority of the active members of the tribe.

The attorney for the Colville Indian Association is Albert A. Grorud, of Washington, D.C., who formerly was a staff member of the Senate Committee on Indian Affairs, which committee in 1946 became the Senate Committee on the Interior and Insular Affairs.

Mr. Grorud held this position about 30 years until his retirement in 1955. Mr. Grorud has served the Colville tribal members, in his attorney's position, for many years beginning while the Colville Indian Commercial Club was an organization.

Mr. Grorud has received nothing but gratitude from the association, and no one knows better than he that gratitude hardly pays bills by itself.

When the Senate Investigating Committee published its report on the Bureau of Indian Affairs in 1953 it stated that there had been no legislation yet enacted which had inspired the Indian people to seek termination. We feel Public Law 772 was such legislation.

The Colville Indian Association, from its inception, has favored orderly termination of the Bureau of Indian Affairs' supervision even before House Concurrent Resolution 108 which unanimously passed the Congress in 1953.

The Bureau of Indian Affairs, with its business council, have favored continued Bureau supervision and their actions prove it. This action was partially covered by letter addressed to Solicitor Abbott, dated April 12, 1960.

I would like to submit the letter contained herein.

Senator CHURCH. Without objection, it will be made a part of the record.

(The letter and exhibits referred to follow:)

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SOLICITOR,  
*Washington D.C., July 12, 1960.*

ALBERT A. GRORUD, Esq.,  
*Legal Adviser, Colville Indian Association,  
Washington, D.C.*

DEAR MR. GRORUD: Reference is made to my letter of May 5 concerning certain questions which have been raised by the Colville Indian Association.

We have now completed our consideration of whether the Colville Business Council has authority to employ attorneys for the Confederated Tribes of the Colville Indian Reservation. It is our conclusion that the business council lacks the authority to employ counsel as required by the Department's regulations applicable to tribes not organized under the Indian Reorganization Act (see 25 CFR, pt. 72, particularly secs. 72.8, 72.13 and 72.14). Accordingly, we have informed the Commissioner of Indian Affairs of these views and have requested his recommendations concerning possible courses of action which may now be taken with respect to the proposed general counsel contract between Mr. Lyle Keith and the Colville Tribes.

As to the request of the Colville Indian Association that the business council be restrained from handling the preparation of a program for termination, we are not in a position to restrain the business council from performing as it is authorized to do under the tribal constitution and as it is directed to do by section 5 of the act of July 24, 1956 (70 Stat. 626, 627).

The association has also requested that a general council or election be called by the Secretary of the Interior to revise the constitution and bylaws approved April 19, 1938, as amended, or adopt another constitution to provide for new handling of the business affairs of the tribes.

Article VI of the tribal constitution provides for the amending of that constitution, and it is clearly within the amendatory power of the tribes to substitute a general council for the business council if they are so inclined. Furthermore, I am informed the Colville constitution has been successfully amended as recently as July 2, 1959, at which time the eligible voters of any district were enabled to petition for the recall of any councilman, who, for cause, might be found remiss in his performance of office.

As regards elections, it is my understanding a tribal election was held May 7. While a complete report has not been furnished me, I am informed that as a result of that election the number of those on the business council who are identified with the Colville Indian Association has decreased. In conclusion, I must state that I am not persuaded anything is required to effect the association's desire to change the form of government of the Confederated Tribes of the Colville Indian Reservation other than the association's ability to convince a majority of the adult members of the tribes that such a change is desirable.

Sincerely yours,

GEORGE W. ABBOTT, *The Solicitor.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,  
*Washington, D.C., May 9, 1960.*

MR. ALBERT A. GRORUD,  
*Washington, D.C.*

DEAR MR. GRORUD: I have just finished reading the carbon copy of the letter sent by Mr. Frank W. Moore, president of the Colville Indian Association, to Mr. George W. Abbott, Solicitor, Department of the Interior, under date of April 12, 1960, and the sheaf of exhibits and documents attached to said letter.

Our Subcommittee on Indian Affairs is vitally concerned over the steps being taken by the Colville Confederated Tribes to respond to its obligations under Public Law 772, 84th Congress. I believe it would serve a useful purpose if the Colville Indian Association would continue to keep us informed as to the progress it is making in implementing the 1956 act.

Sincerely yours,

J. I. TAYLOR,  
*Consultant on Indian Affairs.*

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OBJECTION TO THE RENEWAL OF ATTORNEY CONTRACT BETWEEN LYLE KEITH ET AL. AND THE BUSINESS COUNCIL OF THE CONFEDERATED TRIBES OF THE COLVILLE INDIAN RESERVATION, REQUEST FOR A REVISION OF THE CONSTITUTION AND BYLAWS, APPROVED APRIL 19, 1938, AS AMENDED, AND A REQUEST FOR AN ORDER RESTRAINING THE PRESENT BUSINESS COUNCIL FROM HANDLING THE PREPARATION OF A PROGRAM FOR TERMINATION

COLVILLE INDIAN ASSOCIATION,  
*April 12, 1960.*

HON. GEORGE W. ABBOTT,  
*Solicitor, Department of the Interior,*  
*Washington, D.C.:*

The officers and members of the Colville Indian Association, certain members of the Colville Business Council, and the 720 adult members of the Colville Tribes, constituting the majority of the adult and eligible voters of the Colville Tribes, who have affixed their signature to that certain petition addressed to "The Members of the Congress of the United States," a copy of which is attached hereto and marked "Exhibit A" and made a part hereof, respectfully oppose and protest the approval of the proposed attorney contract, now before you for approval, between Lyle Keith et al. and the Colville Business Council. We also assert that the present constitution and bylaws of the Colville Tribes are unsuitable and repugnant to the welfare of the Indian people and works to their detriment and against their best interests.

## ATTORNEY CONTRACT

That the said attorney contract, or agreement, alleged to have been entered into on the 1st day of December 1953, by and between the Business Council of the Confederated Tribes of the Colville Indian Reservatoin and Lyle Keith, P. H. Winston, and Nelson B. Repsold, was not executed pursuant to the provisions of sections 2103 to 2106, Revised Code, now title 25 of the United States Code, as sections 81 to 84, nor in the pursuance with the provisions of the constitution and bylaws of the Colville Tribes.

Section 81 of the United States Code, provides:

“§ 81. Contracts with Indian tribes or Indians.

“No agreement shall be made by any person with any tribe of Indians or individual Indians not citizens of the United States, for the payment or delivery of any money or other thing of value, in present or in prospective, or for the granting or procuring any privilege to him, or any other person in consideration of services for said Indians relative to their lands, or to any claims growing out of, or in reference to, annuities, installments, or other moneys, claims, demands, or thing, under laws or treaties with the United States, or official acts of any officers thereof, or in any way connected with or due from the United States, unless such contract or agreement be executed and approved as follows:

“First. Such agreement shall be in writing, and a duplicate of it delivered to each party.

“Second. It shall bear the approval of the Secretary of the Interior and the Commissioner of Indian Affairs indorsed upon it.

“Third. It shall contain the names of all parties in interest, their residence and occupation; and if made with a tribe, by their tribal authorities, the scope of authority and the reason for exercising that authority, shall be given specifically.

“Fourth. It shall state the time when and the place where made, the particular purpose for which made, the special thing or things to be done under it, and, if for the collection of money, the basis of the claim, the source from which it is to be collected, the disposition to be made of it when collected, the amount or rate per centum of the fee in all cases; and if any contingent matter or condition constitutes a part of the contract or agreement, it shall be specifically set forth.

“Fifth. It shall have a fixed limited time to run, which shall be distinctly stated.

“All contracts or agreements made in violation of this section shall be null and void, and all money or other thing of value paid to any person by any Indian or tribe, or any one else, for or on his or their behalf, on account of such services, in excess of the amount approved by the commissioner and secretary for such services, may be recovered by suit in the name of the United States in any court of the United States, regardless of the amount in controversy; and one half thereof shall be paid to the person suing for the same, and the other half shall be paid into the Terasury for the use of the Indian or tribe by or for whom it was so paid. As amended Aug. 27, 1958, Pub. L. 85-770, 72 Stat. 927.”

Section 81 lists five distinct requirements as to form and manner of execution. These specific statutory requirements operate to limit the Secretary's decision, in that none of them can be dispensed with by the Secretary, and it is the duty of the Secretary to see to it that the requirements are met by any contract coming before him for approval. Section 81 must be literally complied with and nothing can be taken by intendment, nor can the Secretary dispense with any of its requirements. Section 81 further provides that “all contracts or agreements made in violation of this section shall be null and void \* \* \*” and establishes a special procedure for suit to recover moneys improperly paid out on behalf of or by an Indian tribe under a prohibited contract. (See 18 Op. Atty. Gen. 498. *McMurray v. Choctaw Nation*, 62 Ct. Cl. 458 (Cert. denied 275 U.S. 524).)

In the case of *McMurray v. Choctaw Nation*, 62 Ct. Cl. 458, 275 U.S. 524, the Court said:

“Section 2103, Revised Statutes, is a most stringent and protective enactment, the section points out in precise terms the method of contracting with Indian tribes \* \* \*. If this method is not followed, any proceeding contrary thereto is absolutely void.”

The courts have made clear that an agreement which does not comply with the conditions of the statute cannot be enforced. (*Green v. Menominee Tribe of Indians in Wisconsin*, 47 Ct. Cl. 281, Aff. 233 U.S. 558.)

COLVILLE CONSTITUTION AND BYLAWS PROVIDES FOR NO AUTHORITY WHEREBY THE COLVILLE BUSINESS COUNCIL MAY EMPLOY ATTORNEYS TO REPRESENT THE TRIBES

The powers and duties of the business council are limited in article V, section 1 (a), (b), (c), (d), and (e).

The relevant portion of article V is contained in section 1, which provides, as follows:

"SECTION 1. The Business Council shall have the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States, and subject to all restrictions upon such powers contained in this constitution and attached bylaws:"

In a communication dated November 30, 1939, addressed to Mr. Louis Balsam, field representative, Colville Agency, and signed by Mr. William Zimmerman, Jr., assistant commissioner, wherein it is stated that the Colville Business Council had negotiated with John T. Raftis, Esq., of Colville, Wash., to represent them in connection with their claims against the United States. Mr. Zimmerman correctly interprets the Constitution and states:

"It appears that the Tribal Business Council is conducting the negotiations with Mr. Raftis. Your attention is directed to the fact that under the constitution and bylaws adopted by the Confederated Tribes of the Colville Reservation and approved by this Office April 19, 1938, the enumerated powers and duties of the business council do not include the execution of tribal attorney contracts. The regulations governing the execution and negotiation of attorney contracts provide (sec. 12, 13 and 14) that while a tribal business committee or other similar representative body may conduct negotiations with attorneys, such a body may not actually execute a contract unless authorized so to do. Therefore, it will be necessary for the business council to obtain such authority from a general council of the tribe called by you for the specific purpose of considering the employment of legal counsel, or as an alternative such a general council may itself approve the employment of legal counsel and by appropriate resolution authorize several members of the tribe to execute a contract for and on behalf of the tribe."

Under date of October 14, 1941, F. A. Gross, superintendent, Colville Agency, caused a notice to be given "to all Indians enrolled on the Colville Reservation" for a general council to be held at various places on the reservation, on November 1, 1941, for the purpose of the employment of an attorney or attorneys to handle their tribal claims, which notice and the manner of selecting attorneys was in accordance with the provisions of said section 2103.

Subsequently, however, under date of July 17, 1955, in a letter addressed to Frank W. Moore, et al., Colville Indian Association, Acting Commissioner W. Barton Greenwood pretended to interpret the Colville constitution in the following words:

"Under the constitution of the Confederated Tribes of the Colville Reservation, the Colville Business Council has authority, among other things, to protect and preserve tribal property and the general welfare of the Confederated Tribes. This provision of the constitution has been interpreted by the Bureau conferring authority on the business council to execute attorney contracts, both for claims and general legal services, and for the reimbursement of expenses or payment of compensation as may be therein provided. Acting under this authority, the Business Council of the Confederated Tribes has executed, both a general council contract and a claims attorney contract, which have been approved by the Commissioner of Indian Affairs."

Under date of March 22, 1957, Acting Secretary of the Interior, Hatfield Chilson, addressed a letter to Mr. Frank W. Moore, Start Route, Coulee Dam, Wash., in which he pretended to interpret and construe the provisions of the Colville constitution in the following words:

"You suggest that the Colville people should be given the privilege of voting on the selection of a tribal attorney. The tribal constitution gives to the Colville Business Council the authority, among other things, to protect and preserve tribal property and the general welfare of the Confederated Tribes. This authority has been construed as conferring power upon the Colville Business Council to transact tribal business, including the execution of attorney contracts, both for the prosecution of tribal claims and for general legal services. This

power can only be taken away from the Colville Business Council through an appropriate amendment to the tribal constitution to vest in the Colville General Council the authority to enter into contracts."

The interpretations supplied by Messrs. Greenwood and Chilson rectifies a sentence "to protect and preserve tribal property and the general welfare of the Confederated Tribes," which sentence is supposed to be a part of the constitution and upon which their interpretations are based, which confers the power upon the business council to execute attorney contracts, both for prosecution of tribal claims and for general legal services. We submit that there is no such provision in the Colville constitution.

However, the constitution of the Confederated Tribes of the Colville Reservation, provides:

"ARTICLE I. PURPOSE.—The object and purpose shall be to promote and protect the interests of the Colville Indians and to preserve peaceful and cooperative relations with the Office of Indian Affairs, its officers and appointees."

Article V, section I, provides:

"SECTION 1. The business council shall have the following powers, subject to any limitations imposed by the statutes of the Constitution of the United States, and subject to all express restrictions upon such powers contained in this constitution and attached bylaws:"

The provisions of article 1 is apparently phrased in the nature of a preamble to the constitution and evidently the text from which the Indian Bureau officials lifted a context or phrase for a basis for their erroneous interpretation. There is no provision in the constitution which expressly authorizes the tribal business council to execute attorney contracts, either for the prosecution of tribal claims or for general legal services, therefore, such employment of attorneys must be had in accordance with the provisions of section 81, United States Code.

By reason of such substitution in the interpretation and construction of the provisions of the Colville constitution by the Indian Bureau, we feel that we must inquire, why should Mr. Raftis be treated differently from that of Messrs. Lyle Keith et al.?

By reason of what has been taking place with respect to the handling of the affairs of the Colville Tribes under the guise of constitutional authority by the Indian Bureau, Lyle Keith et al. and an irresponsible business council, the Colville Indian Tribes have suffered irreparable damage and have caused dissension, discord, strife, disagreements, and friction among the members of the tribes, and also have caused distrust and disrespect for our Government and its functions.

These Indians have gone to the Indian Department in Washington for relief and justice under the shield and protection of the Federal Government, but have discovered that the aegis of the Federal Government is on the other side, and by reason thereof the Indians have suffered injustices at the hands of certain representatives of the Federal Government.

Messrs. Lyle Keith et al. and the tribal business council have been and are cognizant of the fact that no specific provision is embodied in the Colville constitution whereby the business council may execute attorney contracts as is evidenced by the fact that on two occasions, May 5, 1956, and May 10, 1958.

Attempts were made to amend the constitution and bylaws so as to provide authority for the business council to execute attorney contracts in a referendum vote on May 5, 1956, which resulted in its rejection by a vote of 172 for and 377 against. A referendum vote on a similar amendment, on May 10, 1958, again resulted in a defeat of the proposed amendment by a vote of 219 for and 321 against.

THE PRESENT CONSTITUTION OF THE COLVILLE CONFEDERATED TRIBES OF INDIANS, APPROVED APRIL 19, 1938, IS UNSATISFACTORY

The present constitution of the Colville Tribes should be amended so as to make it conform to American principles in dealing with individuals and their affairs.

Among the salient objectionable provisions, are:

(1) The arbitrary and dictatorial powers of the tribal business council should be eliminated, and replaced with reasonable and fair provisions which would govern the powers and authority now vested in the business council.

(2) A reservationwide election of officers of the tribes, which election procedures should be patterned after State laws, such as voting by secret ballot, absentee vote by ballot and voting places designated in convenient localities.

(3) A reasonable provision as to the calling of general councils.

(4) There is no provision in the present constitution and bylaws authorizing the calling of general councils, except through the business council.

(5) The business council have in two instances authorized referendum votes for the purpose of amending the constitution, which referendums were called for the same date as the general election of officers.

(6) The Indian people are practically foreclosed from the calling of a general council for the purpose of amending the constitution, or otherwise, because the business council is in complete control over the situation, as will appear from reading the text of article VI, which reads as follows: "This constitution and bylaws may be amended by a majority of the qualified voters of the Confederated Tribes voting at an election called for that purpose, provided, that the tribal council shall have adopted the amendment by a two-thirds vote, but no amendment shall become effective until it shall have been approved by the Commissioner of Indian Affairs."

(7) However, the Secretary of the Interior may call general councils and for other purposes, but apparently he has not deemed it expedient or necessary to do so.

(8) A mass meeting at which all Colville Indians qualified to vote were invited to attend, held at Nespelem on September 13 and 14, 1958, at which meeting the following resolution was adopted. "That article II, section 1, be amended to read:

"(a) The governing body of the Confederated Tribes of the Colville Reservation shall be a council known as the general council, consisting of all the adult members of the Confederated Tribes of the Colville Reservation.

"(b) All the powers heretofore vested in the Colville Business Council shall be and are hereby transferred and vested in the general council.

"(c) The general council shall have the power to determine what shall constitute a quorum.

"(d) This amendment shall be in full force and effect whenever a majority of adult voters of the Confederated Tribes voting at an election called by the Secretary of the Interior for that purpose, in which at least 30 percent of the eligible voters vote, shall have ratified such amendment to the constitution and bylaws."

This resolution was submitted, pursuant to article VI of the constitution, to the business council on November 20, 1958, at an official meeting with the request that an election be called for the purpose of and for the adoption or rejection of said proposed amendment. Thereupon the business council promptly rejected such request by a vote of 10 to 1.

(9) Tribal members who are indebted to the tribes, through loans or otherwise, and members holding timber contracts which require the approval of the business council or the general council, should not be eligible for membership on the business council.

We have had some very bad experiences in connection with the election of candidates whose personal interests were greater than those of the tribe. The Colville Indian Association and those who are in sympathy and in accord with the reforms advocated by it and who were desirous of electing honest and qualified councilmen, have supported and elected persons who, before elections, promised to support such reforms and eliminate the unsatisfactory situation prevailing within the business council. However, after their election, if they happened to be indebted to the tribes, or offered some other personal favor, in exchange for his or her joining up with the old crowd, his or her indebtedness would be reduced substantially or canceled. There are now several members serving on the business council who have timber contracts with the tribe. We submit that such relationship and conditions which now prevail on the Colville Reservation are not conducive for a good and respectable government.

We submit that the development of a responsible and representative business council is desirable for the handling of official tribal business and for cooperating with the Congress and the Department of the Interior in the development of a program leading to the termination of the Government's supervision over the Colville Indians.

#### TERMINATION

The Congress of the United States enacted a law, approved July 24, 1956, (Public Law 772, 84th Cong. 70 Stat. 626, 627), which, among other things, provides:

"Sec. 5. The business council of the Confederated Tribes of the Colville Reservation shall, in accordance with resolution numbered 1955-33, dated April 8, 1955, of the Colville business council, submit to the Secretary of the Interior within 5 years from the date of enactment of this act proposed legislation providing for the termination of Federal supervision over the property and affairs of the Confederated Tribes and their members within a reasonable time after the submission of such proposed legislation."

The Colville Indian Association and its supporters have since the enactment of Public Law 772 endeavored to get the business council to take some action in regard to "termination," but our pleas have been in vain. Not until the month of September 1958, after much pleading and prodding, the business council finally agreed to call a mass meeting at Nespelem for November 8, 1958, for the purpose of considering the provisions of Public Law 772, relating to termination, however, no matters of any consequence were taken up and considered, including a termination program. The morning and early afternoon was reserved for submission of a special report on termination, but such report has never been had or furnished. The time at this mass meeting was taken up with introductions and talks by visitors from other tribes, who were invited to be there by the business council, and Indian Bureau officials.

Instead of the business council members encouraging consideration and discussions of the provisions of Public Law 772, certain members of the council have placed every possible obstacle in the way so that the matter of termination would not be discussed and considered among the members of the Tribe. The business council would not sponsor mass meetings for the purpose of considering a termination program, but to the contrary, they (council members) would endeavor to keep Indians from assembling for serious consideration and discussion of the matter of termination.

The members of the Colville Indian Association worked diligently and hard in the planning for and to give publicity for said mass meeting on September 12, and 13, 1958, at the same time certain members of the business council were busy spreading false information concerning the same and caused posted notices of said meeting to be torn down and destroyed.

We submit that the proposed attorney contract under consideration is not executed in accordance with the law, and that the Colville Business Council is without authority to bind the interests of the tribes in this regard without submitting the same to a general council held for that purpose, therefore, by reason of the foregoing facts, the Colville constitution and the law, we respectfully pray that the proposed attorney contract, now before you for approval, and which Messrs. Lyle Keith, et al., and the Colville Business Council are urging your approval be rejected, and that the Secretary of the Interior proceed in accordance with the provisions of section 81, title 25, United States Code to call a general council meeting of the Colville Confederated Tribes for the purpose of the employment of an attorney or attorneys to represent all the members of the Confederated Tribes of the Colville Indian Reservation.

We further pray, that the Secretary of the Interior call a general council of the Colville Confederated Tribes, or an election, for the purpose of affording the members thereof an opportunity to vote for desired amendments to the present constitution, or for a constitution which will not vest all powers as to the handling of the business and affairs of the Colville Confederated Tribes in the business council.

We further respectfully request that the Colville Business Council be restrained from further handling, supervising, or interfering in any way with a program of termination until such time as all the members of the tribes shall have had an opportunity to amend their constitution so that the matters concerning the present and future welfare of the tribes will be handled in an honest, efficient, and equitable manner.

The following exhibits are attached hereto and made a part hereof:

*Exhibit A.*—A petition addressed to the Members of Congress of the United States, signed by 705 adult members of the Colville Confederated Tribes, remonstrating against the Colville Business Council for its conduct and manner in which it is handling the business and affairs of the Colville Tribes, and request the enactment of legislation which would direct the Secretary of the Interior to call an election for the purpose of submitting to the membership of the tribes proposed amendments to the present constitution.

*Exhibit B.*—A copy of the constitution and bylaws of the Confederated Tribes of the Colville Reservation.

*Exhibit C.*—A copy of the attorney contract entered into on December 1, 1953, between the Colville Business Council and Lyle Keith, P. H. Winston, and Nelson D. Repsold.

*Exhibit D.*—Statement by Mr. Frank W. Moore, president, Colville Indian Association, and various documents and letters attached thereto, concerning the Lyle Keith et al., attorney contract, the inadequacy of the present Colville constitution, and other matters concerning the welfare of the Colville Tribes.

*Exhibit E.*—A letter dated November 30, 1939, addressed to Mr. Louis Balsam, field representative in charge, Colville Indian Agency, and signed by William Zimmerman, Jr., Assistant Commissioner of Indian Affairs, advising that the powers and duties of the business council, enumerated in the constitution and bylaws of the Colville Tribes, do not include the execution of tribal attorney contracts.

*Exhibit F.*—Copy of notice, dated October 14, 1941, calling general council meeting for the purpose of the employment of tribal attorney.

*Exhibit G.*—Letter dated July 17, 1956, addressed to Mr. Frank W. Moore, et al., Colville Indian Association, and signed by W. Barton Greenwood, Acting Commissioner of Indian Affairs, placing a wrongful interpretation on an alleged provision of the constitution and bylaws relating to Indian attorney contracts.

*Exhibit H.*—Letter dated March 22, 1957, addressed to Mr. Frank W. Moore and signed by Hatfield Chilson, Acting Secretary of the Interior, placing a wrong interpretation on an alleged provision of the Colville Confederated Tribes' constitution and bylaws.

*Exhibit I.*—I letter dated January 28, 1959, addressed to Mr. Elmo Miller, superintendent, Colville Indian Agency, and signed by Don C. Foster, director, Portland area office, concerning the manner in which to pursue in the adoption of amendments to the constitution of the Colville Tribes.

*Exhibit J.*—Letter dated January 30, 1959, addressed to Mr. Frank W. Moore, and signed by Elmo Miller, superintendent, Colville Indian Agency, transmitting letter of Don C. Foster, dated January 28, 1959.

*Exhibit K.*—Letter dated March 15, 1960, addressed to Mrs. Helen Toulou, Kewa, Wash., from Hon. Walt Horan, advising that the Secretary of the Interior has the authority to allow an election to be held.

*Exhibit L.*—Letter dated April 6, 1960, signed by Mrs. Florence Quill, a member of the Colville Business Council, concerning the Lyle Keith attorney contract.

*Exhibit M.*—Letter dated March 29, 1960, signed by Mr. Dan Finley, a member of the Colville Business Council, protesting against the renewal of the Lyle Keith attorney contract

*Exhibit N.*—Letter dated February 15, 1956, addressed to Mr. Glenn L. Emmons, Commissioner of Indian Affairs, and signed by Dan Finley, Lorraine Misiaszek (present members of the Colville Business Council), Lucy Swan, and Elizabeth E. Finley, questioning the legality of the Lyle Keith attorney contract, criticizing the constitution and bylaws, and the method and the manner which amendments to the constitution and bylaws have been declared adopted.

Respectfully submitted.

LOUIE CAMILLE, *Treasurer, Colville Indian Association.*

FLORENCE MOORE, *Acting Secretary, Colville Indian Association.*

FLORENCE QUILL, *Trustee, Colville Indian Association.*

ALBERT A. GRORUD, *Attorney for Colville Indian Association.*

FRANK W. MOORE, *President, Colville Indian Association.*

MARCEL ARCASA, *Vice President, Colville Indian Association.*

DAN FINLEY, *Member, Colville Business Council.*

FLORENCE QUILL, *Member, Colville Business Council.*

#### EXHIBIT A

#### PETITION TO THE MEMBERS OF THE CONGRESS OF THE UNITED STATES OF AMERICA

We, the undersigned,<sup>1</sup> who constitute a majority of the members and qualified voters of the Colville Indian Tribe, respectfully petition Congress as follows:

Whereas the present governing body of the Colville Tribe, namely, the Colville Business Council, has proven to be highly unsatisfactory in that this council represents the Bureau of Indian Affairs and not the members of the tribe, and,

<sup>1</sup> Petition is signed by 705 adult members of the Colville Indian Tribe. The names are in the committee files.

Whereas the constitution and the by-laws of the Confederated Tribes of the Colville Reservation need to be amended to the extent that the governing body of the Confederated Tribes of the Colville Reservation shall be a council known as the General Council consisting of a quorum of adult members of said Tribe, and,

Whereas the present Tribal Council refuses to call an election or to approve such an amendment to the present constitution, and,

Whereas it is common knowledge that the Commissioner of Indian Affairs would not approve the proposed amendment, now, therefore the undersigned, who as stated above, constitute a majority of the qualified voters of the Confederated Tribes of the Colville Reservation, petition Congress to enact legislation that would direct the present Tribal Council and the Secretary of the Interior to hold an election and to approve what the majority of the qualified voters wishes as far as the amendment is concerned.

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EXHIBIT B

CONSTITUTION AND BY-LAWS OF THE CONFEDERATED TRIBES OF  
THE COLVILLE RESERVATION

PREAMBLE

We, the people of the Colville Reservation in the State of Washington in order to form a recognized representative council to handle our Reservation affairs, and in order to improve the economic condition of ourselves and our posterity, do hereby establish this Constitution and By-Laws.

ARTICLE I. PURPOSE

The object and purpose shall be to promote and protect the interests of the Colville Indians and to preserve peaceful and cooperative relations with the Office of Indian Affairs, its officers and appointees.

ARTICLE II. GOVERNING BODY

*Section 1.*—The governing body of the Confederated Tribes of the Colville Reservation shall be a council known as the Colville Confederated Tribes.

*Section 2.*—A business Council shall consist of a number of councilmen recommended by the people to be elected from the districts as set forth hereafter.

*Section 3.*—The representation from the districts hereby designated shall be as follows: Inchelium district, four councilmen; Nespelem district, four councilmen; Omak district, four councilmen; Keller district, two councilmen.

*Section 4.*—The Business Council shall have the power to change the districts and the representation from each district based upon community organization or otherwise, as deemed advisable, such change to be made by ordinance, but the total number of councilmen shall not be changed, as provided for in Section 2 of Article II of this Constitution.

*Section 5.*—The Business Council so organized shall elect from within its own number (1) a chairman; (2) a vice chairman; and from within or without its own membership (3) a secretary; and may appoint such other officers and committees as may be deemed necessary.

*Section 6.*—No person shall be a candidate for membership in the Business Council unless he shall be a member of the Confederated Tribes of the Colville Reservation and shall have resided in the district of his candidacy for a period of one year next preceding the election, and be at least twenty-five (25) years of age.

*Section 7.*—The Business Council of the Confederated Tribes of the Colville Reservation shall be the sole judge of the qualifications of its members.

ARTICLE III. NOMINATIONS AND ELECTIONS

*Section 1.*—The first election of the Business Council under this Constitution shall be called, held and supervised by the Superintendent of the Reservation and the delegates who were selected by the Districts and who prepared this constitution, within sixty days after its ratification and approval.

At the first election, the two candidates receiving the highest number of votes in the Inchelium, Nespelem, and Omak districts shall serve two years; the candidate receiving the highest number of votes in the Keller district shall serve two years. The two candidates receiving the next highest number of votes in the Inchelium, Nespelem, and Omak districts shall serve one year; and the candidate receiving the next highest number of votes in the Keller district shall serve one year. Thereafter, elections for the Business Council shall be held every year and shall be called at least sixty days before expiration of the terms of office.

The terms of office of a councilman shall be for a period of two years, unless otherwise provided herein.

*Section 2.*—The Business Council, or an election board appointed by the Council, shall determine rules and regulations governing all elections.

*Section 3.*—Any qualified member of the Confederated Tribes may announce his candidacy for the Business Council within the district of his residence, in accordance with Section 6 of Article II.

*Section 4.*—The Business Council, or a board appointed by the Business Council, assisted by the Superintendent of the Reservation, shall certify to the election of the Business Council members within five days after election returns.

*Section 5.*—Any enrolled member of the Confederated Tribes of the Colville Reservation who is twenty-one (21) years of age or over shall be entitled to vote.

#### ARTICLE IV. VACANCIES AND REMOVAL FROM OFFICE

*Section 1.*—If a councilman or official shall die, resign, be removed or recalled from office, permanently leave the Reservation, or shall be found guilty of a felony or misdemeanor involving dishonesty in any Indian, State, or Federal Court, the Business Council shall declare the position vacant and the district affected shall elect to fill the unexpired term.

(This section amended. See Amendment II.)

*Section 2.*—The Business Council may by majority vote expel any member for neglect of duty or gross misconduct. Before any vote for expulsion is taken in the matter, such member or official shall be given a written statement of the charges against him at least five days before the meeting of the Business Council before which he is to appear, and he shall be given an opportunity to answer any and all charges at the designated Council meeting. The decisions of the Business Council shall be final.

*Section 3.*—Upon receipt of a petition signed by one-third ( $\frac{1}{3}$ ) of the eligible voters in any district calling for the recall of any member of the Council representing said district, it shall be the duty of the Council to call an election on such recall petition. No members may be recalled in any such election unless at least 40% of the legal voters of the district shall vote in such election.

#### ARTICLE V. POWERS AND DUTIES OF THE COUNCIL

*Section 1.*—The Business Council shall have the following powers, subject to any limitations imposed by the Statutes or the Constitution of the United States, and subject to all express restrictions upon such powers contained in this Constitution and attached By-Laws:

(a) To confer with the Commissioner of Indian Affairs or his representatives and recommend regarding the uses and disposition of tribal property; to protect and preserve the Tribal property, wild life natural resources of the Confederated Tribes, to cultivate Indian arts, crafts, and culture; to administer charity, to protect the health, security, and general welfare of the Confederated Tribes.

(b) To exclude from the restricted lands of the Reservation persons not legally entitled to reside thereon, under ordinances which may also be subject to review by the Secretary of the Interior.

(c) To recommend and help to regulate the inheritance of real and personal property, other than allotted lands, within the Colville Reservation.

(d) To regulate the domestic relations of members of the Confederated Tribes.

(e) To promulgate and enforce ordinances, subject to review by the Secretary of the Interior, which would provide for assessments or license fees upon non-members doing business within the Reservation, or obtaining special rights or privileges, and the same may be applied to members of the Tribes provided such ordinances have been approved by a referendum of the Confederated Tribes.

## ARTICLE VI. AMENDMENTS

This Constitution and By-Laws may be amended by a majority of the qualified voters of the Confederated Tribes voting at an election called for that purpose, Provided, that the Tribal Council shall have adopted the amendment by a two-thirds ( $\frac{2}{3}$ ) vote, but no amendment shall become effective until it shall have been approved by the Commissioner of Indian Affairs.

## CONSTITUTIONAL AMENDMENTS

*Amendment I*

*Article II, Section I, By-Laws.* Time and Place of Meetings and Procedure—Regular meetings of the Business Council shall be held on the second Thursday of July, October, January and April, at Nespelen, Washington, at a designated building or hall.

(Adopted by Confederated Tribes June 15, 1956. Approved by Commissioner of Indian Affairs May 8, 1947.)

*Amendment II*

*Article IV, Section I.* Vacancies and Removal From Office.—If a councilman or official shall die, resign, be removed or recalled from office, permanently leave the reservation, or shall be found guilty of a felony or misdemeanor involving dishonesty in any Indian, State or Federal court, the Business Council shall declare the position vacant and appoint a member from the district affected to fill the unexpired term.

(Adopted by Confederated Tribes June 15, 1946. Approved by Commissioner of Indian Affairs, May 8, 1947.)

*Amendment III*

*Article VII, Membership of the Confederated Tribes of the Colville Reservation.*—There shall be added a new provision governing membership of the Confederated Tribes of the Colville Reservation which shall read as follows:

"*Section 1.*—The membership of the Confederated Tribes of the Colville reservation shall consist of the following:

"(a) All persons of Indian blood whose names appear as members of the Confederated Tribes on the official census of the Indians of the Colville Reservation as of (January 1, 1937), provided that, subject to the approval of the Secretary of the Interior corrections may be made in said roll within two years from the adoption and approval of this amendment.

"(b) All children possessing one-fourth or more Indian blood, born after January 1, 1937, to any member of the Confederated Tribes of the Colville Reservation maintaining a permanent residence on the Colville Indian Reservation.

"(c) All children possessing one-fourth or more Indian blood, born after January 1, 1937, to any member of the Confederated Tribes of the Colville Reservation maintaining residence elsewhere in the continental United States, provided that the parent or guardian of the child indicate a willingness to maintain tribal relations and to participate in tribal affairs. To indicate such willingness to maintain tribal affiliation, the parent or guardian shall, within six months after the birth of the child, submit a written application to have the child enrolled. The application shall be accompanied by the child's birth certificate together with any other evidence as to the eligibility of the child for enrollment in the Confederated Tribes of the Colville Reservation. If the certificate and application are not filled within the designated time, the child will not be enrolled.

"*Section 2.*—The Business Council of the Confederated Tribes shall have power to prescribe rules and regulations governing future membership in the tribes, including the adoption of members and loss of membership, provided:

"(a) That such rules and regulations shall be subject to the approval of the Secretary of the Interior,

"(b) That no person shall be adopted who possesses less than one-fourth degree of Indian blood,

"(c) That any member who takes up permanent residence or is enrolled with a tribe, band or community of foreign Indians shall lose his membership in the Colville Tribes."

"Alien Indians may be deleted from the rolls after they have been given an opportunity to be heard in their own behalf. The tribe shall also take appropriate action to correct the existing tribal roll and, if necessary, delete from the rolls alien Indians whose names appear on the rolls of the Confederate Tribes

and who have abandoned tribal relations. The Colville Confederate Tribes shall not deprive anyone of vested property rights, such as allotments or inherited interests."

(Adopted by Confederated Tribes May 20, 1949. Approved by Commissioner of Indian Affairs, April 1950.)

#### *Amendment IV*

That Section 3, of Article IV, Vacancies and Removal From Office, is hereby amended to read:

"*Section 3.*—By the eligible voters of any district filing with the Colville Business Council a typewritten or printed petition, signed by at least one-third ( $\frac{1}{3}$ ) the number of those who were eligible to vote in the last preceding election, charging that a council member representing such district has violated his oath of office or committed an act or acts of malfeasance, or an act or acts of misfeasance while in office, a demand may be made for a recall of such council member provided the act or acts complained of are set forth in concise language and the signature of each petition has alongside it those two witnesses thereto and the petitioner's postoffice address.

"The Council shall, at its next meeting after the filing of such petition, determine whether the petition as filed meets the requirements of this section of the Constitution and if it finds that such requirements have been complied with, shall call a special election on such recall petition, said election to be held not sooner than 30 days after the action of the Council on the petition nor more than 60 days after the date of such Council action.

"The ballot to be voted on at such special election shall contain the charging part of the petition hereinabove referred to.

"No member may be recalled at any such election unless at least forty percent (40%) of the eligible voters of the district shall have voted at such election and unless a majority of those voting in favor of recall."

(Adopted by Confederated Tribes May 9, 1959. Approved by Commissioner of Indian Affairs, July 2, 1959.)

