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# COLVILLE TERMINATION

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## HEARING BEFORE THE SUBCOMMITTEE ON INDIAN AFFAIRS OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS UNITED STATES SENATE

NINETIETH CONGRESS  
FIRST SESSION

ON

### S. 282

A BILL TO PROVIDE FOR THE TERMINATION OF FEDERAL SUPERVISION OVER THE PROPERTY OF THE CONFEDERATED TRIBES OF COLVILLE INDIANS LOCATED IN THE STATE OF WASHINGTON AND THE INDIVIDUAL MEMBERS THEREOF, AND FOR OTHER PURPOSES

JUNE 8, 1967



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COLVILLE TERMINATION

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# CONTENTS

	Page
S 282-----	2
Departmental reports:-----	
Agriculture-----	17
Bureau of the Budget-----	20
Health, Education, and Welfare-----	19
Interior-----	9
STATEMENTS	
Allen, Colleen, member, Colville Confederated Tribes-----	126
Bennett, Hon. Robert L., Commissioner, Bureau of Indian Affairs, Department of the Interior-----	21
Bourgeau, Dean, member, Colville Business Council-----	60
Charley, T. B., member, Colville Confederated Tribes-----	90
Charley, William M., member, Colville Confederated Tribes-----	112
Additional statement-----	117
Cleveland, Steve, member, Colville Confederated Tribes-----	127
Covington, Lucy, member, Colville Business Council-----	78
Dellwo, Robert D., attorney, Spokane, Wash-----	64
George, Frank, member, Colville Business Council-----	74
Gorr, Edward, member, Colville Confederated Tribes-----	128
Huber, Alice, member, Colville Confederated Tribes-----	122
Inks, Norma K., secretary, Colville Indian Association-----	86
Irwin, Robert, member, Colville Confederated Tribes-----	124
Lawrence, Alice, member, Colville Business Council, Inchelium District-----	63
Lumm, Ira, member, Colville Confederated Tribes-----	124
Marchand, Mrs. Thelma, member, Colville Confederated Tribes, Omak District-----	61
Misiaszek, Lorraine F., member, Colville Confederated Tribes-----	131
Moses, Harvey, member, Colville Business Council-----	73
Muench, Dr. John, Jr., National Forest Products Association-----	135
Nelson, Ronald A., president, Colville Indian Association-----	83
Nicholson, Barbara, member, Colville Confederated Tribes-----	117
Nicholson, Mary, member, Colville Business Council, Omak District-----	51
Nicholson, Narcisse, Jr., chairman, Colville Business Council-----	27
Nugent, Frederick (Pat), member, Colville Business Council, Law and Order, Fish and Wildlife Committee-----	59
Palmer, Shirley, member, Colville Business Council-----	77
Pooler, Oliver, secretary, Colville Business Council-----	29
Rickard, Barney, vice chairman, Colville Business Council-----	49
Seyler, Roy, member, Colville Business Council, election committee-----	54
Sherman, Dr. Paschal, member, Colville Confederated Tribes-----	102
Snider, George, member, Colville Business Council, Omak District-----	55
Spokane, Coeur d'Alene, and Kalispel Tribes; joint statement-----	67
Wapato, Louie, member, Colville Confederated Tribes-----	128
Wicks, Joseph, tribal attorney-----	81
ADDITIONAL INFORMATION	
Affiliated Tribes of Northwest Indians in opposition to enactment of S. 1413, 89th Congress-----	161
"Colville Indians Hope To End Century-Old Bondage," by Don Holm, staff writer, the Oregonian-----	192
"Colville Termination Bill Termed Unsatisfactory in Protecting Rights of Wards," by Chet Macrorie-----	181
Economic land classification for tree fruits in central Washington-----	99
"Letters to the Editor," from Navajo Times, May 11, 1967-----	182

Petitions:		Page
Colville Confederated Tribes:		
S. 1413—(14 signatures).....		197
S. 282—(57 signatures).....		220
Williams, Charley, and others.....		221
Resolutions:		
Affiliated Tribes of Northwest Indians:		
Resolution No. 2.....		161
Resolution No. 3.....		163
Board of County Commissioners, Okanogan, Wash., Resolution No. 3-67.....		143
Colville Business Council.....	28, 43, 48, 49	
House Resolution 67-50 of the State of Washington.....		142
Senate Resolution 1967-20 of the State of Washington.....		141
Shoshone Bannock Tribes, business council, Fort Hall, Idaho.....		160

## APPENDIX

(Statements or letters were received from)

Adams, Hank, Taholah, Wash.....		145
Alex, Millie D. and Mose P., Inchelium, Wash.....		177
Andrews, Hattie, Nespelem, Wash.....		184
Andrews, Mrs. Virginia, Nespelem, Wash.....		166
Arcasa, Marcel, Portland, Oreg. (three letters).....	191, 193,	195
Beazley, Mrs. Freda A., president, Affiliated Tribes of Northwest Indians.....		160
Blakely, Maggie E., Bremerton, Wash.....		173
Bowden, Ward, secretary, Washington State Senate.....		141
Brown, Julia, administrator, Klamath County Public Welfare Commission, Klamath Falls, Oreg.....		165
Burke, Mrs. Kathleen, Keller, Wash.....		175
Butterfield, Angelia, executive director, Northwest Affiliated Tribes, Fort Hall, Idaho.....		159
Campobasso, Mrs. Mike and others, Republic, Wash.....		195
Campobasso, Victor R., Republic, Wash.....		167
Carlson, A. John, chairman, Board of County Commissioners, Okanogan, Wash.....		143
Carmichael, Henry, Kewa, Wash.....		172
Charley, Alex, Malott, Wash.....		156
Charley, Harry, Wapato, Wash.....		185
Charley, Louise E., Malott, Wash.....		157
Charley, Rose, Malott, Wash.....		157
Cleveland, John B., Brewster, Wash.....		190
Cleveland, Ned, Nespelem, Wash.....		185
Cleveland, Stephen; John B., and Ed. Gorr, Brewster, Wash.....		174
Conroy, J. B., assistant superintendent, Klamath County School District, Klamath Falls, Oreg.....		165
Covington, Laurence J., Nespelem, Wash.....		187
Covington, Mrs. Delia G., Nespelem, Wash.....		186
Crawford, Wade, Chiloquin, Oreg.....		164
Daily, Lloyd E., Ferry County sheriff, Republic, Wash.....		167
De La Cruz, Dorothy Lemery, Portland, Oreg.....		196
Desautel, Dora Noyes, Inchelium, Wash.....		170
Desautel, Mary M., Inchelium, Wash.....		170
Dolliver, James M., administrative assistant to Gov. Daniel J. Evans, State of Washington.....		141
A proclamation by the Governor.....		141
Edwards, Simon P., Sr., Tacoma, Wash.....		175
Edwards, Thomas E., Seattle, Wash. (nine letters).....	180, 197-220	
Finley, Sarah, Inchelium, Wash.....	173, 191	
Foster, Helene P., Portland, Oreg.....		174
Frank, Edward Willie, Nespelem, Wash.....		157
Fry, Adriana, Lee, Inchelium, Wash.....		172
Fry, Modesta M., Inchelium, Wash.....		171
Hoffman, Clarence L., Inchelium, Wash.....		172
Hoffman, Helen Ferguson, Inchelium, Wash.....		171
Holford, Adeline S., Inchelium, Wash.....		171

	Page
Horner, Fred J., Okanogan County sheriff, Okanogan, Wash.....	163
Hovis, James B., Yakima tribal attorney, Yakima, Wash.....	188
Ignace, Cecile, Inchelium, Wash.....	170
Joseph, Andrew and Geraldine, Bremerton, Wash.....	188
Kamiakin, Mrs. Cleveland, Nespelem, Wash.....	183
Leaf, Mrs. Evelyn, Malott, Wash.....	175
McBeath, Malcolm, chief clerk, House of Representatives, State of Washington.....	142
McCormick, Arnold F., Lapwai, Idaho.....	194
Marchand, Mary A. and William, Kettle Falls, Wash.....	191
Marchand, Mary C., Inchelium, Wash.....	172
Marchand, Virgil I., Spokane, Wash.....	172
Martin, Jewell R., Long Beach, Calif.....	180
Mason, Virginia S. and Harold L., Inchelium, Wash.....	179
Moore, Frank, and others, Coulee Dam, Wash.....	188
Nelson, C. C., Coulee Dam, Wash.....	186
Nelson, Ronald A., Kettle Falls, Wash.....	176
Nicholas, Jennie, Inchelium, Wash.....	177
Owhi, Annie, Nespelem, Wash.....	185
Paul, Alex, Nespelem, Wash.....	156
Paul, Andrew, Nespelem, Wash.....	156
Peo, Mrs. Cecelia, Warm Springs, Oreg.....	194
Peone, Mrs. Emily F., Auburn, Wash. (two letters).....	190
Picard, William, Nespelem, Wash.....	174
Pichette, Louie, Inchelium, Wash.....	173
Seymour, Eddie, Inchelium, Wash.....	178
Seymour, Ignatius, Inchelium, Wash.....	178
Seymour, Peter J., Inchelium, Wash.....	178
Seymour, Shirley M. and Jim, Inchelium, Wash.....	178
Simpson, Julia, Inchelium, Wash.....	177
Stensgar, Agatha S., Inchelium, Wash.....	179
Stone, Ellen M. and Albert, Kettle Falls, Wash.....	177
Thompson, Edward D., Kalama, Wash.....	167
Timentwa, Chief Edward, Malott, Wash.....	143
Tomeo, Mrs. Rose M., Inchelium, Wash.....	190
Trevino, Mrs. Pearl S., Spokane, Wash.....	169
Vallee, Theresa, Anadarko, Okla.....	186
Waterman, Mrs. W. B., Fairfield, Conn.....	196
White, Emily M., Inchelium, Wash.....	170
Whitney, Amadee M., Inchelium, Wash.....	179
Williams, Charley, Nespelem, Wash.....	184
Williams, Susie C., Nespelem, Wash.....	183



## COLVILLE TERMINATION

THURSDAY, JUNE 8, 1967

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 10:20 a.m., in room 3110, New Senate Office Building, Senator Quentin N. Burdick, presiding.

Present: Senators Burdick, Jackson, McGovern, Hansen, and Hatfield.

Also present: Jerry T. Verkler, staff director, and James H. Gamble, professional staff member.

Senator BURDICK. The purpose of this hearing is to take testimony on S. 282, a bill to provide for the termination of Federal supervision over the property of the Confederated Tribes of Colville Indians located in the State of Washington and the individual members thereof, and for other purposes, introduced by Senators Jackson and Magnuson at the request of the Colville Tribal Business Council. The bill and the reports from the departments will be printed in the hearing record following my brief remarks.

So that the record will be complete, I would like to offer some background surrounding the introduction of this legislation.

Public Law 772 of the 84th Congress restored over 800,000 acres of undisposed ceded lands to the Colville Tribe. That act also provided, in section 5, that—

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.

In compliance with the 1956 act, the tribal business council submitted proposed legislation providing for a two-stage termination program. That proposal was introduced in the 88th Congress as S. 1442.

In late October 1963, the then chairman of the Subcommittee on Indian Affairs, Senator Church of Idaho, held hearings on S. 1442 at Spokane, Nespelem, and Seattle, Wash. Officials representing the tribal business council and various organizations of Colville Indians, as well as individual Indians, and county and State officials gave testimony on and suggested amendments to S. 1442. The vast majority of those appearing to testify did not support S. 1442 as introduced, but recommended instead a one-step termination process that would result in ending trusteeship at the earliest possible date.

Following the printing and distribution of the 1963 hearings a number of revised drafts of S. 1442 were prepared by the Colville Business Council and by the staff of this committee. On August 17, 1964, S. 1442 was amended by this committee and reported to the Senate. The legislation passed the Senate on August 18. Due to the lateness of the session, it was not possible for action to be taken by the House Interior Committee.

On January 12, 1965, the tribal business council by Resolution 1965-1 requested the reintroduction of S. 1442 with certain proposed amendments. Senator Jackson introduced that proposal as S. 1413, as requested by the council.

On April 5 and 6, 1965, following receipt of executive department reports on S. 1413, the Subcommittee on Indian Affairs conducted hearings on the bill. Spokesmen for the tribal business council, representing the majority who support termination legislation, and minority members who oppose the bill, as well as representatives of the Colville Indian Association, the petitioners party, and individual tribal members, gave their testimony. Officials from the Department of the Interior were also heard. The printed hearings were distributed to members of the tribe. The bill was further amended and passed by the Senate on July 22, 1965. The House did not take favorable action during the remainder of the 89th Congress.

By Resolution 1966-379, the Colville Tribal Business Council requested the reintroduction of S. 1413 as previously amended and passed by the Senate. Senators Jackson and Magnuson have sponsored S. 282, as requested by the business council.

We have a rather long list of witnesses who wish to be heard on this bill. From the mail we have received in recent days, it is obvious that there are differences of opinion on the general subject of termination for the Colvilles as well as the specifics of any program that might be adopted. All of those communications that lend themselves to printing in this record will be included in the appendix. The record will be held open for 10 days following this hearing to receive any additional material that may be submitted, and the hearing will be printed and distributed just as quickly as it is possible to do so.

The 1963 and 1965 hearings contain a great deal of material that was furnished by various tribal witnesses. I hope that we will avoid, to the extent possible, any repetition of items that have already been presented to this committee. We want everyone to have ample opportunity to be heard; therefore, I shall request that witnesses confine themselves to the subject matter of the bill before us, namely, S. 282, and I might add that the committee is always appreciative of condensed or summaries of statements as much as can be done. And, of course, in all events the complete statements will be made a part of the record.

(The bill and reports referred to follow :)

[S. 282, 90th Cong., first sess.]

A BILL To provide for the termination of Federal supervision over the property of the Confederated Tribes of Colville Indians located in the State of Washington and the individual members thereof, 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 following sections of this Act shall become effective on the date a majority of the number of the adult members of the tribes voting in a referendum approve a termination of Federal supervision

in accordance with those sections. The Secretary of the Interior shall conduct a referendum to ascertain the wishes of the enrolled adult members within ninety days after the enactment of this Act in accordance with such rules and regulations as he may prescribe.

Sec. 2. The purpose of this Act is to provide for the termination of Federal supervision over the trust and restricted property of the Confederated Tribes of the Colville Indian Reservation, Washington, and of the individual members thereof, for the disposition of federally owned property acquired or withdrawn for the administration of the affairs of said Indians, and for a termination of Federal services furnished such Indians because of their status as Indians.

Sec. 3. For the purposes of this Act :

(a) "Tribes" means the Confederated Tribes of the Colville Indians Reservation, Washington.

(b) "Secretary" means the Secretary of the Interior.

(c) "Lands" means real property, interests therein, or improvements thereon, and includes water rights.

(d) "Tribal property" means any real or personal property, including water rights, or any interest in real or personal property, that belongs to the tribes and either is held by the United States in trust for the tribes or is subject to a restriction against alienation imposed by the United States.

(e) "Adult" means a member of the tribes who is an adult according to the law of the place of his residence.

Sec. 4. At midnight of the date this section becomes effective the roll of the tribes shall be closed and no child born thereafter shall be eligible for enrollment : *Provided*, That the tribes shall have a period of six months from the date this section becomes effective in which to prepare and submit to the Secretary a proposed roll of the members of the tribes living on the date this section becomes effective, which shall be published in the Federal Register. If the tribes fail to submit such roll within the time specified in this section, the Secretary shall prepare a proposed roll for the tribes which shall be published in the Federal Register. Any person claiming membership rights in the tribes or an interest in the assets of the tribes, or a representative of the Secretary on behalf of any such person, may, within ninety days from the date of publication of the proposed roll, file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such roll. The Secretary shall review such appeals and his decisions thereon shall be final and conclusive. After disposition of all such appeals, the roll of the tribes shall be published in the Federal Register, and such roll shall be final for the purposes of this Act.

Sec. 5. Upon publication in the Federal Register of the final roll as provided in section 4 of this Act, the beneficial interest in tribal property of each person whose name appears on the roll shall constitute personal property which may be inherited or bequeathed, but shall not otherwise be subject to alienation or encumbrance before the transfer of title to such tribal property as provided in section 7 of this Act without the approval of the Secretary. Any contract made in violation of this section shall be null and void. Property which this section makes subject to inheritance or bequest and which is inherited or bequeathed after the effective date of this section and prior to the transfer of title to tribal property as provided in section 7 of this Act shall not be subject to State or Federal inheritance, estate, legacy, or succession taxes.

Sec. 6. The Secretary shall—

(a) within sixty days after this section becomes effective institute a program, to be completed within one year, to bring up the date all ownership records pertaining to trust or restricted lands on the Colville Indian Reservation; and immediately following completion of such program, jointly with the Secretary of Agriculture, determine what parts of the tribal lands are valuable chiefly for timber purposes, what parts are valuable chiefly for farming, what parts are valuable chiefly for grazing, and what parts are valuable chiefly for other purposes; and divide each such part into appropriate units for sale or management in accordance with the provisions of this Act;

(b) cause separate appraisals to be made by three qualified independent appraisers of the units designated under subsection (a) for the purpose of ascertaining the fair market value of each such unit. The fair market value of the timber assets shall be defined to be the market price that would be realized if the sale of the timber assets were made over a period of ten years. The Secretary shall determine fair market value by averaging the three appraisals;

(c) determined the fair market value of tribal mineral rights (including oil and gas) but the determination necessarily need not conform to the geographical boundaries of the surface units;

(d) determine the value to the tribes of the tribal hunting and fishing rights on each unit appraised, to the extent such value is not included in the appraisal;

(e) cause a summary of said appraisal to be delivered to all adult enrolled members of the tribes and within sixty days thereafter give to each member whose name appears on the final roll of the tribes an opportunity to elect to withdraw from the tribes and have his beneficial interest in tribal property recognized by section 5 converted into money and paid to him, or to remain in the tribes and participate in the tribal management plan to be prepared pursuant to subsection (g) of this section; in the case of members who are minors, persons declared incompetent by judicial proceedings, or deceased, the opportunity to make such election on their behalf shall be given to the person designated by the Secretary as the person best able to represent the interests of such member: *Provided*, That any member, or any heir or any devisee of any deceased member, for whom the Secretary has so designated a representative may (on his own behalf, through his natural guardian, or next friend) within one hundred and twenty days after receipt of written notice of such secretarial designation, contest the secretarial designation in any naturalization court for the area in which such member resides, by filing of a petition therein requesting designation of a named person other than the secretarial designee, and the burden shall thereupon devolve upon the Secretary to show cause why the member-designated representative should not represent the interests of such member, and the decision of such court shall be final and conclusive;

(f) select the portion of the tribal property which if sold at the appraised value would provide sufficient funds to pay the members who elect to withdraw from the tribes for their beneficial interest in the total tribal property, sell the property so selected and pay the proceeds of the sale to the withdrawing members: *Provided*, That title to any tribal forest lands that need to be sold shall be taken by the Secretary of Agriculture by publication of a notice in the Federal Register; and funds for that purpose are hereby authorized to be appropriated, and such lands shall become national forest lands subject to the laws that are applicable to lands acquired pursuant to the Act of March 1, 1911 (36 Stat. 961), as amended: *Provided further*, That if the tribes are not willing to accept the appraised value of such tribal forest lands, as determined under section 6(b) of this Act, the tribes may commence an action in the appropriate Federal court for a judicial determination of just compensation and such determination shall be made without regard to the appraisal standard contained in section 6(b): *Provided further*, That any person whose name appears on the final roll of the tribes, or a guardian or any person designated by the Secretary on behalf of any person who is a minor or an incompetent, shall have the right to purchase, for his or its own account but not as an agent for others, any other property in lots as offered for sale for not less than the highest offer received by competitive bid; any individual Indian purchaser who has elected to withdraw from the tribes may apply toward the purchase price up to 100 per centum of the amount estimated by the Secretary to be due him from the sale of his interest in tribal property: *Provided*, That title to lands purchased by using individual interest as collateral shall be withheld by the Secretary until distribution of the proceeds of the tribal estate as provided in this section; and if more than one right is exercised to purchase the same property pursuant to this proviso the property shall be sold to one of such persons on the basis of competitive bids;

(g) cause a plan to be prepared in form and content satisfactory to the members who elect to remain in the tribes and to the Secretary for the management of tribal property through a trustee, corporation, or other legal entity. If no plan that is satisfactory both to the members who elect to remain in the tribes and to the Secretary has been prepared six months before the time limit provided in subsection (b) of section 7 of this Act the Secretary shall adopt a plan for managing the tribal property, subject to the provisions of section 14 of this Act: *Provided*, That property which is held by the United States for the benefit of the tribes shall continue to have the status of tribal property until title is conveyed or transferred pursuant to

section 6(f) or 7(a) of this Act and the net proceeds are actually distributed to the individual members.

SEC. 7. (a) The Secretary is authorized and directed to execute any conveying instrument that is necessary or appropriate to convey title to tribal property to be sold in accordance with the provisions of section 6 of this Act, and to transfer title to all other tribal property to a trustee, corporation, or other legal entity in accordance with the plan prepared pursuant to subsection (g) of section 6 of this Act: *Provided*, That at any time prior to a transfer of such other tribal property to a trustee, corporation, or other legal entity, the Secretary may, upon request of a majority of the members who elected to remain in the tribes, sell such other tribal property and distribute the proceeds of sale among the members if he determines that such action is the more feasible and practical course to follow. Any tribal forest lands sold under this authority shall be purchased by the Secretary of Agriculture in accordance with the provisions of subsection 6(f).

(b) It is the intention of the Congress that all of the actions required by actions 6 and 7 of this Act shall be completed at the earliest practicable time and in no event later than four years from the date this section becomes effective.

(c) Members of the tribes who elect to withdraw from the tribes and receive the money value of their interests in tribal property shall, upon the publication of the proclamation authorized by section 17(a), cease to be members of the tribes: *Provided*, That nothing shall prevent them from sharing in the proceeds of tribal claims against the United States.

SEC. 8. No funds distributed pursuant to section 6 of this Act to members who withdraw from the tribes shall be paid to any person as compensation for services pertaining to the enactment of this Act or amendments thereto and any person making or receiving such payments shall be guilty of a misdemeanor and shall be imprisoned for not more than six months and fined an amount equal to the payment received by him plus not more than \$500.

SEC. 9. (a) The Secretary is authorized and directed to transfer within four years from the date this section becomes effective to each member of the tribes unrestricted control of funds or other personal property held in trust for such member by the United States.

(b) All restrictions on the sale or encumbrance of trust or restricted interests in land, wherever located, owned by members of the tribes (including allottees, purchasers, heirs, and devisees, either adult or minor), and on trust or restricted interests in lands within the Colville Indian Reservation, regardless of ownership, are hereby removed four years after the date this section becomes effective, and the patents or deeds under which titles are then held shall pass the titles in fee simple, subject to any valid encumbrances. The titles to all interests in trust or restricted land acquired by members of the tribes by devise or inheritance four years or more after the date this section becomes effective shall vest in such members in fee simple, subject to any valid encumbrance.

(c) Prior to the time provided in subsection (b) of this section for the removal of restrictions on land owned by one or by more than one person, the Secretary may—

(1) upon request of any of the owners, partition the land and issue to each owner a patent or deed for his individual share that shall become unrestricted four years from the date this section becomes effective;

(2) upon request of any of the owners, and a finding by the Secretary that partition of all or any part of the land is not practicable, cause all or any part of the land to be sold and distribute the proceeds of sale to the owners: *Provided*, That any one or more of the owners may elect before a sale to purchase the other interests in the land, and the purchaser shall receive an unrestricted patent or deed to the land; and

(3) if the whereabouts of none of the owners can be ascertained, cause such lands to be sold and deposit the proceeds of sale in the Treasury of the United States for safekeeping.

(d) The Secretary is hereby authorized to approve—

(1) the exchange of trust or restricted land between the tribes and any of the enrolled members;

(2) the sale by the tribe of tribal property to individual members of the tribes; and

(3) the exchange of tribal property for real property in fee status. Title to all real property included in any sale or exchange as provided in this subsection shall be conveyed in fee simple.

SEC. 10. The Secretary is authorized, in his discretion, to transfer to the tribes or any member or group of members thereof any federally owned property acquired, withdrawn, or used for the administration of the affairs of the tribes which he deems necessary for Indian use, or to transfer to a public or nonprofit body any such property which he deems necessary for public use and from which members of the tribes will derive benefit.

SEC. 11. No property distributed under the provisions of this Act shall at the time of distribution be subject to Federal or State income tax. Following any distribution of property made under the provisions of this Act, such property and any income derived therefrom by the individual, corporation, or other legal entity shall be subject to the same taxes, State and Federal, as in the case of non-Indians: *Provided*, That, for the purpose of capital gains or losses the base value of the property shall be the value of the property when distributed to the individual, corporation, or other legal entity.

SEC. 12. (a) That part of section 5 of the Act of August 13, 1914 (35 Stat. 687; 43 U.S.C. 499), which relates to the transfer of the care, operation, and maintenance of reclamation works to water users associations or irrigation districts, and section 1 of the Act of July 29, 1954 (68 Stat. 580; 43 U.S.C. 499a), which relates to the transfer of movable property to irrigation districts or water users associations, shall be applicable to the irrigation works on the Colville Reservation.

(b) Effective on the first day of the calendar year beginning after the date of the proclamation provided for in section 17 of this Act, the deferment of the assessment and collection of construction costs provided for in the first proviso of the Act of July 1, 1932 (7 Stat. 564; 25 U.S.C. 386a), shall terminate with respect to any lands within irrigation projects on the Colville Reservation. The Secretary shall cause the first lien against such lands created by the Act of March 7, 1928 (45 Stat. 200, 210), to be filed of record in the appropriate county office.

(c) The Secretary is authorized to adjust, eliminate, or cancel all or any part of reimbursable irrigation operation and maintenance costs and reimbursable irrigation construction costs chargeable against Indian-owned lands and non-Indian-owned lands that are subject to the provisions of this Act, and all or any part of assessments heretofore or hereafter imposed on account of such costs, when he determines that the collection thereof would be inequitable or would result in undue hardship on the owner of the land, or that the administrative costs of collection would probably equal or exceed the amount collected.

(d) Nothing contained in any other section of this Act shall affect in any way the laws applicable to irrigation projects on the Colville Indian Reservation.

(e) There is hereby authorized to be appropriated, out of any funds in the United States Treasury not otherwise appropriated, the sum of \$11,596.25 for payment to the Colville Tribes with interest at 4 per centum annually as reimbursement for tribal funds used for irrigation construction and operation and maintenance benefiting nontribal lands on the Colville Indian Reservation, such interest being computed from the dates of the disbursement of such tribal funds from the United States Treasury to the end of the fiscal year in which the appropriation is made.

SEC. 13. Nothing in this Act shall abrogate any water rights of the tribes and their members, and the laws of the State of Washington with respect to the abandonment of water rights by nonuse shall not apply to the tribes and their members until fifteen years after the date of the proclamation issued pursuant to section 17 of this Act.

SEC. 14. Prior to the transfer of title to, or the removal of restrictions from, property in accordance with the provisions of this Act, the Secretary shall protect the rights of members of the tribes who are minors, non compos mentis, or in the opinion of the Secretary, in need of assistance in conducting their affairs, by causing the appointment of guardians for such members in courts of competent jurisdiction, or by such other means as he may deem adequate without application from the member, including but not limited to the creation of a trust of such member's property with a trustee selected by the Secretary, or the purchase by the Secretary of an annuity for such member: *Provided*, That no member shall be declared to be in need of assistance in conducting his affairs unless the Secretary determines that such member does not have sufficient ability, knowledge, experience, and judgment to enable him to manage his business affairs, including the administration, use, investment, and disposition of any property turned over to such member and the income and proceeds therefrom,

with such reasonable degree of prudence and wisdom as will be apt to prevent him from losing such property or the benefits thereof: *Provided further*, That every trust created for any minor member of the tribe under this section shall contain a provision requiring the trustee to continue the trust after the minor reaches the age of majority under the laws of the State of his residence until the trustee can make a finding in accordance with the terms of the trust with respect to the need of such person for assistance in conducting his affairs; *Provided, however*, That, any member determined by the Secretary or the trustee to be in need of assistance in conducting his affairs may, within one hundred and twenty days after receipt of written notice of such determination, contest the determination in any naturalization court for the area in which said member resides by filing therein a petition having that purpose; the burden shall thereupon devolve upon the Secretary or the trustee to show cause why such member should not conduct his own affairs, and the decision of such court shall be final and conclusive with respect to the affected member's conduct of his affairs.

SEC. 15. Pending the completion of the property dispositions provided for in this Act, the funds now on deposit, or hereafter deposited, in the United States Treasury to the credit of the tribes shall be available for advance to the tribes, or for expenditure, for such purposes as may be designated by the governing body of the tribes and approved by the Secretary.

SEC. 16. The Secretary shall have authority to execute such patents, deeds, assignments, releases, certificates, contracts, and other instruments as may be necessary or appropriate to carry out the provisions of this Act, or to establish a marketable and recordable title to any property disposed of pursuant to this Act.

SEC. 17. (a) Upon removal of Federal restrictions on the property of the tribes and individual members thereof, the Secretary shall publish in the Federal Register a proclamation declaring that the Federal trust relationship to the affairs of the tribes and their members has terminated. Thereafter individual members of the tribes shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians and, except as otherwise provided in this Act, all statutes of the United States which affect Indians because of their status as Indians shall no longer be applicable to the tribes and their members, and the laws of the several States shall apply to the tribes and their members in the same manner as they apply to other citizens or persons within their jurisdiction: *Provided*, That the Secretary is authorized to continue beyond the date of said proclamation to exercise functions and authorities essential to the completion of the termination of Federal responsibilities under this Act, including but not limited to the probate of trust or restricted estates of deceased Indians, and the administration to their completion of contracts for the education program authorized by section 26 hereof, it being the intent of this proviso to authorize the Secretary to complete as speedily as possible all of the actions required under existing law and under the provisions of this statute in order to complete the Federal obligations authorized to be accomplished by this Act.

(b) Nothing in this Act shall affect the status of the members of the tribes as citizens of the United States.

SEC. 18. Effective on the date of the proclamation provided for in section 17 of this Act, all powers of the Secretary or other officer of the United States to take, review, or approve any action under the constitution and bylaws of the tribes are hereby terminated. Any powers conferred upon the tribes by such constitution which are inconsistent with the provisions of this Act are hereby terminated. Such termination shall not affect the power of the tribes to take any action under their constitution and bylaws that is consistent with this Act without the participation of the Secretary or other officer of the United States.

SEC. 19. The Secretary is hereby authorized and directed to transfer title to cemeteries within the Colville Reservation to any organization authorized by the tribes and approved by him. In the event such an organization is not formed by the tribes within eighteen months following the date this section becomes effective, the Secretary is directed to perfect the organization of a nonprofit entity empowered to accept title and maintain said cemeteries.

SEC. 20. The Secretary is authorized to set off against any indebtedness payable to the tribes or to the United States by any individual member of the tribes or payable to the United States by the tribes any funds payable to such individual or tribes under this Act and to deposit the amounts set off to the credit of the tribes or the United States, as the case may be.

SEC. 21. Nothing contained in this Act shall deprive the tribes or their constituents parts of any right, privilege or benefit granted by the Act of August 13, 1946 (60 Stat. 1049). The governing body of the tribes as recognized by the Secretary is authorized to reserve from distribution, with the approval of the Secretary, adequate tribal funds to defray the cost of prosecuting tribal claims against the United States and the Secretary is authorized to continue supervision of such funds. Any balance remaining after such litigation has been concluded shall be distributed among all members whose names appear on the final roll, or their successors in interest.

SEC. 22. Nothing in this Act shall abrogate any valid lease, permit, license, right-of-way, lien, or other contract heretofore approved. Whenever any such instrument places in or reserves to the Secretary any powers, duties, or other functions with respect to the property subject thereto, the Secretary may transfer such functions, in whole or in part, to any Federal agency with the consent of such agency and may transfer such functions, in whole or in part, to a State agency with the consent of such agency and the other party or parties to such instrument.

SEC. 23. The Secretary is authorized to issue rules or regulations necessary to effectuate the purposes of this Act, and may in his discretion provide for tribal referendums on matters pertaining to management or disposition of tribal assets.

SEC. 24. All Acts or parts of Acts inconsistent with this Act are hereby repealed insofar as they affect the tribes or their members.

SEC. 25. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 26. Prior to the issuance of a proclamation in accordance with the provisions of section 17 of this Act, the Secretary is authorized to undertake, within limits of available appropriations, a special program of education and training designed to help the members of the tribes to earn a livelihood, to conduct their own affairs, and to assume their responsibilities as citizens without special services because of their status as Indians. Such program may include language training, orientation in non-Indian community customs and living standards, vocational training and related subjects, transportation to the place of training or instruction, and subsistence during the course of training or instruction. For the purposes of such program the Secretary is authorized to enter into contracts or agreements with any Federal, State, or local governmental agency, corporation, association, or person. Nothing in this section shall preclude any Federal agency from undertaking any other program for the education and training of Indians with funds appropriated to it.

SEC. 27. Effective on the date a majority of the number of the adult members of the tribes voting in a referendum approve a termination of Federal supervision, the Surgeon General of the Public Health Service is authorized and directed (a) to conduct such studies as are necessary to determine present and anticipated health needs of members of the tribes and the resources that are available to meet them; (b) to work with appropriate State and local agencies and with the tribes for the purpose of arranging for participation by the tribes and their members in comprehensive health care programs, including, but not limited to, private voluntary health benefits plans, group insurance policies or contracts, or similar group arrangements provided by carriers; (c) to develop plans and make arrangements for the orderly assumption of financial responsibility by the tribes and their members, the State and the localities involved, in accordance with their respective abilities, with respect to environmental and preventive health services now authorized under the Act of August 5, 1954 (68 Stat. 674); and (d) to assure to the extent practicable, that adequate sanitation facilities (as described in section 7 of such Act) are provided on the reservation prior to the date on which a proclamation in accordance with the provisions of section 17 of this Act is issued.

SEC. 28. Nothing in this Act shall affect the authority to make timber sales otherwise authorized by law prior to the termination of Federal control over such timber. If title to any of the lands comprising the Colville Indian forest is purchased by the United States, the administration of any outstanding timber sales contracts thereon entered into by the Secretary of the Interior as trustee for the tribes shall be administered by the Secretary of Agriculture.

SEC. 29. All sales of tribal lands pursuant to this Act on which roads are located shall be made subject to the right of the United States and its assigns to maintain and use such roads.

SEC. 30. Any person whose name appears on the final roll of the tribes who has, since July 24, 1961, continuously resided on any forest lands purchased by the United States by this Act shall be entitled to occupy and use as a homesite for his lifetime a reasonable acreage of such lands as determined by the Secretary of Agriculture, subject to such regulations as the Secretary of Agriculture may issue to safeguard the administration of the national forest.

SEC. 31. The costs required by this Act may be paid from tribal funds which are hereby made available for such purpose subject to full reimbursement by the United States and the appropriation of funds for that purpose is hereby authorized.

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U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C., June 6, 1967.

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs,*  
*United States Senate,*  
*Washington, D.C.*

DEAR SENATOR JACKSON: Your committee has requested a report on S. 282, a bill "To provide for the termination of Federal supervision over the property of the Confederated Tribes of Colville Indians located in the State of Washington and the individual members thereof, and for other purposes."

We have no objection to enactment of the bill if it is amended to conform to the substitute bill which is enclosed.

The principal differences between S. 282 and our substitute bill are:

1. S. 282 provides that its provisions will become effective only if approved by a majority of the members who vote in a referendum for that purpose. The substitute bill requires a majority vote of all adult members of the tribe, rather than a majority of those voting. In a matter of this importance, we feel that the program should not proceed without the affirmative approval of the majority of the members.

2. S. 282 provides for a complete termination of Federal supervision over the property of the Colville Tribes and their members. Part of the tribal assets will be sold and the proceeds paid to the members who wish to withdraw from the tribes. The balance of the tribal assets will be conveyed to a tribal corporation or private trustee for management on behalf of members who wish to maintain a tribal organization under State law.

The substitute bill provides for the sale of part of the tribal assets in order to pay the withdrawing members, but instead of requiring the members who wish to maintain a tribal organization to organize under State law, the substitute bill provides for continuation of Federal supervision over the diminished reservation of the remaining members. The members who are ready for a termination of Federal supervision may go their own way, and the members who are not ready may remain under Federal protection.

3. S. 282 assumes that each member of the tribes (or a representative authorized to act for him) will, in fact, exercise his election to withdraw from the tribes or to remain as a tribal member. No provision is made for a member who does not exercise his election. The substitute bill provides that such member will be presumed to elect to remain in the tribes.

4. S. 282 requires the program to be completed within 4 years. The substitute bill allows 7 years but requires a progress report to be made to Congress at the end of 3½ years. In view of the magnitude of the job and the problems anticipated, we believe that a longer period is needed.

5. After the Federal trust is removed from the allotments of withdrawing members, S. 282 grants no preferential purchase right to the co-owners of the undivided interests in an allotment, or to the tribes, if the "terminated" Indian subsequently decides to sell his property interests in the allotment. The substitute bill gives to the co-owners a right of first refusal, and if the co-owners do not purchase the next right of refusal is given to the tribes. More than 600 Colville Indians own inherited interests in more than 2,000 allotments on other reservations. In the event of a sale, the Indians should have an opportunity to purchase.

6. The substitute bill contains a new provision requiring the agreement between the Colville Tribes and Okanagan and Ferry Counties to be modified to reflect the diminished reservation size. That agreement requires annual payments by the tribes to help finance the performance of county functions.

7. The substitute bill authorizes the appropriation of funds necessary to carry out the provisions of the Act, and omits the provision of S. 222 which permits the use of tribal funds for this purpose, subject to Federal reimbursement. The financial status of the tribe does not permit the diversion of tribal funds for this purpose. The use of tribal funds would curtail essential tribal activities and per capita distributions, which would create overwhelming political repercussions and criticism.

In addition to the foregoing major changes, the substitute bill contains a number of perfecting provisions, many of them based on experience gained from previous termination programs. In our judgment they do not raise any significant policy issues.

One further comment should be made, however, in order to prevent any misunderstanding. Section 6 of S. 282 requires the fair market value of the tribal assets to be determined by appraisal, and the appraisal will include the fair market value of tribal hunting and fishing rights on the units appraised. In addition, the section requires the Secretary to determine the "value to the tribe" of hunting and fishing rights that are not included in the appraisal. This latter requirement has been omitted in the substitute bill because it serves no purpose and will cause confusion. To the extent hunting and fishing rights have a market value, the value will be reflected in the appraisal. Any attempt to determine an additional subjective value to the tribe would tend to mislead the Indians to believe they will be paid for such subjective value, which is not the case. The Indians will receive only the proceeds from the sale of the tribal land, and the purpose of the appraisal is to let them know the amount of money to expect.

Whether tribal forest units that need to be sold to pay withdrawing members should be taken by the Secretary of Agriculture for national forest purposes is a subject on which the Secretary of Agriculture will advise you.

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,

HARRY R. ANDERSON,  
*Assistant Secretary of the Interior.*

[Enclosure]

A BILL To provide for the partition of the assets of the Confederated Tribes of Colville Indians located in the State of Washington between the withdrawing and remaining members, for the termination of Federal supervision over the property of the withdrawing members thereof, 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 following sections of this Act shall become effective on the date a majority of the enrolled adult members of the tribes in a referendum vote to approve partition of the Colville Reservation and a termination of Federal supervision in accordance with those sections. The Secretary of the Interior shall conduct a referendum to ascertain the wishes of the currently enrolled adult members within ninety days after the enactment of this Act in accordance with such rules and regulations as he may prescribe.

SEC. 2. (a) The purpose of this Act is to provide for the partition of the assets of the Confederated Tribes of the Colville Indian Reservation, Washington, between the withdrawing and remaining members thereof; for the distribution of the trust and restricted property of the withdrawing members of such tribes and the termination of Federal supervision over such property; for the disposition of federally owned property acquired or withdrawn for the administration of the affairs of said Indians; for a termination of Federal services furnished to be withdrawing members of such tribes because of their status as Indians; and to provide for continued Federal trusteeship and services for the remaining group.

(b) The withdrawing members of the tribes, including those residing on and off the reservation, shall have the right to organize for their common welfare, and may adopt an appropriate constitution and bylaws which shall become effective when ratified by a majority vote of the adult withdrawing members of the tribes at a special election authorized and called by the Secretary under such rules and regulations as he may prescribe. Such constitution may provide for the selection of authorized representatives who shall have power to take any action that is required by this Act to be taken by the withdrawing members as a group. Said organization shall terminate on the effective date of the proclamation issued pursuant to section 17 of this Act. Thereafter, any organization of the withdrawing members shall be established under State law.

Nothing herein contained shall be construed as requiring said withdrawing Indians to so organize if such organization is by them deemed unnecessary. In the event no such approved organization is effected, any action taken by majority vote of the adult withdrawing members, whether in public meeting or by referendum, after such notice as may be prescribed by the Secretary, shall be binding upon said withdrawing members of the tribes for the purposes of this Act.

SEC. 3. For the purposes of this Act:

(a) "Tribes" means the Confederated Tribes of the Colville Indian Reservation, Washington.

(b) "Secretary" means the Secretary of the Interior.

(c) "Lands" means real property, interests therein, or improvements thereon, and includes water rights.

(d) "Tribal property" means any real or personal property, including water rights, or any interest in real or personal property, that belongs to the tribes and either is held by the United States in trust for the tribes or is subject to a restriction against alienation imposed by the United States.

(e) "Adult" means, for the purpose of section 1, a member of the tribes who is twenty-one years of age or over, and for all other purposes of the Act, a person who is an adult according to the law of the place of his residence.

(f) "Remaining member" means a member of the tribes who elects or for whom election is made to remain as a member of the Confederated Tribes of the Colville Indians under continued trusteeship of the Federal Government.

(g) "Withdrawing member" means a member of the tribes who elects or for whom election is made to terminate his trust relationship with the Federal Government under the provisions of this Act.

SEC. 4. At midnight of the date this section becomes effective the roll of the tribes shall, for the purposes of this Act, be closed and no child born thereafter shall be eligible for enrollment: *Provided*, That new membership in the remaining group shall thereafter be controlled and determined by the constitution and bylaws of the tribes and ordinances enacted thereunder: *Provided further*, That the tribes shall have a period of six months from the date this section becomes effective in which to prepare and submit to the Secretary a proposed roll of the members of the tribes living on the date this section becomes effective, which shall be published in the *Federal Register*. If the tribes fail to submit such roll within the time specified in this section, the Secretary shall prepare a proposed roll for the tribes which shall be published in the *Federal Register*. Any person claiming membership rights in the tribes or an interest in the assets of the tribes, or a representative of the Secretary on behalf of any such person, may, within ninety days from the date of publication of the proposed roll, file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such roll. The Secretary shall review such appeals and his decisions thereon shall be final and conclusive. After disposition of all such appeals, the roll of the tribes shall be published in the *Federal Register*, and such roll shall be final for the purposes of this Act.

SEC. 5. Upon publication in the *Federal Register* of the final roll as provided in section 4 of this Act, the beneficial interest in tribal property of each withdrawing member whose name appears on the roll shall constitute personal property which may be inherited or bequeathed, but shall not otherwise be subject to alienation or encumbrance before the transfer of title to such tribal property as provided in section 7 of this Act without the approval of the Secretary. Any contract made in violation of this section shall be null and void. Property which this section makes subject to inheritance or bequest and which is inherited or bequeathed after the effective date of this section and prior to the transfer of title to tribal property as provided in section 7 of this Act shall not be subject to State or Federal inheritance, estate, legacy, or succession taxes.

SEC. 6. The Secretary shall—

(a) within sixty days after this section becomes effective institute a program, to be completed within one year, to bring up to date all ownership records pertaining to trust or restricted lands on the Colville Indian Reservation or elsewhere owned by Colville Indians; and immediately following completion of such program, jointly with the Secretary of Agriculture, determine what parts of the tribal lands are valuable chiefly for timber purposes, what parts are valuable chiefly for farming, what parts are valuable chiefly for grazing, and what parts are valuable chiefly for other purposes; and divide each such part into appropriate units for sale or retention for the remaining members in accordance with the provisions of this Act;

(b) cause separate appraisals to be made by three qualified independent appraisers of the units designated under subsection (a) of this section for the purpose of ascertaining the fair market value of each such unit. The fair market value of the timber assets shall be defined to be the market price that would be realized if the sale of the timber assets were made over a period of ten years with the allowance for growth that will occur during the sales period. The Secretary shall determine fair market value by averaging the three appraisals. The appraisals shall include the fair market value of tribal mineral rights (including oil and gas), and hunting and fishing rights;

(c) cause a summary of said appraisal to be delivered to each adult enrolled member of the tribes and within sixty days thereafter give to each member whose name appears on the final roll of the tribes an opportunity to elect to withdraw from the tribes and have his beneficial interest in tribal property recognized by section 5 of this Act converted into money and paid to him, or to remain in the tribes as a member of the Confederated Tribes of Colville Indians under continued trusteeship of the Federal Government. In the case of members who are minors, persons declared incompetent by judicial proceedings, or deceased, the opportunity to make such election on their behalf shall be given to the person designated by the Secretary as the person best able to represent the interests of such member: *Provided*, That any member, or any heir or any devisee of any deceased member, for whom the Secretary has so designated a representative may (on his own behalf, through his natural guardian, or next friend), within one hundred and twenty days after receipt of written notice of such secretarial designation, contest the secretarial designation in the United States District Court for the district in which such member resides, by filing of a petition therein requesting designation of a named person other than the secretarial designee, and the burden shall thereupon devolve upon the Secretary to show cause why the number-designated representative should not represent the interests of such member, and the decision of such court shall be final and conclusive. Any enrolled member who does not elect (or who does not have an election made for him) to withdraw from or remain with the tribes will be considered a member who has elected to remain; and

(d) select the portion of the tribal property which if sold at the appraised value would provide sufficient funds to pay the members who elect to withdraw from the tribes for their beneficial interest in the total tribal property, sell the property so selected and pay the proceeds of the sale to the withdrawing members. For the purposes of this subsection the ratio of the withdrawing to the remaining members shall be adjusted to the nearest one-half percent. The selection of tribal property to be sold shall be made in a manner that will be equitable and fair to both groups. Natural boundaries that will yield the most beneficial use of land and assets shall be followed. Title to any units of tribal lands that are chiefly valuable for timber purposes and that need to be sold shall be taken by the Secretary of Agriculture by publication of a notice in the *Federal Register*. Funds for that purpose are hereby authorized to be appropriated, and such lands shall become national forest lands subject to the laws that are applicable to lands acquired pursuant to the Act of March 1, 1911 (36 Stat. 961), as amended. If the tribes are not willing to accept the appraised value of such lands, as determined under section 6(b) of this Act, the tribes may, within one year from the date of publication of the notice, commence an action in the United States District Court for the Eastern Division of Washington or in the Court of Claims for a judicial determination of just compensation and such determination shall be made without regard to the appraisal standard contained in section 6(b). If such action is brought in the United States District Court, the jurisdiction of such court as to the amount of the judgment it might award shall not be limited. Any person whose name appears on the final roll of the tribes, or a guardian or any person designated by the Secretary on behalf of any person who is a minor or an incompetent, shall have the right to purchase, for his or its own account but not as an agent for others, any other property in lots as offered for sale for not less than the highest offer received by competitive bid. Any individual Indian purchaser who has elected to withdraw from the tribes may apply toward the purchase price up to eighty-five per centum of the amount estimated by the Secretary to be due him from the sale of his interest in tribal property: *Provided*, That title to lands purchased by using

individual interest as collateral shall be withheld by the Secretary until distribution of the proceeds of the tribal estate as provided in this section; and if more than one right is exercised to purchase the same property pursuant to this proviso the property shall be sold to one of such persons on the basis of competitive bids.

SEC. 7. (a) The Secretary is authorized and directed to execute any conveying instrument that is necessary or appropriate to convey title to tribal property to be sold in accordance with the provisions of section 6 of this Act.

(b) It is the intention of the Congress that all of the actions required by sections 6 and 7 of this Act shall be completed at the earliest practicable time and in no event later than seven years from the date this section becomes effective. At the end of three and one-half years from the date this section becomes effective, the Secretary shall report on the status of the termination action required by the provisions of this Act to the chairman of the Senate Interior and Insular Affairs Committee and the chairman of the House Interior and Insular Affairs Committee.

(c) Members of the tribes who elect to withdraw from the tribes and receive the money value of their interests in tribal property shall, upon the publication of the proclamation authorized by section 17(a) of this Act, cease to be members of the tribes: *Provided*, That nothing shall prevent them from sharing in the proceeds of tribal claims against the United States.

SEC. 8. No funds distributed pursuant to section 6 of this Act to members who withdraw from the tribes shall be paid to any person as compensation for services pertaining to the enactment of this Act or amendments thereto, and any person making or receiving such payments shall be guilty of a misdemeanor and shall be imprisoned for not more than six months and fined an amount equal to the payment received by him plus not more than \$500.

SEC. 9. (a) The Secretary is authorized and directed to transfer at the earliest possible time or within seven years from the date this section becomes effective to each withdrawing member of the tribes unrestricted control of funds or other personal property held in trust for such member by the United States.

(b) All restrictions on the sale or encumbrance of trust or restricted interests in land, wherever located, owned by withdrawing members of the tribes (including allottees, purchasers, heirs, and devisees, either adult or minor), and on trust or restricted interests in lands within the Colville Indian Reservation as diminished pursuant to this Act, regardless of ownership, are hereby removed seven years after the date this section becomes effective, and the patents or deeds under which titles are then held shall pass the titles in fee simple, subject to any valid encumbrances. The titles to all interests in trust or restricted land acquired by withdrawing members of the tribes by devise or inheritance thereafter shall vest in such members in fee simple, subject to any valid encumbrance.

(c) Whenever a Colville withdrawing member decides to dispose of his interests in any real property located on the present Colville Reservation or any other reservation, the co-owners, if any, shall have the right of first refusal. If more than one right is exercised to purchase said interest, the property shall be sold to one of the co-owners on the basis of competitive bids. If the co-owners reject the offer or if the Colville withdrawing member is the sole owner, the tribe of the reservation on which the property is located shall have the next right of refusal. When an interest in such real property is purchased by a tribe or by an Indian co-owner who has not terminated his trust relationship with the Federal Government, title shall be taken in a trust or restricted status. The provisions of this subsection shall be a covenant running with the land during the time the withdrawing Colville Indian retains an ownership interest in the land and shall be incorporated in any patent or deed issued to him.

(d) Prior to the time provided in subsection (b) of this section for the removal of restrictions on land owned by one or by more than one person, the Secretary may—

(1) upon request of any of the owners, partition the land and issue to each withdrawing owner a patent or deed for his individual share that shall become unrestricted at the time provided for in subsection (b);

(2) upon request of any of the owners, and a finding by the Secretary that partition of all or any part of the land is not practicable, cause all or any part of the land to be sold and distribute the proceeds of sale to the owners: *Provided*, That any one or more of the owners may elect before a sale to purchase the other interests in the land, a withdrawing purchaser shall receive an unrestricted patent or deed to the land, and the remaining members shall receive a restricted deed to the land; and

(3) if the whereabouts of none of the owners can be ascertained, cause such lands to be sold and deposit the proceeds of sale in the Treasury of the United States for safekeeping.

(e) The Secretary is hereby authorized to approve—

(1) the exchange of trust or restricted land between the tribes and any of the enrolled members and between the remaining and withdrawing members;

(2) the sale by the tribes of tribal property to individual members of the tribes; and

(3) the exchange of tribal property for real property in fee status. Title to all real property included in any sale or exchange as provided in this subsection shall be conveyed in fee simple to withdrawing members.

SEC. 10. The Secretary is authorized, in his discretion, to transfer to the tribes or any any member or group of members thereof any federally owned property acquired, withdrawn, or used for the administration of the affairs of the tribes which he deems necessary for Indian use, or to transfer to a public or nonprofit body any such property which he deems necessary for public use and from which members of the tribes will derive benefit.

SEC. 11. No property distributed to withdrawing members under the provisions of this Act shall at the time of distribution be subject to Federal or State income tax. Following any distribution of property made under the provisions of this Act, such property and any income derived therefrom shall be subject to the same taxes, State and Federal, as in the case of non-Indians: *Provided*, That, for the purpose of capital gains or losses, the base value of the property shall be the value of the property when distributed to the withdrawing individual.

SEC. 12. (a) The part of section 5 of the Act of August 13, 1914 (35 Stat. 687; 43 U.S.C. 499), which relates to the transfer of the care, operation, and maintenance of reclamation works to water users associations or irrigation districts, and section 1 of the Act of July 29, 1954 (68 Stat. 580; 43 U.S.C. 499(a)), which relates to the transfer of movable property to irrigation districts or water users associations, shall be applicable to the irrigation works on the Colville Reservation.

(b) Effective on the first day of the calendar year beginning after the date of the proclamation provided for in section 17 of this Act, the deferment of the assessment and collection of construction costs provided for in the first proviso of the Act of July 1, 1932 (47 Stat. 564; 25 U.S.C. 386(a)), shall terminate with respect to any lands of withdrawing members within irrigation projects on the Colville Reservation. The Secretary shall cause the first lien against such lands created by the Act of March 7, 1928 (45 Stat. 200, 210), to be filed of record in the appropriate county office.

(c) The Secretary is authorized to adjust, eliminate, or cancel all or any part of reimbursable irrigation operation and maintenance costs and reimbursable irrigation construction costs chargeable against Indian-owned lands and non-Indian-owned lands that are subject to the provisions of this Act, and all or any part of assessments heretofore or hereafter imposed on account of such costs, when he determines that the collection thereof would be inequitable or would result in undue hardship on the owner of the land, or that the administrative costs of collection would probably equal or exceed the amount collected.

(d) Nothing contained in any other section of this Act shall affect in any way the laws applicable to irrigation projects on the Colville Indian Reservation.

(e) There is hereby authorized to be appropriated out of any funds in the United States Treasury not otherwise appropriated, for payment to the Colville Tribes, the sum of \$11,596.25 with interest at four per centum annually as reimbursement for tribal funds used for irrigation construction and operation and maintenance benefiting nontribal lands on "the Colville Indian Reservation, such interest being computed from the dates of the disbursement of such tribal funds from the United States Treasury to the end the fiscal year in which the appropriation is made.

SEC. 13. Nothing in this Act shall abrogate any water rights of the tribes and their members, and the laws of the State of Washington with respect to the abandonment of water rights by nonuse shall not apply to the withdrawing members until fifteen years after the date of the proclamation issued pursuant to section 17 of this act.

SEC. 14. Prior to the transfer of title to, or the removal of restrictions from, property in accordance with the provisions of this Act, the Secretary shall protect the rights of members of the tribes who are minors, non compos mentis, or, in

the opinion of the Secretary, in need of assistance in conducting their affairs, by causing the appointment of guardians for such members in courts of competent jurisdiction, or by such other means as he may deem adequate without application from the member, including, but not limited to, the creation of a trust of such member's property with a trustee selected by the Secretary, or the purchase by the Secretary of an annuity for such member: *Provided*, That no member shall be declared to be in need of assistance in conducting his affairs unless the Secretary determines that such member does not have sufficient ability, knowledge, experience, and judgment to enable him to manage his business affairs, including the administration, use, investment, and disposition of any property turned over to such member and the income and proceeds therefrom, with such reasonable degree of prudence and wisdom as will be apt to prevent him from losing such property or the benefits thereof: *Provided further*, That every trust created for any minor member of the tribe under this section shall contain a provision requiring the trustee to continue the trust after the minor reaches the age of majority under the laws of the State of his residence until the trustee can make a finding in accordance with the terms of the trust with respect to the need of such person for assistance in conducting his affairs: *Provided, however*, That any member determined by the Secretary or the trustee to be in need of assistance in conducting his affairs may, within one hundred and twenty days after receipt of written notice of such determination, contest the determination in the United States District Court for the district in which said member resides by filing therein a petition having that purpose; the burden shall thereupon devolve upon the Secretary or the trustee to show cause why such member should not conduct his own affairs, and the decision of such court shall be final and conclusive with respect to the affected member's conduct of his affairs.

SEC. 15. Pending the completion of the property dispositions provided for in this Act, the funds now on deposit, or hereafter deposited, in the United States Treasury to the credit of the tribes shall be available for advance to the tribes, or for expenditure, for such purposes as may be designated by the governing body of the tribes and approved by the Secretary.

SEC. 16. The Secretary shall have authority to execute such patents, deeds, assignments, releases, certificates, contracts, and other instruments as may be necessary or appropriate to carry out the provisions of this Act, or to establish a marketable and recordable title to any property disposed of pursuant to this Act.

SEC. 17. (a) Upon removal of Federal restrictions on the property of the withdrawing members, the Secretary shall publish in the *Federal Register* a proclamation declaring that the Federal trust relationship to the affairs of the withdrawing members has terminated. Thereafter, individual withdrawing members of the tribes shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians and, except as otherwise provided in this Act, all statutes of the United States which affect Indians because of their status as Indians shall no longer be applicable to the withdrawing members of the tribes, and the laws of the several States shall apply to them in the same manner as they apply to other citizens or persons within their jurisdiction: *Provided*, That the Secretary may continue beyond the date of said proclamation to exercise functions and authorities essential to the completion of the termination of Federal responsibilities under this Act, including, but not limited to, the probate of trust or restricted estates of deceased Indians, and the administration to their completion of contracts for the education program authorized by section 26 of this Act, it being the intent of this proviso to authorize the Secretary to complete as speedily as possible all of the actions required under existing law and under the provisions of this statute in order to complete the Federal obligations authorized to be accomplished by this Act.

(b) Nothing in this Act shall affect the status of the members of the tribes as citizens of the United States.

SEC. 18. Effective on the date of the proclamation provided for in section 17 of this Act, the Confederated Tribes of Colville Indians shall thereafter consist exclusively of the remaining members, and the constitution and bylaws of the tribes shall continue in force, subject to amendments and modifications as heretofore. Withdrawing members shall have no interest therein except as provided in this Act.

SEC. 19. All cemeteries, family and tribal, shall be surveyed, monumented, and platted. The remaining group shall have the right to select and retain tribal cemeteries located on tribal land. The Secretary shall transfer title to tribal

cemeteries within the Colville Reservation not retained by the remaining group to any organization authorized by the tribes and approved by him. In the event such an organization is not formed by the tribes within eighteen months following the date this section becomes effective, the Secretary shall perfect the organization of a nonprofit entity empowered to accept title and maintain said cemeteries. The remaining group shall establish rules and regulations, subject to the approval of the Secretary, governing interment of withdrawing members in the cemeteries retained by the remaining group.

SEC. 20. The Secretary is authorized to set off against any indebtedness payable to the tribes or to the United States by any withdrawing member of the tribes any funds payable to such individual under this Act.

SEC. 21. Nothing contained in this Act shall deprive the tribes or their constituent parts of any right, privilege, or benefit granted by the Act of August 13, 1946 (60 Stat. 1049). The governing body of the tribes as recognized by the Secretary is authorized to reserve from distribution, with the approval of the Secretary, adequate tribal funds to defray the cost of prosecuting tribal claims against the United States and the Secretary is authorized to continue supervision of such funds. Any balance remaining after such litigation has been concluded shall be distributed among all members whose names appear on the final roll, or their successors in interest.

SEC. 22. Nothing in this Act shall abrogate any valid lease, permit, license, right-of-way, lien, or other contract heretofore or hereafter approved. Whenever any such instrument places in or reserves to the Secretary any powers, duties, or other functions with respect to the property subject thereto, the Secretary may transfer such functions, in whole or in part, to any Federal agency with the consent of such agency and may transfer such functions, in whole or in part, to a State agency with the consent of such agency and the other party or parties to such instrument.

SEC. 23. The Secretary is authorized to issue rules or regulations necessary to effectuate the purposes of this Act, and may, in his discretion, provide for tribal referendums on matters pertaining to tribal assets.

SEC. 24. All Acts or parts of Acts inconsistent with this Act are hereby repealed insofar as they affect the tribes or their members.

SEC. 25. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 26. Prior to the issuance of a proclamation in accordance with the provisions of section 17 of this Act, the Secretary is authorized to undertake, within the limits of available appropriations, a special program of education and training designed to help the members of the tribes to earn a livelihood, to conduct their own affairs, and to assume their responsibilities as citizens without special services because of their status as Indians. Such program may include language training, orientation in non-Indian community customs and living standards, vocational training and related subjects, higher education, transportation to the place of training or instruction, and subsistence during the course of training or instruction. For the purposes of such program the Secretary is authorized to enter into contracts or agreements with any Federal, State, or local governmental agency, corporation, association, or person. Nothing in this section shall preclude any Federal agency from undertaking any other program for the education and training of Indians with funds appropriated to it.

SEC. 27. Effective on the date a majority of the enrolled adult members of the tribes in a referendum vote to approve partition of the Colville Reservation and a termination of Federal supervision, the Surgeon General of the Public Health Service is authorized and directed (a) to conduct such studies as are necessary to determine present and anticipated health needs of withdrawing members of the tribes and the resources that are available to meet them; (b) to work with appropriate State and local agencies and with the tribes for the purpose of arranging for participation by the withdrawing members in comprehensive health care programs, including, but not limited to, private voluntary health benefits plans, group insurance policies or contracts, or similar group arrangements provided by carriers; (c) to develop plans and make arrangements for the orderly assumption of financial responsibility by the withdrawing members, the State and the localities involved, in accordance with their respective abilities, with respect to environmental and preventive health services now authorized under the Act of August 5, 1954 (68 Stat. 674); and (d) to assure to the extent practicable that adequate sanitation facilities (as described in section 7 of such

Act) are provided on the reservation prior to the date on which a proclamation in accordance with the provisions of section 17 of this Act is issued.

SEC. 28. Nothing in this Act shall affect the authority to make timber sales, issue grazing permits, lease lands, and other routine management activities otherwise authorized by law prior to the termination of Federal control over such timber and other natural resources. If title to any of the lands comprising the Colville Indian forest is purchased by the United States, the administration of any outstanding timber sales contracts thereon entered into by the Secretary of the Interior as trustee for the tribes shall be administered by the Secretary of Agriculture.

SEC. 29. All sales of tribal lands pursuant to this Act on which roads are located shall be made subject to the right of the United States and its assigns to maintain and use such roads.

SEC. 30. Any person whose name appears on the final roll of the tribes who establishes to the satisfaction of the Secretary of Agriculture that he has, since July 24, 1961, continuously resided on any forest lands purchased by the United States by this Act shall be entitled to occupy and use as a homesite for his lifetime a reasonable acreage of such lands as determined by the Secretary of Agriculture, subject to such regulations as the Secretary of Agriculture may issue to safeguard the administration of the national forest.

SEC. 31. The agreement entered into between the Confederated Tribes of the Colville Reservation and Okanagan and Ferry Counties on April 24, 1954, and ratified by the Act of July 24, 1956 (70 Stat. 626), shall be adjusted in accordance with the diminished reservation.

SEC. 32. There are hereby authorized to be appropriated such amounts of funds as may be necessary to carry out the provisions of this Act, to remain available until expended.

DEPARTMENT OF AGRICULTURE,  
Washington, D.C., June 7, 1967.

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate.*

DEAR MR. CHAIRMAN: This is in response to your request of January 23, 1967, for a report on S. 282, a bill "To provide for the termination of Federal supervision over the property of the Confederated Tribes of Colville Indians located in the State of Washington and the individual members thereof, and for other purposes."

The Department of the Interior has primary responsibility for the management and disposition of Indian tribal assets and for Federal services furnished the members of the Confederated Tribes of the Colville Indian Reservation. The Department of Agriculture, therefore, makes no recommendation as to whether termination of Federal supervision of the trust and restricted property and of Federal services to the members of the Confederated Tribes of Colville Indians is now timely or desirable. If enactment of legislation for this purpose which would involve sale of tribal forest lands is determined to be desirable, we believe the provisions of the bill for incorporating the forest and related lands to be disposed of into the National Forest System would be desirable.

S. 282 would become effective only upon approval of its provisions by a majority of the members of the tribes affected. It would provide the authorities and procedures whereby members of the tribes would elect to either withdraw from the tribes and have their beneficial interest in tribal property converted into money and paid to them, or the members could elect to remain in the tribes and participate in benefits of management for that portion of the tribal property retained for that purpose. The Secretary of the Interior would jointly with the Secretary of Agriculture classify the tribal lands as chiefly valuable for timber, farming, grazing, or other purposes, and would divide the parts into units suitable for disposal or management. The Secretary of the Interior would cause appraisals to be made to determine the fair market value of each of these units and would determine the value of mineral rights and tribal hunting and fishing rights. That part of the property required to pay withdrawing members their proportionate share of tribal assets would be sold for that purpose.

Subsections 6(a), 6(f) and 7(a), and Sections 28, 29, and 30 are of direct interest to the Department of Agriculture.

Under subsection 6(a), the Secretary of Agriculture would join with the Secretary of the Interior in classifying the tribal lands for division into units ap-

propriate for sale or management. Under subsection 6(f), the Secretary of Agriculture would take title to the tribal forest lands which need to be sold to meet the requirements of the withdrawing Indians. The subsection would authorize the appropriation of funds for that purpose. Lands so taken by the Secretary of Agriculture would become National Forest lands subject to laws applicable to lands acquired by the United States pursuant to the Act of March 1, 1911 (36 Stat. 961), as amended.

Subsection 7(a) authorizes the sale of tribal property other than that necessary to meet the requirements of the withdrawing members. Such property could be sold prior to transfer for management purposes if the majority of the remaining members so requested and the Secretary of the Interior determined that such action would be the more feasible and practical course to follow. Any tribal forest lands sold under this authority would be purchased by the Secretary of Agriculture in accordance with the provisions of subsection 6(f).

Section 28 provides that outstanding timber sales contracts affecting all lands purchased by the United States would then be administered by this Department. Section 29 would require that all sales of the tribal lands be subject to the right of the United States and its assigns to use and maintain any roads located on such lands. Section 30 would provide that any member of the tribe who has continuously resided since July 24, 1961, on forest lands purchased by the United States under the Act shall be entitled to occupy and use as a homesite for his lifetime a reasonable acreage of such lands as determined by the Secretary of Agriculture and subject to such regulations as the Secretary may issue to safeguard the administration of the National Forest.

The many other provisions that prescribe the detailed methods to carry out the purposes of the bill are not of direct concern to this Department.

The Colville Indian Reservation in Washington adjoins the southern boundaries of the Colville and Okanogan National Forests. It is predominantly a timbered area and the timberlands are quite similar to those in the National Forests except that, generally speaking, the timberlands of the Reservation lie at a lower elevation. A recent fact sheet prepared by the Bureau of Indian Affairs indicates that the Colville Indian Reservation includes about 933,000 acres of tribal lands of which some 759,000 acres are commercial forest lands. The Reservation also includes some 50,000 acres of commercial forest lands in individual allotments. The remaining tribal and allotted lands are comprised of grassland, farmland, barren areas, noncommercial timber types, and other wildlands. Major forest types are ponderosa pine and Douglas-fir. Western larch and lodgepole pine also occupy appreciable areas. The tribal forested lands are predominantly stocked with sawtimber-size trees containing some five billion board feet of commercial sawtimber. Currently, over 100 million board feet are sold each year under supervision of the Bureau of Indian Affairs for manufacture by local mills.

Much of the soil within the Reservation is of glacial origin and hence is highly erodible. The Reservation lands drain into the impoundment created by Grand Coulee Dam, the Okanogan River, or other Columbia River storage pools. It is important that the forest and range lands of the Reservation be adequately managed to prevent undue soil disturbance and to minimize soil erosion and that soil stability be maintained during timber harvest operations.

The forested portions of the Colville Indian Reservation are well suited to multiple use and sustained-yield forest management. While site quality is not high, the lands have, according to the Bureau of Indian Affairs, a capacity in the aggregate for producing up to 120 million board feet of merchantable timber annually for use by local industries. The forest lands require constant and permanent forest management under sound technical practices to perpetuate this valuable economic resource and to fully utilize the other resources inherent in them, such as recreation, wildlife, and watershed functions. Continuation of sustained-yield management and orderly utilization of the timber on the tribal lands is important to assure a stable and reliable supply of timber to dependent wood-using industries. Forced or untimely or indiscriminate liquidation, or marketing in ways that would encourage installation of excess mill capacity on a temporary basis, would be detrimental to the long-term economic stability of the wood-using industries in the area.

The forest lands now are managed by the Bureau of Indian Affairs under sustained yield forestry practices which include an active program of timber sales. Continuation of such management will provide for forest and soil conservation needs and for orderly sustained harvest of timber crops. Therefore, from this standpoint, no change is needed in the present arrangements for the management of the forest lands in the Reservation. However, if conversion of

forest land tribal assets to money should be decided upon, incorporation of such lands into the National Forest System, with equitable compensation to the Indian owners, would assure permanent multiple use-sustained yield management of the timber resource and continued availability of it, under public sale procedures, to sawmills and other wood-using plants in the area. National Forest management also would provide public access to and use of the wildlife, range, and recreational resources and conservation of the soil and watersheds.

Predominantly forested areas of the Colville Indian Reservation very likely will contain areas of grass, brush, noncommercial timber, or barren lands intermingled with the timber types. There may also be instances where areas of nonforest types will constitute fringes around predominantly timbered units. These generally are integral parts of the larger land management units. Inclusion of such non-timbered types within the units found chiefly timbered in character would be logical, and we would interpret the provisions of the bill as permitting such action.

The Bureau of the Budget has advised that, while there would be no objection to the presentation of this report, the views of the Bureau with respect to S. 282 are being transmitted separately to the Committee.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,

June 7, 1967.

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs,  
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This letter is in response to your request of January 23, 1967, for a report on S. 282, a bill "To provide for the termination of Federal supervision over the property of the Confederated Tribes of Colville Indians located in the State of Washington and the individual members thereof, and for other purposes."

This bill relates primarily to matters of direct concern to the Department of the Interior as it deals with the termination of Federal supervision provided by that Department to the Confederated Tribes of Colville Indians. Section 27 of the bill, however, relates specifically to the activities of the Department of Health, Education, and Welfare as it authorizes the Surgeon General of the Public Health Service, in the event the Tribe votes to terminate Federal supervision, to conduct such studies as may be necessary to determine the health needs of the members of the Confederated Tribes of Colville Indians and resources available to meet them; to work with appropriate State and local agencies to arrange for participation by the Confederated Tribes and their members in comprehensive health care programs, including, but not limited to, private voluntary health benefits plans, group insurance policies or contracts, or similar group arrangements provided by carriers; to develop plans for the orderly assumption of financial responsibilities by the Tribes and their members for their environmental and preventive health services; and to assure adequate sanitation facilities are provided on the reservation prior to the date a proclamation is issued terminating Federal supervision over members of Confederated Tribes of Colville Indians. The Surgeon General's responsibilities under this section would commence on the date the tribes approve a termination of Federal supervision, and, in accordance with our understanding of the intent of section 27, would be carried out over the period of time preceding issuance of a proclamation by the Secretary of the Interior terminating the Federal trust relationship to the Colville Indians.

Since, with the exception of section 27, the bill is devoted to matters of immediate interest to the Department of the Interior, we will defer to their views on that portion of the legislation. With respect to section 27, we believe this section provides for an orderly transition in the provision of health and sanitation facilities services to the Colville Indians in the event Federal supervision over the Colville Indians is terminated. It should be noted, however, that Reorganization Plan No. 3 of 1966 transferred all statutory functions from the Surgeon General to the Secretary of Health, Education, and Welfare. We would therefore recommend that section 27 be amended by striking out "Surgeon General of the Public Health Service" and inserting in lieu thereof, "Secretary of Health, Education, and Welfare."

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

WILBUR J. COHEN,  
*Under Secretary.*

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington, D.C., June 8, 1967.

HON. HENRY M. JACKSON,  
*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. 282, a bill "To provide for the termination of Federal supervision over the property of the Confederated Tribes of Colville Indians located in the State of Washington and the individual members thereof, and for other purposes." The general purpose of the bill is adequately stated in the title.

While the specific provisions of the bill are discussed in the reports of the interested agencies, we would like to express our concern with respect to certain of its major provisions. These comments are similar to those we made earlier in our report of April 3, 1965, on S. 1413 of the 89th Congress.

First, we have no clear evidence that all of the Colville Indians are adequately prepared for termination of Federal supervision at this time as proposed by the bill. So far as we know, the views of tribal members on this question have not been formally sought, although we understand a number of the enrolled members do favor termination. In these circumstances we believe the Committee will want to assure itself that the referendum required by section 1 will in fact represent a decision by the majority of the adult members of the tribe rather than a majority of those voting in the referendum. The Department of the Interior is recommending an amendment to accomplish this.

Second, we share the concern of Interior that S. 282 goes too far in providing for termination of Federal supervision for all members of the tribe. The Department's substitute bill provides for sale of part of the tribal assets to pay members who wish to withdraw, and retention under Federal supervision of the balance of the assets for the benefit of those members who wish to remain. A similar approach would be possible under the several provisions of S. 1816, an administration-supported bill providing for the economic development and management of Indian resources. That bill would make it possible for the tribe to manage its own affairs and arrange to pay off those members who wish to liquidate their interest in the assets and terminate their relationships with the tribe and special relationships with the United States. Financing for this effort could come from borrowing or by sale of part of the lands.

Third, subsection 6(f) requires the Secretary of Agriculture to purchase for inclusion in the national forest any tribal forest lands offered for sale. In addition to the fact that this provision bypasses the appropriation process, it raises a number of substantive questions:

(1) Are additional national forest lands in this section of the Nation needed? The Federal Government already has over six million acres of commercial forest in Washington and 15 million acres in Oregon. Also, the State of Washington owns two million acres of commercial forests. Unless there is clear need for additions to the national forest land area in the State of Washington, we believe there is a presumption against acquiring still more Federal forest property in that area.

(2) Does the Federal Government have an obligation arising from its trust responsibilities to assure a market for these lands? We do not think so, and we recommend a continued trust arrangement if private sale with adequate protection for the resource is not a feasible or desirable alternative. In the event of private sale, arrangements should permit disposal over a period of years to maximize the returns which would be realized by the Indians.

(3) Are the Federal expenditures required for purchase of the lands the wisest use of Federal funds in all the circumstances? We note that the Stanford Research Institute some years ago estimated the value of the lands at amounts ranging from \$38 to \$100 million based on various assumptions. We believe that there are a

number of Indian and Forest Service programs that would have higher priority for an expenditure of this size.

Accordingly, we conclude that the mandatory requirement in subsection 6(f) requiring the Secretary of Agriculture to purchase tribal forest lands is not desirable and should be deleted. It should be re-emphasized, however, that this judgment regarding this provision does not mean we are opposed to arranging for the withdrawal of those members who wish to do so, and we have pointed out above alternative ways of accomplishing this objective.

Finally, we are concerned that the provisions for appraisal in section 6 may well result in appraisals which exceeds the fair market value of the property. We believe that the appraisal formula in subsection 6(b) is a departure from the normal definition of "fair market value," and that this departure is not justified.

In summary, we favor legislation which would facilitate the withdrawal of members of the Colville Tribes who are adequately prepared and who wish to withdraw, and we would have no objection to enactment of S. 282 if amended along the lines recommended above.

Sincerely yours,

WILFRED H. ROMMEL,  
*Assistant Director for Legislative Reference.*

Senator BURDICK. We shall begin by hearing from the Commissioner of Indian Affairs, Mr. Robert L. Bennett, who will testify on behalf of the Department of the Interior in connection with this bill.

Commissioner Bennett.

**STATEMENT OF HON. ROBERT L. BENNETT, COMMISSIONER,  
BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR**

Mr. BENNETT. Thank you.

Mr. Chairman, my name is Robert L. Bennett, Commissioner of Indian Affairs and the departmental witness on S. 282.

With the permission of the chairman, before reading my prepared statement I would like to make a few brief remarks.

In the course of hearings on my nomination as Commissioner I was instructed that, since the majority of the Colville Tribes wanted termination, I was to undertake to do what I could to see this termination brought about. The Colville situation also was mentioned specifically in this committee's report on my nomination to the Congress. In it this committee stated as follows:

It seems to the Committee that where a tribe takes the initiative in breaking ties with the government, the Bureau should render every possible assistance. We expect this policy to be pursued under Mr. Bennett's administration.

Accordingly, when S. 282 was introduced in this session of the 90th Congress and a hearing duly scheduled, I asked the chairman for a postponement of that hearing so that I might have the opportunity to discuss various alternatives with the members of Colville Business Council and the tribes. The chairman of this committee, Senator Jackson, was gracious to grant this request, and I want to express my appreciation to him not only for granting this request but for his openmindedness and his willingness to consider any alternatives which might be submitted to this committee. I was heartened, also, by the attitude of Congressman Thomas Foley of the Fifth Congressional District of the State of Washington. Both the chairman and Mr. Foley expressed their deep interest and concern that every effort be made to bring about a solution to the Colville situation, but that care be taken in arriving at a solution to protect those who for any reason might be at a disadvantage.

The chairman of the Colville Business Council was equally generous in his attitude by writing me to the effect that he would have no objection to a position being taken by those so motivated to elect, for reasons of their own, to retain for themselves a portion of the tribal assets and tribal ownership.

I want to express my appreciation at this time to Chairman Narcisse Nicholson, Jr., members of the Colville Business Council, and to all of the tribal leaders who were so gracious to me and members of my staff when we visited and met with them. Notwithstanding the deep feelings of the tribal members over the issues involved, all conducted themselves in a most respectful manner.

This bill authorizes the removal of Federal supervision over the property and affairs of the Confederated Tribes of the Colville Reservation, the individual members thereof, and for other purposes.

We have no objection to the enactment of S. 282, if it is amended to give the members one opportunity to decide for themselves in a referendum conducted by the Secretary whether to terminate their trust relationship with the Federal Government and be paid for their interests in tribal assets or to continue as a member of the tribes on a reduced reservation under Federal trusteeship.

Our recommendation is based on the fact that there are many different points of view among the members of the Confederated Tribes of the Colville Reservation regarding termination. Some members are completely against termination, some advocate total termination, while some are in between these two extremes. The thinking of some of the groups between the two extremes is that some kind of arrangements be formulated which would permit the tribes to pay off those who want to sever their tribal and trust relationship or that termination be accomplished on a gradual basis to extend, for example, over a 20-year period. During this 20-year period certain Federal supervisory controls would be gradually removed and the tribes and members would in turn gradually assume greater responsibilities. Because of these different views and the fact that some members are not ready to assume total responsibility for the management of their affairs and property, we believe that the fair and equitable approach to the Colville situation is to give the members an opportunity by positive action to decide for themselves whether to sever their trust relationship with the Federal Government or remain under trusteeship on a reduced reservation.

Prior to making the recommendation that the members be given the opportunity to elect for themselves whether or not to be freed of Federal supervision, we held two meetings with the tribes on the reservation. On March 16 we met with the tribal governing body. On March 17 a general meeting was held with over 500 tribal members attending. The alternative which we have recommended was explained and discussed, with considerable emphasis and time devoted to getting the views of the members. The general feeling is that undoubtedly some form of termination is going to take place for the Colville people and that the alternative is probably the most equitable approach to the Colville situation. The major change in S. 282 is to provide for this opportunity. However, we have recommended other changes which we feel are essential in a terminal bill.

In a matter of this importance, we feel that a substantial number of the tribal members should vote as required in section 1 of the bill.

We have recommended that the bill provide that a majority of the enrolled adult members of the tribes in a single referendum must vote to approve the partition of the Colville Reservation and termination of Federal supervision as set forth in the subsequent sections.

The partition of tribal assets between those who elect to withdraw and those who elect to remain under Federal trusteeship is set forth in section 6(c). We have also recommended a provision within section 2(b) authorizing the withdrawing members, if they so desire, to organize for their common welfare. It is conceivable that some unforeseen phases of termination may arise requiring the action of both groups. The organization, as recommended, will allow the withdrawing group to act without necessitating the expensive and slow process of polling every adult withdrawing member.

For the purpose of evaluating the timber assets of the reservation the bill defines fair market value to be the market price that would be realized if the sale of the timber assets were made over a period of 10 years. This definition is a departure from the normally recognized definition of "fair market value." We do not object. In fact we believe it is a step in the direction of assuring to the Colville Indians a realization of the values which they impart to their tribal holdings over and above those normally associated with this terminology in the world of commerce. If the bill is enacted, we will interpret the language to mean that the value of the timber would be the total of the prices that would be realized if the sales were made on the open market over a 10-year period of time with no restrictions, either implied or otherwise, on cutting. This would not include the discounting of future returns to their values at the date of the appraisal. It is assumed, too, that the property would be tax free during the 10-year period and that it would be divided into marketable units that would bring maximum returns. The value would also include the value of forest growth that is estimated would occur during the theoretical 10-year period in which the sales were being made.

To avoid a controversy concerning the status of those who do not elect, or for whom an election is made, we have recommended the inclusion of a provision, section 6(c), which provides that in such cases the individuals concerned will be considered as voting to remain.

The decimal points to which the percentages had to be carried out in the Ute Act of August 27, 1954 (68 Stat. 868) and those in the Klamath Act of August 13, 1954 (68 Stat. 718) made the computations in the division of the various tribal assets cumbersome. We have recommended the inclusion of a provision whereby the ratio of the withdrawing to the remaining members shall be adjusted to the nearest 0.5 percent (sec. 6(d)).

We feel that the 4-year period specified in the bill is not sufficient time to complete all the work requirements, and a 7-year period is provided in section 7(b) and a provision that, 3½ years from the effective date of the act, a report of the progress shall be furnished the chairman of the Senate Interior and Insular Affairs Committee and the chairman of the House Interior and Insular Affairs Committee.

Another change we have recommended concerns the fractionated interests of the Colville people on the Colville Reservation and on other reservations. There are over 600 members of the Colville Tribes who have interests in over 2,000 allotments located on other reservations.

This situation is of real concern to the tribes of the other reservations. It means that when a Colville member elects to withdraw, his interests will move out of trust status, which will add to the complicated status of these heirship interests by intermingling fee interests. We have accordingly recommended a provision, section 9(c), giving the other co-owners the first right of refusal for the acquisition of such interests, and secondly the tribe of the reservation in which such interests are located. This matter has been discussed with a number of Indian leaders of other reservations and they agree that this provision removes their objections to the Colville terminal bill.

There are strong traditional and sentimental ties to Indian burial grounds. To assure that these areas are not encroached upon in the future we have recommended that all Colville Indian cemeteries be surveyed, monumented, and platted, section 19, and, further, that the remaining group shall have the right to select the cemeteries they wish to retain. It is quite likely that some of the members who elect to withdraw will want access to such cemeteries. Our recommendation, therefore, includes that the use of such cemeteries by the withdrawing members shall be governed by rules and regulations established by the remaining group and approved by the Secretary of the Interior. Title to all other cemeteries shall be transferred to an organization or entity as established for such purposes.

We have also recommended the inclusion of a provision, section 31, authorizing the adjustment of the agreement entered into on April 21, 1954, between the Colville Tribes and Okanogan and Ferry Counties. This agreement was ratified by the act of July 23, 1956 (70 Stat. 626). With a reduced reservation there will clearly be a need to adjust the \$40,000 annual payment to the counties.

The tribal income and other financial resources of the Colville Tribes are not sufficient to allow the advance of funds to cover the cost and expenses necessary to carry out the requirements of the proposed terminal legislation. A major portion of the tribal activities, including the per capita payments, would have to be completely eliminated to provide tribal funds. We are certain that, if this were done, the repercussions and criticism would be most difficult to cope with. We have, therefore, recommended a provision, section 32, authorizing the appropriation of funds necessary to meet the costs and expenses involved in carrying out the provisions of this act.

Thank you, Mr. Chairman. That concludes my statement.

Senator BURDICK. Thank you, Mr. Bennett. I have no questions at this time. I am going to make room for many of the witnesses who are here this morning, and it might be necessary to call you back if we have any further questions. But before we do that, Senator Hansen, do you have any questions?

Senator HANSEN. I have no questions, Mr. Chairman.

Senator BURDICK. Senator Hatfield?

Senator HATFIELD. Mr. Bennett, on the subject of the lack of unanimity of opinion amongst the Colville Indians on this question of termination, as I understand it, on the council there was a majority and minority vote, that is, on the Indian Business Council; is this correct?

Mr. BENNETT. Yes, sir.

Senator HATFIELD. And according to my knowledge, there are about 5,000 Indians in this tribe.

Mr. BENNETT. Yes, approximately.

Senator HATFIELD. And of that number about 2,900 or so are on the reservation or adjacent to it; is this about right?

Mr. BENNETT. Yes, sir; that is correct.

Senator HATFIELD. Would you tell me, among those who are actually on the reservation or on that area adjacent to it, what ratio of support there is for termination?

Mr. BENNETT. I believe that ratio of support for termination among those who reside on the reservation is less than among those who are away from the reservation.

Senator HATFIELD. Then you feel that your recommendation is giving a choice to each Indian family whether they want to remain under a federally supervised program such as a reduced reservation or some other type of classification, and those who would like to have full termination, that this would then satisfy all of the Indians involved, both those on the reservation and those off?

Mr. BENNETT. I believe that this would be satisfactory to the majority of the members both on and off. I believe that there may be a few members whose feelings about this are such that they wish complete termination of Federal supervision of the entire reservation and of the tribe. I believe, equally, that there are a number who are not on the reservation primarily who oppose termination of any kind. However, it is my feeling, based on meetings and discussions with the tribal leaders and members of the tribe that a compromise of this position would be acceptable to the majority of the members of the tribe.

Senator HATFIELD. And is it the policy of the Bureau at this time to move toward eventual termination and reassimilation of all Indians within the general society?

Mr. BENNETT. In this particular case, Senator, the Indians have a long history, the Colville Tribes, and there has been a majority of the membership of the Colville Tribes wanting this. Various opinion polls, and so forth, have established fairly well that the majority of the people wish termination, and that the Bureau, recognizing the right of the people to make their own decision, should help a tribe that wishes this be done.

Senator HATFIELD. No, my question was, What is the basic philosophy of the Bureau of Indian Affairs at this time?

Mr. BENNETT. The basic philosophy is that the Government has made commitments to the Indian people by treaties, by acts of Congress, and so forth, and the Government should carry out these commitments to the Indian people. When the Government has carried out these commitments to the Indian people in the way of their educational level, health level, and so forth, then I feel, as Commissioner of Indian Affairs, I have a responsibility to report this to the Congress, and that the Congress, as the policymaking body, will then determine whether or not our services shall be withdrawn and terminated or whether for reasons that the Congress may decide they shall be continued. And in the past the Congress has made several kinds of decisions based upon particular situations.

Senator HATFIELD. But what is the philosophy of the Bureau? Is it hopeful that there should be eventual termination within the legal

confines and treaty provisions, and so forth? Would you like to see the Indian population of the United States assimilated into the general population, or would you like to see it generally kept in terms of reservations. What is the basic philosophy of the Bureau?

Mr. BENNETT. The basic philosophy is that Indian people as a group of people should have the right to own property in a common group; that as the people develop their ability to manage their affairs we are providing as a basis for the omnibus bill, which has been introduced as S. 1816, that the Indian tribes, as they acquire more knowledge, more sophistication, as they have, can ask the Secretary of the Interior to be able to take control over and manage various projects and various areas of the reservation as distinguished from the former policy which stated that when an Indian tribe asked the Government if they could manage and take over some projects, then they had to take it all. So this is the feeling and is the policy established in this bill, that as tribes are able to manage their affairs, manage their resources, they come to the Secretary of the Interior, he will be authorized under the provisions of S. 1816 to grant them authority to continue to take over gradual management of their affairs as distinguished from the previous policy which was, "All or none."

Senator HATFIELD. I asked the question because some of us who are somewhat familiar and concerned about our Indian people see that there are conditions in which some Indian tribes are living that are very inadequate, and they are under the so-called jurisdiction and responsibility of the Federal Government. Then we run head on into the conflict of philosophy that exists in certain States as opposed to other States of let us not improve these conditions because we are eventually going to get them off the reservation anyway, and it is only a matter of time so why invest money into improving conditions and making it more comfortable, and so forth.

These are some of the realities that these Indians have to live under, and I would think that the Federal Government's Bureau of Indian Affairs should have a very clear-cut policy here as well as philosophy whereby we on the legislative side can give appropriation support to improve the conditions of these Indians, because some of them, as you well know, are living in substandard conditions.

I don't want to see us postpone our responsibility to them on the basis the philosophy is that we have to reassimilate them in our society anyway, so why do anything now. And each time we look at termination again that generalization appears, and focuses on this idea of, well, let us not do anything with the present facilities because eventually we are going to terminate them all anyway. Now, how do we overcome this problem?

Mr. BENNETT. Well, I think we overcome it first of all, as I mentioned earlier, by the policy we now have that as development takes place, whether it be a recreation area such as—we are all familiar with the Warm Springs area. Using this as an example, it is now under the trusteeship of the Federal Government. The Warm Springs Tribe is gaining experience, sophistication in the management of this area. Under the policy which is contained in S. 1816 the Warm Springs Tribe could come to the Secretary and say we have enough experience to be able to operate this area without any control on the part of the Government. The Secretary would be authorized then to turn over that

project to the tribe for their management without any control on the part of the Government. And so this would be a place where the gradual taking over by the tribe of these kinds of responsibilities would occur. We think this is a better policy than earlier when the Warm Springs Tribe would come in and say, "we would like to take over this project," and we would say, "Well, if you are so smart, take it all over."

Senator HATFIELD. In other words, termination is the basic philosophy that we are moving toward as each group is brought to a place where they are considered to be self-supporting and self-sufficient; is that correct?

Mr. BENNETT. Yes, sir. Then the tribal leaders have said when the Congress gets through and has carried out their commitments, then they will all have to face this question.

Senator HATFIELD. Do you have a time schedule for tribe by tribe and reservation by reservation?

Mr. BENNETT. No, sir; we don't because of the impact of so many things. For instance, the economy in given areas might change the picture quite dramatically in a year or two, and it would be very difficult to state times over any given period because of so many changes which occur over which neither the Indians nor the Bureau have any control.

Senator HATFIELD. Mr. Chairman, I have brought this up again because I would like to reemphasize that I think we are required here, of course, to judge each one of these termination proposals on its own merit. I feel, too, that it should not cause us to diminish our interests and our responsibility at all to some of the rest of these Indian reservations and tribes and programs. We should adequately finance their programs to bring them out of these substandard conditions that exist; the termination should not cloud our responsibility to them as they exist now in other areas.

Mr. BENNETT. Thank you very much.

Senator BURDICK. Thank you, Mr. Bennett. As I say, you may be called back later.

Mr. BENNETT. Yes, sir.

I would now like to have the members of the Colville Business Council all step forward, and I will read their names: Narcisse Nicholson, Jr., Barney Rickard, Oliver Pooler, George Snider, Roy Seyler, Thelma Marchand, Alice Lawrence, Dean Bourgeau, Mary Nicholson, Frederick Nugent, Frank George, Harvey Moses, Shirley Palmer, Lucy Covington, Ruby Babcock, and Judge Joseph Wicks. Judge Joseph Wicks, I believe is your attorney.

Mr. NICHOLSON. Yes.

Senator BURDICK. This is your panel, Mr. Nicholson. You may proceed any way you wish.

#### STATEMENT OF NARCISSE NICHOLSON, JR., CHAIRMAN, COLVILLE BUSINESS COUNCIL

Mr. NICHOLSON. Mr. Chairman, my name is Narcisse Nicholson, Jr., chairman of the Colville Business Council, which is the governing board of the Colville Confederated Tribes. We have a 15-member council and 13 of the members are here today. I would like to submit for the record the constitution and bylaws.

Senator BURDICK. It has already been included in the record of the 88th Congress. It will be received as an exhibit.

Mr. NICHOLSON. Also, I would like to submit the various committees of the tribal council for the committee's files or for the record, whichever the case may be. And, also, the resolution authorizing the delegation to appear hear and testify.

Senator BURDICK. That will be included.

(The resolution referred to follows:)

#### RESOLUTION

Whereas, the Honorable Senator Henry M. Jackson, Chairman, Senate Interior and Insular Affairs Committee by letter dated April 18, 1967, advised the Chairman of the Business Council that said Committee scheduled hearings on S. 282, 90th Congress, 1st Session, for June 8, 1967, at the hour of 10:00 a.m., Room 3110 New Senate Office Building, Washington, D.C.; and

Whereas, the honorable Senator extended a formal invitation to the Chairman of the Business Council and members of the Tribe to appear and testify at said hearings, and also requested to be advised of the various witnesses; and

Whereas, as evidenced by passage of Resolution 1967-51, dated February 10, 1967, the full membership of the Business Council, individual tribal members and tribal groups were authorized to appear and testify at the hearings scheduled on S. 282 when and where held; and

Whereas, the previously scheduled hearings on S. 282 were postponed due to confliction of dates; and

Whereas, in view of the importance of pending proposed terminal legislation affecting all tribal members, it is the recommendation of the Legislative Committee of the Business Council that the full membership of the Business Council, Legislative Assistant, Tribal Attorneys, and the following named individuals and/or tribal groups be delegated to attend the hearings on S. 282 at Washington, D.C. and advanced wages and per diem accordingly: It is, therefore,

*Resolved*, That we, the Colville Business Council, meeting in Special Session at the Colville Indian Subagency, Nespelem, Washington, acting for and in behalf of the Colville Confederated Tribes this 29th day of May 1967, do hereby authorize and delegate the following named individuals and tribal groups to appear and testify at the hearings on S. 282 by the Senate Interior and Insular Affairs Subcommittee, 90th Congress, 1st Session, at Washington, D.C. on June 8, 1967, to wit:

Full Membership of the Colville Business Council plus Mrs. Ruby Babcock, Legislative Assistant.

Tribal Attorneys: Messrs. Thomas H. S. Brucker and Joseph Wicks.

Two Members of the Colville Indian Association. (Designation to be made by the President thereof and/or Association.)

Two Members of the Petitioners Party. (Designation to be made by proper official(s) of the Party.)

Two Members of the Colville Liquidation Promotors; namely: Mrs. Alice Huber and Mr. Ira Lum.

Two Members of the Oroville-Tonasket Group; namely: Mr. Robert Irwin and Mrs. Colleen Allen.

Two Members of the Compromise Group. (Designation to be made by proper Group Official(s).)

*Be it further resolved*, That the Special Claims Committee of the Business Council shall be in travel status June 4 through June 10th (½ day on the 4th and ½ day of the 10th) and advanced wages and per diem accordingly. That the balance of the aforerecited authorized delegates shall be in travel status June 5th through June 10th (½ day on the 5th and ½ day on the 10th) and advanced wages and per diem accordingly.

*Be it further resolved*, That the Chairman of the Colville Business Council is hereby authorized to extend the travel status of the delegates in the event further hearings are called and scheduled and that said delegates shall be entitled to further advancement of wages and per diem accordingly.

*Be it further resolved*, That the total amount of tribal expenditures herein authorized is considered a legitimate and necessary expense in compliance with the provisions of Public Law 772, 84th Congress, and hereby requested that the

Tribes be fully reimbursed accordingly by the Federal Government upon termination of Federal supervision over the property and affairs of the Confederated Tribes of the Colville Reservation.

*Be it further resolved*, It is respectfully requested that the Honorable Commissioner of Indian Affairs or his duly authorized representative duly authorize Mr. Elmo Miller, Superintendent, Colville Indian Agency, to accompany said delegates to Washington, D.C. for said Hearings on S. 282 and conference with the Colville Tribal Claims Attorneys.

*Resolved further*, That this resolution shall constitute the necessary source of authority for the Tribal Attorneys to be reimbursed accordingly from the Tribes in accordance with Contract Symbol No. 14-20-0500 No. 2380.

The foregoing was duly enacted by the Colville Business Council by a vote of 10 for; 1 against, under authority contained in Article V, Section 1 (a) of the Constitution for 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.

Attest:

NARCISSE NICHOLSON, JR.,  
Chairman, Colville Business Council.

Mr. NICHOLSON. And at this time I would like to thank the committee for the past action that they have taken on our termination legislation and, also for making these hearings possible today. At this time, Mr. Chairman, I would like to have the secretary of the tribal council, Mr. Oliver Pooler, read our official statement that was adopted by the tribal council.

#### STATEMENT OF OLIVER POOLER, SECRETARY, COLVILLE BUSINESS COUNCIL

Mr. POOLER. Mr. Chairman, and Senators, my name is Oliver Pooler. I am secretary of the Colville Business Council, and I will read the official statement adopted by the Colville Business Council.

Pursuant to Resolution 1967-180, enacted June 2, 1967, by a vote of seven for and three against, the official governing body of the Confederated Tribes of the Colville Reservation, the Colville Business Council, herein respectfully submits statements for the consideration of the Members of the Senate.

The business council also enacted Resolution 1967-154 on May 29, 1967, authorizing expenditures for a delegation to attend this Senate hearing on S. 282, which delegation is understood to be, to the best knowledge available to the business council, representative of the various viewpoints held by the tribal membership. For a period of years several independent groups have been interested in and politically active in tribal affairs.

The business council has authorized expenditures on an equal basis for two delegates from each known established group so that your committee may have the benefit of their testimony.

The business council is greatly appreciative of this opportunity to review with the Senate subcommittee past testimony relating to the subject of termination of Federal supervision over the property and affairs of the Colville Tribes and to bring your committee up to date on our present tribal situation.

Section 5 of Public Law 772, 84th Congress, put this tribe under a mandate of the Congress to submit a plan for termination of Federal supervision within 5 years from the date of that act. To all appearances that mandate was received with favor by a large majority of

the tribal membership and their main concern has been the ways and means for the accomplishment of termination.

To review briefly, in compliance with Public Law 772, the business council which was in office as of the date of July 1961, submitted a proposal for termination of Federal supervision to the Secretary of Interior which was basically a proposal for legislation requiring two separate acts to accomplish the purposes of termination. Hearings were held by your committee in the State of Washington in October 1963. As evidenced by those hearings, the two-step legislative proposal did not find favor with very many tribal members.

Most of those favoring termination expressed objections that the two-step proposal did not contain provision for an election by the tribal membership on the question of termination. A major concern appeared to be the obvious intention of the governing body of the tribes to proceed to plan for termination on the supposition that the preservation of the existing tribal structure as a political and economic entity should be the prime factor in all planning without first giving due regard to the general attitude of the tribal membership toward continuing the present communal status.

A review of the records of termination planning up to the date of 1961 confirms the intention of that governing body not to permit the existence of the tribe as a political and economic entity to be threatened by future legislative provisions which might recognize voting and property rights for individual members.

It is clear that the intent at that time was to secure statutory authority enabling the governing body of the tribe and the Bureau of Indian Affairs to evolve a final termination plan which could assure preservation of the tribal entity through various rules and regulations designed to control alienation of tribal assets and property values. This was considered by those in authority at that time as necessary in order to provide a foundation for long-range planning for the tribe involving development of human and natural resources. This approach to termination planning was generally opposed by a majority of the tribal membership. As events later proved, they felt that termination planning should first provide opportunity for some expression by the tribal members on the desirability and necessity of continuance of the existing tribal political and economic structure. They resented the actions of the business council and the Bureau of Indian Affairs which preempted their right of decision. As a result of that dissatisfaction 10 members of the business council were defeated for reelection.

The present business council majority was elected on a platform which recognizes and respects the attitude of the tribal membership. That majority has consistently been reelected to their council position, the most recent election being held May 6, 1967. The council feels the right to make fundamental decisions belongs to the adult members of the tribe and the council majority has consistently supported legislation which guarantees that right and further provides a reasonable means of termination if the members so elect.

In April 1965, the Bureau of Indian Affairs, without prior consultation with the tribe, submitted to your committee a proposal for a tribal development enterprise. This proposal was shortly thereafter submitted to the tribal membership by the business council in the form of an

opinion poll on the principles involved in the proposal. The poll read as follows:

The Bureau of Indian Affairs has reported to Congress a proposed plan for economic development of the entire Colville Reservation under continued Federal trusteeship. The plan calls for borrowing about \$14 million by mortgaging reservation assets. That money would be used to build and operate tribal mills for processing of all reservation timber in the hope of increasing employment and per capital payments to tribal members. Future enrollment with the Confederated Tribes of the Colville Reservation would be closed.

What is your opinion of the above proposal of the Bureau of Indian Affairs?

Check one:

I am in favor of the proposal.

I am opposed to the proposal.

The returned opinions showed nearly unanimous disapproval of the Indian Bureau proposal. There were 1,336 opinions returned with 1,243 opposed to the proposal and 93 in favor of the proposal. A total of 2,642 opinion polls were mailed to the adult tribal members. Of the returned forms a near equal number was returned by on- and off-reservation residents.

Senator BURDICK. Are you able to tell me at this time whether or not the percentages were any different between the on-reservation and off-reservation votes?

Mr. POOLER. I beg your pardon, sir.

Senator BURDICK. Are you able to say whether or not there is a difference in percentages between the on-reservation Indians and the off-reservation group in that vote?

Mr. POOLER. The percentage of on and off the reservation is nearly equal, yes.

Senator BURDICK. It is the same?

Mr. POOLER. It is the same, that is correct.

Senator BURDICK. Proceed.

Mr. POOLER. This council is very appreciative of the fact that your committee has been sensitive to and respects the majority viewpoint of the Colville Tribes and has twice passed legislation which has been supported by that majority. However, since it appeared that some members of the House Subcommittee on Indian Affairs were not so certain about the general attitude of our tribal membership and since, in our opinion, the extent of tribal desire for a termination and liquidation program and for continued communal ownership of tribal properties needed to be reasonably ascertained, this council submitted a second opinion poll to the adult membership during October 1966, asking a yes, no, or no opinion answer to the following question:

Do you favor termination and liquidation of the tribal owned reservation assets at fair value with the proceeds distributed equally to the members of the Tribes?

The tribal enrollment officer certified that the number of polls mailed to the adult tribal members was 2,523, plus an additional 3 on October 3, 4, and 10, 1966. A certified public accountant tabulated the 1,814 returned polls all of which are attached hereto, marked exhibit "A" and by this reference made a part hereof. There were 1,272 yes or 72.15 percent, 491 no or 27.85 percent, 51 no opinion.

Senator BURDICK. At this point, I want to ask a question. The Commissioner testified that there are, I believe, about 5,000 members on this reservation.

Mr. POOLER. That is close, yes.

Senator BURDICK. How do you account for the 2,523 adult members contained in your testimony?

Mr. POOLER. Those are the adult members, sir.

Senator BURDICK. Oh, I see.

Now, the 2,523 included adult members on and off the reservation?

Mr. POOLER. On and off the reservation.

Senator BURDICK. Do you have any breakdown on these votes as to those that are on and those that are off?

Mr. NICHOLSON. I would like to answer that, if I could.

We did have a breakdown on this. I don't recall exactly what the percentage was, but there was a little difference in the percentage on the reservation and off the reservation. I think it was 60-some percent in favor of the termination on the reservation and 82 percent off the reservation, but we consider all tribe members equal whether they live on or off, and so we never magnify this point. Our constitution calls for every member to have equal rights, so we do not like to separate the ones living on the reservation as having more rights than the ones living off.

Senator BURDICK. They are all first class.

Mr. NICHOLSON. Yes.

Senator BURDICK. But you are able to determine in spite of that that 60 percent of those on the reservation voted?

Mr. NICHOLSON. Yes, a little over 60 percent.

Mr. POOLER. Sixty-two percent on the reservation voted for termination and, I believe, 82 percent off the reservation.

Senator BURDICK. That is where you got the average of 72?

Mr. POOLER. That is how we got the average of 72 percent.

Senator BURDICK. Proceed.

Mr. POOLER. Preliminary results of the poll were submitted by official statement of this council at the Tribal Leaders Conference held during October 1966, for the purpose of acquainting Indians of the area with Commissioner Bennett.

In addition to the above information, the business council has sent official correspondence to Commissioner Bennett stating certain tribal viewpoints which are pertinent to the legislation now being considered, copies of which are attached hereto, marked exhibit "B" and by this reference made a part of this record.

The membership of the tribes includes people of all ages, various degrees of Indian blood and education, those living on or near the reservation and those living some distance away. Those people do not comprise a true collective tribal society. Any semblance of tribalism that remains today is found within one or two of the original bands that were placed on the reservation from other areas. It is these bands that have not intermarried with the white race to any great degree. Otherwise, with few exceptions, most of the Indians have integrated into the present-day culture and society around them, both by way of life and being independent of the tribes.

The following description of the intelligence of the Colville people is taken from the House hearing of May 15, 1962, and confirms the judgment of the business council that the tribal members are equipped to face the termination issue and make decisions on their own reliable authority:

The Confederated Tribes are believed to have an average or better education, — less than one percent, all elderly, reportedly do not speak English,

— the educational level achieved by the members of the Tribes compares favorably with or slightly excels the levels achieved by American Indians in general. — As a group they are intelligent, thrifty, and industrious in developing homes, farms, and ranges. — They have attended school, played, worked and associated with the non-Indians with little discrimination. — The Conederated Tribes are generally able to manage their own affairs.

At the same hearing, Mr. Nash, then Commissioner of Indian Affairs, expressed the attitude of his Department that the Colvilles are a very highly cultured group with a business educational level of a very high order.

The Colville Reservation is not reserved exclusively for Indian occupancy and life on the reservation is little different from the surrounding areas. The Indians generally make use of all modern conveniences. Non-Indians own land on the reservation and live and work side by side with the Indians. Inter-marriage is common between the two races and has been for several past generations, with the above-mentioned exception.

The land within the reservation boundaries are checker-boarded with alienated land. Much of the Indian-owned land, including tribally owned land and allotments, is presently being leased by non-Indians. Attached hereto and marked exhibit "C," and by this reference made a part hereof, is the latest analysis showing the use and occupancy of tribal lands which verify the above statements and also contains estimates of sources of livelihood.

A large percentage of the tribal members are equivalent to their non-Indian neighbors in their ability to compete in everyday affairs. They have every right to be asking if any further genuine purpose can be served by continuation of the communal and trust status under the supervision of the Bureau of Indian Affairs. That is the question that would be answered by the referendum provided for in section 1 of S. 282. The social agencies of the State of Washington and the counties are already handling the responsibility for those persons who are not individually responsible for themselves and their families.

The provision of section 6(f), providing for the Federal purchase of tribal forest lands which may be offered for sale, appears to be a practical answer to a complex problem. Conservation of natural resources is vital to the areas and is a major concern to all of the citizens. Consideration must also be given to the present situation, where these resources are privately owned by the Indians, whereby the Federal Government, by its trusteeship responsibilities, must safeguard the right of the Indian owners to secure a fair price for their holdings in the event of a sale. Since conservation measures, which may be imposed as conditions of sale, are restrictions which would seriously limit investment possibilities by private enterprise if the timber assets were to be sold on a bidding basis, Federal purchase would, therefore, appear to be the only method by which both conservation of natural resources and a fair return to the Indians could be assured. S. 282, by providing for outright Federal purchase of the forest lands for inclusion in the national forest system would result in the Federal Government undertaking the responsibility for future conservation practices and it is assumed in this statement that the conservation factor will not be a cost to the Indians and will not decrease the ultimate price paid to the Indians for the value of the lands and timber.