#### *Amendment V*

There shall be added to Amendment III, Membership of the Confederated Tribes of the Colville Reservation, a new provision governing membership of the said tribes which shall read as follows:

"*Section 3.*—After July 1, 1959, no person shall be admitted to membership in the Confederated Tribes of the Colville Reservation unless such person possesses at least one-fourth ( $\frac{1}{4}$ ) degree blood of the tribes which constitute the Confederated Tribes of the Colville Reservation."

(Adopted by the Colville Confederated Tribes on May 9, 1959. Approved by the Commissioner of Indian Affairs, July 2, 1959.)

### BY-LAWS OF THE CONFEDERATED TRIBES

#### ARTICLE I. THE BUSINESS COUNCIL

*Section 1. Chairman of the Business Council.*—The Chairman of the Business Council shall preside over all meetings of the Business Council. He shall perform all duties of the Chairman and exercise authority delegated to him by the Business Council. He shall vote only in the case of a tie.

*Section 2. Vice-Chairman of the Business Council.*—The Vice-Chairman of the Business Council shall assist the Chairman when called upon so to do. In the absence of the Chairman, he shall preside. When so presiding, he shall have the rights, privileges and duties, as well as the responsibilities of the Chairman.

*Section 3. Secretary of the Business Council.*—The Secretary of the Business Council shall conduct all correspondence and keep a complete and accurate record of all matters transacted at Council meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction copies of all minutes of regular and special meetings of the Business Council and the Tribes.

*Section 4. Appointive Officers.*—The duties of all appointive committees and officers appointed by the Colville Business Council shall be clearly defined by resolution of the Business Council at the time of their creation or appointment. Such committees and officers shall report from time to time as required, to the Business Council, and their activities and decisions shall be subject to review by the Business Council upon petition of any person aggrieved.

## ARTICLE II. TIME AND PLACE OF MEETINGS AND PROCEDURE

*Section 1.*—Regular meetings of the Business Council shall be held on the second Friday of July, October, January and April, at Nespalem, Washington, at a designated building or hall.

(This section amended. See Amendment I.)

Special meetings may be called by written notice signed by the Chairman or by a majority of the Business Council members, and when so called the Business Council shall have power to transact business as in regular meetings.

*Section 2. Quorum.*—No business shall be transacted unless a quorum is present. A quorum shall consist of eight (8) councilmen.

*Section 3. Order of Business.*—The following order of business is established for all meetings:

1. Call to order by the Chairman.
2. Roll call.
3. Ascertainment of a Quorum.
4. Reading of the minutes of the last meeting.
5. Adoption of the minutes by a vote or common consent.
6. Unfinished business.
7. New Business.
8. Adjournment.

*Section 4. Report of Meetings.*—It shall be the duty of each member of the Business Council to make reports concerning the proceedings of the Business Council to the members of the district from which he is elected.

## ARTICLE III. RATIFICATION OF CONSTITUTION AND BY-LAWS

This Constitution and By-Laws shall be in full force and effect whenever a majority of the adult voters of the Confederated Tribes voting at an election called by the Commissioner of Indian Affairs, in which at least thirty percent (30%) of the eligible voters vote, shall have ratified such Constitution and By-Laws and the Commissioner of Indian Affairs shall have approved same.

This is a true and correct copy of the Constitution and By-Laws of the Confederated Tribes of the Colville Reservation.

Issued: November 6, 1959.

## EXHIBIT C

## AGREEMENT

This agreement, made and entered into this 1st day of December, 1953, as of June 18, 1953, under authority of the Acts of Congress of March 3, 1871 (16 Stat. 570) and May 21, 1872 (17 Stat. 136, 25 U.S.C. 81), subject to the approval of the Secretary of the Interior and the Commissioner of Indian Affairs by and between J. D. White, Chairman of the Business Council of the Confederated Tribes of the Colville Indian Reservation, and Nellie Rima, Secretary of the Business Council of the Confederated Tribes of the Colville Indian Reservation, and George Friedlander, Joe Monaghan, Glenn Whitelaw and John B. Cleveland, on behalf of the Confederated Tribes of the Colville Indian Reservation, acting for and on behalf of the Confederated Tribes of the Colville Indian Reservation, thereunto duly authorized, party of the first part, and Lyle Keith, P. H. Winton and Nelson B. Repsold, attorneys at law, residing at Spokane, Washington, parties of the second part,

WITNESSETH:

## I

That the party of the first part on behalf of the Confederated Tribes of the Colville Indian Reservation under authority vested therein by resolution adopted by the Business Council of the Confederated Tribes of the Colville Indian Reservation under date of November 24, 1953, copies of which are hereto attached and made a part hereof, hereby, as of June 18, 1953, contracts with, retains, and employs the parties of the second part as attorneys in the matters hereinafter mentioned, subject to the approval of the Secretary of the Interior and the Commissioner of Indian Affairs, pursuant to Section 2103 of the Revised Statutes of the United States (25 U.S.C. 81).

## II

It shall be the duty of the said attorneys to act as general counsel and advise and represent the Confederated Tribes of the Colville Indian Reservation in connection with all tribal matters, including, but not restricted to, representation before any and all courts, departments, tribunals, Committees of Congress, and other officers having any duty to perform with relation to the protection of the tribal rights and properties of the Confederated Tribes of the Colville Indian Reservation. This contract shall not be deemed to authorize the prosecution of claims against the United States.

## III

The said attorneys in the performance of the duties required of them under this contract shall be subject to the supervision and direction of the Secretary of the Interior, and shall not make any compromise, settlement or other adjustment of the matters in controversy unless with the approval of the Secretary of the Interior or his designated representative; said attorneys also shall pursue any litigation prosecuted by them to and through the court of final resort unless authorized by the Secretary of the Interior or his designated representative to terminate the proceedings at an intermediate stage thereof.

## IV

It is agreed that the said attorneys, subject to the approval of the Secretary of the Interior and the Commissioner of Indian Affairs, may associate with them in any of said work hereunder such attorney or attorneys as they may select: *Provided*, That neither the Government of the United States nor the Confederated Tribes of the Colville Indian Reservation, party of the first part, is to be at any expense by reason of the aforesaid employment of any such associate attorney or attorneys, all expenses thereof to be paid by the parties of the second part out of compensation which they may receive for their services. Said attorneys, parties of the second part, may employ such technical or stenographic assistance in respect to their obligations under this contract as they may deem necessary, the same to be paid as expenses incidental to their employment hereunder. It is agreed that the compensation of the parties of the second part for the services to be rendered under the terms of this contract is to be:

(a) Four Thousand Eight Hundred Dollars (\$4,800.00) per annum, payable quarterly in advance; and, in addition,

(b) One Hundred Fifty Dollars (\$150.00) per day for each day's services rendered in connection with representation of the Confederated Tribes of the Colville Indian Reservation, pursuant to authorization by the Tribe before courts, departments, bureaus, tribunals and Committees of Congress; and, in addition,

(c) Necessary and proper expenses incurred in the performance of obligations under this contract, including the printing of briefs, costs of court, and proceedings, travel expenses, clerical hire, and the like, in an amount not to exceed One Thousand Dollars (\$1,000.00) per annum, unless additional amounts are authorized by the Business Council of the Confederated Tribes of the Colville Indian Reservation: *Provided*, That all expenditures made or incurred by said attorneys under this contract shall be itemized and verified and shall be accompanied by proper vouchers and shall be paid only upon the approval of the Secretary of the Interior or officer designated by him; and, in addition,

(d) Mileage allowance at the rate of 7 cents per mile in lieu of actual travel expenses where the parties of the second part use their personally owned automobiles; and, in addition,

(e) Per diem in lieu of subsistence at the rate of Twenty Dollars (\$20.00) per day: *Provided further*, That no money for compensation and expenses hereunder shall be paid out of tribal funds of the Confederated Tribes of the Colville Indian Reservation unless expressly authorized by the Congress.

## V

It is agreed also that no assignment of the obligations of this contract, in whole or in part, shall be made without the consent previously obtained of the Secretary of the Interior and the Commissioner of Indian Affairs; and that any assignment

so made must comply with Section 2106 of the Revised Statutes of the United States (25 U.S.C. 84).

## VI

It is further agreed that no assignment or encumbrance of any interest of the said attorneys in the compensation agreed to be paid by this contract shall be made without the approval of the Commissioner of Indian Affairs and the Secretary of the Interior. Any assignment of the obligation of this contract and/or any assignment or encumbrance of any interest in the compensation agreed to be paid, made in violation of the provisions of this contract, shall operate to terminate this contract, and in such event, no attorney having any interest in the contract or in the fee provided for therein shall be entitled to any compensation whatever for any services rendered to the date of the termination of this contract.

## VII

It is agreed that this contract shall continue in full force and effect for a period of six (6) years, beginning on June 18, 1953, parties of the second part having fully performed services under the provisions of this contract since said date, which was the termination date of a previous contract between the parties.

## VIII

This contract may be terminated by the Secretary of the Interior for cause deemed by him to be reasonable and satisfactory upon sixty (60) days' notice to the parties in interest. This contract also may be terminated by the party of the first part without cause upon thirty (30) days' notice in writing to the parties of the second part.

In witness whereof, we have hereunto set our hands and seals this 1st day of December, 1953.

J. D. WHITE,

*Chairman, Business Council Confederated Tribes of the Colville Indian Reservation.*

NELLIE RIMA,

*Secretary, Business Council Confederated Tribe of the Colville Indian Reservation.*

GEORGE FRIEDLANDER,  
JOE MONAGHAN,  
GLENN WHITELAW,  
JOHN B. CLEVELAND,

*Authorized representatives of Confederated Tribes of the Colville Indian Reservation. Acting for and on behalf of the Confederated Tribes of the Colville Indian Reservation, Party of the First Part.*

LYLE KEITH,  
F. H. WINSTON,  
NELSON B. REPSOLD,  
*Parties of the Second Part.*

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS

\_\_\_\_\_, 1953.

The foregoing contract is hereby approved in accordance with the provisions, of Section 2103 of the Revised Statutes of the United States (25 U.S.C. 81).

\_\_\_\_\_  
*Commissioner of Indian Affairs.*

DEPARTMENT OF THE INTERIOR, OFFICE OF THE SECRETARY

\_\_\_\_\_, 1953.

The foregoing contract is hereby approved in accordance with the provisions of Section 2103 of the Revised Statutes of the United States (25 U.S.C. 81).

\_\_\_\_\_  
*Assistant Secretary of the Interior.*

## CERTIFICATE OF JUDGE OF A COURT OF RECORD

I, Ralph E. Foley, a Judge of the Superior Court for the County of Spokane, State of Washington, a court of record, do hereby certify, pursuant to Section 2103 of the Revised Statutes of the United States (25 U.S.C. 81), that J. D. White, Nellie Rima, George Friedlander, Joe Monaghan, Glenn Whitelaw, and John B. Cleveland, acting for and on behalf of the Confederated Tribes of the Colville Indian Reservation, State of Washington, party of the first part of the above-written and hereto attached contract, in their own proper persons and in my presence, at Spokane, Washington, on the 1st day of December, 1953, entered into, signed, and executed in quadruplicate the above-written and hereto attached contract, and that they executed the same in their own behalf, of their own free act and deed; and as then stated to me, the said Confederated Tribes of the Coleville Indian Reservation is the party interested on the one side, and the said Lyle Keith, P. H. Winston and Nelson B. Repsold, attorneys at law, of Spokane, Washington, are the parties interested on the other.

In Witness Whereof, I have hereunto signed my name as Judge of the said court.

RALPH E. FOLEY, *Judge.*

SUPERIOR COURT OF THE STATE OF WASHINGTON,  
*For the County of Spokane ss:*

I, George E. Fallquist, Clerk of the above-entitled court, do hereby certify that the Honorable Ralph E. Foley, whose genuine signature is subscribed to the annexed writing, was, at the time of signing the same, Judge of said Court, duly commissioned and qualified.

In testimony whereof, I have hereunto subscribed my name and affixed the seal of said Court, at the City of Spokane, State of Washington, on the 1st day of December, 1953.

GEO. E. FALLQUIST,

*Clerk of the Superior Court of the State of Washington, for Spokane County.*

## CERTIFICATE OF JUDGE OF A COURT OF RECORD

I, Ralph E. Foley, a Judge of the Superior Court for the County of Spokane, State of Washington, a court of record, do hereby certify, pursuant to Section 2103 of the Revised Statutes of the United States, that Lyle Keith, P. H. Winston and Nelson B. Repsold, of Spokane, Washington, the parties of the second part of the above-written and hereto attached contract, in their own proper persons and in my presence, at Spokane, Washington, on the 1st day of December, 1953, entered into and signed and executed in quadruplicate the said contract above-written and hereto attached, and that they executed the same in their own behalf and of their own free act and deed; and that as then stated to me, the said Confederated Tribes of the Colville Indian Reservation is the party interested on the one side, and the said Lyle Keith, P. H. Winston and Nelson B. Repsold, attorneys at law, of Spokane, Washington, are the parties interested on the other.

In witness whereof, I have hereunto signed my name as Judge of said Court.

RALPH E. FOLEY, *Judge.*

SUPERIOR COURT OF THE STATE OF WASHINGTON,  
*For the County of Spokane ss:*

I, George E. Fallquist, Clerk of the above-entitled court, do hereby certify that the Honorable Ralph E. Foley, whose genuine signature is subscribed to the annexed writing, was, at the time of signing the same, Judge of said Court, duly commissioned and qualified.

In testimony whereof, I have hereunto subscribed my name and affixed the seal of said Court, at the City of Spokane, State of Washington, on the 1st day of December, 1953.

GEO. E. FALLQUIST,

*Clerk of the Supreme Court of the State of Washington, for Spokane County.*

## EXHIBIT D

## CHARGES AGAINST LYLE KEITH TRIBAL ATTORNEY

1. The political strife and dissension among the Colville Confederated Tribes began in 1949, after Lyle Keith became Tribal Attorney. The tribal members maintain that the contract was not properly executed.

In 1949 at the time Lyle Keith became tribal attorney, Frank George, a member of the Joseph Band of Nez Perce Indians, (placed on the Colville as prisoners of war by the War Department) was serving in a position designated as Tribal Relations Officer, and later found to be illegal. This office was said to be a Civil Service position, but his services as such officer were paid for, supported, and/or supplemented by tribal funds.

This illegal position gave Frank George access to tribal records which were beyond the reach of any other member of the Colville Confederate Tribes and, in fact beyond the reach of many of the underlings in the Indian Bureau.

At the same time Anne George, wife of Frank George (herself a member of the Joseph Band of Nez Perce) was an employee of the Colville Indian Agency Office and it has been reported by good authority that she has keys to all, or at least much of the tribal matters which properly should be protected under lock unless proper authorization has been given for their removal or examination.

After Lyle Keith became tribal attorney, the conspiring forces of Anne George, agency employee, Frank George, Tribal Relations Officer, Lyle Keith, Tribal Attorney, and Mr. Graves, Colville Indian Agency Superintendent, succeeded in rendering the constitution and bylaws of the Colville Confederated Tribes an instrument for their own purposes in a manner which deprived and defrauded the members of the Colville Confederated Tribes out of a formerly recognized general council and the powers thereof, and further usurped unto themselves all the powers belonging to the Colville Confederated Tribes. This was done with the sanction and approval of the Portland Area Office and the Commissioner of Indian Affairs.

The conspiring forces above mentioned changed the powers of the Colville Confederated Tribes and the members thereof and their form of government in the following manner:

1. Article 2. Governing Body (see constitution.)

Article 2. Governing Body, as shown above was adopted by the conspiring forces as the basis of the newly formed and highly illegal government.

2. On the strength of this article as the basis of their powers, began to pass and approve its own resolutions and to put them in full force and effect as *tribal* resolutions. Large numbers of these resolutions had the nature of laws and ordinances but nevertheless were never submitted to the people for approval.

Records show that not more than four mass meetings or General Council meetings were officially called by these conspiring forces controlling the Colville Business Council, or by any official act by the Colville Business Council between the years 1949 and 1960.

Ever since 1949, Lyle Keith, so-called Tribal Attorney, has been instrumental and influential as part and parcel of the actions stated above, which effectively deprived and defrauded the members of the Colville Confederated Tribes out of a democratic form of government and out of many, many thousands of dollars. These acts were perpetrated over and above the repeated protest of the members of the Colville Confederated Tribes

In 1953 when the Portland Area Office learned that the FBI was investigating Frank George to determine if said Frank George was violating the Hatch Act, he was allowed to resign as Tribal Relations Officer and the position was abolished.

Although the position was abolished, all of the effects perpetrated under it by the conspiring forces with Lyle Keith as adviser, were allowed to remain in full force.

It has been repeatedly charged by tribal members who were dissenting members of the Colville Business Council at that time, that Frank George, in his advantageous and illegal position, among other things charged the wording in the original resolution (Amendment 3, 1949) when he transferred it to official resolution attached to the minutes; that he again changed the wording when he transferred the proposed resolution to the ballot (1949), and that he again changed it while transferring it from the ballot to the constitution as Amendment 3.

As a result of the foregoing acts, the present government operating over the rights, property, and affairs of the Colville Confederated Tribes as "Tribal Government" is not the same government or the same form of government established by and with the approval of the members of the Colville Confederated Tribes.

2. The minutes of the Colville Business Council dated June 8, 1956 shows that Lyle Keith began soliciting a contract between the Colville Business Council, which was dominated by Frank George as Tribal Relations Officer, and the claims attorneys for the Idaho band of Nez Perces, to prosecute the Nez Perce Gold Claims case, a heavy expense to the Colville Confederated Tribes.

Subsequent minutes of the Colville Business Council show that the apparent conspiracy between Frank George and Lyle Keith met with success. These same minutes further show that there was no clause in the contract stating that the members of the Colville Confederated Tribes, at whose expense the Nez Perces Gold Claims were being prosecuted (other than Frank George's Joseph Band of Nez Perces) would receive any benefits from the winning of such claims. There was and is grave doubt among the members of the Colville Confederated Tribes that any clause in the original contract is sufficient to assure the members of the Colville Confederated Tribes (other than the Nez Perces, as a separate entity) that the winning of the Nez Perce Gold Claim would even result in the reimbursement of Colville Tribal Funds expended in the pursuit of the Nez Perce Gold Claims. Furthermore, this contract was executed in violation of the constitution and bylaws of the Colville Confederated Tribes in the same manner as others herein described.

We feel and honestly believe that the pursuit of the Nez Perce Gold Claims at the expense of the Colville Confederated Tribes, with the lacks heretofore mentioned in the contract, could only have been due to a conspiracy between Frank George and Tribal Attorney Lyle Keith.

Minutes of the Colville Business Council show that Lyle Keith began soliciting a contract between the Colville Confederated Tribes and the Stanford Research Institute as early as 1956. After many protests from the tribal members and in violation of CFR 15.8, and in further violation of Article 1 of the constitution and bylaws of the Colville Confederated Tribes, "the object and purpose shall be to promote and protect the interests of the Colville Indians . . .", and in further violation of Article 5, of the Constitution and Bylaws of the Colville Confederated Tribes, "Powers and Duties of the Council: *Section 1*, The Business Council shall have the following powers, subject to any limitations imposed by the statutes of the Constitution of the United States, and subject to all express restrictions upon such powers contained in this constitution and attached bylaws" and further violates Article 5, Powers and Duties of the Council: "*Section 1* (a) To confer with the Commissioner of Indian Affairs or his representatives and recommend regarding the uses and disposition of tribal property; to protect and preserve the Tribal property, wild life and natural resources of the Confederated Tribes, to cultivate Indian arts, crafts, and culture; to administer charity, to protect the health, security, and general welfare of the Confederated Tribes," and "Article 5; Section 1, (e) to promulgate and enforce ordinances subject to review by the Secretary of the Interior, which would provide for assessments or license fees upon non-members doing business within the Reservation, or obtaining special rights or privileges, and the same may be applied to members of the Tribes provided such ordinances have been approved by a referendum of the Confederated Tribes."

NOTE.—All of the portions of the Constitution and Bylaws of the Colville Confederated Tribes, which we believe have been violated by the manner of execution of all of the contracts herein described are underlined in red in exhibit No. 1.

A contract between the Colville Business Council and the Stanford Research Institute, at a cost of approximately thirty thousand (\$30,000) dollars to the Colville Confederated Tribes, was approved by the Business Council on March 14, 1960, and was prepared and further approved in the presence of Lyle Keith on March 21, 1960, in the manner described above.

Minutes of the Colville Business Council show that Lyle Keith elicited a contract between the Colville Business Council and Shannon and Full (or Foch) gold evaluating experts for the Nez Perce Gold Claims in the same manner in the above described cases. In this case the BIA placed a limitation on the amount of Colville Tribal Funds to be expended under this contract. The minutes show that Mr. Keith succeeded in getting tribal funds beyond this limit for Shannon and Full.

Minutes of the Colville Business Council seem to show further that Lyle Keith, Tribal Attorney, has solicited many other and additional contracts between the Colville Business Council, and expensive and worse-than useless experts, specialists, engineers, evaluators, institutes and firms in exactly the same manner as the case described above.

Minutes of the Colville Business Council dated April 14, 1953—15 (reprinted in the joint hearing before a special subcommittee, titled "Federal Timber Sale Policies" part II, 1956, page 1931), show some of the restrictions approving these contracts and the manner in which they were solicited and executed.

3. Minutes of the Business Council, dated April 10, 1953, show that when the BIA transferred a long-term timber contract from the Lincoln Lumber Co. (entered into at a time stumpage rates were very low) was transferred to the Valzetz Lumber Co. Lyle Keith protected the Valzetz Lumber Co. rather than the Indian seller of the timber. Testimony in the Joint Hearings Before a Subcommittee—"Sale Policies"—part II, 1956, pages 1949, 1953, 1963, 1925, 1917, 1918, and others show ample proof that the tribal members, including a few daring members of the Council were violently opposed to the transfer of the contract without an upward adjustment in the price that was paid for the timber more in keeping with the modern prices. Mr. Keith led the Council to believe that if the contract was modified they might "loose" the contract with Valzetz. One of his statements follows: "Any delay in assignment might give the Valzetz people a chance to get out from under their deal with Lincoln if they wanted to." The remainder of Mr. Keith's remarks in favor of the transfer without modification can be found on pages 1,928, 1,929, in the reprint, "Hearings Before the Subcommittee."

It is common talk that Lyle Keith has interests in the Valzetz Lumber Co. but this has never been proved to our satisfaction.

4. The members of the Colville Confederated Tribes are satisfied that if Lyle Keith, Tribal Attorney, had had the best interests of the membership at heart he could have, and would have obtained for them, a referendum vote on proposals and Congressional bills which have since culminated in P.L. 772. The membership of the Colville Confederated Tribes never had any referendum whatsoever on any portion, part, or section of P.L. 772.

Prior to the passage of P.L. 772, a special assistant to the Committee on Interior and Insular Affairs came to the Colville from Washington, D.C. and, rather than going to the agency to get the views of the Indian Bureau, this man visited with the individual Indians and learned their views and desires firsthand. It has been charged by reliable members of the tribe that Lyle Keith was instrumental in getting this fair-minded man called back to Washington before he could finish his important work.

5. The minutes of the Colville Council, dated April 9th and 10th, 1953, (not available but reprinted in the joint hearings before a special subcommittee, titled "Timber Sale Policies" (part II, page 1927) show that Mr. Keith, reporting on the Kuehne land case, stated that the court decision was not in favor of the tribe. The tribal members have always felt that this important case and the property and lands involved were lost to the tribe due to the purposeful negligence and repeated delays of Lyle Keith in bringing the case to trial.

6. On March 19, 1960, at an open meeting of the CIA held in Omak, Washington, Dave Roberts, council member, and Harvey Moses, Chairman of the Council, when they were challenged by numerous members of the tribe as to the authority of the Colville Business Council to enter into a thirty-thousand (\$30,000) dollar contract (tribal funds) with the SRI (Stanford Research Institute) they strongly maintained that article 2, governing body, was sufficient authority!

When closely questioned as to other sections and their clear intent, if other provisions in the constitution were not violated, Dave Roberts again stoutly maintained that article 2, was sufficient authority for their actions, and stated, that is the way our attorney interprets it." This exhibit will be forthcoming as soon as approved at the next CIA meeting.)

It has been repeatedly stated by councilmen, that Lyle Keith, as Tribal Attorney, does much of the interpreting of the constitution of the Colville Confederated Tribes for the Business Council.

We believe he is personally responsible in large measure for the state of affairs prevalent on the Colville Reservation since 1949. We trust and pray that his current contract will not be approved.

Respectfully submitted by the Colville Indian Association.

MARCH 18, 1960.

FRANK W. MOORE, *President.*

## ADDITIONAL CHARGES AGAINST LYLE KEITH—FRANK GEORGE CONSPIRACY

The Colville Business Council minutes show that Frank George among others made a trip to Washington, D.C., early spring of 1959 at tribal expense without the approval of the Colville Business Council as the Colville Confederated Tribes. These minutes are being held up (at the Colville Agency) as they have not yet been approved. The agency official and Council refuse to surrender copies of said minutes or of the official protest made by the members of the Business Council against the trip and the expenditures. At this date, March 22, 1960, said minutes are unavailable. My niece and I, Frank Moore, visited the agency March 21, 1960, to obtain said minutes but were unable to do so. This same case is further shown in the Audit Report, fiscal year 1958-1959.

Mrs. Florence Quill, a member of the present Colville Business Council and also a Trustee of the Colville Indian Association, stated that at least three times the Colville Business Council had requested Mr. Keith's presence at the agency to clear up these matters (Audit Report and Illegal trips to Washington, D.C., and large expenditure on said trip by Frank George). In each case (she stated), Lyle Keith made some excuse for remaining away.

Frank George was badly defeated in 1959 as a candidate for Council, but is a candidate again this year (1960). The Business Council expressed the desire to disqualify Frank George on the grounds of said illegal trip to Washington, D.C., and the unauthorized expenditure of Tribal funds, maintaining that such expenditure can only be considered embezzlement of Tribal funds. The Colville Business Council (Mrs. Quill stated) has repeatedly urged Lyle Keith to begin proper legal proceedings against Frank George but Mr. Keith maintains (Mrs. Quill stated) that such proceedings cannot be begun until the minutes mentioned above have been approved.

In 1958 Frank George was a paid delegate to the N.C.A.I. meeting held in Missoula, Montana for several days. The meeting started September 15, 1958 during the time that Frank George was being paid to represent the Colville Confederated Tribes (out of Tribal funds) at the N.C.A.I. convention in Missoula, Montana on said date, it was found that at least on two of these days, Frank George was working with or for the Racing Commission at the horse races at Playfair in Spokane. We obtained (verbal) statements from officials at Playfair that these were the facts. The F.B.I. official came in on the case, came to my home, wrote down our statements and also got statements from the other thirteen members of the Colville Business Council. We have been told by members of the Colville Business Council that the evidence collected by the F.B.I. was turned into the Justice Department. We are still in the "dark" as to the results, if any.

## EXHIBIT E

NOVEMBER 30, 1939.

Mr. LOUIS BALSAM,  
*Field Representative in Charge,*  
*Colville Indian Agency.*

MY DEAR MR. BALSAM: The Office has received from John T. Raftis, Esq., of Colville, Wash., a letter dated November 20, wherein he states that he has been requested by the business council of the Colville Tribe of Indians to represent them in connection with their claims against the United States. There is enclosed for your information a copy of the reply of this date to Mr. Raftis.

While you were in Washington earlier this year you informally referred to the Office a letter addressed to you by A. R. Serven and John G. Carter, Esqs., two of the attorneys interested in the existing attorney's contract with the Colville Indians, wherein the said attorneys, for reasons therein discussed, indicate that they will not object to the termination of the existing contract. Mr. William S. Lewis, attorney at law, last known to be at 1310 West Seventh Street, Los Angeles, Calif., is also interested in the existing contract. In view of your discussion with the Office of the dissatisfaction of the Indians of the progress of their claims matters, the expression from Messrs. Serven and Carter, and the present active interest indicated by Mr. Raftis, it is proposed to bring about the termination of the existing contract promptly, either by the voluntary assent of the attorneys, or by notice pursuant to the terms of the contract. You will note that Mr. Raftis has been advised that until the existing contract has actually been terminated it is not deemed proper that another contract be executed.

It appears that the tribal business council is conducting the negotiations with Mr. Raftis. Your attention is directed to the fact that under the constitution and bylaws adopted by the Confederated Tribes of the Colville Reservation and approved by this Office April 19, 1938, the enumerated powers and duties of the business council do not include the execution of tribal attorney contracts. The regulations governing the execution and negotiation of attorney contracts provide (secs. 12, 13, and 14) that while a tribal business committee or other similar representative body may conduct negotiations with attorneys, such a body may not actually execute a contract unless authorized so to do. Therefore, it will be necessary for the business council to obtain such authority from a general council of the tribe called by you for the specific purpose of considering the employment of legal counsel, or as an alternative such a general counsel may itself approve the employment of legal counsel and by appropriate resolution authorize several members of the tribe to execute a contract for and on behalf of the tribe. For your ready reference there is enclosed a copy of the regulations approved May 14, 1938.

There are enclosed copies of letters of this date addressed to the attorneys interested in the existing contract. You will be informed of further developments.

Sincerely yours,

WILLIAM ZIMMERMAN, Jr.,  
Assistant Commissioner.

EXHIBIT F

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
COLVILLE INDIAN AGENCY,  
Nespelem, Wash., October 14, 1941.

NOTICE

*To all Indians enrolled on the Colville Reservation:*

For years the Indians of the Colville Reservation have wanted to employ a new attorney or group of attorneys to handle their claims against the Government. Last March your attorney, Mr. William S. Lewis, died. His associates, as well as the Indians, expressed a desire to have the old attorney's contract terminated. We are informed that the contract has been terminated. The employment of a new attorney or firm of attorneys is now in order. Therefore, the Colville Business Council in official session at the Colville Indian Agency, at Nespelem, Wash., on October 11, 1941, took official action calling for an election to determine three important things as follows:

1. Whether or not the Colville Indians wish to employ an attorney to take their tribal claims where William A. Lewis' services ceased.
2. Whom the Colville Indians desire to employ as their attorney or attorneys to handle their tribal claims.
3. Elect or designate the person or persons who are to sign the contract for and on behalf of the Colville Indians with the attorney or attorneys of their choice.

These steps must be taken before anything can be done about presenting your claims against the Government in the Court of Claims. Every adult member of the tribe should therefore cast his ballot at the forthcoming election so there will be no question as to your wishes about this important matter.

An election has been called to take place on Saturday, November 15, 1941. The voting will take place in the same places where the last election took place. Before the election, district meetings are to be held on Saturday, November 1, 1941. Attend these meetings and learn all about the purpose of the election. Meetings will be held at the following places at one o'clock P.M. on Saturday, November 1, 1941:

- Sub-Agency, Inchelium.
- Joe Seymore home, Kelly Hill.
- Community Hall, Keller.
- H. T. Nelson home, Curlew.
- Council Hall, Nespelem.
- Sub-Agency, Omak.

F. A. GROSS, Superintendent.

## EXHIBIT G

U.S. DEPARTMENT OF THE INTERIOR,  
BUREAU OF INDIAN AFFAIRS,  
Washington, D.C., July 17, 1956.

Mr. FRANK W. MOORE ET AL.,  
*Colville Indian Association,*  
*Inchelium, Wash.*

MY DEAR MR. MOORE: This acknowledges your letter of June 23, concerning the authority of the Colville Business Council to negotiate claims attorney contracts without the knowledge or approval of the tribe.

Under the constitution of the Confederated Tribes of the Colville Reservation, the Colville Business Council has authority, among other things, to protect and preserve tribal property and the general welfare of the Confederated Tribes. This provision of the constitution has been interpreted by this Bureau as conferring authority on the business council to execute attorney contracts, both for claims and general legal services, and for the reimbursement of expenses or payment of compensation as may be therein provided. Acting under this authority the business council of the Confederated Tribes has executed, both a general counsel contract and a claims attorney contract, which have been approved by the Commissioner of Indian Affairs.

Sincerely yours,

W. BARTON GREENWOOD, *Acting Commissioner.*

## EXHIBIT H

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C., March 22, 1957.

Mr. FRANK W. MOORE,  
*Coulee Dam, Wash.*

DEAR MR. MOORE: We now have had an opportunity to study the eight matters relating to the Colville Indians which were transmitted with your letter of February 18, 1957.

Apparently you are dissatisfied with the manner in which the Colville Business Council has been handling the affairs of the Colville Reservation. Our brief review of Indian Bureau records pertaining to the Colville Reservation found that the affairs of the Confederated Tribes of the Colville Reservation are governed democratically under a constitution and bylaws which outlines the manner in which tribal officials are elected to office and which enumerates the powers of the tribal business council. If you are desirous of changing the manner in which tribal affairs are conducted, for instance, your suggestion as to reservationwide voting for tribal officials and the need to amend the membership article of the tribal constitution, these changes can only be accomplished through an appropriate amendment to the tribal constitution and bylaws. We found also that you and the other members of the Confederated Tribes have a voice, through your regular elections, in selecting persons to represent you on the Colville Business Council. If you feel that the persons elected are not carrying out the wishes of the people they represent, you and the other tribal members may remove them from office and elect others to serve in their stead.

You also feel that the Federal Constitution exempts from taxation property belonging to Indians. Such a guarantee is not contained in the Federal Constitution. Some lands on the Colville Reservation and the income therefrom are and have been subject to taxation.

You advise that the Colville Indian Association is opposed to the payment of \$40,000 to counties. We assume that you have reference to an agreement existing between the Confederated Tribes of the Colville Reservation and the Okanogan and Ferry Counties, Wash. This agreement was the result of negotiations between the Confederated Tribes and the two counties that extended over a period of several years. The merits of this agreement were debated upon by the Congress and the payments under the agreement found to be justified. Consequently, the agreement was ratified and approved by the act of July 24, 1956 (70 Stat. 626).

You suggest that the Colville people should be given the privilege of voting on the selection of a tribal attorney. The tribal constitution gives to the Colville Business Council the authority, among other things, to protect and preserve tribal

property and the general welfare of the Confederated Tribes. This authority has been construed as conferring power upon the Colville Business Council to transact tribal business, including the execution of attorney contracts, both for the prosecution of tribal claims and for general legal services. This power can only be taken away from the Colville Business Council through an appropriate amendment to the tribal constitution to vest in the Colville General Council the authority to enter into contracts.

Your organization recommends that the Colville people be allowed to use privately owned land as free range for cattle without payment of an assessed fee set by the Indian Bureau. We have been informed that it has been the practice in the past to allow Indian livestock to graze at large without paying a fee for use of allotted lands. We have also been informed that beginning March 1, 1956, a fair rental has been collected for the use of these lands. No authority exists for the Indian Bureau or this Department to authorize the free use of allotted lands. Moreover, it would not be proper to deny the owners of these lands a fair rental for grazing privileges.

You ask that authority be given to permit an individual Indian to sell to the highest bidder the timber on his own allotment. Authority for the sale of timber from trust allotted lands is found in the act of June 25, 1910 (25 U.S.C. 406), which provides that the timber on any Indian allotment held under a trust or other patent containing restrictions on alienations, may be sold by the allottee with the consent of the Secretary of the Interior, and the proceeds be paid to the allottee or disposed of for his benefit under regulations prescribed by the Secretary of the Interior. The Secretary's regulations covering the sale of timber under the foregoing authority appear as part 61, title 25, Code of Federal Regulations. The regulations are not available for free distribution, but you may study them at Colville Agency, and Superintendent Phillips can arrange to have a member of his staff discuss them with you.

As long as an allotment remains in trust status, the Federal Government, as trustee, has certain responsibilities in the management of the allotment including the sale of timber. In order to discharge the responsibilities properly, the Government must exercise certain controls. There is accordingly no feasible method of giving the allottee complete freedom of action in the sale of timber from his trust allotted lands.

Your organization contends that the issuance of prospecting permits with a preferential right to a lease on the reservation should be limited to Indians for a year or more. It is our understanding that special mining regulations for the Colville Reservation are under active consideration by the Bureau of Indian Affairs which assures us that the views of your organization will be fully considered before the regulations are approved.

Your organization suggests that provision be made for the care of old pensioners in order that they may not die in poverty. We are not certain just what the association means by this statement. All Colville Indians over the age of 65 who are needy may now apply for old-age assistance from their county department of public welfare. Elderly Indians, of course, share in any tribal funds distributed annually to tribal members on a per capita basis.

We trust that the foregoing answers your questions.

Sincerely yours,

HATFIELD CHILSON,  
*Secretary of the Interior.*

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EXHIBIT I

PORTLAND AREA OFFICE,  
*Portland, Oreg., January 28, 1959.*

MR. ELMO MILLER,  
*Superintendent, Colville Agency.*

DEAR MR. MILLER: When you were in the office during the week of January 19, you stated that members of the Colville tribes had asked your opinion as to the manner in which the Colville constitution could be amended and that you had advised them that it could be amended only in the manner and by the procedure provided by the constitution. You asked that we advise you as to whether or not your opinion is correct.

Article VI of the Constitution of the Confederated Tribes of the Colville Reservation, approved by Commissioner John R. Nichols on April 14, 1950, same being the only approved constitution and therefore the one under which the tribes must operate, provides as follows:

## "ARTICLE VI. AMENDMENTS

"This constitution and bylaws may be amended by a majority of the qualified voters of the Confederated Tribes voting at an election called for that purpose, *Provided*, That the tribal council shall have adopted the amendment by a two-thirds vote, but no amendment shall become effective until it shall have been approved by the Commissioner of Indian Affairs."

The meaning of this article is clear and unambiguous and, being subject to only one interpretation, must be strictly construed.