The provision of section 6(b) which reads "The fair market value of the timber assets shall be defined to be the market price that would

be realized if the sale of the timber assets were made over a period of 10 years," is interpreted in this statement to mean that there will not actually be any cutting of the timber over a 10-year period, but that the timber will be appraised as to the price that the Indians could expect to receive from their timber assets if they were offered for sale on a normal market over a 10-year period. It is assumed further that a sale on a normal market over a comparatively long period of years would not reflect as much price decrease because of seriously flooded market conditions as would a sale over a shorter period of time. It is assumed also that an appraisal based on a 10-year period would minimize any serious market price fluctuations which might occur in a shorter period.

We have attachments here, exhibits A, B, and C that I will turn in. (The exhibits referred to are as follows:)

## [EXHIBIT A]

OMAK, WASH., October 31, 1966.

TRIBAL COUNCIL,  
Colville Confederated Tribes,  
Nespelem, Wash.

GENTLEMEN: In accordance with your instructions we have supervised the tabulation of the Termination Opinion Poll conducted this October.

The returned ballots were opened in the presence of a representative of this firm and counted in our presence. Each vote was individually examined by my representative or myself.

In my opinion, the results of the opinion poll as counted is correct. The results were:

For termination.....	1, 272
Against termination.....	491
No opinion expressed.....	51

Yours truly,

LEONARD L. SASS,  
Certified Public Accountant.

## CERTIFICATION

This is to certify that on September 26, 1966, I supervised the mailing of Opinion Polls concerning termination Legislation to 2,523 enrolled members of the Confederated Tribes of the Colville Reservation. This number represents the total enrolled membership who were twenty-one (21) years of age or over as of midnight, September 26, 1966.

Attest:

EDDIE PALMANTEER, JR.,  
Enrollment Officer, Colville Confederated Tribes.

Subscribed and sworn to before me this 27th day of September 1966.

KENNETH W. STANGER, JR.,  
Notary Public.

My Commission expires April 5, 1970.

OCTOBER 25, 1966.

## CERTIFICATION

This is to certify that I, Colleen Manuel, sent the following tribal members opinion polls after the certification made by Mr. Eddie Palmanteer, Jr.:

Lois F. Hart: Did not receive an opinion poll, had wrong birthdate on the roll, sent an opinion poll on October 3, 1966.

Josephine Reeder: Did not receive an opinion poll, birthdate left off the roll, sent an opinion poll on October 4, 1966.

Joanne C. Kensler: Did not receive an opinion poll, had wrong birthdate on the roll, came to the office for an opinion poll on October 10, 1966.

COLLEEN MANUEL,  
Recording Secretary, Colville Business Council.

[EXHIBIT B]

DECEMBER 16, 1966.

HON. ROBERT L. BENNETT,  
*Commissioner of Indian Affairs,  
Bureau of Indian Affairs,  
U.S. Department of the Interior,  
Washington, D.C.*

DEAR COMMISSIONER BENNETT: It was our pleasure to be present at the recent conference of Indian leaders held in Spokane at which you spoke to the gathering. We have reviewed the contents of that speech and are encouraged that you may be interested in learning of certain viewpoints held by this governing body.

In recent months frequent reference has been made to ideas of an approach to termination of federal supervision over the property and affairs of the Colville Tribes involving incorporation of the tribal owned assets. Ideas of a corporate approach to termination are not new to our tribal membership. These ideas have been subjects of discussion beginning with the introduction of terminal legislation in the year 1961. It has been our observation that the tribal members generally are adamantly opposed to any form of incorporation of the tribal owned assets before actual division of the assets is made between withdrawing and remaining members of the Tribes.

We are aware that the corporate approach is being viewed in some quarters as applicable to all tribal situations. However, the reasons usually given to justify that approach do not appear to apply to the Colville situation. If you will recall, this council called to your attention the results of a recently conducted opinion poll. The poll verified that the tribal members have very definite opinions concerning whether or not it is desirable to retain ownership of the tribal property in communal status. Significantly, a large majority of the adult members who responded to the poll favor distribution of the assets. This poll substantiated the previous estimate by the tribal council of over-all tribal sentiment and its contention that a large majority is generally opposed to a corporate approach to the termination issue. An earlier poll concerning a specific proposed development venture by incorporation showed nearly unanimous tribal opposition to the venture.

In any consideration of the future of the Colville Tribes, the question of future property rights of the individual tribal members in the tribal estate is all important. This council stands firm on the position that all enrolled tribal members are entitled to rights of equal value with one another in any distribution of the tribal assets. To advocate and uphold a contrary position would be to defend an injustice of a most serious nature. Recent statements appearing in the public press causes it to be necessary for this council to comment on a delicate subject directly related to the question of individual property rights in the tribal estate. The tribal membership is composed of various bands of Indians, most who are native to the area and some who were brought to the Reservation as displaced persons. History bears out the fact that, to the present day, they have never become one homogenous group and, therefore, do not have the characteristics of a true tribe of Indians. This circumstance is largely explained by the early tendency of the Indians who were native to the area to assimilate themselves into the culture and society developed by a mixture of the races. While the Indians who were brought here from other areas certainly have also adopted the ways of civilization, they have been less inclined to integrate by marriage with the white race. Thus, the tribal enrollment of today shows that most members who are enrolled as Indians of full blood degree are descendants of the bands of displaced Indians. Regrettably, it is from the leaders of this group that we often hear and read suggestions that tribal rights should be conferred in proportion to a member's degree of Indian blood. While we do not think that this opinion is held unanimously by members within that group, nevertheless, it is causing much bitterness among the Indians who are native to the area. They regard the suggestion of measuring tribal rights by blood degree as a direct unjustified attack on their prior rights of inheritance and is suggestive of penalizing them for the natural integration that has taken place. It is natural that they retaliate by questioning that the foreign bands of Indians should have any rights at all in a property distribution. We cannot too strongly emphasize that it is, to say the least, very unwise to call in question the equal rights of the tribal members. We have observed that the membership as a whole appears to take equal rights for granted unless the issue is raised for purpose of political agitation.

Regarding suggestions of incorporation of the tribal owned assets as a method of termination, we find a direct conflict between the all important factor of

future equal rights and benefits for the tribal members and any purpose which incorporation of the assets would be intended to serve. We presume that the primary purpose would be to maintain the Indian land base in Indian ownership. Aside from the fact that this purpose would not serve the interests of the large tribal majority, an examination of the use of the land base by Indians at this time shows minimal Indian use in comparison to the enrolled membership and even in comparison to the total Indian reservation residents. We find that fewer than one-third of the Indian families still living on the Reservation earn all or part of their livelihood by use of tribal grazing lands with less than one-sixth of the residents known to earn their living exclusively in this manner. Only about one-fourth of those engaged in ranching are one-half or more degree of Indian blood which brings into serious doubt the argument that the Indians with the higher degree of Indian blood are the most dependent on the tribal assets for a livelihood. Since employment by the timber industry is not related to ownership of tribal property, it is quite obvious that the greater portion of the tribal membership living on the Reservation, do, in fact, depend on sources of income unrelated to the Tribe or its assets. In many cases the per capita payments made from tribal income help to supplement personal income but they do not sustain individuals or families. Most families are sustained by gainful employment, with the exception being welfare recipients, the number which is comparable to the number of other citizens of the area in this category. We do not have knowledge of any service provided by the Bureau of Indian Affairs which can be said to contribute directly to the sustenance of the tribal members. Almost all services and functions of the Bureau are in connection with the trusteeship status of the property owned individually and collectively by the Indians. A further consideration in the matter of dependency on tribal property is the number of persons who reside on tribal owned property. We find only about three per cent of the reservation residents in this category.

Therefore, it is the judgment of this council that there is very little, if any, justification for maintaining the Indian land base as it exists today. In our opinion, the time has come for a legislative approach which recognizes that a concept of individual and family rights should supersede any concept of continued existence of the present tribal status in order to better fit today's circumstances. Our legislative position, however, supports the idea that those who are so motivated may elect, for reasons of their own, to retain for themselves a portion of the tribal assets in communal ownership. We expect that, in any final accounting, the number who so elect will be a small segment of the Tribes.

We consider a corporate approach to termination for the Colville Tribes to be impractical and unjust in its probable outcome. In the event of incorporation of the assets for the purpose of retaining Indian ownership, at the outset rules and regulations would have to be adopted restricting sale or transfer of stock of the corporation. The value of the assets would be established by the worth of the assets within and to the corporation. The value of an individual tribal member's share would undoubtedly be considerably less by this method than by sale of the unincorporated assets. It almost goes without saying that it would be impossible to obtain approval from the tribal membership for the purpose and operation of any such corporation since individual interest would thereafter be evidenced by shares in the corporation which would, in effect, severely limit both the value and negotiability of any interest they might have. The value of their interest could also be risked by business ventures of the corporation. Therefore, to suggest that, through articles of incorporation, members may withdraw or liquidate devalued shares as rules and regulations might allow, as a means of property division, is to suggest the creation of an intolerable situation of serious inequities. The strife and bitterness that would result from such a scheme would be immeasurable. In our position of responsibility we have not yet heard any plausible reasons which begin to justify allowing such a situation to develop.

With the above considerations in mind, combined with the fact that at least three-fourths of the tribal membership does not even live on the reservation, we have heretofore recommended terminal legislation which we believe offers some security to the persons now making actual use of the assets and at the same time provides equitable property rights for other members. We are confident that this position is supported within the Tribes by members of all blood degrees and who belong to a wide variety of occupations. Having carefully considered our particular tribal situation, it is the intention of this body to continue to support terminal legislation identical to S. 1413, as amended, and passed by the U.S. Senate of the last Congress. We consider its passage long overdue and would appreciate the support of your department in this endeavor.

A copy of council action by resolution on December 16, 1966, requesting action on the proposed legislation is attached hereto.

Very truly yours,

NARCISSE NICHOLSON, JR.,

Chairman, Colville Business Council, Colville Confederated Tribes.

[EXHIBIT C]

COLVILLE INDIAN AGENCY

Branch of Land Operations—Data sheet

[Range data, 1966]

	Colville Res- ervation	Spokane Res- ervation
Animal unit months.....	94,403	11,617
Number non-Indian permittees.....	37	4
Number Indian permittees.....	133	24
Number non-Indian cattle under permit.....	4,534	127
Number non-Indian sheep under permit.....	5,819	3,071
Number Indian cattle under permit.....	8,605	1,065
Number Indian sheep under permit.....	0	100
Number Indian horses under permit.....	265	37
Amount grazing rentals collected, tribal lands.....	\$27,199	\$3,794
Amount grazing rentals collected, allotted lands.....	\$21,182	\$4,677
Acres grazing land.....	913,263	116,673
Carrying capacity.....	14,992	2,042
Farm land (total).....	22,928	3,648

Livestock grazed, 1966

COLVILLE RESERVATION

	Cattle	Sheep	Horses	Percent of use
Indian.....	8,605	-----	265	65
Non-Indian.....	4,534	5,819	-----	35
Total.....	13,139	5,819	265	100

SPOKANE RESERVATION

	Cattle	Sheep	Horses	Percent of use
Indian.....	1,065	100	37	60
Non-Indian.....	127	3,071	-----	40
Total.....	1,192	3,171	37	100

Soil and moisture conservation

Indian	Indian farmers	Cropland		Total value	Per acre value	Products grown
		Dry	Irrigated			
Colville.....	120	10,374	1,609	\$461,299	\$38.50	Hay, grain pasture. Hay, grain. Orchard, hay grain.
Spokane.....	30	2,498	350	103,410	45.80	
Public domain.....	4	170	64	18,216	78.00	
Total.....	154	13,042	2,023	609,925	-----	

Of the total irrigated lands the Indian farmers and ranchers irrigated 77 acres of grain, 1,879 acres of hay and tame pastures and 67 acres of orchard and gardens.

Exclusive of range permits, Indian farmers lease approximately 16,700 acres of trust land for spring-fall grazing in conjunction with their farming operations.

Branch of Land Operations technicians prepare conservation stipulations on approximately 160 tracts of leased land each year and an average of two com-

pliance checks or field inspections are made on each tract of land during the lease period.

LEO J. WOLFE.

MEMORANDUM

To: Legislative committee.  
From: Chairman, Colville Business Council.  
Subject: Survey by the Public Health Service.

The Public Health Survey shows the following statistics of Indian occupancy and ownership of Colville Reservation homes:

Occupants	Keller area	Omak area	East Omak	Inche- lium com- mu- nity	Inche- lium area	Nes- pelem com- mu- nity	Nes- pelem Coulee Dam area	Total	Per- cent
Own residence.....	27	60	29	15	63	29	69	292	0.70
Renting.....	10	6	19	14	25	11	12	97	.23
Rent from tribe <sup>1</sup> .....	1	6			5		1	13	.03
Rent from BIA.....							11	11	.03
Rent from U.S. PHS <sup>2</sup> .....							2	2	.01
Total.....	38	72	48	29	93	40	95	415	100

<sup>1</sup> Bureau of Indian Affairs.

<sup>2</sup> U.S. Public Health Service.

NOTE.—There are about 1,608 tribal members living on the Colville Reservation. There is an estimated 415 units which may consist of 1 or several persons.

NARCISSE NICHOLSON, JR.

CONFEDERATED TRIBES, COLVILLE RESERVATION,  
COLVILLE INDIAN AGENCY,  
Nespelem, Wash., November 1, 1965.

MEMORANDUM

To: Legislative Committee.  
From: Mr. Dean Bourgeau, Chairman, Employment Committee.  
Subject: Employment.

From the information available from the Range Office of the Bureau of Indian Affairs, Biles-Coleman Lumber Co., Boise-Cascade Corp., independent loggers, Bureau of Indian Affairs payroll, and agency social worker, I have arrived at an estimate of the sources of livelihood of the 1,608 members of the tribes who live on the reservation representing about 415 family units.

	Percent
Stockraisers (full and part time).....	30
Logging industries.....	39
Seasonal workers (orchards, farms, miscellaneous).....	19
Unemployable (some receiving public assistance).....	7
Bureau of Indian Affairs (employees).....	5

DEAN BOURGEAU,  
Chairman, Employment Committee.

Use of Indian range units of the Colville Reservation as of Jan. 1, 1967

Number of animal units	Permits issued to Indians	Permits issued to non-Indians	Total animal units, Indians	Total animal units, non-Indians
Over 400.....		3		1,575
Over 300 to 400.....		3		985
Over 200 to 300.....	12	6	2,746	1,324
Over 100 to 200.....	29	10	3,488 <sup>1/2</sup>	1,343
Over 50 to 100.....	30	5	1,891 <sup>1/2</sup>	287
Over 25 to 50.....	24	6	813 <sup>1/2</sup>	190
10 to 25.....	23	1	339 <sup>1/2</sup>	15
Less than 10.....	9		54	
Total.....	127	34	9,333	5,719

All livestock, sheep, horses and cattle, have been converted to animal units at the ratio of four sheep to one cow, two horses to three cows.

Of the estimated total of 1,608 Indians living on the Colville Reservation, the most recent USPHS survey taken as of November 1, 1965, indicates approximately 415 family units.

An estimated 69 Indian permittees are full-time ranchers with the balance working in outside employment either full or part time.

The 69 full-time Indian ranchers represent approximately 16.6 or 17 percent of the total family units living on the Colville Reservation.

An estimated 28 percent of the 127 Indian permittees are one-half or more degree of Indian blood.

Mr. POOLER. Going a little further, this is another official statement in answer to a compromise proposal and other suggested amendments. At the request of the Commissioner of Indian Affairs, Robert L. Bennett, a mass meeting of the Colville Tribes was held in Nespelem, Wash., on March 17, 1967, for the purpose of having firsthand discussions with the Colville people on alternative proposals for terminal legislation. A copy of the minutes of that meeting are attached hereto for your committee files and also attached hereto and marked "Exhibit D" and by this reference made a part hereof, is a followup letter dated March 21, 1967, addressed to Superintendent Elmo Miller, which states the intention of the legislative committee of the business council to meet with minority groups to discuss suggestions concerning the pending legislation. The committee did meet with various groups on March 28, April 4, and 11, 1967, and copies of the minutes of those meetings are attached hereto for your committee files. Following the aforementioned meetings a letter was adopted by the business council on April 13, 1967, Resolution 1967-126, by a vote of 10 for and 1 against, and forwarded to Commissioner Bennett reporting on the results of the meetings with the minority groups. Said letter is attached hereto and marked "Exhibit E," and by this reference made a part hereof, indicating the official attitude of the Colville Business Council toward suggested changes in the pending legislation which will affect the minority group not wishing to be included in terminal legislation.

As stated therein, our understanding of the general proposal by the compromise party for amendment of S. 282 is basically as follows:

That this pro rata share of the assets of the Reservation as determined under the provisions of S. 282 be set aside and designated as the diminished Colville Indian Reservation; that these assets, their allotments or interests in allotments now held by them in trust status so remain, and said tribal assets and lands remain under the supervision of the Bureau of Indian Affairs with all the benefits and services now provided under the laws, rules and regulations of the Department of the Interior.

Our comments in particular reference to said proposal as stated in the April 17, 1967, letter to Commissioner Bennett reads as follows—

Senator McGOVERN. Mr. Chairman, I wonder if I could break in there and ask a question. I would like to ask, in view of the fact that some members of the tribe have expressed their opposition to termination, would you be opposed to an arrangement under which some members of the tribe would be permitted to stay under Federal supervision on a reduced reservation basis?

Mr. POOLER. That is just what I was going to read next. We have taken a stand that if Congress sees fit to provide for a diminished reservation, that we will not oppose a diminished reservation, although we are not proposing that that amendment be adopted.

Senator McGOVERN. But you would have no opposition to it?

Mr. POOLER. We have no opposition.

Senator BURDICK. As long as you are on that subject, if the reservation were reduced, would it be as economically viable as it is with the larger acreage?

Mr. NICHOLSON. I would say it would not be, but this would be the problem of the people who wanted to stay.

Senator BURDICK. In other words, you might reduce this to a point where the economics would not be good?

Mr. NICHOLSON. Well, the Commissioners seem to think that it could be made feasible maybe by building it up or improving it some way through their efforts.

Senator BURDICK. You may continue.

Mr. POOLER. This committee has supported the provisions as set forth in S. 282 for several years and in its present form has been passed twice by the Senate. We therefore do not feel that we can in good conscience recommend the amendment proposed by Mr. Cleveland. We do feel, however, that it would be presumptuous on our part to take an adamant position of insisting that the group represented by Mr. Cleveland should be given the status as now provided in S. 282 and therefore if Congress, in its wisdom, should see fit to amend S. 282, as proposed by Mr. Cleveland, we would voice no opposition to such an amendment.

It being agreeable to the parties concerned, the representatives of the Bureau of Indian Affairs assumed the responsibility of drafting specific language changes to S. 282 in accordance with the suggested compromise proposal. We have asked that the wording of the proposed amendments be made available to the business council for review and recommendation. While we do not expect that we will oppose the compromise proposal in principle, we do wish opportunity for review of the language changes for assurance that they are not objectionable from our standpoint. A letter dated May 26, 1967, from Commissioner Bennett, a copy marked "Exhibit F" attached hereto and by this reference made a part of this record, advised us that copies of the amended bill were not yet available for distribution. Since then we have been informed only in a general way of the contents of the proposed amendments.

As of this writing we do not expect that said copies will be made available to us in time for preparation of this official statement. We, therefore, do not feel that we are sufficiently informed at this time to recommend or comment on most of the proposed amendments to S. 282. We respectfully request an opportunity to submit in writing the official recommendations of the business council pertaining to the suggested amendments for the information of your committee and for the printed record of this hearing.

We are pleased that a greater spirit of cooperation seems to have developed between the tribes and the Bureau of Indian Affairs in matters relating to termination of Federal supervision. However, we feel that in certain matters of principle where there is a legitimate difference of opinion it is the obligation of the business council to state its official viewpoint. It is our understanding that the Department intends to recommend amendments to S. 282 affecting the first referendum to be held under its provisions and the amount of time authorized for completion of provisions of the act. Since both of these matters have been subjects of discussion in previous hearings we wish to re-

affirm at this time our previous position regarding them with the following comments.

It is our understanding that the Department will again recommend that the termination act provide that a majority of the adult enrolled members vote affirmatively for liquidation of the assets before the decision is made to do so. We reaffirm our past position that the present language of the bill in this regard should be retained. We agree with the Department that a substantial number of the tribal members ought to express their views. In our opinion the present language of the bill will encourage that effect, whereas the suggested amendments of the Department may have an opposite effect by inviting confusing and ill-conceived boycotts of the referendum by some members of the tribes.

In recommending on this matter the business council must consider that neither the group in favor of termination nor the group opposed to it should receive any advantage over the other in deciding this issue. It is a gravely unfair disadvantage to place the entire burden of participation in the election on either one group or the other. The suggested language change will place the entire burden of participation on those who favor the proposal, requiring positive action by them to gain a specific predetermined majority while requiring nothing but passivity by those in opposition to the proposal who would have the advantage of nonvoters counting in their favor. In our opinion the requirement of a specific predetermined majority in support of the measure discriminates against the group in favor of termination and would be equally discriminatory if applied to the views of the group who oppose termination. To illustrate, if the situation were reversed and the bill became effective, unless a specific predetermined majority of the adult membership were required to actually cast negative votes to prevent the measure from coming into effect we would consider this to be an unfair burden of participation on that group.

The Department reasons that the decision approving liquidation is a serious one, and therefore a majority of the adult tribal members should vote affirmatively before the bill comes into effect. In our opinion this reasoning would carry greater weight if S. 282 required a total liquidation of the tribal assets rather than a partial liquidation based on later personal choice of individual tribal members. It is not likely, under the provisions of the bill, that any tribal member will be forced to liquidate his or her share if they do not chose to do so. The individual members who may wish to withdraw from the tribes and liquidate their shares are under some disadvantage even under the present wording of S. 282. They must first secure tribal approval by referendum. To them a tribal decision not to liquidate any of the assets is of more serious consequence than a decision to liquidate will possibly be for the remaining members since the withdrawees will be bound by the tribal decision and will not have the benefit of a later personal choice or recourse. In actuality, the effect of approval of the termination bill will be a division of assets between the withdrawing and remaining members of the tribes and defeat of the referendum will, in fact, be a denial by those who oppose the purpose of the bill to the withdrawing members of rights they would gain under the legislation which they do not now possess.

In our opinion, a far healthier and representative situation will prevail if the present wording of S. 282 is retained and the tribal members realize beforehand that positive action by all should be encouraged in order to determine a true majority viewpoint and that the majority and minority expressions of those voting shall be considered to be representative of the attitude of the entire membership proportionately, considering that all will have had equal opportunity to participate in the referendum. Thus, we will avoid an unrealistic situation where either one side or the other can have the advantage of nonparticipant voters counting in their favor regardless of the many reasons for lack of participation. It is also unrealistic to expect that there will be full participation by the voters in any election, tribal or otherwise.

The purpose of the referendum is to determine the general tribal attitude towards approval of the provisions of S. 282, and if approved by a majority of those with enough interest in tribal affairs to vote, to implement fair and workable solutions respecting differing desires of the tribal members. We did not support the referendum with the idea that it would become a contest with excessively stringent regulations by which it could be won or lost by default, as may happen if the amendment suggested by the Department is adopted. Such an election would do nothing but increase existing tensions within the tribes and would be a hindrance to constructive planning for the future.

Regarding the period of time needed to complete the carrying out of the provisions of the termination act, we understand that the Department expects to suggest that at the end of 3½ years from the date of this act they will be permitted to request an additional extension of time if necessary. In our opinion, there should be a definite date established for completion of the provisions of the act and strong consideration should be given by your committee to the possibility of unnecessary inconvenience and monetary loss to the tribal members which may result if the time element is left open and definite goals are not established. An acceleration of administrative procedures should not be an unreasonable requirement of the Bureau of Indian Affairs and we are apprehensive that acceleration to any great degree may not take place unless required by provisions of the act. Therefore, we reaffirm our previous position on this matter.

We expect to forward very shortly to your committee for its consideration official comments concerning other suggested amendments to S. 282, and it is our sincere hope that your committee will see fit to approve the pending legislation at the earliest possible date thereafter.

(The exhibits referred to are as follows:)

[EXHIBIT D]

COLVILLE CONFEDERATED TRIBES,  
*Nespelem, Wash., March 21, 1967.*

MR. ELMO MILLER,  
*Superintendent, Colville Indian Agency,  
Nespelem, Wash.*

DEAR MR. MILLER: This committee has considered the matters which were before the Business Council and the tribal membership during the meetings with Commissioner Bennett this past week. It would seem that as a result of these meetings the tribe is left with the unfinished business of further considering the alternative proposals as suggested. We think there is a matter of proper order

to be followed in the considerations and that they should begin with the parties most concerned.

As you recall, we advised Mr. Bennett that the Business Council majority is on record in support of S. 282, but that if a minority group within the tribe wishes to submit a proposal to the congressional committees on Indian Affairs concerning the pending terminal legislation for the Colville tribe, we would not oppose the proposal unless it contains provisions which change or alter provisions of S. 282 which establish rights and privileges granted to members of the tribe who desire to withdraw from the tribe and be paid a share of equal value in the tribal assets. We presume that a compromise proposal will contain some suggestion that the group who chooses to remain in the tribe be permitted to retain their holdings in trust status and when we say that we will not oppose such a proposal we mean that it is our intention to reserve judgment on the issue and thus leave the matter entirely up to the discretion of the Congress.

It is our understanding that the tribal members who intend to advocate a compromise proposal, to be considered should passage of terminal legislation become inevitable, have given the matter considerable thought already and may perhaps have some specific suggestions for changes affecting the provisions of S. 282. Since these proposed changes, as discussed, appear to affect only the group who might choose to retain a portion of the reservation assets in communal ownership, we believe more progress would be made if representatives of that group should proceed to draft proposals without the participation of this committee. We believe that the responsibility of the legislative committee will be to review the proposal to determine its affect on the pending legislation as a whole and, if it is found not to be objectionable, to recommend to the Business Council that it go on record as not opposing the proposal.

In the interest of the large tribal majority it is the responsibility of this committee to seek early enactment of the terminal legislation. We therefore intend to renew our request to Senator Henry M. Jackson to hold hearings on S. 282 and, in the interest of the minority group who may wish to submit a compromise proposal, we will suggest to the Senator that the hearings be scheduled after a thirty day interval but as soon as possible thereafter.

We were impressed with the sincerity and good will on the part of the Bureau in helping the minority group to recognize their advantage in considering alternative proposals at this time even though it is not expected that they compromise their philosophy of opposition to terminate in general.

We are forwarding copies of this letter to those persons who may wish to consider whether or not they wish to pursue this matter further as their judgment guides them. This committee will be happy to review any forthcoming proposal and we trust that you are willing to assist members of the minority group in the development of proposals.

The Legislative Committee will be in session each Tuesday for three consecutive weeks, March 28, April 4 and April 11 at which time the committee will be available to hold discussions with members of the minority group concerning compromise proposals and representatives are invited and urged to present their proposals.

Yours truly,

OLIVER R. POOLER,

*Chairman, Legislative Committee Colville Business Council.*

[EXHIBIT E]

#### RESOLUTION

Whereas the Honorable Commissioner of Indian Affairs, Mr. Robert L. Bennett, met with the Business Council on March 16, 1967, and held a general meeting with the general membership of the Tribes on March 17, 1967, for the specific purpose of discussing terminal legislation affecting the Colville Tribes; and

Whereas the Legislative Committee of the Business Council has been meeting with various groups representing various political factions of tribal members to discuss pending terminal legislation; and

Whereas it is the recommendation of the Legislative Committee that the attached letter, directed to the Honorable Commissioner of Indian Affairs, be adopted and transmitted forth: It is, therefore,

*Resolved*, That we, the Colville Business Council, meeting in Regular Session at the Colville Indian Subagency, Nespelem, Washington, acting for and in behalf of the Colville Confederated Tribes this 13th day of April, 1967, do hereby approve and adopt the attached letter to the Honorable Robert L. Bennett, Commissioner of Indian Affairs and be transmitted forth to his office.

The foregoing was duly enacted by the Colville Business Council by a vote of 10 FOR; 1 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.

NARCISSE NICHOLSON, JR.,  
*Chairman, Colville Business Council.*

COLVILLE CONFEDERATED TRIBES,  
*Nespelem, Wash., April 17, 1967.*

HON. ROBERT L. BENNETT,  
*Commissioner of Indian Affairs, Bureau of Indian Affairs, U.S. Department of the Interior, Washington, D.C.*

DEAR COMMISSIONER BENNETT: In compliance with your suggestions we called meetings inviting the various groups to appear before the Legislative Committee of the Business Council and present their views concerning the provisions of the legislation now before the Congress for termination of the Colville Indian Reservation. Each organized group was notified of the time and place of these meetings. These meetings were held at the Subagency, Nespelem, Washington, on March 28th, April 4th and April 11th. The minutes of these meetings and other data are attached hereto and made a part of this report.

It will be observed these Tribes are divided into several factions. We would evaluate these factions as follows: First, there is a faction that define themselves as the "Petitioners Party." A portion of this faction is headed by Mr. T. B. Charley of Malott, Washington. Mr. Charley states this faction was formed in 1954 for the purpose of opposing provisions in Public Law 772 passed by Congress in 1956 with a provision these Tribes would present to Congress a plan for termination of the Colville Indian Reservation. He further states that this faction, in 1961, adopted a Constitution and had a membership of some 460 members; that he still speaks for this faction that oppose termination. He concedes, however, there may be those of the original group who have been inactive or possibly joined other groups of the Tribes. He is not certain as to the numerical strength of this group at the present time.

Mr. Frank George and Mrs. Lucy F. Covington, minority council members, have requested that they not be identified with any compromise group. Mrs. Covington stated that she is firmly opposed to the enactment of S. 282.

While the membership represented by Mr. Charley is opposed to termination in any form, the membership represented by Mr. Cleveland are opposed to termination but take the position that if the present Senate Bill 282 is enacted into law, they would recommend Section 6, subparagraph "g" be amended so the remaining group and their property would remain under the Bureau of Indian Affairs and in trust status. With this amendment, they would not oppose S. 282.

While those favoring termination represent between 70 and 80 percent of the tribal membership, there is a portion of these who designate themselves as the Colville Indian Association, headed by Mr. Ronald Nelson of Kettle Falls, who expresses an opinion of a different method of evaluating the tribal assets than the plan of the larger group designated as the "Liquidation Promoters", headed by Mrs. Alice Huber of Omak, Washington, which supports S. 282. The Colville Indian Association has not appeared before this Committee to suggest any amendments to S. 282 and the Committee therefore presumes that the group will continue to support their plan as set forth in H.R. 7566. This Committee has examined H.R. 7566 and is of the opinion its provisions are not realistic.

Mr. Cleveland, as representative and spokesman for the "Compromise Party", has presented to this Committee the following proposal and amendment to S. 282:

"That this pro rata share of the assets of the Reservation as determined under the provisions of S. 282 be set aside and designated as the diminished Colville Indian Reservation; that these assets, their allotments or interests in allotments now held by them in trust status so remain, and said tribal assets and lands remain under the supervision of the Bureau of Indian Affairs with all the benefits and services now provided under the laws, rules and regulations of the Department of the Interior."

Mr. Cleveland further stated to this Committee that he has circulated petitions expressing this proposal among the tribal membership since the 17th of March and has in excess of two hundred signatures on the petitions. He further states that if S. 282 is amended as he has proposed, this would voice no opposition to its enactment. He also stated that this petition would be forwarded to you through Mr. Miller, Superintendent, Colville Indian Agency.

This Committee has supported the provisions as set forth in S. 282 for several years and in its present form has been passed twice by the Senate. We therefore do not feel that we can in good conscience, recommend the amendment proposed by Mr. Cleveland. We do feel, however, that it would be presumptuous on our part to take an adamant position of insisting that the group represented by Mr. Cleveland should be given the status as now provided in S. 282 and therefore if Congress in its wisdom should see fit to amend S. 282, as proposed by Mr. Cleveland, we would voice no opposition to such an amendment.

We sincerely hope that this report may be sufficient to inform you of the efforts made to reach a compromise on the legislation now pending before the Congress and is sufficient to include in your report to the respective committees of Congress and we sincerely hope that you will urge the Congressional Committee to hold hearings on this legislation at your earliest convenience if the committees deem such hearings necessary.

We received the impression from you during our recent visit in your office that the Bureau and/or Secretary might have certain proposed amendments of this legislation in order to clarify the mechanics involved in the carrying out of the Congressional act. We would appreciate receiving from you at your earliest convenience any such proposal so that we may be advised.

Respectfully yours,

OLIVER R. POOLER,

*Chairman, Legislative Committee, Colville Business Council.*

[EXHIBIT F]

U.S. DEPARTMENT OF THE INTERIOR,  
BUREAU OF INDIAN AFFAIRS,  
Washington D.C., May 26, 1967.

MR. NARCISSE NICHOLSON, Jr.,  
*Chairman, Colville Business Council,*  
*Nespelem, Wash.*

DEAR MR. NICHOLSON: As you already know, Senate hearings have been scheduled on June 8 for S. 282, a bill to provide for the termination of Federal supervision over the property of the Confederated Tribes of Colville Indians located in the State of Washington.

Based on our past experience with termination in general, and because of the many different points of view among the Colville people regarding termination action, we are recommending that a number of amendments be included in the bill.

A copy of our recommendations has been forwarded to the Bureau of the Budget for their consideration. Until this draft has been cleared by them, we are unable to release copies of the amended bill for distribution.

Since we are aware of your concern over the provisions of the amended bill, we have kept Superintendent Miller informed, in a general way, of our recommendations and he is prepared to discuss these recommendations with you.

As soon as the report has been cleared by the Bureau of the Budget, we will forward a copy to you.

Sincerely yours,

ROBERT L. BENNETT, *Commissioner.*

Senator BURDICK. Thank you for your testimony. Do I understand you correctly that if this provision requiring another referendum is placed in the bill, that you would like to have just those voting counted, yes or no?

Mr. NICHOLSON. Yes.

Senator BURDICK. In other words, you do not want a man to be counted either way?

Mr. NICHOLSON. No.

Senator BURDICK. It is your theory that we have no way of reading his mind how he wanted to vote?

Mr. NICHOLSON. That is true, Mr. Chairman.

(Following the hearing the following additional testimony was received:)

CONFEDERATED TRIBES,  
COLVILLE RESERVATION,  
COLVILLE INDIAN AGENCY,  
Nespelem, Wash., June 21, 1967.

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Senate Office Building, Washington, D.C.*

DEAR SENATOR JACKSON: As stated in the official statement of the business council of the Colville Tribes which was submitted to your committee on June 8, 1967, it was our intent to review, at the earliest opportunity, the language changes to S. 282 as suggested by the Department of the Interior. Having made this review we wish to submit the following comments to your committee for its consideration and to be included in the hearing record following the above mentioned statement.

We note that the Department has, in effect re-written S. 282 to accommodate the philosophy that the members of the tribe who choose to hold their property in common shall do so under continued Federal supervision. While we accede to the wisdom of the Congress in the matter of continued Federal trusteeship over that group, we do oppose the complete re-writing of S. 282 to accomplish that end. We would urge strict adherence to the language of S. 282 with only a minimum of language changes as necessary to accomplish the purpose of continued Federal trusteeship for the remaining group.

We would suggest, also, that if the Congress should decide that the individuals and the property of the remaining group should continue under Federal supervision, the Congress seriously consider qualifying that decision to the extent that, if either the size of the group or the prospect of improbable economic management of the property, or both, should become matters of concern that the members have recourse of dissolution of their group such as is provided in section 7(a) of S. 282. We strongly urge that the decision of the Congress in this regard not be as final as is the philosophy of no recourse which is embodied in the substitute bill prepared by the Interior Department.

We shall comment briefly on the principal differences between S. 282 and the substitute department bill as outlined by number in the June 6 Department report to Senator Jackson:

1. We object to the language changes suggested by the Department affecting the referendum provided in section 1 of S. 282. We have outlined our specific objections in the official statement filed with your Committee on June 8, 1967.

2. Our attitude towards a complete termination vs. a partial termination is set forth in the above mentioned official statement under the heading "Compromise Proposal and other Suggested Amendments" and is again commented on in paragraphs two and three of this letter.

3. We have no objection to an amendment to S. 282 in this regard if the Congress so wishes.

4. Our attitude opposing an extension of time for completion of the termination program is set forth in the official statement submitted to your committee on June 8, 1967. We add further that we feel certain the members of your committee are aware of rather sad experience where such laws provide for an extension of time. It appears that governmental bureaus are not always the most efficient organizations. It is an easy matter for them to drag their feet. This is particularly so where the law provides no penalty for doing so. In fact a provision in the law for an extension of time would encourage delay rather than expeditious disposition of the matter. If any amendment is adopted for a longer period of time than the four years as now provided we pray that it be fixed definitely and certainly for not as long as seven years. In short, we believe that those who drafted this bill were wise in fixing the time period and it is our wish that it not be changed.

5. In our opinion the provisions of S. 282, section 9, adequately and properly protects the individual property rights of the owners. We, therefore, oppose the suggested amendment because it would impose unfair restrictions upon the sale of property owned by individuals.

We acknowledge that, in the event the Congress wishes to make provision for a remaining group to hold their assets under continued Federal trusteeship that it may become necessary for title to individual allotments belonging to those members to be held in trust status and that S. 282 may need to be amended to that extent.

6. We do not object to a provision adjusting the agreement with the counties if S. 282 is amended to provide for a diminished reservation.

7. We strongly support an amendment to S. 282 providing authorization for an appropriation of funds to carry out the provisions of the Act.

Sincerely yours,

NARCISSE NICHOLSON, JR.,  
*Chairman, Colville Business Council.*

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CONFEDERATED TRIBES,  
COLVILLE RESERVATION,  
COLVILLE INDIAN AGENCY,  
*Nespelem, Washington, June 21, 1967.*

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs,*  
*U.S. Senate, Senate Office Building,*  
*Washington, D.C.*

DEAR SENATOR JACKSON: In reference to the Bureau of the Budget report on S. 282, dated June 8, 1967, the Colville Business Council notes that several conclusions have been set forth in that report with which we are in complete disagreement.

Paragraph three of the report states that the views of tribal members on the question of termination have not been formally sought. As a matter of fact, this was done by an opinion poll submitted to the tribal membership in October, 1966. The results were forwarded to your office and to other interested parties and has been made a part of the June 8 hearing record by inclusion in the official statement of the business council. We disagree with the suggestion by the Bureau of the Budget that there is a necessity for changing the provisions of section 1 of S. 282, such reasons for disagreement are already set forth in our official statement under heading "Compromise Proposal and Other Suggested Amendments" prepared in reference to a similar suggestion by the Interior Department.

The fourth paragraph of the Budget report suggests the application of a philosophy which is wholly incompatible with the intent and purpose of our termination program. We have reviewed S. 1816 and find that, as it affects our tribes, we object to it for many of the same basic reasons that we objected to ideas of incorporation of the tribal assets prior to a division of the assets between the withdrawing and remaining members. These objections are set forth in our December 16, 1966, letter to Commissioner Bennett, marked Exhibit "B" as part of the official statement of the business council.

We can draw no other conclusion from the suggestion by the Bureau of the Budget that it would be possible for the tribe, under the provisions of S. 1816, to manage its own affairs and arrange to pay off those members who wish to liquidate but that the Bureau is suggesting some sort of "buy out" scheme which would result in the withdrawing members receiving only a fraction of the worth of their interest in the tribal estate. We again refer you to the above mentioned letter to Commissioner Bennett which cites in some detail reasons for not allowing such an inequitable situation to develop. It should be obvious to all that the estimated 25% or less of the tribal membership who might possibly wish to remain and operate as a tribe cannot function economically and at the same time arrange to pay the withdrawing members, representing 75% or more of the total membership a figure anywhere near approaching fair value for their interest in the tribal assets. We are of the opinion that a fair value can only be had by a division of assets between the two groups in proportion to their numbers with a liquidation program involving the sale of assets belonging to the withdrawing members as provided in S. 282. We wish to emphasize strongly that we do not consider plans for relinquishment of individual memberships in Indian tribes, as provided by S. 1816, as an acceptable solution.

The Business Council has elected not to oppose the concept of the remaining group continuing under federal trusteeship if the Congress should so decide. We stated that we would not oppose such decision if it did not interfere with the equal

rights of the withdrawing members. We would consider the application of the philosophy embodied in S. 1816 as a direct denial of equal rights to the tribal members and would strongly resist an attempt to work out a termination program for our tribes under the philosophy or mechanics of that proposed legislation.

We consider that, all circumstances being considered, federal purchase of the tribal forest lands is entirely justified and the attitude of the business council in that regard has been set forth in its' official statement which was submitted to your committee on June 8, 1967 in support of the provisions of S. 282.

We request that this letter be included in the printed record of the Senate hearing on S. 282 held on June 8, 1967.

Sincerely yours,

NARCISSE NICHOLSON, Jr.,  
*Chairman, Colville Business Council.*

#### RESOLUTION

WHEREAS, the Senate Subcommittee on Interior and Insular Affairs conducted hearings on S. 282 at Washington, D.C. on June 8, 1967; and

WHEREAS, the full membership of the Business Council, their legal counsel, and certain individuals, representing various political groups, were duly authorized to appear and testify at the said hearings; and

WHEREAS, the Legislative Committee of the Colville Business Council have diligently reviewed and considered the reports thereon made by the Department of the Interior and the Bureau of the Budget, and recommend that the attached letters to the Chairman and Subcommittee Chairman of the Committee on Interior and Insular Affairs be approved and transmitted forth as soon as possible to be entered in the official printed record of the aforementioned hearing;

IT IS, THEREFORE, RESOLVED, that we, the Colville Business Council, meeting in SPECIAL Session at the Colville Indian Subagency, Nespelem, Washington, acting for and in behalf of the Colville Confederated Tribes this 21st day of JUNE, 1967, in accordance with the recommendations of the Legislative Committee, do hereby approve and adopt the attached letters to the Honorable Henry M. Jackson, Chairman, Committee on Interior and Insular Affairs, United States Senate, Senate Office Building, Washington, D.C. and the Honorable George McGovern, Chairman, Subcommittee on Indian Affairs, Committee on Interior and Insular Affairs, United States Senate, Senate Office Building, Washington, D.C., and immediately transmitted forth to said Chairmen.

The foregoing was duly enacted by the Colville Business Council by a vote of 7 FOR; 4 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.

NARCISSE NICHOLSON, Jr.,  
*Chairman, Colville Business Council.*

Mr. NICHOLSON. Mr. Chairman, I wish to submit for the record a copy of Resolution 1967-49 passed by the business council on February 10, 1967, so that your committee will be advised that our tribe does not hold membership in any outside Indian political organizations. In past years, before the council was elected, the tribe did belong to various political pressure groups and our people complained for many years that the council had involved the tribe politically with groups that held a philosophy directly opposed to our tribal ideas. These groups have advocated policies which we feel are in direct conflict with our tribal constitution and bylaws and the individual rights of our members. We hope that Congress will look at the people of our tribe for answers to problems which concern us and will not be influenced by arguments of these Indian political pressure groups which try to apply their philosophies to all tribes, even those tribes under different circumstances, and I would like to submit this for the record, Mr. Chairman.

Senator BURDICK. It will be received.

(The resolution referred to follows:)

RESOLUTION

WHEREAS, under date of July 24, 1964, the Colville Business Council by a unanimous vote of 11 for and 0 against went on record to decline the invitation from the National Congress of American Indians to attend their Annual Convention that year and also have the name of the Colville Confederated Tribes excluded from any legislation or issue enacted or supported by the NCAI at said convention; and

WHEREAS, the execution of Colville Resolution numbered 1965-2, dated January 12, 1965, the Business Council withdrew membership from the Affiliated Tribes of Northwest Indians and the Western Inter-Tribal Coordinating Council; and

WHEREAS, said actions were prompted by the policies, programs, and legislation fostered and promulgated by said organizations which are inconsistent and incompatible with the tenets and precepts supported and advocated by the majority membership of the Confederated Tribes of the Colville Reservation whom the Tribal governing body represents; and

WHEREAS, in obedience to the wishes of the majority rank and file membership of the Tribes, it is the recommendation of the Legislative Committee of the Colville Business Council that the Business Council reiterate their position of disjoining the Colville Confederated Tribes from the National Congress of American Indians; Affiliated Tribes of the Northwest Indians and the Western Inter-Tribal Coordinating Council and that this disassociation be made known to the Senate and House Interior and Insular Affairs Committee and respective Subcommittee on Indian Affairs;

IT IS, THEREFORE, RESOLVED, that we, the Colville Business Council, meeting in SPECIAL Session at the Colville Indian Subagency, Nespelem, Washington, acting for and in behalf of the Colville Confederated Tribes this 10th day of FEBRUARY, 1967, do hereby reiterate our position and herewith go on record to exclude the Colville Business Council from membership in the National Congress of American Indians; Affiliated Tribes of Northwest Indians and the Inter-Tribal Coordinating Council or like groups.

BE IT FURTHER RESOLVED, that copies of this resolution shall be transmitted to the Senate and House Interior and Insular Affairs Committees and respective Subcommittees on Indian Affairs thereof; to appropriate members of the United States Congress and/or interested individuals or organizations deemed appropriate.

The foregoing was duly enacted by the Colville Business Council by a vote of 10 FOR; 2 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.

NARCISSE NICHOLSON, Jr.,  
*Chairman, Colville Business Council.*

Mr. NICHOLSON. And, Mr. Chairman, I would like to have our vice chairman, Mr. Barney Rickard, give his testimony next.

Senator BURDICK. All right.

**STATEMENT OF BARNEY RICKARD, VICE CHAIRMAN, COLVILLE  
BUSINESS COUNCIL**

Mr. RICKARD. Mr. Chairman and members of your staff, my name is Barney Rickard. I am an enrolled member of the Confederated Tribes of the Colville Reservation and a member of the Colville Business Council. I am presently the chairman of the Land & Forestry Committee, and the the Special Claims Committee.

Mr. Chairman, I have a short report here, and before I read that, I would like to make a remark or two, if I may, in the matter of

termination of the Colville Indians on the Colville Indian Reservation, Wash. I feel that a lengthy statement is not necessary, as I feel a duplication of previous statements would be made. I feel that a large majority wish to have the privilege to vote on the terminal subject. This seems to be in order.

I wish to state that the compromise group seems to feel it will bring about a favorable approach. In other words, it will bring about a feeling of security. If you wish to withdraw, you may do so. If not, you shall remain. This is final, and it is agreeable with the council.

And then I have one other remark as a result of reading the Commissioner's memorandum last night, and that is the matter of tribal members purchasing tribal land. This is isolated in the Commissioner's report. I believe that Commissioner Bennett has submitted a very considerate report.

Mr. Chairman, continuing on my short written report, the Colville Indian Reservation is composed of approximately 1,354,290 acres of land, of which approximately 1,029,768.79 acres are held in trust by the Federal Government for the Colville Confederated Tribes, and individual tribal members thereof as follows:

	<i>Acres</i>
Tribal .....	932, 674. 79
Allotted .....	97, 085. 52
Government .....	8. 48
	<hr/> 1, 029, 768. 79

Shown hereunder is a summarized report pertaining to allotments:

<b>Original Allotments:</b>	
South half (diminished Colville Reservation) .....	2, 505
North half .....	815
Public domain .....	101
Total .....	<hr/> <u>3, 421</u>
<b>May 31, 1967: Allotments remaining in trust</b>	
South half:	
(a) In heirship .....	1, 321
(b) Original owner .....	285
North half:	
(a) In heirship .....	113
(b) Original owner .....	3
Public domain:	
(a) In heirship .....	23
(b) Original owner .....	-----
<b>Allotments acquired by the tribes:</b>	
(a) By purchase .....	213
(b) By exchange .....	25
Allotment alienated thru forced patent (1917 thru 1923) approximately ..	472
Allotments alienated thru sale, heirship, requested fee patents, and etc., approximately <sup>1</sup> .....	966
Total .....	<hr/> <u>3, 421</u>

<sup>1</sup> Includes U.S. Bureau of Reclamation, Wells Dam hydroelectric project and the Chief Joseph Dam project.

Under the provisions of Public Law 84-772 the Colville Confederated Tribes have purchased 213 tracts of land totaling 22,528.38 acres for a total consideration of \$1,135,313.72. On an average the Tribes purchase approximately 50 tracts of land per year.

The Indian Claims Commission favorably rendered their decision on claims dockets 161, 222, and 224, jointly in favor of the Confederated Tribes of the Colville Reservation and the Yakima Indian Nation. The judgment funds therefrom are now on deposit in the U.S. Treasury to the joint credit of the said two tribes, and accumulating interest at the rate of 4 percent per annum.

The tribes, through negotiations, have been unable to reach an agreement for the judgment funds between the two tribes. In addition to the above-cited claims, there are seven Colville claims now pending before the Indian Claims Commission.

In conclusion, I wish to thank you and members of your committee for the opportunity to appear and testify at these hearings on S. 282 at Washington, D.C.

I fully endorse the provisions embodied in S. 282 and urge enactment during the 90th Congress, first session.

Thank you, Mr. Chairman.

Senator BURDICK. Thank you.

Mr. NICHOLSON. Mr. Chairman, other members of our council majority have short, brief statements. I would like to have them come up.

Mr. RICKARD. Mr. Chairman, you might tell the chairman I did not turn this map in.

Mr. NICHOLSON. Go ahead, Barney.

Senator BURDICK. That will be received for the file, not for the record.

Mr. RICKARD. Mr. Chairman, this is an alienated map of the reservation. It shows the entire reservation. I could leave it with you.

Senator BURDICK. It will be received as an exhibit.

(The map above referred to will be found in the files of the subcommittee.)

Senator BURDICK. The next witness.

We are going to have difficulty getting the testimony in today, because we are voting, and I hope you will summarize and make it as short as possible because your entire statement will be made a part of the record in any event.

#### STATEMENT OF MARY NICHOLSON, MEMBER, COLVILLE BUSINESS COUNCIL, OMAK DISTRICT

Mrs. NICHOLSON. Mr. Chairman, my name is Mary Nicholson and I am a member of the Colville Business Council, elected from the Omak district. I am current chairman of the enrollment committee, and I will briefly summarize the enrollment situation for the Colville Confederated Tribes.

Our total membership as of March 31, 1967, totals 5,023 enrolled members. Tribal membership is governed by amendments III and V to the tribe's constitution and bylaws. A copy of these two amendments is submitted herewith for the record. Amendment III was adopted by the confederated tribes on May 20, 1949, and approved by the Commissioner of Indian Affairs on April 14, 1950. Amendment V was adopted by the confederated tribes on May 9, 1959, and approved by the Commissioner of Indian Affairs on July 2, 1959. Prior

to the above two amendments, Colville membership was governed by Resolution C-5, passed by the Colville Business Council on January 13, 1939. A copy of this resolution is also submitted for the record.

There appears to be a need for an amendment to section 1(a) of amendment III; however, it has been stated that the possibility of passing an amendment to the membership regulations, by referendum vote of the eligible voters, would be very slim. Said section names the official census of the Indians of the Colville Reservation as of January 1, 1937, as the basic roll. The section further provides that, subject to the approval of the Secretary of the Interior, corrections may be made in said roll within 2 years of the adoption and approval of the amendment.

The 2-year period for correcting the roll has now elapsed and the roll was never corrected. Our main problem in working with the 1937 roll is that many of the blood degrees shown are erroneous. The present enrollment committee, with the concurrence of the Bureau of Indian Affairs, has taken the position that no correction in blood degrees can be made for basic enrollees, unless the basic enrollee or one of his descendants who is an applicant for enrollment questions the degree of Indian blood shown on the basic roll and requests in writing that the degree be changed.

The business council has reviewed those cases that were denied because of invalid blood corrections—those that were not requested by the individuals and never approved by the Department—and has reversed prior council actions and enrolled all those individuals that were found to be eligible according to the basic roll. The Commissioner's office has approved all such cases.

Other than erroneous blood degrees shown on the basic roll, there are no other major problems concerning tribal enrollment. The office staff is currently in the process of preparing a current membership roll for submittal to the Bureau of Indian Affairs for approval.

And, in closing my statement, I wish to add that I approve of our official statement and I think our opinions have been expressed pretty well in that statement.

Senator BURDICK. Thank you.

Mrs. NICHOLSON. Thank you, Mr. Chairman.

(The attachments referred to follow:)

#### CONSTITUTIONAL AMENDMENTS

##### 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 filed within the designated time, the child will not be enrolled.

SEC. 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 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 roll and, if necessary, delete from the rolls alien Indians whose names appear on the rolls of the Confederated Tribes and who have abandoned tribal relations. The Colville Confederated 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 14, 1950.)

#### 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:

SEC. 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.)

#### RESOLUTION ADOPTED BY COLVILLE BUSINESS COUNCIL IN REGULAR MEETING ASSEMBLED JANUARY 13, 1939

Whereas the Colville Business Council is deeply interested in the welfare of the Colville Indians do hereby resolve to protect our enrollment as to the degree of Indian blood, and

Whereas, said small degree of Indian blood is not in accord with self-Government and wishes of the Colville Indians, that such persons do not desire to be known as Indians any further than to carry title of drawing per capita payments or to come under medical attainments and other interests that the tribal resources may tend to benefit the Indian thereof: Therefore, be it

*Resolved by the Colville Business Council in regular meeting assembled in accordance with art. V., sec 1(A) of our constitution and by-laws, as recognized by the Indian Office, That in order to settle a most vexatious problem we request no further enrollments be accepted with less than one-quarter ( $\frac{1}{4}$ ) degree of Indian blood; and be it further*

*Resolved, That no child born off the reservation of parents having their homes off the reservation be enrolled here from now on.*

This resolution adopted by the Colville Business Council, January 13, 1939, with all in favor and none opposed.

ALBERT ORR,  
*Chairman.*  
BARNEY RICKARD,  
*Secretary.*

STATEMENT OF ROY SEYLER, MEMBER, BUSINESS COUNCIL;  
CHAIRMAN, ELECTION COMMITTEE

Mr. SEYLER. Mr. Chairman, my name is Roy Seyler, a member of the business council and chairman of the election committee.

I wish to submit for the information of your committee records of the results of the most recent election for members of the Colville Business Council which was held last May 6. You will note that all incumbents were reelected to their council positions by substantial majorities.

I wish to also submit for your committee files, copies of election regulations, showing procedures by which our elections are conducted

As a member of the council, I wish to state for the record that I am in full support of S. 282.

Thank you, Mr. Chairman.

Senator BURDICK. Thank you. The election results will be included. (The data referred to follows:)

COLVILLE CONFEDERATED TRIBES,  
*Nespelem, Wash., May 11, 1967.*

GENTLEMEN: Enclosed please find an official tabulation of the recent May 6, 1967 General Election for Councilmen held on the Colville Indian Reservation. It will be observed that all of the seven (7) incumbents were re-elected and will be reelected July 13, 1967 and will serve for a two-year term.

The Colville Business Council is composed of 14 members, representing four District; namely: Omak, Nespelem and Inchelium being represented by four councilmen each and Keller District being represented by two councilmen. Each year the terms of one-half or seven councilmen expire.

A total of 1,111 votes were counted and certified by the Election Board of the Business Council, assisted by the Superintendent of the Colville Indian Agency, on the 10th day of May, 1967, of which 535 voted at the precincts and 576 via absentee ballot. The Colville Tribes are one of the few tribes which permit the use of absentee ballots during their General Election for Councilmen.

Of the six candidates endorsed by the Colville Liquidation Promotors (CLP) five were elected; the two incumbents in the Omak and Inchelium Districts and the one incumbent in the Keller District. Mr. Narcisse Nicholson, Jr., incumbent and present Chairman from the Omak District was re-elected for the third two-year term. Mr. Nicholson will have served three successive terms as Chairman of the Colville Business Council at the expiration of the present Council ending July, 1967. The elected officers of the Business Council are elected each year during the Regular Session held the second Thursday of July and consist of a Chairman, Vice-Chairman and Secretary. Councilmen, endorsed by the Colville Liquidation Promotors, favoring termination of federal supervision of the Colville Tribes continue to maintain their majority on the Colville Business Council by a margin of 10 to 4.

We would sincerely appreciate your publishing the results of the election in your next edition since it is of great interest to our tribal members and general public. Thanking you kindly in advance for your continued cooperation, I remain

Sincerely yours,

ROY B. SEYLER,  
*Chairman, Election Board, Colville Business Council.*

*Official returns of general election for tribal councilmen held May 6, 1967*

## OMAK DISTRICT

	Poll	Absentee	Total
Narcisse Nicholson, Jr. <sup>1</sup> .....	101	158	<sup>2</sup> 259
Thelma Marchand <sup>1</sup> .....	103	153	<sup>2</sup> 256
Louis N. Orr.....	88	34	122
Leonard Tonasket.....	85	31	116

## INCHELIUM DISTRICT

Dean Bourgeau <sup>1</sup> .....	65	126	<sup>2</sup> 191
Alice Lawrence <sup>1</sup> .....	70	130	<sup>2</sup> 200
William "Bill" Seymour.....	64	37	101
Nellie Rima.....	59	31	90

## KELLER DISTRICT

Barney Richard <sup>1</sup> .....	24	68	<sup>2</sup> 92
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## NESPELEM DISTRICT

Frank George <sup>1</sup> .....	136	67	<sup>2</sup> 203
Shirley Palmer <sup>1</sup> .....	151	83	<sup>2</sup> 234
Allen E. "Oscar" Anderson.....	36	95	131

## COMBINED DISTRICTS

Omak.....	198	195	393
Inchelum.....	135	165	300
Keller.....	24	68	92
Nespelem.....	178	148	326
Total.....	535	576	1,111

<sup>1</sup> Incumbent.  
<sup>2</sup> Elected.

In accordance with Section 4, Article III of the Constitution and By-Laws of the Confederated Tribes of the Colville Reservation, the Election Board of the Colville Business Council canvassed all ballots and the returns are hereby certified as listed above.

ROY SEYLER,  
*Chairman, Election Board, Colville Business Council.*

That I observed the canvassing of the election and to the best of my knowledge and belief the Election Board followed acceptable procedures in certifying the tribal election.

ELMO MILLER,  
*Superintendent, Colville Indian Agency.*

Senator BURDICK. Who is next, Mr. Nicholson?  
 Mr. NICHOLSON. George Snider.

**STATEMENT OF GEORGE SNIDER, MEMBER, COLVILLE BUSINESS COUNCIL, OMAK DISTRICT**

MR. SNIDER. Mr. Chairman, my name is George Snider. I am a member of the Colville Business Council. I live on the reservation near Brewster, Wash., and was elected to represent the Omak District.

I will submit my statement. I would only like to make one remark here, that we are dealing with tribal land and not people's homes and their individual places. There will be no moving from there. People will not have to go.

And I am also submitting an audit report for the years 1963 through 1966 that shows the status of the tribe's income and disbursements.

Senator BURDICK. You say you are dealing with tribal land and no one will have to go. What land do they live on now, most of the Indian people?

Mr. SNIDER. Most of it is on their allotments.

Senator BURDICK. I see.

Mr. SNIDER. There are very few that live on tribal land.

Senator BURDICK. And then the sale of tribal land would not affect the present ownership?

Mr. SNIDER. No, they would not have to move. They would still live on their allotments. They do not own the allotments. They are just tribal assets.

Then I have a statement here for Pat Nugent, who is our chairman of the Law and Order and Fish and Wildlife Committee, who was unable to attend, and a letter from our Governor's administrative assistant, and letters from the two county sheriffs stating the conditions of law and order, and I would like to submit those now.

Senator BURDICK. They will be received as exhibits, and your full statement will be made a part of the record.

Mr. SNIDER. I wish to thank the committee for being allowed to testify.

Senator BURDICK. Thank you.

(The prepared statement referred to follows, together with attachments thereto:)

#### STATEMENT OF GEORGE SNIDER COLVILLE BUSINESS COUNCIL

I am George Snider, member of the Colville Business Council. I live on the reservation near Brewster, Wash., and was elected to represent the Omak District.

As chairman of the tribe's Finance Committee, I would like to turn in for the records copies of fiscal year audit reports for the years 1963, 1964, 1965 and 1966 and explanatory letter so that your committee may have background information available on the financial status of our tribe. These reports contain information on receipts and disbursements of tribal funds for those years.

Regarding S. 282, I have been a strong supporter of this legislation and have been elected twice in my district on that issue. It has been my position that termination is long past due for our tribe and I believe that the tribal members are anxious to get on with it.

We hear a lot of propaganda from those who are trying to defeat this bill. Some of them try to make people think that this termination bill will cause the Indians to have to pack up and leave their homes. Most people are pretty well established. In this bill we are dealing mainly with tribal owned property and not individual lands and homes. Only a very few tribal members live on the tribal owned lands.

The jobs and ranches would remain and the ranches will be just as well off and probably more secure in the event the ranges come under the jurisdiction of the national forest.

Through the mechanics of this bill each tribal member will receive an equal share of the tribal assets in a way that they can use the share best for their own individual initiative. I am sure that in most cases they would put that share to work and possibly realize a much better income than they can under the tribe.

If this bill is passed, the final decision still remains with the members of the tribe and if approved, after the appraisals are made and the members see where they stand, they have a chance for a second vote to decide what they personally want to do with their share—whether they want to convert it to cash or keep it together with a remaining group.

I feel that this is the only fair and workable way to terminate and that there is no sense in trying to force this tribe to operate under the present circumstances. There is nothing to be gained by further delay as the people have made it pretty plain that they want this bill passed and are opposed to any schemes that would tie them together under development programs.

I urge that the bill be passed as soon as possible.

CONFEDERATE TRIBES, COLVILLE RESERVATION,  
COLVILLE INDIAN AGENCY,  
Nespelem, Wash., May 31, 1967.

Mr. GEORGE SNIDER,  
Chairman, Finance Committee, Colville Business Council.

DEAR MR. SNIDER: As requested, I am transmitting copies of Exhibits A from each of the Fiscal Year Audit Reports for the years 1963, 1964, 1965 and 1966. The Audit Reports were compiled by Mr. Leonard L. Sass, Certified Public Accountant, Omak, Washington.

Please note that the reports merely summarize the receipts and disbursements through the Regional Office for those given years. They do not reflect the tribe's U.S. Treasury Fund balances as of those years nor do they reflect the 10% deduction by the Bureau of Indian Affairs from the tribe's gross income from timber stumpage.

I am sure that you will find the reports self-explanatory.

Sincerely yours,

EDDIE PALMANTEER, JR.,  
(For Harry Owhi, Executive Secretary).

*Summary of receipts and disbursements through regional office, year ended  
June 30, 1963*

	Budgeted	Actual
Income during year:		
Interest on funds in U.S. Treasury.....	\$30,000	\$62,851.76
Timber sales (stumpage).....	1,500,000	1,746,109.49
Grazing.....	61,300	32,142.98
Leasing.....	12,700	8,575.31
Mining leases and royalties.....	500	376.25
Tribal property sales.....	200	2,007.00
Quarters rental.....	250	1,236.00
Sale of land.....		7,320.11
Other receipts.....		2,328.50
Total.....	1,604,950	1,862,947.40
Annual authorization (funds disbursed through regional disbursing officer):		
Law and order activities.....	27,281	17,360.43
Forest management.....	35,000	34,524.13
Soil and moisture conservation.....	18,075	15,825.20
Credit operations.....	14,862	14,386.20
Tribal administration.....	10,226	7,461.07
Facilitating common services.....	7,799	8,569.22
Legal counsel and tribal attorneys.....	15,000	9,753.96
Land capitalized.....		339.70
Equipment capitalized.....		3,770.11
Total.....	128,243	111,990.02
Net receipts for year.....	1,476,707	1,750,957.38
Application of funds to tribe:		
Per capita and other payments to Indians.....		1,415,800.00
Advances to tribal funds for indefinite authorization (account C-436).....		<sup>1</sup> 339,600.00
Total funds to tribe.....		1,755,400.00

<sup>1</sup> \$101,908 of fiscal 1963 budget received July 15, 1963.

Summary of receipts and disbursements through regional office, year ended June 30,  
1964

	Budgeted	Actual
<b>Income during year:</b>		
Claims and judgments		\$831,238.87
Timber participation program		8,544.71
Interest on funds in U.S. Treasury	\$52,536	149,597.27
Timber sales (stumpage)	1,500,000	1,626,589.30
Grazing	61,300	29,743.83
Leasing	15,000	11,462.58
Mining leases and royalties	1,000	
Tribal property sales	200	325.15
Quarters rental	900	40.00
Service fees		198.63
Sale of land		10,535.67
Recoveries, refunds, and miscellaneous		25,799.52
<b>Total</b>	<b>1,630,936</b>	<b>2,694,075.53</b>
<b>Annual authorization (funds disbursed through regional disbursing officer):</b>		
Law and order activities	24,276	12,103.45
Forest management	32,803	34,749.92
Soil and moisture conservation	16,700	12,235.10
Credit operations	16,769	15,456.21
Tribal administration	9,415	3,391.99
Facilitating common services	7,799	6,934.89
Legal counsel and tribal attorneys	12,000	21,895.11
Maintenance of tribal access roads	2,000	1,775.62
Equipment capitalized		140.90
Land leasing operations		2,976.19
<b>Total</b>	<b>121,762</b>	<b>111,659.38</b>
<b>Net receipts for year</b>	<b>1,509,174</b>	<b>2,582,416.15</b>
<b>Application of funds to tribe:</b>		
Per capita and other payments to Indians		1,203,800.00
Advances to tribal funds for indefinite authorization (account C-436)		1,512,636.00
<b>Total funds to tribe</b>		<b>1,716,436.00</b>

<sup>1</sup> Includes \$101,908 fiscal 1963 budget received July 15, 1963. (\$2,197 fiscal 1964 budget received July 6, 1964.) \$6,000 revision per Resolution 1963-162 neither received nor included.

Summary of receipts and disbursements through regional office, year ended  
June 30, 1965

	Budgeted	Actual
<b>Income during year:</b>		
Timber sales (stumpage)	\$1,500,000	\$1,652,438.99
Land sales		99,423.00
Interest on funds in U.S. Treasury	32,500	83,590.22
Grazing	60,000	30,501.25
Leasing	8,872	10,137.69
Mining leases and royalties	446	10,000.00
Tribal property sales	200	3,485.08
Timber participation program		17,854.55
Recoveries, refunds, miscellaneous	900	2,848.84
<b>Total</b>	<b>1,602,918</b>	<b>1,988,354.62</b>
<b>Annual authorization (funds disbursed through regional disbursing officer):</b>		
Credit operations	16,985	17,235.72
Soil and moisture conservation	16,750	17,266.64
Law and order activities	13,283	11,338.26
Legal counsel, tribal attorneys	12,000	10,889.08
Forest management	11,622	11,052.31
Tribal administration	11,492	8,224.03
Maintenance of tribal access roads	2,000	1,027.08
Land leasing operations		5,567.42
Equipment capitalized		3,732.90
<b>Total</b>	<b>84,132</b>	<b>86,333.44</b>
<b>Net receipts for year</b>	<b>1,518,786</b>	<b>1,902,021.18</b>
<b>Application of funds to tribe:</b>		
Per capita payments to Indians from annual appropriation and judgment funds		3,147,600.00
Advances to tribal funds for C-436, indefinite authorization	(1)	399,765.00
<b>Total funds to tribe</b>		<b>3,547,365.00</b>

<sup>1</sup> Includes advance receipt of \$2,463 for Project Headstart, fiscal 1966; does not include \$9,500 for sanitation project deposited erroneously to C-624, nor does it include \$40,000 never advanced by regional office on approved fiscal 1965 budget.

*Summary of receipts and disbursements through regional office, year ended  
June 30, 1966*

	Budgeted	Actual
<b>Income during year:</b>		
Timber and property sales.....	\$1,750,200	\$2,244,034.85
Grazing and leasing.....	68,000	37,473.05
Interest on U.S. Treasury funds.....	10,400	46,314.89
Quarters rental.....	1,550	-----
Mining leases and royalties.....	203	-----
Permits and licenses.....	-----	2,764.50
Fees and fines.....	-----	340.00
Miscellaneous.....	-----	13,206.59
<b>Total.....</b>	<b>1,830,353</b>	<b>2,344,133.88</b>
<b>Annual authorization (funds disbursed through regional disbursing officer):</b>		
Credit operations.....	17,235	18,207.31
Soil moisture and range improvement.....	16,468	13,025.75
Administration.....	10,344	8,903.23
Legal counsel, tribal attorneys.....	12,000	8,955.95
Forestry.....	10,000	4,168.77
Land and leasing.....	5,960	5,619.24
Equipment capitalized.....	-----	1,357.60
Maintenance of tribal access roads.....	1,800	4,707.43
<b>Total.....</b>	<b>73,807</b>	<b>64,945.28</b>
<b>Net receipts for year.....</b>	<b>1,756,546</b>	<b>2,279,188.60</b>
<b>Application of funds to tribe:</b>		
Per capita payments to Indians from annual and supplemental appropriations.....	-----	1,892,250.00
Advances to tribal funds for c-436 indefinite authorization.....	(1)	467,208.00
<b>Total funds to tribe.....</b>	<b>-----</b>	<b>2,359,458.00</b>

<sup>1</sup> Includes \$50,000 judgment funds advanced for land purchases.

**STATEMENT OF FREDERICK (PAT) NUGENT, CHAIRMAN, LAW AND ORDER, FISH AND WILDLIFE COMMITTEE**

Mr. Chairman, my name is Frederick "Pat" Nugent and I am a present member of the Colville Business Council, Inchelium District, and Chairman of the Law & Order—Fish & Wildlife Committee. I have served three years on the Colville Business Council, having been elected twice. I regret that I am unable to attend the hearings and herewith submit the following statement for the matter of record for the hearings on S. 282 in Washington, D.C. on June 8, 1967, which will be presented by Mr. George Snider, a member of the Business Council and member of my committee:

In response to the request of the Colville Business Council the Honorable Governor of the State of Washington issued a Proclamation placing the Confederated Tribes of the Colville Reservation, Washington, under civil and criminal (with exception to Fish and Wildlife) jurisdiction of the State of Washington, effective January 29, 1965. A copy of Resolution 1965-5, letter of transmittal from the Office of the Governor and the Proclamation are attached herewith. The transfer of Law and Order to the State has abrogated multiple jurisdiction confictions and confusion and has resulted in a substantial reduced cost to the Tribes. The Tribes currently contribute the monetary sum of \$26,800 annually to the Counties (\$16,800.00 to Okanogan and \$10,000.00 to Ferry) for the added law and order services on the reservation.

The Fish and Wildlife Program on the Reservation is self-sustaining through the sale of Fishing and Hunting Permits to the general public. The cost per permit has been increased to \$2.85 for the present season and prior thereto retailed for \$2.50 each. For the last six years gross sales from fishing and hunting permits have totaled \$87,360.90 for an average of \$14,560.15 per year. From this avenue of revenue the salary expenses of the two permanent Tribal Game Protectors, advertisements, necessary equipment and supplies and other required expenses are borne by the Tribal Wildlife Depository Account, C. 316. The Bureau of Sport Fisheries & Wildlife Service in conjunction with an agreement with the Tribes stock the lakes and streams on the reservation. The reservation is composed of approximately 28 major lakes, 30 creeks with numerous tributaries, and is traversed by the San Poil and Okanogan Rivers. Owhi Lake

is closed to public fishing but provides excellent duck hunting in the Fall. The reservation is bounded on the East and Southeast by Franklin D. Roosevelt Lake. A condensed Colville Indian Reservation Fishing and Hunting Guide is attached showing the lakes and streams on the reservation.

Last year we constructed an egg-eying station and sold eyed-out Eastern Brook Trout eggs to the Bureau of Sport Fisheries back East and had a few sales to local Commercial hatcheries. We have not made a final tabulation of costs in relation to income but are confident that we will eventually profit by the initiation of this program.

For the matter of record attached herewith are letters directed to the Law & Order Committee from the County Sheriffs of Okanogan and Ferry Counties which are self-explanatory.

Since I am unable to personally appear and testify before your Committee on S. 282 I would appreciate the Hearings Record Minutes thereon reflect that I am in favor of early passage of S. 282 during the current 90th Congress, 1st Session.

### STATEMENT OF DEAN BOURGEAU, MEMBER, COLVILLE BUSINESS COUNCIL

Mr. BOURGEAU. Mr. Chairman, my name is Dean Bourgeau. I am a member of the Business Council and chairman of the Employment Committee.

At this time, our committee has not been able to complete our report, but we will submit it in time to make the record.

Senator BURDICK. Will you tell me in a general way what the employment situation is?

Mr. BOURGEAU. Right now, as far as we are on our report, the employment is real good.

Senator BURDICK. It is good.

Mr. BOURGEAU. It is up high; yes, sir.

Senator BURDICK. Well, we are looking forward to the complete report then.

Mr. BOURGEAU. Thank you, sir.

(The report referred to follows:)

CONFEDERATED TRIBES,  
COLVILLE RESERVATION,  
COLVILLE INDIAN AGENCY,  
Nespelem, Wash., June 21, 1967.

HON. GEORGE MCGOVERN,  
*Chairman, Subcommittee on Indian Affairs, Committee on Interior and Insular Affairs, New Senate Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: My name is Dean Bourgeau; I am a member of the Colville Business Council, from the Inchelium District, and I am current Chairman of the Employment Committee.

Our committee is attempting to compile a complete and accurate report of the employment situation for the Colville people living on and near the reservation, which will update previous reports. Since the review involves quite a lot of detail and time, I regret to report that it is incomplete at this time; however, for the record, a report on the employment status of the members which we have reviewed (43.84%) will be submitted at this time, so that it can be included in the printed record.

We expect to complete the report as soon as time permits and will furnish the final tabulations to your committee for future reference. We expect very little deviation in the percentages for the remainder of the report.

Sincerely yours,

DEAN BOURGEAU,  
*Chairman, Employment Committee, Colville Business Council.*

## EMPLOYMENT STATUS REPORT

(Compiled by the Employment Committee, Colville Business Council)

1. Of the first 2202 tribal members listed on the 3/31/67 Colville Dividend Roll, 647 are at least 19 years old and either live *ON* or *ADJACENT* to the Reservation (29.38%).

2. Of the 647 members who are at least 19 years old, 404 live on the Reservation (62.44%). The remaining 243 (37.56%) live adjacent to the Reservation, not more than 25 miles from the exterior boundaries.

3. In the above category, 149 members are permanently employed (23.03%). These include farmers, stock-raisers, office workers, etc., who are employed 12 months per year.

4. In the above category, 57 members are Unemployed (8.81%). These include those individuals who are able to work but refuse to work, even when work is available.

5. In the above category, 123 members are either seasonally or temporarily employed (19.01%). These include loggers, orchard workers, etc., who are not employed the full 12 months per year.

6. In the above category, 71 members are over the age of 65 (10.97%). 13 members in this category are disabled.

7. In the above category, 184 members are housewives (28.44%).

8. In the above category, 63 members are students (9.74%).

Mr. NICHOLSON. I believe we just have two more of the Council majority, Mr. Chairman.

#### STATEMENT OF MRS. THELMA MARCHAND, MEMBER, COLVILLE CONFEDERATED TRIBES, OMAK DISTRICT

Mrs. MARCHAND. Mr. Chairman, my name is Mrs. Thelma Marchand. I am an enrolled member of the Colville Confederated Tribes. I am currently chairman of the Health, Education, and Welfare Committee of the Colville Business Council, being elected from the Omak District of the Colville Reservation.

I would just like to submit a résumé of our committee activities that we have been carrying on, and I would like to say that I have been in support of S. 282, a bill recommended by the Council, for several years. But if there are amendments proposed to provide for a compromise with the remaining group, I would also be in favor of this.

I think that is all.

Thank you.

Senator BURDICK. Can you give me your opinion on what a reduced reservation would be like?

Mrs. MARCHAND. I do not really know at this time. As I have stated in my written report, I have not even seen the proposed amendments that are out, but I do not believe there have to be as many changes as they have recommended, such as the time period, and a few other things on the vote. But if there are just a minimum of changes in order to have the remaining group—and I think there is a small minority of people on the reservation that would like to remain—I would favor this also.

Senator BURDICK. Of course, you know the tribal land would be reduced in order to pay off everybody that wanted to leave.

Mrs. MARCHAND. Yes. I do not know what their thinking is, or if it would be good for them. But if the Senate saw fit to have them remain, I would go along with this.

Senator BURDICK. You would not object?

Mrs. MARCHAND. No.

Senator BURDICK. I see.

Mrs. MARCHAND. Thank you.

Senator BURDICK. Thank you.

(The statement referred to follows:)

STATEMENT OF MRS. THELMA MARCHAND, MEMBER, COLVILLE CONFEDERATED TRIBES, OMAK DISTRICT

Mr. Chairman, my name is Mrs. Thelma Marchand, I am an enrolled member of the Colville Confederated Tribes, I am currently the chairman of the Health, Education and Welfare Committee of the Colville Business Council, being elected from the Omak District of the Colville Reservation.

I would like to partially explain to you the purpose and varied policies of the Health, Education and Welfare Committee. In general, the Health, Education and Welfare Committee considers all problems confronting the Colville Tribe in connection with educational problems, scholarships, protection of health, security, and general welfare of the Colville Tribes, and all other matters related to the Health, Education and Welfare Committee. The following paragraphs explain the varied policies and/or programs administered by the Health, Education and Welfare Committee.

The Colville Tribal Scholarship and Education Aid Program has under the present H.E.W. Committee, and past committees, revised the program to insure partial funds for the majority of yearly high school graduates and other education aid applicants. When the Scholarship Program was initiated in 1954, it allowed for \$4,000 for the purpose of providing funds for two (2) Colville college students for two years. The present Scholarship Program now yearly provides for \$52,800 for Scholarships and Education Aid Grants as follows:

8 4-year scholarships (each \$2,600)-----	\$20, 800
10 2-year scholarships (each \$1,500)-----	15, 000
10 vocational scholarships (each \$500)-----	5, 000
Education aid grants (to deserving students who are in need of financial assistance and who are not recipients of scholarships. Amount determined by the HEW committee)-----	12, 000
Total -----	52, 800

The Colville Tribe, in their Fiscal Tribal Budget does provide \$20,000 for the care of enrolled Colville children to attend St. Mary's Mission, a parochial boarding school located on the Colville Reservation near Omak, Washington. The Health, Education and Welfare Committee reviews all pending applicants, and their eligibility is usually based on whether or not the children are without homes, whose parents are separated, etc. Children whose parents are employed and/or are financially able to pay for the care of their children are usually ruled ineligible and are referred to their respective public schools.

The Colville Summer Youth Camp, which is sponsored jointly by the Colville Tribe and the Bureau of Indian Affairs, is another program handled by the Health, Education and Welfare Committee. This program is designed to enable approximately 160 tribal enrolled children between the ages of 8 and 17 years old to attend a summer recreation program at the Twin Lakes camping site near Inchelium, Washington, and also provides for the hiring of the personnel to staff the camp. On the same contract between the Tribe and the Bureau of Indian Affairs, they also provide for three (3) office trainees at the GS-3 level to work in positions as specified for the summer months, and the incumbents are usually graduating high school students, vocational, or beginning college students. The monetary participation for this program is usually pretty evenly distributed. The Tribe contributing approximately 50% (or \$6,000 which is budgeted yearly).

During the summer months of 1965 and 1966, the Colville Tribe, as delegate agent, sponsored a Project Headstart Program on the Colville Reservation. The program initially consisted of a one-center 30 pupil project, but during the 1966 Program it was widened to a four (4) center project with about 120 students in attendance. All expenses were paid for by the Office of Economic Opportunity the first year, but during the second year the Tribe expended \$3,167.34, of its own

funds in order to complete the program needs. This year the Tribe will again sponsor the Headstart Program and it is identical to the 1966 Program except it will consist of approximately 135 students, and also, it is hoped that this year's program will be able to complete its eight week session without having to rely on the Tribe again expending funds from their local account.

The Colville Sanitation Program sponsored jointly by the Colville Tribe and the United States Public Health Service in accordance with Public Law 86-121 (73 Stat. 267), provides for construction of domestic and community water supplies, waste disposal works, and other sanitation facilities for Indian homes, communities and lands. The Public Health Service has currently completed five (5) projects within the boundaries of the present Colville Reservation and one project now in process on what was the original North Half of the Colville Reservation. The Tribe contributes to this program at the rate of 10% of the total amount per each specified project, and has to this date expended a total of \$41,500 since the program was started during the 1963 Fiscal Year. Also, in accordance with the Sanitation Program, the Tribe does yearly hire a Sanitation Supervisor to help with the work load of the Public Health Service. Since the inception of the program during the 1963 Fiscal Year, the Sanitation Supervisor has been paid a total of \$20,136.15, which is above the 10% paid for each sanitation project.

In reference to the aforementioned programs administered by the Tribe or Health, Education and Welfare Committee, I would like to submit the following facts and statements. Since the inception of the Scholarship Program an approximate total of 31 Colville Tribal members have graduated from College with professional degrees, there are an estimated 50 students now academically attending colleges and these figures do not include members graduated or attending Vocational Institutes or other Business or Commercial College. There were approximately 81 enrolled members graduating from High Schools at the end of this 1967 School Session. As of June 5, 1967, there are only six (6) public assistance cases listed by the Social Services Department of the Bureau of Indian Affairs at Coulee Dam, Washington. I have been advised by the Social Services Department that the public assistance cases will fluctuate from a high of 50 (during winter months—seasonal employment), to a low of 6 or less in the spring, this is because of the type of employment available on the Reservation, such as logging, farming, etc., and also, due to per capita payments being made thereby decreasing the number of people in need of public assistance. NOTE: The above figures on public assistance cases has been found to be comparable to the same ratio of non-Indians.

In conclusion, I would like to thank you and the members of your Committee for allowing me to submit my resume of Committee activities, and also for the opportunity to appear and testify at these Hearings on Senate Bill S. 282, here at Washington, D.C., on this eighth day of June, 1967. I ENDORSE the provisions as embodied in S. 282, and urge the early passage of this bill during the 90th Congress, 1st Session. I have not had the opportunity to study the proposed amendments for establishing a reduced reservation. However, if the Congress should decide to allow such, I would certainly be in favor of any changes necessary to provide for a reduced reservation for the Colville Tribe.

Senator BURDICK. Mr. Nicholson, does that complete your list of witnesses?

Mr. NICHOLSON. Mr. Chairman, we have one more witness.

Senator BURDICK. Oh, pardon me.

#### STATEMENT OF ALICE LAWRENCE, MEMBER, COLVILLE BUSINESS COUNCIL, INCHELIUM DISTRICT

Mrs. LAWRENCE. Mr. Chairman, I am Alice Lawrence, member of the business council, representing the Inchehium District, and chairman of the planning committee. It is the duty of the planning committee to review any plans for the development of the reservation's resources in accord with the viewpoint of the tribal membership. And our committee has been inactive since opinion polls have shown that the tribal membership strongly opposes any development of the resources belong-

ing to the tribe and are in favor of the carrying out of a termination act.

I am personally in favor of a termination bill being passed as soon as possible, as I feel that is what the tribal majority wants, rather than development projects. I have been elected twice by the members of the Inchelium District because I promised to support S. 282, and I hope that your committee will act favorably on this bill soon.

Thank you.

Senator BURDICK. What do you think about the proposal of permitting those who do not want to terminate, to live on a reduced reservation?

Mrs. LAWRENCE. Well, I would have no objections to a reduced reservation.

Senator BURDICK. Which do you prefer, complete termination or partial termination?

Mrs. LAWRENCE. I favor complete termination, myself.

Senator BURDICK. Complete.

That is all. Thank you.

Mr. NICHOLSON. Mr. Chairman, that completes the council majority.

I had a letter handed to me to be submitted, as if read, for the record, if I could do that at this time, I would like to do that.

Senator BURDICK. It will be made a part of the record in an appropriate place.

Mr. NICHOLSON. Mr. Chairman, I have copies of our tribal newspaper that I would like to submit for the committee's files, if they would care to see them.

Senator BURDICK. It will be received and filed as an exhibit.

(The newspaper referred to will be found in the files of the subcommittee.)

Mr. NICHOLSON. And that completes our testimony, Mr. Chairman.

Senator BURDICK. Thank you very much.

Mr. NICHOLSON. Thank you.

Senator BURDICK. I am going to take another witness, and I am afraid the vote will come any minute, but we will try to get one more witness out of the way before noon.

Robert D. Dellwo?

#### STATEMENT OF ROBERT D. DELLWO, ATTORNEY, SPOKANE, WASH.

Mr. DELLWO. Mr. Chairman, my name is Robert D. Dellwo. I am an attorney in Spokane, Wash., born and raised on the Flathead Reservation, and I represent as general counsel the Spokane, the Coeur D'Alene, and the Kalispel Tribes of Indians, and have represented them for a number of years.

These three reservations are the ones that are closest to the Colville Reservation. The Spokane Reservation is actually administered by the same superintendency and is immediately adjacent to the Colville Reservation, and while much smaller, it has many of the same characteristics, including perhaps 35 miles of undeveloped lake frontage.

Because of the unanimity of these three tribes, the membership and the leadership of which have historically and continuously in a very aggressive way opposed all types of termination that have been pro-

posed up to this date, they have each accepted and signed through their chairman, a joint statement. It is entitled, "Joint Statement of Spokane, Coeur D'Alene and Kalispel Tribes Opposing S. 282 (Colville Termination Bill)."

This is quite a lengthy statement, which goes into the bill in detail, which I would like to file and have appear in the record as though read.

I do appreciate being called out of order, and I would appreciate that our testimony be placed in an appropriate part of the record of this committee, without breaking up the continuity of the evidence of the Colville group, both for and against S. 282.

In summary, the statement points out the general recommendation of these three tribes against the termination bill as proposed.

It points out the impact of this termination bill on their own reservations and on other reservations. It makes a series of suggestions of improvements to S. 282, and I might say that many of those suggestions, written independently by these tribes, are almost identical to those made by the Commissioner this morning. And then it lists a series of alternatives to this meat cleaver, wholesale type of termination, which is proposed in the current Colville bill.

These three tribes, perhaps, would suffer the greatest impact of any other tribes, other than the Colville Tribe itself.

You noted in the Commissioner's statement that there are approximately 600 Colvilles having interest in about 2,000 allotments on adjacent reservations. The majority of these allotments are on the Spokane, the Kalispel, and the Coeur D'Alene Reservations.

For example, in the case of the Spokane Reservation, the majority of the fractionated heirships, its greatest single land problem, and the greatest single land problem of Indians throughout the United States, the majority of its fractionated land heirship lands contain Colville interests, and this is relatively true on the other reservations, such as the Coeur D'Alene and the Kalispel, such as the Flathead and the Yakima. And it is an impact in which there would be a termination of fractionated trust interests scattered all over these various reservations which create the problems that the Commissioner alluded to.

But along with this is another major problem, and that is that the majority of these Colville Indians who live off the reservation and have these interests live on adjacent reservations. They are mixed in as part of Coeur D'Alene families, as part of Spokane families, and therefore they are literally part of the tribes on whose reservations they live, and therefore these families, which are part, also, of the Spokane, the Coeur D'Alene and the Kalispel Tribes through other members of the family, are vitally concerned.

And while much has been said of the assimilation of these Indian people into the mainstream of American life, the fact is that many are not assimilated and are a very great distance from assimilation. And it would be my observation of the Colvilles that live on our three reservations, that those that are the least assimilable, perhaps those that are the most dependent, do not live on the Colville Reservation, live on the adjacent reservations.

And upon termination of these people who still need the services of the Indian Bureau, still need the trust status of their property both on the other reservations and on the Colville Reservation, they

will become a part of the charge just from the mere residency of the tribes on whose reservations they live.

In general, that is the attitude and the reaction of these three tribes to the Colville bill, which is in detail discussed in the statement which I am filing at this time.

Thank you very much for allowing me to be called out of order.

Senator BURDICK. You do not represent any faction of the Colvilles?

Mr. DELLWO. I do not represent as attorney any factions of the Colville, but as an Indian lawyer widely acquainted with many Indians, I have talked to many Colvilles as they come through my office, and have attended meetings, but I represent none of them as attorney or as counselor.

Senator BURDICK. Well, as one who knows the Indians well—I know the Indians well, too—would you describe the philosophy that if the Indians want termination, they should have it?

Mr. DELLWO. In general, this is a complex question. The fact that a single Indian is terminated may not have much impact upon a reservation. And, as a matter of fact, through relinquishment and through the seeking of fee titles and through such a program as a withdrawal program, which is proposed in the statement of the Coeur d'Alenes, the Spokanes, and the Kalispels, you can have individual termination without jeopardizing the land base of the tribe. Part of the problem is—and this is greater on the adjacent tribes than in the Colvilles—the large majority of the lands on these adjacent reservations, with the exception of the Spokane Reservation, are in allotted status, and therefore when you speak of the land base of a tribe you are speaking of the allotted land base as well as the tribal land base.

And this becomes a homeland. And the termination of a single Indian has to be a discretionary thing, to be decided on the merits of that particular application, his position in his family, his fractionated interests in heirship, his personal readiness for termination. And in this discretionary consideration, his own wishes are just one factor, although it is an important factor.

Senator BURDICK. You still have not answered my question about the principle.

Mr. DELLWO. The principle in general, I think that if an Indian is ready for termination, if he is judged ready and if he requests it, then there should be complete order whereby he could secure termination.

Senator BURDICK. Is there any other method besides his own expression in a referendum?

Mr. DELLWO. Referendums are basically fallacious because they do not express the differences among the Indian people. You have those who are ready for termination voting for termination. You have those who are not ready for termination also voting for termination. And as a result, it is a kind of wholesale gathering of those that are ready and those who are not ready in one program.

Senator BURDICK. Well, we have run everything else on a majority vote in this country.

Mr. DELLWO. For instance, at the present time, if many of Colvilles applied for fee title to their land, Mr. Chairman, they would be turned down. I, myself, observe these applications and this demonstrates the fact that the request is not in itself a sufficient reason for termination.

Many of these who vote for termination, if they applied for fee title to their land, would be turned down because they would be adjudged by the Indian Bureau, and perhaps by the tribe itself, not to be ready yet to get the fee title to their land.

Yet, under a termination bill, through a vote of the majority, they would be given fee title to land whether they wanted it or not.

Senator BURDICK. Well, I assume that with termination they know that tribal land would be converted into private land.

Mr. DELLWO. It would be converted into private land on a wholesale basis.

Senator BURDICK. Termination is a gradualism, a gradual assimilation of the Indians.

Mr. DELLWO. We hate to use the term "termination," because termination has the concept of immediacy and of generality, whereas I think the other tribes have a concept of a gradual assimilation, development of the resources, a benefit to the tribe in general, and, as you suggest, a certain amount of self-determination among the individual Indians who are ready for termination and would be on an individual basis adjudged to be entitled to it.

Senator BURDICK. The part of your testimony which mystifies me is, how do you determine this. How do you determine when the individual is ready? What magical, all knowing power, determines that?

Mr. DELLWO. The Indian Bureau has been doing it for years, and in applications for sale of land, in applications for fee title, in every instance, it is making a determination of the readiness of that individual to receive the fee title to his land which, in effect, is an individual termination.

Included in this adjustment is also a growing concept of land consolidation programs of tribes in which many times in recent years the sales have been to the tribe rather than to individuals out of trust.

For example, if a person applies for fee title and has a fractionated interest, or he has a total interest, the very piece of land might be a key piece of land that the tribe would like to purchase in a land consolidation program. And these are all considerations in the application of this individual. And I personally suggest some type of withdrawal program, perhaps in which the Federal Government gives some financial assistance to the tribes, in which there could be more members of tribes individually terminating themselves, and other suggestions have been made, and I do not know whether you would want to go into them at this time.

Senator BURDICK. Well, I was just wondering how you arrived at the principle of voluntary termination.

I am sure you and I agree on the involuntary type, but how do you arrive at the voluntary?

I appreciate your testimony.

Mr. DELLWO. Thank you very much.

(The joint statement referred to follows:)

#### JOINT STATEMENT OF SPOKANE, COEUR D'ALENE, AND KALISPEL TRIBES

Because of similarities in views and in the impact of the Colville Termination Bill on their tribes and reservations, we of the Spokane, Coeur d'Alene and Kalispel Tribes are presenting this joint statement of our reasons for opposing S. 282. We are the closest neighbors of the Colvilles, with the greatest amount of intermarriage and mixing of land interests. We therefore have special reasons for opposing the Bill.

## I. TRIBES' GENERAL POSITION OPPOSING COLVILLE TYPE OF TERMINATION

Our primary reason for opposing S. 282 is that it is a wholesale, meat cleaver type of termination-liquidation. It treats the dependent Indian who still needs the reservation and the independent one who has long left the reservation in the same manner. It tosses them both onto a society with which the one is ill equipped to cope. Without any attention paid to the vast differences in readiness among the Colvilles, it, in one fell swoop, terminates them all.

Is it by such sudden and unqualified termination and liquidation that the United States Government should dispose of its obligations to the Colvilles? We think not. The whole philosophy of government stewardship, the basis of the Trust, the idea behind nearly a century of supervision of the Colville affairs by the United States Government was the need for such stewardship and trusteeship. Such a need does not suddenly disappear. There are many Colvilles who would be turned down if today they applied for fee titles to their lands, yet, under S. 282, fee titles along with complete and unqualified termination will be thrust upon them.

Is it fair and just for the United States Government to use the assets of the Colvilles as a lure to termination? We think not. Yet that is exactly what it is doing. In order to emancipate itself, in order to relieve itself of its historic, legal obligations to the Colvilles, it proposes a sale of the tribe's assets and their distribution in money. This is the lure for termination. The pay off to the tribe. The "Pay Off" with the liquidated value of the tribe's own property.

No one is prepared for this termination except the United States Government. Once completed the United States Government can walk away, secure in the knowledge that the Colville Tribes are legally dead, gone to oblivion. No entity will remain to bargain with the Federal Government. No Agency or Superintendent will exist to work with the Indians. The Colvilles, except for the color of their skins, their family backgrounds, their searching awareness of their historic origins, will disappear as Indians. In the place of the Federal Government and the Tribes will be a state and the counties trying to cope with unforeseen problems as they watch over the remnants of what is now a prosperous, functioning Tribe.

We oppose the Colville type of termination because its passage will reflect on the prudence and the fairness of our Federal Government. It is no way for our country to shrug off its responsibilities.

We oppose the Colville type of termination because we are apprehensive and worried about the welfare of our Colville brothers. What will they do? Where will they go? What will we do when, stripped of their resources and their reservation, they knock at our doors?

## II. IMPACT OF THE COLVILLE TERMINATION BILL ON THE SPOKANE, COEUR D'ALENE, AND KALISPEL TRIBES

Much has been said of the independence of and the differences between tribes. They exist as different entities. Before the white man came some tribes jealously guarded their lands. Some ignored other tribes and lived apart.

This was not true of what is now known as the Inland Empire. An Inland Empire now it was an Inland Empire in the pre Columbian days. Tribes lived in peace. They had a constant commerce and exchange going on. As the centuries passed they remained as Tribes, but, in their friendly intercourse, they travelled on each other's lands. When the reservation days came they were swept up and herded into their various reservations. The mixture of bloods, grown strong by generations of intermarriage, made it difficult to herd Coeur d'Alenes only to the Coeur d'Alene reservation, Spokanes only to the Spokane reservation and the various bands and tribes that made up the Colvilles to the Colvilles.

The intermarriage and mixing continued. After the Indian Reorganization Act of 1934 the various tribes began to organize with approved constitutions. It was impossible then to speak only of Colvilles on the Colville Reservation, Kalispels on the Kalispel Reservation, etc. What was found was a mere predominance of the appropriate blood on each reservation. Faced with this mixture of bloods the various constitutions swept into the respective memberships of each tribal government "all persons of Indian blood" who happened to be included in the most recent census of Indians on each reservation. Many Indians of Colville origin found themselves on the Spokane, Coeur d'Alene and Kalispel Rolls. Likewise,

many Spokanes, Coeur d'Alenes and Kalispels were swept into the Colville Rolls.

The intermarriage and mixing continued so that today a large per centage of Coeur d'Alene, Kalispel and Spokane families have Colville members. The same is true on the Colville Reservation.

#### *A. Impact on Indian Land Base on the Reservations*

The amalgamation referred to above, is dramatized and reflected in any analysis of heirship land on each of the reservations. The mixing with the Colvilles is at its greatest on the Spokane Reservation. There it is fair to say that of the various allotments which in heirship status are owned by more than one person, more than half contain Colville interests. The same thing is true to a lesser extent on the Kalispel and Coeur d'Alene Reservations. In effect, each of the reservations is speckled with Colville interest. Termination under S. 282 will mean simply that all of these fractional interests of Colvilles on these neighboring reservations will be "terminated." Fractional fee titles will plague our reservations and jeopardize our land base.

The same is true on the Colville Reservation. Scattered all over it are heirship interest of the members of our tribes. Each of these interests will be terminated as to their trust status. Stripped of their trust status and of Bureau supervision and management, separated from their present identification with existing grazing timber units, these heirship interests will have little value indeed. They will be sold for pittance to the first bidders.

#### *B. Impact on Membership in the Tribes*

The intermingling of Indian blood causes little problem as long as the Indian blood lines remain. But what happens to the Colville blood which is now computed as Indian blood in deciding the eligibility of various of our members and their children to remain on our tribal rolls?

#### *C. The Unfortunate Precedent*

When the Colville Termination has been accomplished it will stand as a precedent for similar legislation affecting our tribes. You ask what difference? If the members of our tribes decide to cast their lot for termination, why not? But we answer with another question: Who of our tribes will pressure for liquidation once it occurs on the Colville? The fractional blooded, off-reservation landless members of our tribes. That growing group of people who have little interest in the continuance of our reservations and of our tribe! They will say, "If the Colvilles can do it, so can we. We can get our Senators to introduce bills to sell off all the reservation assets. Thereby we can gain a payment of money." Instead of our Government, our protector, seeking an alliance with these off-reservation "non-Indian" Indians in order to liquidate reservations, it should be teaming up with the true Indians in a program of protection and development of tribal resources.

### III. SUGGESTED IMPROVEMENTS IN BILL SHOULD IT BE ENACTED

While we strongly condemn the whole approach to termination exemplified in S. 282 we nevertheless must consider the likelihood of its passage. Looking at this possibility we direct ourselves now to a constructive criticism of the Bill. Assuming its passage, what changes should be made to remedy some of its glaring inequities? How can it be improved, particularly from the point of view of neighboring reservations:

*1. The Referendum.*—In all our previous statements we have pointed out the inequitable referendum provisions. An one-eighth-blood member of the tribe having no children will have the same vote as a full-blood member with 8 children. There is no provision for the votes through parents or guardians of the children and incompetents. Off-reservation people will have the convenience of voting by absentee ballots while the reservation people would have to vote personally.

Worse yet this significant, momentous even explosive event, the event of full termination, will take place inevitably and irrevocably if only a bare majority of those adults who happen to vote affirmatively. In previous statements we told of our unsuccessful search for any precedent in American law, in the liquidation of corporations, banks, cooperatives, irrigation districts, etc., where a bare majority of the adults voting can liquidate the entire entity. With the Bill as now written it is possible that a tiny percentage of the Tribes total membership

voting affirmatively in the referendum to vote out the Indian status of all the rest.

What should be done? Provision should be made for weighted voting. A full blood should have a greater vote than an  $\frac{1}{8}$  blood. A parent with 8 children on the rolls should have a greater vote than a member with no children on the rolls. At the very least, the liquidation should occur only if a clear majority (or preferably two-thirds of all the adult members of the tribe vote affirmatively in the referendum.

2. *The Appraisal.*—Surprisingly the referendum for termination will take place before the appraisal occurs. No voting member of the tribe will have any more than a rough idea about the value of the tribal assets, hence of the per capita share that he might receive. This is subject to the wildest rumors and speculation. In the last 24 hours the writer has heard two responsible people estimating the value of the timber assets alone. One used the figure of \$100,000,000.00. One estimated a value of \$300,000,000.00. Both are undoubtedly absurdly high. Yet these are the figures mouthed by people who claim to know.

The bill should be amended to provide that the appraisal take place before the referendum.

3. *Reduced Reservation.*—The bill as now proposed provides merely for "remaining Indians" retaining a portion of the reservation under some type of corporate control, no longer in trust or under the supervision of the Indian Bureau. The bill should be amended to provide that those who remain will remain as Indians on a reduced reservation, retaining all the rights and status they now have as member of the Colville Confederated Tribes.

Included in this concept of a reduced reservation should be the retention of the lands of the remaining Indians in trust status. There should be added to both these ideas the discretionary right of the Secretary to determine that certain dependent members should remain as Indians even though those members may not personally request it.

With a combination of these approaches an Indian member with a family could choose to remain as an Indian with all his rights as an Indian preserved. He would retain his Indian land interests in trust whether those lands were located on the Colville reservation or on another reservation. The trust status of the lands of non Colvilles located on the Colville Reservation could be protected.

4. *Retaining Trust Status of Colville Land Interests on Other Reservations.*—As outlined above S. 282 would terminate the trust status of the land interests of Colvilles on our reservations thereby creating havoc with our tribal land bases. The Bill should be amended to provide that such lands would retain their trust status and, if put up for sale, that the joint owners or the Tribe on whose reservation the lands were situated, would have absolute priority in purchasing them.

You ask, how can a Colville become half Indian, that is, how can he be terminated and yet hold lands in trust? There is no reason why he cannot. The Bill could simply provide that his termination would be complete except as to the continuation of the trust status of land interests he holds on other reservations.

5. *Preferential Purchase Rights.*—The Bill should be so modified that it will adequately provide for purchase preferences for tribes and co-owners of lands, the trust status of which would otherwise be terminated. As set out above the tribes and co-owners should have absolute preference rights to purchase such land interests on their respective reservations. Similarly the remaining Colvilles should have such rights both as a tribe and as individuals.

Let us assume a reduced reservation of remaining Colvilles. It will have certain outer boundaries within which the law should encourage, facilitate and even guarantee a workable land consolidation program. Purchasing the interests of departing Colvilles within its boundaries could protect and increase its land base. The "remaining" Colville individuals should have similar protection with strong, workable purchase priorities and preferences so that they wouldn't end up with scattered interests in a multitude of former allotments the majority interests of which would have become terminated.

#### IV. POSITION OF OUR TRIBES ON TERMINATION

We abhor the principle of wholesale, buy out, sell out, sudden liquidation type of termination earlier used for the Klamaths and now proposed for the Colvilles. It brings to naught a whole era of Indian history and development. Enacted, it becomes a confession on failure for both the Indians and the United States Government.

In the middle of their journey toward fulfillment of the promises of the United States Government to the Colvilles and toward the fulfillment of the economic and social promise, the rich potential of this great reservation, The Guardian, after a questionable referendum, sells out the estate and distributes it to the people he was meant to protect. The money is handed out and lasts for a time. It lasts just long enough for the Guardian to turn his back and walk away, knowing that when he does finally look back at the broken dreams and promises, his steps cannot be retraced. He will see merely the burial ground of a tribe, its members scattered, its hopes turned to ashes.

But they say that "Indian Tribes can't last forever"! Is there an alternative? Can something else be suggested? The answer is "Yes."

#### *A. Natural Termination*

All of our constitutions and those of other tribes have certain self terminating provisions. The principal one is the blood quantum requirement, common to most tribes. Our tribes require that any one born after the constitutions were enacted must be at least  $\frac{1}{4}$  Indian to be a member. This is one reason for the current pressure for termination. A large per centage of the adult membership of each of our tribes has so little Indian blood that none of their children are on the rolls. Their "blood has run out". Therefore, "they want theirs now". Allowed to run its course these provisions become a form of natural termination which could be codified nationally so that tribal membership would gradually shrink.

#### *B. Selective Termination*

One of the plagues of tribes and the greatest threat to their existence as exemplified by the Colvilles is the fact that a substantial portion of the adult membership have little if any Indian blood. The Coeur d'Alene Tribe for example counts at least 120 of its adult members of whom one of the tribal wits has stated that should any one of them scratch himself and lose one drop of blood it might be his only Indian blood.

The Congress could enact legislation selectively terminating those whose blood is ridiculously lean. Would terminating a member of a  $\frac{1}{16}$  or less Indian blood, living off the reservation and having no lands in trust have any substantial effect? It varies with each tribe but, in the case of the Coeur d'Alene Tribe it would selectively terminate 120 of its approximately 450 adult members.

#### *C. Withdrawal programs*

Each of our tribes has periodically suggested some type of withdrawal, pay off program. Let us assume a voluntary program whereby certain categories of our members could elect to withdraw as tribal members, relinquishing all rights as Indians and receiving a certain payment in money in lieu of any contingent or inchoate interest they may have in tribal assets. Many would do it and thus a substantial degree of termination would occur.

What is the stumbling block to such a program? It is lack of money. Few tribes can afford such a program without selling off large portions of their reservations. It could be done with Federal assistance. Such should be considered. The case of the Colville's is in point. If the Federal Government is so eager to unburden itself of the Colvilles that it will pay tomorrow's prices today for its forests, perhaps double the forests long range, sustained yield value, would it not make more sense to finance the Colville's in a withdrawal program. Let us assume that under the formula of a "10 year clear cut" price of the timber lands provided for in S 282 the United States Government will pay \$100,000,000.00 for those lands or about \$50,000,000.00 more than they would actually be worth if sold on a sustained yield basis, the basis under which the Government will actually take them. In lieu of such a poor investment for Uncle Sam, couldn't the Federal government justify making federal funds available to assist the Colvilles and other tribes in financing a withdrawal program?

#### *D. Developing of Resources up to a Point of Corporate Self Sufficiency*

One of the main objections to the Colville liquidation type of termination is that it proposes the sale of relatively undeveloped timber, land and mineral resources to some one else who will develop them and reap the profits.

How much better it would be for the tribes to reap the benefits of a full development of their own resources! Those familiar with future possibilities and potential in land development and use would be startled and dismayed at the idea of any legal entity, such as a tribe, breaking up and disposing of large tracts of undeveloped land. This is the time when such tracts should be held.

Their very-existence as large, undeveloped land units, ripe for modern ideas of development, gives them their rich promise. Their lack of past development gives them their bright future.

Let us agree that Termination may come some day, but that it will not come until after the foundation for full land and resource development has been firmly laid. It will not come until the tribe has achieved a corporate self sufficiency that will be self generating and self protecting.

The Spokane Tribe has such a program. Its leaders oppose termination with all their energy because it would jeopardize its program for development. They say, "Let us achieve this. Let us consolidate our lands. Let us develop our lake frontage. Let us secure the building of lumber mills and the full development of our mineral resources. Let us secure the full employment of our reservation people. Let us change our reservation from a land of potential to a land of plenty. Then let the winds of termination blow. We will survive, standing on our own feet. We will look back then on promises fulfilled and we will proudly face the future, still as Spokane Indians".

When that occurs on our reservations we know that our Federal Government will stand beside us in pride, in the vanity of accomplishment.

(It can do the same for the Colvilles!) But our Federal Government will never look back with any pride on its escape from responsibility provided in S. 282. No one in Washington, D.C., is taking any bows over the accomplishment of the termination of the Klamath and Menominee Tribes. They won't for the Colvilles.

#### *E. Our Lament and Our Prayer*

No flag will rise on Colville Termination day. There will be no salutes, no marching bands. The forests and lands will echo with the sounds of commerce and development but they won't be Colville sounds. The waters will flow and the grass will grow green, symbolic of an ancient promise. Who will remember? Not the Colvilles. They will be gone. Where? Who knows, least of all the government that used the liquidated value of their lands to disperse them and pay them off.