Therefore, your opinion that the procedure provided by article VI must be strictly followed in order to amend the approved constitution is correct.

Sincerely yours,

\_\_\_\_\_  
DON C. FOSTER, *Area Director.*

## EXHIBIT J

U.S. DEPARTMENT OF THE INTERIOR,  
BUREAU OF INDIAN AFFAIRS,  
COLVILLE INDIAN AGENCY,  
*Nespelem, Wash., January 30, 1959.*

Mr. FRANK W. MOORE,  
*Star Route, Coulee Dam, Wash.*

DEAR FRANK: While I was in Portland last week, I asked our area office personnel to make a study of the manner by which the tribal constitution may be amended.

I had advised you and several of your associates when you were in my office a short time ago that I thought the only manner in which an amendment to the tribal constitution could be effected was by following article VI relating to amendments. To be assured of the correctness of my advice to the group was my reason for submitting it to the Portland staff for further study. A copy of their letter to me is attached for your information.

Sincerely yours,

\_\_\_\_\_  
ELMO MILLER, *Superintendent.*

## EXHIBIT K

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, D.C., March 15, 1960.*

Mrs. HELEN TOULOU,  
*Kewa, Wash.*

DEAR MRS. TOULOU: Sally and I were certainly sorry to have missed seeing you and Mrs. Arnold during your recent visit to my office. However, I plan to visit the Colville Reservation next fall when I return home and perhaps we can get together then.

My assistant, Tom Holly, presented me with the copy of the petition signed by Mr. James Jerredd. I have discussed this matter with responsible staff people on the Indian Subcommittee of the House Committee on Interior and Insular Affairs. They advise me that the Secretary of the Interior has the authority to allow an election to be held, such as the one you request, without additional congressional legislation. Thus, I do think this petition should be presented to the Bureau of Indian Affairs for their consideration. Should your petition be denied, then perhaps the Congress would be more favorably inclined toward taking legislative action.

Another point I want to bring to your attention is that congressional legislation would take a great deal of time and the prospects for action during this present session of Congress are most unlikely. Thus, if we could settle this matter on an administrative level, I am certain it would be more beneficial for all concerned.

I want you to know that I have always had a very personal interest in the welfare of my Indian constituents, and I will do all I properly can to help you solve your problem. Please call on me when I can be of further service.

With kindest regards.

Sincerely,

\_\_\_\_\_  
WALT HORAN, *Member of Congress.*

## EXHIBIT L

*To Whom It May Concern:*

I, Florence Quill, a member of the Colville Business Council, voted against renewing the Lyle Keith attorney contract. It is my opinion that Mr. Keith has never worked in the best interest of the tribe. It is further my opinion that ever since Lyle Keith, legally or illegally, became tribal attorney, that he has conspired with a few individual members of the Colville Confederated Tribes, certain Indian Bureau officials, and with certain other influential persons outside the Colville Confederated Tribes, for purposes promoting their own common interest. It is further my opinion that the tribal funds paid out to Lyle Keith and his colleagues or cohorts is beyond all sane reasoning.

It is my certain knowledge that the member of the Colville Confederated Tribes, or the general council, has never had an opportunity to express their opinion on the matter of tribal attorney since at least 1949.

It is my certain knowledge that none of the contracts between the Colville Business Council and Lyle Keith have been executed in conformity with CFR 15.8—Attorney Contracts.

I might add that I was a business council member in 1949 and various other times.

FLORENCE QUILL,  
*Member, Colville Business Council.*

APRIL 6, 1960.

## EXHIBIT M

I am one of the members of the Colville Business Council who opposed renewal of the Lyle Keith attorney contract. In my opinion the tribal funds paid out to him and his associates is exorbitant. I am confident that the tribal members or general council has never been given an opportunity to express their views on the matter, either as to the expenditures or as to a choice of tribal attorneys.

DAN FINLEY,  
*Member, Colville Business Council.*

MARCH 29, 1960.

## EXHIBIT N

INCHELIUM, WASH., *February 15, 1956.*

MR. GLEN EMMONS,  
*Commissioner of Indian Affairs.*

DEAR MR. EMMONS: We, the members of the Colville Indian Tribe, request of you the time to read and consider our problems we have listed here. These problems come to you first hand and not through several departments and offices.

We question the legality of the present constitution and bylaws for these reasons. The original constitution and bylaws which was approved through referendum vote of the people and approved by the Commissioner of Indian Affairs in 1938 should be the one in effect today. The changes made are in the wording such as in article IV, section 2, "Majority" which had read originally "four affirmative." Under bylaws, article I, section 1, "Of the Tribes and all meetings" has been omitted, and in article III, "effect" instead of effective.

All ordinances and amendments have never been voted on through a referendum vote of the people, therefore article V, section 1 (e) and article VI on amendments has been violated. The amendments are as follows: amendment I, article II, section 1, bylaws. Amendment II, article IV, section 1, vacancies and removal from office. Amendment III, article VII, membership of the Confederated Tribes of the Colville Reservation.

These changes have given the business council too much power and instead of acting as an advisory group, they are now ruling the reservation entirely. For this reason the people are very dissatisfied. Since these changes we have listed above had taken effect, the people have lost faith in the business council. Now, rather than go into lengthy detail, we will list briefly our main grievances.

The range resolution recently passed by the council with the opposition of three districts and also a petition with 300 signers already which is still in circulation opposing this resolution.

The low prices being received for our timber and especially the Twin Lakes unit.

The power of attorney problem.

The money spent from our tribal fund on other claims which should be refunded.

The enrollment problem.

Restoration bill: The three major issues in this bill should be considered separately. The ceded land, \$40,000 and termination.

The heirship problem.

Tribal attorney: Our first tribal attorney, John T. Raftis, was voted in by the people and was forced to resign by the council. Later we voted for Curry for our claims attorney. We have never had the opportunity since to vote for a tribal attorney. We think we should bring this up at this time because Mr. Lyle Keith has never had the people's vote and has had no contract with the tribe since 1953. He is at the present time rewriting our constitution and by-laws which the council wants the people to vote on at the council election on May 5, 1956.

We want to get the legality of this constitution and bylaws cleared up before we have to vote on anything concerning it, and we feel that his contract should not be renewed without a referendum vote of the tribe.

Suggestions: Three councilmen under contract to the tribe on a salary basis. One chairman to be selected by a reservationwide vote. The Keller district should be combined with the Nespelem district.

LORRAINE MISIASZEK,  
DAN FINLEY,  
LUCY SWAN,  
ELIZABETH FINLEY.

Mrs. HALLENIUS. A provision of Public Law 772, passed July 24, 1956, was that the business council should submit a plan for the eventual termination.

When the Colville Indian Association saw that the business council had no intention of holding meetings with their people, which is a part of our constitution, that they must hold meetings with their people regularly—they had no intentions of holding meetings with their people and to educate them in the knowledge of the bill, but we did. It was not until after February 18 and 19 of 1961 that the business council began to move in that direction.

Motion was caused by the giant upheaval of the tribal members at a mass meeting held in Nespelem, Wash. Certain members of the tribe, acting as a committee, arranged the meeting where the tribal members were invited to come and express their opinions openly and by a secret ballot.

Public Law 772 gave to the business council the authority to draw up a plan for eventual termination. As soon as the Colville Indian Association knew what the law meant and how the people could advance with it, they began to work with them. The business council began in (approximately) July 1960 with their education program concerning Public Law 772 and the eventual termination plan.

They began in July 1960 with the first issue of the Tribal Tribune. I say, "July," and I believe that was the first issue.

The Colville Indian Association has published the Independent American, a little newspaper, since 1956.

I think this is very important that you realize right now that the business council has never given the people a referendum vote on anything that would not increase their own power.

Now, I come back to the Wheeler-Howard Act. The Colville Confederated Tribes did not accept the Wheeler-Howard Act. Had we done so, we would have accepted the constitution that would have been given us at that time.

However, we did not have to have an organization, we were told. So our own constitution, presumably one that would help the people, was drawn up and with the help of Mr. George Lavatta.

Mrs. Florence Quill, my companion, will dwell on the beginning of the time of drawing up the constitution.

The constitution which was given us was termed "self-government" under it but it left the real authority vested in the man outside the tribe, the Commissioner of Indian Affairs. Under this constitution no provision for power to select tribal attorneys was given.

The business council sought the power by submitting a referendum vote on May 6, 1961, but it was voted down, 3 to 1. The February tribal meeting put the council on the spot. The tribal members no longer trusted them and told them so.

Still, when the April 8 meeting came to pass the business council used the promise of a per capita payment out of claims money to bribe the people to endorse their proposed bill. The need for per capita payment was there at that time and is worse now.

And I state here that we certainly are in favor of per capita payments. Our people need them and certainly I need them. I am a member. So that stands.

But the Colville Indian Association could not stand back and allow the tribal members to be hoodwinked into believing that their wishes for the funds were to be realized only at the enormous price of sacrifice of their own voice. If you will realize that the Indian Bureau must have Indians in order to stay in business, then you will understand that it is ever increasing and is a perfect setup for the Communist Party. I have always had this opinion.

I sincerely believe that if the Communist Party ever comes into the United States element, takes a firm hold in here, it will be through the Indian Bureau. It is a nest, a veritable nest for the Communists.

The Negro in America has been segregated because of his color, but his civil rights have been recognized. The Indians have been segregated because of their property and vast potentials.

The assimilation of the Colville tribes is virtually accomplished when you remember that the mixedbloods outnumber the fullbloods by 10 to 1, and that 25 percent of the population lives near the reservation and 50 percent of the population is completely assimilated into the white population.

I want to tell you about the task force. The task force was composed chiefly of members of the Indian Bureau, who have at some time or other occupied positions in the Indian Bureau. If you remember, the task force was appointed by the Secretary of the Interior and his—

Senator JACKSON. What task force are you referring to?

Senator CHURCH. The Indian task force?

Mrs. HALLENIUS. Yes.

Senator JACKSON. You mean the present one?

Mrs. HALLENIUS. I assume there has not been another before, nor since.

The Secretary of the Interior has made it plain that he expects to be able to use the information which the task force brought to him in order to know better how to handle the Indian problem.

The task force met with the governing bodies of certain tribes. When the Colvilles were scheduled to meet with them we, officers, Frank W. Moore, president, Marcel Arcasa, vice president, and I went to Spokane.

We had asked for time for our president to speak there, but were informed by collect telegrams that there would be no time for us. We went anyway.

Does that not say something to you, gentlemen?

If the Secretary of the Interior follows the task force's recommendations—those are that the claims funds money must not be paid out in a per capita payment; that they consider it a dissipation of funds; that those claims funds moneys must stay and be used as a development program for the Indians on their reservations.

So we have the business council recognizing their head as being in the Department of the Interior. The Secretary of the Interior has the ultimate decision in this case. The people have virtually nothing to say.

And if the business council uses this per capital payment as a bribe to their people to go along with, to endorse this bill which S. 2123 and H.R. 8236 embodies, then they have misrepresented the facts to their people.

They have not brought out those facts to them. They are playing both ends against the middle.

We find that task force, with its recommendations to the Secretary of the Interior—if I seem to repeat, I am sorry. It is because it is so tremendously important that you people realize that the business council is attempting to show their people that they represent them and that they would be able to make—to pay out this money, this claims fund money, in a per capita payment, when we all know that it is the decision of the Secretary of the Interior which will decide how that money goes.

And if he is going to listen to his task force, to go by their recommendations, then what does it matter if the business council jumps up and down and hollers that they have promised their people a per capita payment? It will make no difference. The claims funds money will stay on the reservation in a development fund.

That is why we have protested the passage of S. 2123 and H.R. 8236, because they are destined to become the instrument which will set up the guide or the authority which will determine our termination plan.

I have here a letter from the Commissioner, John R. Nichols, which was sent to Mr. Graves, who was then the superintendent of the Colville Indian Reservation.

With your permission, I would like to read that letter to you at this time. It is not very long. It will serve to tell you why we fear these bills.

The letter says:

MY DEAR MR. GRAVES: Pursuant to an order issued by this office on May 4, 1949, an election was held on the Colville Reservation on May 20, 1949, to permit the voters of the Confederated Tribes to express themselves on the matter of adopting amendments 3 and 4 to the constitution and bylaws of the Confederated Tribes of the Colville Reservation.

Amendment 3 adds a provision to the constitution, governing membership in the Confederated Tribes of the Colville Reservation.

The certification of adoption indicates that the amendment was duly adopted by vote of 299 for, and 116 against, and that a majority of the qualified voters of the Confederated Tribes cast ballots in the election.

In accordance with article 6 of the Colville constitution, I am approving amendment 3 which will make it effective. The original of the amendment to which the seal of the Bureau has been affixed, is being returned to you for safe keeping.

I am withholding my approval of amendment 4 even though the election results show that 267 votes were cast in favor of the amendment and 102 against.

Incidentally, I have the original copy of the votes which were cast at that meeting.

Senator BURDICK. What is the date of that meeting?

Mrs. HALLENIUS. It was May 20, 1949, the election which is spoken of here.

I am withholding my approval of the amendment 4 even though the election results show that 267 votes were cast in favor of the amendment and 102 against.

This office, in its letter of May 4, 1949, authorizing the election of these amendments, expressed doubt about the appropriateness of amendment 4 since its effect might be to take away from the districts control over the selection of representatives.

For that reason, we requested that the amendments be voted on separately and that the votes be tabulated by districts. The letter then said if the tabulation shows that the vote in the district, in which the members of the smaller bands reside, is against the amendment, I shall be inclined not to approve it.

In the election on May 20, 1949, the voters of Nespelem district rejected amendment 4 by a vote of 63 against and 61 in favor. The same voters accepted amendment 3 by a vote of 89 in favor and 33 against.

Our records indicate that in the Nespelem district are found the Moses Band, the Joseph Band, the Columbia Band, and the Nespelem Tribe.

In years past these minority groups have insisted on recognition as separate entities, and they have been assured by this office that their interests would be protected. I note in the council meeting of July 14 and 15, 1949, considerable discussion took place over this question.

The council, as indicated by the vote cast on whether it would endorse the vote of the tribe on amendment 4, was equally divided and the deciding vote was left to the chairman. This vote of the council would not be persuasive by itself since the council could not set aside a referendum of the people.

However, it does indicate that representatives of the minority tribal groups are concerned about the possibility of losing power to select representatives of their own choice.

In view of this past record and my own misgivings about the possible effect of this amendment, if put into operation, I feel justified in not approving the amendment.

In accordance with the provisions of article 6 of the constitution of the Confederated Tribes, amendment 4 is not effective. The election of councilmen will continue to be conducted as provided in article 3 of the constitution.

Sincerely yours,

JOHN R. NICHOLLS,  
*Commissioner of Indian Affairs.*

The situation is not changed. The minority groups are still in the Nespelem area and we feel the minority groups and their interest will still be protected.

It might be interesting to you people to know that the only amendments that the business council has ever given us, the only referendum vote the council has ever given us to vote on, are those which would give them more power.

The business council, as I have stated before, would not be able to get around the Secretary of the Interior's decision. The business council's authority is only a gesture, anyway, but it serves the Indian Bureau as an effective means of getting their hands on our funds and instituting a development program which will only serve to

perpetuate Bureau control, which is bypassing House Concurrent Resolution 108.

As a member of the Colville Confederated Tribes of the Colville Indian Reservation, and as an officer of the Colville Indian Association, representing more than 400 members, I beg of you, please, do not pass H.R. 8236 or S. 2123 as written.

I have a petition here which we are preparing to submit to the President, John F. Kennedy.

I would like to read this to you. It says:

After more than three decades of intense study and research by congressional committees, other Federal and State agencies, and by individuals, it is the consensus of the general public, as expressed by and through the U.S. Congress, in House Concurrent Resolution 108, 83d Congress, that the so-called Indian problem will never be settled until such time as the reservation system is abandoned and the Indian citizens are given the same privileges and responsibilities as all other U.S. citizens.

In addition to the sense and intent of Congress, as expressed in House Concurrent Resolution 108, in regard to Indian reservations generally, we give the following specific reasons that the expressed intent of Congress should be carried out speedily and without further delay with regard to the Colville Indian Reservation:

1. The northern half of the reservation was open to settlement on April 10, 1900;
2. The southern half was opened to settlement on March 22, 1906;
3. Since that time the Indians and non-Indians have lived peacefully together as friends and neighbors;
4. The Indians were declared U.S. citizens by the act of June 2, 1924;
5. Our Indian children have attended the same public and parochial schools as those of our white neighbors for approximately 40 years.
6. There have been no Indian Bureau segregated schools on the reservation for approximately 40 years;
7. The mixed bloods outnumber the full bloods by more than 10 to 1;
8. The whites residing within the boundaries of the reservation greatly outnumber the Indians living in the same area;
9. The recent analysis and survey in 1960 by the Indian Bureau, the Colville Business Council, and Dr. Michael Nelson, of the Stanford Research Institute, reveal that only approximately 25 percent of the enrolled members live within the boundaries of the reservation.

In light of these, and other pertinent facts, the Colville Indian Association, being an honorable and legally chartered organization, have sponsored H.R. 6801, introduced in Congress on May 3, 1961, which proposed legislation has three major purposes, namely, (1) the orderly withdrawal of Federal supervision over the property and affairs of the Colville Confederated Tribes, in line with House Concurrent Resolution 108 and with the requirements of Public Law 772;

(2) to individualize the tribal assets and make each Indian responsible for his own best welfare to the same extent as all other citizens;

(3) to give the Indian people affected the final voice in whether or not the legislation should become effective.

That is the consensus of our petition which we are going to submit. We have already submitted a petition, signed by 705 members of the Colville Indian Confederated Tribes.

This petition, which was presented to Congress early in 1960, has asked for an amendment to our constitution, and at this time I would say that a mere amendment would not be quite sufficient.

We need a new constitution, one which would make the business council listen to the people. We have no way of knowing, we have no way of being sure that the business council even hears our petitions, even hears our needs.

Certainly, they have not indicated by any of their actions that they have listened to us.

I would like at this time to relinquish the floor and, at a later time, to submit further information.

Senator CHURCH. All right, Mrs. Hallenius. I am very pleased to have your statement.

I think that if you have any letters or petitions or anything of that kind that you want to make a part of the record we would be very happy to do that.

I understand from Mr. Gamble that these are the letters and the telegrams that we have received in connection with this problem, both for and against the bill under consideration.

We have also received four additional telegrams within the past couple of days which I will add, and all of this can be made a part of the record in connection with this hearing.

(The documents referred to will be found in the appendix.)

Senator CHURCH. Do the other ladies have written statements?

Senator JACKSON. No, they have not.

Mrs. HALLENIUS. Here are more telegrams.

Senator CHURCH. Fine. They will all be included.

In the interest of orderly procedure, I was going to suggest that if there are any other prepared statements, that you would like to submit, or that any of you ladies would like to submit, we can incorporate those in the record and then we can proceed with the questioning, if that would meet with the approval of the committee.

Senator JACKSON. That is fine.

Senator CHURCH. Senator Jackson, would you have some questions that you would like to ask at this time?

Senator JACKSON. I thought I would defer until Mrs. Quill and Mrs. Babcock have given their statements. It might be easier.

Senator CHURCH. Very well. I think that would be the best way to proceed.

Mrs. Quill?

#### STATEMENT OF MRS. FLORENCE QUILL

Mrs. QUILL. Mr. Chairman and Senators, we sincerely thank you people for calling us out here. In all the years that I have lived, I have never had or heard of Colvilles being called in. It is always business council.

That is why you never heard of our tribes. And I sincerely thank you, and I thank you doubly, because Mr. Keith said we were an unrecognized group.

Was Mr. Keith under oath when he said that we were confederated tribes? He made the statement in that hearing.

Senator CHURCH. It is not the practice of the subcommittee to put witnesses under oath, Mrs. Quill.

Mrs. QUILL. Well, that is all right.

Now, to prove this, I have to go back into history to prove that we are not confederated with the people.

That was an Executive order made in April of 1872 to set aside the Colville Valley for the Colville Indians. That is where all the Colville Indians lived at that time.

Three months later the President rescinded that act and made another Executive order to drive us across the Columbia River, and at time the Executive order said that the confederated—the groups that were there present or on the reservation at that time.

Now, would that confederation apply to every Indian that was dumped on our reservation after that? The Executive order did not say that. That is why I specifically state that we are not confederated with these Nez Perce people and that is what they have been using on us, "confederation" all the time.

Senator JACKSON. Might I ask a question?

Are you enrolled with their confederated tribes?

Mrs. HALLENIUS. Oh, yes.

Mrs. QUILL. Maybe I should not be.

Senator JACKSON. No; I just asked you if you are now.

Mrs. QUILL. Maybe I should not be.

Senator JACKSON. You said there should be a per capita payment and if there is, you do want to be on the rolls; do you not?

Mrs. QUILL. Yes. That is good.

Senator JACKSON. You do not want to miss the payroll?

Mrs. QUILL. No. And then, in accordance with this Moses agreement of June 7, 1884, that placed the Moses group there. And later on these other groups, the Nez Perce, were placed there in 1884. That is why I question: Would this confederation cover them after 13 or 14 years?

I do not think it could. That is one argument.

I have to use these glasses when I read. I do not like them.

Senator CHURCH. That comes to all of us, Mrs. Quill.

Mrs. QUILL. At my age I should be wearing bigger ones.

Senator JACKSON. You do very well.

Mrs. QUILL. And then the Executive order says with all the other Indians that the Government wishes to place there, and it would seem to me that that would be the Government's responsibility and not ours.

We did not ask for different people to be placed there. We are not saying we do not want them. They have been there many years. They are nice people, but I am just telling you the history.

We have taken care of those people for 60 years, and we have never complained and in all these years there never has been a Government official that came back there to see how we lived with them, whether we treat them right or mistreat them which, I think, was their responsibility and they should have done it.

So then later on, in the year of 1892, these people still were prisoners of war when they signed the legal pact, the petition to sell away our north area. We were told, just like Mr. Keith says, there that we had no entity. There was no Colville Indians.

I do not know where we all were at that time. And then, in 1905, the same prisoners of war were still prisoners of war when they signed the document to sell the south. In 1930 or 1931, of these years or along these years, the same people were taken up to where the present Coulee Dam is, and they signed away our Coulee Dam and to this day nobody knows what happened there.

We have not drawn a red penny of recompense from that. So you see, we have many grievous heartaches. If we were mean people we would be grumbling all the time.

A lot of these people like us because we treat them nice. We do not bear this grudge against them. We bear it against the Government, who has done all of this, has used them as a weapon.

What is important is that you take those people out and dump them on the Colville people.

Senator JACKSON. I just wanted to say, Mrs. Quill, that I was the coauthor with Senator O'Mahoney of the Indian Claims Commission Act, which was the first real effort made to make it possible, you know, for the Indians to have their day in court.

I would hope that all those matters would be properly litigated, you know, before the Commission. Those proceedings are still going on although the time for filing the claims has passed.

Mrs. QUILL. That is just the reason why I thanked you for calling us in. This is the first chance we have ever had.

In 1936 and 1937 a few of us Indians worked 2 years or more to organize this constitution and bylaws because the Colville Indians never had a voice in anything.

If we would go to the superintendent and ask him why, now, when they were building the Coulee Dam we would go in and ask him why were the Indians not enlightened on what was going on. He would say, "you go talk to the Chiefs". That was all the voice we had.

So we thought, by creating a constitution and bylaws, that the people in general would have a voice. And during these years when we were organizing the Nez Perce Chiefs walked out on every meeting that we had, trying to organize.

So now they tell us that we confederated with them at that time. Well, we could not have confederated people that would not sit in the meeting with us until we organized. And up until 1947 the council operated efficiently, and in 1947 the council hired Mr. Frank George as our secretary.

Frank was a good secretary until 1948. First, he had our claims attorney, Mr. John Raftis of the Colville Reservation. He made him resign. He and Mr. Graves demanded his resignation. Then he elected himself as our tribal relations clerk, a civil service position, and he blanketed himself with the authority to transact all the business of the Colville Reservation.

First, he amended our constitution to suit himself and then he tries at every election from then on to date to try to get the people to approve those amendments that he made. And the people have voted against it in every election.

He was also breaking the Hatch Act, because he was being paid by the tribe as our clerk, and he was a civil service man, as a tribal relations clerk.

That was when he and a few of his tribe hired James Curry. Something has happened to James Curry, in 1952, because he has not represented the Colvilles in their claim.

When we came here in 1954, Mr. Weissbrodt and Mr. Cobb represented us in our claim committee. Mr. Keith did not come and Mr. Curry did not represent us.

And to this day, Mr. Keith has never told the Indians what happened to Mr. Curry.

In June of 1956—that thought had not worked clear down until this date. In 1956, just shortly before my term expired as a councilman, Mr. Lyle Keith asked the tribe to hire a Mr. Patrick Winston in Curry's place. Who was our contracting party in all those years?

We hired—that is, the business council hired Mr. Curry. I objected to hiring Patrick Winston because I have always felt that the council did not have the authority to hire or fire tribal claims attorneys, but they did. They elected Winston.

That is why Mr. Lyle Keith is working so hard to rectify all the wrong actions he has done to us before we can catch up with him.

I hope you Congressmen here present will have some sympathy for us Colvilles, original Colville Indians, and correct some of the injustices that have been done to us by Mr. James Curry and Lyle Keith, the tribal counsel.

If you doubt any of our statements, they are facts and are in the books.

And I thank you very much.

Senator CHURCH. Thank you, Mrs. Quill. Of course, when we learned that there was opposition from the Colville Indians to these bills we wanted to be sure that you had an opportunity to state your case fully, and that is why we have delayed.

And Senator Jackson wanted to make certain that everyone had a fair opportunity to be heard before we passed judgment.

So we do appreciate your coming and presenting it.

Mrs. QUILL. Thank you very much.

Senator CHURCH. Now, Mrs. Babcock, have you a statement that you would like to make?

#### STATEMENT OF MRS. RUBY BABCOCK

Mrs. BABCOCK. I am Ruby Babcock, an enrolled member of the Colville Tribes and a member of the Colville Indian Association.

In order to keep up to date on the Colville Business Council is doing on termination planning, I have worked closely with Ira Lum, a group leader from Omak District. So I feel I can speak with authority on the feelings of Colville Indian Association members and nonmembers as well.

Regarding the bill that is before us today and the objections that have made to it, let me state that I was one of the objectors.

You, gentlemen, cannot realize the gratefulness we felt when we received word that we would be here on this matter of such great importance to the Colville people.

We begged Congress not to let this bill become an instrument which would establish by the laws of the United States that the Colville

Tribes will be subject to the tyranny of their governing body with no hope of ever extricating themselves. The Colville Business Council calls this bill a distribution bill.

We have told them it should be placed as an authority bill, because it gives to them a degree of authority that they have tried to secure from the people and have failed in doing so.

The people have tried every avenue they knew to restrict the authority of the council so that the people can participate in their affairs. Regarding Public Law 772, the bill which asked for a termination plan from the Colville Business Council, the people were aware that there was such a law but there was complete silence from the council on the law until a relatively short time ago.

The Colville Indian Association was well aware of the law, and as early as 1956 began working with the people as best they could to see how this law could be advantageous to the people.

They repeatedly invited the council to come forward and begin educating the people on the implications of the law. However, the business council had the attitude that the law specifically gave them the authority to do the planning, and they kept all actions to themselves.

There was absolutely no contact with the people by the business council on Public Law 772 until publication of the Tribal Tribune in the summer of 1960 and of the Stanford report. The oral Stanford report was given October 4, 1960, at which time the people were promised written copies of the report in a month.

The copies did not come. I believe it was late January when they first got the copies. Nothing more was heard from the council after that, and the people were beginning to be uneasy, that the council had their decisions made on what the termination plan would be.

Because of this uneasiness, the tribal members did an unheard of thing. They consulted with the superintendent in the council's absence.

It was during President Kennedy's inauguration and our council found reason to be here at that time. Some of the council members, not all. The tribal members arranged and advertised a 2-day mass meeting for the main purpose of discussing Public Law 772, to express an opinion by secret ballot on the key question of whether they wanted development or liquidation of the assets or whether they wanted to remain under the present per capita system of income from timber sales.

And I have a copy of the ballot that was voted on at that time. I would like to have that inserted in the record.

Senator CHURCH. Without objection, it will be inserted in the record at this time.

(The aforementioned document follows:)

BALLOT  
 COLVILLE TRIBAL MEETINGS  
 February 18th and February 19th  
 1961  
 Nespalem, Washington

Which way would you choose to terminate federal supervision of the Colville Confederated Tribes under Public Law 772?

## CHECK ONE:

- 123 Development of reservation and assets.  
 126 Liquidation (sale) of reservation and assets.  
 118 Continue present per capita system.

## OPINION POLL

## CHECK YES OR NO:

- Yes 62 No 227 1. Under termination by liquidation (sale of assets), do you think the money from such a sale should be held by tribe and invested as tribal trust?
- Yes 254 No 642 2. Under termination by liquidation (sale of assets), do you think the money from such a sale should be distributed to individual tribal members?
- Yes 71 No 2463 3. Do you think presently the tribal members have enough voice in the policymaking of tribal affairs by the business council?
- Yes 124 No 211 4. Should future tribal business and policymaking be continued under the present form of tribal government?

REMARKS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(When ballot is checked tear off written number in corner of page and hand number to clerk. Put ballot in ballot box)

Ballot No.

Mrs. BABCOCK. Please understand that it was an opinion poll.

Senator JACKSON. Who conducted the poll?

Mrs. BABCOCK. The tribal committee that arranged for the meetings.

Senator BURDICK. This April 8 meeting is the mass meeting that was arranged when the council was in Washington?

Senator JACKSON. No; the April meeting came later.

Mrs. BABCOCK. The February meeting was arranged while they were here in Washington, D.C. If we had asked their permission it would never have happened.

Senator BURDICK. I see.

Mrs. BABCOCK. We are not interested in establishing which was the best solution for termination. We only wished to show the planning committee that they should not take the law, giving them authority to plan, so literally.

The result on the ballot showed that it was divided almost evenly between the three alternatives concerning the assets of the tribe.

We also wanted to establish to the council that they should not take their authority so seriously, because the people marked their ballots up "no"—to the question, "Do you think presently the tribal members have enough voice in the policymaking of tribal affairs by the Colville Business Council," the people voted "no," 246; 71 "yes."

To the question, "Should future tribal business and policymaking be continued under the present form of tribal government?" They voted "no" 211 to 124 "yes."

Let me state here that I have here certified copies of those meetings. It was made in that manner, paid for out of the tribal treasury only after bitter arguments with the Colville Business Council both during the meetings and at the time of the presentation of the bills.

May I say, please, that during that meeting I promised the tribal members that we would ask for a certified report only because we did not want their voices to fall on deaf ears, and that somehow the copies would be the means by which their voices would reach to Washington.

Never in my wildest imagination and fondest dreams did I ever think I could fulfill that promise by carrying the copies in person to the lawmakers of our beloved United States of America.

We had five copies of the meetings. I sent copies by return receipt, registered mail to the Secretary of the Interior and to the Commissioner of Indian Affairs. The only thing I have to show for it are the returned receipts. There was never any acknowledgment of receipt of the copies.

And I think that indicates how much attention the Bureau pays to the attempts of the people to be heard.

To get back to the order of events, some of us were naive and jubilant, thinking that for sure now the business council knew how the people felt toward them, that they would be different. But what did they do? Two days later, on February 21, a delegation of three, Alice Hallenius, Ira Lum, and myself, went to the council to confirm payment of the bills of the meeting.

We walked in just as they were taking council action on what amendments to the constitution would be put to the people to vote on at the May election. We could hardly believe it when they voted to put an amendment before them that, if passed, would give them unlimited negotiating and legislative powers in the name of the tribe.

And at that same meeting they turned down or voted against putting in an amendment on the constitution that would permit reservation-wide voting, the same amendment that was referred to in the letter Mrs. Hallenium read from John R. Nicholls to Mr. Graves.

So from that action, we feel that it must still be council policy that the minority groups there are protected. We then realized that they did not ever intend to give, but only to take more authority, and we knew our task would be all the harder.

We contacted tribal members and they signed statements numbering 200, asking the tribal council to let us have another expense-paid meeting. And the statements that were made here at the hearings, attended by Mr. Lyle Keith, Mr. Harvey Moses, by those statements the impression was given by those gentlemen and by the Bureau officials that meetings on our reservation are common events. The meetings that have held, I do not believe, have numbered over four in the past 10 years.

Until we got this termination proposal there has not been a mass meeting on termination yet. There have been district and group meetings.

This was necessary, referring back to the 200 requests for another expense-paid meeting, this was necessary because the council had passed a resolution after the February meeting, stating that future meetings would have to be approved before being advertised or they would not be paid for.

Harvey Moses gave our committee a flat no. He said we could run our meeting in with theirs on April 8. We refused because to discuss the subject of council authority at a council meeting would have been futile.

We went ahead with plans for the meeting which was held on March 19. The services of an attorney, a nontribal chairman and secretary, were all paid out of our own pockets.

However, 2 days before the meeting the council very widely advertised two district meetings that they, themselves, attended on the very same day as ours. People were so confused that they did not know where to go.

We had an attendance of 170 who voted unanimously to do away with the present tribal constitution and to defeat the proposed amendment.

Knowing that the council would have a meeting on April 8, and that there would probably be a big crowd, because it was a money issue, we knew it would be an excellent opportunity to bring up the subject of the authority amendment.

We were all present at the April 8 meeting except Mrs. Quill. The business brought before the people on whether or not to pool the funds from the claims, was a delicate issue and from Mrs. Quill's testimony this morning you can understand why.

It was a problem, the tribal members thought, which required a great deal of tact by tribal members. They were congenial with each other on that issue and did vote to approve the funds.

The predominant thought was that there would be equal distribution of the funds. At the meeting and in the halls, and during recesses, the talk was of the expectation of per capita, and as to the resolution that the business council presented here as evidence of the

vote, in that resolution I noticed that William Hill presented the motion at the council meeting.

Well, that explained to us why, a few days ago in Seattle, Mr. Moses told us that Senator Church had wired that William Hill had objected and, therefore, we would have the opportunity for the hearings. And he presented it to us in the way that Mr. Hill was the only one that they were listening to. And, in regard to Mr. Hill, I would like to state that at these meetings I talked to the man personally.

He said that it was his feeling that the claims money belonged to the tribe, that we had it coming, and that if it was only a dime we should get it in our pockets.

So Mr. Hill voted for the resolution with the money as the main issue.

When they read the wording of the resolution people were told that the vote was necessary to get the fund released to the tribes from the treasury. I can understand that possibly might have been so, pertaining to pooling the funds to establish that fact, but as pertains to council authority, that yet remains to be seen, I guess.

From witnessing the actions and the conversations of that day, I can say that in our opinion the people voted for two things, to pool the funds and to unanimously have a per capita payment from them.

The wording, giving the council authority, as far as we are concerned, rode through on the other vote without the people even remotely understanding the seriousness of what the resolution said. Certainly, it was slipped through without being pointed out by Lyle Keith or Harvey Moses and the possibility that these funds might go for something other than equal distribution was not pointed out.

Otherwise, I am sure that the tribal members would not have been so congenial on pooling the funds.

Some of these claims are for areas remote from the reservation, and I do not know how spending it in one area could compensate the bands for the injustices to them in some other area except by a money distribution.

Please note that the minutes of that meeting, which were presented to you by the council, reads that the meeting adjourned following the resolution vote.

The truth of the matter is that about 2:30 p.m., immediately following the passage of the resolution, the people voted unanimously their recommendation of a per capita payment.

Then the meeting was open to other business and it broke loose. And for at least 2 hours thereafter the people denounced the council for the proposed authority amendment to the constitution.

The people denounced the council for proposing something on the ballot in May, little realizing that they had just voted the same thing. They were never told the funds might go for development that might be part of a termination plan.

I believe that, in legislation such as this, the promise of a per capita payment upon delegation of authority to a governing body is done inadvertently, perhaps, by Congress, an instrument by which the tribal governing bodies firmly are established as a tribal entity, and then goes to the next step of vesting the powers of that entity in a small group of people.

When that entity is firmly established, and if we possibly could, I would like to establish here today that when an entity comes into existence (if it is now—or if not, when it does) and is firmly established the entity is then in a position to dictate the conditions and terms of termination planning.

The people do not even begin to fathom the permanence of the decision that was bribed from them. Our tribal council, represented by Ed D. Gorr and Harvey Moses, and association members, have met head on since hearings you had with Harvey Moses and Lyle Keith.

We were told that it was too bad that the bill was stopped because Congress would never consent to paying out per capita. We were told that only the business council could manage to get that done, because of opposition from Congress and opposition from the Secretary of the Interior, but that they would get around the Secretary's opposition, and if we didn't quit objecting, the Secretary of the Interior would write up the bill giving himself complete authority. Congress would readily pass such a bill and there we would be.

We were told then that that is what would happen. We told them we could not believe that Congress would not listen to us and our belief has been justified. We also told Ed Gorr, at a meeting in Oroville, Wash., that if this is to be a fight with the Secretary of the Interior we might as well start now before we were bound by law.

Our recommendations on the bill would be not to let it go through in any form that is going to establish an entity that can dictate to the people. We feel the people must, in some manner, now register their desires on termination.

We know the council has made a show of contacting the people and setting up the group leader system, the district meetings. The people have fallen away from the groups. They do not attend the meetings simply because they know it has all been figured out beforehand.

And if you will look at the termination bill, as Mr. Horan has presented it, you will see that the first step (the legislation is in two steps) has been proposed, H.R. 8469.