We call to the Colvilles now, we their neighbors who see the smouldering spark of the once glowing embers of an ancient brotherhood slowly going out. Come back Colvilles! Come back from your pilgrimage to nowhere.

#### CONCLUSION

We ask that S. 282 not be enacted or, if it is, that the remedial amendments set out above be included.

Dated this 8th day of June, 1967.

Respectfully submitted.

By	THE SPOKANE TRIBE, ALEX SHERWOOD,	<i>Chairman.</i>
By	THE COEUR D'ALENE TRIBE, JOSEPH R. GARRY,	<i>Chairman.</i>
By	THE KALISPEL INDIAN COMMUNITY, RAYMOND PIERRE,	<i>Chairman.</i>

Senator BURDICK. The committee will be in recess until 1:30.

(Whereupon, at 12:10 p.m., the Subcommittee recessed, to reconvene at 1:30 p.m., the same day.)

#### AFTERNOON SESSION

Senator MCGOVERN (presiding). I wonder if at this point we could hear from those who represent the minority point of view among the Colville Business Council.

I want to say before you begin, we had a series of rollcall votes that disrupted the lunch plans and other commitments that Members of the Senate had, and that explains our tardy resumption of the hearing this afternoon.

We are ready now, though, to proceed.

**STATEMENT OF HARVEY MOSES, MEMBER, COLVILLE BUSINESS COUNCIL**

Mr. MOSES. Mr. Chairman, we four here are members of the business council, and we are known, I guess, as a minority group on the business council opposed to the present bill that is being considered.

Senator McGOVERN. Would you give us your name and the names of each of the people who are with you?

Mr. MOSES. We have, beginning from my right, Mrs. Lucy Covington, Mrs. Shirley Palmer, Mr. Frank George, and my name is Harvey Moses.

Senator McGOVERN. All right. You may proceed in any way you wish then, Mr. MOSES.

Mr. MOSES. I have a very brief statement that I would like to read for the record.

Mr. Chairman, members of the subcommittee, members of the Bureau of Indian Affairs, and others.

My name is Harvey Moses, member of the Colville Business Council, recognized as being aligned with the minority business council's members opposed to termination of Federal supervision and sale of tribal properties. My past testimony clarifies my reason for my opposition.

In reviewing the major amendments as proposed by the Bureau and the Department, I find proposed amendments reasonable.

One major resource that is in the present bill, S. 282, page 4, section 6, subsection (b), is in reference to appraisal of our timber which represents 90 percent of the tribal assets. The language in the present bill contains harmful limitations and qualifications, which, if not corrected, will deprive the Colvilles of approximately 40 percent of the fair market value.

Therefore, I recommend that section 6, subsection (b) of S. 282, be amended to read as follows:

(b) cause separate appraisals to be made by three qualified independent appraisers of the units designed under Subsection (a) for the purpose of ascertaining the fair market value of each unit. The fair market value of the timber assets shall be defined to the market price realized in the immediate area for the last ten years prior to the time this Act is enacted, and that appraisers use no limitations or qualifications that may justify any discounting. The Secretary shall determine the fair market by averaging the three appraisals.

The Bureau and the Department's recommendation to amend the present bill to permit tribal members to remain under continued Federal trusteeship on a proportionately reduced reservation is viewed as a desirable improvement over language as contained in section 6, subsection (g).

I am positive that the Commissioner has a number of names which would indicate that a majority of the membership who voted no termination on the past opinion poll are in favor of this amendment. In order to be consistent with the wishes of my constituents, I also ask that this amendment be given favorable consideration.

Thank you.

Senator McGOVERN. Do I understand you to say, then, Mr. Moses, that you would find the administration, that is, the Bureau proposal acceptable, that is, the concept of a limited, reduced reservation covering those members of the tribe that do not wish to be terminated?

That would be an acceptable alternative to the bill now before the committee?

Mr. MOSES. I believe you confuse me a little bit there.

Senator MCGOVERN. Let me see if I can state it more clearly.

Are you willing to accept termination for those members of the tribe that wish it, providing there would be a continuing Federal responsibility on a reduced reservation covering those members of the tribe that want to continue under Federal responsibility?

Mr. MOSES. I believe I understand your question, sir.

No, I would not. I mean, due to —

Senator MCGOVERN. Well, I understood you to say in your testimony that you saw that as a desirable —

Mr. MOSES. Amendment, correct.

Senator MCGOVERN. In other words, you think it is an improvement, but it is still not acceptable to you. Why is that?

Mr. MOSES. Due to the fact that on the number of times I have testified in the past on this bill or similar bills, there were a number of amendments that I proposed which are not in the bill and, therefore, with one acceptable amendment, it does not make the bill acceptable because there are a number of other amendments that were not accepted. In fact, I just mentioned one, and that is the timber appraisal.

Senator MCGOVERN. But it would make it considerably less objectionable to you —

Mr. MOSES. That is correct.

Senator MCGOVERN (continuing). If that amendment were accepted.

Mr. MOSES. But to clarify my position, I would not vote favorably for the bill even if the amendment were in it.

Senator MCGOVERN. I think I understand your position.

#### STATEMENT OF FRANK GEORGE, MEMBER, COLVILLE BUSINESS COUNCIL

Mr. GEORGE. Mr. Chairman, my name is Frank George, and I would like to be given the opportunity to file a written statement later. I will give it to Mr. Gamble tomorrow.

And I would also like to learn as to how long the record will be held open for those who are writing in so that their letters will be made a part of the record.

Senator MCGOVERN. Yes. Well, you can count on the record being open for probably 2 weeks.

Mr. GEORGE. Yes. Well, thank you, Mr. Chairman. I will file a statement later because there are other witnesses who follow who do not have prepared statements, and I would like to have them heard rather than take up your time here.

Senator MCGOVERN. All right.

Mr. GEORGE. Thank you, Mr. Chairman.

(The statement referred to follows:)

#### PREPARED STATEMENT OF FRANK GEORGE, NESPELEM, WASH.

Mr. Chairman, my name is Frank George of Nespelem, Washington. I am an enrolled member of the Confederated Tribes of the Colville Indian Reservation and presently serving as a member of the Colville Business Council, the tribal governing body of the Confederated Tribes. I am an allottee and I also own several parcels of trust land besides my own individual allotment.

I am appearing here to offer testimony in opposition to enactment of the bill pending before your committee, S. 282. I also oppose enactment of similar bills introduced in the House of Representatives: H.R. 1029, H.R. 3051 and H.R. 7566.

I have always opposed the enactment of any legislation that provided for the ending of the Federal trusteeship status of Indian trust-held land along with its surface and sub-surface values.

There should be no termination of the trusteeship relationship which exists between the National Government and the Indians. There are many who are not adequately informed about the impact termination would make after Federal services were withdrawn from the Indian country. To me, termination is a simple, easy and false solution brought about through a payment in dollars which appeals to those who are proponents of this pending legislation. This so-called termination formula is a special legislative device which would permit the presently responsible public agencies and officials to shift their responsibilities elsewhere and dispose of the so-called Indian problem by literally sweeping it out of sight. We are gravely concerned over the renewed efforts to bring about acceptance of this persistent and serious attack upon the Indian people and their property through application of the termination formula.

I objected to inclusion of sections 4 and 5 of H.R. 7190, 84th Congress, which later became a public law. The Indian Bureau made these two sections a contingency. The Bureau refused to consent to the clarification of our land title set forth in the restoration bill until the Colville Indians had submitted an agreement for a plan for termination. As a condition precedent to the restoration of lands that in justice and equity belong to the enrolled members of the Colville Reservation, the Bureau added the additional demand in sections 4 and 5 of H.R. 7190 which later became Public Law 772, 84th Congress, or the Act of July 24, 1956. One of the Bureau representatives testified, "We are not trying to black-jack anyone but we are very frankly—and I have no hesitation in telling you—we are very frankly discussing this type of planning, i.e. termination planning, with every group that we think are ready for it, regardless of whether there is this piece of legislation or no legislation before the group."

The Colville Business Council had five members in attendance at the July, 1955, hearing on H.R. 7190, 84th Congress, and they favored the use of tribal funds to pay in-lieu-of-tax payments to Ferry and Okanogan Counties at the rate of \$40,000 per annum over the initial three-year period and they also gave their support to inclusion of the termination clause whereby the act would incorporate the terms of Colville Business Council Resolution 1955-33, dated April 8, 1955. Thus it was that inclusion of two sections to a simple restoration bill led us to the dilemma facing us today. The Indian Bureau was successful in instilling into the minds of our tribal governing body the philosophy of a termination formula. Our tribal government in 1955 expended their efforts in concert with the Indian Bureau to devise a scheme I considered unworkable from the standpoint of good tribal government action. Not long afterward a general restoration bill was enacted that clarified the land status for a number of tribes and these tribes were not forced to pay bribes in the form of in-lieu-of-tax payments to counties nor did they have to submit to termination proposals before their tribal lands were removed from further public entry.

The enrolled members of the Confederated Tribes who own individual parcels of trust land and who make their living on the Colville Indian Reservation firmly oppose the movement to dispose of the tribal land base and the natural resources thereon. Converting the tribal assets into cash and then distributing it on a per capita basis is not feasible at this time especially when there is no assurance that full retail value would be paid for the assets of the tribes.

All through history the pressures to "liquidate" tribal assets and "terminate" Federal trusteeship have been, to a degree, the results of outside non-Indian influences who want the Indian lands thrown upon to them. Getting the Federal Government to get out of the Indian business has been tried in many ways. Mr. Chairman, you realize and I realize that that was exactly the aim of the United States Army for many years. We sometimes wonder whether the present subtle efforts to effectuate termination by legislation isn't a similarity, not only of aims, but also of the methods employed. A question arises as to which was the most humane. It is our thought that Congress should legislate to protect the Indian heritage and that the cause of Indians on reservations should not be treated as an abstract problem.

It has always been the desire of our Indian communities within the Colville Reservation to continue as tribes and this expressed desire is not merely a matter

of pride in their traditions or retention of their ancient rights. It is their firm conviction that as tribes they can protect their property, and maintain their special status with the inherent rights that go with it. They feel that their voices would be heard with a fuller force and effect, and they know that they could never do it if they were fractionated or disorganized. Through retention of tribal group identity, they can also retain native values which they regard as essential to the pursuit of happiness.

Many of us hold to the belief that there is still a definite need for a continuing policy on the part of the Federal Government to protect Indian property from exploitation. On the Colville termination issue it is thought that any sudden lifting of Federal trusteeship would be premature. Federal trusteeship is a guarantee of the homeland of the Indians who reside on the reservation. We want to retain the Indian rights and prerogatives that stem from legal and moral obligations of the National Government.

It is our fervent hope that the present over-riding pressures and drive for termination can be relaxed so that more attention can be directed toward social and economic development programs on the Colville Reservation. Such programs are needed for the development of the human and natural resources so as to improve the life of our Indian people and such programs would necessarily entail a Federal relationship with the Indians for some time to come.

Development programs are needed for use as a guide for the growth and use of the land to its maximum potential. The general purpose of the programs would be to provide goals and policies for the development of the reservation's resources, both natural and human, and thereby make the reservation a more desirable, convenient, attractive, and orderly place in which to live. Development programs can prove most beneficial to the Colville Reservation by assisting public agencies with their programs and by helping individual property owners protect their holdings and their investments.

The Colville Indian Reservation has the largest area of tribally-owned land in the State of Washington. The allowable annual cut on the trust-held forest land was raised to 120 million board feet in 1963. In fiscal year 1920 less than five million board feet of timber was harvested. Since that time the timber industry has developed into our principal source of income.

The Colville Indian Reservation has vast resources and the most beneficial use of these valuable resources can be brought about if it is continued in its present status.

In my closing remarks I am going to touch on our internal problems that concern our tribal government. I for one will not accept any of the present business council recommendations as long as those of us who represent the Nespelem District are denied membership from the major committees of the council such as Land and Forestry; Health, Education and Welfare; Legislative; and Enrollment.

In all deliberative bodies whether they be in the state legislative or the Congress of the United States, consideration is given to minority members of a differing political philosophy. We members of the Business Council from the Nespelem District feel that we are entitled to membership on the major committees, and while the business council majority sanctimoniously subscribes to "democratic principles", they have denied the minority to take part in committee meetings where major decisions are reached and then passed by the business council without full debate. I wish to point out also that most groups use some form of parliamentary procedure. Many use Robert's Rules of Order. Yet, the majority refused to follow his orderly manner of parliamentary procedure whereby the rights of a minority member could be protected without being arbitrarily cut off as is usually the practice in council proceedings.

It is been pointed out before to the Commissioner of Indian Affairs that in due course, if the inaction of the Council should continue unreasonably to militate against the best interests of the Tribes and especially as in this case, the Nespelem District, it is within the general authority of the Government as trustee to interpose and reorganize the tribal government along more practical lines.

One other issue that has to be clarified before long is the matter of enrollment and that is why we in the Nespelem District feel rightly that we should have representation on that committee. We have noted that recently many persons have been enrolled and they are not deserving of the privilege because in a few instances Chinese and other kinds of non-Indian blood was used for qualifying a person for enrollment. Tribal enrollment is a very important internal problem and abuses have cropped up with the implementation of the 1937 census roll as the basic roll for the Confederated Tribes. The 1937 census roll is not a true mem-

bership roll which has been properly certified but the use of this roll has resulted in arbitrary enrollment action. By using the 1937 census roll for administrative purposes to certify degree of blood a number of persons have been enrolled when their true quantum of Indian blood falls short of meeting the one-fourth quantum stipulated as necessary to meet enrollment requirements.

As to S. 282, the language provides for compelling us to sell under terms that would not meet the requirements of just compensation as explained in the report of the Department of Justice on a similar bill, S. 1413, 89th Congress. There is also no real assurance that just compensation would be given us for surrender of hunting and fishing privileges within the present boundaries of the Colville Indian Reservation. The same observation is made of the mention of the sub-surface rights on the tribal lands. The language is too casual and should be clarified to show enrolled tribal members that these valuable vested rights would be paid for—and paid for at a severance value and not discounted as in the case of our tribal forest.

This issue of termination is a very grave issue and must be treated as such. It is hoped that the members of Congress will give careful deliberation to this problem and that it will in its final conclusion decide that this proposed legislation not be enacted. It is a bad piece of legislation. It will have a far more harmful impact on the rank and file membership of the Confederated Tribes of the Colville Reservation and we are relying on your wise judgment to agree with our views and not pass this bill.

The bill has so many undesirable features that it would be useless to attempt to suggest amendments. Even with approval of perfecting amendments, it would still leave S. 282 as a bad piece of proposed legislation.

I fervently urge that S. 282 not be enacted into law.

Senator McGOVERN. In view of the large number of witnesses that are still waiting to be heard, we especially appreciate that and if there are others in the hearing room who would like to have their statements made a part of the record, they will be printed as though they were given here, and the other Senators will have an opportunity to read them. So we will be happy to see that your full statement is incorporated in the record at any time over the next couple of weeks that you see fit to file it. And that would be true of any other witnesses here today.

I might say, too, if there are people here with prepared statements who sometime during the afternoon would just like to briefly summarize those statements and file the prepared statement in the record, we will be happy to receive their testimony in that form, too.

#### STATEMENT OF SHIRLEY PALMER, MEMBER, COLVILLE BUSINESS COUNCIL

Mrs. PALMER. Mr. Chairman and members of the committee, my name is Shirley Palmer, and I live in the community of Nespelem. I am also a member of the minority of the business council, opposed to S. 282.

I would like to state at this time that I will also file a written statement later.

I have summarized my statement as briefly as I can, but however, I will read what I have here.

I appreciate the opportunity to testify before your committee again, and I must say it is with a mixed feeling, a little of fear, a little of humbleness, and a great deal of anticipation on the fate of the Colville Indian people.

I am not concerned with those members who wish to withdraw from the tribe with their shares of cash, but for a group of people not ready to assume their responsibilities as terminated Indians. This group includes over half of the membership, who are minors.

The conditions on the reservation have not changed since the last report, which was during House hearings on November 4 and 5, 1966, at Nespelem. Poor housing, low income, and a high unemployment rate associated with property still exists. We have not taken advantage of many of the Federal programs which would relieve some of the conditions I have just mentioned. I do not think termination will solve these problems, either, for our people would lose the security the tribe now has: No. 1, tax immunity; 2, hunting and fishing privileges which supplement the small income; 3, the public health services and Federal subsidies for the federally impacted schools under the Johnson-O'Malley Act.

I have cited only a few of the services and privileges we have, but it would be a material loss to the members if they had to pay all the costs of hospital, dental, and doctor fees alone.

I am opposed to S. 282 as it contains many of the objectionable features brought out in previous hearing on S. 1413, and the bad effects it will have on our membership who are dependent on the reservation.

There should first be an appraisal, and then a referendum. I feel the members should know how much and what they are going to get before they vote away their rights.

Secondly, the issue should not be decided by only those who will be voting. Again, the minors' rights are ignored. I feel there should be proxy votes cast for them by either their parents or other people who are their legal guardian who may be appointed by the Secretary of the Interior for this purpose.

Section (d) of the bill provides for appraisals of hunting and fishing rights but no provision for payment of them. I oppose this bill on many other grounds. However, if this legislation is destined to pass and becomes law, I hope that the remaining group will have the option to remain on a reduced reservation under Federal supervision.

That is as brief as I can give my statement.

Senator McGOVERN. Thank you very much, Mrs. Palmer.

Would you say that if the modifications that you suggested there at the end were adopted that that would answer a major part of the objections you have raised to the existing bill?

Mrs. PALMER. Well, no, not a major part of it, but this section alone is important so that they may start to progress maybe in some of these programs that are available now.

Senator McGOVERN. Thank you very much for your testimony.

Mrs. Covington?

#### STATEMENT OF LUCY COVINGTON, MEMBER, COLVILLE BUSINESS COUNCIL

Mrs. COVINGTON. Thank you, Mr. Chairman.

My name is Lucy Covington. I am a member of the Colville Tribe. I reside on the reservation in the town of Nespelem. I represent the people who are against this bill in its entirety.

I have testified here formerly bringing out especially three facts that were of major importance, I believe. That was the appraisal and the voting of the membership. I believe that the younger generation has just as many beneficial rights as the elderly or all the members and should be given the right to have their vote cast by their parents or

their guardians. And the other is that this bill states the remaining group would then be under a corporation or some other entity set up for them.

My former testimony was based on these three major factors. The fractionated blood members are mostly requesting this termination.

I suppose I should have stated that I have a short written statement here. I will submit a statement that I wish to have put in the record here.

Senator MCGOVERN. We will see that your full statement is incorporated in the record.

Mrs. COVINGTON. All right. Thank you.

I am not through yet.

With the end of Federal supervision also come the end of the future of the Colville membership by our younger generation, and the birthright that belongs to them through their natural heritage of being Colville Indians, as beneficial landowners and other membership rights. He or she would lose his educational benefits from the Government and from the tribe, the medical benefits that we have now through the Public Health Service and the sanitation program which has helped our homes recently, their hunting and fishing rights, their tax exemption and their trust property, the natural inheritance to enrollment, his or her membership, and most important, his or her right to ownership of the reservation that we have inherited from our ancestors which would end as a result of this termination embodied in S. 282.

The stability of our people, our membership through ownership of a reservation, would be destroyed even though the economic situation is lower than the surrounding areas. This situation would be aggravated after termination when the windfall of cash was gone.

The people that are unable to cope with certain problems now, such as alcoholism, which is a major problem with our people and with the loss of our reservation, and the few rights we enjoy which were granted through our treaties and Executive orders, would increase. People in the low-income bracket would be hit the hardest. At the present time alcoholism interferes with the dependability of their employment and most of them lose their jobs because they do not appear on Monday, or whenever they are supposed to, and pretty soon it is pretty hard to hire men who do not show up constantly. It affects our education, also, and marital status through alcoholism, and makes them an easy prey to business people, such as car dealers, tavern owners and guardians. The fractionated-blood Indian off the reservation is responsible for this termination bill through their many requests to have this bill introduced and asking for action on it. The majority of the council are the council members I am referring to that are for this termination—

Senator MCGOVERN. Mrs. Covington, are those problems you are describing what you anticipate would develop with termination, or are they problems that exist now?

Mrs. COVINGTON. They are problems now, but they would increase with termination, with money and no land base.

Senator MCGOVERN. I see. Thank you.

Mrs. COVINGTON. As I was saying, we are being terminated by the fractionated blood. We have four members on our council that have

one-eighth degree of Indian, which is lower than our present enrollment. I bring these up because I think they are factors that are involved in this termination, not because of any other reason.

Also, in testimony I heard this morning, they do not want other members of the Indian people to testify. The majority of the business council accepts the urging of the passage of S. 282 from non-Indians, but objects to the Indian organizations testifying or making their objections known on this bill. But it does affect all these Indians. These reservations will be reduced because of the Colville termination on a percentage basis because they own land, Colvilles do own land on this reservation through inheritance, and I believe they have every right to testify against this bill that will affect their reservation or any termination bill which will affect the tribes through a wholesale liquidation of the type that this bill has.

There has been talk of termination, individual termination, that could be set up and a price agreed upon, and the giving up of all tribal rights includes those claims which are handled by Federal supervision which these people want to get away from through termination. That would give them a complete termination.

I reaffirm my statement of April 5, 1965, with this committee against S. 1413. I am still against termination in its entirety. I would not support a reduced reservation, a terminal bill because that would mean that we are for termination on this basis. I do not feel that my people are ready to be terminated, and I think this would create a real problem for the Indians and for the State of Washington.

Thank you very much.

Senator MCGOVERN. Mrs. Covington, let me just say on behalf of the committee that we are anxious to hear all sides of this issue. We do not want to cut off these hearings without hearing the various points of view. If there are people who want to be heard on the issues at stake here, the hearing record is going to be open for at least 2 weeks, and we will accept statements from anyone who wishes to have their views made a part of the permanent record. The committee has made an effort, both in field hearings and here in Washington, to provide opportunities for anyone who wants to be heard on any side of this issue, so I think it is not quite correct to say that people have been prevented from testifying that want their views known. And if you know of anyone who has a case that they would like to make before the committee, if they will prepare their material we will see that it is made a part of the hearing record.

Mrs. COVINGTON. Sir, did I say people were prevented?

Senator MCGOVERN. I understood you to say that there were some people who had been discouraged from testifying. Maybe I misunderstood the point.

Mrs. COVINGTON. No, I did not say that.

Senator MCGOVERN. What was your point with reference to those who had not been heard? I understood you to suggest that there were some people who had not had an opportunity to be heard that you felt ought to be heard on this issue.

Mrs. COVINGTON. I mean the other times like the Spokanes or the National Congress of American Indians, Affiliated Tribes of Northwest Indians, the Coeur d'Alene Council.

Senator MCGOVERN. I think we have heard from some of those groups and have statements in the record.

Mrs. COVINGTON. I see what you mean. I am referring to our own council, not this committee.

Senator McGOVERN. Well, we would be more than happy to receive statements from any of those groups that would like to have them filed as a part of the record.

Mrs. COVINGTON. Yes. I was not referring to your committee. I was referring to the majority of the council.

Senator McGOVERN. Well, thank you very much for your statement. Is Judge Joseph Wicks here?

#### STATEMENT OF JOSEPH WICKS, TRIBAL ATTORNEY

Mr. WICKS. My name is Joseph Wicks, and for the past 2 years, approximately 2 years, myself and one Tom Brooker have been employed as tribal attorneys by the business council, and I will try to make my remarks very brief, Mr. Chairman.

First, I would like to on behalf of Mr. Dellwo's statement this morning—I called his attention to a remark that possibly could be misunderstood by the committee, and that was his remark that of the Colvilles who reside off of the Colville Reservation, the majority of those people live on other Indian reservations.

Now, I think that what Mr. Dellwo intended to say—and I think he tried to correct his record on that—but he did say that there are some 600 Colvilles who have interest in lands and on other reservations, and that the majority of that 600 perhaps live on these other reservations.

The fact is that about 75 percent of all of the Colvilles live off of the Colville Reservation. About 50 percent of them live even away from the reservation, and they are scattered throughout some 36 different States of the Union, and some of them at the present time actually are fighting in Vietnam; 25 percent reside near the reservation and about 25 percent actually reside on the reservation.

So on behalf of Mr. Dellwo, in order to clear that up with the committee, I thought it proper to make that statement.

Now, then, relative to the members of the business council who are opposed to this legislation, these members of the council have, down through the years, ever since this legislation in its present form was presented, been opposed to any form of termination. And the suggestions that they are making here, it seems to me, are not for their benefit, but they would suggest that the bill be modified for the benefit of those who wish to withdraw.

Now, why they should be concerned with that when they are definitely opposed to termination in any form, is a little difficult for some of us to understand.

There are some suggestions that were made by the Commissioner, and I think have been touched on in some of the other statements here. The first one was the recommendation on the vote. We feel that we have a good bill. Twice it has been passed by the Senate in substance as it is written in S. 282. So we feel that, while we may be somewhat sympathetic with the thought that is involved there, the bill as it is written would be a proper way for this question to be terminated by the membership of the tribe.

The next recommendation of the Commissioner was the remaining membership. Our bill, of course—that is, H.R. 282—provides that the

remaining members be placed under trusteeship, or incorporation, or something other. The majority of the proponents of S. 282 have taken the position as stated in the official statement this morning, that if the Congress, in its wisdom, should see fit to modify that so as to diminish the reservation rather than placing them under trusteeship, the proponents of the measure would have no particular objection to it.

Senator MCGOVERN. You would not have any objection to the—

Mr. WICKS. We would have no objection. That is, we would voice no objection. In other words, we feel that it would be a little bit out of order to try to dictate to those people what they should do after the bill is passed, or what their status should be afterward when a lot of those people are agreeing to our bill. They have no objection to our bill if that amendment is made to it.

So, it would be a little presumptive on our part to take the position that we are dictating to them, or recommending to the Congress, yes, we feel that we do have a good bill and we do not feel that we should retract from the position that we have previously taken. Yet, if the Congress should see fit to make that modification, we would voice no particular objection to it.

Another recommendation that has been made by the Commissioner here is on the matter of the time element.

Again, we feel that our bill, S. 282, that we are supporting wholeheartedly, gives ample time.

Now, we appreciate the fact that there has been other legislation, other termination bills presented to the Congress, and the disposition of the property, particularly the timber, has been in a different manner than what is provided in this bill. Where you set up different units of timber to be sold off in different units, obviously, there would be more problems involved than where it is provided in this bill the timber is to be acquired by the Department of Agriculture and not to be sold off in units.

So you will have only the one situation here, whereas in some other situations you had a number of sales to be made. So that we feel that the time element as set forth in our bill would give the Bureau adequate time to take care of the mechanics of the carrying out of this legislation.

Now, there are some other suggestions that are made by the Commissioner here that, as attorney for these people, it would be my position that I feel that we could not seriously object to them because of the interest that these Colville people have on these other reservations.

The recommendation here of the Commissioner that the owner of that land, a Colville, his land being received patent in fee under S. 282, if he owns that land, that would take some of the other land on the reservation which he is on, out from under trust.

Now, the recommendation of the Commissioner here that this bill might be amended so that if the owner of that land chose to give the coowners an opportunity to buy it, and if they did not want to buy it, then sell it to the tribe, and then if the tribe did not want to buy it, it is open to anybody else—from the standpoint of being counsel for the tribe, I can see no objection to that particular amendment. I think it might well solve some of the objections that some of these other tribes might have to this legislation.

Another recommendation of the Commissioner that it seems to me we could voice no serious objection to is that relative to the cemeteries.

We do have some provisions for that, but the recommendation as he has it here in reference to the cemeteries, we could voice no particular objections to that.

The matter of payments to the two counties, wherein the reservation lies, Okanogan and Ferry Counties in Washington, at the present time there is \$20,000 paid each of those counties. Now, that question, it does not seem to me could be determined until Congress would finally determine whether the remaining group is going to remain as a diminished reservation or whether the bill will be enacted as it is now written.

Now, if it is enacted as it is now written, of course, this matter would take care of itself; that is, the matter of the payment to the counties. In other words, when the law would become effective, the payment to the counties would cease. But if you had a diminished reservation, then, obviously, the amount of money that is being paid to the counties in lieu of taxes for the benefits they receive from the counties, obviously, that amount should be diminished.

The final recommendation of the Commissioner here, I think we could all concur in, and that is, the bill at the present time, I think, provides that the tribal money may be expended to pay the expenses of this termination, whereas the Commissioner makes the recommendation that Congress appropriate the necessary money. I think that would be extremely helpful to the tribe because, pending the final disposition, the final termination, closing it up, all of the mechanics, and those 3 or 4 years, or whatever period of time it is, obviously, people want some return from the resources of their reservation.

So that if the Congress appropriated the money, it would save the tribe from using their money, which they do not have too much of. That, I think, we could all concur in.

I want to thank the chairman and the committee for this opportunity to appear before the committee and express my views on this matter.

Senator McGOVERN. Thank you ever so much, Judge Wicks. We appreciate your testimony.

Are representatives of the Colville Indian Association here, Mr. Nelson and Mrs. Inks?

#### STATEMENT OF RONALD A. NELSON, PRESIDENT, COLVILLE INDIAN ASSOCIATION

Mr. NELSON. Mr. Chairman, my name is Ronald A. Nelson. I am the president of the Colville Indian Association. My home address is 5104 North Cedar Street in Spokane, Wash. I was formerly from Kettle Falls, Wash. I was born at Colville, Wash., in 1928, and have spent my entire life on and near the Colville Reservation.

I received my education in public schools. My elementary schooling was obtained at a small community school on the north half of the reservation. My high school education was obtained at Marcus High School in Marcus, Wash. I am presently self-employed and have been for several years as a building contractor.

The rightful claims the Indian people possess against the U.S. Government have always been a sore spot in the hearts and minds of the Indian people. The right to possess property is inherent in human na-

ture. Chief James Bernard of the Colvilles was one of the first chiefs who realized the moral obligations of the U.S. Government toward its Indian wards.

This chief had attended school for some time and could read and write. He founded a movement to fight for the rights of the tribes on a legal basis. His letters in the National Archives show that he signed his letters as "President of the Colville Indian Association." All of his most precious possessions were sacrificed in his battle for the rights of his people.

In 1933, at the specific request of Chief James Bernard, president of the Colville Indian Association, the Senate Subcommittee on Indian Affairs made its first investigation of the Colville Reservation as part of the "Survey of Conditions of Indians of the United States."

Now, a period of time in excess of 34 years has passed since this first investigation of the conditions on the Colville Reservation, with no appreciable change for the betterment of the Indian. The only really remarkable changes have been the depletion of our timber resources and the phenomenal growth of the Bureau of Indian Affairs.

Gentlemen, the time has come, in fact it has passed and is long overdue, for the Congress to take legislative action for the benefit of the Colville Indians. We urge the early passage of just and equitable termination legislation for the Colville Indians.

We stand practically in agreement with the provisions embodied in S. 282. The areas in which we do not agree we leave to the discretion of the Congress for a just and equitable settlement. I will submit for inclusion in the record a copy of the bill, H.R. 7566. This is the bill which was sponsored by the Colville Indian Association and contains what we believe to be provisions for the finest type of termination legislation that any group of Indians ever had.

For many years we have studied the various termination bills, both passed and proposed. They seem to set the Indian apart from the rest of the society. We fail to understand how, in this great Republic of ours, the Indians are supposed to be different from other people. It is simply not possible for any human being, irrespective of color, to benefit from an economy he does not control.

The Indians never did control the economy on their reservations and they never will until they have rid themselves of the strangling tentacles of the Indian Bureau. It saps not only the material wealth of the Indians, but something worse a thousand times, the wealth of soul and spirit of the individual Indian.

The right to be free, to be an individual, is the God-given gift of man. The Bureau of Indian Affairs and those who benefit from the wardship status of the Indian have no right to force the Indian into economic bondage. The provisions embodied in this termination legislation should not infringe upon the property rights of the Indians or discriminate against them because of their status as Indians.

In reading all the testimony that has been presented and published heretofore, we can understand how this termination question could seem to be terribly complicated. This has come about through a deliberate effort to confuse the issue by the Bureau of Indian Affairs. However, the issue is very clear.

The vast majority of the Colville Indians want to be freed of the bondage and dictatorial policies of the Indian Bureau. We have long

ago integrated and live in complete harmony with our white neighbors. Seventy-five percent of us live off the reservation and are tax-paying citizens. We fail to see why, in this great Republic, that the will of the majority should not apply to this issue as it does to all others.

One of the issues that could seem to be the most confusing is the fractionation of heirship lands. The Bureau of Indian Affairs asserts that as yet no adequate or effective solution has been found for this problem. This is just another "smokescreen" by the Indian Bureau. The statutes of the United States which restrict the power of the Indian tribes to govern the descent and distribution of property of its members are contained in the General Allotment Act of 1887 and the act of June 25, 1910, which provides that allotments shall descend according to the laws of the States or territories where such land is located.

If termination legislation were not passed for the Colville Indians the fractionation of their lands will continue on. In a few short years this system will reduce any land interest into such small and minute parcels that the revenue derived from them would be entirely consumed by administration costs and be entirely controlled by the Indian Bureau.

Almost to an individual, the people expressing a desire to hold the reservation are the more elderly Indian people. In a matter of 5 or 10 years these people will have passed from the picture. We are certain that the descendants of these people will have integrated into the society of this Nation and be dissatisfied with the administration of their reservation, as we are today, and be back here at your door for another termination act.

We seriously doubt that the programs proposed by Commissioner Bennett and the Indian Bureau are for the best interests of the Colville Indians. Commissioner Bennett told us on his visit in March 1967, to the Colville Reservation, that he and the Indian Bureau would support us in a termination program if we could come up with a plan that met their approval.

Shortly before his visit we were informed that there was an "omnibus bill" in the making. Now, there is a bill—S. 1816—designated as the "Economic Development and Management of Resources of Individual Indians and Indian Tribes," which, among other things, provides for an authorization of one-half billion dollars, to start with.

We think such a bill borders on the edge of fantasy and was perhaps introduced for the purpose of stifling termination legislation for the Colville Indians and other tribes. The Colville Indian people are definitely opposed to this type of legislation.

In closing my testimony, Mr. Chairman, I would like to reiterate our position, in that the Colville Indian Association fully supports, at the earliest possible date, a just and equitable termination for the Colville Indians. As I have stated earlier, we leave our differences, if any, to the discretion of the Congress.

I would like to take this opportunity on behalf of the Colville Indian Association and its members to thank the committee for being so generous with their time, in the many field hearings, in the hearing held here in Washington, and above all for being so patient with the Colville Indians as we have worked to resolve our differences.

Senator McGOVERN. Mr. Nelson, just one question here. Would you be willing to accept the proposed change in the bill that would permit the minority group opposed to termination to remain on a reduced reservation basis?

Mr. NELSON. Well, Mr. Chairman, we have taken this position, that we believe that everybody should have the right to manage his own affairs by his own choosing. We think everyone should have the right to make his own choice in this matter of termination. However, in the matter of best interests of the Indians, we cannot in good conscience go along with this.

Senator McGOVERN. You would be opposed to the bill with that provision in it.

Mr. NELSON. I am afraid so.

Mr. Chairman, just last evening we received a copy of the Commissioner's report to the committee. We have not had the opportunity of analyzing it thoroughly, but there is one matter of grave concern to us. The extension of time proposed to complete the terms of the bill. If the Department will get busy, there is no reason to drag this out over a long period of time—the 4 years provided in S. 282 are more than adequate.

Mr. Chairman, will you please have the Commissioner outline for us today the time he has figured necessary to complete each phase of the termination program and show good reason why this time to complete termination should be dragged out longer than the 4 years?

We are aware of what happened on the Klamath Reservation. They dragged their feet for over a year before they did anything. We do not want any such delaying tactics used so that we are forced to follow the same procedures that the Klamaths had to.

I thank you.

Senator McGOVERN. Well, thank you very much, Mr. Nelson.

Mrs. Inks, we will hear from you now.

#### STATEMENT OF NORMA K. INKS, SECRETARY, COLVILLE INDIAN ASSOCIATION

Mrs. INKS. Thank you.

Mr. Chairman, and members of the committee, I am Norma Inks, secretary of the Colville Indian Association. I am indeed grateful for the opportunity to appear before the committee today to present testimony for and on behalf of the association.

You have volumes of testimony containing the record of the work the Colville Indian Association, under the guidance of our attorney, Mr. Albert A. Grorud, who has served us these many years without compensation, has put forth in the study on the question of termination of Federal supervision over the affairs of the Colville Indians. Our conclusions are the result of a careful study of the pros and cons of termination under Mr. Grorud's direction and not the result of hasty decisions and a desire for quick, big money.

We wish today to point out the issues we are most concerned with and ask that the committee make provisions from these inferences to safeguard the best interests of the Colville people, and to make further observations for your consideration.

We strongly urge complete termination of Federal supervision but do not advocate liquidation for this implies an emergency or com-

pulsory sale. Under the timber appraisal provision of S. 282, the Colville people would be compelled to sacrifice in the neighborhood of \$40 million and possibly much more.

Recently, at a meeting called by Harvey Moses at Nespelem, Wash., on May 25, Mr. Wilcox of the Indian Bureau tried to justify this section by stating this would bring the Colvilles more money. He declared that it would bring more money than if appraised over a 3-year period which is the time allotted in the bill to complete the terms of such. We do feel that an orderly termination of the affairs of the Colvilles is in order.

Stanford Research Institute, in their "Analysis of Economic Development Possibilities of the Colville Indian Reservation," clearly states:

A 20-year-cut period would bring approximately \$38 million.

A 10-year-cut period would bring approximately \$61 million.

If similar to Klamath terms were followed, the value would be over \$100 million.

We are very concerned about the appraisal of our timber in particular and feel the language of S. 282 to be much too broad. We understand that the final termination act for the Klamaths contained a sustained yield clause.

We urge that the committee will see to it that the final termination act for the Colvilles has a fair and just appraisal provision, one that does not allow for a discount of any kind and one without a sustained yield clause. A sustained yield clause would not be in the best interests of the people whom we represent for it would be discriminatory and a direct infringement upon the rights of the Colville people as citizens.

There is no reason that our people should be placed in the position of sacrificing this part of their valuable assets and their property rights through the restrictions imposed by a sustained yield clause. No other citizen in the State of Washington is forced to sell his property under such restrictions and the Colville Indian people should not be forced to do so.

We most respectfully request that the committee make provision for dividing the timber in small economic units from \$10,000 to \$50,000, which would not be encumbered by the sustained yield regulations; that each unit be sold for the highest bid above the appraisal price with the Indian people having the preference right to meet the highest bid by pledging his share.

We have been informed that the Klamath Indians' appraisal amounted to approximately \$73,000 for each member and that, through an arbitrary act of the Secretary, the appraised value through the inclusion of the sustained yield clause was cut to approximately \$43,000 payable to each member, making it unnecessary for the Klamath people to sue the U.S. Government for recovery of the \$30,000 loss to each person. The suit is now pending in the courts.

We seriously question the Indian Bureau's motives as guardian of our interests and therefore most respectfully request that the committee keep a watchful eye on their devious ways and see that the Colville Indians receive fair and just treatment in this, their last transaction as Indians with the U.S. Government.

The association is strongly opposed to a vote for termination before the results of the appraised value of all the assets is made known to the tribal membership. The argument has been advanced that the appraised value of the reservation should not be used as an inducement to vote for termination. This reasoning is merely an evasion of the actual issue involved.

No responsible citizen would agree to sell his valuable property and his rights without first knowing what he will receive in return, and this provision compels the Colville Indian people to agree to do so. For us to allow such a provision to go unchallenged and unchanged would be an irresponsible act. The provision, now embodied in S. 282, calling for the vote on termination before the appraised value is made known to the tribal membership is not in the best interests of the people whom we represent.

The members of the committee are well aware that various opinion polls have been conducted which have shown that well over 75 percent of the Colvilles favor termination. Some of our older people have been misled and misinformed and they have become uncertain whether to terminate or not.

It was learned a short time ago that a number of tribal members wish to maintain the status quo for the purpose of escaping taxation. This was declared at a meeting called by Steve Cleveland, December 18, 1966, at the subagency in Omak, Wash. Judge Joseph Wicks, attorney for the business council, expressed this same opinion concerning this meeting in a letter addressed to Albert A. Grorud, 816 E Street NE., Washington, D.C., dated December 22, 1966, wherein he stated:

The meeting finally resolved itself down to where the chairman, Mr. Steve Cleveland, stated the only objection they had to S. 1413 was that the group that chose to continue in Tribal status would have to do so by having their property conveyed to a trustee or a corporation which would require them to pay taxes; that they would prefer to have their property remain in trust status and under the supervision of the B.I.A.

It would seem that their dreams would be short lived. A bill, S. 796, has been introduced in this session of the Congress pertaining to the clarification of the tax status of Indians, so it appears that sometime in the near future the Indian will be taxed.

A few want all the privileges without the responsibilities and all the advantages without the disadvantages. The Indian Bureau has heretofore opposed termination but is now willing to salvage a token reservation in order to maintain control of a few Indians.

Of course, there are a few Indians, too, who have made a very good thing out of being Indians, shrewd and unscrupulous persons who have taken advantage of Indian Bureau controls to cheat and short-change their fellow Indians. They holler loud and long about the abuses heaped on them by the white man's control but they would not change it for the world for they can make impossible demands which just perpetuate the conditions and enable them to pose as great champions of their race.

It is quite an imposition to exact taxes from the general public to support the huge Bureau contingent that would be necessary to manage

the affairs of such a token reservation. And it reduces those persons who wish to evade taxes to the status of "freeloaders."

The association has continued to work for complete termination with each tribal member being given the right of managing his own affairs. We do not agree with the provision in S. 282 concerning the so-called remaining group for many reasons. Among others, we have seen the results in the Klamath termination, and so-called remaining group's thought of escaping taxes which was not the case. We have heretofore given testimony in regard to this in former hearings so it is not necessary to go further into this now.

We wish to ask that the committee see that the individual property rights of the Indians are vested at the time the act is effective.

There is one other observation I would like to make in regard to Mr. Dellwo's testimony this morning concerning the fractionated heirship land. We feel that these lands are private property and should not be the concern of anyone else but the person who is involved.

Mr. Chairman, the Colville Indian Association stands with the majority of the Colville Business Council delegates in their request for a complete termination of Federal supervision. There may be some differences in the methods for accomplishing the matter, but we submit, we look to the committees of the Congress for a just and equitable solution.

Thank you.

Senator MCGOVERN. Thank you very much, Mrs. Inks. We appreciate your testimony, and also yours, Mr. Nelson.

Senator Burdick and I, and all other members of the Interior Committee, or a number of the members of that committee, are obligated to go to a meeting, a conservation meeting in the Capitol at 3:30. I notice on our list here we have 14 witnesses yet to be heard.

Now, to use the time as fairly as possible, we are going to have to limit each witness to not more than 2 minutes, and then you will have to file the remainder of your statement.

So we will give the remaining witnesses either the option of simply filing their statement or summarizing it in a couple minutes. But that is the only way we can complete the remaining testimony between now and 3:30.

Are the members of the petitioners party here, Mr. Charley and his associates?

While this group is getting set, Mr. Commissioner, would you like to make any response to the question that Mr. Nelson raised about why you feel additional time beyond the original estimate is needed to carry out termination?

MR. BENNETT. Mr. Chairman, I believe the way your suggestion is written is that it shall be accomplished at the earliest practical time, but not beyond 7 years. So this is, you might say, an outside time limit, but it does specify at the earliest practical time. And in order that the committee may be aware of what we are doing, there is also a provision that we report to the committee in 3½ years of what we are doing, what we have done under the terms of the act, if it is passed.

Senator McGOVERN. Would it be your hope that it might be completed considerably earlier than the maximum time provided in the bill?

Mr. BENNETT. Yes, sir.

Senator McGOVERN. Thank you very much.

Mr. Charley.

#### STATEMENT OF T. B. CHARLEY, MEMBER, COLVILLE CONFEDERATED TRIBES

Mr. CHARLEY. Mr. Chairman and members of the committee, I am chairman of the petitioners party. On our panel are William Charley, Barbara Nicholson, and Dr. Paschal Sherman.

Since this is my third time before the committee, I am going to make this very brief.

This party was organized several years ago in opposition of termination in any form. The situation has not changed.

In 1963, at the Senate hearing held on the reservation at Nespelem, Wash., when the original petition was submitted there were 463. Since then, 40 deceased, three retracted their names. At this time, we have 59 new signatures, and over 50 percent of them has just become 21 years old and have voted in the last election. The total up-to-date active membership now stands at 479 against termination in any form.

As the petitioning party, we are thinking not only of the few hundreds of Indians who may otherwise be earmarked for termination, but also of the 2,900 Colvilles that we have previously mentioned as living in the reservation area, and as depending on operation of the reservation as a whole for their livelihood.

We are looking forward to our plans requiring long-range Federal assistance. We do have plans for our orchard sites. The plans have been prepared by the Bureau of Indian Affairs. Work has been completed on orchard sites along the Okanogan River and the Columbia River, and 24 tracts of tribal land have been divided into proportionate sites. This is an area of some 4,000 acres. The unimproved orchard sites have a market value of around \$500 or \$600 each. This could be a prospect for long term leasing, and it is feasible that the tribe can operate the program.

I want this plan included in the record, and I will submit my statement.

Senator McGOVERN. All right, we will see that your entire statement, together with the attachments, is included.

Mr. CHARLEY. Thank you.

Senator McGOVERN. Thank you very much.

(The statement referred to follows, together with the attachments thereto:)

#### STATEMENT ON S. 282 BY T. B. CHARLEY

Mr. Chairman and members of the Committee, my name is T. B. Charley of Malott, Washington. I am an enrolled member of the Colville Confederated Tribes. I serve as Chairman of the Executive Committee, Petitioners Party of the Colville Confederated Tribes, which was organized several years ago in opposition to termination in any form. We have a membership of about 470 adults who, together with many other fellow tribesmen, have been engaged in the agonizing effort to preserve our heritage and livelihood.

We have already appeared at two hearings before this Committee in opposition to termination. The situation has not changed. The central fact in our consideration is that title to 818,000 acres was restored to the Colville Confederated Tribes under Public Law 772, 84th Congress, approved July 24, 1956, in order to provide us with a secure economic base. We still need that base as a whole, intact, under federal supervision. We need the Colville Indian Reservation, most desperately, for the services, security and per capita income that it affords and for the greater and more lasting benefits that the development of its assets could insure.

In testimony before this Committee on April 5, 1965 relating to S. 1413, the Commissioner of Indian Affairs spoke of the hopeless situation in poverty that termination would plunge 2,900 of our tribesmen who live in the reservation area. Their average annual family income was given as \$2,800 of which \$1,290 were derived from reservation per capita payments and land leases. Their employment, income and living conditions are not likely to change for the better in the next few years. The Economic Development Administration has declared Okanogan and Ferry counties, in which the reservation is located, as a surplus labor area eligible to full financial assistance. According to the 1960 U.S. Census, the per capita annual income of Okanogan county was \$1,250 to \$1,499 and that of Ferry county, in which there are fewer Indians, \$1,500 to \$1,749.

We are, then, poor Indians in an area of poor people. We cannot imagine our going through termination regardless just so that we can be like these people in our class, just as poor and even poorer.

To be sure, the majority of our tribesmen living mostly away from the reservation want termination. At the tribal elections on May 6, 1967, of the 1,111 votes cast 576, or more than 50%, were absentee ballots. Apparently, these off-reservation Indians are doing very well wherever they are with little or no dependence on the reservation. This imbalance in equity led to the observation of the Honorable Wayne N. Aspinall on August 13, 1965 at a House hearing on H.R. 5925 and S. 1413, as follows: "What we are doing if we follow your suggestion or the Senate bill, we are placing the Indians who live on the reservation at the mercy of those who have seen fit to live off the reservation, and your report shows the ones who live on the reservation are not well educated and certainly are not able to handle the \$25 million cash if you had a complete sale of the assets. Is that right?" The question was asked of a Bureau of Indian Affairs witness.

The majority position, such as it is, is taken against a background of one-sided information and talk of a per capita distribution of \$30,000 to \$40,000 in liquidation. Our Colville Business Council is divided 10 to 4 in membership on the question of termination. The majority 10 use tribal funds in the dissemination of information for termination. But the minority 4 cannot use such funds to reach the electorate on any minority position. On a question that involves so much in human and property values, what would our electorate say if they had balanced information?

For example, we can imagine their reaction if the meaning of Section 6(b) of S. 282 were to be pointed out to them in the definition of timber assets as to fair market value as the price realized by sale over a period of 10 years. This refers to a cutting cycle of 10 years. The sale of the Colville timber assets over such a period would bring \$61 million according to an estimate of the Stanford Research Institute, in which a well known forest management and consulting firm participated, when timber was selling at about \$32.00 per one thousand board feet. With timber now selling at about \$24.00 per one thousand board feet, the tribal forest's price would be cut down to about \$45 million and by the time an appraisal is made under this bill, if enacted into law, the return may be even lower so that the per capita distribution would be anywhere from \$8,000 to \$9,000 instead of the fabulous \$30,000 to \$40,000.

What would their reaction be if it was made clear to them that the reservation would be worth incalculably more than the sale of raw forest products if full advantage were taken of its potentials for recreational and industrial development? In a descriptive map put out by the Department of the Interior, *Guide to Indian Reservation Areas*, the only superlative terms used on potentials referred to the Colville Indian Reservation. And well that might be. Just north of us in Penticton, British Columbia, with lesser natural and location advantages, the tourism industry grew from \$225,000 to 1948 to \$9.6 million in 1964. We have, as the descriptive map states, "Excellent sites for development of summer homes, resorts, etc." The road from Coulee Dam to the scenic North Cross-State Highway

runs through the reservation. Neon lights and bright motels would bring it in droves of tourists and many business enterprises. Since the proposal of the Secretary of the Interior for a Colville tribal woods-products mill at the Senate hearing on S. 1413 on April 5, 1965, three new lumber mills have gone up in the area. There is still room for a tribal mill. We could make the reservation a complex in development worth vastly more than what we may expect under termination at this time.

Why haven't we done this before? We could not move because our title to the reservation was clouded and uncertain before July 24, 1956, when Public Law 772, 84th Congress, was enacted, and we could not move since because the majority members of our Colville Business Council want termination and nothing else. Okanogan and Ferry counties are in depressed areas under current standards for federal assistance. Okanogan county alone the Farmers Home Administration has invested more than \$13 million; Small Business Administration, \$4 million; and altogether from local, state and federal sources more than \$30 million have poured in as loans, investments and grants in recent years. On the Indian side of the county our Council has done nothing along these lines. Once this fever for termination should subside, we could move.

We could move, and providing ourselves with the wherewithal in health, education, employment and income, we could pull our people out of the pocket of poverty. We could make the Colville Indian Reservation a credit and economic bulwark to the country and a model in sound federal policy for the administration and development of Indian reservations.

We do not go for this idea of a reduced Indian reservation, even under federal supervision, for those of us who may want to remain in a tribal unit after termination. The characteristics of the Colville Indian Reservation as a whole in terrain and natural assets, in waterways and roads, and in potentials for maximum utilization are so diverse and interdependent that any area sliced from it for a little Indian reservation would promptly lose in value and in capacity for sustained development by operation of the principle of severance, as applied in real estate appraisals. As of December 31, 1966 we have 255,201 acres of uncut tribal timber. The area covered could conceivably be set aside as the little Indian reservation to provide assured income for the next several years. But as we are now cutting an average of 24,909 acres per year, the area would be all cut over in about 10 years, and the steady income from this source would cease. The virgin timber is in mountainous territory far removed from the main routes of travel and generally unsuited as sites for industrial exploitation.

In rejecting the idea of a little Indian reservation, we are thinking not only of the few hundreds of Indians who may otherwise be earmarked for it but also of the 2,900 Colvilles we have previously mentioned as living in the reservation area and as depending on operation of the reservation as a whole for their livelihood. There are too much in human values involved in this group, low in income and low in educational levels, for us to say: Go on the reduced reservation or draw your liquidation money, spend it and be on your own thereafter. It is estimated that for the first 7 months of the Fiscal Year 1967, 7,200 visits to the clinic at the reservation Health Center will be made for medical treatment free of charge; this type of service will be gone forever for the terminated Indian.

One last word: this question of termination should not be decided merely by majority vote of those affected. The equity of a substantial minority to the question cries out for your consideration and protection. You do give consideration and protection to equitable positions. We are reaching out for your most solemn consideration and continued protection. We are asking that S. 282 be not enacted into law. Leave the Colville Indian Reservation as it is for humanitarian reasons, in recognition of abiding rights, and in the interest of sound government.

As part of this statement and for your ready assessment of our timber situation, there follow, with your permission, a letter to me, dated May 19, 1967, from the Colville Indian Agency, and a brief annual report dated February 6, 1967 from the Branch of Forestry, Colville Indian Agency, to the Colville Business Council:

U.S. DEPARTMENT OF THE INTERIOR,  
BUREAU OF INDIAN AFFAIRS, COLVILLE INDIAN AGENCY,  
Coulee Dam, Wash., May 19, 1967.

**Mr. T. B. CHARLEY,**  
*Malott, Wash.*

DEAR MR. CHARLEY: On Thursday May 18, 1967, you visited our office and submitted a set of questions to be answered by the Branch of Forestry. You

also requested a list of stumpage rates in effect during the present quarter, and other information pertaining to forestry practices.

Following are your questions and our answers:

1. How many acres of uncut timber of virgin stand remain?  
 There were 255,201 acres of tribal uncut timber on the Colville Reservation as of December 31, 1966.
2. How much of that stand is readily accessible?  
 All 255,201 acres are considered as commercial forest and accessible with proper road development.
3. How much is in mountain region with avenues of approach that would be expensive in developing?  
 None of forest area is considered to be too expensive for commercial development.
4. Under principles of sustained yield as practiced by the Agency foresters, in harvesting a tract sold, how many years would be required for uncut trees to reach growth for cutting and marketing again in that particular tract, in normal course carrying out the sustained yield principles applied, by species?  
 Under sustained yield our cutting cycle is 20 years, which means, under normal conditions, each tract will be cut every 20 years. However, this has not been possible in the initial harvest cut which should be completed in 1974. We do not have separate cutting cycles for each species, it would not be practical.
5. How many years do you estimate it will require to cut over the remaining uncut virgin stand at 120 million board feet per year?  
 Our management plan calls for completion of the first cutting cycle in 1971. However, because of reaching areas once considered inaccessible, this may be delayed until 1974.
6. How much area is cut annually on the average for a five year period and what was the actual annual cut?  
 We cut an average of 24,909 acres per year with an average 110,597,000 board feet scaled volume.
7. What percent of the stand is cut during the initial harvest?

$$\frac{\text{Average cut per acre (5 years)}}{\text{Estimated uncut volume per acre (present)} \times 100 = \text{percent cut}}$$

$$\frac{4,440}{9,263} \times 100 = 48 \text{ percent}$$

Enclosed is a list of logging units and their stumpage rates which are in effect during the present quarter ending June 30, 1967. A copy of the Annual Report to the Colville Business Council was given to you yesterday while you were in our office.

In answer to your question regarding the employment of Colville Indians in the Branch of Forestry, following is a breakdown of our employee figures:

Number of positions.....	33
Non-Indian .....	16
Indian .....	17
Percent of Indians.....	52
Number of Indian employees.....	17
Colville tribal members.....	11
Spokane tribal members.....	4
Other .....	2

The 17 Indian employees grade classifications are as follows:

Forester .....	5
Fire control technician.....	2
Forestry technician.....	5
Forestry aid.....	3
Forestry clerk.....	1
Clerk typist.....	1
<b>Total .....</b>	<b>17</b>

We hope we have answered your questions to your satisfaction.

Sincerely yours,

ELMO MILLER,  
 Superintendent.

(Enclosure (1).)

Stumpage rates effective Apr. 1, 1967

Code	Logging unit	Pon- derosa- pine	Doug- las-fir	West- ern larch	West- ern fir	Orna- men- tal spruce	Lodge- pole pine	Contract No.
09	Dodge Point.....	28.78	12.22	12.22	12.22	12.22	12.22	14-20-0503-725
10	Little Wilmont.....	30.26	16.38	16.38	16.38	16.38	16.38	14-20-0503-562
19	Bungalow Mine.....	25.06	13.99	13.99	13.99	13.99	13.99	14-20-0503-785
20	North Nanamkin.....	25.71	14.94	14.94	14.94	14.94	14.94	14-20-0503-784
21	South 17 Mile.....	23.21	12.99	12.99	12.99	12.99	12.99	14-20-0503-781
22	Three Forks.....	29.08	15.49	15.49	15.49	15.49	15.49	14-20-0503-779
23	Olds Creek.....	27.73	18.83	18.83	18.83	18.83	18.83	14-20-0503-801
27	Upper Wilmont.....	21.46	14.30	14.30	14.30	14.30	14.30	14-20-0503-817
28	Thirtymile Creek.....	28.03	15.33	15.33	15.33	15.33	15.33	14-20-0503-819
29	Stepstone Creek.....	24.41	11.60	11.60	11.60	11.60	11.60	14-20-0503-820
30	Nineteenmile Creek.....	25.62	17.26	17.26	17.26	17.26	17.26	14-20-0503-805
31	Roaring Creek.....	28.61	18.45	18.45	13.61	13.61	13.61	14-20-0503-843
32	Keller Butte.....	29.27	18.32	18.32	18.32	18.32	18.32	14-20-0503-848
33	George Mountain Trail.....	32.08	20.68	20.68	20.68	20.68	20.68	14-20-0503-849
34	Lynx Creek.....	26.43	25.03	25.03	25.03	25.03	25.03	14-20-0503-851
35	Cody Lake.....	29.68	21.49	21.49	21.49	21.49	21.49	14-20-0503-854
36	Deadhorse.....	28.31	17.96	17.96	17.96	17.96	17.96	14-20-0503-861
37	Lost Creek.....	28.38	21.35	21.35	21.35	21.35	21.35	14-20-0503-864
38	Iron Creek.....	31.58	22.60	22.60	22.60	22.60	22.60	14-20-0503-865
39	Mill Creek.....	30.68	18.65	18.65	18.65	18.65	18.65	14-20-0503-866
40	Cook Creek.....	31.00	24.10	24.10	24.10	24.10	24.10	14-20-0503-879
41	Canteen Creek.....	30.20	28.75	28.75	24.49	24.49	24.49	14-20-0503-889
42	Silver Creek.....	25.37	21.88	21.88	21.88	21.88	21.88	14-20-0503-913
43	Gold Creek.....	26.36	21.65	22.50	14.79	14.79	14.79	14-20-0503-918
44	Bear Creek.....	24.56	18.75	18.75	18.75	18.75	18.75	14-20-0503-932
45	West Gold Mountain.....	22.69	22.48	22.48	22.48	22.48	22.48	14-20-0503-1009

U.S. DEPARTMENT OF THE INTERIOR,  
BUREAU OF INDIAN AFFAIRS, COLVILLE INDIAN AGENCY,  
Coulee Dam, Wash., February 6, 1967.

BRANCH OF FORESTRY—ANNUAL REPORT TO THE COLVILLE BUSINESS COUNCIL

The following report covers the general forestry program for the 1966 Calendar Year. The items of greatest interest and concern to the people of this tribe are being covered and not the technical aspects of forestry.

KENT M. LITTON,  
*Forest Manager.*

Approved:  
ELMO MILLER,  
*Superintendent.*

The 1966 annual report to the Colville Business Council is prepared as an aid to that governing body. It is hoped that the information contained in this report will provide the Business Council with a better understanding of the Branch of Forestry program. Technical aspects and details of the operation are not being covered but rather information of general interest to the people of the Tribe.

TIMBER MANAGEMENT

The volume of timber cut and hauled from the reservation was below normal during the year. High lumber prices at midyear, coupled with a sharp decline in lumber orders just after midyear, had an adverse effect on timber harvested. Only seven of the twenty sales under contract cut their minimum volume of timber during 1966. Most of the operators have indicated that they plan to cut their 1966 deficiencies during 1967. Thus, if the lumber market continues to improve it is likely that more timber will be harvested from the Colville Reservation than usual.

Seven timber sales were sold during 1966 with a total volume of 166 million board feet and a total estimated value of \$4,200,000. During the year six sales were completed with a total volume of 504 million board feet removed with a total value of \$5,972,000. The largest sale of this group was the Twin Lakes Logging Unit with 428 million board feet being removed.

The allowable annual cut was raised to 120 million board feet in 1963 and we have attempted to sustain our cut at that rate.

The timber sale program should be more stable during the coming years because three new mills were established in the area which could compete for timber that will be delivered to Lake Roosevelt. Biles-Coleman sawmill at Coulee Dam has been operating since early summer and has improved the competition for timber from the Nespelem and San Poil sale area. Although Boise Cascade's plywood plant at Kettle Falls will not be in full operation until spring, they have been stockpiling logs for several months. A small annual volume of timber will be going to the veneer plant on the Spokane Reservation, however, it may influence the price that will be paid for associated species in this area. During the year the Branch of Forestry has had several positions vacant because of the shortage of funds. We will attempt to fill these positions during this calendar year.

An outstanding addition for Forestry is the new fire warehouse that was completed this year at the Nespelem Sub-Agency. The building has substantial office space in addition to tool and equipment storage, a shop area, vehicle parking area outside and heated parking space inside.

During 1966 there were 51 fires on the reservation which burned over a total of 132 acres. Damage from these fires was low due to the good work of the fire crew which is primarily made up of local tribal members.

#### WORK WITH OTHER BRANCHES OF THE AGENCY

Foresters and their assistants cruised the timber on 55 allotments for the Branch of Realty during the past year. These timber cruises are used by the appraisers to arrive at a fair market value for supervised land sales or land exchanges. Additional timber cruising was done for the Branch of Roads for the purpose of determining timber volumes on the right of way for the Manila Creek road. Forestry has also been working with the Branch of Land Operations by cruising and marking timber so that land may be cleared for agricultural development.

#### FORESTRY PROGRAM FOR 1967

An up-to-date forest type map of the reservation should be completed by mid-summer. This map will show pine, fir, larch and other timber types as well as changes due to logging, fire, etc. The map will be used in growth studies, timber sale planning and administration of timber sales.

Timber appraisals and the administration of timber sale contracts constitute the major work load of our field personnel.

We are planning to make each year a better one in all phases of our work. We are sure, with the fine cooperation we have been receiving from the Tribal Council, we will be able to accomplish this goal.

New sales planned for 1967 are as follows:

Management units	Estimated volume to be cut (millions)	1st year cut
Omak and Nespelem: North Star.....	30	1968
San Poil:		
Dick Creek.....	16	1967
Keno Trail.....	15	1967
Upper Thirtymile.....	15	1968
Nine Mile-Twin Lakes:		
Wells Creek.....	20	1968
Little White Mountain.....	11	1968

#### PARTICIPATION

The total cost of the forestry program for *Fiscal Year 1966 ending June 30, 1966* was \$342,735. The Colville Tribe and the Government participated as follows:

Government share of expense:	\$295,796 equals 86.30 percent
	\$342,735
Tribal share of expense:	\$ 46,939 equals 13.70 percent
	\$342,735

The Administrative Fees earned (10% of total value of all timber cut under contract and paid permits) was \$257,425.

Due to tribal participation the Government has taken only a part of the administrative deductions. A percentage of the fees has been returned to the Tribe according to the Government-Tribal percentage of expenses as follows:

Returned to Government: 86.30 percent times 257,425 equals \$222, 158  
 Returned to tribe: 13.70 percent times 257,425 equals 35, 267

Total 257, 425

In summation, the actual cost by each participant is as follows:

Government \$295, 796  
 Tribe \$46, 939  
 Less fees returned to tribe 35, 267  
 Totals 295, 796 11, 672

Timber cut under contract, by units, Colville Indian Reservation, calendar year 1966

[All volumes (thousand feet board measure) to nearest thousand and values to nearest dollar]

Logging unit	Purchaser	Total		Tribal		Allotted	
		Volume	Value	Volume	Value	Volume	Value
Bungalow Mine	Glen Whitelaw	4, 403	\$85, 639	4, 403	\$85, 639		
North Nanamkin	Barney Rickard	309	5, 898	309	5, 898		
South 17 Mile	Oliver R. Pooler	4, 059	77, 672	4, 059	77, 672		
Nineteenmile	W. A. Aubertin	1, 631	29, 778	1, 631	29, 778		
Thirty mile	B. L. Aubertin	8, 456	227, 415	8, 456	227, 415		
Roaring Creek	Barney Rickard	4, 749	114, 371	4, 749	114, 371		
Cody Lake	Glen Whitelaw	3, 652	95, 704	3, 652	95, 704		
Cook Creek	John R. Whitelaw	3, 842	110, 612	3, 842	110, 612		
Canteen Creek	W. A. Aubertin	3, 685	111, 003	3, 685	111, 003		
Silver Creek	John R. Whitelaw						
Lost Creek	do						
Total, Indian operators		34, 786	858, 092	34, 786	858, 092		
Dodge Point	Boise Cascade	481	8, 605	481	8, 605		
Little Wilmont	do	1, 125	27, 372	1, 125	27, 372		
Three Forks	Kettle Falls Lbr	1, 175	22, 190	1, 175	22, 190		
Olds Creek	Boise Cascade	16, 773	334, 086	16, 773	334, 086		
Upper Wilmont	do	13, 701	284, 974	13, 701	284, 974		
Stepstone	Biles-Coleman	20, 151	475, 518	20, 151	475, 518		
Keller Butte	do	4, 218	105, 369	3, 507	86, 715	711	\$18, 654
Geo. Mt. Trail	Boise Cascade						
Lynx Creek	Avey Bros						
Deadhorse	Boise Cascade	6, 930	171, 654	6, 930	171, 654		
Iron Creek	do	4, 959	131, 221	4, 959	131, 221		
Mill Creek	Biles-Coleman	296	8, 419	296	8, 419		
Gold Creek	do						
Bear Creek	Boise Cascade						
Total, non-Indian operators		69, 809	1, 569, 408	69, 098	1, 550, 754	711	18, 654
Grand total, all timber cut		104, 595	2, 427, 500	103, 884	2, 408, 846	711	81, 654

NOTE.—Actual tribal deposits, \$2,170,800, calendar year 1966.

*Colville Reservation, new contracts approved during 1966*

Logging unit	Date contract approved	Purchaser	Contract expiration date	Bid rates
Iron Creek.....	Jan. 13, 1966	Boise Cascade.....	Dec. 31, 1970	Ponderosa pine..... \$29.20 Douglas-fir and O.S..... 19.55
Mill Creek.....	Jan. 27, 1966	Biles-Coleman.....	Dec. 31, 1969	Ponderosa pine..... 28.30 Douglas-fir and O.S..... 15.60
Cook Creek.....	Apr. 22, 1966	John R. Whitelaw.....	Dec. 31, 1970	Ponderosa pine..... 28.05 Douglas-fir and O.S..... 21.35
Canteen Creek.....	Apr. 28, 1966	W. A. Aubertin.....	Dec. 31, 1971	Ponderosa pine..... 27.25 Douglas-fir/western larch..... 26.00 White fir and O.S..... 21.91
Silver Creek....	Oct. 14, 1966	John R. Whitelaw.....	Dec. 31, 1968	Ponderosa pine..... 26.05 Douglas-fir and O.S..... 22.25
Gold Creek.....	Nov. 21, 1966	Biles-Coleman.....	Dec. 31, 1970	Ponderosa pine..... 32.25 Douglas-fir..... 27.55 Western larch..... 28.40 Englemann spruce and O.S..... 19.75
Bear Creek.....	Dec. 21, 1966	Boise Cascade.....	do.....	Ponderosa pine..... 30.45 Douglas-fir and O.S..... 24.65

## DIRECTORY OF FORESTRY PERSONNEL

*Name, address, and position*

Kent M. Litton, Coulee Dam, Forest Manager.  
 Richard D. Popp, Coulee Dam, Assistant Forest Manager.  
 Charles A. Holm, Jr., Elmer City, Fire Control Officer.  
 Thomas F. McAvoy, Jr., Coulee Dam, Forester, Management.  
 Edward T. Hall, Inchelium, Forester in Charge of East Side Units.  
 Fred Rickard, Coulee Dam, Forester in Charge of West Side Units.  
 Robert W. Macy, Coulee Dam, Forester in charge of San Poil Units.  
 Cecil G. Vandal, Coulee Dam, Forester—Check Scaler and Check Crushing.  
 Walter C. Deepers, Wellpinit, Forester in Charge Spokane Reservation.  
 C. Dean Finch, Coulee Dam, Forester in Charge of pre-sale activities.  
 Gion B. Hooker, Coulee Dam, Forester—Logging Engineer.  
 Elgin E. Filkins, Coulee Dam, Forester—Preparation of Timber Sales.  
 Harold L. Decker, Wellpinit, Forester in Charge, Spokane Reservation, Timber Sale Admin.  
 James F. Schneider, Wellpinit, Forester, Spokane Reservation.  
 Carlyle R. Leslie, Coulee Dam, Forester—West Side Units.  
 Darrell L. Rumley, Nespelem SubAgency, Forester.  
 Steven R. Price, Coulee Dam, Forester—San Poil Units.  
 Walter A. Moomaw, Nespelem SubAgency, Fire Control Technician, Assistant Fire Control Officer.  
 George F. Meusy, Mitchell Point Ranger Station, Forestry Technician—East Side Units.  
 Henry J. Anderson, Omak, Forestry Technician—Scaler, West Side Units.  
 William T. Spence, Nespelem, Forestry Technician—Scaler, San Poil Units.  
 George F. Stensgar, Inchelium, Forestry Technician—East Side Units.  
 James T. Wynne, Wellpinit, Forestry Technician—Scaler, Spokane Reservation.  
 Henry S. Jerred, Kewa, Forestry Technician, East Side Units.  
 William D. Wynne, Coulee Dam, Forestry Aid—Scaler, West Side Units.  
 Ambrose A. Jack, Nespelem, Forestry Technician, West Side Units.  
 Patrick D. Quill, Mitchell Point Ranger Station, Forestry Aid—Scaler, West Side Units.  
 Keith P. Orr, Nespelem SubAgency, Forestry Aid—Scaler, San Poil Units.  
 Lawrence E. Whalawits, Nespelem Sub Agency, Supervisory Fire Control Aid.  
 Margaret K. Rochelle, Elmer City, Forestry Clerk.  
 Evelyne M. Barter, Coulee Dam, Forestry Clerk.  
 Betty J. Miller, Coulee Dam, Clerk.  
 Gloria J. Flett, Wellpinit, Clerk-Typist.

MAY 29, 1967.

Memorandum to the Files.

Land Operations Officer.

Prospect for developmental leases on potential orchard sites.

We have found there is interest in development of potential orchard sites on the Reservation, and that orchardists were interested in discussing developmental leases. Marlan Harvey was asked to make an inventory of Tribally owned potential orchard sites along the Okanogan and Columbia Rivers. This work has been completed and 24 tracts of Tribal land were judged to be potential orchard sites. This is an area of some 4,230 acres. The tabulation of these sites will be attached to this memorandum along with a map.

This study of orchard sites was carried out to meet an immediate need, and to inventory this potentially productive land for future use. Apples are the most profitable agricultural crop in Washington, and commercial apple production sites should not be overlooked as the Tribe and the Bureau move toward a terminal program.

One approach to estimating a fair rental on these sites would be to compare cost a developer would have if he owned the land against his costs on leased land. The two costs the lessee would escape would be the real property tax on the land and interest necessary to purchase the land. For example, unimproved orchard sites now have a market value of around \$500 an acre. This land bought at 6% money would mean an annual interest charge of \$30 a year. Under the present assessment system, top market value for a producing orchard is \$880 per acre. Value of land alone is \$320 per acre; therefore,  $\$320 \times 25\% \times 63.82$  mill levy equals an annual tax of \$5.10 an acre. Thus the annual cost of ownership for this acre of orchard site would be \$35.10 per year. The present tax schedule if 10 years old, it will be revised this year, and taxes will probably double on orchard land. Present market value of good producing orchards is around \$2000 per acre.

The State Department of Natural Resources rents some orchard land. These are developed orchards and they rent on a 20-year lease on a crop share basis. One of their leases calls for a rental of 20% of the net proceeds of the orchard. Another one of their leases calls for 5¢ per box for the first 500 boxes and 10¢ per box on the remaining production. The 20% crop share lease amounts to \$200 a year and the box lease amounts to \$75 a year based on expected production of 1,000 boxes per acre. It should be kept in mind these leases are for developed orchards, they are not developmental leases.

The Yakima Agency has a number of orchard leases both for producing orchards and developmental leases. On the developmental leases, the circumstances in each case is different because of the amount of investment the grower must put into the lands. Also, the rents vary from somewhere around \$10 to a little over \$20 per acre per year.

The growers that I have contacted are interested in the proposition of a developmental lease, but there is no indication they are ready to jump in at this time. They would prefer a straight cash lease rather than a crop share lease, and they are concerned about their rights at the end of the 25-year lease period. Orchards that have been developed on privately owned land in the past are developed with the idea that these are estates, they have permanent future value. This is not possible at the present time on leased land.

The actual limitation on promotion of orchard development on leased land is that we don't have legal authority to offer a lease beyond 25 years. At the end of the 25-year lease, we can not offer an option to renew or to buy; in fact, the leaseholder's entire interest in the orchard ends. There is at present a bill, Senate Bill 285, which would extend agricultural leases to a 40-year period. This would be adequate time for most agricultural leases and would in effect remove the limitation we now face.

With the sites we have selected, we have the advantage of having tax free land, and unlimited access to water. In most cases we have a frost free site where production costs would be low, and that are isolated from other orchards which would reduce costs through a simplified spraying program. Any of the sites we have spotted are a great deal more potentially profitable than much of the orchard land that is in production now within the State, and it can be expected that when these marginal sites go out of production, the move will be to higher

ground and the more potentially profitable sites. Thus orchard development on leased Indian land has more of future potential than at present because of the relatively plentiful sites, and the restriction on length of lease.

We will be able to lease large blocks of land as soon as the price of land gets to the place where it isn't profitable to purchase it. Some of the citrus land in California is now selling for \$1100 to \$1200 an acre. This is bare land without improvements. At this price level, leased land would be considered. When no more orchard sites are for sale, growers will then have to turn to leased sites.

In summary, the above discusses some of the factors that have bearing on the leasing of orchard sites to developers. The future looks bright for this type of program, but at present it is rather difficult but not an impossibility to interest a developer in such an enterprise. Legislation that would enable a longer lease would certainly have a stimulating effect on a program of developmental leasing.

Among the comments on on Senate Bill 285 is a paragraph that pretty well outlines the problems. I quote:

"One of the best uses of land on the Yakima Reservation in Washington is for orchards. The land is interspersed throughout with existing and profitable orchards on non-Indian land. Twelve Indian allotments totaling 939 acres, were offered for 25-year leases in January, 1963; the offer was advertised widely. No bids were received. Prospective lessees indicated the obstacle was the 25-year term. They maintain that they could not invest \$100,000 or more during the first two years on a lease in order to establish an 80 acre tract, pay \$580 per year for water, and pay the rent of somewhere around \$2,000 a year, on a venture that is all expense and no returns during the first five years, breaks about even the next five years, and realizes a profit during the next fifteen years, at the end of which time they must either abandon the thrifty trees, tear them out, or run the risk of getting a new 10-year lease to capitalize on the greatest commercial value of the orchard. We have been told by the orchardists that there would be some interest shown if the tenure of the leases could be raised to a 35-year period."

In a conversation with Mr. Horace Smith of Brewster, Washington, we discussed planning an orchard to be profitable under this 25-year limitation. He said though he had never given it much thought, he would study the proposal to see if it could be made a profitable venture. It would probably take semi-dwarf trees and very intensive management to get into production as quickly as possible. There is a good argument for 25-year leases in that if varieties change rapidly in the next 25 years as they have in the past 25 years, it is very likely an orchard would be obsolete at the end of 25 years anyway. In addition, to establish use restrictions on a piece of land for long periods of time is a risk to the land owner especially in areas where land use is changing rather rapidly.

LEO J. WOLFE.

#### ECONOMIC LAND CLASSIFICATION FOR TREE FRUITS IN CENTRAL WASHINGTON<sup>1</sup>

The basic considerations in classifying land for fruit production are economic. While certain sites may be superior in many features, limitations caused by even a single factor may greatly reduce the economic potential.

##### OPERATION FACTORS

*Location of a site:* Distance from markets or the warehouse, service and supply centers and sources of part-time labor must be considered. Short distances permit commuting and permit use of tractors, trailers and smaller vehicles for transport. Sites too close to population centers may increase taxes and create problems with ordinances.

*Slope, topography and size:* Each are limiting. Steep slopes and rugged terrain require the use of heavier, more powerful, more expensive and less versatile equipment. They limit maneuverability and use of larger pieces of equipment

<sup>1</sup>Proposed by Ronald B. Tukey, Extension Horticulture Specialist, Washington State University.

and create difficulties in layout and rotating orchards. Blocks of trees which are adjacent or which can be combined into large units to facilitate management—use of labor and equipment—represent an advantage.

## CLIMATIC FACTORS

*Frosts and Freezes:* As fixed costs increase and as more of the variable costs of production become relatively fixed, there is more need for high yields, and more annual production. Even the best frost control systems cannot equal the advantages of a frost free site. Also sites which permit the production of more than one or two fruit crops, such as stone fruits as well as apples and pears, are preferred. They represent an economic advantage in utilization of equipment and labor. They also offer a greater flexibility in marketing.

*Wind:* Protection from excessive wind speeds and gusts aid in the training of trees, management of labor and equipment and the application of water and chemicals. High wind, particularly during bloom and when fruit is mature can seriously reduce the volume as well as quality of the crop.

## SOIL FACTORS

*Depth of rooting* of trees is probably the most limiting soil factor. Hard pans, rocks, caliche layers or water tables which limit rooting to less than 30 inches is associated with lower production. Conversely, deep soils, soils permitting unlimited rooting do not represent any superior tree performance.

*Soil Texture:* With the advent of sprinkler irrigation systems, the lighter soils have become more desirable. These loams and sandy loams facilitate control of growth and fruit quality.

*Soil pH:* is not a factor per se. Rather it is the effect of pH on nutrient deficiencies and toxicities which are important.

## Operations factors

Factor	Land class and grade			
	Preferred I	Good II	Fair III	Marginal IV
Topography: Maximum slope (percent)-----	3-5-----	-10-----	-15-----	-25.
Size, minimum acreage:				
Per block of trees (acres)-----	+10-----	+8-----	+5-----	+3.
Per orchard operation (acres)-----	+40-----	+30-----	+20-----	+10.
Location: Distance from population center (miles).-----	-5-----	-10-----	-15-----	-20.
Soil factors:				
Depth of rooting (inches)-----	+30-----	+30-----	+24-----	+18.
Soil texture-----	Plus fine sandy loam.	Plus sandy loam.	Plus loamy sand.	Plus sand.
Soil pH-----	5.5-7.5-----	5.5-7.5-----	5.0-8.0-----	Under 5.0 or above 8.0.
Climatic factors:				
Minimum winter temperature (F.)-----	-5°-----	-10°-----	-15°-----	-20°.
Frost free days, minutes-----	165-----	155-----	145-----	135.
Number heatings per year-----	-1-----	-2-----	-3-----	-4.
No frost after accumulated degree days <sup>1</sup> -----	600-----	800-----	1,000-----	Over 1,000.
Land aspect-----	S-SE-----	SW-SE-----	E or W-----	N.
Wind:				
Average speed April through Sep- tember (miles per hour).-----	-4-----	-8-----	-12-----	+16.
Maximum gusts when fruit present (miles per hour).-----	-12-----	-18-----	-24-----	+24.

<sup>1</sup> Accumulated maximum daily temperature less 43° after Feb. 1.

Tract No.	Arable acreage	Location		Photo No.	Exposure	Air drainage	Elevation of above water	Present land status	Lease expiration date	Remarks
		Sec.	T. R.							
1. Columbia	33	10	29	COD-10N-79	SW	Fair	1,200	Tribal	1970 and 1972	Soil (12Q3) suitable. 1 allotment adjacent south. Soil not in good shape, shallow, sloping, gullying. Remainder suitable, several adjacent allotments. Soils: Coarse, large dunes. Require considerable leveling. P. pine, recreation, park. Soils suitable except a wash through the middle. Allotments adjacent on both sides. Adjacent allotment on north. Soil stony but may be suitable; Washington State park adjoins on south. No allotment adjoining. Soil OK but strung out.
	100	10	29	COD-10N-79	W	OK	1,000 to 1,200	T	1971	
	80	3	30	COD-9N-139						
2. Okanogan	120	2	30	COD-9N-139	W	OK	1,400 to high	T	1970	
	500 approximate	4	31	COD-10N-191	W	OK	1,000	T	R. U.	
3. Okanogan	120	16	32	COD-11N-130 and others.	W	OK	900	T	1969	
5. Okanogan	25	1	32	COD-11N-189	NW	OK	900 to 1,000	T	1971 appl.	Soil stony but may be suitable; Washington State park adjoins on south. No allotment adjoining. Soil OK but strung out.
	25	6	32	COD-11N-190	South	OK	1,200	T	1970	
	60	5	29	COD-10N-82						
7. Columbia	180	34	30	COD-8N-149	do	OK	1,040	T	1973	
	500	29	30	COD-8N-151	} South and east.	OK	1,080	T	1969, Timm	
30	31	30	COD-8N-152							
9. Columbia	10 both tracts	32	30	COD-14N-157	} South.	OK	1,200	T	R. U. adjacent driftwood reserve.	
	100	12	30	COD-9N-154						
11. Columbia	40 or less, water line(?)	6	30	COD-9N-155	} South.	OK	1,200	T	1969, Berg	
	80	7	30	COD-9N-157						
13. Columbia	30	31	31	COD-9N-159	do	OK	1,100	T	1975, McCuen	
	60	30	31	COD-9N-163	do	OK	1,000 to 1,200	T	1968 and 1970	
14. Columbia	70	33	31	COD-14N-193	} do	OK	1,200	T	1968	
	40	32	31	COD-14N-194						
15. Columbia	40	33	31	COD-14N-195	} SW	OK	1,080	T	1968 and 1971	
	65	32	31	COD-14N-193						
16. Columbia	40	4	30	COD-14N-138	W	OK	1,080	T	1968, Thielen, Nye, Slyke, Nelson.	
	65	26	30	COD-8N-150	At	OK	1,400	T	1968, Thielen, Nelson.	
17. Columbia	65	26	30	COD-8N-150	At	OK	1,400	T	R. U.	

Senator McGOVERN. I would like to suggest, if the other witnesses here at the table are agreeable, that they simply give the committee your names and your relationship to the tribe, and then have your prepared statement filed.

**STATEMENT OF DR. PASCHAL SHERMAN, MEMBER, COLVILLE  
CONFEDERATED TRIBES**

Mr. SHERMAN. My name is Dr. Paschal Sherman. I am a member of the Colville Confederated Tribes.

We want to make it quite clear to you, though, that we are against this idea of a little reservation. The Colville Indian Reservation is already a reduced reservation.

Senator McGOVERN. Dr. Sherman, do you feel that the reduced reservation would not be an economic operation, a feasible operation?

Mr. SHERMAN. No, because of the terrain and the assets which are interdependent. We have no time to discuss the question on a map, but we have a map of the reservation which would very well illustrate that point.

Senator McGOVERN. Would you like to have the map, together with your prepared statement, filed as a part of the hearing record?

Mr. SHERMAN. Yes, we could do that.

I have a written statement here, but this relates more to the constitutional question involved in S. 282. Now, as we said, we are against termination and by reason of any suggested amendments for sound legislation, we are not saying that we could go along, that we could live with this bill if it were amended as suggested. The Deputy Attorney General, in commenting on S. 1413, has raised these constitutional questions, and I think they should be considered at this time.

Therefore, we have in my statement brought attention to them, and have for your convenience amended the bill as we think it ought to be written in order to be sound from a constitutional standpoint.

Senator McGOVERN. All right; we will see that that material is incorporated in the record as you have prepared it.

Thank you, Dr. Sherman.

Mr. SHERMAN. It may be that we will have other statements to file within the 10-day period.

Senator McGOVERN. The hearing records will be open for at least 10 days, probably 2 weeks, and any time during that period you will be free to file any additional material you wish.

(The statement referred to follows, together with the attachments thereto:)

STATEMENT OF DR. PASCHAL SHERMAN ON S. 282

Mr. Chairman and members of the subcommittee, without compromise in any form, we are opposed to the termination of the Colville Confederated Tribes. We will not compromise the lives and basic interests, property and beneficial, of our fellow tribesmen. The following comments are made on the bill, if it is to be enacted into law regardless, in the interest of sound legislation:

Section 1:

This section provides for a referendum on termination before the appraisal of the reservation forests and assets. Conceivably, the Colvilles could refuse to accept the appraisal, but termination would go through anyway as a result of the referendum. A constitutional question would arise as to "just compensation." The case of *Anderson et Al v. United States*, pending as No. 87-62 in the U.S. Court of Claims, as an aftermath of the Klamath termination, revolves on the

principle of law that fair compensation in the disposition of property means an owner willing to sell and a buyer willing to buy at an agreed price without compulsion. But as to the Colvilles a compulsion would be applied by Section 6(b) in the definition of fair market value for timber assets as the price realized if the sale were made over a period of 10 years (cutting cycle). This would pre-set the appraisal to about \$61 million according to the estimate of the Stanford Research Institute over a 10 year cutting cycle (see page 10, "An Analysis of Economic Development Possibilities of the Colville Indian Reservation"). Actually, the estimate was made when timber was selling at \$32 per 1,000 board feet, and it is now selling at \$24, which would set the overall appraisal at about \$45 million.

From considerations implicit in the comments of the Deputy Attorney General on S. 1413 (See pages 12-13, Senate Hearings on S. 1413, April 5-6, 1965), who recommended the definition of fair market value be without qualification, we feel assured that foreseeable complications can be avoided if an appraisal is held first to be followed by a referendum for its acceptance and for approval of termination. We are making a recommendation to that effect. With the Colvilles "willing to sell" at the appraised value accepted in the referendum at a time when they still have only a beneficial interest in the tribal property, we cannot see how the constitutional question on just compensation would arise.

Section 1 restricts the voting in the referendum to adult members. Since a change in personal status at law is involved from disposition of tribal property in which the beneficial interest is without distinction, each enrolled member must have an equal right to decide the issue voting personally or through a fiduciary. It is recommended that in the referendum a parent of a minor who is an enrolled member vote for such minor as natural custodian or guardian, the designation to be made by the Secretary of the Interior, and the guardian of an enrolled member judicially declared incompetent vote for such member.

The voting in the referendum cannot be the exercise of a political function in which the majority may decide. Rather it is in the nature of the shareholders of a corporation voting. An Indian reservation is in essence a corporate entity under federal supervision. Enrolled members are called "owners" of the tribal property in government literature. On the check for a per capita payment from tribal income is printed the word "Dividend." In a corporation the shares of minors and incompetents are voted and more than a majority is generally, almost universally, required in voting for dissolution by reason of considerations for the public interest, obligations assumed, the substantial equity of a minority opposed, and the value of the corporate property. It is further recommended that in practice the laws of the State of Washington, in which the Colville Indian Reservation is located, be applied to require two-thirds of all enrolled members, not merely of those bestirring themselves to vote, must vote for termination before termination will become effective under the conditions of the bill.

In an opinion poll on termination in November, 1966, only 1,814 Colvilles voted out of 2,526 adult voters on the tribal rolls of nearly 5,000 members. The results were 1,272 for termination and 1,254 against or indifferent (1,272 for, 491 against, 51 no opinion, and 712 no response). It would be patently unfair and unjust to rest termination on a showing like this, if repeated in the referendum. We must give substantial consideration to the equity of the minority opposed, who live on the reservation and who depend on the reservation for a livelihood and for their future, and to the interest of minors and incompetents. Parallels in the sensitively understanding consideration of minority interest in other fields are: Indian trust lands with undivided heirship interests are not disposed of on the majority wishes of the heirs; waters in the northwest will not likely be diverted to the southwest, as proposed and opposed, although there are overwhelmingly more people in the southwest than in the northwest; sentiment in recent testimony, Indian and non-Indian, before the Idaho Water Resources Board was overwhelmingly against raising the height of the American Falls Dam, which would inundate the priceless bottomlands of the Shoshone-Bannocks, although the people to be benefited below the dam outnumber the Indians.

#### Section 3:

For a more complete and workable definition, add "and mineral rights" in subsection (c). In many lands sold, mineral rights were reserved. It is being recommended that the program to be undertaken under Section 6(a) include a listing of the individual lands in which mineral rights were reserved so that the Indians will know just what rights they have outstanding. In subsection (d) include "mineral rights," "hunting and fishing rights," and "potentials for rec-

reational development" in order to point up these valuable assets. In subsection (e) change "place of residence" to "State of Washington." Colvilles are scattered the world over and since the individual and tribal interests concerned are in the State of Washington, the law of that state should apply in the determination of adulthood. As a matter of fact, a Colville must be 21 years of age or more to be eligible for voting under the tribal constitution, which conforms to the age requirements of the state in this respect.

Section 6:

The ownership records to be brought up to date under subsection (a) should specifically include lands sold in which mineral rights were reserved. Many Colvilles have only a fractionated heirship interest in such rights, but it is important that upon termination they know just what rights they have and where.

For other changes in Section 6 recommended, contingent on having the appraisal before the referendum, see the redraft below. However, the changes in the subsection (f) (subsection (b) in the redraft) require some explanation. To the direction "sell the property so selected" is being added "at not less than the appraised value determined by Section 3 of this Act" (Section 3 of the redraft), which conforms to a similar requirement in the counterpart bill H.R. 3051. The definition of fair market value for timber assets is omitted because to the extent that it fixes appraisal over a ten year period, it is untenable as raising a constitutional question on "just compensation." It is being provided that the government will buy the hunting and fishing rights and recreational potentials as well as unsold non-forest lands at not less than the appraised value. The provision takes cognizance of the reality that this termination is being sought as much by the government as by Indians. The sale of the tribal property at not less than the appraised value, with the government willing to buy as the principal buyer and the Indians willing to sell, the constitutional question of a taking under the Fifth Amendment will not arise. (Again see comments of the Deputy Attorney General, *op. cit.*)

If the appraisal is made first to be followed by a referendum for acceptance of the appraisal and for approval of termination, the proviso in Section 6(f) giving authority to the tribes to sue on the appraisal is unnecessary and is being deleted in the redraft. Otherwise, what would happen under the bill, as presently written, if the Indians should refuse to accept the appraisal? The resulting complications could be met by statutory amendments and by court decisions, which would be less than satisfactory all around. Following approval of termination in the referendum, if gold or oil were to be discovered in the drillings and diggings for appraisal of mineral rights (or if the government should substitute realization value for appraised value as it did for the Klamaths), there would be no turning back and termination would go through.

Section 6(g):

In Section 1 the Indians are given the choice of deciding in a referendum whether to terminate or not to terminate. This principle should be extended to the Indians who wish to remain in a tribal unit with common property, a reduced Indian reservation, with the option of deciding whether such property should be managed without federal supervision through a trustee, corporation, or other legal entity, or whether its management should be continued under federal supervision as now without change in their individual status as Indians under law. If the latter option should be chosen in a referendum, the individual lands now held in trust by the remaining Indians would continue under federal supervision.

Section 9:

In subsection (b) the passage for vesting title to lands in fee simple, otherwise acquired by Colvilles through devise or descent as trust or restricted lands, is deleted in the redraft. This passage, if enacted into law, could hopelessly complicate the status and administration of trust or restricted lands on Indian reservations other than the Colville Indian Reservation. At this time the Bureau of Indian Affairs tends to handle gingerly, or seemingly to leave hands off on, trust or restricted property in which there is an undivided fee simple interest. Colvilles and members of neighboring tribes intermarry, and this circumstance should not be a reason for extending the Colville misfortune in termination to other Indian reservations. The passage is being rewritten in the redraft so that Colvilles may continue to own property in trust or restricted status, acquired by devise or descent, on other Indian reservations. Since the provisions of Section 9 are directed to Colvilles, the termination of the heirship interests of non-Colville Indians will not affect the status of trust or restricted property owned by them on their own reservations.

## Section 31 :

The terminal process and procedures will be long and costly. The Deputy Attorney General thought four years for completion of the terminal action, as provided in Section 7(b), would be too short. Seven years were recommended by the Secretary of the Interior in comments on S. 1413. We are recommending six years in the redraft. The mineral survey and other appraisal costs may run as high as \$475,000 (*See* page 34, House Hearings on H.R. 6801 and H.R. 8469, May 15, 1962). Appraisers are professional people meticulous in methods and conscientious in execution. To rely on tribal funds, judgment or income, may delay matters as such funds may not be available in the amounts necessary at any given time. Therefore in the redraft Section 31 is being changed to provide for an appropriation of \$500,000.

The redraft follows—

(NOTE.—Recommended amendment of S. 282 as introduced January 12, 1967. Sections rearranged with passages recommended for deletion in black brackets and new material entered in *italic* for convenience of comparison)

[S. 282, 90th Cong., first sess.]

A BILL To provide for the termination of Federal supervision over the property of the Confederated Tribes of Colville Indians located in the State of Washington and the individual members thereof, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

【SEC. 2. The】 *That the purpose of this Act is to provide for the termination of Federal supervision over the trust and restricted property of the Confederated Tribes of the Colville Indian Reservation, Washington, and of the individual members thereof, for the disposition of federally owned property acquired or withdrawn for the administration of the affairs of said Indians and for a termination of Federal services furnished such Indians because of their status as Indians.*

SEC. 【3】 2. For the purposes of this Act—

(a) “Tribes” means the Confederated Tribes of the Colville Indian Reservation, Washington.

(b) “Secretary” means the Secretary of the Interior.

(c) “Lands” means real property, interests therein, or improvements thereon, and includes water rights *and mineral rights*.

(d) “Tribal property” means any real or personal property, including water rights, *mineral rights, and hunting and fishing rights*, or any interest in real or personal property, *including potentials for recreational development*, that belongs to the tribes and either is held by the United States in trust for the tribes or is subject to a restriction against alienation imposed by the United States.

(e) “Adult” means a member of the tribes who is an adult according to the law of the *State of Washington* 【place of his residence】.

SEC. 【6】 3. The Secretary shall—

(a) within sixty days after this section becomes effective institute a program, to be completed within one year, to bring up to date all ownership records pertaining to trust or restricted lands *and to lands sold in which title to subsurface minerals was reserved* on the Colville Indian Reservation; and immediately following completion of such program, jointly with the Secretary of Agriculture, determine what parts of the tribal lands are valuable chiefly for timber purposes, what parts are valuable chiefly for farming, what parts are valuable chiefly for grazing, and what parts are valuable chiefly for other purposes; and divide each such part into appropriate units for sale or management in accordance with the provisions of this Act;

(b) cause separate appraisals to be made by three qualified independent appraisers of the units designated under subsection (a) for the purpose of ascertaining the fair market value of each such unit. 【The fair market value of the timber assets shall be defined to be the market price that would be realized if the sale of the timber assets were made over a period of ten years.】 The Secretary shall determine fair market value by averaging the three appraisals;

(c) determine the fair market value of tribal mineral rights (including oil and gas) but the determination necessarily need not conform to the geographical boundaries of the surface units;

(d) determine the value to the tribes of the tribal hunting and fishing rights on each unit appraised, to the extent such value is not included in the appraisal;

(e) determine the value of the potentials of the tribal property for recreational development, to the extent such value is not included in the appraisal of each unit;

[e] (f) cause a summary of said appraisal to be delivered to all adult enrolled members of the tribes and to the parents as natural custodians or guardians of minors who are members and to the guardians of members judicially declared incompetent for acceptance of the appraisal and approval of termination in a referendum as provided in section 4 of this act.

[That the] SEC. 4. The following sections of this Act shall become effective on the date two-thirds [a majority] of the number of the enrolled [adult] members of the tribes on the rolls accept the appraisal and [voting in a referendum] approve a termination of Federal supervision in accordance with those sections. The Secretary of the Interior shall conduct a referendum for this purpose to ascertain the wishes of the enrolled [adult] members within ninety days after completion of the appraisal [the enactment of this Act] in accordance with such rules and regulations as he may prescribe. A parent of a minor who is a member shall vote for such minor as natural custodian or guardian, as may be determined by the secretary, and the guardian of a member declared incompetent by judicial proceedings shall vote for such member.

SEC. [4.] 5. At midnight of the date of this section becomes effective the roll of the tribes shall be closed and no child born thereafter shall be eligible for enrollment: *Provided*, That the tribes shall have a period of six months from the date of this section becomes effective in which to prepare and submit to the Secretary a proposed roll of the members of the tribes living on the date this section becomes effective, which shall be published in the Federal Register. If the tribes fail to submit such roll within the time specified in this section, the Secretary shall prepare a proposed roll for the tribes which shall be published in the Federal Register. Any person claiming membership rights in the tribes or an interest in the assets of the tribes, or a representative of the Secretary on behalf of any such person, may, within ninety days from the date of publication of the proposed roll, file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or before such roll. The Secretary shall review such appeals and his decisions thereon shall be final and conclusive. After disposition of all such appeals, the roll of the tribes shall be published in the Federal Register, and such roll shall be final for the purposes of this Act.

SEC. [5.] 6. Upon publication in the Federal Register of the final roll as provided in section [4.] 5 of this Act, the beneficial interest in tribal property of each person whose name appears on the roll shall constitute personal property which may be inherited or bequeathed, but shall not otherwise be subject to alienation or encumbrance before the transfer of title to such tribal property as provided in section [7.] 8 of this Act without the approval of the Secretary. Any contract made in violation of this section shall be null and void. Property which this section makes subject to inheritance or bequest and which is inherited or bequeathed after the effective date of this section and prior to the transfer of title to tribal property as provided in section [7.] 8 of this Act shall not be subject to State or Federal inheritance, estate, legacy or succession taxes.

SEC. 7. *The Secretary shall—*

(a) within sixty days after publication of the final roll in the Federal Register [thereafter] give to each member whose name appears on the final roll of the tribes an opportunity to elect to withdraw from the tribes and have his beneficial interest in tribal property recognized by section [5.] 6 converted into money and paid to him, or (1) to remain in the tribes and participate in the tribal management plan to be prepared pursuant to subsection [e] (c) of this section or (2) to continue under the Federal supervision; in the case of members who are minors, persons declared incompetent by judicial proceedings, or deceased, the opportunity to make such election on their behalf shall be given to the person designated by the Secretary as the person best able to represent the interests of such member: *Provided*, That any member, or any heir or any devisee of any deceased member, for whom the Secretary has so designated a representative may (on his own behalf, through his natural guardian, or next friend) within one hundred and twenty days after receipt of written notice of such secretarial designation, contest the secretarial designation in any naturalization court for the area in which such member resides, by filing of a peti-

tion therein requesting designation of a named person other than the secretarial designee, and the burden shall thereupon devolve upon the Secretary to show cause why the member-designated representative should not represent the interests of such member, and the decision of such court shall be final and conclusive;

[(f)] (b) select the portion of the tribal property which if sold at the appraised value would provide sufficient funds to pay the members who elect to withdraw from the tribes for their beneficial interest in the total tribal property, sell the property so selected at *not less the appraised value determined by section 3 of this Act*, and pay the proceeds of the sale to the withdrawing members: *Provided*, That title to any tribal forest lands that need to be sold shall be taken by the Secretary of Agriculture by publication of a notice in the Federal Register; and funds for that purpose are hereby authorized to be appropriated, and such lands shall become national forest lands subject to the laws that are applicable to lands acquired pursuant to the Act of March 1, 1911 (36 Stat. 961), as amended: *Provided further, that title to any unit of land designated under section 3(a) of this Act that need to be sold and for which a buyer cannot be found shall be taken by the Secretary of the Interior for return to the public domain; and funds for that purpose are hereby authorized to be appropriated; provided further, That the Secretary of the Interior shall buy hunting and fishing rights and potentials for recreational development at not less than their appraised value if not included in the appraisal of any unit or units designated under section 3(a) of this Act; and funds for that purpose are hereby authorized to be appropriated:* [That if the tribes are not willing to accept the appraised value of such tribal forest lands, as determined under section 6(b) of this Act, the tribes may commence an action in the appropriate Federal court for a judicial determination of just compensation and such determination shall be made without regard to the appraisal standard contained in section 6(b):] *Provided further, That any person whose name appears on the final roll of the tribes, or a guardian or any person designated by the Secretary on behalf of any person who is a minor or an incompetent, shall have the right to purchase, for his or its own account but not as an agent for others, any other property in lots as offered for sale for not less than the highest offer received by competitive bid; any individual Indian purchaser who has elected to withdraw from the tribes may apply toward the purchase price up to 100 per centum of the amount estimated by the Secretary to be due him from the sale of his interest in tribal property: Provided, That title to lands purchased by using individual interest as collateral shall be withheld by the Secretary until distribution of the proceeds of the tribal estate as provided in this section; and if more than one right is exercised to purchase the same property pursuant to this proviso the property shall be sold to one of such persons on the basis of competitive bids;*

[(g)] (c) cause a plan to be prepared in form and content satisfactory to the members who elect to remain in the tribes and to the Secretary for the management of tribal property through a trustee, corporation, or other legal entity, *or to continue under federal supervision*. If no plan that is satisfactory both to the members who elect to remain in the tribes and to the Secretary has been prepared six months before the time limit provided in subsection (b) of the section [7] 8 of this Act the Secretary shall adopt a plan for managing the tribal property, subject to the provisions of section [14] 15 of this Act: *Provided*, That property which is held by the United States for the benefit of the tribes shall continue to have the status of tribal property until title is conveyed or transferred pursuant to section [6(f)] 7(b) or [7] 8(a) of this Act and the net proceeds are actually distributed to the individual members: *Provided further, That the tract or tracts of land for the remaining members shall be selected by referendum.*

SEC. [7] 8. (a) The Secretary is authorized and directed to execute any conveyancing instrument that is necessary or appropriate to convey title to tribal property to be sold in accordance with the provisions of section [6] 7 of this Act, and to transfer title to all other tribal property to a trustee, corporation, or other legal entity in accordance with the plan prepared pursuant to subsection [(g)] (b) of section [6] 7 of this Act: *Provided*, That at any time prior to a transfer of such other tribal property to a trustee, corporation, or other legal entity, the Secretary may, upon request of a majority of the members who elected to remain in the tribes, sell such other tribal property and distribute the

proceeds of sale among the members if he determines that such action is the more feasible and practical course to follow. Any tribal forest lands sold under this authority shall be purchased by the Secretary of Agriculture in accordance with the provisions of subsection [6(f)] 7(b).

(b) It is the intention of the Congress that all of the actions required by sections [6] 7 and [7] 8 of this Act shall be completed at the earliest practicable time and in no event later than [four] *six* years from the date this section becomes effective.

(c) Members of the tribes who elect to withdraw from the tribes and receive the money value of their interests in tribal property shall, upon the publication of the proclamation authorized by section [17] 18(a), cease to be members of the tribes: *Provided*, That nothing shall prevent them from sharing in the proceeds of tribal claims against the United States.

SEC. [8] 9. No funds distributed pursuant to section [6] 3 of this Act to members who withdraw from the tribes shall be paid to any person as compensation for services pertaining to the enactment of this Act or amendments thereto and any person making or receiving such payments shall be guilty of a misdemeanor and shall be imprisoned for not more than six months and fined an amount equal to the payment received by him plus not more than \$500.

SEC. [9] 10. (a) The Secretary is authorized and directed to transfer within [four] *six* years from the date this section becomes effective to each member of the tribes unrestricted control of funds or other personal property held in trust for such member by the United States.

(b) All restrictions on the sale or encumbrance of trust or restricted interests in land, [wherever located], *owned by members of the tribes* (including allottees, purchasers, heirs and devisees, either adult or minor), and on trust or restricted interests in lands within the Colville Indian Reservation, regardless of ownership, are hereby removed [four] *six* years after the date this section becomes effective, and the patents or deeds under which titles are then held shall pass the titles in fee simple, subject to any valid encumbrances: [The titles to all interests in trust or restricted land acquired by members of the tribes by devise or inheritance four years or more after the date of this section becomes effective shall vest in such members in fee simple, subject to any valid encumbrance.] *Provided*, That trust or restricted interests in land and the title to land as trust or restricted, owned by members of the tribes, on Indian reservations other than the Colville Indian Reservation shall not be affected and shall continue to be administered, as heretofore, under Federal supervision.

(c) Prior to the time provided in subsection (b) of this section for the removal of restrictions on land owned by one or by more than one person, the Secretary may—

(1) upon request of any of the owners, partition the land and issue to each owner a patent or deed for his individual share that shall become unrestricted four years from the date this section becomes effective;

(2) upon request of any of the owners, and a finding by the Secretary that partition of all or any part of the land is not practicable, cause all or any part of the land to be sold and distribute the proceeds of sale to the owners: *Provided*, That any one or more of the owners may elect before a sale to purchase the other interests in the land, and the purchaser shall receive an unrestricted patent or deed to the land; and

(3) if the whereabouts of none of the owners can be ascertained, cause such lands to be sold and deposit the proceeds of sales in the Treasury of the United States for safekeeping.

(d) The Secretary is hereby authorized by approve—

(1) the exchange of trust or restricted land between the tribes and any of the entrolled members;

(2) the sale by the tribes of tribal property to individual members of the tribes; and

(3) the exchange of tribal property for real property in fee status. Title to all real property included in any sale or exchange as provided in this subsection shall be conveyed in fee simple.

SEC. [10] 11. The Secretary is authorized, in his discretion, to transfer to the tribes or any member or group of members thereof any federally owned property acquired, withdrawn, or used for the administration of the affairs of the tribes which he deems necessary for Indian use, or to transfer to a public or nonprofit body any such property which he deems necessary for public use and from which members of the tribes will derive benefit.

SEC. [11] 12. No property distributed under the provisions of this Act shall at the time of distribution be subject to Federal or State income tax. Following any distribution of property made under the provisions of this Act, such property and any income derived therefrom by the individual, corporations, or other legal entity shall be subject to the same taxes, State and Federal, as in the case of non-Indians: *Provided*, That, for the purpose of capital gains or losses the base value of the property shall be the value of the property when distributed to the individual, corporation, or other legal entity.

SEC. [12] 13. (a) That part of section 5 of the Act of August 13, 1914 (35 Stat. 687; 43 U.S.C. 499), which relates to the transfer of the care, operation, and maintenance of reclamation works to water users associations or irrigation districts, and section 1 of the Act of July 29, 1954 (68 Stat. 580; 43 U.S.C. 499a), which relates to the transfer of movable property to irrigation districts or water users associations, shall be applicable to the irrigation works on the Colville Reservation.

(b) Effective on the first day of the calendar year beginning after the date of the proclamation provided for in section [17] 18 of this Act, the deferment of the assessment and collection of construction costs provided for in the first proviso of the Act of July 1, 1932 (47 Stat. 564; 25 U.S.C. 386a), shall terminate with respect to any lands within irrigation projects on the Colville Reservation. The Secretary shall cause the first lien against such lands created by the Act of March 7, 1928 (45 Stat. 200, 210), to be filed of record in the appropriate county office.