And if you will think about what I have said, you will see that the first step establishes the entity which will turn around and tell the people (those that want to withdraw or liquidate the assets), "Sure, they can withdraw and get their pro rata share," but a pro rata share as negotiated within the entity is going to be a much smaller amount than it would be if there was complete liquidation of the assets to an outside interest.

So we would ask you, on these bills, to consider that, above all.

As far as the per capita are concerned, our people need it. We want it and, surely, there must be some way for Congress to direct the U.S. Treasury to pay this to the members of the tribe and circumvent this authority that they are so afraid of.

Thank you.

That completes my statement.

Senator CHURCH. Do I understand, Mrs. Babcock, that you are opposed to H.R. 6801, also the proposed termination bill?

Mrs. BABCOCK. No. No, I am not. No, I am speaking of—

Mrs. QUILL. We are in favor of H.R. 6801.

Senator CHURCH. You are in favor of this bill?

Mrs. QUILL. Yes, sir.

Mrs. BABCOCK. I am speaking of the bill that was the result of the tribal council termination plan, H.R. 8469.

Senator CHURCH. And that was the bill introduced by Congressman Horan?

Is that correct?

Mrs. QUILL. Yes.

Mrs. BABCOCK. Might I add something concerning Mr. Frank George and to show you or to demonstrate how they pay attention to the people's wishes on some issues?

Senator CHURCH. Yes.

Mrs. BABCOCK. Mrs. Quill touched upon how his hand has been in our constitution troubles.

Mrs. QUILL. Pocketbooks.

Mrs. BABCOCK. Upon the pocketbooks, she says, but Mr. Frank George ran for councilman in 1960 and was defeated.

Well, we thought we wouldn't have any trouble from him. Then when this termination planning got going, Mr. Frank George suddenly appeared again and through the planning committee he was hired under contract as secretary to the planning committee.

Well, in the writing up of the contract the planning committee changed his position to read "executive secretary," and that was even too much for the council to swallow. So they rewrote the contract, making it a civil service position.

In the meantime the group leaders began to complain that tribal members absolutely would not cooperate as long as Frank George was on the planning committee.

So at their first group leaders' meeting they voted to abolish Mr. Frank George's position. So we thought then we would not be troubled by Mr. Frank George. But he ran in the election this year.

He was voted in by this minority group that we speak of. He is again on the planning committee and he has also been appointed to the Okanogan County Planning Committee for their county's own development plans.

Senator JACKSON. You are talking about Okanogan County?

Mrs. BABCOCK. The county. He is serving on the planning committee in the county.

Senator JACKSON. Who elected him? The county commissioners?

Mrs. BABCOCK. I do not know.

Senator JACKSON. Well, they are appointed by the county commissioners, I think.

Mrs. BABCOCK. I do not know.

Senator CHURCH. Tell me, how is the business council selected?

Mrs. BABCOCK. Could we refer you to our constitution? You have to read it to believe it.

Mrs. QUILL. Mr. Chairman, I can answer the question a little bit.

Now, I formerly lived in Inchelium. And I could have been on that council for the rest of my life—or I could have if I had stayed there—which I do not think is right. And that is the way it goes. Friends vote for friends, and this and that. It is never an honest election. I tell my people that.

I say, "Did you vote for me?" "Yes."

"Why?" "Oh, you are my friend."

I tell them that this is not a friendship affair. "If you think that I cannot represent you as I should, you should not vote for me."

Mrs. BABCOCK. Could we point out here that the statements of Keith and Moses at the hearing concerning our constitution did not give the picture at all. There are restrictions on candidates. They are selected simply because they reside within the boundaries of the reservation.

There are no educational requirements, or moral requirements. The only requirement is approval by the business council.

Senator JACKSON. Well, how are they elected?

Mrs. BABCOCK. They are elected by districts, within a district.

Senator CHURCH. Within the reservation or within—

Mrs. QUILL. On the reservation.

Mrs. BABCOCK. On the reservation.

Senator JACKSON. All the enrolled members that are not included are off of the reservation?

Mrs. HALLENIUS. Well, they may vote, but they may not be councilmen.

Senator CHURCH. Do they vote?

Mrs. HALLENIUS. Yes, by absentee ballot.

Senator JACKSON. They can vote but they cannot be members of the council unless they live on the reservation?

Mrs. HALLENIUS. That is the only qualification that the councilmen have; that they be 25 years old and live within the boundaries of the reservation.

Senator BURDICK. When was the last election?

Mrs. HALLENIUS. May the 6th.

Senator BURDICK. And this present council was elected?

Mrs. HALLENIUS. Seven members of this present Council were elected. There is always a holdover. Seven members from year to year. Seven new ones.

Senator CHURCH. Do these seven members come from seven different districts?

Mrs. HALLENIUS. No, from four districts. One from one district, two from the other three.

Senator JACKSON. How many enrolled members are there?

Mrs. BABCOCK. Approximately 4,560 was the last I heard.

Senator CHURCH. About 25 percent of whom live on the reservation; is that right?

Mrs. HALLENIUS. Yes.

Senator JACKSON. And you represent how many? Four hundred in your association?

Mrs. QUILL. Yes.

Mrs. BABCOCK. Let me say that the feelings concerning the business council are of a very great percentage. It is not just Colville Indian Association.

Senator JACKSON. What is the answer to it? It seems to me there are two problems here, Mr. Chairman.

One is a feeling on the part of the witnesses that they do not like the setup in the Confederated Tribes, the way it is set up, how it was set up, and so on.

I think that is your testimony.

On the other hand, we have an award from the Indian Claims Commission that has to be transferred to somebody. And I take it the witnesses feel that it should not be transferred to the Confederated Tribes.

Mrs. HALLENIUS. To the business council.

Let us point it out plainly——

Mrs. BABCOCK. I did not understand that statement.

Senator JACKSON. I say that I take it you feel that, as provided in H.R. 8236, that the money, the award, should not be turned over to the Confederated Tribes.

Mrs. BABCOCK. No, that is——

Mr. GRORUD. Which is the business council.

Mrs. BABCOCK. We want the money.

Senator JACKSON. Well, you want a per capita payment. I understand that part of it. But the question is, who do we turn this money over to?

The money, as I understand it from the opinion that we have had from the Department, legally cannot be disposed of to a given entity or to individuals except by an act of Congress.

Senator CHURCH. Yes. The judgment has been made and your title has been established, but in order to get the money out of the Treasury it requires an act of Congress.

Now, you know, because you all have testified, the present feeling of the Secretary of the Interior about how money of this kind should be used, and I think it is fair to say that he, as a general proposition, is strongly inclined against per capita distribution.

He is the chief adviser of the President of the United States on Indian matters. If the Congress were to pass a bill, authorizing per capita distribution, that bill could not become law without the signature of the President.

So it is not merely the easy proposition, assuming that such a bill could be passed in the Congress, of obtaining congressional authority for the per capita distribution, because the bill cannot become law without the President's signature.

So the problem we face is how do we authorize taking the money from the Treasury so that it can be made available to the Indian people in such a way that will assure us of the approval of the President in order that the bill can become law and we can get the money out of the Treasury.

That is our first problem.

Senator JACKSON. That is our problem.

Senator CHURCH. Now, the bill we have before us, S. 2123, would take the money from the Treasury and would place it on deposit with the business council.

Now, the business council could only distribute the money or use the money in accordance with a plan that the business council would submit to the Secretary of the Interior and the Secretary of the Interior, as you pointed out, would approve.

Now, we have had the Secretary of the Interior before us and we have talked to him at length. I personally feel very deeply, and I know Senator Jackson does and Senator Burdick, about the problem of the distribution of judgment funds. And there are occasions where the circumstances are such that per capita distributions are justified in the Secretary's opinion.

One of the factors that goes into his judgment, as to when the per capita distribution payment may be justified, one of the factors that weighs heavily in the case is the number of Indians who are living off the reservation, because if a large number are living off the reservation then, obviously, they have to be taken into account.

Senator JACKSON. And they are close to termination.

Senator CHURCH. That is right. We have here in the Colville case, according to your testimony, a situation where 75 percent are living off of the reservation.

I think, personally, that the Secretary would have to give great weight to that fact in deciding upon the propriety of the per capita distribution of, at least, part of that money.

I cannot pass judgment of what the Secretary will do but I am saying that on the basis of earlier conversations with him and the testimony that he has given before this committee I am certain that this would be a factor that would weigh heavily in his judgment.

Mr. GRORUD. May I make a statement?

Senator CHURCH. Yes; certainly.

Mr. GRORUD. This is money which is now at the present time in the Treasury of the United States and it is drawing 4 percent interest. The objection of the Colville Indian Association is that the money should not be turned over to be spent by the tribal business council.

If that was eliminated from the bill, I do not think there would be any objection.

The chairman of the business council, Mr. Harvey Moses, is going about the reservation right now and saying to the Indians that if this bill passes there will be a per capita payment.

Only last night I had a telephone message from Spokane, Wash., stating that Congressman Horan has made a statement that if this bill is not passed there will be no per capita payment and if it is passed there will be one.

These delegates would like—

Senator JACKSON. Are you sure Congressman Horan made that statement?

Mrs. QUILL. Oh, yes. He has made it before.

Mr. GRORUD. Yes. And the Spokane paper is on the way to us now and we ought to have it this afternoon.

He made that statement. This is confusing to the Indians. And I would like you to assure these delegates that if the Secretary of the Interior is of that mind and you stated the Secretary's position correctly—these people ought to be informed.

Senator CHURCH. Well, I have tried to state the case, as I see it, as clearly as I can.

Mr. GRORUD. Well, your statement is correct.

Senator CHURCH. Now, I have been handed here a telegram that I want to include in the record because it is pertinent, I think, and it is from W. F. Hill, whose name has been mentioned, in which he says, addressing the telegram to Senator Jackson:

I withdraw my objections to Senate bill 2123. I have been assured tribal council will abide by wishes of the people as expressed on April 8, 1961.

It is signed "W. F. Hill."

Mr. GRORUD. That is for per capita payments.

The people voted—

Senator JACKSON. Well, that is right, but what he is saying though—I assume he realizes, because he had a copy of the bill, that if the tribal council agrees on a per capita payment it will still have to be approved by the Secretary.

Mr. GRORUD. That is right.

Senator JACKSON. And I do not know if Mr. Moses is here, but we can ask him if he is. I assume that that is what they are going to propose, but we can find out.

Mrs. QUILL. May I make a statement?

Senator CHURCH. Yes.

Mrs. QUILL. Would not one of the facts be that we were misrepresented in this claim?

It seems to me, from what I understand, that there is no one that owns that money. We hired the attorney to fight our case, our claim.

Senator CHURCH. Well, under this bill—

Mrs. QUILL. Under the bill it says that there is no entity. There is no one for it to go to.

It seems to show that they do not know who that money belongs to.

Senator CHURCH. Under the bill the money would be pooled with other funds.

Mrs. QUILL. I understand that, but I was just saying that one factor would be that we were misrepresented there.

Senator JACKSON. Misrepresented where?

Mrs. QUILL. In the claims.

Senator JACKSON. Well, of course, that is something you know this committee—

Senator CHURCH. It is beyond us.

Senator JACKSON. To reopen the Indian Claims proceedings, that would be another question.

Mrs. QUILL. They do not know who owns it. It has got to have an owner for it to be given to anyone.

Senator CHURCH. Let me say that the judgment awards from the Indian Claims Commission are awards to tribal groups.

Mrs. QUILL. Groups that paid for it, and we did.

Senator CHURCH. And just a little while back we had a bill here that related to a judgment, an award to the Nez Perce Indians. And a portion of the Nez Perce Indians are on the Colville Reservation.

And the award was divided between the Nez Perce Indians, living in Idaho, and those living in Colville or with the Colville people.

Mrs. QUILL. We could go into that at great length, but I think I will save it until we get back to the reservation where we can really use our fists out there.

Senator JACKSON. Well, you can use them here if you want to.

Senator CHURCH. But the bill provided that a portion of that money, that related to the Nez Perce living with the Colville people, would be pooled, and would be sent over to the business council.

This bill would treat this judgment award in the same manner, providing that it would be pooled with other judgment moneys, or this bill would also release the money to the Treasury. Then any plan for distribution would, of course, have to be approved by the Secretary of the Interior.

I would think that your argument for a per capita distribution of some size, inasmuch as so many of the Indian people in this case live off the reservation, would be a strong one.

Mrs. QUILL. Well, this fellow said—the fellow who said that, is an off-the-reservation person. He has been off for 20 years or more.

Senator CHURCH. Yes.

Mrs. BABCOCK. Could I point out here that the bill provides for all future claims and this development, that we speak of, will be a part of termination and you are establishing in this bill that the business council can use the claims in the development program.

You are establishing the fact that that entity will forever tell the people what kind of a termination program they are going to have.

The bill is far more reaching than just one per capita payment.

Senator CHURCH. On the question of termination, let me just say this: that the Congress will have to authorize the termination under separate legislation and everyone will have a full opportunity to be heard on what ought to be in a termination bill and how the termination should proceed and what group should have control, and so on.

But that would be the subject of a separate enactment of the Congress. This is how it has been done in each of the other cases.

Senator BURDICK. Will the Chairman yield at that point?

Senator CHURCH. Yes.

Senator BURDICK. Is it your thinking that the business council should have no authority but to pay per capita payments?

Mrs. BABCOCK. Yes.

Senator BURDICK. No authority but that?

Mrs. BABCOCK. Yes.

Senator BURDICK. Is it your opinion that the enrolled members, within the reservation, are ready for termination?

Mrs. BABCOCK. I believe the whole tribe is; yes.

Senator BURDICK. And you believe they could be terminated at an early date without further governmental assistance?

Mrs. BABCOCK. I certainly do; yes.

Senator BURDICK. And that is the reason that you are contending that under no condition should the money be used except for per capita payments?

Mrs. BABCOCK. I am saying that all indications in our area are that the lumber companies are putting in proposals to the business council for long-term leases on our timber which are tying it up for 20 years.

There are proposals to take care of the west side of the reservation and proposals to take care of the east side, and that is an indication to us that if this money should be put into development it will be the commercial areas and the lumber companies who will be the real beneficiaries, you may say, of our funds.

Senator BURDICK. Would you not agree that upon the assumption that the members within the reservation are not ready for termination that might be an occasion where the development of the funds might be better used?

Mrs. BABCOCK. I do not think there is any way that the funds could be used to be of real benefit to the people.

Senator JACKSON. Do I understand, Mr. Chairman—what is the judgment? A million dollars? And there are 4,500 enrolled members?

Mrs. QUILL. The attorney's fees still come out of that.

Senator JACKSON. Yes; I understand, but a little simple arithmetic here—

Mrs. BABCOCK. I think that the money that is concerned now is about \$1,700,000.

There is \$1,400,000 on deposit now, and I think another \$300,000 is expected to be appropriated.

Senator JACKSON. You are not talking about the revenue from the sale of timber; are you? I am talking just about the claim.

Mrs. BABCOCK. Yes; that is what we are referring to.

Senator CHURCH. Just the judgment award?

Mrs. BABCOCK. Yes.

Senator JACKSON. It is \$1,700,000?

Mrs. BABCOCK. It will be that shortly.

Senator JACKSON. Well, I was just computing it on the basis of \$1 million.

If there are 4,500 people, it will be \$222 per person. And then the other—you know, I did not count the extra \$700,000.

Mrs. BABCOCK. There has been an estimate. I do not know how accurate it could be, but the estimate is that future claims may be as high as \$10 million or \$12 million.

Senator JACKSON. Yes. Well, I was addressing myself to this particular claim.

We were only passing judgment on that one.

Mrs. HALLENIUS. Oh, no; you are passing judgment on all of them. The bill includes all future judgment funds.

Mrs. QUILL. For the next 20 years.

Mrs. HALLENIUS. The bill is on all of them.

Senator BURDICK. Let me pursue my former line.

Has there ever been an expression of the will of the members within the reservation as to termination formally?

Mrs. BABCOCK. Formally? It has been the policy of our planning committee not to allow any formal expression.

Senator BURDICK. Well, I know that there are two groups here. I understand that, but has there ever been an expression, some formal expression, of their will within the reservation?

Mrs. BABCOCK. Well, I can tell you, from the group leader meetings and things that they have had, that I know of one group who does not want any termination at all, and they live in the Malott area. I cannot speak for those right around the Nespelem area. I do not know for sure.

And there may be a few in Inchelium. But, generally, the people feel that the assets should be individualized.

Senator BURDICK. Then it is your answer that there has never been any formal determination by the Indians of this?

Mrs. BABCOCK. No.

Senator CHURCH. Do you think that a majority of the Indians in the Confederated Tribes, if you put it to a vote, would vote in favor of termination?

Mrs. BABCOCK. Yes; not only termination but liquidation.

Senator CHURCH. It has to be properly voted upon and approved by the Indian people, but we will never solve the problem, the Indian problem, by perpetuating the wardship of the Indian people.

Mrs. QUILL. No, never.

Senator CHURCH. And I am afraid that there are very strong vested interests that work in that direction.

Mrs. BABCOCK. That is exactly our point and, if you look behind this thing, I keep coming back to this entity thing, because I am sure you, gentlemen, must realize the importance of this matter.

At what point in our legislation are we vested with our individual rights? Under the two-step legislation that the council has prepared? That will not happen. The vested rights, individual rights, will not come about that way.

Mrs. QUILL. Ever, if that bill is passed.

Mrs. BABCOCK. And the people do not know that. They do not understand. They cannot see behind it.

Senator CHURCH. You are talking about the termination proposal?

Mrs. BABCOCK. Yes.

Mrs. QUILL. We are talking about the entity, because if that takes—

Mrs. BABCOCK. And this claims bill—the same thing happened to the Menominees. Their entity was created through claims funds. They set up a governing body which turned around and told them what to do.

They did not get their individual rights whereby they could state what they wanted to do with individual shares. The Menominees got that restriction of individual rights in their legislation.

Senator CHURCH. Well, we will certainly take that into consideration when the termination bill is before us, and I think we will have another opportunity to hear from you people at that time.

Mrs. HALLENIUS. May I say something at this time?

Senator CHURCH. Yes.

Mrs. HALLENIUS. You mentioned that this Indian problem or your statement was concerning the Indian problem, and I wanted to point out to you that the Indian problem is certainly not the Bureau's problem.

Senator Dworshak made the statement concerning the Indian Bureau and the taxpayer, and I am going to ask that that statement be included in our statements here today, because this statement puts the Indian problem directly into the lap of the taxpayer.

(The excerpt from the Congressional Record is as follows:)

[From the Congressional Record, June 7, 1961]

#### INDIAN BUREAU INVESTIGATION URGED

##### BUREAU OF INDIAN AFFAIRS

Mr. DWORSHAK. Mr. President, frequently we hear criticism by the American people to the effect that the Government does not render much assistance to the Indians, totaling some 350,000, who live on the reservations. Often I receive mail from my own State of Idaho, which has a large Indian population, alleging that Congress is parsimonious in allocating funds for the operations of the Bureau of Indian Affairs.

The report on the appropriation bill now before the Senate shows that the total amount provided for the Bureau of Indian Affairs, exclusive of tribal funds, is \$163,481,000, or an increase of \$37,295,000 over the 1961 appropriation.

Then the total amount provided for the Public Health Service for Indians exclusively, for the next fiscal year, is \$63,875,000, or an increase of \$3,890,000. This makes a total increase for the Bureau of Indian Affairs in these two programs of about \$41 million.

The Bureau of Indian Affairs was created in 1789, 172 years ago. For many years, the appropriations for this agency have been increasing materially. Yet the status of the Indians on the reservations indicates that they are making little progress toward the ultimate objective of the Bureau and the American people, which is the full integration of the Indians as American citizens.

Mr. President, I have before me a table, which was prepared at my request, showing the appropriations for the Bureau of Indian Affairs for the fiscal years from 1948 through 1961. In 1948, which was only 13 years ago, the total appropriation for the Bureau of Indian Affairs was \$39,806,530, or approximately \$2 million less than the increase in the budget for the Bureau of Indian Affairs for the coming year as compared with the fiscal year 1961.

It is significant that in the years since 1948, appropriations for the Bureau have been increasing very rapidly. From \$39,800,000 in 1948, the appropriation has increased to about \$227 million this year. For the 350,000 Indians who live on the reservations, this amounts to approximately \$650 per capita. Thus we are appropriating for the operations of the Bureau of Indian Affairs \$650 for every Indian man, woman, and child.

It is also significant to observe that currently the Bureau of Indian Affairs has almost 17,000 employees.

Mr. President, I ask unanimous consent to have printed at this point in the Record a tabulation showing the increase in the appropriations for the Bureau of Indian Affairs from 1948 through 1962.

There being no objection, the table was ordered to be printed in the Record, as follows:

*Appropriations, Bureau of Indian Affairs—Funds for fiscal years 1948-61<sup>1</sup>*

Fiscal year	All other	Health	Total
1948.....	\$31,153,230	\$8,653,300	\$39,806,530
1949.....	51,763,327	10,365,195	62,128,422
1950.....	55,341,067	12,128,679	67,469,746
1951.....	62,547,167	16,842,888	79,390,055
1952.....	65,446,982	16,421,949	71,863,912
1953.....	64,240,642	22,839,765	87,080,407
1954.....	62,586,760	21,536,000	84,122,760
1955.....	67,693,562	23,418,898	91,112,460
1956.....	78,703,498	<sup>2</sup> 39,816,000	119,519,498
1957.....	87,737,500	<sup>2</sup> 47,537,000	135,274,500
1958.....	107,743,000	<sup>2</sup> 43,230,000	150,973,000
1959.....	125,849,500	<sup>2</sup> 48,337,000	174,186,500
1960.....	115,777,000	50,487,000	166,264,000
1961.....	121,407,000	57,990,000	179,397,000
Eisenhower 1961 supplemental.....	4,502,000		
Subtotal.....	1,093,492,116	419,603,674	1,513,095,790
Eisenhower 1962 budget request.....	139,786,000	59,037,000	198,823,000
Total.....	1,233,278,116	478,640,674	1,711,918,790

*Number employees as of June 30, 1960*

Bureau of Indian Affairs.....	11,667
Health, Education, and Welfare.....	5,116
Total.....	16,783

<sup>1</sup> Does not include tribal funds.

<sup>2</sup> Appropriated to Health, Education, and Welfare in accordance with Public Law 568, 83d Cong., transferring the maintenance and operation of health facilities to Health, Education, and Welfare.

Mr. DWORSHAK. Mr. President, I have placed this table in the Record primarily to emphasize that Congress has been most generous in making appropriations for the Bureau of Indian Affairs. During the hearings before our subcommittee on this appropriation, when I became critical of the failure of the Bureau to provide services which are essential for the Indians, and to enable them to improve their living standards and qualify themselves for full American citizenship, I suggested that probably the time has come when the Bureau of Indian Affairs should be abolished. Of course, I did not make that comment very seriously; but, Mr. President, it is time Congress made a thorough investigation of the operations of this Bureau to determine what is necessary to improve it. Probably the Bureau of Indian Affairs could not be abolished overnight; but certainly some drastic changes should be made in its program for the benefit of the 350,000 Indians who live on reservations and to reduce expenditures. I think it is the

responsibility of Congress to investigate and determine what is wrong in what appears to be the incompetent and ineffectual operations of the Bureau of Indian Affairs.

Mrs. HALLENIUS. In the maintenance of the Indian Bureau we see an enormous tax burden, and even the man on the street recognizes the tax burden.

And I say, Republican or Democrat, that tax problem is his. So we might just as well look facts in the face.

Let's put the Indian problem in the lap of the taxpayer. Let's put it directly into Congress. Let us not allow the combination of forces within the Indian Bureau control the fate of the Indian people, and we find S. 2123 and H.R. 8236 embodying the powers of the business council, and leaving directly in the hands of the Secretary of the Interior, and thereby it is delegated to the Bureau of Indian Affairs.

Senator CHURCH. Well, we do appreciate your testimony this morning, ladies, and we have some other witnesses that we want to hear from.

Mrs. QUILL. May I just say that when I said the Government does not help, I did not mean these people here. I meant at home. I cannot understand where they help us over there, because they do not.

Mr. GRORUD. With reference to per capita payments, I think there is an additional fund in the Treasury where they could make a per capita payment now.

Mrs. BABCOCK. Could we ask here if there is any way we can get this constitution straightened out?

I wish you would take it and study it and see why we are cut off. They throw it at us and they say, "Well, everyone operates under a constitution; your State government constitution is similar."

Our State government handles services, tax money. Our State government does not control our property. There, I think, is the vast difference right there.

Mrs. HALLENIUS. And we have not discussed Mr. Keith's contract. We have noted your explanation of how that was accomplished, of how—

Senator JACKSON. Well, we have the Department people to hear on that. Of course, his legal contract has been approved by the Department of the Interior.

Mrs. HALLENIUS. But not by the people in general council, which is what the statutes indicate must be done.

Senator JACKSON. You mean that the tribal council did not approve it?

Mrs. HALLENIUS. No—well, the tribal council is not the people.

Senator JACKSON. As I understand your point, that is another hearing it seems to me.

The whole structure of the representation of the Indians on the Colville Reservation and those off the reservation—

Mrs. HALLENIUS. Mr. Jackson, may I say right at this time that I have an allotment on the Colville Indian Reservation, and I tried very very hard to be able to live there, to maintain my residence on the reservation.

I was not able to. Factors entered into the case which did not allow me to continue to live on the reservation.

At present I live at Omak, which is across the Okanogan River. I am in direct contact with the Colville Reservation at all times.

I have maintained tribal relations at all times.

Senator JACKSON. Well, the Department people are here. We can ask them. They were asked last time, and they stated that Mr. Keith's contract was in proper legal order.

I mean, I think, Mr. Chairman, that that is a matter that would have to go in separately.

Senator CHURCH. Yes. I think the major subject before us is the legislation we are trying to decide up, and your testimony in that respect has been very helpful to us and we do appreciate your coming.

Mrs. QUILL. And we sincerely thank you.

Mrs. BABCOCK. You spoke about the off-reservation Indians and the importance attached to their status.

Senator JACKSON. That is right.

Mrs. BABCOCK. The feelings of the on-reservation Indians are not any different from the off-reservation Indians. There cannot be any distinction made there.

Senator BURDICK. The only discrepancy in your testimony is that I have heard this complaint about the council and yet the council was duly elected.

Is that not right?

Mrs. HALLENIUS. Didn't we point out to you the type of election it is?

Senator BURDICK. Well, it is a final election. It was held in districts, you told me.

Mrs. HALLENIUS. The qualifications are what we are talking about.

Senator BURDICK. The people have a right to vote against a man if he is not qualified.

Mrs. BABCOCK. Our constitution calls for them to have district meetings.

Now, the district meetings, I spoke of earlier, have been on termination planning and have been just an action of the past few months, but previous to that there were never district meetings.

The councilmen do not contact the people in their districts.

Senator BURDICK. I thought you testified to me that an election was held in May of this year and seven people were elected and they had elections in the various districts.

Was not everybody entitled to vote?

Mrs. BABCOCK. That was just a vote. I mean, not on the issues, not on the policy—

Senator BURDICK. I am talking about the individuals.

Mrs. QUILL. They do not meet for those elections. They just go out and talk.

Senator BURDICK. Do not they have polling places?

Mrs. QUILL. Yes.

Mrs. BABCOCK. But the people are never consulted on policy matters. Never. And the council is supposed to have copies of their minutes available to the members.

Those have not been available for 2 years, anyway, and they have been requested of them and they will not furnish them.

Senator BURDICK. Well, I would think, if I were a voter and they would not furnish me a copy, that I would vote against that man in the next election and put somebody in who would.

Mrs. HALLENIUS. We cannot vote against 14, and we cannot vote against the system.

Senator JACKSON. I realize that the one to be elected must come from the reservation. That is a requirement, just like a legislator has to live in the State or the district.

Can you not find someone on the reservation that will generally support your views so that you can put him up and then vote for him?

If 75 percent of the people are off the reservation it seems through a ballot box that you could do that.

Mrs. HALLENIUS. Yes; that is true. We can do that, and then as soon as they are elected into the council something happens.

This is not funny. That is not funny.

Senator JACKSON. We have heard that story outside of Indian reservations, too.

Mrs. HALLENIUS. Let me tell you something. Let me get this over to you very clearly, that there is something which I mentioned, it is generally in the form of money, a loan from the tribe, from tribal funds—

Mrs. QUILL. Or cattle.

Mrs. HALLENIUS. Or cattle, to make the councilman's life a little more abundant than it was before he became a councilman. And, after all, they are only people. They are only people.

And so, how can we say, when they go in, "Now, don't you take anything from the council that will close your mouth"?

I would say an almost unqualified statement—

Senator JACKSON. Can you not find someone who—

Mrs. HALLENIUS. Yes, we have one. Right here, Mrs. Quill. She has never accepted a bribe—

Mrs. QUILL. Not a dime.

Mrs. HALLENIUS. She has never accepted a loan, never accepted a cent from the council which was not given to her in payment for her services.

Senator BURDICK. Then what you need is more candidates like Mrs. Quill.

Mrs. HALLENIUS. You know, this is ridiculous. You are reducing it to the point of ridiculousness.

Mrs. QUILL. I helped organize the council, and I have been on the council off and on for years, and you know how far I have rated in that place, because I stand up for my people.

I have been to the welfare, the health—

Senator JACKSON. Can we not find more Mrs. Quills on the reservation? I mean, that is what it really gets down to.

Mrs. QUILL. And they know that the State has control over all of those things, and I have nothing to say. I go to the education, and they say "we are taking care of that."

I go to the health, and they say, "We are taking care of that." So I just sit. I am stripped of all of my representative power when I am in this, because I stand up for my people.

Mrs. BABCOCK. May I ask how you would interpret that vote there?  
Senator BURDICK. This vote?

Mrs. BABCOCK. Yes, that vote, if our constitution is in order?

Senator BURDICK. Well, this is an opinion sample, and it is only a sample, because you have got 4,500 people in the tribe, and you only have about less than 400 votes cast here.

Mrs. BABCOCK. But those are members living on the reservation, you understand.

Senator BURDICK. Well, what is the percentage? It is still a pretty small percentage, because you say there is only 25 percent on the reservation.

Mrs. BABCOCK. That was considered a large meeting.

Senator BURDICK. Was this advertised?

Mr. BABCOCK. Oh, yes. I have the certified copies of that meeting, how it was arranged, how it came about, and statements—

Senator BURDICK. Well, as you say, it was an opinion poll. It was not an officially conducted election.

Is that not right?

Mrs. BABCOCK. It was conducted along the lines of an official election.

Senator CHURCH. Thank you very much.

Mrs. QUILL. I resigned in July—in January of this year, because I was in France.

Thank you very much.

Senator CHURCH. Yes.

Senator JACKSON. Well, you ladies, have a seat here as the other gentlemen will be up soon.

Mr. GRORUD. I wanted to make a statement, that in 1957 this group supported certain candidates who were elected—they had one in majority, and I was there personally when the new council was organized.

Mr. Ed Gorr, who has been here as a delegate, was elected by the support of this organization and at that time he owed the tribe several thousand dollars on a mortgage and the payments were delinquent.

They reduced his payment at that time, and immediately he turned to the other side.

Mrs. Lorraine Misiasek, she was a trustee of this organization. She was elected to the council and for some reason she turned.

They elected a chairman but they had lost their majority in the council, so that is what happened in 1957.

Now, with regard to the constitution or the amendment to the constitution, it is unbelievable but any constitutional amendment can be submitted for a vote but it has to be submitted for a vote by the business council and if they turn it down it cannot be put on the ballot.

And this has been tried time and time again. So the people can never get an opportunity to vote for an amendment to their constitution. So that is the trouble about the constitution.

Will we have further time after them?

Senator JACKSON. Well, it is 10 after 12 and we want to hear the others, Mr. Grorud.

Mr. GRORUD. I realize that, but I would like to explain something about some—

Senator CHURCH. Well, we will see how we come out on our time.

Mr. Harvey Moses is here; is he not? And Mr. Frank George and Mr. Lyle Keith?

I wonder if you gentlemen would like to come up together and make your presentation at this time?

**STATEMENT OF HARVEY MOSES, FRANK GEORGE, AND LYLE KEITH, APPEARING ON BEHALF OF THE COLVILLE BUSINESS COUNCIL**

MR. KEITH. May I inquire as to the pleasure of the chairman in the order of the presentation?

Senator CHURCH. Well, I would suggest, first of all, that if you have prepared statements that you submit them for the record because of our time situation, and then we can move immediately, since we are generally familiar with the problem, and have had some previous hearings on it, we can move immediately to the question phase.

MR. KEITH. It was our thought, Mr. Chairman, since Mr. Moses and I previously testified on August 15 that we would be here largely, if not entirely, for the purpose of rebuttal testimony to the extent that it seemed to be required.

Senator CHURCH. Very well.

MR. KEITH. May I suggest to the chairman that it might be helpful to add to the record the offer of the Colville Business Council to Mr. Frank Moore, the president of the Colville Indian Association, to pay the expenses and per diem of three representatives selected by the association for the purpose of appearing here in opposition to the bill today, and also the acceptance of that offer from Mr. Moore with the designation of Mrs. Hallenius, Mrs. Quill, and Mrs. Babcock as the representatives of the Colville Indian Association.

Senator CHURCH. Without objection, these two documents will be included in the record.

(The documents referred to follow :)

COLVILLE INDIAN ASSOCIATION,  
Coulee Dam, Wash., September 9, 1961.

MR. HARVEY MOSES,  
Chairman, Colville Business Council,  
Colville Indian Agency, Nespelem, Wash.  
(Attention Mr. Harry Owhi.)

DEAR MR. MOSES: I, Frank Moore, acknowledge receipt of letter dated September 9, 1961, stating that the Colville Business Council will advance transportation and per diem funds of \$15 per day for 3 days for three delegates of our organization to hearings on S. 2123 and H.R. 8236 on September 13 in Washington, D.C.

Finding the above amounts unacceptable, the Colville Indian Association authorizes a delegation of three members only on the condition that the three delegates receive reimbursement for transportation by air from Omak to Washington, D.C. and return trip; per diem at the usual rate paid to council members; compensation to each delegate for time away from their duties in the amount of \$20 per day for 3 days.

In the event the above conditions are met the following named individuals shall be delegated: Mrs. Alice Hallenius, Omak, Wash.; Mrs. Florence Quill, Omak, Wash.; and Mrs. Ruby Babcock, Okanogan, Wash.

Sincerely yours,

FRANK W. MOORE,  
President, Colville Indian Association.

I, Harry Owhi, have read the above conditions of payment to the Colville Indian Association delegation and do hereby state that the above named individuals, Alice Hallenius, Florence Quill, and Ruby Babcock shall be paid accordingly.

HARVEY MOSES,  
By HARRY OWHI.

## COLVILLE JUDGMENT FUNDS

CONFEDERATED TRIBES, COLVILLE RESERVATION,  
COLVILLE INDIAN AGENCY,  
Nespelem, Wash., September 9, 1961.

Mr. FRANK W. MOORE,  
*Coulee Dam, Wash.*

DEAR MR. MOORE: The Colville Business Council on Monday will advance transportation and per diem funds of \$15 per day for 3 days for three delegates of your organization for purposes of presenting testimony in opposition to S. 2123 and H.R. 8236, and hearings will be held by Senator Church's Subcommittee on Indian Affairs of Senate Interior and Insular Affairs Committee at 10 a.m., Wednesday, September 13, 1961, room 3110, New Senate Office Building, Washington, D.C.

Sincerely yours,

HARVEY MOSES,  
*Chairman, Colville Business Council.*  
By HARRY OWHI.

## CERTIFICATION

I, Frank W. Moore, do hereby acknowledge receipt of the above letter personally delivered to me on this 9th day of September 1961, by Harry Owhi, and do hereby respectfully request that funds be drawn for the following named individuals who shall constitute the delegation to Washington D.C., pursuant to the foregoing:

(Signed.) FRANK W. MOORE.

Mr. KEITH. It has been my thought, Mr. Chairman, that the primary purpose of the hearing today or the additional hearing today was to determine to what extent the people who attended the mass meeting as Nespelem on April 8, were misled or misunderstood the motions which were passed by that meeting with respect to the Nez Perce distribution bill and the Colville distribution bill.

At the time of the last hearing there were submitted to the committee, and I think they are still before you, copies of the resolutions which actually approved the two bills, the Nez Perce bill, which I forget the number of, and S. 2123 which at that time had not been introduced and, therefore, did not have a number.

We have had transcribed from stenographic notes, taken of the April 8 meeting, the transcript of a portion of the proceedings which relates to the two bills and the per capita payment which, I think, from what I understand most of the protests said, was the subject of misunderstanding or that they were deluded or that they misunderstood the purpose of it.

I should like to introduce and offer for the record, if the Chairman thinks it would be helpful, a copy of the transcript, of the stenographic testimony of the transcript, of that meeting which I think should make clear that there should not have been even any misunderstanding as to what people were voting on that day.

Senator CHURCH. Is this a certified copy?

Mr. KEITH. It is not certified, sir. The notes taken by a girl on the staff of the council. I think it is accurate.

Mr. Moses and Mr. George and I have gone over it and if it is not verbatim accurate it is substantially accurate.

And, incidentally, we have the tapes of the entire proceeding which, if the committee would like to have the tapes so that they can play them back, they can check them against this transcript.

I think it is accurate.

Senator CHURCH. Is there any objection to the inclusion of the transcript?