(c) The Secretary is authorized to adjust, eliminate, or cancel all or any part of reimbursable irrigation operation and maintenance costs and reimbursable irrigation construction costs chargeable against Indian-owned lands and non-Indian-owned lands that are subject to the provisions of this Act, and all or any part of assessments heretofore or hereafter imposed on accounts of such costs, when he determines that the collection thereof would be inequitable or would result in undue hardship on the owner of the land, or that the administrative costs of collection would probably equal or exceed the amount collected.

(d) Nothing contained in any other section of this Act shall affect in any way the laws applicable to irrigation projects on the Colville Indian Reservation.

(e) There is hereby authorized to be appropriated, out of any funds in the United States Treasury not otherwise appropriated, the sum of \$11,596.25 for payment to the Colville Tribes with interest at 4 per centum annually as reimbursement for tribal funds used for irrigation construction and operation and maintenance benefiting nontribal lands on the Colville Indian Reservation, such interest being computed from the dates of the disbursement of such tribal funds from the United States Treasury to the end of the fiscal year in which the appropriation is made.

SEC. [13] 14. Nothing in this Act shall abrogate any water rights of the tribes and their members, and the laws of the State of Washington with respect to the abandonment of water rights by nonuse shall not apply to the tribes and their members until fifteen years after the date of the proclamation issued pursuant to section [17] 18 of this Act.

SEC. [14] 15. Prior to the transfer of title to, or the removal of restrictions from, property in accordance with the provisions of this Act, the Secretary shall protect the rights of members of the tribes who are minors, non compos mentis, or in the opinion of the Secretary, in need of assistance in conducting their affairs, by causing the appointment of guardians for such members in courts of competent jurisdiction, or by such other means as he may deem adequate without application from the member, including but not limited to the creation of a trust of such member's property with a trustee selected by the Secretary, or the purchase by the Secretary of an annuity for such member: *Provided*, That no member shall be declared to be in need of assistance in conducting his affairs unless the Secretary determines that such member does not have sufficient ability, knowledge, experience, and judgment to enable him to manage his business affairs, including the administration, use, investment, and disposition of any property turned over to such member and the income and proceeds therefrom, with such reasonable degree of prudence and wisdom as will be apt to prevent him from losing such property or the benefits thereof: *Provided further*, That every trust created for any minor member of the tribe under this section shall contain a provision requiring the trustee to continue the trust after the minor reaches the age of majority under the laws of the State of his residence until the trustee can make a finding in accordance with the terms of the trust with respect to the need of

such person for assistance in conducting his affairs: *Provided, however,* That, any member determined by the Secretary or the trustee to be in need of assistance in conducting his affairs may, within one hundred and twenty days after receipt of written notice of such determination, contest the determination in any naturalization court for the area in which said member resides by filing therein a petition having that purpose; the burden shall thereupon devolve upon the Secretary or the trustee to show cause why such member should not conduct his own affairs, and the decision of such court shall be final and conclusive with respect to the affected member's conduct of his affairs.

SEC. [15.] 16. Pending the completion of the property dispositions provided for in this Act, the funds now on deposit, or hereafter deposited, in the United States Treasury to the credit of the tribes shall be available for advance to the tribes, or for expenditure, for such purposes as may be designated by the governing body of the tribes and approved by the Secretary.

SEC. [16.] 17. The Secretary shall have authority to execute such patents, deeds, assignments, releases, certificates, contracts, and other instruments as may be necessary or appropriate to carry out the provisions of this Act, or to establish a marketable and recordable title to any property disposed of pursuant to this Act.

SEC. [17.] 18. (a) Upon removal of Federal restrictions on the property of the tribes and individual members thereof, the Secretary shall publish in the Federal Register a proclamation declaring, *except as provided in the provision of section 10 (b) of this Act*, that the Federal trust relationship to the affairs of the tribes and their members has terminated. Thereafter individual members of the tribes shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians and, except as otherwise provided in this Act, all statutes of the United States which affect Indians because of their status as Indians shall no longer be applicable to the tribes and their members, and the laws of the several States shall apply to the tribes and their members in the same manner as they apply to other citizens or persons within their jurisdiction: *Provided,* That the Secretary is authorized to continue beyond the date of said proclamation to exercise functions and authorities essential to the completion of the termination of Federal responsibilities under this Act, including but not limited to the probate of trust or restricted estates of deceased Indians, and the administration to their completion of contracts for the education program authorized by section [26] 27 hereof, it being the intent of this proviso to authorize the Secretary to complete as speedily as possible all of the actions required under existing law and under the provisions of this statute in order to complete the Federal obligations authorized to be accomplished by this Act.

(b) Nothing in this Act shall affect the status of the members of the tribes as citizens of the United States.

SEC. [18.] 19. Effective on the date of the proclamation provided for in section [17] 18 of this Act, all powers of the Secretary or other officer of the United States to take, review, or approve any action under the constitution and by-laws of the tribes are hereby terminated. Any powers conferred upon the tribes by such constitution which are inconsistent with the provisions of this Act are hereby terminated. Such termination shall not affect the power of the tribes to take any action under their constitution and bylaws that is consistent with this Act without the participation of the Secretary or other officer of the United States.

SEC. [19.] 20. The Secretary is hereby authorized and directed to transfer title to cemeteries within the Colville Reservation to any organization authorized by the tribes and approved by him. In the event such an organization is not formed by the tribes within eighteen months following the date this section becomes effective, the Secretary is directed to perfect the organization of a non-profit entity empowered to accept title and maintain said cemeteries.

SEC. [20.] 21. The Secretary is authorized to set off against any indebtedness payable to the tribes or to the United States by any individual member of the tribes or payable to the United States by the tribes any funds payable to such individual or tribes under this Act and to deposit the amounts set off to the credit of the tribes or the United States, as the case may be.

SEC. [21] 22. Nothing contained in this Act shall deprive the tribes on their constituent parts of any right, privilege, or benefit granted by the Act of August 13, 1946 (60 Stat. 1049). The governing body of the tribes as recognized by the

Secretary is authorized to reserve from distribution, with the approval of the Secretary, adequate tribal funds to defray the cost of prosecuting tribal claims against the United States and the Secretary is authorized to continue supervision of such funds. Any balance remaining after such litigation has been concluded shall be distributed among all members whose names appear on the final roll, or their successors in interest.

SEC. [22] 23. Nothing in this Act shall abrogate any valid lease, permit, license, right-of-way, lien, or other contract heretofore approved. Whenever any such instrument places in or reserves to the Secretary any powers, duties, or other functions with respect to the property subject thereto, the Secretary may transfer such functions, in whole or in part, to any Federal agency with the consent of such agency and may transfer such functions, in whole or in part, to a State agency with the consent of such agency and the other party or parties to such instrument.

SEC. [23] 24. The Secretary is authorized to issue rules or regulations necessary to effectuate the purposes of this Act, and may in his discretion provide for tribal referendums on matters pertaining to management or disposition of tribal assets.

SEC. [24] 25. All Act or parts of Acts inconsistent with this Act are hereby repealed insofar as they affect the tribes or their members.

SEC. [25] 26. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. [26] 27. Prior to the issuance of a proclamation in accordance with the provisions of section [17] 18 of this Act, the Secretary is authorized to undertake, within the limits of available appropriations, a special program of education and training designed to help the members of the tribes to earn a livelihood, to conduct their own affairs, and to assume their responsibilities as citizens without special services because of their status as Indians. Such program may include language training, orientation in non-Indian community customs and living standards, vocational training and related subjects, transportation to the place of training or instruction, and subsistence during the course of training or instruction. For the purposes of such program the Secretary is authorized to enter into contracts or agreements with any Federal, State, or local governmental agency, corporation, association, or person. Nothing in this section shall preclude any Federal agency from undertaking any other program for the education and training of Indians with funds appropriated to it.

SEC. [27] 28. Effective on the date a majority of the number of the adult members of the tribes voting in a referendum approved a termination of Federal supervision, the Surgeon General of the Public Health Service is authorized and directed (a) to conduct such studies as are necessary to determine present and anticipated health needs of members of the tribes and the resources that are available to meet them; (b) to work with appropriate State and local agencies and with the tribes for the purpose of arranging for participation by the tribes and their members in comprehensive health care programs, including, but not limited to, private voluntary health benefits plans, group insurance policies or contracts, or similar group arrangements provided by carriers; (c) to develop plans and make arrangements for the orderly assumption of financial responsibility by the tribes and their members, the State and the localities involved, in accordance with their respective abilities, with respect to environmental and preventive health services now authorized under the Act of August 5, 1954 (68 Stat. 674); and (d) to assure to the extent practicable, that adequate sanitation facilities (as described in section 7 of such Act) are provided on the reservation prior to the date on which a proclamation in accordance with the provisions of section [17] 18 of this Act is issued.

SEC. [28] 29. Nothing in this Act shall affect the authority to make timber sales otherwise authorized by law prior to the termination of Federal control over such timber. If title to any of the lands comprising the Colville Indian forest is purchased by the United States, the administration of any outstanding timber sales contracts thereon entered into by the Secretary of the Interior as trustee for the tribes shall be administered by the Secretary of Agriculture.

SEC. [29] 30. All sales of tribal lands pursuant to this Act on which roads are located shall be made subject to the right of the United States and its assigns to maintain and use such roads.

SEC. [30] 31. Any person whose name appears on the final roll of the tribes who has, since July 24, 1961, continuously resided on any forest lands purchased by the United States by this Act shall be entitled to occupy and use as a homesite for his lifetime a reasonable acreage of such lands as determined by the Secretary of Agriculture, subject to such regulations as the Secretary of Agriculture may issue to safeguard the administration of the national forest.

[SEC. 31. The costs required by this Act may be paid from tribal funds which are hereby made available for such purpose subject to full reimbursement by the United States and the appropriation of funds for that purpose is hereby authorized.]

*Sec. 32. For the purposes of this Act, except under section 7(b) and section 13(e) of this Act in which separate appropriations are authorized, there is hereby authorized to be appropriated, out of funds in the United States Treasury not otherwise appropriated, the sum of \$500,000.*

### STATEMENT OF WILLIAM M. CHARLEY, MEMBER, COLVILLE CONFEDERATED TRIBES

Mr. WILLIAM CHARLEY. Mr. Chairman, my name is William Charley. I am a member of the Colville Confederated Tribes.

I have three statements that I would like to submit.

Senator MCGOVERN. All right.

Mr. WILLIAM CHARLEY. And I have another one that just came in, and I will submit that a little bit later.

Senator MCGOVERN. All right, we will receive your statements, and they will be printed as prepared.

Mr. WILLIAM CHARLEY. Thank you.

(The statements referred to follow, together with the attachments thereto:)

#### STATEMENT OF WILLIAM CHARLEY, PETITIONERS PARTY

Mr. Chairman and Members of the Committee: My name is William Charley of Malott, Washington, an enrolled member of the Colville Confederated Tribes. I am a member of the Executive Committee, Petitioners Party of the Colville Confederated Tribes, which was set up as a reservation-wide organization several years ago to fight termination.

I am a day laborer and live close to my people. For quite some time now I have been an active worker for alcoholism. As an officer and representative of the organization, I get around. I see people in taverns, in the streets, in their homes, and everywhere else they may need our help. I get to know what is in their hearts and minds, what they can do and cannot do, what they want and do not want. I have my finger, you might say, on the pulse of my people.

My people are in an uproar on this question of termination. Nearly all in their sober senses would like to keep our towering mountains, beautiful lakes, great forests, and plains as an Indian reservation. But when you dangle money before people's eyes, particularly in terms of \$30,000 to \$40,000 each, they—most of them—will reach out for it. There are those who would just as soon sell their souls as to sell their heritage and are opposing termination to the last.

We are sure that the terminators will receive far less than \$30,000 apiece. But what ever money is distributed, it will be spent quickly. We know the character and habits of our people. The taverns on the fringes of the reservation do brisk business during the week per capita payments of \$200.00 is distributed at the Indian Agency. Our jails fill up. There is a question as to whether government policy is sound and humanitarian to take over tribal land with money that will be so spent without lasting benefit. The alternative of continuing our tribal land under federal supervision, as now but with development of its assets to the fullest extent, certainly would be good for the Indians, for the economy of the country, and for the conservation of natural resources. So why terminate?

We grant that the decision of termination is squarely in your hands. You may decide for or against termination. Let us look at the equities involved.

The majority of our tribesmen who are demanding termination live away from the reservation. They are making their way in the world quite well and continue to receive per capita payments from the distribution of tribal income. They or their forebears were able to acquire the competence to leave the reservation through the education, health services and other assistance derived from their beneficial interest in the tribal property. Now they want to take away these beneficial advantages and aids from less fortunate fellow-tribesmen who are still striving to come up in the world. They have arrived and they don't care whether the others do.

Most of those who live away from the reservation are mixed bloods. A large percentage of Indians living on the reservation is full blood. Exact figures up to date are not available. A survey by the U.S. Public Health Service showed 39% full blood in 1950. No one with less than one-fourth Indian blood is entitled to enrollment on the reservation. Termination is being urged in behalf of the enrollees—comparatively few in relation to the total enrollment—whose beneficial interest will end on their passing, whose children by reason of blood quantum are not entitled to benefits from the reservation. If this is a point for equitable consideration, what about the many more children of full bloods and other within the required degree of Indian blood, born after the closing of the rolls upon termination, who will be deprived of rights that are otherwise clearly their heritage?

At this time the enrolled member has only a beneficial interest, not a vested property right, in the reservation. This beneficial interest is superior to a vested property right which is readily expendible. The beneficial interest is a continuing source of benefits by way of education for children, health services, assistance in property management, employment opportunities, per capita payments from tribal income, protection from predatory interests, exemption from certain property and income taxation, and other advantages and aids under the Bureau of Indian Affairs and other government agencies. These benefits touch the very lives of people and go far beyond the dollar evaluation of shares in the liquidation of the reservation.

Census records and human resources surveys show our educational level and income to be low in comparison to achievements of the general population. As of this moment, according to available figures, only 250 of our number have achieved schooling above the 12th grade. Of a labor force in the neighborhood of 650, only 247 are employed full time. Regularly 50% of this force are unemployed. There are about 2,900 Colvilles residing on the reservation and its fringes and these are the people who are going to be affected most disastrously by termination. The precise figures on education and employment were taken from Indian Agency records, but those of us who are out frequently among the people, who share in their lives, can attest to the wretched conditions and to the demoralizing influences which can follow in their wake. There are 16 Colvilles in the state penitentiary and probably more in other institutions for first-timers and younger offenders. Housing and home sanitary conditions are deplorable in general throughout the reservation.

It is in the field of health and medical services that the future is gloomiest in termination. Good health is indispensable for good living and sustained progress. In Fiscal Year 1966 \$178,847 were spent for hospital, medical, dental and other care. We now have two physicians at the Health Center clinic and the individual visits for medical treatment are expected to double. The total construction costs for improved sanitary facilities at about 325 homes were slightly over \$490,000. These services will be lost forever. There is a provision in S. 282 for arrangements with local health programs and health insurance systems in the post-termination era, but the inevitable scattering of the terminated Indians to the four winds, as they lose their hold on their properties as stabilizing anchors, such arrangements will be inoperable.

If we are to sink deeper into poverty and misery upon termination, it gives us no consolation to be reminded that we will be like many other citizens. The poorest of our Indians always has a ray of hope in federal-tribal services and in the compassionate ministrations of fellow tribesmen: do not snuff out that ray. If the tax exemptions of the average Indian in trust status are an irritant, let no one forget that the tax exemptions of the average citizen are more in dollar value and scope. Tax exemptions and privileges enjoyed by any class of citizen, including the Indian, are a matter of law. This is no place for talk

on the historic responsibility of the federal government for the Indian, of which you are well aware and which you will apply, we are sure, in sorting out the equities and humanitarian considerations involved in this question of termination.

We appeal to you and the Congress to reject S. 282 in its entirety.

For your information, as part of this testimony, I would like to attach a report on the medical services furnished to us for the Fiscal Years 1965, 1966, and 1967, which we think significant, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,  
DIVISION OF INDIAN HEALTH,  
COLVILLE PHS INDIAN HEALTH CENTER,  
Nespelem, Wash., May 23, 1967.

Mrs. LUCY COVINGTON,  
Nespelem, Wash.

DEAR MRS. COVINGTON: Dr. Terman has relayed your request for information regarding Public Health Services to me for answer.

1. The number of clinic visits at the Health Center in Nespelem are as follows:

FY 1964: 5592

FY 1965: 5827

FY 1966: 5788

\*FY 1967 7200 (7 mo. estimate) (Jan. '67 actual 4229)

Prior to July 1966 the Health Center had only one physician. Presently we have two and are budgeting for two in the future.

2. The amount spend on contract medical, hospital, and dental care in FY 1966 was:

Hospital care.....	\$100, 019
Physician fees.....	38, 794
Dental.....	23, 893
Other.....	16, 141
Total.....	178, 848

3. The amount of direct dental care given by our dentist is approximately 250-350 restorations per month. Presently we are expending \$4,000 per month on contract dental services.

4. Working with members of the Tribe we have improved sanitary facilities at approximately 325 homes on the reservation. Total construction costs have been slightly over \$490,000 of which Tribal beneficiaries have contributed \$45,225 and other sources \$30,000.

5. Eligibility for health care services which are provided at the Health Center in Nespelem is as follows: the person he recognized as an Indian or a dependent of an Indian in the community whose Tribe is under Federal supervision.

Eligibility for contract medical care, i.e. that provided by contract with private physicians and hospitals in the area is as follows:

To be eligible a person must be from a non terminated Tribe, recognized as an American Indian by the community in which he resides, reside on the reservation or off the reservation for less than one year, resides on an allotment off the reservation, or is medically indigent and has no other resources to pay for his care.

Dental eligibility criteria is as follows:

1. Be an Indian under Federal supervision.

2. Reside on the reservation.

3. Presently our priorities are for children and adolescents up to age 19 due to a limitation in funds.

I hope this information has answered your questions adequately. If I may be of further service, please write or visit me.

Sincerely yours,

GEORGE J. POGAN, III.  
Executive Assistant.

Colville Confederated Tribes

	Number and amount paid		
	Fiscal year 1965	Fiscal year 1966	Fiscal year 1967 (through April)
<b>DIRECT SERVICES</b>			
Medical and dental care:			
Physician.....	1	1	2
Dentist.....	1	1	1
Drugs and medicines.....	\$10,000	\$6,750	\$7,240
Supporting medical staff.....	7	8	8
Supporting dental staff.....	1	1	1
Cost of medical personnel.....	\$61,000	\$70,410	\$66,600
Cost of dental personnel.....	\$12,800	\$13,550	\$11,400
Medical supplies.....	\$1,400	\$2,450	\$3,050
Dental supplies.....	\$710	\$520	\$645
Other medical and dental costs.....	\$4,400	\$3,000	\$2,685
Medical outpatient visits.....	5,827	5,788	15,729
Dental patient visits.....	1,167	1,631	11,050
Buildings and grounds:			
Maintenance and repair.....	\$7,200	\$8,070	\$5,970
Janitorial services.....	\$650	\$510	\$50
Telephone and utilities:			
Telephone costs.....	\$1,750	\$2,210	\$2,150
Commercial utilities.....	\$4,300	\$5,120	\$4,925
BIA common services.....	\$3,900	\$3,900	\$3,900
Equipment costs:			
Office equipment.....	\$400	\$610	\$825
Medical equipment.....	\$1,480	\$6,710	\$4,560
Automotive vehicles:			
Repairs.....	\$600	\$500	\$200
Transportation supplies.....	\$1,750	\$1,640	\$1,930
<b>COMMUNICABLE DISEASE CONTROL</b>			
Sanitation.....	1	1	1
Salary and support cost.....	\$6,700	\$7,000	\$7,000
Public health nursing.....	1	1	1
Salary and support cost.....	\$10,300	\$5,550	\$4,500
County health contract.....	\$3,000	\$3,900	\$3,900
<b>CONTRACT MEDICAL CARE</b>			
Physicians and/or clinics.....	26	26	26
Physician service costs.....	\$24,830	\$38,790	\$27,160
Outpatient visits.....	760	1,001	( <sup>2</sup> )
Hospital costs.....	\$85,605	\$100,620	\$76,030
Hospital inpatient days.....	2,008	2,558	( <sup>2</sup> )
Dental care service costs.....	\$28,890	\$23,890	\$28,880
Drugs (number of prescriptions).....	( <sup>2</sup> )	2,385	2,084
Pharmacy service costs.....	\$2,844	\$12,488	\$15,119

<sup>1</sup> Through March.

<sup>2</sup> Not available.

Cause of death:	Death rate per 100,000 population			
	Colville service unit		Washington State	
	Calendar year 1965	Calendar year 1966	Calendar year 1965	Calendar year 1966
Infective and parasitic (excluding TB).....	( <sup>1</sup> )	53.8	14.1	14.1
Tuberculosis.....	( <sup>1</sup> )	( <sup>1</sup> )	14.1	9.4
Influenza and pneumonia.....	26.9	26.9	131.7	108.2
Gastritis and duodenitis.....	( <sup>1</sup> )	26.9	23.5	14.1
Alcoholism.....	( <sup>1</sup> )	26.9	9.4	18.8
Certain diseases of early infancy.....	53.8	53.8	103.5	94.1
Infant deaths per 1,000 live births.....	33.6	57.6	46.9	45.1

<sup>1</sup> Not available.

## Colville Confederated Tribes—Continued

Communicable diseases	Number of cases	
	Calendar year 1965	Calendar year 1966
Influenza.....	1	65
Otitis media.....	82	92
Gastroenteritis.....	23	76
Pneumonia (excluding NB).....	8	45
Strep sore throat and scarlet fever.....		59
Dysentery:		
Bacillary.....		
Other.....		
Measles.....	2	8
Mumps.....	1	3
Chickenpox.....	7	16
Gonorrhea.....	6	16
Salmonellosis.....		1
Hepatitis, infectious and serum.....	2	16
Trachoma.....		1
Tuberculosis:		
Type A.....	1	1
Type B.....		
Pneumonia of NB.....		1
Diarrhea of NB.....	1	2
Whooping cough.....		1
Rheumatic fever.....		
Diphtheria.....		6
Poliomyelitis, acute.....		

## Colville Reservation

Communicable diseases	Number of cases		Communicable diseases	Number of cases	
	Calendar year 1963	Calendar year 1964		Calendar year 1963	Calendar year 1964
Influenza.....	8	9	Salmonellosis.....		
Otitis media.....	33	48	Hepatitis, infectious and serum.....	1	1
Gastroenteritis.....	1		Trachoma.....		
Pneumonia (excluding NB).....	1	3	Tuberculosis:		
Strep sore throat and scarlet fever.....			Type A.....		2
Dysentery:			Type B.....		
Bacillary (shigellosis).....			Pneumonia of NB.....		
Other.....			Diarrhea of NB.....		
Measles.....	6	16	Whooping cough.....		
Mumps.....	3	17	Rheumatic fever.....		
Chickenpox.....	3	6	Diphtheria.....		
Gonorrhea.....	14	17	Poliomyelitis, acute.....		

## Death rate per 100,000 population

Cause of death <sup>1</sup>	Colville S.U.		Washington State	
	Calendar year 1963	Calendar year 1964	Calendar year 1963	Calendar year 1964
Infective and parasitic (excluding TB).....			14.1	28.2
Tuberculosis.....		26.9	9.4	14.1
Influenza and pneumonia.....	134.7	53.8	145.9	108.2
Gastritis, duodenitis, enteritis.....		26.9	23.5	18.8
Alcoholism <sup>2</sup> .....		26.9	( <sup>3</sup> )	( <sup>3</sup> )
Certain diseases of early infancy <sup>4</sup> .....	107.8	26.9	108.2	98.8
Infant deaths per 1,000 live births.....	72.6	66.7	61.7	53.7

<sup>1</sup> Source: Death certificates received from State health department. Population base: 3,712 Colville S.U.; 21,252 State of Washington (1960 census).

<sup>2</sup> Excludes alcoholic cirrhosis.

<sup>3</sup> Not available.

<sup>4</sup> Excludes immaturity.

(Subsequent to the hearing the following additional statement was received:)

ADDITIONAL STATEMENT OF WILLIAM CHARLEY

At the June 8th hearing on S. 282 the Chairman of the Legislative Committee, Colville Business Council, filed a tabulated report on the results of the general election for tribal councilmen held May 6, 1967. Each enrolled member was required to vote for two candidates on the ballot in the Omak, Inchelium and Nespelem Districts and for one candidate in the Keller District. The candidates ran on termination or anti-termination tickets. The results were as follows:

	Candidates for termination	Candidates against termination
Omak .....	515	238
Inchelium .....	391	191
Nespelem .....	131	437
Keller .....	92	.....
Total .....	1,129	866

This amounts to about 57% for and 43% against termination, which is a far cry from the claims of overwhelming sentiment for termination. Much has been said of the opinion poll of December 3, 1966 on termination. The idea was to test sentiment on termination under S. 1413, reintroduced by S. 282. Of 2,526 polled, the results were as follows:

For termination .....	1272
Against termination .....	491
No opinion .....	51
No response .....	712
Total .....	1254

In a matter as all-important as termination, about which there has been much propaganda in late years by the Colville Business Council, the significance of the No opinion and No response ballots are clear: Totalling 763, nearly one-third of the 2,526 ballots sent out, it meant that many people were unwilling to commit themselves because of uncertainties on S. 1413 in their minds or because of dissatisfaction with the way the termination movement was going. Statistically, the negative ballots must be counted with the positive "No" votes in the evaluation of sentiment. Statistically, we must say the 1,272 votes for termination were inconclusive and meaningless.

We do not think the lives and children of 2,900 reservation-area Indians, mentioned in my previous testimony as likely to be hopelessly impoverished by termination, should be determined by ballot voting. For these people and many others, in their present condition, termination means the termination of lives and opportunity.

Senator McGOVERN. Mrs. Nicholson.

**STATEMENT OF BARBARA NICHOLSON, MEMBER, COLVILLE  
CONFEDERATED TRIBES**

Mrs. NICHOLSON. My name is Barbara Nicholson. I am a member of the tribe, and also a member of the petitioners party. We are definitely opposed to termination of any type. I had an oral statement here ready for you—I mean, just a condensed statement, but I will have a larger statement which I will present for the record.

Senator McGovern. Thank you very much. We appreciate that.  
(The statement referred to follows:)

STATEMENT OF BARBARA WHITE NICHOLSON, MEMBER, COLVILLE CONFEDERATED TRIBES, REPRESENTING THE INCHELIUM BRANCH FOR THE PETITIONER'S PARTY

My name is Barbara White Nicholson, an enrolled member of the Colville Confederated Tribes, speaking on behalf of the Petitioner's Party of the Colville Reservation, Washington.

I would like to thank the distinguished members of the United States Senate for the opportunity of expressing the views of the minority of the Colville Tribes in opposite to Senate Bill, S-282.

Due to the time limit, we are faced with an issue that concerns us all equally, therefore, I will make a brief oral statement and submit a more detailed written statement along with it for the record so that everyone will be given equal opportunity to be heard.

The Organization known as the "Petitioner's Party" consisting of tribal members who are opposed to termination of the Colville Reservation in any form are hereby confirming their stand in opposition to Senate Bill, S-282 which provides for the termination of Federal Supervision and complete liquidation of our reservation assets.

We are firmly opposed to this termination legislation, S-282 in its entirety. Our people do not wish to lose their identity or heritage through termination. As Indians and members of a recognized tribe, they are tax exempt, eligible for all Federal Educational benefits, medical and dental benefits, year round hunting and fishing privileges, special privileges or preference on leasing and grazing lands. Indian preference in Indian Logging operations, preference to purchase lands under long term leases, tribal scholarships, tribal educational loans and grants, revolving tribal credit programs to develop our homes and ranches, etc., Indian preference on Government jobs, tribal burial grants for wakes & expenses, etc., grants for sports activities, grants to community programs such as Christmas treats, Fairs, feasts, tribal ceremonial activities, transportation grants to these young students who are departing for these boarding schools and colleges, medical clinic & dental visits, contract medical and dental care, improving sanitary facilities, full time social worker, adult education assistance, employment assistance through the relocation branches, head start programs, etc. These benefits and privileges are available to our people because of their being tribal members and are all too numerous to mention at this time.

We realize the Tribe puts out a lot of money on some of these programs that are beneficial to the tribal members, but so does the Federal Government. Under the programs of the Federal Government, the Indian people are taking advantage of them to a great extent and if the tribe were to terminate, the State has not committed themselves on whether or not they would provide these same services to our people. We are all not in a financial position to pay for the adequate services we need to maintain our homes and health as others.

Our housing is very poor and of the sub-standard nature. It has been strongly indicated by the liquidation promoters that a vast majority of the people on the reservation own their own homes. Many of them do rent and many still have borrowed from different sources to either build or remodel their homes and will be paying on them for years to come. With the average income of the people residing on and near the reservation amounting to \$1200 to \$1500 annually as taken from the 1960 census roll, if these people were to lose their lands and properties from trust status to tax status, under their present needs and expenses for taxes, etc., in no time they would be forced from their homes because of taxes.

In the fall of 1966, the Legislative Committee of the Colville Business Council mailed out opinion polls to the members of the tribe.

## EXHIBIT A

Confederated Tribes  
Colville Reservation

Nespelem, Washington

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**OFFICIAL OPINION POLL**


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LEGISLATIVE COMMITTEE

COLVILLE BUSINESS COUNCIL

COLVILLE CONFEDERATED TRIBES

TO: Adult members of the Confederated Tribes of the Colville Reservation.

To assist in determining the general attitude of the adult tribal membership in regard to termination of federal supervision over the property and affairs of the Tribes, please check your opinion.

**DO YOU FAVOR TERMINATION AND LIQUIDATION OF THE TRIBAL OWNED RESERVATION ASSETS AT FAIR VALUE WITH THE PROCEEDS DISTRIBUTED EQUALLY TO THE MEMBERS OF THE TRIBES?**

CHECK ONE

 YES NO NO OPINION

COMMENTS: (if any)

This poll was very poorly worded as the actual poll "exhibit A" indicates. The poll stresses only the money each would receive stating nothing of their loss of beneficial rights and privileges.

Out of the total ballots mailed out to the adult members of the tribe which consisted of 2526 ballots, only 2404 of them reached their destination. 1814 were returned for counting. 1272 voted "Yes". 491 voted "No", 51 with "No Opinion" and 712 ballots were not returned for tabulation at all. There were so many people expressing their lack of support for termination by not participating in the poll by not returning their ballots. At this time I will quote an old Indian tradition. "The true Indian traditional way of showing dissention is by remaining silent." I know I, myself, did not return my ballot and I am very much opposed to termination. The percentage supporting the poll was less than 53% which is a more realistic percentage of the feeling of the people rather than the 2 to 1 figure as quoted by the legislative committee on the tabulation of the opinion poll. These ballots are mailed to you with only your name printed on the outside envelopes, you returned the ballot with no signature as to who cast this vote whatsoever, therefore, this opinion poll should be merely considered as an opinion of the people rather than an actual vote made by our people on termination. You cannot forget those who did not return their ballots, because as tribal members, their views should be expressed in any official election, not necessarily any simple question as meaningless as that last poll. It was just a waste of a lot of our tribal money and only amounted to be more propoganda for the liquidation promoters to use for terminating our reservation.

The States of Oregon and Wisconsin have learned an important lesson about the meaning of termination when it was forced to assume the heavy burden of taking over the services as dropped by the Federal Government after the Klamaths and the Menominees were terminated.

I cannot see where the Congress, in its better judgment, could possibly pass another termination legislation for the Indians that is drafted and provisions of the bill to be carried out like the Klamath Bill. There has been so many repercussions and after affects which are not beneficial to the Indian people of our nation that proves that termination for an Indian Tribe is not the answer. We do not want our Colville people to experience such a tragic step at this time. I sincerely hope Congress has taken all the situations arising from the Klamath and Menominee termination into consideration and do not let the same thing happen to the Colville people.

Health is a major concern to our people. I will enter a letter as "Exhibit B" for the record.

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EXHIBIT B

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE,  
PUBLIC HEALTH SERVICE,  
DIVISION OF INDIAN HEALTH,  
COLVILLE PHS INDIAN HEALTH CENTER,  
Nespelem Wash., May 23, 1967.

Mrs. BARBARA NICHOLSON,  
Inchelium, Wash.

DEAR MRS. NICHOLSON: In response to your visit to my office on May 17, I will try to answer your questions as accurately as possible.

The increase each year in the number of patients is predicated on the availability of physicians within the service unit. In the years before July, 1966 there was only one P.H.S. physician available. Presently there are two; and we are budgeting for two physicians in the future. Therefore the increase in clinic visits is weighted by this factor.

Medical clinic visits at Nespelem:

Fiscal year:	
1964-----	5, 592
1965-----	5, 827
1966-----	5, 788
1967-----	<sup>1</sup> 7, 200
January 1967-----	<sup>2</sup> 4, 229

Contract medical care authorizations written:

Fiscal year:	
1964-----	2, 300
1965-----	2, 700
1966-----	3, 275
1967-----	<sup>3</sup> 3, 600

Contract medical, hospital and dental care expenses for fiscal year 1966 were:

Hospital care-----	\$100, 019
Physician fees-----	38, 794
Dental-----	23, 893
Other costs: Hearing aids, glasses, laboratory, transportation of patients, etc-----	16, 141
Total-----	178, 847

Field health costs for fiscal year 1966 were:

Sanitation-----	\$13, 547
Dental-----	14, 637
Public health nursing-----	12, 533
Field medical service-----	107, 873
Epidemiology-----	300
Total-----	148, 800

Maintenance and repair to clinic-----	8, 000
---------------------------------------	--------

<sup>1</sup> Estimated, 7 months.

<sup>2</sup> Actual.

<sup>3</sup> Estimated.

During fiscal year 1966, \$91,000 in PHS funds and \$8,500 in tribal contributions were obligated for sanitation construction projects.

Total recurrent costs for the fiscal year were \$335,743. The addition of sanitation construction costs brings the reservation total to \$435,243.

Working with members of the tribe we have improved sanitary facilities at approximately 325 homes on the reservation. Total construction costs have been slightly over \$490,000 of which tribal and individual beneficiaries have contributed \$45,225 and other sources \$30,000. 238 sanitary wells have been completed. Running water has been provided in 216 homes. Indoor sanitary facilities such as water closets and kitchen sinks have been provided in 283 homes. We have project proposals from the tribe for two additional projects for fiscal 1968 which covers 90 additional homes.

Presently 91% of all Indian homes on the reservation have running water into the kitchen and 86% have water closets.

I hope this information has answered your questions. If I can be of further assistance, please write or visit me at your convenience.

Sincerely,

GEORGE J. POGAN III,  
*Executive Assistant.*

Is the State of Washington financially and fully equipped to assume these services to our people? We are not sure these services will be made available to us if termination were to come about.

Education is of vital interest. How will the complete loss of the Johnson-O'Malley contract money affect the school districts in the Reservation area? The loss of tribal and BIA scholarships will affect tribal members in their advanced education. As you are aware, the Indian children attend the Federal Boarding schools with various vocations and special art classes.

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#### EXHIBIT C

##### CHEYENNE-ARAPAHO INDIAN SCHOOL, CONCHO, OKLA.

We have six (6) students currently enrolled in this school and four (4) new students making application for September 1967.

##### CHILOCCO INDIAN AGRICULTURAL SCHOOL, CHILOCCO, OKLA.

We have 43 students currently enrolled in this school and three (3) new students making application for September 1967.

##### FORT SILL INDIAN SCHOOL, LAWTON, OKLA.

We have 11 students currently enrolled in this school and seven (7) new students making application for September 1967.

##### HASKELL INSTITUTE, LAWRENCE, KANS.

We have 11 students currently enrolled at Haskell Institute and nine (9) new students making application for September 1967.

##### INSTITUTE OF AMERICAN INDIAN ARTS, CERRILLOS ROAD, SANTA FE, N. MEX.

We have nine (9) students currently enrolled at the Institute of American Indian Arts and seven (7) new students making application for September 1967.

##### RIVERSIDE INDIAN SCHOOL, ANADARKO, OKLA.

We have four (4) students currently enrolled in this school and ten (10) new students making application for September 1967.

#### ROADS

According to the 1965 Bureau report, it is believed that it will be necessary to spend one and one-half to two million dollars on the reservation roads to bring the roads up to standards under which the Counties concerned will accept responsibility for the maintenance of the whole system.

## TAXATION

The Tribes are paying the two counties, Okanogan and Ferry \$40,000 annually in lieu of taxes on lands held in trust status.

## LAW AND ORDER

We are presently paying the counties of Ferry and Okanogan a sum of \$30,000 for enforcement services on the reservation, because the counties are financially unable to carry the full burden of the expense.

What affect will the loss of all these funds contributed through our Federal and Tribal programs have on the State and are they in a position to fully assume their responsibilities to these Indian people after termination?

During the past few years, the Colville Reservation has been classified as a depressed area and eligible for a great number of development programs through the BIA, ARA, OEO, and various other governmental agencies. BUT, due to the majority of our governing body sponsoring the liquidation of our reservations assets, they would be no means venture into any type of development program which would delay their task in any form in accomplishing their termination efforts.

The improvements of our homes, our lands, and our recreational resources or any type of development programs have been by-passed because the liquidators are wanting to maintain their task by terminating our lands. Our reservation has been at a stand still for years and if it were to be sold today, it would be sold at its lowest value, but they don't care about that, just as long as they accomplish one motive, "sell the colville reservation." This is a fact that points out the inadequacy of our present tribal majority by not trying to develop the resources and increase the value of our lands. They are not even trying to solve the Indian problem. The only way to solve the Indian problem of the United States is to educate the Indians to their fullest extent, encourage them to enter into the main stream of economy as individuals.

In closing, I would like to remind the members of the Senate Committee that there are 5023 enrolled members of the Colville Tribe and of that, over 50% are minors. There are over 2900 living on and near the reservation and if this reservation is terminated, a majority of our people will be affected because they make their homes and livelihood from this reservation. This land was set aside for Indian use as long as there were Indians living on it.

Thank you.

Senator McGOVERN. All right.

Mr. T. B. CHARLEY. Mr. Chairman, I forgot one item here, a petition that we are submitting of the 59 additional new names.

Senator McGOVERN. That will be received and made a part of the record at the proper place.

Mr. T. B. CHARLEY. Thank you.

Senator McGOVERN. Is Mrs. Huber and Mr. Lumm here?

We will hear from them at this time.

#### STATEMENT OF ALICE HUBER, MEMBER, COLVILLE CONFEDERATED TRIBES

Mrs. HUBER. I am Alice Huber, and I will make my statement very brief.

I am a member of the Colville Tribe, and I am President of the Tribal Political Group on our reservation, known as Colville Liquidation Promoters.

As secretary of our group, I appeared before your committee in October 1963 to report that shortly before that time we had actively entered into election campaign for tribal councilmen on the issue of termination.

We have continued to be active in tribal politics to the present time and will continue to be until this issue is resolved.

And I will hand my statement in, and two memorandums from the State of Washington.

Senator McGOVERN. Thank you very much. We appreciate that. Your prepared statement will be included at this point. The memorandums will be included at the proper place.

(The statement referred to follows:)

STATEMENT OF ALICE HUBER, COLVILLE LIQUIDATION PROMOTERS

I am Alice Huber of Omak, Washington, a member of the Colville Tribe. I am President of the tribal political group on our reservation known as the Colville Liquidation Promoters. As secretary of our group I appeared before your committee in October 1963 to report that shortly before that time we had actively entered into election campaigns for tribal councilmen on the issue of termination. We have continued to be active in tribal politics to the present time and will continue to be until this issue is resolved. We have given our support to councilmen who assured the tribal members that they would work for termination legislation in the best interests of the people and stop the promotion of Indian Bureau programs. In 1963 we had succeeded in electing two candidates to the council. The strength of our group has steadily increased since that first election. In 1964 we succeeded in electing five additional candidates for a total of seven council members. In 1965 we elected an additional three candidates which increased our majority on the business council to ten seats out of a possible fourteen. In the year 1966 and just recently in our 1967 May election all of our incumbents retained their positions by substantial majorities. All candidates carried the votes in their district polling places as well as by absentee ballots.

Every year's election for council members brings strong campaigning both for and against our candidates on the termination issue. To illustrate this point, I wish to turn in for the record copies of the material which we mailed to the adult tribal members this year and also copies of material which was mailed to those in opposition to termination. In our opinion, these elections which are widely advertised are the best possible evidence that a large majority of the tribal membership favors early passage of S. 282. Except for minor amendments, the bill is substantially the same as earlier bills, all of which have been made available to the membership for study. Most of the members seem to understand the bill very well and have also understood before the re-election of the present council majority that the council members would support this legislation.

We tribal members appreciate the fact that the business council majority does continue to work diligently for these principles that they know are important to the people. We sincerely hope that the Interior Department and the Congress will look on an early termination program—in line with the present bill—as being the logical future for our tribe and will move along with getting it done. There will always be a minority group who will oppose termination of any kind. The present tribal system works to the advantage of the few at the expense of the many. We can't expect that the few will ever want that situation changed. Our group has always supported the policy that we think will bring about the greatest good for the greatest number and we do not think there is anything in this bill that is going to be detrimental.

S. 282 has gained the support of the general public in our area, and also of the state of Washington. Very recently, during the past session of the state legislature, both the Senate and House of Representatives passed resolutions petitioning the President and the Congress of the United States urging early action on our terminal legislation and I wish to present copies of those resolutions for this record.

On behalf of our tribal members I wish to thank this committee for its' past consideration and I urge you to approve this legislation as you have done previously. We greatly appreciate the recognition that your committee has always given to the obvious wishes of our tribe. Thank you for this opportunity to testify on this legislation.

Senator McGOVERN. Mr. Lumm.

**STATEMENT OF IRA LUMM, MEMBER, COLVILLE  
CONFEDERATED TRIBES**

Mr. LUMM. Mr. Chairman, I am Ira Lumm, a member of the Colville Confederated Tribes. I am also vice president of the Colville Liquidation Promoters. And we endorse the council in supporting S. 282, and I will submit my written statement, please.

Thank you.

Senator McGOVERN. We appreciate your statement, and we will see that the prepared statement is included in the record.

(The statement referred to follows:)

STATEMENT OF IRA LUMM, COLVILLE CONFEDERATED TRIBES

Mr. Chairman and Committee members, in case time is pressing as it generally is, at the Senate Hearings on Bill S. 282 today June 8th, year 1967. I am going to prepare a statement in writing to be included in the records.

I am Ira H. Lumm of Okanogan Wash.

A member of the Colville Confederated tribe enrolled at Birth. As also vice president of the Colville Legislation Promoters and am very proud to help represent the people that belong to our organization, also the faith and support they have given for their rights.

I favor the passage of Bill S. 282 I think it is a very fair Bill, it does not deprive anyone of anything. But gives everyone an equal right, to individualize their equity in the reservation, and would be a starting point for a new way of life for a lot of better opportunity.

My reason for supporting the Bill S. 282 is not a selfish reason. For I'm sure the members we represent have a lot in common. We want to be treated as individuals and not as a tribe most of our organization have entered into the main stream of life and want to become first class citizens and want to be responsible for themselves.

One of my reasons wanting to see bill S. 282 pass as soon as possible is I am a married man, married to a lovely person from Canada who has given me three children I am proud of and some step children included. Who I am sure can go out in any kind of public and do not have to be ashamed, but proud of their heritage.

In order to marry me my wife gave up her rights in Canada, so becomes my responsibility. If I am to pass on before her, I would like to have my equity in the reservation, individualized. So I can make it easier for her and mine.

Another reason I would like to see Bill S. 282 passed is for a daughter of mine; by a former marriage, who has married a white man and have a child she cannot enroll on the reservation of Colville on account of not having enough degree of Indian blood for enrollment. I am sure she would like to see her equity in the reservation individualized in helping support her child and make a better way of life for her and hers.

I am sure the people we represent have their reasons, to see Bill S. 282 pass.

Hoping the Senate and House would give us the same consideration as other citizens and act in behalf of us as individuals and not a tribe.

Senator McGOVERN. Mr. Irwin and Mrs. Allen.

**STATEMENT OF ROBERT IRWIN, MEMBER, COLVILLE  
CONFEDERATED TRIBES**

Mr. IRWIN. Mr. Chairman, my name is Robert Irwin. I am a rural member of the Colville Confederated Tribes, and chairman of the Oroville-Tonasket group.

I have quite a statement prepared here which I will submit. I would like to make just a few remarks about the general text of my statement, and that is concerning today's children.

Now, I am a great believer in environment. I do not think you can take any child, no matter what race, and set him down in a given place with given people and then expect him to be transferred and to compete for jobs and opportunities in a subject that is entirely foreign to him. Therefore, I do not see how you can raise Indians on Indian reservations as Indians and expect them to live like white people.

Now, I own a small apple orchard and employ Indians both from the Canadian side and the American side and I can spot a reservation Indian the minute he goes to work for me. You would not believe the excuses that they can find, have to go to this funeral or this rodeo, or take his aunt to the hospital just to get away from a job.

Now, I am not saying this is their fault. It is the way they are raised. That is the general text of my statement, and I want to say that I support S. 282 in its entirety, and have no objection to the group that wants to remain to do as they see fit, although I do not think it is good for them, but if they want to do it, why, I have no objection.

Senator McGOVERN. Thank you, Mr. Irwin.

(The prepared statement referred to follows:)

PREPARED STATEMENT OF ROBERT IRWIN, COLVILLE CONFEDERATED TRIBES

My name is Robert Irwin. I am an enrolled member of the Colville Confederated Tribes and chairman of Oroville-Tonasket Group.

Several times, at previous hearings, I have heard people pleading with you to "save the reservation for our children." It is these children I want to talk about today.

Today's children are born into a world that is moving faster every day. There aren't many calls for unskilled workers. Jobs are more technical, and today's children are going to have to be trained in special skills or they can't compete. They need to learn to think for themselves, and reservation life does just the opposite. There is nothing about reservation life that prepares a boy to take a man's place in today's world.

I have watched the children growing up and it is easy to see that Indian children who are raised among white people are better able to hold their own. Segregation just makes it that much harder for a child to live anywhere except on a reservation.

Indian children will either be trained to live in today's world or they'll end up like museum pieces, or like buffalo in the park. There isn't much future for a child if he is kept segregated so palefaces can drive through a reservation to show their children what a real, live Indian looks like.

Integration is going to be harder for this generation than it would have been twenty years ago, and it is going to keep on getting harder every year as jobs and living conditions become more scientific and widen the gap between the white man's way of life and that of the reservation Indian. If Indian children aren't to be left behind they're going to need all the help they can get. You cannot raise them to be Indians and then expect them to live like white people. Even a lot of the young people who go to colleges, if they return home to live, go right back to living like they had never been off the reservation.

There is lots of talk about "preserving the Indian way of life," so let's have a look at that way: When our ancestors went to Montana to hunt buffalo they took their wives along to dress out the animals, tan the hides, dry the meat and tend the camp. Then men accepted no responsibility for anything except killing the buffalo, which was considered to be sport.

At home the women dug the roots, made the baskets, picked the berries, dried the venison and salmon, did all the menial labor and were responsible for stashing away enough food to keep the tribe from starving during the winter. All this was considered to be "women's work" and beneath the dignity of men. This is a tradition that is still encouraged by reservation life. Now let's see what this "Indian way of life" has done to today's Indians:

The Indian women who work in our apple orchards and warehouses are used to accepting responsibilities and they are dependable workers. Most Indian

men who have been raised on a reservation don't want to be tied down to a job, and frequently take time off. There is much more absenteeism among the men than among the women.

Over the years I have hired quite a few Indians, both Canadian and American, to help thin and pick my apples, and every time I can spot a man who was raised on a reservation. You wouldn't believe the excuses they think up to get away from the job.

On the reservation the favorite occupation is raising cattle. You can turn the calves in with the cows and take off for every rodeo, wake or whatever else sounds like fun!

This may make for a pleasant way of life but it provides a low standard of living and it does little to prepare Indian children for holding down responsible jobs. If Indians are ever going to learn to live like white people, in a white man's economy, they are going to have to live with white people. I'm in favor of putting an end to this segregation of Colvilles by terminating the reservation and liquidating all Colville tribal assets.

I realize that there are some Colvilles, especially among the older people, who are afraid of property taxes and afraid of the white man's way of life. This is a direct result of the reservation system. This fear will stay with them as long as they live.

For these people, probably the kindest thing you can do is to leave them with some sort of paternalistic guardianship. Whether this is to be under the Bureau or some other authority is for you to decide. In my opinion, to leave them on a diminished reservation would be to expose their children to a life full of the same fears and feelings of incompetency, but it's not for me to decide.

It is my good fortune that my ancestors lived on the north half of the reservation. When the reservation was diminished they chose to stay on their allotted land instead of moving to the south half. I grew up in an integrated community. I learned to work the same as the white boys did.

During the period when the government was requiring Indians to accept patents to their allotments my mother received title to her land. I grew up knowing we had to work and pay taxes the same as our white neighbors did. My children have never known segregation. This is one of our greatest blessings. We've had to make our own decisions, and live by them.

I notice that the Bureau is not only recommending retaining a reduced reservation but is also proposing that everyone who doesn't specifically vote to withdraw shall automatically be considered as having elected to remain. I am against that. I believe each one should be *required* to make his own decision about staying or withdrawing. That is the cause of one of our main Indian problems. The government has been making decisions for them all of their lives. It keeps them like children.

It seems to me that the Bureau has become so obsessed with keeping what they call a "land base" for Indians that *land* has become more important to them than *people*. They are supported in this obsession by such organizations of professional Indians as the National Congress of American Indians.

I think it's time to stop worrying about what is happening to Indian land and give more thought to what is happening to Indian children.

I am in favor of passage of S. 282.

Senator MCGOVERN. Mrs. Allen.

#### STATEMENT OF COLLEEN ALLEN, MEMBER, COLVILLE CONFEDERATED TRIBES

Mrs. ALLEN. Mr. Chairman, I feel quite fortunate because my little statement will not take over 2 minutes.

I am Colleen Allen, and I am Secretary of the Oroville-Tonasket group. I am a member of the Colville Tribe.

The issue of termination as provided for in S. 282 is of vital importance to every member of our tribe, not only our present generation but our future generation. Our people need and deserve the privilege of conducting their own affairs. You are going to hear testi-

mony here today that would indicate to you that we are not ready for termination but the fact that we are here today asking for termination is proof that we are ready. The people that fully understand all of the facets of termination are wholeheartedly supporting S. 282. Unfortunately, there are some people that are misinformed about the terms of this bill. A few of the older people have been led to believe they will be uprooted and forbidden to live on the reservation. Little do they realize the potential that lies ahead for them under the terms of the bill. Our people could have access to funds that would be available to them under the terms of this bill to better their way of living, their economic situation would be vastly improved, and there is that intangible thing called pride that would change the attitude of these people if they were allowed to think and act for themselves. Every member of the tribe under the terms of this bill can be fullfledged citizens and join the mainstream of society.

I would like to see a full and complete termination of the tribe, and I am fully convinced that it would be to the benefit of every member. However, I do agree with the terms of the bill that each member should decide for himself. I am not asking for termination but I am asking that our people be given the privilege of deciding for themselves as provided for them in this bill. The members of the committee have the power to decide the fate of these people. I am asking you to pass 282.

Thank you very much.

Senator McGOVERN. Thanks to you, Mrs. Allen.

Mr. Cleveland and Mr. Wapato.

Mr. CLEVELAND. We want to include Mr. Gorr.

Senator McGOVERN. All right. We will be glad to have him join you here at the table.

#### STATEMENT OF STEVE CLEVELAND, MEMBER, COLVILLE CONFEDERATED TRIBES

Mr. CLEVELAND. Mr. Chairman, my name is Steve Cleveland, and I am a member of the Colville Tribe and also part of the compromise group.

We have a petition here that I am going to leave with you, Mr. Chairman.

We reason this way, that we on the Colville Reservation of Washington are opposed to the termination. However, we are here to express our wishes and desires that if a termination bill is enacted into law, a provision remains in such law to permit us to remain at our status quo, or properties be held in trust, tax-exempt and so on, and remain under the Bureau of Indian Affairs. We have no objection to those people who want to leave the reservation and be paid under such rules as the Secretary may prescribe. We have over 300 names, and I did submit some to the Bureau—that makes it over 300 people, and most of them are living on the reservation.

That is about the extent of my statement, Mr. Senator, and I also have the Bureau's report here, and I go along with it with the exception on page 19 where it says here that Confederated Tribes of Colville Indians hereafter shall consist exclusively of the remaining

members and the constitution and bylaws of the tribe shall continue in force, subject to amendments and modifications as heretofore. I think there should be a time limit.

That is the extent of my statement. I wanted to make it brief and short.

Thank you.

Senator McGOVERN. Thank you for your statement. We appreciate it.

#### STATEMENT OF EDWARD GORR, MEMBER, COLVILLE CONFEDERATED TRIBES

Mr. GORR. Mr. Chairman, my name is Ed Gorr. I am a member of the Colville Confederated Tribes. I am 62 years of age, and I have lived on the Colville Reservation 60 years; 20 years of which I served as a councilman on the reservation.

I am against termination. The Bureau made a study in 1961. Mr. Bloodworth has the report on that, and if you would read it, you would see—I think it is pretty accurate. I am familiar with the reservation, and we have substandard homes. Our average education is the fifth grade. Off the reservation adjacent to it, it was the tenth grade. And the death rate was large. I think it is 36 years for the Indian people to 64 for the white people off the reservation. There is something wrong there and I think the Bureau is on the right track now to correct a lot of things that should be corrected. Personally, I would support the resolution, Senate Resolution 11, which has been introduced.

Thank you, Mr. Chairman.

Senator McGOVERN. Thanks to you, Mr. Gorr.

Mr. Wapato.