Senator JACKSON. No.  
 Senator CHURCH. All right.  
 (The transcript referred to follows:)

## LAND CLAIMS

Mass meeting, April 8, 1961

The meeting was called to order by chairman of the Colville Business Council, Harvey Moses. Council members present were: Steve Cleveland, vice chairman of the Colville Business Council; Nellie Rima, secretary of the Colville Business Council; Lucy Covington, Ed Gorr, Dan Finley, Bill Picard, Barney Rickard, Lorraine Misiaszek, Ambrose Adolph, Shirley Palmer, and Tribal Attorney Lyle Keith of Spokane, Wash.

Mr. Moses read the agenda:

1. Invocation.
2. Purpose of the meeting: (a) To consider bills pending in Congress providing for division of proceeds of judgment in Indian Claims Commission docket No. 175-A, between the Nez Perce Tribe and the Colville Confederated Tribes; (b) to consider legislation required by the provisions of section 2 of bills referred to in 2(a) above.
3. General report on status of claims still pending.
4. Consideration of bills referred to in 2 above.
5. Other business.

Secretary Rima reads bill H.R. 3898. This is a bill to authorize the use of funds arising from a judgment in favor of the Nez Perce Tribe of Indians, and for other purposes.

*"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Nez Perce Tribe that were appropriated to pay a judgment by the Indian Claims Commission in docket 175-A, and the funds that may be deposited in the Treasury of the United States to the credit of the Nez Perce Tribe to pay any judgments arising out of proceedings presently pending before the Indian Claims Commission in dockets 175 and 180-A, and the interest thereon, after payment of attorney fees and expenses shall be divided by crediting 86.5854 per centum of such funds to the account of the Nez Perce Tribe of Idaho and 13.4146 per centum to the account of the Confederated Tribes of the Colville Reservation. These funds may thereafter be advanced or expended for any purpose that is authorized by the respective tribal governing bodies and approved by the Secretary of the Interior. Any part of such funds that may be distributed per capita to the members of the tribes shall not be subject to Federal or State income tax.*

"SEC. 2. The credit to the account of the Confederated Tribes of the Colville Reservation authorized by this Act, insofar as the judgment in docket 175-A is concerned, shall not be made until the Confederated Tribes of the Colville Reservation submit to the Secretary of the Interior assurances satisfactory to him that the Confederated Tribes have agreed that any judgment against the United States that has been or may be recovered by one or more of the constituent groups thereof, including the judgment in docket 181, will be deposited to the credit of the Confederated Tribes. The credit to the account of the Nez Perce Tribe of Idaho authorized by this Act, insofar as the judgment in docket 175-A is concerned, shall not be made until the Nez Perce Tribe of Idaho submits to the Secretary of the Interior assurances satisfactory to him that Indians who have resigned from the Nez Perce Tribe of Idaho and have joined another tribe under conditions that do not permit them to share in the benefits of any claims judgment recovered by that tribe shall be given the opportunity to rejoin the Nez Perce Tribe of Idaho if they wish to do so. The credits to the accounts of the Confederated Tribes of the Colville Reservation and the Nez Perce Tribe of Idaho that are authorized by this Act, insofar as any judgment in docket 175 and 180-A is concerned, shall not be made until the governing body of the Confederated Tribes of the Colville Reservation and the tribal governing body of the Nez Perce Tribe of Idaho have submitted to the Secretary of the Interior resolutions satisfactory to him which agree to a division of the judgment in accordance with the percentage figures specified in section 1 of this Act.

LYLE KEITH. At this point, I would like to give you a little background which would be understandable to the percentage figures that are referred to in the bill. Senator Church introduced the bill as a Senate bill. And that bill

has passed the Senate and the House committee and given the number H.R. 3898. I had a letter the other day from Dick Shifter, who is one of the Nez Perce attorneys, dated March 31, 1961. This bill will be passed and approved if it has not already been approved. The machinery of this bill, going back to the first paragraph, arises out of the fact that this goes back into ancient history. Because of the history of the Joseph Band on this reservation, your claims attorney, Cobb and Weissbrodt, and myself filed claims on behalf of the Nez Perce back in 1949. There is one claim in particular that the Wilkinson firm did not file on behalf of the basic Nez Perce Band, namely docket 180, which involves the claim against the Government for permitting the trespass by the whites on the Nez Perce for the purpose of taking off of many millions of dollars worth of gold, during the years of the 1860's, following the first treaty between the Nez Perce and the Government. We filed claims on behalf of the Joseph-Nez Percés in a representative capacity arising out of each of the three treaties to which we were parties, prior to 1872. We finally got together several years ago, your council and the Nez Perce Council, and decided to consolidate our efforts, so under that arrangement, this tribe put up a portion of the expenses of prosecuting the several claims arising out of the treaties which had been entered into prior to the time the Joseph Band had been settled on this reservation and by that agreement, the Wilkinson firm prosecuted the 175-A claim which is referred to in this bill which resulted in a judgment for the \$4 million in favor of the Nez Perce Tribe. After the entry of that judgment, it became important to find a way in which the funds could be divided between the Nez Percés of the Colville Reservation and the Nez Percés on the Lapwai. So the committees from the two councils met several times and went over the census rolls and determined what number of Nez Percés were enrolled at Lapwai and what number were enrolled on the Colville rolls. The people on both councils worked very hard, and came up with the figure of percentage of 86.5854 for the Nez Perce of Idaho and 13.4146 percent for the Nez Percés on the Colville Reservation. That is the explanation of the first portion of the bill.

The explanation of the second section of the bill is that after we determine what percentage would go to the Nez Percés of Idaho and what percentage to the Colville Confederated Tribes, how those funds would be used after the judgment was entered. The money has been appropriated and is drawing interest of 4 percent and will until Congress passes on a bill which sets up the mechanics by which the proceeds will be used by the two tribes. The same thing is followed through for the judgment on the \$1 million claim awarded to the Colville Confederated Tribes a year ago. That money has been appropriated and is drawing interest of 4 percent but until there is a way set up and approved by Congress for the use of those funds, you own them but you do not have the usage or the benefit of them. Section 2 of the bill says that "The credit to the account of the Confederated Tribes of the Colville Reservation authorized by this act, insofar as the judgment in docket 175-A is concerned, shall not be made until the Confederated Tribes of the Colville Reservation submit to the Secretary of the Interior assurances satisfactory to him that the Confederated Tribes have agreed that any judgment against the United States that has been or may be recovered by one or more of the constituent groups thereof, including the judgment in docket 181, will be deposited to the credit of the Confederated Tribes. That ties in with docket 181, the million-dollar judgment that I mentioned before. Docket 181 was the land claim case, the case of the Colville, Nespelem-San Poil, Okanogan, Lake and Methow. The individual judgments were given to these five bands. As you know, those bands have not been organized bands for many years. Your tribal chiefs have passed away. The only organization for the conduct of your business has been through the Colville Confederated Tribes. There is no way, barring some further legislation which would be very complex and difficult, that you could make a distribution to the Lake, Colvilles, San Poil-Nespelem, the Okanogan, the Methow, because these groups have ceased to exist. You have been merged together by the adoption of your constitution in 1937. You have been merged into the Colville Confederated Tribes of the Colville Reservation, since the adoption of your constitution and bylaws. After its approval by the Secretary, you have not had a tribal organization in your several bands which make up your Colville Confederated Tribes.

I will read some from the report of claims attorneys to the Confederated Tribes of the Colville Reservation. "This is a report of the claims attorneys with respect to the progress which has been made, and the present status of the claims cases which are being prosecuted on behalf of the Colville Confederated Tribes.

"We understand that the members of the Colville Confederated Tribes have under consideration at the present time certain proposed bills which provide for the disposition of judgment funds which have been awarded in certain cases which have already been completed, as well as the future disposition of judgment funds which may be awarded in other cases presently being litigated. It is hoped that the information supplied in this report will be of assistance to the members of the Colville Confederated Tribes in considering these proposed bills. As we have previously reported to you, various claims cases have been filed on behalf of the Confederated Tribes of the Colville Reservation as a whole; and also other claims have been filed on behalf of the descendants of each of the constituent tribes and groups which make up the Colville Confederated Tribes. These constituent tribes and groups for which claims have been filed include the Colville, the Lake, the San Poil-Nespelem, the Okanogan, the Methow, the Moses group (including the Columbia, the Wenatchee, the Chelan and the Entiat), the Joseph Band of Nez Perce and the Palus.

"The large amount of funds which has been needed to pay for expenses in litigating all those claim cases has come out of the treasury of the Colville Confederated Tribes. Some of these cases have required, and will require in the future, the expenditure of much larger sums of money than other cases. Whenever the claims attorneys have found it necessary to expend money in order to prosecute the claims, and in order to improve the chances of winning the claims or winning larger amounts, the business committee of the Confederated Tribes of the Colville Reservation has furnished whatever money was needed, without any distinction as to whether it was a Lake claim, or an Okanogan claim, or a Palus claim, or a Joseph Band claim, or an Entiat claim, or a claim of any other tribal group which is part of the Colville Confederated Tribes.

"Because of the great amount of work involved, and because there are many other tribes in the United States who are pressing their claims and the docket of the Indian Claims Commission is accordingly very crowded, it has not been possible for the claims attorneys to work on and complete all the claim cases of the Colville Confederated Tribes at the same time. Therefore, considering the status of the preparation of the Government attorneys in these cases and the Commission's docket crowded with Indian cases, the claims attorneys, having in mind also trial strategy and the best interests of the members of the Colville Confederated Tribes as a whole, have made quicker progress in some cases than in others. This does not mean that the claims cases that have already been completed are any better or involve larger recoveries than the cases that remain to be completed. On the contrary, in the opinion of the claims attorneys, some of the cases which are still being prosecuted involve much larger claims and have the potentiality of much larger recoveries than those that have been completed.

"We are of the opinion that each of the claim cases in which one or more of the constituent tribes of the Colville Confederated Tribes has an interest and which are still being prosecuted, are meritorious cases. However, we believe it would be unwise, indeed foolish, for anyone to try now to put a value on each of these pending cases and to speculate as to how each of the constituent tribes would come out in the end if the recoveries were kept separate. We suggest also that there is another reason why it would be unwise and foolhardy to speculate as to how the descendants of each of the constituent tribes would come out in the end, if the recoveries of each were kept separate, this reason being the uncertainty as to the number of persons who would be able to qualify as descendants of members of any particular constituent tribe, because of the intermarriages between members of the different tribes and for other reasons.

"In the remaining part of this report, we comment on each of the claims cases which have been filed on behalf of the Confederated Tribes of the Colville Reservation as a whole, and on behalf of each of the constituent tribes.

(Alex Covington interprets in Colville dialect.)

#### 1. THE COLVILLE, LAKE, SAN POIL-NESPELEM, OKANOGAN, AND METHOW TRIBES

First, we mention the group of claims cases filed for the Colville, Lake, San Poil-Nespelem, Okanogan, and Methow Tribes. These claims were filed in dockets Nos. 181, 181A, 181B, and 181C. Of these, only one, namely docket No. 181, has been completed.

The Commission decided, in docket No. 181, that the total amount of land originally owned by all of these tribes together (excluding all of the July 2,

1872, reservation lands) was approximately 1,700,000 acres, and the final aggregate award made by the Commission for the taking of these lands, after offsets, was \$1 million.

In addition, as noted above, these tribes (the Colville, the Lake, the San Poil-Nespelem, the Okanogan, and the Methow) have other claims in docket Nos. 181A, 181B, and 181C which are still being prosecuted.

The claims of the Colville, the Lake, the San Poil-Nespelem, the Okanogan, and the Methow which are set forth in docket Nos. 181A, 181B, and 181C, and which have not yet gone to trial, are as follows:

(a) In docket No. 181A a claim is made for the failure of the Government to pay compensation to these tribes, when the Government moved the Moses Band and the Joseph Band on the reservation lands belonging to these tribes, without making any payment to these tribes.

(b) In docket No. 181B a claim is made for additional payment with respect to the northern part (about 1,500,000 acres) of the July 2, 1872, reservation lands which the United States took away from these tribes in 1892 without making fair payment for the lands.

(c) In docket No. 181C a number of claims are made, including a claim for payment for the interest which these tribes had in common hunting grounds located in the plains on the east side of the Rocky Mountains at the headwaters of the Missouri River; arising out of injuries to and depletion of fishing grounds of these tribes; and a claim for damages for trespasses by white persons on the lands of these tribes.

HELEN TOULOU (Kewa, Wash). This here that you are talking about July 2, 1872. We understand that we are prosecuting that reservation that was set aside on July 2, 1872, because that reservation that we are living on now. That original claim was the one that was set aside April 9, 1872. Which one are we prosecuting? Can you tell me?

LYLE KEITH. The claims that we are talking about right here are 181 and 175-A. They don't have anything to do with the reservation at the time it was set up either in April or July 1872. There are some claims, you will see as we go through this report, which relate to the organization of the original reservation in April and July 1872. The claim of the Lakes, Colvilles, San Poil-Nespelem, Okanogan, and Methow is 181, in which we have a million judgment. We will be compensated for the lands which were taken away from those constituent bands by the entry of the Executive order by using the July Executive order and of course, there was a greater take by using that rather than the April Executive order, because the people were deprived of all the lands lying outside of the lands defined by the July Executive order. Those lands are what we used for the value in docket 181. Some of the other claims have a greater relationship than 181 with the two Executive orders because they relate to the lands which were outside of the reservation at the time of the July Executive order.

## 2. THE MOSES BAND, INCLUDING THE COLUMBIA, THE WENATCHEE, THE ENTIAT AND THE CHELAN

Next, we mention the claims of the Moses Band, including the Columbia, the Wenatchee, the Entiat, and the Chelan. The claims of these tribes are contained in docket No. 224 (also docket No. 161). The trial to determine how much land each of these four tribes owned has already been completed. The claims attorneys say that the proof shows that these tribes altogether owned more than 5 million acres of land, and that all of this land was taken away by the United States without making any payment to these tribes for their lands. The amount of land involved in this case, docket No. 224, involving the Columbia, Wenatchee, Chelan, and Entiat is greater than was involved in docket No. 181 in the case of the Colville, Lake, San Poil-Nespelem, Okanogan and Methow Tribes, because in the case of the tribes in docket No. 181 not all of their land was taken away because a reservation was set aside for the tribes in July 1872; whereas in the case of docket No. 224, as you know, all the original homelands of the Columbia, Wenatchee, Chelan, and Entiat was taken away and no part of these original homelands is today reservation land.

The trial has been had on the interlocutory phase on this. The evidence is there. There is no evidence as to how many acres of land that we are entitled to be compensated for. After that decision comes down and they find out

how much land has been taken, the next step in the proceedings is the trial on valuation. We then get experts to testify to the value of the lands at the time that they were taken away from these bands.

(Steve Cleveland interprets in Moses dialect.)  
(Alex Covington interprets in Colville dialect.)

### 3. THE PALUS

Next, we mention the claims of the Palus. The claims of the Palus with respect to their original homelands in the southeastern part of Washington are set forth in one docket, namely docket No. 222. The most important claim of the Palus is the claim for fair payment for their land. The trial with respect to the ownership of this land was completed in December of 1960, and the claim attorneys are now completing their proposed findings and brief which will soon be filed. In this case, the claims attorneys believe that the proof shows that the Palus owned approximately 1 million acres of land, and that the Palus have never received any payment for this land. Claim is being made in this case for fair payment for all this land, because all of it was taken away and no part of this land was ever set aside as a reservation for the Palus.

### 4. THE JOSEPH BAND

Next we mention the group of claims of the Joseph Band of the Nez Perce Indians. These claims are filed in five dockets, namely; 175, 175A, 179, 180A and 186. One of these claims has been completed and the money is on deposit in the Treasury of the United States. This is the claim in docket No. 175A. Another one of these claims has been completed before the Indian Claims Commission, but the Government attorneys have taken an appeal to the U.S. Court of Claims and the claims attorneys have taken a cross-appeal. This is the claim in docket No. 180A. The other three claims have not yet gone to trial.

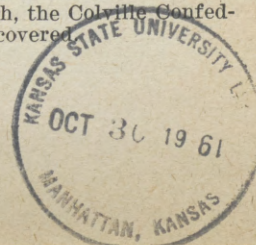
In three of these five dockets, the claims belong to all the Nez Perce and they are large claims. If the proposed bills are approved by the Colville Confederated Tribes, and the bills are then enacted into law by Congress, the Colville Confederated Tribes will receive a 13.4 percent share of the moneys awarded in these cases, because of the interest of the Joseph Band in these claims.

The claims of the Joseph Band of Nez Perce Indians are as follows:

(a) Docket 175A: This is the claim of the Nez Perce for fair payment for the reservation lands which were ceded to the Government by the Nez Percés in 1863 for less than 6 cents an acre. This claim has been completed, and the amount of money which has been won in this case is \$4,157,605. As has been stated because of the interest of the Joseph Band in this claim, if the Colville Confederated Tribes approve the proposed bills and Congress enacts the bills into law, the Colville Confederated Tribes will receive a 13.41 percent share of the total recovery in this case, after payment of attorneys' fees and expenses.

(b) Docket No. 180A: This is the claim of the Nez Perce for payment for the unlawful taking of the gold by white men from the Nez Perce Reservation. This case has been completed before the Indian Claims Commission, which awarded the Nez Percés a recovery of \$3 million in this case. However, the Government has taken an appeal to the U.S. Court of Claims. Also, the claims attorneys have filed a cross-appeal claiming an amount much larger than \$3 million; incidentally, that amount is in the neighborhood of \$20 million which we are claiming rather than the \$3 million awarded by the Indian Claims Commission. If the appeal is decided in favor of the Nez Percés, then because of the interest of the Joseph Band in this claim, the Colville Confederated Tribes will also receive 13.41 percent of this final recovery, if the proposed bills are approved by the Colville Confederated Tribes and are enacted into law by Congress. The appeal by the Government attorneys to be heard by the Court of Claims and the cross-appeal by the claims attorneys is scheduled for the first week of May of this year. Firstly; if we lose the appeal and the Government loses the appeal, the \$3 million will go out the window. Both of us can't win.

(c) Docket No. 175 (formerly docket No. 180): This is the case involving the part of the original homelands of the Nez Perce Tribe which the tribe ceded to the United States in 1855. This is a large claim, but it has not yet gone to trial. In this case, just as in docket Nos. 175A and 180A, because of the interest of the Joseph Band in the claim, if the proposed bills go through, the Colville Confederated Tribes will receive 13.41 percent of the moneys recovered.



(d) Docket No. 179: This is the claim of the Joseph Band for its fair share of certain moneys which were paid under certain treaties and agreements to the rest of the Nez Perce Tribe but which were paid to the Joseph Band of Nez Percés.

(e) Docket No. 186: In this case, claim is made for damages for the unlawful expulsion of the Joseph Band from its homeland and for the unlawful imprisonment of the members of the Joseph Band; also certain additional claims are made based on theories which are alternative to the theories of the claims in dockets Nos. 175, 175A and 180A.

Now with respect to the land claims of the Nez Percés, the Joseph Band, of course, shares in the treaty which was negotiated with the Nez Perce Band to the removal of the Joseph Band from the Nez Perce Reservation. There were two treaties—1861 and 1855, and I think 1863 is one that occurred prior to the settlement of the Joseph Band on this reservation. There is one later treaty which the Joseph Band will have no interest in which was entered into in 1891 or 1892.

#### 5. THE CONFEDERATED TRIBES OF THE COLVILLE RESERVATION AS A WHOLE

These are also certain claims which have been filed on behalf of the Confederated Tribes of the Colville Reservation, as a whole. These claims are set forth in dockets Nos. 178 and 177.

(a) Docket No. 178: In this case a claim was made in behalf of all the Indians of the Colville Reservation for a complete accounting by the United States of all its handling and dealing with the property, moneys, and income of the Colville Confederated Tribes. Starting nearly 100 years ago, the Government took over control of the property, funds, and revenue belonging to the Colville Confederated Tribes. The funds and income arose from land cessions and sales and from revenue and interest from the property and funds of the tribes and also from other sources. The Government over the years, made disbursements from these funds for a variety of purposes. In his docket No. 178, a claim is made for a full and complete accounting by the United States of all the handling of the property, funds and income of the Colville Confederated Tribes from earliest time to the present day.

The U.S. General Accounting Office for a number of years has been working on this accounting. The claims attorneys have been promised that they will receive this accounting report from the General Accounting Officer very soon. Then, the claims attorneys will study and investigate this report and will then proceed with this claim. Incidentally, it has been Lefty Weissbrodt and Dave Cobb's opinion for several years that this accounting claims money will be one of the bigger claims which the Colvilles have. They can't make an accurate judgment and I share their feelings. We can't make a dollar value of it until we get the accounting from the General Accounting Office but we are all convinced that there have been many expenditures and cessions of your property without the payment of value to the tribe for those properties and without proper accounting for the moneys which have been disbursed without your authorization, and in our opinion, without any benefit to you. We feel this may be one of the better if not the best claim in the whole group. The very nature or the difficulty of the thing is the accounting. It has to take its place down in the end of the list because we can't start working on it until we get the Government's interpretation of what they have done with the money and then it will require extensive investigation to determine that there were improper expenditures and uses of property during the period covered during this accounting action.

(b) Docket No. 177: By a law passed in 1902, Congress authorized the sale of surplus reservation lands of the Colville Confederated Tribes. In this case, claim is made that, in connection with certain of the sales of surplus tracts, improper and unlawful acts were committed which injured the Colville Confederated Tribes.

At this point, Mr. Harvey Moses introduces Mr. Stanley Poch, administrative officer of the Colville Indian Agency. Mr. Poch is the Superintendent's representative.

(Alex Covington interprets in Colville dialect.)

(John B. Cleveland interprets in Moses dialect.)

(Elijah Williams interprets in Nez Perce dialect.)

(George Nanamkin interprets in Yakima dialect.)

T. B. CHARLEY (Mallot, Wash.). I have been elected to represent the Methow Tribe. We have our first meeting concerning this deal that we are having here today about 9 years ago. Now 2 years ago, we finally come to the decision that we, as far as the Methows are concerned, we will put our share in the common pot.

HARVEY MOSES. We have another bill here. This will concern the Colvilles, San Poil-Nespelem, Okanogan, Methow Tribes. Our attorney will give us the information on this bill.

LYLE KEITH. This bill has not been introduced. You will recall when I went over the earlier bill providing for the Nez Perce and Colvilles, I told you there was a second bill related to it. The language we went over this morning required action by the Colville Confederated Tribes before that bill would be effective as to the Colville Tribe. The bill that I am about to read is a bill which Lefty Weissbrodt and I cleared with the Solicitor's Office in the Department. While we were having a discussion with the Nez Perce attorneys back in Washington in December, this bill was approved as to form, and if it meets with your approval, I think we will have no trouble getting it introduced and getting prompt action on it. However, I should point out the Nez Perce bill again. Even if it is not a law yet, it should become a law within the next few days. It would not be effective to free the funds which are to your credit in the U.S. Treasury now. Speaking of funds, I mean the proceeds of these judgments for the reason that the Solicitor pointed out when we tried to get the Nez Perce claim settled. We put the proceeds of that judgment into the Treasury to the credit of the Colville Confederated Tribes. The proposed bill would be an assurance that if more judgments are recovered they will also be placed to the credit of the Colville Confederated Tribes. The passage of such a bill would eliminate the hazard of individual bands refusing to permit their judgments to be deposited to the credit of the Confederated Tribes. This feeling is applicable with respect to the million dollars which is in the Treasury coming from Docket 181, which is to the credit of the Lakes, San Poil-Nespelem, Okanogan, Colvilles and Methows. If we put their money into the Treasury of the Colville Confederated Tribes without legally binding the other tribes, to do the same thing with the proceeds from their claims judgments, then the position is that it would be unfair. There has to be a unity of action on the part of the tribes or bands before they will let any proceeds of any one judgment go to the credit of the Colville Confederated Tribes or one tribe.

[Reading:] "A bill to authorize the use of funds arising from judgments in favor of any of the Confederated Tribes of the Colville Reservation. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the funds on deposit in the Treasury of the United States to the credit of the Colville Tribe, San Poil-Nespelem Tribe, Okanogan Tribe, Methow Tribe and Lake Tribe (certain constituent groups of the Confederated Tribes of the Colville Reservation) that were appropriated to pay a judgment of the Indian Claims Commission dated March 1, 1960, in docket numbered 181, and the funds which may be deposited in the Treasury of the United States to the credit of the said constituent groups or any other constituent groups of the Confederated Tribes of the Colville Reservation to pay any judgments arising out of proceedings presently pending before the Indian Claims Commission in dockets numbered 161, 179, 181-A, 181-B, 181-C, 186, 222, and 224, and the interest on said judgments, after payment of attorney fees and expenses, shall be credited to the account of the Confederated Tribes of the Colville Reservation, and may be advanced or expended for any purpose that is authorized by the tribal governing body of the Confederated Tribes of the Colville Reservation and approved by the Secretary of the Interior. Any part of such funds that may be distributed in per capita to the members of the tribes shall not be subject to Federal or State income tax."

That is the second bill which you will note includes all of the claims pending before the Indian Claims Commission from which a judgment might be received other than the proceedings pending where we have a joint interest with the Nez Perce Tribe. Those claims are covered in the first bill. On 181 and all other matters there is no sharing of interest with tribes other than the constituent members of the Confederated Tribes. These two bills are the mechanical way of making the money in the two judgments and in future judgments available to the use of the tribe for the benefit of its members whether you want per capita payments or whatever you decide to do through the governing body and with the approval of the Secretary of the Interior. The form of this

bill is very similar and varies only in minor respects. Because of the way this tribe varies from most tribes, the form of this bill is very similar to the bills which have to be enacted by Congress to make available to other tribes the benefits of judgments which they have received from the Indian Claims Commission. This is a little complex and maybe I have not done a very good job of trying to explain it to you. When Congress passed the Indian Claims Commission Act in 1946, which gave the tribes a period of 5 years in which to file claims and wait from there, they took away most of the defenses that the sovereign has, other than the right to offsets which was limited. After a 5-year period, there could be no further claims filed. I think it is very sound and a well established congressional policy now and is that they are not going to open the door to any further Indian claims. There has not been a jurisdictional bill passed since the passage of the Indian Claims Commission Act, and prior to that act, you had to get a private bill through in order to sue the United States.

FRANK MOORE (Coulee Dam, Wash.). I am wondering about previous meetings concerning this same jurisdictional bill. It was brought to our attention what they call offsets, which amounts to quite a bit. Much more than we are getting now. We are proposed to go on with this deal to take the rest of the 13 claims. How many new offsets are there and what possibility are these offsets going to have in coming in with any new claims?

LYLE KEITH. I think you will recall that when we held a meeting in this same room about the compromise of 181, it was pointed out that the Government had awarded judgments to these five bands that we have been naming: the Lakes, San Poil-Nespelem, Okanogan, Colville, and the Methows. The United States asserted some \$700,000 or \$800,000 in offsets, and our original judgment against the Government was \$1,061,000. The compromise of those offsets was for the \$61,000, making the recovery of \$1 million. I think I told you at that time that as far as those 5 bands are concerned, there is no further rights of offsets against the Lakes, San Poil-Nespelem, Okanogan, Methows, and Colvilles. I think we also told you at the time we had the meeting on the compromise in 175-A that the settlement of that claim on the basis of the roughly \$4 million, after the deduction of offsets, had completely exhausted the claim of the United States against the Nez Perce Band for the offsets, and that includes the right of offset against the Joseph Band of the Nez Percés on this reservation. The United States can still assert offset claims against any judgment which any of the bands might get from the actions that might not have been tried yet, and I have no doubt they will assert them, but it is my feeling based on the experience we have had with some of the other cases, that we can probably settle the offset claims if they are preposterous and I think we can fight them if we can't settle them on a basis which will cost you little money, such as what it would cost you if we were to go through the offset proceedings. There is a provision for the offset proceedings in the act.

FRANK MOORE (Coulee Dam, Wash.). Pertaining to this 31.41 percent that would come to the Nez Perce Tribe. Has that been cleared of all offsets?

LYLE KEITH. There are no offsets to go against the judgment of the \$4 million. Those were compromised. You people here in your general meeting and the Nez Percés in the general meeting approved of those offsets.

FRANK MOORE (Coulee Dam, Wash.). If they did, why wasn't it approved as a final vote? Why is this, the necessity of a vote here today?

LYLE KEITH. You will note in the bill, H.R. 3898, and its counterpart in the Senate that this is a necessity. The group here today saw that in section 2 of that bill, the one which has passed the Senate, provides for judgments to the account of the Colville Reservation, and it also provides that the Confederated Tribes of the Colville Reservation, insofar as the judgment in 175-A is concerned, will submit to the Secretary of the Interior assurances as satisfactory to him that the Confederated Tribes of the Colville Reservation have agreed that any judgment against the United States, that has been or may be recovered by any one or more of the constituent groups thereof, including the judgment in docket 181, will be deposited to the credit of the Confederated Tribes of the Colville Reservation. That is the requirement of this meeting. The money by that act, and this is in keeping with the Solicitor's opinion, is going to be tied up in the Treasury until the Confederated Tribes of the Colville Reservation submit to the Secretary of the Interior assurances of satisfaction to him that the Confederated Tribes agree that any judgment against the U.S. Government which has been or may be recovered by one or more constituent groups thereof including the judgment in docket 181 will be deposited to the credit of the Confederated Tribes. This has nothing to do with the settlements.

FRANK MOORE (Coulee Dam, Wash.). There was an amount of money spent by the Colville Business Tribe. How much money was that we paid for these claims and these bills?

LYLE KEITH. I do not know. The expenses of the prosecution of the claims have been substantial. I cannot tell you what the cost is, because I have not seen the figures. As far as I know, they have not been tabulated for some time. In fact, most of the expenses go out through vouchers from my Washington associates who do the bulk of the pick and shovel work on this, in research and investigation and preparation of trial. I do not know, as I said before. Maybe some of the members of the council have some idea.

The passage of these bills today will in no way affect any future claims. It is just a question of whether or not you want your money to lie in the Treasury to make it available for your use. It is in the Treasury as a result of 181 and 175-A, between a million and \$400,000. The money will not be available to the members of the tribes in per capita payments or for any other purpose until we get unfreezing legislation through Congress. If it is going to affect anything, it will be whether this money is available to you. I will give you my best opinion as to how long it will take to dispose of the balance of the claims. It is not easy because the Indian Claims Commission, which has been understaffed, hears, and the Justice Department, which is also understaffed, defends these claims for the Government. I would guess it would possibly be 4, or 5 maybe 6 years before the balance of the claims are finally decided and that guess is on the assumption that none of the future cases would have to be appealed either by the tribes or the Government. If you have appeals involved, it will take much longer than that.

FRANK MOORE (Coulee Dam, Wash.). How is the governing body going to use all of it? Are they going to allocate it among its members?

LYLE KEITH. The correct language is that the governing body may have the right to expend it for any purpose that is authorized by the tribal governing body of the Colville Reservation and approved by the Secretary of the Interior, so it would take action by the governing body and approval by the Secretary for the money to be used. If you want information on what the members of the governing body would do, you will have to talk to the members of the business council on that.

The last step in the procedure when a judgment has been obtained against the Government in one of these cases before the Indian Claims Commission is that the Government goes to the General Accounting Office and has them prepare a list of the disbursements or benefits to the tribe which have benefited the tribe and then they furnish them to the Indians' attorneys and they say this is what we are going to contend for as offsets and this has happened in both cases that we have been here. It has happened in all other cases. In many cases, the attorneys have the Indian claims tribe feel that there are a lot of improper items that have been set up on the offset sheet and have talked the Government out of some of those and if they are unsuccessful in talking the Government out of some of the items, then they will set up another hearing before the Indian Claims Commission on the one sole issue. You have three types of hearings before the Indian Claims Commission. First, you have to determine the issue of liability. If the Government is liable, has the Government taken something from this tribe for which it is entitled to compensation? If that answer is yes, the next proceeding before the Commission is the valuation proceeding, in which the only issue before the Commission is the value of what has been improperly taken away from the particular tribe by the Government. The third is the offset proceeding if the Government and attorneys for the tribe cannot agree as to the proper offsets to be appropriated against the judgment.

Mrs. HALLENIUS (Omak, Wash.). Speaking of compromise, Mr. Keith, does that mean that the Colvilles must sacrifice the Kettle Falls and the vast resources related to the waters in order to allow the other claims to be settled?

LYLE KEITH. No, Mrs. Hallenius. Our claim in docket No. 178, which I have previously explained, will cover that type of claim.

BILL HILL (Spokane, Wash.). I am definitely in favor of a distribution and I think if we get the money to a position where it could be distributed, I don't think it would be much trouble to distribute.

BILL PIATOTE. I believe it is a wise move to get all the claims money pooled together for the members of the Confederated Tribes of the Colville Reservation and put into the tribes' account so that every member of the Coleville Confederated Tribes living will have an equal share.

ROSE LARSON (Seattle, Wash.). If these bills are approved here today, how soon can we get them into Congress?

LYLE KEITH. We can make arrangements to get the introduction both in the House and Senate in the next week or 10 days. I have only one copy of the bill here myself. The S. 1295 is the bill which is passed the Senate and is now over in the House. The House Committee on Interior and Insular Affairs has approved House Resolution 3898 which is the same thing; so I would suspect, as they usually do, the House would take action on the Senate bill since it is through the one side and it is the same as their own bill.

ELIJAH WILLIAMS. Be it resolved by the general meeting by the members of the Colville Confederated Tribes that the provisions of H.R. 3898 and S. 1295, both of which are now pending in the Congress of the United States relative to judgments in docket 175-A be approved.

Seconded by Bill Hill of Spokane. Question was called for. A vote was counted by members standing. Pete Lemery and George Friedlander made the count. The vote was unanimous in favor of the motion.

BILL HILL (Spokane, Wash.) reads: "*Be it resolved by the general meeting of the members of the Colville Confederated Tribes, That a bill in substance and effect as follows by introduction into the Congress of the United States and enacted into law: That the funds on deposit in the Treasury of the United States to the credit of the Colville Tribe, San Poil-Nespelem Tribe, Okanogan Tribe, Methow Tribe, and Lake Tribe (certain constituent groups of the Confederated Tribes of the Colville Reservation), that were appropriated to pay a judgment of the Indian Claims Commission dated March 1, 1960, in docket No. 181, and the funds which may be deposited in the Treasury of the United States to the credit of the said constituent groups or any other constituent groups of the Confederated Tribes of the Colville Reservation to pay any judgments arising out of the proceedings presently pending before the Indian Claims Commission in dockets 161, 181-A, 181-B, 181-C, 222, and 224, and the interest on said judgments after payment of attorney fees and expenses, shall be credited to the account of the Confederated Tribes of the Colville Reservation, and may be advanced or expended for any purpose that is authorized by the tribal governing body of the Confederated Tribes of the Colville Reservation and approved by the Secretary of the Interior. Any part of such funds that may be distributed in per capita to the members of the tribes shall not be subject to Federal or State income tax.*"

Seconded by Mr. Pete Lemery. Question was called for. A motion carried unanimously.

HARVEY MOSES. As we stated in the offset of the meeting, we will have a discussion for other business. As this closes the business in regards to the claims, we will go on down to item 5 on your agenda, other business.

BILL HILL. Since we have now disposed of the matter that the funds are now ready for the distribution, for the guidance of the council, I will make a motion that this money be appropriated in per capita payments to the members of the Colville Confederated Tribes on an equal basis. Seconded by Mr. Frank Moore. Question was called for and carried unanimously.

LYLE KEITH. I want to congratulate you on your excellent judgment and attitude in taking the action you have taken here today. It would have been very easy for a few people to have shown some selfishness to see if they could get a little money the other way by leaving it in these smaller bands. It's striking how many people came here today and how well they expressed by action their qualifications of good citizenship. I thank you.

In that connection, I would like to point out on page 21 of the transcript which I have just handed the chairman, that Mr. Moore, president of the Colville Indian Association, raised the question and this was before any of the votes on the two bills.

How is the governing body going to use all of it? Are they going to allocate it among its members?

And my explanation follows, as it had been my burden at that meeting to try to explain the two bills.

The correct language is that the governing body may have the right to expend it for any purpose that is authorized by the tribal governing body of the Colville Reservation and approved by the Secretary of the Interior, so it

would take action by the governing body and approval by the Secretary for the money to be used. If you want information on what the members of the governing body would do, you will have to talk to the members of the business council on that.

Then there is some more talk about the pending claims. There are still pending claims.

And then, starting on page 23, at the bottom of the page, Elijah Williams makes a motion that the provisions of H.R. 3898 and S. 1295 be approved, and it was seconded by Bill Hill, and the vote was unanimously in favor of the motion.

And you have a certification of the end result to that effect in the record now.

And then Bill Hill made the resolution on the bill which is now S. 2123 and the House bill 8236, reading it exactly as it was introduced or, I assume it was, as a copy of it was given to him at that time, and at the bottom of the page a motion to adopt the resolution was seconded by Pete Lemery, and the question was called for and carried unanimously.

And then, the interesting part of it is on page 25. The group was then—the agenda was suggested by Harvey Moses as then being open for discussion of other business. And Bill Hill, and I am sure Senator Jackson, at least, knows Bill Hill. He was a former county commissioner in Okanagan County and an old member of the tribe, and a very informed member of the tribe, and he made the motion as follows:

Since we have now disposed of the matter that the funds are now ready for the distribution, for the guidance of the council, I will make a motion that this money be appropriated in per capita payments to the members of the Colville Confederated Tribes on an equal basis.

It was seconded by Mr. Frank Moore. The question was called for and it carried unanimously.

Now, how could there possibly have been any misunderstanding as to what the motions were that were considered by the meeting of April 8?

I could make a lot of observations about the testimony of Mrs. Hallenius and Mrs. Quill and Mrs. Babcock, but I do not think that they would be particularly pertinent to the particular matters which are before the committee. I would be very happy to answer any questions and I am sure Mr. Moses, who is chairman of the council, and Mr. George, who is a member of the council, would also be willing to answer any questions that the members of the committee may have, Mr. Chairman.

Senator CHURCH. Thank you, Mr. Keith. I think we ought to put on the record what the attitude of the council may be as you, gentlemen, as members of the council, understand it, in connection with what proposal the council is going to recommend as to the distribution of funds?

Has any decision been reached in that matter? If so, what is that decision?

Mr. MOSES. Mr. Chairman, at the present time, of course, we are going to abide by the wishes of the people as expressed at this mass meeting of April the 8th. Our constituents are here—it seems kind of odd. I believe we are all in favor of the judgment funds but it is merely a matter of distribution.

I believe that raises a question and I, myself, do not particularly like to be in conflict with our own tribal members.

I believe we are all in favor of per capita payments from these funds. Of course, we cannot take official action until this bill is enacted.

Senator CHURCH. Have you anything to add to that?

Mr. GEORGE. No.

Senator CHURCH. Have you formulated any plan or submitted any plan as yet to the Secretary of the Interior concerning the use of this money?

Mr. MOSES. No, we have not. In fact, this is what we have done: After the last time when we appeared here, after we got back, we had various committees, and we assigned the finance committee to work up a per capita role but when this bill was postponed that is where the action started, too.

Senator CHURCH. Do you have available, for per capita payment, any money apart from these judgment moneys?

Mr. MOSES. No. I might go into that a little bit.

Our income for this year has been very—well, we do not have the income that we have had in previous years due to our depressed lumber markets and also our authority, as far as signing timber contracts, was questioned. So, therefore, it threw us off schedule, and, consequently, we could not authorize timber sales for a month or so.

And, actually, that has a great bearing on our income at the present time.

Mr. KEITH. How much funds do you have now—I think, to pursue your question, Mr. Chairman—how much funds do you have now and will you have by December, which is the normal time for the per capita payment, for per capita purposes, leaving aside the funds—

Mr. MOSES. At the present time we have in the Treasury, that is outside the claims funds, \$70,000. That is the extent of our income at the present time.

When we checked into this we had in transit, I believe, \$197,000.

Senator CHURCH. Now, this money is proceeds from timber sales?

Mr. MOSES. Yes, sir. So, actually, we have about \$230,000. That is what we have at the present time, with the money in the Treasury and in transit.

Senator CHURCH. Is it your practice normally to make a per capita distribution of these proceeds each year?

Mr. MOSES. Well, we have attempted to, yes.

Senator CHURCH. And what has been the average amount of the payment in the past years?

Mr. MOSES. Well, I believe it has ranged from \$150 to \$250 in payment.

In fact, last year we had a very good payment, and we had two per capita last year, one in the spring and one last fall.

Senator CHURCH. So this year, apart from the judgment funds, your per capita payment would be very much smaller than it has been?

Mr. MOSES. That is correct.

Senator CHURCH. That is, than it has been in the past?

Senator JACKSON. Your timber sales are off this year?

Mr. MOSES. Well, yes. Like I said, it was delayed due to our authority to sign a contract being held up. It was questioned last spring.

Mr. KEITH. And prices were down, too.

Senator CHURCH. What is the status of termination at the moment and what action has the council taken with respect to the question of termination?

Mr. MOSES. We have, under Public Law 772, we have met every condition that was outlined in the public—I mean in the law.

And we have met our requirements as far as the submission of a program—I mean, the termination legislation. I believe you have a bill Mr. Horan introduced.

Let's see, it was H.R. 8469.

Mr. KEITH. May I add something to that?

Senator CHURCH. Yes.

Mr. KEITH. There was some complaint on the part of one of the witnesses—I am not certain who it was, but I think, perhaps, it was Mrs. Babcock—about the failure of the council to take any action on the termination bill until just shortly prior to the time the first phase bill was submitted to the Secretary in July of this year.

If I may explain: When the bill 772 was passed in 1956, shortly after its approval by the President, the council came back and had a week's series of meetings with the Bureau and the people from the Secretary's Office in an effort to secure commitments from the Bureau, which they did secure, to do some of the work which would make it possible for the tribe to submit a plan.

For instance, we had, I think it was, some 18,000 or 20,000 mineral claims which had been filed on the reservation between the date of the Executive order in 1934, the Executive order of Secretary Ickes, and the time of the passage of the bill, all on these acres of land, title of which was in the tribe under 772. One of the requests was that the Department get the Bureau of Land Management busy and invalidate all of these claims which were invalid, so that the title would be clear and future mineral development might occur on the reservation to the extent that there were minerals justifying development.

One of the other requests to which the Secretary and the Bureau acceded was that an up-to-date timber study be made. There has not been a study made on the reservation since 1932 and everybody knew that there was a lot of overage timber and that the cut was not keeping up with the growth. There was wasting going on.

The Bureau acceded to that.

There was also a need, a preliminary step, for a human resources survey. There was also the need for a mineral survey, and these and other minor things the Bureau agreed to. And I think they diligently pursued their commitments, but most of the information—the big asset on the reservation, as far as what is known now, was timber. The timber survey was not turned over to the tribe until a year ago this spring—a year ago this summer. The disputed mineral claims have not yet been completely adjudicated although BLM has done a tremendous job and has pursued it much faster than I expected they would.

Most of them have been knocked out and the area is now free of the cloud on the title. The mineral survey has never been made. The human research survey was made but the tools with which the tribe could work on this termination plan were not turned over to them until last year, and shortly after they were turned over to them the

business council of the tribe, and I think with the approval of most of the members of the tribe, entered into a contract with its own funds with Stanford Research Institute to conduct a long-range economic study of the assets of the Colville Reservation, and it was based on the result of that study and some opinion studies which SRI ran on the reservation during the period of time that we finally submitted the first phase plan in July of this year, a couple of weeks before the deadline imposed by section 5 of Public Law 772.

I would like to make it clear that, in my opinion, there has been no negligence or no failure of duty on the part of the business council during the time since Public Law 772 was passed, to pursue the termination program in every possible way that was available to them.

I think they have done an outstanding job in furnishing leadership to the people who are enrolled members of the Colville Tribes.

Senator CHURCH. Do you think, Mr. Keith, or do you see any tie-in between, or connection between, the bill that we have under consideration here and the termination legislation?

Mr. KEITH. No direct connection. I think the people of the tribe need a per capita payment and, as Mr. Moses has said, there is no way for them to get it.

I do not know whether they can sell the Secretary on it if you make the funds available but unless you do make the funds available there is not even going to be an opportunity for the people of the tribe to get a per capita payment.

There are many banks, Mr. Chairman, who have loaned money on the assumption that this year, as has been the case in the last 12 or 13 years, members of the tribes would receive per capita payments. Adult members of the tribe have sent their children to school on the assumption that, at least, in part they would get a per capita payment.

Grocers, motor dealers, hardware stores, everybody has advanced credit on the assumption that there would be a per capita payment. Perhaps they are all wrong.

Senator CHURCH. Well, I would think that the case that the ladies have made this morning would certainly warrant inclusion in the report of this committee the factors that we would regard as tending toward the justification of some per capita distribution, that is to say, the large number of Indians not living on the reservation and the other considerations that the testimony this morning has brought out.

It is true that we are not in a position to make that determination, but we are in a position to point out to the Secretary those factors which seem to us to indicate the propriety of a per capita distribution of some of this money.

Senator JACKSON. Mr. Chairman, I would just like to suggest that I think that is a good point; that we could put it in the report and thus avoid the possible veto of the bill if you tried to make it direct, you see.

We could put in the report, accompanying the bill, a strong statement saying that the committee feels that there is merit here for a per capita payment. Put it right in the report.

Mr. KEITH. I would strongly recommend that. I would be very grateful to you and I am sure every member of the council would, if you would do that, have a portion of the funds at least.

Senator CHURCH. Well, I do not think we are in a position to pass judgment as to how much or anything of that kind. We have not taken testimony on that.

Senator JACKSON. We have not taken testimony on that.

Senator CHURCH. But I do think we would be justified in making such a statement in the report which, of course, would be brought to the Secretary's attention.

I might say that, in view of the fact that previous payments have already been handled in this manner and are a part of a pool from which a per capita distribution would be made, it becomes extremely difficult to handle this particular judgment in any other manner and do justice to the other Indian peoples whose previous judgments have been handled in this way.

I have no further questions.

Have you any questions, Senator Jackson?

Senator JACKSON. No questions.

Senator CHURCH. Have you any, Senator Burdick?

Senator BURDICK. No.

Senator CHURCH. Thank you gentlemen, very much.

Mr. KEITH. Thank you very much.

Senator CHURCH. Certainly.

And now, we want to hear from Mr. Sigler and Mr. Mangan, who are present.

**STATEMENT OF LEWIS A. SIGLER, OFFICE OF THE SOLICITOR,  
DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY MR. MAR-  
TIN P. MANGAN, ASSISTANT COMMISSIONER, BUREAU OF INDIAN  
AFFAIRS**

Mr. SIGLER. Mr. Chairman, we have testified on the bill.

Senator CHURCH. I know you have. I just wanted to make certain, for purposes of this hearing, whether there is anything you wish to add to any previous testimony that you have given in the light of the testimony we received today.

Mr. SIGLER. Mr. Chairman, I think the record is very full and complete. There are only two issues that are, simply stated, not easily resolved and they are: Should you pool these judgment funds?

And I gather there is no difference of opinion on that. As I understood all of the witnesses, they want to pool the money.

The only other issue then is: Are there to be any restrictions on the use of the money? Is it to be controlled in the way in which your prior legislation has handled it, leaving the controls in the tribal council with the approval of the Secretary, or, is there to be a congressional direction on the way in which the money will be used?

And that is the troublesome issue that you have before you. We have recommended the first course, which is the course you followed with Nez Perce, and some of the more recent judgments.

Senator CHURCH. Is there any other witness here who would like to testify on this bill that we have not yet heard from?

Is there any further or final statement that any of you would like to make?

Mrs. BABCOCK. I would like to ask you: Will your recommendation include all per capita funds, those in the future as well as those on deposit now?

Senator CHURCH. I could not answer the question because the committee will have to take it up and discuss it, and it would be a committee determination as to what form the recommendation would take.

That is something we would have to take up in executive session and decide upon. And I, alone, would not be able to give you an answer to that.

Do you have the recommendation to make with respect to that question?

Mrs. BABCOCK. We would like to have the bill amended to read "per capita of all claims funds," and if not that, then we would like to have a referendum vote on any other use of funds.

I think the people would be satisfied with that. But we recognize the danger that in this legislation, if the entity factor enters into it, the business council will have a delegation of authority through this claims bill that may prevent any vesting of individual rights.

Senator CHURCH. Well, we will certainly take into account all the testimony today and do our best with what is a very difficult problem.

Mrs. BABCOCK. But we would strongly urge an amendment to the bill that all claims funds will be paid per capita or that we will have a vote.

We must have a guarantee that we will have something to say about how the funds are spent.

Senator CHURCH. Thank you, Mrs. Babcock, very much. And if there are no further statements to be made—

Mr. GRORUD. Could we file an additional statement in writing for the record, so that we will not take the time—

Senator CHURCH. Yes.

Senator JACKSON. The full committee, I think, may meet Friday.

Senator CHURCH. Well, if you can get a statement or any further statement in by noon tomorrow we will leave the record open for that purpose.

Mr. GRORUD. I understand that the matters submitted will be printed in the record, because it contains a copy of the constitution—

Senator JACKSON. You have been up here on the Hill, Mr. Grorud. If you are going to put all of that in the record—

Mr. GRORUD. It is all important.

Senator JACKSON. It is going to be a pretty expensive record. It is up to the chairman.

Senator CHURCH. I would suggest that we file the bulky material, but if you would want to excerpt from that certain very pertinent—

Mr. GRORUD. And then we can submit a copy?

Senator CHURCH. It is just the cost that is involved.

Senator JACKSON. My only concern, Mr. Grorud, and, Mr. Chairman, was that, as it looks there now, it would be larger than the actual transcript of the testimony that we have been taking.

Mr. GRORUD. That was my purpose.

Senator CHURCH. Fine. For that purpose, we will leave the record open until noon tomorrow and—

Mr. GRORUD. We can submit a copy of the constitution?

Senator CHURCH. Yes; those materials that you think are necessary.

Mr. GRORUD. Will the record be printed?

Senator CHURCH. I cannot say as of the moment whether the record will be printed. We will take that up in executive session.

Mr. GRORUD. We would like to have it for the information of the people because, really, they should be informed and it is tied in with the termination and it is very important, and they are very much interested.

So if you possibly can, we would like to have it printed, and we would like to have about 2,000 copies if it is printed.

Senator CHURCH. Very well. We will take that up.

Mrs. BABCOCK. I would like to comment: I noticed that Mr. Keith submitted two letters pertaining to our delegation here. They asked for a delegation from the Colville Indian Association and they wanted to pay transportation, per diem, \$15 a day.

We did not know what the council allowance was for per diem. So we did not accept that amount unless it was the same as the council's. And, also, Mrs. Hallenius and myself are mothers. I have seven children at home. I have to hire two sets of babysitters to take care of my family.

It is the same condition with her. Therefore, we ask compensation at the rate of \$20 apiece and for 3 days.

So if he put it in the record with the intention of giving the people the impression that we were after funds, I wanted to show what the funds went for. That is just for the information of the people at home.

Senator CHURCH. Fine. We thank you all for coming and we will do the best we can with this problem.

Mrs. HALLENIUS. May I please add to my statement?

Senator CHURCH. Yes.

Mrs. HALLENIUS. I would like to ask Senator Jackson if you would please introduce into Congress a sister bill to H.R. 6801, which is the bill we strongly recommend?

Senator JACKSON. We will be glad to consider that. The House has not taken any action on the bill. It is over there now. It is just a question of whether we want to proceed on hearings until they themselves have acted.

I do not believe there has been any action. There has been no action taken in the House, but we will be glad to consider it.

Mrs. BABCOCK. Will we have hearings on our termination bill this fall?

Senator JACKSON. Out in the State?

Mr. GAMBLE. The House committee intends to be out there, as I understand it, sometime in November or around that time and Congressman Haley intends to hold open hearings.

Senator JACKSON. That is right. Congressman Haley, of Florida, I believe, will be conducting the hearings.

Mrs. BABCOCK. Our people will be very happy to hear that.

Senator JACKSON. Mr. Chairman, I want to express my appreciation to you for arranging the meeting, and I also want to say that I think the ladies have done a fine job in preparing their testimony.

It is clear that they have very good knowledge of the problem. One can argue either way as to what the point of view ought to be,

but the manner in which they prepared their testimony on short notice was excellent and I was quite impressed with their knowledge of the subject.

That goes for all three of you.

Mrs. BABCOCK. Thank you.

Mrs. QUILL. Thank you.

Mrs. HALLENIUS. Thank you.

Senator CHURCH. Thank you very much. The meeting is adjourned.

The record will be held open until 12 noon tomorrow.

(Whereupon, at 12:45 p.m., the subcommittee went into executive session.)

(Representatives of the Colville Indian Association presented the following material after the hearing was closed. The material was commented on by Lyle Leith, attorney for the Confederated Tribes of the Colville Indian Reservation. See letter following the material on p. 94.)

[From the Omak Chronicle, Aug. 24, 1961]

#### NEW TIMBER PLAN PROPOSED BY BILES

A long-range program under which Biles-Coleman Lumber Co. would log from the western half of the Colville Indian Reservation on a negotiated basis has been proposed by the company.

The plan calls for three professional foresters—one from the Department of the Interior, one named by the tribal business council, and one from Biles-Coleman—to work out a long-range timber management program for the reservation area west of the Nespelem-Cache Creek divide. This is the same area included in the 1940 sustained yield agreement.

Biles-Coleman would schedule its logging in accordance with this program, within annual minimums and maximums, and would pay stumpage prices tied to the Western Pine Association or some other mutually agreeable index.

"Such a plan," Emmitt R. Aston, Biles-Coleman logging manager, told the Colville Business Council recently, "would greatly benefit both the Confederated Tribes and the company—whose interests are entirely interrelated.

"Biles-Coleman would propose to 'open up' the area to be logged as soon as possible. This would lead immediately to better fire protection and disease control, and would expose vast areas where trees now are dying and selective logging to strengthen the forest is urgently needed.

"Moreover, much of our logging could be aimed at those species for which the best market currently existed, thus providing greater returns for both the tribes and company.

"With the assurance of such a long-term arrangement, Biles-Coleman could feel free to modernize completely its remanufacturing facilities to place the company in a far stronger competitive position.

"This would do more to stabilize the economy of Okanogan County, and improve employment for both Indians and whites than anything else which possibly could be done."

Aston said slash disposal, snag falling, and other stand improvements now carried out by the logger could be turned over to crews of tribal members with the company paying so much per thousand board feet to finance the work.

This would lead to greater Indian employment, aside from the 85 tribal members now working for Biles-Coleman, Aston said. The crews also would be immediately available to fight fires.

"Until 4 or 5 years ago," Aston said, "Biles-Coleman had available 25 to 30 million board feet annually from the reservation. We now have under contract only 14 million feet to cut in 1961 from the reservation and 14 million feet for the years 1962-63.

"Unless more timber is made available to us from the reservation, our employment necessarily must decline.

"Fortunately, the timber is there. The tribes' latest reinventory shows that up to 40 million feet could be harvested annually on a sustained yield basis from the proposed management area.

"The Confederated Tribes and Biles-Coleman are logical partners to carry out this development. Each needs the other. Both will benefit in many ways if the problem is approached on a long-range basis by professional foresters."

[From the Omak Chronicle, Aug. 24, 1961]

MRS. BABCOCK GIVES COMMENT ON PROPOSAL

To the Editor:

Emmit Aston spoke at Seattle in July on Indian land problems and his suggestion for the west side of the Colville Indian Reservation was for Biles-Coleman Lumber Co., and the Colville Tribe to hire two foresters to devise a management plan so the company and tribe can work together to mutual advantage. He said such a proposal has been made to the Bureau of Indian Affairs by Biles-Coleman.

Aston and the Colville Business Council are very much in the news this week with the council being escorted through the sawmill and on field trips.

With these facts in mind, I am wondering what happens if Biles-Coleman, the Colville Business Council and the Bureau of Indian Affairs decide the best future for the Indians is in a management plan. What happens to:

The promised withdrawal election to withdraw or remain in the tribes and receive per capita share?

The right for the individual to decide the timber business is not exactly his cup of tea and maybe he would like to use his per capita share for investment for a return of 4 to 5 percent rather than the 1 percent he is getting now?

If the mill, tribal, and Government officials will refer to the recent opinion polls they will see that any such joint venture will not prove popular with tribal members.

My hope is that the above-mentioned persons will keep hands off and let this thing be settled by individual choice of the tribal membership as has been promised. The members own individual shares. They should be free to convert those shares to more profitable ventures, both by cash investment and in family's educations. Tribal members do not have any moral obligation to permit their share to be used solely for the profit of a select few through communal holdings.

I would appreciate hearing from any tribal members who share my opinion. Thank you.

RUBY S. BABCOCK, *Okanogan.*

[From the Tribal Tribune, vol. 2, No. 7, Nespelem, Wash., July 1961]

TRIBE POLLED ON TERMINATION PLANS

(By Bill First, Spokesman-Review staff correspondent)

NESPELEM, WASH.—A poll of members of the Colville Indian Tribe indicates a strong support for termination of Government supervision but opinion is sharply divided on proposals to embark on an economic development program.

Harvey Moses, chairman of the Colville Business Council, released results of the poll Saturday. The mail poll was taken by the council and Moses said an attempt was made to reach all adult members of the tribe.

About 2,300 questionnaires were sent out and 1,237 were returned by the time the preliminary tabulation was started. Moses said more questionnaires have been received since then but will be included in a later tabulation.

PUBLIC LAW 772

Public Law 772, passed in 1956, set up the framework for termination of Government supervision of the reservation. It provided that the business council submit a plan for termination to the Secretary of the Interior not later than July 24, 1961.

During the past few months the council has been preparing a preliminary draft of the plan and decided to submit some of the key points to a poll of the membership.

The council is conducting a second poll of the members and results will be released when tabulated.

Group leaders who have assisted in preparing the plan for termination, will meet June 24 with council members and local, regional, and national representatives of the Bureau of Indian Affairs. A draft of the plan will be sent out to all adult members of the tribe during the last week in June. The council plans to take action on the final draft July 11 and 12 at a meeting in Nespelem.

#### MAJOR QUESTIONS

The tribe has 4,500 members, and the reservation covers 1,350,000 acres.

Major questions to be solved in the termination plan are the date for closing the tribal rolls when members can withdraw from the tribe with their share of tribal assets, and whether or not the tribe should embark on an economic development program.

The business council has generally favored an economic development program. The development program possibilities were outlined in a report prepared for the council by the Stanford Research Institute.

The business council is the tribe's official governing body. The Stanford organization was paid by the council to conduct the study and prepare the report.

The Colville Indian Association, which has more than 400 members, has strongly opposed the programs proposed by the business council. It was formed in 1956 and it has offered legislation of its own to provide for disposition of tribal assets.

The association, headed by Frank Moore, of Coulee Dam, has contended that the business council has too much authority and members of the tribe do not have enough voice in tribal affairs.

Forest land comprise the principal resource of the reservation and accounts for an estimated 90 percent of assets. The Stanford report outlines several proposed plans for economic development or liquidation of reservation assets. These plans are concerned primarily with the 5½ billion feet of timber on the reservation.

The report mentions the possibility of the tribe investing up to \$7 million on a lumber mill and another \$3 to \$4 million on developing a community for the mill. It also mentions three possibilities of liquidating the timber assets. These include sale of the forest land as one unit with a 20-year liquidation period for the timber at a price of \$38 million; sales in 10 smaller units with a 10-year liquidation at a price of \$61 million, and sale to the Government (in an arrangement similar to that used on the Klamath Reservation in Oregon) at a hypothetical price of \$100 million.

#### ELECTION FAVORED

Seventy-nine percent of those answering the questionnaire indicated they favored an election on withdrawal as soon as possible after the termination act is passed by Congress. Fourteen percent favored some delay, 4 percent didn't know and 3 percent didn't answer.

A similar majority favored closing the tribal membership roll as soon as possible or immediately after the termination act is passed. Fifty-nine percent said as soon as possible after, 25 percent said immediately after the act is passed. Nine percent favored some delay, 5 percent didn't know and 3 percent didn't answer.

A large majority of those answering the poll also indicated they favor termination of supervision of the reservation by the Bureau of Indian Affairs. This included 57 percent who said supervision should be terminated completely as soon as possible and 23 percent who said it should be terminated gradually, allowing the tribes to take over various management responsibilities on a step-by-step basis. Seventeen percent favored no termination, 2 percent didn't know and 1 percent didn't answer.

Asked if the withdrawal election should be delayed until economic development activities can be shown successful or unsuccessful (if the tribe decided to go into such activities), 74 percent answered in one of the three categories of negative replies.

#### ANSWERS SCANTY

Only 20 percent answered in the two affirmative categories, and 3 percent didn't answer.

A following question asked how long the election should be delayed if the answer to the previous question was, "Yes." Seventy-eight percent did not an-

swer this question, 4 percent said they didn't know and the remainder gave answers which varied from 1 year to more than 10 years.

Members were asked if they decided to remain in the tribe would they want any economic development activities to be conducted under Bureau supervision for a period of years until they become well established. Seventy percent gave one of the four negative answers on the questionnaire, 23 percent gave one of two affirmative answers, 5 percent didn't know, and 5 percent didn't answer.

When asked in a following question how long the Bureau should supervise these activities (if the previous question was answered affirmatively), 75 percent didn't give any answer, 7 percent said indefinitely, and the remainder gave answers varying from 1 to more than 20 years.

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EXCERPTS FROM LETTER DATED APRIL 12, 1960, ADDRESSED TO SOLICITOR GEORGE ABBOTT, ON FILE WITH THE COMMITTEE

TERMINATION

The Congress of the United States enacted a law, approved July 24, 1956 (Public Law No. 772, 84th Congress, 70 Stat. 626, 627), which, among other things, provides:

"SEC. 5. The Business Council of the Confederated Tribes of the Colville Reservation shall, in accordance with resolution numbered 1955-33, dated April 8, 1955, of the Colville Business Council, submit to the Secretary of the Interior within five years from the date of enactment of this Act proposed legislation providing for the termination of Federal supervision over the property and affairs of the Confederated Tribes and their members within a reasonable time after the Submission of such proposed legislation."

The Colville Indian Association and its supporters have since the enactment of Public Law No. 772 endeavored to get the business council to take some action in regard to "termination", but our pleas have been in vain. Not until the month of September 1958, after much pleading and prodding, the business council finally agreed to call a mass meeting at Nespelem for November 8, 1958, for the purpose of considering the provisions of Public Law 772, relating to termination, however, no matters of any consequence were taken up and considered, including a termination program. The morning and early afternoon was reserved for submission of a special report on termination, but such report has never been had or furnished. The time at this mass meeting was taken up with introductions and talks by visitors from other tribes, who were invited to be there by the business council, and Indian Bureau officials.

Instead of the business council members encouraging consideration and discussions of the provisions of Public Law 772, certain members of the council have placed every possible obstacle in the way so that the matter of termination would not be discussed and considered among the members of the tribes. The business council would not sponsor mass meetings for the purpose of considering a termination program, but to the contrary, they (council members) would endeavor to keep Indians from assembling for serious consideration and discussion of the matter of termination.

The members of the Colville Indian Association worked diligently and hard in the planning for and to give publicity for said mass meeting on September 12 and 13, 1958, at the same time certain members of the business council were busy spreading false information concerning the same and caused posted notices of said meeting to be torn down and destroyed.

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SOLICITOR,  
Washington, D.C., July 12, 1960.

ALBERT A. GRORUD, Esq.,  
*Legal Adviser, Colville Indian Association,*  
*Washington, D.C.*

DEAR MR. GRORUD: Reference is made to my letter of May 5 concerning certain questions which have been raised by the Colville Indian Association.

We have now completed our consideration of whether the Colville Business Council has authority to employ attorneys for the Confederated Tribes of the Colville Indian Reservation. It is our conclusion that the business council lacks

the authority to employ counsel as required by the Department's regulations applicable to tribes not organized under the Indian Reorganization Act (see 25 CFR, pt. 72, particularly secs. 72.8, 72.13, and 72.14). Accordingly, we have informed the Commissioner of Indian Affairs of these views and have requested his recommendations concerning possible courses of action which may now be taken with respect to the proposed general counsel contract between Mr. Lyle Keith and the Colville Tribes.

As to the request of the Colville Indian Association that the business council be restrained from handling the preparation of a program for termination, we are not in a position to restrain the business council from performing as it is authorized to do under the tribal constitution and as it is directed to do by section 5 of the act of July 24, 1956 (70 Stat. 626, 627).

The association has also requested that a general council or election be called by the Secretary of the Interior to revise the constitution and bylaws approved April 19, 1938, as amended, or adopt another constitution to provide for new handling of the business affairs of the tribes.

Article VI of the tribal constitution provides for the amending of that constitution, and it is clearly within the amendatory power of the tribes to substitute a general council for the business council if they are so inclined. Furthermore, I am informed the Colville constitution has been successfully amended as recently as July 2, 1959, at which time the eligible voters of any district were enabled to petition for the recall of any councilman, who, for cause, might be found remiss in his performance of office.

As regards elections, it is my understanding a tribal election was held May 7. While a complete report has not been furnished me, I am informed that as a result of that election the number of those on the business council who are identified with the Colville Indian Association has decreased. In conclusion, I must state that I am not persuaded anything is required to effect the association's desire to change the form of government of the Confederated Tribes of the Colville Indian Reservation other than the association's ability to convince a majority of the adult members of the tribes that such a change is desirable.

Sincerely yours,

GEORGE W. ABBOTT,  
*The Solicitor.*

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CLARIFICATION STATEMENT BY MRS. BABCOCK

SEPTEMBER 13, 1961.

Senators FRANK CHURCH, HENRY M. JACKSON, and Q. N. BURDICK,  
*Senate Subcommittee on Indian Affairs,*  
*Committee on Interior and Insular Affairs,*  
*Washington, D.C.*

DEAR SIRs: In my testimony before your committee on S. 2123 and H.R. 8236 of today in regard to the colloquy between Senator Burdick and myself concerning a "formal vote" and a "formal poll" I wish to clarify my statement. In the question put to me of a "formal vote" my answer referred to a formal vote in the form of an official election at a meeting to withdraw or remain in the tribe.

Since, it seems, the question referred instead to official opinion polls mailed to the tribe, let me clarify further by stating that Michael Nelson of the Stanford Research Institute, under contract to the Economic and Development Planning Committee of the Colville Business Council, conducted a poll by mail which was answered by about two-thirds of the adult membership of the tribe. Pertinent to the questions asked by Senator Burdick the information gained by those polls showed that 79 percent of those voting wanted an election to withdraw or remain in the tribe as soon as possible. On the subject of the tribal government, only 10 percent wanted to keep the tribal government in its present form.

In reference to the unofficial poll of February 18 and 19 and the percentage of tribal membership votes as pertains to on- and off-reservation membership may I point out that half of the tribal membership represent minors. Therefore percentages must be considered on about half the figure of a 4,500 membership.

RUBY S. BABCOCK.

BOARD OF COUNTY COMMISSIONERS, FERRY COUNTY,  
*Republic, Wash., April 21, 1953.*

HON. DOUGLAS MCKAY,  
*Secretary of the Interior,*  
*Washington, D.C.*

DEAR MR. MCKAY: The Board of Commissioners of Ferry, Stevens, and Okanogan Counties are today met in extraordinary session to discuss our feelings with regard to the future of the Indians on the Colville and Spokane Indian Reservations in the State of Washington in light of what little we know of your announced policy toward the Indians of the United States.

We are agreed that the action of most benefit to both the Indians on these two reservations and to the citizens of this State is the complete emancipation of these Indians and the conferring upon them individually and collectively all of the rights, privileges, duties, and obligations of full citizenship. We are aware, of course, that such a step is not possible to be accomplished overnight but we do feel that every effort should be applied toward accomplishing the purpose at the earliest possible moment. An example of the steps immediately possible which tend in the direction of ultimate emancipation would be the clarification, by Executive order, of the problems of heirship involved in the ownership of allotments whose original allottees are dead.

Realizing that you will be in search of "on the ground" recommendations as to steps in this process, we have today named a subgroup to draft specific recommendations looking toward your and our final goal and shall submit these specific details for your consideration in the very near future.

Again let us say that we speak officially in our capacity as representatives of at least a majority of the citizens of these three counties in wholeheartedly endorsing that portion of your policy in regard to Indians as has been publicly announced.

Very truly yours,

JOSEPH A. KOHLER,  
 M. J. LAWSON,  
 GEORGE H. R. HABENFIELD,

*Board of Ferry County Commissioners.*

WALTER R. TURNER,  
 BEN F. BROWN,  
 WILLIAM O. ELWELL,

*Board of Okanogan County Commissioners.*

J. C. ATWOOD,  
 C. T. PETERS,

*Board of Stevens County Commissioners.*

[From the Spokane (Wash.) Chronicle, Sept. 12, 1961]

HOUSE PASSES BILL BY HORAN

The House of Representatives has passed and sent to the Senate the bill by Representative Walt Horan, Republican of Washington, allowing proceeds of judgments held by the Treasury to be credited to the Colville Indian Tribe.

Horan reported this today from Washington, D.C., and added that the bill would allow the money to be expended as the tribe and the Secretary of the Interior see fit.

"This measure, identical to S. 2123, would allow per capita payments to be made to tribal members," Horan said.

"Without enactment of this bill, per capita payments will not be possible and because of the lack of job opportunities in the area, this measure is vital to the tribe.

"I am hopeful of Senate approval before adjournment."

LAW OFFICES OF KEITH, WINSTON & REPSOLD,  
Spokane, Wash., September 18, 1961.

HON. HENRY M. JACKSON,  
Senate Office Building,  
Washington, D.C.

DEAR SENATOR JACKSON: I am in receipt of your letter of September 15, 1961, with which you submitted the material submitted by Mr. Grorud and his clients to the Senate Committee on Interior and Insular Affairs for inclusion in the hearing record.

While I do not believe that any of the submitted material has any bearing upon H.R. 8236 or S. 3121, its companion bill, may I request the following brief comments on each of the items be included in the hearing record, if the item to which the comment refers is included in the record.

(1) Reprint of news item purporting to have appeared in the Omak Chronicle of August 24, 1961, and reprint of a letter from Ruby S. Babcock to the editor of the Omak Chronicle purporting to have appeared in the same issue of the same paper.

Neither the Colville Business Council nor the Confederated Tribes of the Colville Reservation can be held responsible for proposals which are made to it by independent concerns whether those concerns are in the lumber business or any other type of business.

(2) Clarification statement by Ruby S. Babcock dated September 13, 1961, addressed to the Senate Subcommittee on Indian Affairs, Committee on Interior and Insular Affairs.

The polls conducted by Stanford Research Institute were attitude polls and were intended for the guidance of the Colville Business Council and the planning committee of that council as an aid in preparing the draft of legislation submitted to the Secretary of the Interior on July 12, 1961, in compliance with the provisions of Public Law 772, 84th Congress.

(3) Reprint of an article purporting to have appeared in the Spokane, Wash., Chronicle on September 12, 1961.

The quotation is attributed to Representative Walt Horan. When read with the second paragraph of the news story it conveys an accurate statement of the facts.

(4) Photocopy of a letter dated April 21, 1953, to Hon. Douglas McKay, Secretary of the Interior, Washington, D.C., purportedly signed by members of the boards of Ferry, Okanogan, and Stevens Counties commissioners.

No comment.

(5) Excerpts from letter dated April 12, 1960, addressed to Solicitor George Abbott on file with the committee.

The record before the committee is, I believe, abundantly clear that the Colville Business Council has performed the obligations imposed upon it by section 5, Public Law 772, 84th Congress. The performance of those obligations resulted in the introduction of the first phase termination bill by Representative Walt Horan, the bill being H.R. 8469.

(6) Letter dated July 12, 1960, from George W. Abbott, the Solicitor, U.S. Department of the Interior, addressed to Albert A. Grorud.

With reference to the second paragraph of the above described letter, the Secretary of the Interior on December 27, 1960, approved the attorneys' contract of the undersigned by letter of that date, a photocopy of which is attached hereto.

(7) Agreement dated December 1, 1953, as of June 18, 1953, between the Confederated Tribes of the Colville Indian Reservation and Lyle Keith, P. H. Winston and Nelson B. Repsold, attorneys at law.

This contract is not even the contract referred to in item No. 6 above. The submitted agreement was fully performed and terminated on June 18, 1959.

(8) Constitution and by-laws of the Confederated Tribes of the Colville Indian Reservation.<sup>1</sup>

No comment.

(9) Copy of "The Tribal Tribune," volume 2, No. 7, dated July 1961.

No comment.

The foregoing letter has been approved by Harvey Moses, chairman of the Colville Business Council.

Respectfully submitted,

LYLE KEITH,  
Attorney for the Confederated Tribes  
of the Colville Indian Reservation.

<sup>1</sup> Previously printed; see p. 24.

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C., December 27, 1960.

KEITH, WINSTON, REPSOLD, WHITE, MCNICHOLS & DRISCOLL,  
*Attorneys at Law,*  
*Spokane and Eastern Building, Spokane, Wash.*

GENTLEMEN: I have approved this date as an exception to part 72, title 25 CFR your proposed contract with the Confederated Tribes of the Colville Reservation subject to the following conditions:

1. References to reimbursement of stenographic assistance be deleted;
2. Per diem for subsistence be limited to \$15 per day except when in Washington when it shall be \$25 per day provided that the per diem shall be prorated on the basis of a quarter of the per diem rate per 6-hour period, or part thereof, if less than a 24-hour period is involved;
3. References to the "Commissioner of Indian Affairs" be deleted and insert in lieu thereof the "Secretary of the Interior or his authorized representative";
4. Reimbursement of expenses in excess of \$1,000 per year shall be subject to the approval of the Secretary of the Interior or his authorized representative in advance of their incurrence by the attorneys;
5. Vouchers for reimbursement of expenses shall be approved by the Colville Business Council before approval by the Secretary of the Interior or his authorized representative; and
6. The amount available under paragraph IV (b) of the contract shall not exceed \$6,000 per year unless an additional amount is authorized by the tribes and approved by the Secretary of the Interior or his authorized representative in advance of the attorneys' performing service requiring compensation in excess of that limitation.

In your meeting on December 7 with representatives of the Solicitor's Office you stated that you could not agree to any change in the fee provisions of the contract. Although the fee provision in paragraph IV (b) for \$200 per day for appearances before courts, committees of Congress and administrative agencies appears to be higher than the fee suggested by your bar in its schedule of fees for such services, you have advised us that you charge non-Indian clients \$250 for similar services. We have concluded that considering the amount and kind of services, and the time limit within which they must be performed, the total amount of compensation to be paid you annually under the contract—\$6,000 to \$12,000, depending upon the amount of time in appearances before courts and committees of Congress and administrative agencies you will spend, any amount in excess of \$12,000 per year being subject to the approval of the tribes and this Department is not excessive.

If you are agreeable to the conditional approval of the contract we should be furnished your written acceptances which may be by signed letter. Copies of the contract will be distributed when we have received your written acceptance and that of the business council on behalf of the Confederated Tribes of the Colville Reservation.

Sincerely yours,

ELMER F. BENNETT,  
*Acting Secretary of the Interior.*

Faint, illegible text covering the majority of the page, likely bleed-through from the reverse side.

John T. Bennett  
John Bennett of the Interior

## APPENDIX

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(The following communications were ordered placed in the record:)

HON. CLINTON P. ANDERSON,  
*Senate Committee on Interior and Insular Affairs,*  
*Washington, D.C.*

DEAR SIR: I wish to protest S. 2123 and H.R. 8236. I am a member of the Colville Tribe and wish you would please give this matter your prompt attention.

ROBERT W. RUMSEY,  
*Registered Colville Indian Tribe, Nespelem, Wash.*

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COULEE DAM, WASH., August 15, 1961.

HON. CLINTON P. ANDERSON,  
*Chairman, Senate Committee on Interior and Insular Affairs,*  
*Washington, D.C.:*

In reply to your telegram of August 15 regarding hearings on S. 2123, our attorney, Mr. Albert A. Grorud, has all the additional information. He has been authorized to present same for and on behalf of us and the Colville Indian Association.

COLVILLE INDIAN RESERVATION,  
FRANK W. MOORE, *President.*

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AUGUST 18, 1961.

HON. CLINTON P. ANDERSON,  
*Chairman, Senate Committee on Interior and Insular Affairs,*  
*Washington, D.C.*

DEAR SIR: For your information and guidance concerning S. 2123 (use of funds credited to the Colville Confederated Tribes) the following statements are known to us to be true and accurate:

1. Lyle Keith, acting as tribal attorney at the mass meeting on April 8, 1961, explained to the tribal members present that because of the intermingling of the membership there was only one fast practical way to handle claims funds arising out claims payable to the various tribes which comprise the Colville Confederated Tribes. In accordance with Mr. Keith's advice, the membership voted to credit all claims funds to the account of the Colville Confederated Tribes for equal distribution to tribal membership.

2. On that day the tribal membership was told that of particular concern was getting for the tribes funds which had already been won as claims settlements released with the possibility that the funds could be paid out as per capita payments by early fall. The people were emphatic and unanimous on their expectation of a per capita payment and voted that recommendation to the Colville Business Council. Any concession made that day (by those aware of it) giving the business council authority of the use of the funds was only meant to expedite quick distribution of funds to the people. The membership did not intend at any time to give blanket approval sanctioning any other use of the funds that the Colville Business Council might decide upon then or later. Any other particular use was not admitted or suggested by the business council. The people have always presumed claims funds rightfully will be distributed to tribal members.

3. Lyle Keith did not suggest any alternative method of distribution of funds to the people that might possibly circumvent the need for council approval. Any such possibility would have been speedily accepted.

4. At the close of claims fund discussions on April 8, 1961, the meeting quickly took up the subject of the intention of the Colville Business Council to increase their authority over tribal lives and property by an amendment to the tribal

constitution at the May election. The people were indignant that the council should even have the nerve to put such an amendment to the people considering that they had lost a vote of confidence on February 18 and 19, 1961, by 4 to 1—the vote taken by secret ballot with no preliminary discussion. The May election subsequently proved that the people had foundation for their indignation when the council again lost by a vote ratio of 3 to 1.

With these facts in mind, we beg Congress not to take any course of action concerning the Colville Confederated Tribes which will grant to their governing body, the Colville Business Council, any authority that they have unsuccessfully tried to get from their people.

We would recommend that legislation only permit the Colville Business Council to distribute all claims funds on a per capita basis. We would also recommend that legislation be amended to read that any other use of funds must be approved by a vote of the tribal membership.

We pray for and thank you for your consideration.

(The above statement was endorsed by 63 members. The names are on file with the committee.)

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INTERNATIONAL WOODWORKERS OF AMERICA, LOCAL No. 3-285,  
Kettle Falls, Wash., August 21, 1961.

HON. CLINTON P. ANDERSON,  
Chairman, Senate Committee on Interior and Insular Affairs,  
Washington, D.C.

DEAR SIR: It is our understanding that the following bills, H.R. 8236 and S. 2123, have been referred to your committee for consideration and recommendation. As you know, they deal with use of claims funds credited to the Colville Confederated Tribes.

At a recent meeting of the Colville Indian Association on August 20, 1961, attended by myself, as a member of the Colville Indian Association and also a member of the International Woodworkers of America, the subject of this bill was discussed at great length. It became very apparent through this discussion that the Colville Business Council, the governing body of the Colville Indians, is attempting to have Congress grant them authority which they were unable to obtain from the Colville Tribe by a ballot vote. It is common knowledge that on two different occasions the Colville Business Council have lost a vote of confidence by vast majority, 4 to 1 and 3 to 1. It seems pretty apparent that the council is not representing the people as they should. It was the general opinion of the membership of the Colville Indian Association at the above meeting that all use of these funds, other than per capita payments, should be approved by the tribal membership by a ballot vote.

Mr. Anderson, we here of local No. 3-285 of the International Woodworkers of America feel that a grievous wrong is being attempted by the Colville Indian Business Council. We are asking you, Mr. Anderson, to use your influence to forestall any action which might be taken by Congress on the above mentioned bills that would further the Colville Business Council and their domination of the Colville Indian Tribe.

We thank you for your consideration.

RON NELSON, *Recording Secretary.*

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AFFIDAVIT

I, William D. Piatote, an adult member of the Colville Confederated Tribes, was present at the general tribal meeting held at the public schoolhouse in Nespelem, Wash., on April 8, 1961.

Harvey Moses, chairman of the Colville Business Council, conducted the meeting for the entire day's proceedings.

Immediately after the membership present had voted that the judgment funds from the two dockets under discussion should be deposited to the credit of the Colville Confederated Tribes, I stated my reasons and then made a motion that such funds be paid out to the individual members in per capita payments. Lyle Keith, who stated that he was present in the capacity of tribal attorney and tribal claims attorney, was present at this time.

My motion was immediately seconded. Chairman called for a vote on the motion and for those in approval to signify by standing. To the best of my knowledge not a single qualified voter present abstained from voting, and there was not a single dissenting or "nay" vote. The motion was approved unanimously.

There was no reason why I or any other member there present should believe that these actions would not properly become a part of the official record of the day's proceedings and an official expression of the tribal will.

Signed this day of August 21, 1961.

Signed by:

WILLIAM D. PIATOTE.

Witnessed:

MELVIN D. PIATOTE.

Witnessed:

WESLEY PIATOTE.

KETTLE FALLS, WASH., August 21, 1961.

Senator CLINTON P. ANDERSON.

DEAR SIR: Thanks for the pamphlet, Public Law 87-122, 87th Congress, H.R. 6345.

I'm chairman of the Colville Kettle Falls area chapter and the Walt Horan bill H.R. 2123 should be stopped as members of the Colville Indian Tribe did not vote on anything but the two. Pay the gold claim and the money on deposit to be paid out to tribal members.

Would appreciate any help you could give us.

Mrs. VENUS LOULOU FINE.

SPOKANE, WASH., August 22, 1961.

HON. CLINTON P. ANDERSON,  
*Chairman, Senate Committee of Interior and Insular Affairs,*  
*Senate Building, Washington, D.C.:*

As a member of the Colville Confederated Tribes I respectfully request that the claims funds per bill S. 2123 be distributed only as per capita payment to the members of the tribe.

LORENNE H. BOWEN.

SPOKANE, WASH., August 22, 1961.

HON. HENRY M. JACKSON,  
*U.S. Senate Office Building,*  
*Washington, D.C.:*

On April 8, 1961, at general meeting called by tribal councils to decide disposition of claims money resolution was adopted unanimously to expand in per capita payments. Please amend S. 2123 to this effect and not place funds for disposition of tribal council to use for other purposes. Please reply.

W. S. HILL.

FARMERS INSURANCE GROUP,  
*Spokane, Wash., August 22, 1961.*

HON. HENRY M. JACKSON,  
*U.S. Senate, Washington, D.C.*

DEAR SENATOR JACKSON: This letter is a followup to a wire I sent you this morning.

At a general meeting of the Colville Confederated Tribes on April 8 this year, called by the tribal council, the agenda of the meeting as distributed was, to decide what to ask Congress to do about disposition of the claims money deposited to the tribes' account.

I made a motion myself, that this and subsequent moneys we might win in our suits against the Government be made in per capita payments to the tribal members. Payments to be made on a share and share alike basis. No attempt was to be made to determine what each tribe, such as the Colvilles, San Poills, Okanogans, etc., would be entitled to. It would be almost impossible to do this. This motion of mine carried without a dissenting vote.

As I read your bill, S. 2123, this money would be made available to the tribal council to use for any purpose it desired. I suggest that Congress in S. 2123

direct that these claims moneys be paid out in per capita payments on a share and share alike basis to the enrolled members of the Colville Confederated Tribes.

Please amend to this effect, as I have suggested. Henry, I feel very strongly about this. The tribal council is presently spending in the neighborhood of \$1,000 per day and very little is being accomplished.

I have asked for nothing from you during the years past and have consistently been one of your strong supporters. I feel now I can depend upon you to give this your best efforts.

Hope to see you the next time you are in Spokane, and in the meantime my very best wishes.

Sincerely,

W. F. HILL.

AUGUST 23, 1961.

Re S. 2123 and H.R. 8236, to authorize the use of funds arising from judgments in favor of any of the Confederated Tribes of the Colville Reservation.

HON. CLINTON P. ANDERSON,  
*Chairman, Senate Committee on Interior and Insular Affairs,*  
HON. WAYNE N. ASPINALL,  
*Chairman, House Committee on Interior and Insular Affairs.*

GENTLEMEN: You have permitted us to read the transcripts of the hearings on the above-mentioned bills. Hearing on H.R. 8236, before the House Subcommittee on Indian Affairs, on August 14, 1961, and hearing on S. 2123, before the Senate Subcommittee on Indian Affairs on August 15, 1961.

Present at these hearings were: Mr. Lyle Keith, who represented himself as attorney for the Colville Confederated Tribes, Mr. Harvey Moses, chairman of the Colville Business Council, Mr. Mangan and Mr. Sigler represented the Department of the Interior, appeared before your subcommittees and testified urging their enactments.

The Colville Indian Association submitted letters and telegrams opposing the enactment of these bills in their present forms, mainly on the grounds and for the reasons that an opportunity had not been afforded the tribal members to be sufficiently informed as to the provisions of these bills. Please note that S. 2123 was introduced in the Senate on June 21, 1961, and we did not receive copies of same until about July 3, 1961. H.R. 8236 was introduced in the House on July 19, 1961, hence neither of the bills were before the general meeting on April 8, 1961. In reading the testimonies of Lyle Keith et al. who testified urging their enactments, would leave the impression that copies of these bills were before the general meeting on April 8 and the provisions thereof were duly discussed and explained to the people by Mr. Keith and the members of the business council. Which was not the case.

Further, we charged that Mr. Keith was an illegally appointed attorney for the Colville Confederated Tribes. In this connection we assert that Mr. Keith has not been selected as such attorney pursuant to the provisions of sections 2103 to 2106 of the Revised Code, now title 25 of the United States Code, as sections 81 to 84. Our objections to the approval of Mr. Keith's contract are fully set forth in our communication addressed to Solicitor Abbott, dated April 12, 1960, a copy of which is submitted herewith.

Senator Anderson, at the hearing before the Senate subcommittee, directed the following question to Mr. Keith: "Does the Department of Interior recognize you as attorney for the Colville Confederated Tribe?" To which Mr. Keith replied, "I hope so."

Thereupon Senator Anderson directed the following question to Mr. Sigler: "Mr. Sigler, do you recognize Mr. Keith?" To which Mr. Sigler replied. "He has an approved contract recognized by the Secretary. He has been Colville attorney since 1947."

Mr. Sigler well knew, or should have known that Solicitor Abbott had held that the business council lacks the authority to employ counsel as required by Department's regulations, etc. Mr. Sigler withheld from the committee this important information which the committee should have had. A copy of Solicitor Abbott's decision, dated July 12, 1960, is submitted herewith.

In their appearance before the House subcommittee, said Messrs. Keith et al. gave testimony to the effect Mr. Keith's selection as tribal attorney was made pursuant to the authority vested in the tribes' constitution, approved April 19, 1938, and that the tribal constitution had no provision whereby a general coun-

cil could be called. (We assume that the committee members had in mind the calling of a general council meeting for the purpose of selecting a tribal attorney.)

The Colville constitution and bylaws provides for no authority whereby the Colville Business Council may employ attorneys to represent the tribes.

The powers and duties of the business council are limited in article V, section 1, (a), (b), (c), (d), and (e). A copy of the constitution and bylaws is attached to our letter, addressed to Solicitor Abbott, dated April 12, 1960, and marked "Exhibit B," which letter is submitted herewith.

Section 15.8, of title 25, Code of Federal Regulations, provides: "\* \* \* a tribal attorney and tribal delegates to execute a contract shall be selected by a general council or meeting of the tribe, to be called by the superintendent of the particular reservation. The superintendent, or someone representing him, shall be in attendance with a stenographer."

Hence it is not a question as to whether or not the Colville constitution contains authority for the calling of a general council or meeting of the tribe. The superintendent is required to do so, notwithstanding any tribal constitutional provision.

In a communication dated November 30, 1939, addressed to Mr. Louis Balsam, field representative, Colville Agency, and signed by Mr. William Zimmerman, Jr., assistant commissioner, wherein it is stated that the Colville Business Council had negotiated with John T. Raftis, an attorney of Colville, Wash., to represent them in connection with their claims against the United States. Mr. Zimmerman recites the present Colville constitution, approved April 19, 1938, the Federal regulations and the law applicable to such cases. His letter follows:

"It appears that the tribal business council is conducting the negotiations with Mr. Raftis. Your attention is directed to the fact that under the constitution and bylaws adopted by the Confederated Tribes of the Colville Reservation and approved by this Office April 19, 1938, the enumerated powers and duties of the business council do not include the execution of tribal attorney contracts. The Regulations, secs. 15.12, 15.13, and 15.14) that while a tribal business committee vide that (sec. 12, 13, and 14) (having reference to title 25, Code of Federal regulations secs. 15.12, 15.13, and 15.14) that while a tribal business committee or other similar representative body may conduct negotiations with attorneys, such a body may not actually execute a contract unless authorized so to do. Therefore, it will be necessary for the business council to obtain such authority for a general council of the tribe called by you for the specific purpose of considering the employment of legal counsel, or as an alternative such a general council may itself approve the employment of legal counsel and by appropriate resolution authorize several members of the tribe to execute a contract for and on behalf of the tribe."

Subsequently, under date of October 14, 1941, F. A. Gross, Superintendent, Colville Indian Agency, caused a notice to be given "to all Indians enrolled on the Colville Reservation" for a general council to be held at various places on the reservation, on November 1, 1941, for the specific purpose of the employment of an attorney or attorneys to handle their tribal claims, which notice and the manner of selecting attorneys was in accordance with the provisions of said section 2103, Revised Statutes.

Section 15.7 of title 25, Code of Federal Regulations, provides: "The negotiation and execution of tribal attorney contracts with tribes not organized under the Indian Reorganization Act must be in strict accordance with the requirements of section 2103 of the Revised Statutes of the United States (25 U.S.C. 81).

The Colville Confederated Tribes are not organized under the Indian Reorganization Act.

Mr. Keith and the business council feigned a compliance with the Department's regulations and section 2103, Revised Statutes of the United States (25 U.S.C. 81), in 1953 when they entered into an alleged attorney contract for the purpose of representing the Colville Confederated Tribes. (For copy of this alleged attorney contract, see exhibit C, attached to our letter addressed to Solicitor Abbott, dated April 12, 1960, herewith submitted.)

Mr. Keith submitted for the record copies of minutes which he represented to the committees to be transcripts of the proceedings of the general meeting held on April 8. We charge that such copies are not complete and correct transcripts of the said proceedings. To substantiate this charge, we submit herewith the affidavits of Ruby S. Babcock, Edgar L. Desautel, Frank W. Moore, Anna Bass, and Alice Hallenius.

The record of the proceedings had at the general meeting on April 8, 1961, were tape recorded, and we request that such tape recording be furnished to the committees for the purpose of replaying and to make comparison with the purported minutes furnished by Mr. Keith for the record.

The deliberations of the business council's meeting held on July 8, 1961, at which meeting several tribal members were present, were also tape recorded. We ask that the tape recordings of the deliberations of this meeting be also furnished to the committees, as matters concerning S. 2123 were discussed.

At the April 8 general meeting a unanimous vote was had requesting that the judgment funds be paid out in per capita payments, for the reason that the tribal members do not trust the business council and the Indian Bureau with the distribution of said funds.

If the matter of turning over the judgment funds to the business council and the Indian Bureau had been submitted for consideration and explained to the people, and put to a vote it would have been rejected by an almost unanimous vote.

We now request that these judgment funds remain in the Treasury, and out of reach of the business council for the reason that if these funds are made available to the business council and the Indian Bureau without congressional restrictions, these funds will be dissipated and expended for the promotion of fantastic programs which will tend to delay termination.

The Colville Indian Association is a nonprofit association, organized and existing under and by virtue of the laws of the State of Washington. Its objects being for the purpose of, among other things, to correct abuses practiced by the business council, to work for the amending of the tribal constitution of April 19, 1938, so that the people would be given the opportunity to vote for constitutional provisions which would be in line with democratic processes, and other matters which would be for the best interests and well-being of the membership of the Colville Tribes. It was incorporated in 1953, and is a successor to the Colville Commercial Club, an unincorporated association, which had the same people and the same objectives as the Colville Indian Association, functioned and carried on for several years prior to and up to the time of the incorporation of the Colville Indian Association.

Notwithstanding Mr. Keith, for himself, and assuming to speak for the "Department or the Commissioner's Office," and the business council's objections to our existence to properly function. We submit, that we as loyal and patriotic citizens, under the first amendment to the U.S. Constitution, have the right of freedom of speech, peaceably to assemble and to petition the Congress for redress of grievances.

The Coleville Indian people are practically foreclosed from submitting amendments to the tribal constitution to be voted on by the people, because the business council is in complete control over the matter. Article VI provides that proposed amendments to the constitution must first be submitted to the business council for approval by a two-thirds vote, and the results always have been that proposed amendments submitted by the people have never been approved by the business council.

On the other hand, numerous amendments have heretofore been submitted by the business council for a vote by the people, which amendments would tend to enlarge and broaden the dictatorial powers of the business council over the individual rights, and business affairs of the tribes, but such proposed amendments have been consistently rejected by the people by large majorities.

For instance, attempts by the business council were made to amend the tribal constitution and bylaws so as to provide authority for the business council to execute attorney contracts in a referendum vote on May 5, 1954, which resulted in its rejection by a vote of 172 for, and 377 against.

A referendum vote on a similar proposed amendment, on May 10, 1958, again resulted in a defeat of such proposed amendment by a vote of 219 for, and 321 against.

A referendum vote, on May 6, 1961, on a proposed amendment by the business council, which if adopted would have justified and ratified all the illegal acts which had been exercised by the arbitrary actions of the business council, and given it the authority, among other things, to disburse and expend the proceeds from the judgment funds for any purpose, with the approval of the Indian Bureau. This proposed amendment was rejected by the people by a vote of approximately 3 to 1.

In regard to the elections of members of the tribal business council, see page 5, our letter addressed to Secretary of the Interior Udall, dated March 14, 1961, a copy of which is submitted herewith.

In regard to termination, see page 6, letter addressed to Secretary Udall, dated March 14, 1961.

Further reference to termination, see letter, dated March 21, 1961, addressed to John C. Crow, Acting Commissioner of Indian Affairs, a copy of which is submitted herewith.

The Colville Indian Association and those who are in agreement with its objects and policies consist of a majority of the enrolled members of the Colville Tribes. See exhibit A, attached to said letter, addressed to Solicitor Abbott, dated April 12, 1960, which exhibit contains 720 signatures of the enrolled and qualified voters of the Colville Confederated Tribes, signifying their disapproval of the business council.

If there is any question as to whether or not our group is not in the vast majority we challenge the Secretary of the Interior and the business council to call an election for the purpose of ascertaining who is in the majority.

By reason of the foregoing, we respectfully request that these bills be referred back to the respective subcommittees of the Senate and House for further consideration.

Respectfully submitted.

COLVILLE INDIAN ASSOCIATION,  
By ALBERT A. GRORUD, *Attorney.*

List of documents submitted herewith:

(1) Letter, dated April 12, 1960, addressed to Solicitor Abbott, together with his opinion, dated July 12, 1960.<sup>1</sup>

(2) Letter, dated March 14, 1961, addressed to Secretary Udall.

(3) Letter, dated March 21, 1961, addressed to John O. Crow, Acting Commissioner, Indian Affairs.

(4) Affidavits executed by Ruby S. Babcock and four others, dated August 19, 1961.

COLVILLE INDIAN ASSOCIATION,  
*Coulee Dam, Wash., March 14, 1961.*

HON. STEWART L. UDALL,  
*Secretary of the Interior,*  
*Washington, D.C.*

DEAR MR. SECRETARY: President John F. Kennedy, during his preelection campaign, said:

"The program to which my party has pledged itself will be a program of deeds, not merely words.

"We will not rest after fine policy pronouncements by the Secretary of the Interior. We have pledged ourselves to bring leadership into the Bureau of Indian Affairs which will carry out our platform promises.

"We would not tolerate a situation in which promises are made by the Secretary of the Interior, only to be ignored or even undermined by the Commissioner of Indian Affairs." [Emphases are ours.]

President Kennedy served in the House and the Senate for 14 years, so, he had ample opportunity to familiarize himself with the workings and policies of the Indian Bureau.

President Abraham Lincoln is reported to have said:

"If I survive, this accursed Indian Bureau system shall be reformed."  
Abraham Lincoln did not survive.

President Harding during his preelection campaign said:

"I believe in the policy of promoting and bestowing and elevating and encouraging and establishing the ideals of democracy in America first, and the American Indian is just as much entitled to that which righteously comes to him as any other citizen of the Republic.

"You take that message to your fellow Americans from me and, whether I am elected to the Presidency or not, I will still be a Member of the Senate a little while, and I will be happy to join with my voice in asking justice to the American Indian."

<sup>1</sup> Previously submitted for printing in this hearing record.

Mr. Harding was elected President, but he did not live.

We pray that President Kennedy will survive and continue where Abraham Lincoln left off, and complete and fulfill the promise to reform the accursed Indian Bureau system.

We especially desire to direct your attention to what President Kennedy so correctly said: "That promises have been made by the Secretary of the Interior, only to be ignored or even undermined by the Commissioner of Indian Affairs."

We have been victims of such Indian Bureau policies for many years and up to this time the system has not abated.

We respectfully refer you to our communication dated April 12, 1960, addressed to the Honorable George W. Abbott, Solicitor, Department of the Interior, wherein we submit our objections to the renewal of an attorney contract entered into between Lyle Keith et al., and the Business Council of the Confederated Tribes of the Colville Indians, and a request for a revision of the constitution and bylaws, approved April 19, 1938, as amended, and a request for an order restraining the business council from handling the preparation of a program for termination pursuant to the provisions of Public Law 772, 84th Congress. The reason and grounds for such requests are fully set forth in our said communication, dated April 12, 1960, a copy of which is attached hereto, made a part of this communication and marked "Exhibit A."

Under date of July 12, 1960, Solicitor Abbott, in reply to our said communication, dated April 12, 1960, decreed that:

"It is our conclusion that the business council lacks the authority to employ counsel as required by the Department's regulations applicable to tribes not organized under the Indian Reorganization Act. (See 25 C.F.R., part 72, particularly sections 72.8, 72.13, and 72.14.)"

Further, Solicitor Abbott directed the Commissioner of Indian Affairs in the following language:

"Accordingly, we have informed the Commissioner of Indian Affairs of these views and have requested his recommendations concerning possible courses of action which may now be taken with respect to the proposed general counsel contract between Mr. Lyle Keith and the Colville tribes."

A copy of Solicitor Abbott's ruling is appended to our exhibit A (see footnote 1, supra).

On receipt of the Solicitor's ruling, we took the matter up with the Office of the Bureau of Indian Affairs, which office informed us that Mr. M. P. Mangan, assistant to the Commissioner of Indian Affairs, had been assigned to handle this matter; thereafter we were advised by Mr. Mangan that the matter would be handled promptly and expeditiously.

Thereafter we contacted Mr. Mangan at frequent intervals about the progress being made, who responded generally with some plausible excuse why the matter had not been taken care of, but always assured us that the matter would be taken care of promptly.

During the summer and fall of 1960, persistent rumors came to us, that Mr. Keith and certain members of the business council were circulating among the Indians, that Mr. Keith is an influential Democratic politician; that he had influence enough in high political sources in Washington, D.C., to stall this matter off until after the November election, which time, he predicted that there would certainly be a change in the administration, and after that "things would be all right."

We reported such rumors to Mr. Mangan, who told us that there was nothing to such rumors, and that the Solicitor's directive would be complied with long before the November election.

The Commissioner of Indian Affairs, through Mr. Mangan, further assured us that the Solicitor's directive would be complied with before January 20, 1961, the date of the inauguration of another president and the beginning of a different administration. Evidently Mr. Lyle Keith and the Colville Business Council were correct in their prediction that with a change in administration, it apparently became all right with them.

About January 20, 1961, Mr. Keith's authority to represent the Colville Tribes, by reason of Solicitor Abbott's ruling, was questioned by certain committees and Members of the Congress. The Indian Bureau, through Mr. Mangan and other Indian Bureau officials, assured the said committees and Members of Congress that Mr. Keith was duly authorized to represent the Colville Tribes.

What political power does Mr. Lyle Keith possess or control by which he is able to defy the Solicitor's ruling and a plain provision of law?

## RE: REVISION OF THE CONSTITUTION AND BYLAWS

We have for many years endeavored to submit amendments to the constitution which would, if adopted, give the people a voice in the handling of the affairs of the tribes, but we have met with objection and defeat at the hands of the tribal business council. The present constitution provides that proposed amendments must be submitted to the business council before it may be submitted to the people for ratification, and the result is that the business council always refuses to permit such proposed amendments to be submitted to the people for a vote.

As recent as on February 21, 1961, we submitted to the business council certain proposed amendments to the constitution, which proposed amendments, if they had been accepted by the business council for submission to the people, at the next election in May 1961, the people would have had the opportunity to accept or reject the same, but the business council rejected such offer for submission, hence we are barred from proposing amendments to the constitution. The business council at each annual election usually propose and place on the ballot certain damaging amendments to the constitution, to be voted on, which amendments have been rejected by the people many times. Such maneuvers by the business council are mere empty gestures, made for the purpose of deluding the people.

## RE: ELECTIONS OF MEMBERS TO THE TRIBAL BUSINESS COUNCIL

Our organization and other members of the tribes who favor a clean and honest administration of our affairs, have in the past elections supported and voted for nominees for the office of business council, some of whom were members of our organization and who made pledges, if elected, to reform the scandalous performances of some of the members of the business council, however, after their election they disregarded their preelection pledges and joined the perpetrators. We will cite just two of many such instances which have taken place during the past few years:

1. Mr. Ed Gorr, a then member of our association was, on May 11, 1957, elected as a member of the business council, he had the full support of our organization, and had pledged, if elected, to work and vote for an honest and clean tribal government, and would promote matters which would be for the best interests of the tribes. However, it happened that he was then indebted to the tribes on a loan which was granted to him in 1949, in the amount of \$4,950. On August 8 or 9, 1957, the tribal business council had its organization meeting, at which meeting Mr. Gorr requested cancellation of part of the interest, which interest was then long past due. The tribal business council approved such request for cancellation in the amount of \$564.44. After that, Mr. Gorr seemed to have forgotten his preelection pledges and lined up with the old clique. The latest report which has been made available to us is that on June 30, 1958, Mr. Gorr was indebted to the tribes in the sum of nearly \$3,000. Mr. Gorr is still a member of the business council.

2. Mrs. Lorraine Misiaszek, who also was a member of our organization at the time of her election, she was elected on the reform ticket along with Mr. Ed Gorr, on May 11, 1957, she also went the way of Mr. Ed Gorr. What particular inducements were held out to her for her conversion, we do not know, excepting that she may have succumbed to flattery and vanity. We do know that she has been awarded several trips to Washington, D.C., at tribal expense, which trips she continuously boast about. Her recent trip to Washington, D.C., was about January 20, 1961, when, it is reported, she appeared before you along with other Indians of many tribes. Her purpose of making this trip to Washington, on supposed tribal business, we do not know.

Mrs. Misiaszek's aim seems to be an effort to emulate the activities of the notorious Frank George, whose activities during his tenure as a member of the business council and an employee of the Indian Bureau, we were plagued with for many years. We have been able to defeat him in his many attempts in recent years to win election to the business council, but he is still lurking around the Colville Indian Agency offices and the tribal business council, also his wife is and has been for many years employed at the Colville Indian Agency office, we feel that his influence is still reflected in the performances of the business council.

In the election which was held on May 11, 1957, we felt that when we had elected 8 out of the 14 members of the business council, we had won an eventful and momentous victory for the welfare of the tribes, but it did not turn out that way, because some of those who were then elected deserted their pre-election pledges.

RE: TERMINATION

The members of the business council from the time of the enactment of Public Law 772 have made no sincere effort to comply with section 5 thereof, to the contrary they have tried in various ways to block any compliance. Immediately after its enactment a vigorous campaign was put on by them, advocating the repeal of section 5 thereof, which is the termination provision. Business council members traveled long distances at tribal expense, appearing before national and other gatherings and groups of Indians. They were even able to convince certain Members of the Congress that this act should be amended so as to repeal section 5, and certain Members of the Congress assured them that bills would be introduced providing for such repeal.

At Missoula, Mont., at the 15th annual convention of the National Congress of American Indians, September 15-19, 1958, as reported in the official publication of the NCIA, under date of November 1, 1958, the following is reported to have taken place:

"Congressman Lee Metcalf has announced he's ready to declare war" on the Bureau of Indian Affairs."

"Before his convention talk, Metcalf met with a dozen delegates from the Confederated Tribes of the Colville Indian Reservation to discuss the land restoration bill under which the tribe has been forced to pay Okanogan and Ferry Counties \$120,000 over 3 years in lieu of taxes."

"Metcalf promised the Colville group he would press for an amendment which would eliminate the tax payments. And he said he would ask for removal of another clause in the bill which requires the tribe to develop its own termination plan by 1961."

"Metcalf said the land bill amendments probably will be pushed in the Senate by Senator Warren Magnuson (Democrat, of Washington)."

Congressman Walt Horan, also came to our reservation and told the Indians that he would make an effort to have Public Law 772 amended.

We have no knowledge of any bills which have been introduced in the Congress of the United States providing for amending Public Law No. 772.

Such statements as were made by Members of Congress have had a disturbing effect among the Indians, many of them believe that by the mere introduction of a bill in the Congress is tantamount to its enactment.

We believe that this measure (Public Law 772) would not have been enacted without the business council's agreement to pay Okanogan and Ferry Counties \$40,000 per year in lieu of taxes, and without the promise to submit a program for termination within 5 years, and without the gratuitous restoration of the 818,000 acres. We are convinced that such was the compromise or agreement reached by the business council, without the sanction, knowledge, or approval of the Colville Indians. If such a proposition would have been submitted to the people for a referendum vote, we believe that the result would have been different.

We realize that inasmuch as the bill had been enacted by the Congress (Public Law 772) and based on that certain agreement between the business council, which purported to represent the tribes, and Okanogan and Ferry Counties, and the other provisions of the bill, which had the approval of the business council, Congress would not be likely to repeal or amend such provisions, furthermore this was a very controversial legislation, no resulting benefits to the Indians would come from such a campaign, except costly delays.

To demonstrate, and to make clear that said legislation was a highly controversial one, for ready reference, we attach the following documents, which are made a part of this communication and marked exhibits B, C, and D, as follows:

Exhibit "B." Senate Report No. 826, part 2, 81st Congress.

Exhibit "C." Speech of Hon. Hugh Butler, in the Senate of the United States, January 22, 1951.

Exhibit "D." Remarks by Hon. Harry P. Cain, in the U.S. Senate, July 4, 1952.

A general meeting of the Colville Tribes was called for Saturday and Sunday, February 18 and 19, 1961, by a committee composed of certain tribal members who were dissatisfied with the progress which had been made toward the planning for termination. The attendance came close to 500, both days and it is said that it was the largest number of Colville Indians ever assembled at a general meet-

ing. All the members of the Colville Business Council were present, as well as Mr. Miller, Superintendent of the Colville Indian Agency, also present was Dr. Michael Nelson of the Stanford Research Institute, who had prepared the economic report, and who availed himself for questioning concerning said report.

Mr. Lyle Keith was conspicuously absent from these meetings. If Mr. Keith is legally representing the tribe as its attorney, which we claim he does not, and if he is interested in the tribe's desire to come to an agreement on a program for termination, he would have been there to explain at least the legal aspects involved. Mr. Keith has recently appeared before various Government officials, as well as appearing at other meetings claiming that he is the attorney for the Colville Tribes. Why did he not attend the general meeting on February 18 and 19, 1961?

Mr. George Pierre, of Seattle, Wash., a tribal member, who is seeking the post of Commissioner of Indian Affairs, through some unknown maneuvering acted as assistant chairman of the meeting. At one juncture during the last few hours of the last day of the meeting, our president, Mr. Frank W. Moore, was recognized by Mr. Pierre for the purpose of making answers to some of the questions which had been propounded to him by many members during the course of the meeting on various subjects concerning the termination. The business council members protested such recognition and appearance by Mr. Moore, but Mr. Pierre ruled that the appearance of Mr. Moore for the purpose of answering such questions as had been propounded to him was in order, however, such protests from the business council members became so vigorous and lusty that Mr. Pierre evidently thought it good politics to reverse his ruling and ordered Mr. Moore to take his seat. Mr. Pierre is endorsed by the Colville Business Council for the post of Commissioner of Indian Affairs.

At the said meeting on February 18 and 19, 1961, a vote was taken as to whether or not a "change in the form of our tribal government is desired." The result of the vote was 211 for a change and 124 against, which indicates that the tribe is for a change, and which also indicates that the members have no confidence in the present tribal business council.

The members of the tribal business council are making frequent trips to Washington, D.C., without giving the members of the tribe any information as to the purposes for making such trips, nor the amount of tribal funds used and expended in making such trips.

The tribal business council is making lump sum annual payments out of our tribal funds to the National Congress of American Indians, without the consent of the members of the tribe. We contend that each individual has the right to contribute to any organization or project he wishes, but we do object and protest the taking of money from our tribal funds for such purposes.

Up to this moment we have not had the courtesy of a reply from the Indian Bureau to our said letter dated April 12, 1960, except the said letter from Solicitor Abbott, dated July 12, 1960.

We assert that all the wrongdoing and injustices herein set forth were performed under the guidance, direction, and supervision of the Indian Bureau and Mr. Lyle Keith.

By reason of the foregoing, we respectfully ask:

1. That a reply to our said communication, dated April 12, 1960, be afforded us.
2. That the proposed attorney contract, attempting to employ Lyle Keith et al., by the Colville Business Council, be rejected because the same is executed without authority of law and contrary to the ruling of Solicitor Abbott, set forth in his letter of July 12, 1960.
3. That a general council meeting of the Colville Confederated Tribes of Indians be duly and promptly called, in accordance with the provisions of section 81, title 25, United States Code, for the purpose of selecting an attorney or attorneys to represent the Colville Tribes.
4. That free elections be held in the future.
5. That a general council be called for the purpose of giving the members of the Colville Confederated Tribes the opportunity to submit and vote for amendments to the present constitution.
6. That notwithstanding the provisions of section 5 of Public Law 772, 84th Congress (70 Stat. 626, 627), members of the Colville Confederated Tribes be afforded the opportunity to propose legislation providing for the termination of Federal supervision over the property and affairs of the tribes. (Said sec. 5 provides that only the business council shall submit such proposal.)

7. That we be furnished with a statement showing the amount of money expended by the members of the business council and Mr. Lyle Keith, out of tribal funds, for trips to Washington, D.C.; for the attendance of business council members and Mr. Lyle Keith at meetings of the Congress of American Indians; for all other trips made to points outside of the reservation and for what purposes.

Such statement should show such expenditures made during the period, at least, for the last 5 years just past.

Respectfully submitted.

FRANK W. MOORE, *President.*  
MARCEL ARCASA, *Vice President.*  
ALICE HALLENUS, *Trustee.*  
FLORENCE MOORE, *Secretary.*  
ALBERT A. GRORUD, *Attorney.*

Copies transmitted to the President, John F. Kennedy, Hon. Clinton P. Anderson, chairman, Senate Committee on Interior and Insular Affairs, and Hon. Wayne N. Aspinall, chairman, House Committee on Interior and Insular Affairs.

COLVILLE INDIAN ASSOCIATION,  
*Coulce Dam, Wash., March 21, 1961.*

HON. JOHN O. CROW,  
*Acting Commissioner, Bureau of Indian Affairs,*  
*Washington, D.C.*

DEAR MR. COMMISSIONER: Your letter dated March 3, 1961, feigning a reply to our letter dated December 16, 1960, has been received.

We deem that your letter is nothing but an evasion, which conduct of yours is running true to form with President Kennedy's statement, as follows: "\* \* \* promises are made by the Secretary of the Interior, only to be ignored or even undermined by the Commissioner of Indian Affairs."

In our letter dated December 16, 1960, we asked the Secretary of the Interior to give us his interpretation of the provisions of section 5, Public Law 772, and we set forth our reasons for making such an inquiry. You have completely avoided answering the precise question propounded; instead you preferred to recite accurately the facts concerning the submission of a proposed program for termination. Your statement in this regard is erroneous in many respects.

The facts are that the tribal business council has resorted to dilatory methods from the time of the enactment of Public Law 772, until recently, have disregarded its bounden duty to comply with the act and come forth with a proposed program for termination, instead of making a sincere effort to comply with the law. Certain members of the business council have devoted much time and energy, spent large sums of money belonging to the tribes pursuing a vigorous campaign in their efforts to repeal sections 4 and 5 and accomplishing nothing but delays.

You state that the Colville Business Council is now holding occasional "mass meetings," etc. Such is a recent-thought-up scheme and only recently the business council has exhibited some pretense of keeping the membership informed.

The following is a fact which you have failed to mention:

A general meeting of the tribes was held on February 18 and 19, 1961, pursuant to a call by certain members of the tribes who were dissatisfied with the progress which had been made toward the planning for termination under the leadership of the business council. The attendance came close to 500. This general meeting was not sponsored by the Colville Business Council, nor by the Colville Indian Association. It was one of the largest general meetings ever held on the reservation. We welcomed such a meeting, but the business council opposed it. Another such meeting is scheduled for March 19, 1961.

Although the business council objected to the holding of such a general meeting, its members were all there in attendance, both days, but Mr. Keith failed to attend. However, on or about February 17 he came to the Colville Indian Agency and met with the business council and the superintendent, and during the course of the meeting Mr. Keith exhibited much anger because the superintendent and the business council had allowed such general meeting to be called. One of the many members of the tribes who were there and then present, gave the following account of the affair: "Mr. Keith gave the business council and Mr. Elmo Miller particular hell for permitting the Indians to hold such a general meeting."

At the general meeting held on February 18 and 19, the tribal business council lost a vote of confidence by a vote of 246 to 65.

The proceedings of the said meeting were taken down in shorthand and transcribed.

We assume, at the request of Mr. Lyle Keith, the business council met in special session and adopted the following resolution (Colville Business Council Resolution 1961-39):

"Whereas certain mass meetings of members of the Colville Tribes have been called upon the reservation without advance notice to the business council of the calling of such meetings; and

"Whereas the parties or group calling such meetings have in some instances after publicizing said meetings called upon the business council for financial assistance in connection with the serving of lunches at mass meetings; and

Whereas the giving of financial assistance to such meetings without advance notice of the date and place of such meetings may prove expensive and duplicative of purposes: Now, therefore, be it

*"Resolved by the Colville Business Council meeting in special session at the Colville Indian Agency, Nespelem, Wash., acting for and on behalf of the Confederated Tribes of the Colville Reservation, on this 17th day of February 1961, That the business council will not in the future undertake to furnish financial assistance for future meetings called by parties and groups except prior to the time such meetings have been made publicly known, whether by bulletins, advertising by radio or newspaper, or otherwise."*

The above resolution is certified to in the following language:

"The foregoing was duly enacted by the Colville Business Council by a vote of 9 for and 0 against, under authority contained in article V, section 1(a) of the Constitution of the Confederated Tribes of the Colville Reservation, ratified by the Colville Indians on February 26, 1938, and approved by the Commissioner of Indian Affairs on April 19, 1938."

The business council was advised of the holding of said meeting a long time prior to February 18, so was Superintendent Elmo Miller, who sanctioned the calling of said meeting and who was present at the meeting. Also present were all the councilmen and Dr. Nelson, of the Stanford Research Institute. Mr. Lyle Keith was notably absent, although it is reported that he was present on February 17, the alleged date of the adoption of the said resolution. However, it is also reported that the said resolution was adopted on February 21, instead of February 17, as indicated in the body of the resolution. If the date of the adoption of the resolution should become important, Mr. Elmo Miller, superintendent of the Colville Indian Agency, will be able to furnish the correct date.

Will you kindly furnish us with the information as to whether or not the business council members were paid for their attendance at the general meeting on February 18 and 19, also if Mr. Lyle Keith was paid for mileage, per diem, and other expenses for making the trip to Nespelem?

We are a responsible group of American citizens, and we as Indians are just as much entitled to a square deal as anyone else in our Republic, and such trifling with our liberties and our affairs ought not to be tolerated in this our beloved country.

Perhaps we should not expect any different treatment as heretofore, at your hands, because of your inoculation of an accursed Indian Bureau system for 28 years.

Under date of March 14, 1961, we transmitted a communication, addressed to the Secretary of the Interior, complaining of certain acts perpetrated upon the Colville Tribes, under the supervision of the Indian Bureau and Mr. Lyle Keith. We trust that you, in your capacity as Acting Commissioner of Indian Affairs, and as a member of Secretary Udall's Advisory Committee on Indian Affairs, will read, consider, and take notice of same.

Speaking of the makeup of Secretary Udall's Advisory Committee on Indian Affairs, we submit that all but one member out of the six represents the old John Collier, Oliver LaFarge, and the National Congress of American Indian philosophy. The one exception, perhaps, is Mr. W. W. Keeler, whose acquaintance we have not made, but he is an official of a corporation of high standing and should have an independent viewpoint concerning the Indian problem and may not have been infused with the accursed Indian Bureau system. Will Mr. Keeler be able to stand firm against the other five? What may we expect from a report emitting from such a group?

We are furnishing the Committees on Interior and Insular Affairs, of the Senate and House, with copies of this communication, together with copies of our said letter dated December 16, 1960, Assistant Secretary of the Interior Abbott's letter dated January 13, 1961, and your letter dated March 3, 1961, with the hope that the same will serve as a deterrent to your confirmation for the post of Commissioner of Indian Affairs, if ever your name should be presented to the Senate for confirmation.

Respectfully,

COLVILLE INDIAN ASSOCIATION,  
By FRANK W. MOORE, *President*.  
MARCEL ARCASA, *Vice President*.  
FLORENCE MOORE, *Secretary*.  
ALICE HALLENIUS, *Trustee*.

STATE OF WASHINGTON,  
*County of Okanogan, ss.:*

We, Ruby S. Babcock, Frank W. Moore, Anna Bass, Edgar L. Dessautel, and Alice Hallenius, being duly sworn, each for himself deposes and says:

That each of us is an enrolled member of the Colville Confederated Tribes; that we were present at the meeting of the Colville Confederated Tribes at the public schoolhouse in Nespalem, Wash., on April 8, 1961, at which meeting approximately 300 members were present; that the meeting was conducted by Harvey Moses, chairman of the business council; that Lyle Keith was present and stated that he was acting in the capacity of both tribal attorney and as the tribe's general counsel; that he there and then represented to the membership that the matter at hand was the settlement of one simple question; that he represented said question as being whether the judgment funds should be deposited to the credit of the various bands and tribes named in the dockets as separate entities; or to the credit of the Colville Confederated Tribes; that whether or not the funds should be made available to the Colville Business Council was not made the issue at hand nor the question discussed; that he represented and belabored disposition of funds to the various bands as undesirable, impractical, and detrimental to the prosecution and settlement of other pending claims; that in his capacity as legal guide, he recommended, strongly urged, and emphasized the merits of depositing the judgment funds to the credit of the Colville Confederated Tribes; that he represented to the members present that their failure to approve his proposal there and then would very likely result in an indefinite delay in making the judgment fund moneys available to the tribal membership; that the membership at no time indicated an intent or willingness to place said funds at the hands of the business council; or by any act to increase the authority of the business council; that, on the contrary, in the presence of Lyle Keith, the membership was adamant in its determination to restrict the authority of the business council in regard to the judgment funds; that the membership there and then passed a resolution by unanimous approval that said funds be paid out as per capita payments; that it was the clear intention and purpose of the membership present that this act be entered into and made a part of the official record of the days' proceedings; that on February 18 and 19, 1961, at one of the largest meetings ever held on the Colville Indian Reservation, at the public school house in Nespalem, Wash., the Colville Business Council lost a vote of confidence by a majority of more than 3 to 1; that at the regular annual election held May 6, 1961, there appeared on the ballot an amendment proposed by the business council which, if ratified and approved, would have given the business council the legal authority, among other things, to disburse or expend judgment funds from any and all claims and that said proposed amendment was defeated by a percentage of approximately 3 to 1; that at a meeting at the tribal council house in Nespalem, Wash., on July 8, 1961, various tribal members present repeatedly made efforts to bring S. 2123 up for discussion and explanation by the business council; that the business council refused to discuss or explain said bill; that at no time since the introduction of S. 2123 on June 21, 1961, or the introduction of H.R. 8236 on July 19, 1961, has the business council discussed these bills or explained them to the tribe in a general council, a mass tribal meeting, a general meeting, or at all.

RUBY S. BABCOCK.  
FRANK W. MOORE.  
ANNA M. BASS.  
EDGAR L. DESANTEL.  
ALICE HALLENIUS.

Subscribed and sworn before me the day of August 19, 1961.

[SEAL]

CHAS. O. JOHNSON,  
Notary Public for the State of Washington,  
Residing at Okanogan, Wash.

OROVILLE, WASH., August 23, 1961.

HON. CLINTON P. ANDERSON,  
Chairman, Senate Committee on Indian Affairs,  
Washington, D.C.:

Gold claims bill No. 2123. Use money for per capita payment and not for traveling expenses and bureau funds.

EVA NEWSOM,  
ELTA IRWIN,  
BENNIE D. NELSON,  
BEULAH McDOUGAL.

TONASKET, WASH., August 23, 1961.

HON. CLINTON P. ANDERSON,  
Chairman of Senate Committee on Interior and Insular Affairs,  
Washington, D.C.:

Concerning gold claim bill No. 2123, use money for per capita payments not travel expenditure fund.

ELIZABETH ORR HOLBROOK,  
MARY E. NICHOLSON,  
CORINNE COE,  
MRS. GEORGE OGLE.

KENT, WASH., August 23, 1961.

CLINTON P. ANDERSON,  
Chairman, Senate Committee of Interior and Insular Affairs,  
Washington, D.C.:

Want gold claims bill No. 2123 distributed only to tribal members.

MABEL CARRAHER MUNGER,  
Colville, Indian.

ELLENSBURGH, WASH., August 23, 1961.

CLINTON P. ANDERSON,  
Chairman, Senate Committee on Interior Affairs,  
Washington, D.C.:

Distribute gold claims bill 2123 directly to tribal members.

GEORGE CARRAHER and RONALD CARRAHER.

KENT, WASH., August 23, 1961.

CLINTON P. ANDERSON,  
Chairman, Senate Committee on Interior and Insular Affairs,  
Washington, D.C.:

Re gold claims bill No. 2121, we protest turning this money over to tribal council. Distribute money direct to tribal members.

THEODORE PEONE,  
GILBERT CARRAHER.

SPOKANE, WASH., August 23, 1961.

HON. CLINTON P. ANDERSON,  
Chairman, Senate Committee on Interior and Insular Affairs,  
Washington, D.C.:

I am a member of the Colville Confederated Tribe. I request that bill No. 2123 be paid only to the tribal members.

MARJORIE M. NEAL.

TACOMA, WASH., August 23, 1961.

CLINTON P. ANDERSON,  
*Chairman, Senate Committee on Interior and Insular Affairs,*  
*Washington, D.C.:*

We want the gold claim bill No. 2123 distributed only to tribal members: May Hall Wong, Bernard J. Reyes, Maggie B. Blakeley, Rose Marie Bullock, Mrs. Ella Reed, Joseph Nicholson, Joseph C. Ivesn, Luanna L. Reyes, Dorothy D. Krise, Anna Brabb Cristine, H. James, Mary P. Gates, Polly Pooler Barr, Ivy and Brooks, Jeremiah Burbank, Bernice Mullen, Charles T. Jackson, Mary L. Gurcon, Marguerite R. Larogue, Gennivive Madlung. The above-mentioned parties have sent their vote in to have the money from their claim be distributed to them personally and not to be used for any other purpose.

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MARY HALL WONG.

SPOKANE, WASH., August 28, 1961.

HON. HENRY M. JACKSON,  
*U.S. Senate, Washington, D.C.:*

I withdraw my objection to S. 2123. I have been assured tribal council will abide by wishes of the people as expressed on April 8, 1961.

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W. F. HILL.

COULEE DAM, WASH., August 28, 1961.

HON. CLINTON P. ANDERSON,  
*Chairman, Interior and Insular Affairs Committee, The Senate, Washington,*  
*D.C.:*

We have advised as to what Lyle Keith, the Colville Business Council, and representative of the Department of the Interior testified concerning Senate bill 2123 before your subcommittee. We hereby inform you that in the name same is deceptive but not correct. The alleged transcript of minutes of the general meeting on April 8, 1961, submitted to your records by Lyle Keith is not a complete, true, and correct copy of the proceedings. We have filed with the committee affidavits and statements executed by responsible members of the tribe affirming explicitly what took place. These proceedings were tape recorded. Please request the Department and business council to furnish these tape recordings. Also please furnish us with printed copies of the hearings of this bill. Indians are very much disturbed over the fraudulent representation of the facts before the committees of Congress. We deem that this matter not only affects the Colville Indians but also challenges the integrity of the Congress of the United States. This legislation is not an emergency, it is an attempt to grab control of funds belonging to the tribe so that they may be used for increased power over the destiny of the Colville people. The business council has refused to inform the people of the amount of expenditures and for what purposes. There is now an amount in excess of \$1 million in the funds which the business council and Indian Bureau have the authority to expend in the like manner as provides for in said bill.

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COLVILLE INDIAN ASSOCIATION,  
 FRANK W. MOORE, *President.*

SPOKANE, WASH., August 29, 1961.

MR. CLINTON P. ANDERSON:

First of all, thank you for helping us to stop bill No. 2123. Would you please send me a full copy of No. 2123; also a full copy of H.R. 8236.

At this time I would ask your help in getting our adult members of the Colville Indian Tribe notified properly of any and all meetings that will be held on the reservation this fall. We demand to be notified 1 week ahead of the time of the meetings. I was never, never told of the meeting last February on No. 2123. Our superintendent tells us we can read it in the papers. That is no good and unfair. We that live off the reservation want time to come to these meetings and be able to know for a change what is going on. Previously only the Nucellus around Nespelem have been at meetings. I would like to know who is going to rewrite No. 2123, when, and will the meeting be called only by our business council so it will have to be stopped again?

By these copies I mean the one where it was turned down in the House. Hoping to hear from you soon. Thank you again, and you will be hearing from me again.

Sincerely,

MARJORIE M. NEAL, *Colville Indian*.

KENT, WASH., *August 31, 1961.*

HENRY M. JACKSON,  
*Senator.*

DEAR MR. JACKSON: Last evening I attended a mass meeting of the Colville Confederate Tribes of which I am a member, the purpose being to discuss the payment of gold claim No. 2123.

Some time ago a vote was taken to have this money made per capita to the tribal members "per capita."

We were led to believe by Harry Moses and Eddie Gohr that since we sent telegrams to the committee asking this, that now we won't receive anything, because the only way it could be paid was to the business council. I would like for you to tell me; is this true? And also why? I personally think that a lot of politics is being played in the so-called termination plan—the reason being of things I heard last evening. I would like a copy of all bills and especially the one where it states that we be given the authority to dispose of our timber. Several large companies have made firm offers and at this time the business council is trying to push the one through that "Biles" Coleman has proposed. We could never realize a dime from this as it is the same plan by which they have been taking our timber since 1927. We have never had a cent from their stinking operation. They are the only ones that made anything. I saw a letter written to the Bureau of Indian Affairs, making us an offer of \$150 million and it seems to me these are the types of people we should do business with so we can stand to benefit or realize something out of our timber.

We were told last night that unless we allowed these claims moneys to be paid to the business council that we could wind up with nothing because—and I quote—"Congress is seriously considering to give Secretary of the Interior Udall full power instead of by regulation"; then no one will have anything to say as he leans to developing the reservations. So therefore you best let the business council handle the money. Now what kind of politics is this?

More than 75 percent of us live somewhere else besides on that reservation and never in my 49 years have I had a single benefit from any of it. I got all my education the hard way. I am a taxpayer and a property owner in King County. I do hope as one of our best Senators and a member of this committee you do something to get our moneys released to us as we are all competent and capable to manage our own affairs. I will be looking forward to hearing from you on this.

Sincerely,

MABEL C. MUNGER.

KITTLE FALLS, WASH., *August 31, 1961.*

CLINTON P. ANDERSON,  
*House Committee on Interior and Insular Affairs,  
Washington, D.C.*

DEAR SIR: As a member of the Colville Indian Association I would like for you to protest against these bills, S. 2123 and H.R. 8236.

I thank you very much for any cooperation you will give us.

Sincerely,

ELEANOR WILLEY BEARDSLEE.

SEPTEMBER 5, 1961.

*To Members of the Senate and House Subcommittees on Indian Affairs.*

GENTLEMEN: We are of the opinion that S. 2123 (authorizing the use of claims funds) should have contained provision for funds to be paid as per capitas to the tribal members of the Colville Confederated Tribes or a provision for a tribal vote on any other use of the funds. The vote of April 8, 1961, should be set aside because the members were not sufficiently informed concerning the use of the funds.

(The above petition was subscribed to by 18 members. The names are on file with the committee.)

COULEE DAM, WASH., *September 7, 1961.*

Hon. CLINTON P. ANDERSON,  
*Chairman, Interior and Insular Affairs Committee,  
The Senate, Washington, D.C.:*

Harvey Moses, chairman of the Colville Business Council and other members of the business council are saying to Indians that if S. 2123 passes business council will pay out judgment funds in per capita payments. Business council persuading Indians who have objected to bill to withdraw objections and stating that if bill passes judgment funds will be paid out in per capita payments. Please advise if Secretary of the Interior has agreed to Harvey Moses and business council proposal.

COLVILLE INDIAN ASSOCIATION,  
FRANK W. MOORE, *President.*

OKANOGAN, WASH., *September 10, 1961.*

Senator JACKSON.  
*Chairman, Senate Subcommittee on Indian Affairs,  
Washington, D.C.*

DEAR SENATOR JACKSON: As a group leader, having worked extensively with the tribal members in recent months, I wish to make it known for the benefit of the hearings of September 13, 1961, that, in the opinion of the members of the Colville Confederated Tribes the Colville Business Council should not be authorized to expend all claims funds.

Our experience through the years has been that tribal members are never consulted on matters concerning finances.

We feel that authority such as this will only serve to deprive the people of any hope whatever that they will not be subject to the will and views of their governing body. We feel the policy in tribal matters should come from the people.

The Colville Confederated Tribes expect claims funds should be paid equally to the membership. Therefore for the protection of the tribe we ask that the bill authorizing distribution of the funds to provide specifically for per capita distribution.

If that is asking too much, then at least protect our rights with a provision for a referendum vote on expenditures.

Thank you for your consideration of our views.

Sincerely yours,

IRA H. LUM, *Group Leader.*

P.S.—We believe a large percentage of tribal members are for liquidation of tribal assets as the best solution to termination.

COULEE DAM, WASH., *September 11, 1961.*

Senator HENRY M. JACKSON,  
*Senate Office Building, Washington, D.C.:*

The Colville Indian Association is not recognized by the business council, leaders or elder members of the tribe, therefore as a duly enrolled member of the Colville Tribes, I strongly urge your support in the early passage of Senate bill 2123.

ALEX COVINGTON, *Nespelem, Wash.*

ALMIRA, WASH., *September 11, 1961.*

Senator HENRY M. JACKSON,  
*Senate Office Building, Washington, D.C.:*

Believe that Senate bill 2123 should be passed.

STANLEY ALLEN.

SPOKANE, WASH., *September 11, 1961.*

Senator HENRY M. JACKSON,  
*Washington, D.C.:*

Request earliest passage of bill 2123. Request all moneys from same be paid to tribe as per capita payment. Great need among unemployed families and aged.  
Respectfully,

NETTIE WHITELAW BRATTON.

SPOKANE, WASH., *September 12, 1961.*

Hon. FRANK CHURCH,  
*Chairman, Senate Committee on Interior and Insular Affairs, Subcommittee on Indian Affairs, New Senate Office Building, Washington, D.C.:*

I, Elizabeth J. Landreth, group leader of Wellpinet District, recognized by Colville Business Council, do hereby give the delegation Ruby Babcock, Florence Quill, and Alice Hallenius authority to represent my district in opposing S. 2123 and H.R. 8236 in their present form at the hearing on September 13.

ELIZABETH J. LANDRETH, *Reardon, Wash.*

KETTLE FALLS, WASH., *September 11, 1961.*

Hon. FRANK CHURCH,  
*Chairman, Indian Affairs Committee on Interior and Insular Affairs, New Senate Building, Washington, D.C.:*

As enrolled of Colville Confederated Tribes residing on the Colville Reservation, oppose bills S. 2123 and H.R. 8236. These bills give all the voice to the tribal business council. We members support H.R. 6801 which will give the referendum back to the tribe. We would appreciate hearing on this matter in our immediate midst.

Karl Seastrom, Esther Mason, Louie Camille, Helen Touloue, Sarah Finley, Herman Bourgeau, and many others.

KETTLE FALLS, WASH., *September 11, 1961.*

CLINTON ANDERSON,  
*Senate Committee on Interior and Insular Affairs,  
Senate Office Building, Washington, D.C.*

DEAR SIR: As a member of the Colville Indian Association, I would like for you to protest against these bills, S. 2123 and H.R. 8236.

May I thank you for your cooperation and strong support you may give us.  
Yours very truly,

F. V. LINDSEY,  
*Member, Colville Indian Association.*

INCHELUM, WASH., *September 11, 1961.*

Hon. FRANK CHURCH.

DEAR SIR: We have waited for years to hear from Washington for help. So many bills have passed that deprived us of freedom of property that we were almost in despair. We are opposed bill S. 2123 also H.R. 8236, but support H.R. 6801 and hope that in the future, we Colvilles will be informed of any bills passed so we can decide if it will help or hinder us in our way of life.

I think we are slowly being controlled by the prisoners of war the Nes Perzes also other tribes that have sold their lands and had received money for their lands the Moses Tribe and Winechese Tribe had sold or treated their lands and are here on our reservation trying to tell us what to do. When they have sold out their own reservations. We want to keep ours if we can. We each want to benefit from the income we receive from our reservation.

Yours very truly,

SARAH FINLEY.

P.S.—My son, David Finley, also agrees with this bill 6801; also our neighbor Cecilia Quintasket told me to mention her for she also agrees on this bills H.R. 6801 and opposes bill S. 2123. Opposes H.R. 8236.

SPOKANE, WASH., *September 12, 1961.*

HON. HENRY M. JACKSON,  
*Senate Office Building,  
Washington, D.C.:*

Request early passage S. 2123 and all moneys from said bill to be paid out as a per capita payment at earliest possible date. See no reason why a minority should control said money spending it as they wish when there is a dire need for it due to working conditions. Letter follows.

\_\_\_\_\_  
MRS. LOLA K. HENTHORN.

*September 12, 1961.*

HON. HENRY M. JACKSON,  
*Senate Building,  
Washington, D.C.:*

Request earliest passage of Senate bill 2123; all moneys from said bill to be paid out as per capita payment. I do not feel a minority group should be allowed to postpone this bill or any legislation. There is dire need for these moneys in this area as lots of our people are out of work. Letter follows.

\_\_\_\_\_  
GRACE P. ANDERSON,  
*Spokane Group Chairman.*

SPOKANE, WASH., *September 12, 1961.*

HON. HENRY M. JACKSON,  
*Senate Office Building,  
Washington, D.C.:*

I am in favor of S. 2123. At a meeting in Nespelem it was decided all this money would be paid out in per capita payments. I do not think a minority group like the CIA should be able to stop legislation the majority favors.

Sincerely,

\_\_\_\_\_  
MRS. ORRI B. WILFORD.

SPOKANE, WASH., *September 12, 1961.*

HON. HENRY M. JACKSON,  
*Senate Office Building,  
Washington, D.C.:*

Urge passage of S. 2123. Proceeds of claims should be made payable to members in per capita payments. Right to be expended by tribal council was rejected by a vote of members May 1961. Bill should exclude this section, page 2, lines 8, 9, 10, 11, and 12.

\_\_\_\_\_  
LOUISE L. PERKINS.

SEATTLE, WASH., *September 12, 1961.*

ALBERT A. GRORUD,  
*Washington, D.C.:*

Oppose wording of bills S. 2123 and H.R. 8236. Favor of per capital distribution only.

\_\_\_\_\_  
HARRY STANTON.  
RIS S. IVEY.  
IRENE V. STANTON.

OLYMPIA, WASH., *September 12, 1961.*

ALBERT A. GRORUD,  
*Washington, D.C.:*

Oppose wording of bills S. 2123 and H.R. 8236. Favor of per capita distribution only.

\_\_\_\_\_  
MILDRED S. ACUFF.

KELLOGG, IDAHO, *September 12, 1961.*

ALBERT A. GRORUD,  
Washington, D.C.:

Opposed wording of bills S. 2123, H.R. 8236. Favor per capita distribution only.

VIOLA K. CRUMMER.

KELLOGG, IDAHO, *September 12, 1961.*

Senator FRANK CHURCH,  
Senate Office Building, Washington, D.C.:

Bills S. 2123, H.R. 8236. Majority favors per capita. That way each gets fair share.

OLIVE S. HAUSEN.

LEWISTON, IDAHO, *September 12, 1961.*

Senator FRANK CHURCH,  
Indian Affairs Subcommittee,  
Senate Building, Washington, D.C.:

We the undersigned Nez Perce Colvilles of Idaho kindly request your support to S. 2123, authorizing early passage of the judgment funds from docket No. 175-A. Distribution would alleviate unemployment conditions and needs. Thank you. Original follows.

Nancy J. Halfmoon, Esther McAtty, Ida A. Moore, James McCormick, Geraldine McCormick, Amrie Grant, Arnold McCormick, Barbara J. Wheeler, Bill Johnson, Jr., Marguerite Faye, J. Morena, Joseph Jefferson, Moffitt Johnson.

INCHELIUM, WASH., *September 12, 1961.*

Senator CHURCH,  
Washington, D.C.

DEAR SIR: I would like to urge you to seek passage of the distribution bill S. 2123. There has been very little work on the Colville Indian Reservation for the past year, and most of the tribal members in this locality are in dire need of a per capita payment to get back on their feet.

Sincerely,

DON CARTER.

INCHELIUM, WASH., *September 21, 1961.*

HON. FRANK CHURCH,  
Chairman, Indian Committee,  
New Senate Building, Washington, D.C.

DEAR SENATOR CHURCH: I am a member of the Colville Tribe and I have lived here on the reservation the biggest part of my life and now I am 71 years young.

And through my past experience I have never known Government. By that I mean the Indian Bureau has never helped the people in any way that I know of.

If there is money coming in from any resources they get the biggest portion of it and we get a little once a year as per capita from \$15 up to \$250, and yet they say that they are taking care of us.

So therefore, if possible, we would like to have the hearing on the reservation. If the hearing were held in Washington, D.C., none of us would be able to be there; for we don't have that kind of money to get over there.

And if you hold the meeting here on the reservation then you will hear more of the facts of what goes on around here now. I thank you.

MR. LOUIE CAMILLO.

SEATTLE, WASH., *September 12, 1961.*HENRY M. JACKSON,  
*Washington, D.C.:*

We, the undersigned, do hereby support the business council of the Colville Confederated Tribes, in reference to S. 2123 and H.R. 8236. Hearing requested.

Harry W. Perkins, Anna J. Rawls Orr, Leonard G. Cramblit, Elizabeth L. Opel, Jessica La Fountaine, George M. Opel, William R. Opel, Alvina La Fountaine McLaughlin, Clarence La Fountaine, Frank La Fountaine, Chester La Fountaine, John La Fountaine, Judy Anne La Fountaine, Frank A. Opel, Henry O. Opel, Frank Bernier, Anna Carmack, Florence B. Opel.

INCHELIUM, WASH., *September 11, 1961.*

HON. FRANK CHURCH,  
*U.S. Senator, Chairman of Indian Affairs, Committee on Interior and Insular Affairs.*

DEAR SENATOR: I am a member of the Colville Indian Tribe and have full tribal rights on the Colville Indian Reservation. I have held mining property here on the reservation for over 40 years. I have several mining claims on the reservation that was located long before the reservation was closed to mining. In fact, I am the locator of a molybdenum property and had it up for sale in 1935. The Government passed the closing order on my property stopping me from selling the claims for \$60,000.

Then in 1952 they stopped a sale on a gold, silver, and tungsten for \$60,000. We have spent over \$50,000 in work and money in order to hold these mining claims. The Bureau of Land Management came on the property and have taken away all my property, but two claims. They classed my property as nonmineral. Now Senator, this is the most unfair deal that has ever been pulled on anyone. I have just had Mr. George McHugh, who is the mine manager for the Simplot Mining Co., of Boise, Idaho, on my molybdenum property. He is ready to deal the claims now. We are asking you Senator to hold hearings here on the reservation so the people can be heard. And you can get the facts as they should be.

Very respectfully yours,

HAROLD HIGHTOWER.

SPOKANE, WASH., *September 11, 1961.*

Senator HENRY M. JACKSON,  
*Senate Office Building, Washington, D.C.*

We the following Colville Indians support S. 2123.

Rosemary Cunningham, Agnes M. Boyce, Miriam Michael, Seattle discussion leader; Thomas Edwards, George Pierre, Lawney Reyes, Arthur Perry, Wendell George, George Quintasket, Paul Gua, Edward Pierre, Abraham Pierre, William Pierre, John Frank Pierre, Frank Edwards.

SEATTLE, WASH., *September 12, 1961.*

ALBERT A. GRORUD,  
*Washington, D.C.:*

Please give our CIA delegation complete liquidation support and wipe the slate clean on development.

EVA MAY HENDERSON.

BELLINGHAM, WASH., *September 11, 1961.*

ALBERT A. GRORUD,  
*Attention Senator Jackson,  
Washington, D.C.:*

Please give our Colville Indian Association your full support on full and immediate liquidation.

HELEN M. BUZZELL.

WENATCHEE, WASH., *September 11, 1961.*

ALBERT A. GRORUD,  
*Washington, D.C.:*

Please give CIA delegation full liquidation support. Please cancel development program.

DELLA SNIDER MURRAY.

COLVILLE, WASH., *September 11, 1961.*

ALBERT A. GRORUD,  
*Washington, D.C.:*

I, Walter McClung, group leader, Inchelium District, recognized by the Colville Business Council, do hereby give you and the Colville Indian Association delegates authority to represent my district in opposing S. 2123 and H.R. 8236 at the hearings on September 13, 1961.

WALTER F. MCCLUNG.

SEATTLE, WASH., *September 12, 1961.*

ALBERT A. GRORUD,  
*Washington, D.C.:*

Please support our CIA delegation. Liquidation is the only fair and reasonable termination plan.

WILLIAM E. SNIDER.

EDMONDS, WASH., *September 12, 1961.*

ALBERT A. GRORUD,  
*Washington, D.C.:*

Please give our CIA delegation full liquidation support.

Mrs. W. B. WATERMAN.

EDMONDS, WASH., *September 12, 1961.*

ALBERT A. GRORUD,  
*Washington, D.C.*

DEAR SIR: Please give our CIA delegation your complete liquidation support. Cancel development plans.

Sincerely,

ROSE H. COOPER.

OROVILLE, WASH., *September 11, 1961.*

HON. CLINTON P. ANDERSON,  
*Chairman, Interior and Insular Affairs Commission,*  
*Washington, D.C.:*

DEAR SIR: I am a member of Colville Confederated Tribes. I live in Oroville, Wash. I am employed by the U.S. Post Office here in Oroville for the last 16 years. I also manage a small apple orchard.

In reading an article in the Wenatchee Daily World newspaper about proposed hearings regarding termination of Government supervision on the Colville Indian Reservation. Your hearings would be from the present tribal council. Approximately 75 percent of the members live off the reservation. Those that do not live on the reservation are not eligible to hold a position on the council. Approximately 75 percent of the members live off the reservation. This means that the problems and wishes of 25 percent of the members are made known. The rest are never represented. It seems odd that a country with a democratic form of government that has a special bureau to look after the affairs of the Indian would allow such a situation to exist. It certainly is not a democratic one.

I sincerely hope steps can be taken to correct this unhealthy situation. Our great country spends billions to promote democracy abroad yet within our own boundaries such a situation flourishes.

Thank you,

ROBERT J. IRWIN.

COULEE DAM, WASH., *September 12, 1961.*

Senator HENRY M. JACKSON,  
*Senate Office Building, Washington, D.C.:*

We members of the Colville Confederated Tribes urge your support in passage of S. 2123.

\_\_\_\_\_ Mr. and Mrs. GILBERT DESAUTEL.

COULEE DAM, WASH., *September 12 1961.*

Senator HENRY M. JACKSON,  
*Senate Office Building, Washington, D.C.:*

I am a member of the Colville Confederated Tribes. Urge your support in passage of S. 2123.

\_\_\_\_\_ HENRY A. MICHEL.

COULEE DAM, WASH., *September 12, 1961.*

Senator HENRY M. JACKSON,  
*Senate Office Building, Washington, D.C.:*

I urge your support in passage of S. 2123.

\_\_\_\_\_ SUZANNA MORGAN.

OROVILLE, WASH., *September 12, 1961.*

ALBERT A. GRORUD,  
*Washington, D.C.:*

Oppose wording of bills S. 2123 and H.R. 8236. Favor per capita distribution only.

\_\_\_\_\_ WM. NELSON, Jr.  
ELLA IRWIN.  
EVA NEWSOM.  
FLORENCE T. SEYLER.  
ROBERT T. IRWIN.

OKANOGAN, WASH., *September 12, 1961.*

ALBERT A. GRORUD,  
*Washington, D.C.:*

Oppose wording of bills S. 2123 and H.R. 8236. Favor per capita distribution only.

\_\_\_\_\_ NELLIE V. STANON.

KELLOGG, IDAHO, *September 12, 1961.*

ALBERT A. GRORUD,  
*Washington, D.C.:*

Oppose wording of bills S. 2123 and H.R. 8236. Favor per capita distribution only.

\_\_\_\_\_ OLIVE SMITH HAUSEN.

SEATTLE, WASH., *September 13, 1961.*

FRANK CHURCH,  
*Committee on Interior and Insular Affairs, New Senate Office Building, Wash-  
ington, D.C.:*

We the undersigned do hereby support the Business Council of the Colville Confederated Tribes, in reference to S. 2123 and H.R. 8236 here requested.

\_\_\_\_\_ HARRY W. PERKINS.  
ANNA J. RAWLS ORR.  
LEONARD G. CRAMBLIT.  
ELIZABETH L. OPEL.  
JESSICA LA FOUNTAINE.  
GEORGE M. OPEL.  
WILLIAM R. OPEL.  
ALVINA LA FOUNTAINE McLAUGHLIN.

LYNNWOOD, WASH., *September 12, 1961.*

Senator FRANK CHURCH,  
*Chairman of Subcommittee on Indian Affairs, Senate Committee on Interior and  
 Insular Affairs, New Senate Office Building, Washington, D.C.:*

The Seattle division of the Colville Confederated Tribe wishes to advise their support of Senate bill S. 2123 and House Resolution 8236 now being considered by your committee and urge your committee's approval of early passage of this bill. We also wish to express our disapproval of intervention by other tribal members' attempt to block passage of this bill. The following-named tribal members wish to be signators to this telegram.

Virginia S. Jones, Cherry Maris, Charles Gua, Ruth Peterson, Sondra Atwood, Josephine Larsen, Pearl Hamilton, Josephine Daner Meyers, E. D. Thompson, Wilfred Kover, George Pierre, Mona L. Dodd, Stephanie Griffiths, Monte M. Stout, Elizabeth Mazotti, Ellen Lehto, Elizabeth Madsen, Thomas Runnels, Eileen Parsons, Frank Hazelhurst, George Craig, Jessie N. Wilson, Tom Edwards, Elsie Leighton, Rose Larson, Chairman, Group Discussion Leader.

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 SPOKANE, WASH., *September 12, 1961.*

Hon. FRANK CHURCH,  
*U.S. Senate, Washington, D.C.:*

On Senate bill 2123 my opinion is that the claim money now available and future claim money should be paid to the tribal members in per capita payment. It should not be necessary to have a vote or to have the tribal council approve each one of these for distribution.

JACK PIERCE,  
*Member, Colville Confederated Tribe.*

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 TACOMA, WASH., *September 13, 1961.*

Hon. HENRY M. JACKSON,  
*House of Representatives,  
 Washington, D.C.*

SIR: I recommend Mrs. Alice Mellenias and Mrs. Florence Quill highly to represent the Colville Indians. I have known them for 35 years. I think I have a right to voice my opinion. I'm the mother of 4; also 18 grandchildren enrolled in the Colville Tribe.

ISABELLE NOYES.

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 COULEE DAM, WASH., *September 13, 1961.*

Senator FRANK CHURCH,  
*Senate Office Building,  
 Washington, D.C.:*

Urge support of S. 2123.

LUCY CONVINGTON.

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 COULEE DAM, WASH., *September 13, 1961.*

Senator FRANK CHURCH,  
*Senate Indian Affairs Subcommittee,  
 Senate Office Building, Washington, D.C.:*

As a tribal enrolled member of the Colville Confederated Tribes, I strongly urge your personal support in seeking the early enactment of H.R. 8236.

ALEX CONVINGTON.

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