#### STATEMENT OF LOUIE WAPATO, MEMBER, COLVILLE CONFEDERATED TRIBES

Mr. WAPATO. Mr. Chairman, my name is Louie Wapato. I am a full-blooded American Indian of the Moses Band, a member of the Colville Confederated Tribes, have served on the business council, and I have tried at all times to acquire for the tribes any betterment and protection which they had. I am against termination of Federal supervision and trusteeship of our lands and rights for many reasons of which I must speak but briefly.

Land rights on the Colville Reservation are tribal property which is held by the tribe in trust for the members as homesite for the members. The ownership or the title to the land is vested in the tribe—not in the members. The member cannot partition it, he cannot encumber it, he cannot sell it. He has nothing to partition, he has nothing to encumber, he has nothing to sell, and he has nothing to inherit or dispose of by will. When he dies his right ends and his children do not inherit. They do not take by will. The children take in their own rights as a birthright which is a beneficial interest.

I submit in part from the contemporary report of Colville Indian Agent John A. Simmes, Fort Colville, December 10, 1873, to the 43d Congress, the first session, S. Mis. Doc. No. 31, pages 8 and 9:

From that I saw \* \* \* there is not more agricultural land than would suffice for two tribes. There is not farming land enough to make a respectable garden

\* \* \* there is not arable land enough anywhere on the reservation in sufficient quantity—to subsist \* \* \* by agriculture. I consider it totally unfit for cultivation.

From the hearings on H.R. 9270 on April 6, 1926, the following material was recorded. The Executive order of July 2, 1872, creating the curtailed Colville Reservation—and I specifically emphasize the word curtailed—omitted all of the lands deemed most valuable and best suited for agriculture. The further reports of a Government Indian agent at the time of the hearing described it as “mostly a conglomeration of barren, rocky mountains, too rocky, gravelly, or sandy to be fit for agricultural purposes. There is rock enough—to supply the world.”

I submit that in the Colville Reservation the Government has not given the Indians anything. At all times the Indians had and held an original exclusive Indian possessory right and equity to all the lands embraced therein, and the Government held but a naked fee. The Indians had been excluded from and driven off from their best land and onto the reservation. I further quote some of the language in hearings on H.R. 1414, 68th Congress, first session:

It is hard to conceive as rough a section as Ferry County inhabited by people. Seven-eighths of the entire area is mountainous, broken, and rugged. One-eighth is occupied by narrow valleys which rarely have length. The allotment commission had difficulty securing agricultural land. The topography is rugged, very broken, high rocky hills and mountains, deep canyons and gulches. Large areas are not suitable for any purpose.

A further fact from the hearing on claims of H.R. 9270, April 6, 1926, I quote:

The lands they are settled on is admittedly poor land and you have the same thing before you in Stevens County and Ferry County—tax matters—it is not agricultural land at best, it is mining country, timber, and second-class grazing country.

The testimony of Agent Gross at the hearings in 1941, stated that that portion of northeastern Washington State was poor rock and poor grassland at best. It is not economically able to support the people in the quantities which the Government saw fit to allot.

Gentlemen, even in spite of all this the Indian was forced to take this for his home. It is his only home and it is his survival. There is nothing left west of the Mississippi except the Pacific Ocean. It has taken the U.S. Government a century to get things only this far. The Indian is improving but a better way and a better time should be worked out and not merely the Congress saying, “We want out now.”

I urge that if you will but notice the way that whatever Indian support is available for termination is built on innuendo and suggestion. Great play has been made in the press and news media and the parties in favor of liquidation, elections have been won by the simple slogan, “Favor termination and get \$40,000 for your share of the reservation.” The present termination favoring people openly say we will get \$40,000 or more and our freedom. And yet Congressman Tom Foley in 1966 at the hearings at Nespelem, Wash., strongly stated that there are no provisions for payment or that any plan had been established by Congress for payment or purchase of the assets which are supposed to provide the money for the asserted distribution.

In discussions with the forestry division of the Colville Agency the flat statement held that sustained yield will continue on all parts of the

forested lands. This alone will require long-range money management and nothing quick. Yet I can only see that termination will require the sale by somebody of the best assets of our reservation to pay off those selling out. This will leave only the rocks and the deep barren valleys.

According to the recent Stanford report, the Indians are not educated sufficiently to be capable of competing in a white world. The tribes lack the experienced management personnel to conduct corporate business such as would be required if the tribes were reduced to the necessity of incorporating.

The reservation is vested in the tribe and it is not vested in the individual member. When he abandons the reservation and becomes a citizen of the State of Washington he becomes under the provisions of the State and it has no constitutional power to protect Indian tribes. It must treat them the same as all other persons who come under its jurisdiction. The United States is the guardian and protector of the Indian tribes granted to it by the people. (U.S. C.A. Const., Art. I, Sec. 8, Cl. 3.) "Congress shall have power to regulate commerce with Indian tribes." When the tribe loses its constitutional right to protection by the Government of the United States, his protection by the United States, his rights, and his property becomes subject to be taken from him by hungry landgrabbers, he will become homeless, extremely pauperized, subject to starvation, sickness, and death.

Objection is voiced to section 1 of S. 282 which requires a tribal referendum to approve termination by majority of the number of adult members voting in a referendum to approve termination. It is conceded that 75 percent of the members have voluntarily left the reservation and acquired residence elsewhere. These people are either landless or are emancipated Indians and have sold their allotments and squandered the proceeds, now they are determined to destroy the tribe and liquidate the reservation whether the tribe wants to or not.

The reservation belongs to the tribe and the tribal rights in the reservation inhere in the land. So when the member crosses the boundary line his right of participation expires. He cannot demand his prorata because he has nothing to partition. He who scatters himself outside of the reservation becomes a citizen of the State where he resides. They have lost their right of participation which means user of the reservation. The right of expatriation includes the right to return to the reservation and again participate in the use and occupation of the reservation.

Objection is made to the bill which vests a prorata interest in tribal property by declaring it to be personal property, which can be inherited or devised. When the reservation is individualized it ceases to be a reservation and becomes tenancy in common. This would destroy the tribe. The result is disastrous to the tribes. This will happen by permitting emancipated Indians to vote and overwhelm the tribe resident on the reservation.

I urge that the reservation as it is now be kept that way. The lands are needed for the Indian homes of the future. I urge that we not be forced to go under State government. The counties have doubled the tax base. The State has raised taxes right and left. Even if the Federal Government provides some tax reduction, the counties and States immediately find ways to grab the reduction into their offices.

Confiscation of Indian properties will become the rule and the Indian will be homeless.

I urge that the Colville Reservation for the confederated tribes and the people thereof need the protection and supervision of the Federal Government which that same Federal Government guarantees and that the people and their resources should be developed as they presently are. It may be a little slow but progress is being made.

Senator MCGOVERN. Is Mrs. Misiaszek here?

**STATEMENT OF LORRAINE F. MISIASZEK, MEMBER, COLVILLE  
CONFEDERATED TRIBES**

Mrs. MISIASZEK. My name is Mrs. Lorraine Misiaszek. I am a member of the Colville Tribe of the State of Washington. I am opposed to S. 282 which would liquidate the Colville Reservation and terminate the tribes.

I was born, raised, and lived the greatest part of my life on the reservation. With this close affiliation I feel qualified to state my opinions on legislation affecting the well-being of my friends and relatives who share my concern.

My present job as field representative in Spokane for the Washington State Board Against Discrimination brings me into constant touch with the many problems created by prejudices which affect the full exercise of minority citizens' civil rights.

I also represent my agency on Governor Evans' special advisory committee on Indian affairs in the State of Washington.

The advisory committee has been so newly created that it has just had its first meeting last month. So a study of the Indian problems by the State of Washington has not commenced and will take several months before our objectives and programs are outlined.

I am very sorry that I do not have, will not have the time today to read my statement fully because this actually is a summary of what I had hoped to submit in more detail later on because, prior to coming here to this hearing in Washington, I took time from my job to do this, and I spent several days on a Klamath Reservation in Oregon and the various things that I saw and observed during my trip had made such an impact on me that I felt I had to come and testify and urge that liquidation-type termination never be repeated for any other tribe in the country.

I am against termination essentially. I believe that individual termination by its own growth of development as a kind of natural termination is most acceptable, would be more beneficial to the Indian in the long run. So I would only support such an idea as this. The idea of a reduced reservation as proposed for the Colvilles I think would be the lesser of two evils, but this still would not be an acceptable thing as far as I am concerned. I speak for a great number of my friends and relatives, both on the reservation and in towns adjacent to the reservation. We have no formal organization so that we could send a representative at tribal expense as have all the witnesses been, but this is beside the point. The people I represent feel quite the way I do. They have observed their neighbors and friends, other Indians from other tribes in the city of Spokane, and the problems that they face today, the problems that the county and city and the

State agencies face daily with our people, this is the sort of thing that we could expect with the liquidation of the Colville Reservation.

I feel that a liquidation-type termination such as the Klamaths had would possibly set the Colvilles back in progress about two generations.

We have an educational program in progress now that is just beginning to take hold among our young people. Each year, if we will see the educational reports, a growing number of young people are taking advantage of the many special programs that are available now because the Colville Reservation is under Federal trust. These are programs that are geared to meet the specific needs of the Indian people. States do not usually have this type of program. They have so many wonderful programs, but they are not geared to the special need of our Indian people. So I feel that termination at this time would really be very damaging to our young people. I would rather that they gained the experience of gaining employment and education rather than plan at the age of 21 to receive a cash settlement. The education and the training would be, I think, much more important than any other factor, and I am deeply concerned about the youth who constitute about 60 percent of the tribal membership.

I want to bring out a point that has been discussed, and that was an opinion poll that was taken, and they quote percentages, 75 percent of the tribe wants termination. I think that this should be qualified a little. The opinion poll was sent to the voting adults of the tribe who constitute half of the tribe. Of this half about 1,200 or so voted yes, they wanted termination. The remaining 1,200 and something either voted outright no or did not even return their ballots, indicating lack of interest in termination. And I feel that this constitutes about 25 percent of the tribal membership since 50 percent of the membership are minors.

I would like to file this statement and ask that I be allowed to submit more detailed information for the record at a later date.

Senator McGOVERN. Well, thank you very much, and we will see that the statement is filed in the record.

Mrs. MISIASZEK. Thank you very much.

Senator McGOVERN. Thank you very much for your statement.

(The prepared statement follows:)

STATEMENT OF MRS. LORRAINE F. MISIASZEK, MEMBER OF THE COLVILLE  
CONFEDERATED TRIBES

I am opposed to S. 282, which, if passed would liquidate the Colville Reservation and terminate the tribes. I was born, raised, and lived the greatest part of my life on the reservation. With this close affiliation I feel qualified to state my opinions on legislation affecting the well-being of my friends and relatives who share my concern.

My present job as Field Representative in Spokane for the Washington State Board Against Discrimination brings me into constant touch with the many problems created by prejudices which affect the full exercise of minority citizens' civil rights. I also represent my agency on Governor Evan's special advisory committee on Indian affairs in the State of Washington.

In previous hearings held by the United States Senate Sub-committee on Indian Affairs and the House Committee on Interior and Insular Affairs, I voiced my objections and criticism of a liquidation-type termination and the contents of the bill itself. At this time, I want to express a concern about a possible repetition of the situation now faced by the Klamath Falls community in Oregon. Liquidation of the Klamath tribe brought about such tragic and shameful results that it might possibly take two generations before that community can begin to gain

a small degree of self respect and develop healthy attitudes and relationships between Indians and whites comparable to other communities.

I very recently spent several days in Klamath County surveying that situation, because the similarity of the Klamath tribe's liquidation and the proposed Colville liquidation might offer a clue to what could be expected to happen to the Colvilles once federal trust was lifted. My findings reveal that many problems have developed to a more serious degree than expected, and many unexpected problems were created by liquidation and termination of the Klamaths.

During the years prior to termination, Klamath Indians complained bitterly that the Bureau of Indian Affairs was too restrictive in administering federal trust, and that their administration was too expensive and inefficient. Yet, Klamaths enjoyed the largest per capita payments among Indian tribes of the area for many years. These payments steadily increased until they reached an amount large enough to sustain a family under careful management. Some of the members increased their security by working regularly, but many members were satisfied to subsist on their annual tribal income and declined to plan beyond a day-to-day existence, therefore denying themselves the experience of self-earned income. On an average, most lived on a very marginal income.

The policy of the Bureau of Indian Affairs did not shift to social concerns until later. They concentrated primarily on administration of timber resources and land operations. Programs of a social and educational nature were yet to come into existence.

The idea of liquidating tribal resources to obtain a large cash payment and ending the restrictive BIA administration at the same time had great appeal to most Klamaths as well as their non-Indian neighbors. The tribe had divided opinions on liquidation, but pressures imposed by public and private interests brought about passage of a liquidation bill. Many amendments were required later to perfect the bill. The compromise offered the Klamaths in the bill would allow them a choice to withdraw their share individually, or remain with the entity under a private trust. Those not returning their ballots in the election were automatically included with the remaining entity.

The similarity between the Colville situation and the Klamath at this particular stage is amazingly close. The major difference lies in the fact that the Colville's destiny is being determined from afar by absentee voters and the dedicated effort of James Gambol, a staff member of the Senate Sub-committee on Indian Affairs. Opposition to liquidation is strongest among Indians who affiliate closely with the tribe, and members living and owning property on the reservation. This group was badly divided when the Commissioner of Indian Affairs came to the reservation and offered a suggestion that these people compromise with the hope of holding a reduced area of the reservation. The local Superintendent, Elmo Miller, who helped liquidate the Klamaths, traveled over the Colville Reservation following the Commissioner's visit and told the tribal members that a termination bill was going to be passed this session, and that those opposing such action had better effect a compromise or risk the loss of their reservation under liquidation measures. As a result, many became panic-stricken and began signing petitions they did not fully comprehend.

I strongly denounce such measures by persons who should be providing thoughtful leadership, particularly at such a critical time as this for a group of people who are relatively inexperienced about the workings of government.

If S. 282 is passed into law this session of Congress, will the Colvilles continue to parallel the Klamaths?

In 1961, federal trust was lifted and the Klamaths were officially terminated. They were considered competent to handle their own affairs, yet before their share of \$43,000 was turned over to them, 49% or almost half the tribe was placed under an individual private trust arrangement, and 22% elected to remain under the group trust. In effect, 78% elected to withdraw and receive their individual shares, yet almost 70% were placed under a trust more stringent than that of the Bureau of Indian Affairs.

Conversations with Klamath Indians, both withdrawn and remaining, as well as with County and State officials, revealed that most of the Klamaths were totally unprepared for the change their new status brought about. They did not understand the nature of private trusts, and they were not prepared to handle their new wealth wisely or prudently. These people generally agreed that about 85% squandered their money while only 15% made good use of it.

Many Klamaths bought fine homes or remodeled their old ones. The tax records in Klamath County Courthouse show that the delinquent property tax rolls contain the names of many Klamaths. Twenty foreclosures have been made

and property deeded over to the County, and currently, eighteen more are being prepared. These represent cases where Klamaths bought homes or property, but were unable to find the means to meet the annual tax payments, primarily because they did not have the experience or education that steady jobs in the past would have provided them with to meet this new change.

The homicide rate in Klamath County was the highest in the nation, but has receded slightly since 1966. The County jail was filled to capacity during the same period of time. Now, the County Sheriff reports that this only occurs whenever trust dividends are made, or a young person reaches his majority.

The most serious and far-reaching damage has been done to the Klamath youth. Those who had indicated good potential for higher education have lost all interest or desire to attain this goal. The promise of a small fortune upon getting married or reaching a legal age has proved to be more attractive to them. As a result, most of the young people are marrying at a very early age, and many reach a divorced status very soon. What would happen to the Colville youth? Would they continue to strive for higher education in increasing numbers as they are now doing? It can be anticipated that knowing a specific amount of money would be theirs when they reach their legal majority, could discourage them from making the effort required now to continue their education. The love of learning in itself is seldom a strong enough motive to compel young people to overcome normal obstacles in pursuit of higher education.

The dropout rate in Klamath's Chiliquin schools averages 60% for the Indian children. Will the Colvilles duplicate this record?

Within the past few years our educational progress has established a new pattern. More and more of our young people are taking advantage of scholarships, both Tribal and Federal, and an increasing number of young adults are entering vocational training schools. Indian boarding schools are registering more Colvilles now than ever before. An entirely new horizon is opening up for Colville youth in education alone. What will liquidation do to them?

Before termination, the Klamaths were respected generally by the community, but the situation has seriously deteriorated because of the wild orgy of spending demonstrated by the Klamaths who with drew and received their cash share.

On the other hand, the Klamaths respected their white neighbors, but with the entry of such huge sums of cash, professional people, merchants, and businessmen dropped any personal or professional ethics they adhered to and made every effort, very openly, to acquire as much of this money as they could. Relations in Klamath County couldn't be in a much worse state than it presently is.

We have the situation with the Klamath Tribe where termination of Federal trust was to open new doors to opportunity for supposedly competent people, but instead, moved them from a benevolent guardian to a private trust where money guides decisions rather than the person under the trust.

The fact that a few Klamaths did quite well after termination cannot compensate for the damage done to the rest—damage that could well take two generations to repair. The majority of the Klamaths are not in the main stream of society today.

One can view the Colville tribe's situation in much the same light as the Klamath, but in a larger dimension—one including almost double the number of people with twice the area of land.

Can liquidation legislation be justified a second time? We think not. The finest words couched in the noblest phrases expressed in a sincere judicial tone—phrases like "emancipate the Colville Indians," or "give them first class citizenship"—hold little meaning when measured against the stark reality of happening.

Emancipation and first class citizenship already belong to the Colville people. Each member is free to exercise his freedom and citizenship to the degree that his education, economics and responsibility allow him. His beneficial interests as a member of the tribe can serve to help him achieve greater freedom and fuller citizenship.

If our land base was liquidated and social reform programs ended, a small percent of the tribe might enjoy greater financial security, but the majority would find themselves less free and denied the many opportunities now available to them under programs geared to Indians' needs today.

Washington State's Governor Evans recently appointed an advisory committee on Indian Affairs to study and evaluate Indian problems in the State.

The Committee has had only one major meeting thus far. A great deal more time is needed before any specific programs can be outlined and proposed for State action on matters regarding the State's Indian citizens.

I strongly urge that S. 282 not be approved by this Committee. Wisdom decrees that we give the Colville Indians more time to grow.

Senator McGOVERN. Mr. Hank Adams?  
Dr. Muench.

**STATEMENT OF DR. JOHN MUENCH, JR., NATIONAL FOREST  
PRODUCTS ASSOCIATION**

Mr. MUENCH. Mr. Chairman, I am Dr. John Muench, Jr., a forest economist for the National Forest Products Association, and I am jumping to the summary which begins on page 7 of my statement.

Much emphasis has been placed on the pros and cons of terminating Federal trusteeship over the Colville Tribes, but too little consideration has been given to the aftermath of termination. I submit that S. 282 is inadequate in this regard, given the existing economic conditions in the Colville region and the opportunities which termination presents for improving those conditions. Sale of the land to private parties would serve several functions. First, it would tend to keep the income from the land circulating in the local economy for payrolls, retail sales, bank deposits, property taxes, et cetera instead of draining the bulk of the money to the Federal Treasury, as would happen with a national forest. Second, it would provide an opportunity for development of entrepreneurship, new jobs, investment and more complete utilization of the forest resources. A national forest offers no new opportunities for investment. It is not consistent with government efforts to encourage regional economic development. In fact, adding the reservation lands to the national forest system would only tend to further concentrate timber supply into the hands of the largest timber owner in the region, and, for that matter, in the Nation.

The climate for industry investment can be greatly enhanced and new job opportunities can be created if attention is paid to three principles:

(1) That the price the Government will pay the Indians for their tribal assets is not the same market value which any buyer expecting to carry out sustained-yield forest management can reasonably afford to pay—and this includes the Federal Government as well as private buyers. Separation of these values would be necessary if private investment is to be encouraged.

(2) That an assured raw material supply is a powerful stimulant to industrial development. The smaller and the less integrated the firm is, the more important this raw material security is to attract outside financing.

(3) That if economic development is to be a consideration, the price paid by land buyers may be of secondary importance when compared to the job opportunities the buyers may create.

While it would be easy to gloss over the aftermath in the rush to achieve termination, a little more imagination in the bill to capitalize on the opportunities termination presents would seem to make termination more attractive both politically and economically. I hope this committee will not overlook these opportunities. For your consideration, therefore, I am suggesting the following specific changes in S. 282.

The meat of the suggested amendments, Mr. Chairman, is on page 11, on the bottom half of the page, in which a committee is set up to review development plans submitted by private buyers for the inten-

tion of creating new job opportunities, new investments. And, also, I hope that you realize the necessity of realizing that the value which the Government is willing to pay the Indians is completely separate from the value that the land is worth to anyone else. The amendments I suggest would pay the Indians quickly, and then put the land up for sale that is not set aside for other purposes, put that land up for sale to private buyers at some different price.

That is all I have, Mr. Chairman.

Senator McGOVERN. Thank you, Dr. Muench. We will see that your entire statement is printed and copies distributed to members of the committee.

Mr. MUENCH. Thank you.

(The prepared statement follows:)

STATEMENT OF DR. JOHN MUENCH, JR., NATIONAL FORESTS PRODUCTS ASSOCIATION

Mr. Chairman and Members of the Committee, I am Dr. John Muench, Jr., Forest Economist for the National Forest Products Association. NFPA, with headquarters in Washington, D.C., is a federation of seventeen regional, product and species associations representing the forest products industry from coast to coast.

Termination of federal trusteeship is the concern of the two parties involved, the United States, as represented by Congress, and the members of Colville Tribes. It is not of direct primary concern of the industry. What is of interest to us, however, is what might be called the aftermath of termination. The ideas I am presenting today bear on that aftermath situation. They may, if accepted, help to reduce the opposition to termination by increasing economic opportunities in the Colville region if and when termination becomes effective.

The two Eastern Washington counties involved, Okanogan and Ferry, are both currently classified as eligible for assistance from the Economic Development Administration. This classification is based on the high unemployment rates and out-migration which the counties have experienced in recent years. Opportunities are especially essential to their economic welfare. Neither the counties nor Congress can afford to pass up the opportunities for employment and fuller use of existing resources which termination presents.

S. 282 now provides for purchase of the reservation lands by the Secretary of Agriculture for a national forest after the members of the tribes have first had the chance to purchase land at competitive sales. The impact which a national forest can have upon the regional economy has probably been overestimated, if indeed it has been considered at all in comparison with the alternatives.

Looking first at the existing situation, a high proportion of the nearly \$2 million annual income which is derived from timber sales from reservation lands is circulated in the regional economy. Since practically all the forest products are exported out of the economy, this income is a steady supply of new money to the region. It is needed to offset the outflow of funds spent for goods produced elsewhere. Ten percent of gross income to the reservation is paid to the federal treasury to be used in turn for forest management by the Bureau of Indian Affairs. Remaining funds are used to cover tribal expenses, to pay the two counties for social services or to make per capita payments to the Indians. Of these remaining funds (\$2 million minus 10%) the only parts that can be said to leave the regional economy directly are those paid for outside purchases or services, probably not more than 2-3 percent of the gross amount, and per capita payments made to tribal members not living on or near the reservation.

In 1964, per capita payments totaled \$718,000. Since approximately half of the Indians do not live on or near the reservation, about half of this sum, \$359,000, can be said to have been paid outside of the local economy. Based on an annual gross income of \$2 million, about 80 percent of the gross income from the land can therefore be said to have remained in the region. This income is largely spent by the tribe, the Bureau of Indian Affairs, and the Indians for goods and services in the two county region. Through such spending further economic activity, opportunity and employment is created.

In addition to the land income of approximately \$1.6 million which remains in the local economy, the Bureau of Indian Affairs and the Division of Indian

Health inject an additional \$406,000 (FY 1966) into the regional economy for social services. These expenditures could be expected to cease upon termination. They now, more than offset the income drain from the regional economy caused by some of the Indians living outside of the region. The net result, therefore, is that the equivalent of all of the \$2 million income from sales of Indian timber effectively remains in the regional economy.

Under national forest administration, funds could enter the local economy in two ways: management expenditures and revenue-sharing contributions to the counties. On the adjacent Colville National Forest, almost identical in size and timber conditions to the Colville Indian Reservation, the Forest Service spent approximately \$1,424,000 in 1964 for management, stand improvement, roads and trails, accelerated public works (APW) and other projects. The APW expenditures were only temporary and served to inflate 1964 expenditures over the norm.

While in testimony before Congress it has been said that the counties would receive 25 percent of the land income of \$2 million, the actual amount paid would be about half this. National forest receipts are distributed so that 65 percent goes to the federal treasury, 10 percent goes in the national forest road and trail fund, and 25 percent goes to the counties for roads and schools because federal lands pay no taxes. These percentages, however, are calculated from the net income remaining after subtracting the cost of tree planting, seeding and stand improvement authorized under the Knutsen-Vandenberg Act (K-V). In Region 1 of the Forest Service, which includes Eastern Washington, K-V deposits have amounted to almost half of gross receipts in recent years. This being the case, payments to the counties would amount to about 13 percent of gross annual forest income or about \$260,000 on annual sales of \$2 million. The K-V project expenditures and the roads and trails expenditures have already been included in the \$1,424,000 spent on management.

While the figures which have been used here are only approximate, it can be seen that termination of the Colville Reservation and the subsequent establishment of a national forest would reduce annual income flowing into the Colville region from approximately \$2 million to \$1.68 million. A national forest, assuming the same level of production, would therefore have a depressing effect upon the regional economy. To further demonstrate the difference in economic impact, the effect of the ownership change might be expressed in terms of numbers of jobs. If the Colville region is anything like other rural regions, each dollar entering the local economy from the outside creates at least \$2 in economic activity within the economy. A decrease of \$322,000 in direct inputs would therefore cause a total decline of at least \$644,000 in local economic activity. At an average annual wage of \$5,000 this would very roughly indicate 130 fewer jobs available for the local population after creation of a national forest. The Indians would likely bear more than their proportionate share of this job loss impact.

Suppose that the reservation was sold to owners in the region. With annual sales of \$2 million, all of the income accruing to these owners would enter the regional economy. Termination would therefore not have an adverse effect upon the counties nor would it necessarily be beneficial. However, if private ownership of the reservation forest land could be used as a springboard to the further development of wood-using industries, disposal to local owners would create additional employment opportunities and would fully utilize the available forest resources.

Additional or improved wood-using industrial capacity is apparently desirable in the region. The Bureau of Indian Affairs development proposal for the reservation and the study made by Bovay Engineering for the Area Redevelopment Administration both attest to this.

If the opportunities for industry investment presented by termination are to be realized, S. 282 should be amended in recognition of three principles. The first principle is the separation of the price paid the Indians for their interests from the price paid for their real assets by the buyer. The price paid the Indians is not necessarily a fair market value because it includes undiscounted future values, not realistic in sustained yield forestry, and unmarketable values for fishing and hunting rights. Any buyer, public or private, paying this premium is in effect socially and politically recognizing the need to pay the Indians a liberal retail price that would be above the fair market value for a business investment. If the people, through Congress, authorize this premium, then the people, through the Treasury, should pay it. But the premium cannot reasonably be expected to be passed on to the buyer of the property to whom it has only fair market value.

Even if the buyer is a public agency, the government would absorb the premium when paying more than the open market price for value received.

If these two concepts of value were separated, payment to the Indians would not have to await sale to private owners. Management in the interim between termination and sale could be continued by the Secretary of the Interior.

The second principle is that of raw material security for developing industries. An extensive capital investment for a natural resource based industry must be backed with guaranteed access to at least a portion of the required raw materials. This security is most ideally obtained through outright ownership, although it can also be supported or obtained through long-term land leases or long-term timber sales.

The importance of raw material security is often overlooked when primary forest product industries are expected to contribute to the economic development of a region. Investors are restrained in regions of extensive public ownership but have been most active in regions, such as the South, where private forest land has been available for purchase. In a few cases guarantees of raw material security through long-term timber sales have been necessary to attract industrial development of publicly owned timber. The recent fifty-year timber sale on the Tongass National Forest in Alaska is an example of such a concession made to promote industrial development.

The third principle is the realization that the price paid for an asset may be of secondary importance if economic development is also considered to be a major benefit. Optimum development may incur costs which reduce the price that a buyer may be able to pay for an asset. This being the case, the benefits which the public expects to receive from development, employment and economic growth, must be weighed along with the price the government might receive from the sale of publicly owned land.

Examples of the government disposing of forest land are so rare that a case where the price asked was tempered with considerations for development cannot be offered. Parallel cases, however, can be shown in the concessions granted by the Forest Service for the development of recreation facilities on national forests. In these cases the primary consideration is that the public receive the maximum recreation benefits. The price paid by the concession operator receiving the contract may not be the highest price offered.

In the case of the Colville Reservation, buyers could be selected on the basis of bid prices as well as development plans for industrial investment. The plans could include sustained yield management, installation or expansion of manufacturing facilities, and multiple-use benefits for use by the general public. The Secretary of Commerce, in his role as administrator of economic development programs, could be called upon to assist in the selection of the most promising bids.

In summary, Mr. Chairman, much emphasis has been placed on the pros and cons of terminating federal trusteeship over the Colville Tribes, but too little consideration has been given to the aftermath of termination. I submit that S. 282 is inadequate in this regard, given the existing economic conditions in the Colville region and the opportunities which termination presents for improving those conditions. Sale of the land to private parties would serve several functions. First, it would tend to keep the income from the land circulating in the local economy for payrolls, retail sales, bank deposits, property taxes, etc. instead of draining the bulk of the money to the federal treasury, as would happen with a national forest. Second, it would provide an opportunity for development of entrepreneurship, new jobs, investment and more complete utilization of the forest resources. A national forest offers no new opportunities for investment. It is not consistent with government efforts to encourage regional economic development. In fact, adding the reservation lands to the national forest system would only tend to further concentrate timber supply into the hands of the largest timber owner in the region and for that matter, in the nation.

The climate for industry investment can be greatly enhanced and new job opportunities can be created if attention is paid to three principles:

1. That the price the government will pay the Indians for their tribal assets is not the same market value which any buyer expecting to carry out sustained yield forest management can reasonably afford to pay—and this includes the federal government as well as private buyers. Separation of these values would be necessary if private investment is to be encouraged.

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3. That if economic development is to be a consideration, the price paid by land buyers may be of secondary importance when compared to the job opportunities the buyer may create.

While it would be easy to gloss over the aftermath in the rush to achieve termination, a little more imagination in the bill to capitalize on the opportunities termination presents would seem to make termination more attractive both politically and economically. I hope this committee will not overlook these opportunities. For your consideration, therefore, I am suggesting the following specific changes in S. 282.

Section 6(a) :

Line 16. Delete reference to the Secretary of Agriculture because his inclusion is not necessary with the amendments being suggested.

Line 20. Add the following words after the word *grazing*: "what parts are valuably chiefly for recreational use,"

Section 6(b) :

Line 3. Add the word *undiscounted* before the word *market*. The use of undiscounted market prices in timber valuation has been suggested in previous hearing testimony and avoids the problem of determining a discount rate of interest.

Section 6(f) : Delete the present language in favor of the following: "Select the portion of the tribal property to be set aside for the use of those members who elect to remain with the tribe and having a value equivalent to the sum of the pro rata shares of the appraised value of the remaining members: *Provided*, That if the tribes are not willing to accept the appraisal value of such tribal forest lands, as determined under Section 6(b) of this Act, the tribes may commence an action in the appropriate Federal court for a judicial determination of just compensation and such determination shall be made without regard to the appraisal standard contained in Section 6(b)."

Add the following new Section 6(g), 6(h), and 6(i) :

Section 6(g) : Arrange for the payment of pro rata shares from the Treasury of the United States to each of the enrolled members who elects to withdraw from the tribe; and funds for that purpose are hereby authorized to be appropriated.

Section 6(h) : Provide for the continuation of management protection and the maintenance of flow of timber from sales, grazing and other economic benefits on each unit until such time as title is conveyed: *Provided*, That contracts for the sale of timber and other contracts shall be entered into on a short-term basis so as to leave the units unencumbered for conveyance to the maximum extent possible.

Section 6(i) : Arrange for the continuation of payments, voluntary or otherwise, made to the county governments of Ferry and Okanogan Counties with funds from the Treasury of the United States until such time as each unit becomes taxable private property or is purchased by the Secretary of Agriculture; and funds for that purpose are hereby authorized to be appropriated. Section 7 : Renumber to be Section 8.

Section 7(a) : (New Section 8(a)) Delete the last sentence.

Add the following new Section 7.

Section 7: The Secretary, jointly with the Secretary of Commerce under authority of the Public Works and Economic Development Act of 1965, in order to promote economic development and the promotion of employment opportunities in the vicinity of the reservation, shall:

Solicit and select the best from among proposals made for the sale and development of those units not set aside under Section 6, subsection (f) above. The proposal selected for each unit shall be made on the basis of the benefits to the locality and region to be derived from management of resources for the continual flow of economic benefits, further development of economic resource potential, creation of employment opportunities and the bid price of the sale to be paid to the Treasury of the United States with reasonable performance of development plans being guaranteed by bonding, revestment, or some other device: *Provided*, That any person whose name appears on the final roll of the tribes, or a guardian on behalf of any such person who is a minor or an incompetent, shall have the right to purchase, for his or its own account but not

as an agent for others, any other property in lots as offered for sale for not less than the appraised price; any individual Indian purchaser who has elected to withdraw from the tribes may apply toward the purchase price up to 100 per centum of his pro rata share of the appraised value of tribal property: *Provided*, That title to lands purchased by using individual interest as collateral shall be withheld by the Secretary until distribution of the proceeds of the tribal estate; and if more than one right is exercised to purchase the same property pursuant to this proviso the property shall be sold to one of such persons on the basis of competitive bids with the proceeds from such sale being paid to the Treasury of the United States: and Provided Further, that any tribal lands not set aside for tribal use or sold within the period stated in Section 8 shall be purchased by the Secretary of Agriculture at the appraised price with funds that are hereby authorized to be appropriated, and such lands shall become national forest lands subject to the laws that are applicable to lands acquired pursuant to the Act of March 1, 1911 (36 Stat. 961), as amended.

Section 28:

Lines 16 through 21. Delete the last sentence and add the following language: "All contracts or leases in effect at the time a unit is conveyed to private parties shall continue in effect until their expiration in accordance with the terms of the contract or lease. Such contracts or leases shall be administered by the purchaser of the unit."

Section 29:

Line 24. Substitute the word *purchaser* for the words *United States and its assigns*.

Line 25. Add the following words before the end of the sentence: "that serve its lands."

Section 30:

Lines 6 and 7. Delete the words of *Agriculture* in both sentences.

Line 7. Substitute the word *restrictions* for the word *regulations*. Substitute the words *deem necessary* for the word *issue*.

Line 8. Delete the words *administration of the national forest* and add the following language: ". . . interests of prospective purchasers of the property. At the termination of said life-tenancy, the homesite and any improvements shall become the property of the owner of the remainder of the unit."

Senator McGOVERN. Is Mr. Orfield in the room?

If not, I believe that completes our list of witnesses, and I again express that the committee hearing record will be kept open for a period of 10 days to 2 weeks for any additional statements.

Thank you very much.

(Whereupon, at 3:45 p.m. the subcommittee adjourned.)

COLVILLE TRIBES

## APPENDIX

(Under authority previously given, the following communications were ordered printed:)

STATE OF WASHINGTON,  
OFFICE OF THE GOVERNOR,  
January 29, 1965.

Re Colville Resolution 1965-5.

Mr. HARRY OWHI,  
*Executive Secretary,*  
*Colville Business Council,*  
*Colville Confederated Tribes,*  
*Nespelem, Wash.*

DEAR MR. OWHI: Enclosed is a copy of the Proclamation issued by Governor Evans under the authority vested in him by Chapter 240, Laws of 1957, as amended by Chapter 36, Laws of 1963, by which the State of Washington assumes civil and criminal jurisdiction over the Colville Confederated Tribes.

Very truly yours,

JAMES M. DOLLIVER,  
*Administrative Assistant to Governor Evans.*

### A PROCLAMATION BY THE GOVERNOR

Whereas, the Colville Business Council has duly filed with the Governor of the State of Washington a resolution expressing the desire of the Colville Confederated Tribes that its people and lands be subject to the criminal and civil jurisdiction of the State of Washington; Now, therefore, I, Daniel J. Evans, Governor of the State of Washington, by virtue of the authority in me vested under Chapter 240, Laws of 1957, hereby proclaim and declare: That effective January 29, 1965, The criminal and civil jurisdiction of the State of Washington shall apply to the Colville Confederated Tribes, their people, reservation, territory, lands and country, and all persons being and residing therein.

In witness whereof, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this twenty-ninth day of January, A.D., nineteen hundred and sixty-five.

DANIEL J. EVANS,  
*Governor of Washington.*  
LUD KRAMER,  
*Secretary of State.*

WASHINGTON STATE SENATE,  
February 23, 1967.

Hon. HENRY M. JACKSON,  
*Senate of the United States,*  
*Washington, D.C.*

DEAR SENATOR JACKSON: I have the honor to transmit herewith a certified copy of Senate Resolution 1967-20 adopted by the Senate of the State of Washington.

Respectfully yours,

WARD BOWDEN,  
*Secretary of the Senate.*

[Enclosure]

### SENATE RESOLUTION 1967-20

Whereas, the State of Washington is singularly honored in that the Indian peoples constituting the membership of the great Colville Indian Reservation

wish to find an equitable means of terminating federal supervision over the property and affairs of the Colville Indian Reservation and to become full-fledged citizens both of this nation and of the state; and

Whereas, this desire on the part of the membership has been evidenced by the action of the members of its Tribal Council; and

Whereas, Senator Henry M. Jackson introduced legislation in the Eighty-Eighth Congress providing for an end to the Colville Reservation and restoration to full rights as citizens to the membership and Representative Thomas S. Foley introduced like legislation for the Eighty-Ninth Congress: Now, therefore, be it

*Resolved by the senate*, That this petition be most respectfully submitted to the House of Representatives and to the Senate of the United States and to the Honorable Lyndon B. Johnson, President of the United States, urging immediate action to fulfill the desires of the membership of the Colville Reservation to become citizens enjoying equal rights, privileges and responsibilities as other citizens of this state and of this nation; and be it further

*Resolved*, That the Secretary of the Senate submit copies of this resolution to the Honorable Lyndon B. Johnson, President of the United States, to the Speaker of the House of Representatives of the United States, to the President of the Senate of the United States, and to each member of Congress from the State of Washington.

I, Ward Bowden, Secretary of the Senate, do hereby certify this is a true and correct copy of the resolution adopted on February 22, 1967.

WARD BOWDEN,  
*Secretary of the Senate.*

HOUSE OF REPRESENTATIVES,  
STATE OF WASHINGTON,  
*Olympia, March 15, 1967.*

Hon. HENRY M. JACKSON,  
*Senate Office Building,  
Washington, D.C.*

DEAR SENATOR JACKSON: I have the honor to transmit to you a certified copy of a Resolution adopted by the Washington State House of Representatives urging immediate action be taken to fulfill the desires of the membership of the Colville Indian Reservation to become citizens enjoying equal rights, privileges and responsibilities as other citizens of this State and of this Nation.

Sincerely,

MALCOLM McBEATH,  
*Chief Clerk.*

HOUSE RESOLUTION 67-50

Whereas the State of Washington is singularly honored in that the Indian peoples constituting the membership of the great Colville Indian Reservation wish to find an equitable means of terminating federal supervision over the property and affairs of the Colville Indian Reservation and to become full-fledged citizens both of this nation and of the state; and

Whereas this desire on the part of the membership has been evidenced by the action of the members of its Tribal Council; and

Whereas Senator Henry M. Jackson introduced legislation in the Eighty-eighth Congress providing for an end to the Colville Indian Reservation and restoration to full rights as citizens to the membership, and Representative Thomas S. Foley introduced like legislation for the Eighty-ninth Congress: Now, therefore, be it

*Resolved by the House of Representatives*, That this petition be most respectfully submitted to the House of Representatives and to the Senate of the United States and to the Honorable Lyndon B. Johnson, President of the United States, urging immediate action to fulfill the desires of the membership of the Colville Indian Reservation to become citizens enjoying equal rights, privileges and responsibilities as other citizens of this state and of this nation; and be it further

*Resolved*, That the Chief Clerk of the House of Representatives submit copies of this resolution to the Honorable Lyndon B. Johnson, President of the United States, to the Speaker of the House of Representatives of the United States, to the President of the Senate of the United States, and to each member of Congress from the State of Washington.

Adopted March 14, 1967.

I hereby certify this to be a true and correct copy of Resolution adopted by the House of Representatives March 14, 1967.

MALCOLM McBEATH,  
*Chief Clerk, House of Representatives.*

BOARD OF COUNTY COMMISSIONERS,  
Okanogan, Wash., February 7, 1967.

HON. HENRY M. JACKSON,  
Senate Office Building,  
Washington, D.C.

DEAR SENATOR JACKSON: Enclosed is a copy of a resolution adopted by the Board pertaining to disposition of timber resources on the Colville Reservation. The reason for this action is that Mr. Andrew Wright, Supervisor of the Okanogan National Forest Service, asked us to sit in on a discussion reviewing the timber resource on the Colville Reservation as it effects any type of termination. Apparently the U.S. Forest Service has been asked to again come up with a position of policy effecting this resource.

I'm sure you understand without going into detail why we take the position we do in this resolution. Okanogan County has been and still is vitally concerned with any action effecting the Colville Reservation.

Regarding any termination legislation, we know your office will keep us informed and we also offer any service from our office, if in any way we can be helpful.

With kindest personal regards, I remain,  
Very truly yours,

A. JOHN CARLSON, *Chairman.*

COMMISSIONERS RESOLUTION No. 3-67

Whereas the Board of County Commissioners of Okanogan County after reviewing the status of Timber resources pertaining to any plan of termination of the Colville Indian Reservation, go on record as requesting, because of the economic impact on the County, a sustained yield policy on any disposition of timber resource affecting the Colville Reservation.

Dated at Okanogan, Washington, this 6th day of February, 1967.

A. JOHN CARLSON,  
*Chairman.*

ED WINSLOW,  
*Member.*

JACK ABRAMS,  
*Member.*

Attest:

HARRIET JOHNSON,  
*County Auditor and Ex-officio Clerk of the Board.*

STATEMENT OF CHIEF EDWARD TIMENTWA

Mr. Chairman and Members of the Committee: My name is Edward Timentwa of Malott, Washington. I am an enrolled member of the Colville Confederated Tribes. I am member of the executive committee of the petitioner party. I am opposed to the enactment of S. 282 into law and I am opposed to the idea of reduced reservation for the following reasons that our economic base and developments of our resources would be short. The conditions of our tribesmen living on the reservation 2,900 Colvilles involved in this group, low in educations, low family income, housing very poor and financial below level and in need of medical services and hospital. This particular group of people by experience in recent years of activity and surveys by various agencies and by proven fact the results both by currently classified as eligible for federal assistance. Since the passage of P.L. 772, the word problem developed into serious obstacles for our opportunities and developments of our resources and recreational and other assets. At the present time the opportunities for our developments and business are absolutely standing still and tied down solid. Although, it does state in our preamble of our constitution-by-laws the human resource and to protect the property belonging to the Colville Confederated Tribes, in the best interest of tribes, public and economy. Actually, the Colville Business Council's job is to concentrate and to promote industrial development, economic activity, opportunity and to create employment.

Instead, the majority Colville Business Council that represents the liquidation promoters, they have built a solid wall around the boundary of our reservation, signs posted every mile printed in news paper and encouraging their constituents

if their support is given that they will receive their cash share of \$30,000 cold cash right from the blue sky.

Actually, the majority of the Colville Business Council are tearing down the reservation instead of building it up, this includes the regional economy.

I am including a news paper clipping of Spokesman Review printed in March 18, 1967 in the nature of the \$30,000 cash share, for the record. I bring this to your attention, T. B. Charley chairman for the petitioner party had attended the meeting with the Colville Business Council and Commissioner Bennett on March 16, 1967 and again on March 17, 1967 a mass meeting on both days no one mentioned any cash share of \$30,000 per-capita if the Colville Reservation was to be terminated. Immediately, T. B. Charley inquired at the Colville Indian Agency at the Coulee Dam office, if Supt. Miller had anything to do with the write-up in news paper about the cash share also the radio station KOMW Omak, Washington come up with the same news item. Supt. Miller said he never heard anything about the news or the radio broadcast. There three people could be involved in this write-up it has to be official personnel, either BIA, Council member or the news reporter. I am certain the BIA and news reporter are excluded in the write-up, we pin point the Council are responsible for the news item over the radio broadcast and printed in the Spokesman review paper. This activity happened just one Month before the tribal election, I am convinced that this was used as a campaign issue for the liquidation promoters. This type of write-ups is how the majority Council is created and its supporters, whether the individual is ready for termination or not, but the \$30,000 cash share from the blue sky is very encouraging to say I can handle my own affair without the federal supervision. In order to determine who is qualified or competent to handle their own affairs without the federal supervision is a big question, as long as there is a big money promised to these people they will continue their support, in true sense it considered a purchased vote. Since our reservation is considered "Excellent sites for development of summer homes, resorts, etc." plus three artificial lakes practically surrounds our reservation. The road from Coulee Dam to the scenic North Cross-State Highway runs through the Colville reservation.

We do have a golden opportunities, recreational center, tourist, bright motels, hotels, service stations, boat-landings, tribal stores and orchard sites, etc.

These golden opportunities are ignored by our Colville Business Council, all they ever concentrate is to liquidate our tribal assets and terminate under the strength of a dollar sign and nothing else, no development period.

In the conclusion of my statement, I wish to bring this to your attention, the people living on the reservation that their objective and goals are to develop and improve the lands and to the best interest of both the tribes and the regional economy, based on the strength of the equity property rights. I pray that your committee will determine the Colville situations whether the dollar sign, purchased votes and promises of big money be considered competency for the ones who want to terminate vs. or the people that actually living on the reservation with the equity property rights, developments and to continue under the federal supervision and we are currently classified as eligible for assistance from the economic development administration.

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[From the Spokesman Review, Mar. 18, 1967]

#### BIA MAN, TRIBES MULL TERMINATION

(By Pete Pegnam)

NESPELEM, WASH.—More than 600 members of the Colville Confederated Tribes met here Friday with U.S. Commissioner of Indian Affairs Robert L. Bennett to discuss a possible compromise on the future of the Colville Reservation.

Legislation now before Congress would terminate the reservation with the total cash assets of the tribe to be divided on per capita basis. Unofficial estimates have placed possible individual shares from the division at approximately \$30,000.

Commissioner Bennett called the meeting here to discuss possible alternatives to the present termination bill since some Colvilles oppose ending the reservation.

## HOPES FOR PLAN

Bennett told the gathering that if some agreement could be worked out among tribal members and presented to Congress by the secretary of Interior, there would be "a good possibility the plan would be accepted."

One alternative listed by Bennett would establish a federally-chartered corporation for those Indians wanting to remain on the reservation.

The common property, Bennett said, would be held under trust.

Another alternative presented by Bennett was a relatively-new concept of a reduced reservation. Those Indians wishing to remain on the reservation would be allotted a proportionate share of tribale land under this plan. This reduced reservation would continue to be served by the Bureau of Indian Affairs.

Last October, the tribe voted 1,272 to 491 in favor of termination.

## OPPONENTS CITE REASONS

These Indians speaking at the afternoon session Friday oppose the termination and said many Indians are not prepared to leave the reservation.

Others said they were opposed because it would place them on state tax rolls, from which they are now exempt. Many older members said they oppose termination because they fear a decay of the Colville heritage and culture.

Many tribal members were in native dress and several spoke through an interpreter.

Those in favor of termination said they thought their share of money from tribal land could be better invested by themselves.

The legislation now before Congress calls for a majority rule vote to terminate the reservation. If the majority favors termination, reservation property would become a private corporation subject to taxes.

Commissioner Bennett said the bill for termination would have a better chance for passage if a compromise could be worked out with those opposing termination.

## PROPOSAL NEEDED

He called upon those opposed to the move to formulate a concrete plan to be included with the Congressional bill.

Bills have been introduced in the House by Rep. Tom Foley, D-Wash., and in the Senate by Sen. Henry Jackson, D-Wash. Similar bills have been introduced twice before and have died in committee.

Two strong tribal groups voiced support of terminal legislation, but differ on how it should be done. The Colville Business Council supports the present bills in Congress, with votes on termination taken before and after appraising the value of tribal lands.

The Colville Indian Association wants the land appraisal made before any termination vote is taken.

Several thousand acres of forest land on the reservation may be bought by the federal government from the tribe and designated a national forest.

## STATEMENT OF HANK ADAMS, CHAIRMAN, WASHINGTON STATE PROJECT OF THE NATIONAL INDIAN YOUTH COUNCIL (NIYC)

Mr. Chairman and Members of the Committee: I regret I was unable to appear before your Committee as scheduled on June 8. I respectfully request that this statement be entered into the official record of hearings on the measures seeking the termination of the Confederated Tribes of the Colville Indian Reservation, and in opposition to their passage by his Committee and the Senate.

It is suggested that it is a waste of time to oppose termination of the Colvilles before this Committee, the basic terminal legislation having been passed twice previously by the Senate. The basic reason cited why it is impossible to defeat this legislation in the Senate and in Committee, however, is the fact that Senate Interior and Insular Affairs Committee Chairman, the Honorable Senator Henry M. Jackson, "wants this bill", or more fully, demands it.

That there might be merit in opposition to terminal legislation for the Colvilles is evidenced nevertheless in the contrasting action of rejection by the U.S. House of Representatives.

I am aware of the poll of residents and non-resident Colville adults supporting the assertion that the Colville Tribes themselves want to be terminated. It is argued by many, including Senator Jackson, that the will of these people can not now be denied.

Yet I recall the few brief years past when the position of these people was reversed—when the Tribe opposed termination—when the Senate nevertheless passed its terminal legislation—when the “will of the people” was completely ignored by most, including Senator Jackson.

The “will of the people” should be afforded some consistency in regard by this Committee, and not be dismissed except when convenient.

There is some question whether the Colville’s “will of the people,” in its present disposition toward termination, has been established less on basis of elementary enlightenment than it has in response and result of various forces of coercion.

There is presently a study being made by independent agency on the development of the present attitude of the Colville Tribes regarding termination, and I am sorry that it is not now available for your consideration.

Our own opposition to termination of the Colville Tribes and Reservation is based on several considerations, including:

(1) The State of Washington is not ready for any tribes or reservations within its boundaries to be terminated;

(2) Almost no attention has been given toward enumerating the actual results of this terminal legislation, its implications to both immediate and long-range impact upon the welfare of people of all ages on the reservation, and the definite objectives which it can accomplish in terms of economy, education, and social well-being of these people.

(3) The factional forces that have gained control on that reservation for the purpose of effecting termination have attempted to eliminate any and all alternatives to their aim, and have perpetrated a mythology of fallacy and false assertions to silence their opposition.

(4) Termination as form for policy has demonstrated itself to have little relevance to the objectives ascribed to it. It is, in fact, the most negative Indian policy and practice undertaken by this nation. Enactment of more terminal legislation at this moment can have but adverse effects upon attempts to prescribe a new national policy toward the Indian people that could afford promise in both policy and practice.

Unlike the states of Wisconsin and Oregon, when the Menominees and Klamaths, respectively, were being terminated, the State of Washington has maintained an attitude of complete indifference to the attempt to terminate the Colvilles. The State has not indicated any interest in what shall be the actual results of terminal legislation, and has made no examination whatsoever into the full effects and implications of its enactment to the State or the Colvilles.

Certainly the State Legislature has memorialized the Congress on several occasions to terminate the Colvilles, but citing as reason only the abstract reasoning of elevating these people from second-class citizenship and emerging them into the “mainstream of American life.”

Yet the fact is that these people do not suffer from “second-class citizenship,” except as relegated to that status by the indifference, actions and attitudes of the State of Washington itself. There shall be no change whatsoever in these peoples’ technical and legal relationship to the State as result of terminal legislation.

The Colville’s status as citizenship remains unaltered and unaffected by terminal legislation—only their status as Indians is at issue, in retention or extinguishment.

The arguments of Colville Indians centering around the question of second-class citizenship and mainstream existence oddly rises to its highest pitch and clamor among the large segment living away from the reservation—where their status as Colvilles is totally immaterial.

They may certainly find some discrimination as “Indians,” however, for the State of Washington has maintained the worst relationships to its Indian people of any State. With the exception of a few favorable actions under Governor Daniel J. Evans in the past few years, the State is virtually without credit in regard to Indian-State relations.

This is evidenced most critically in the area of Indian education, in a State where education responsibilities have been carried by the public schools since the latter 1930s. The drop-out rate is in excess of 68% before completion of high

school. Some communities of several hundred Indians have had one or two high school graduates in the past twenty years—in effect, a drop-out rate of 100%. The Colvilles are not exception to this situation—although their all-Indian public schools on the Reservation have a lower percentage of drop-outs, and a higher grade level attainment among drop-outs.

Health and housing conditions of Indians in the State of Washington are among the worst in the nation.

One reservation community of more than 500 people has experienced the highest rate and incidence of suicide in the state and perhaps the nation during the past five years. Although under civil and criminal jurisdiction of the State, there has been no investigation of this trend or of any particular act of suicide.

A number of impoverished communities reliant upon their treaty retained fishing rights for livelihood and sustenance have been completely restricted by the State from fishing—primarily tribes that are too economically impotent to seek recourse in the higher courts of the land outside the State of Washington.

An important factor in consideration of termination of Colville is the fact that those Indian people shall not become eligible for any state services or programs for which they are not now eligible!

The State that cites "second-class" citizenship in requesting Indian termination is the same State that continuously boasts its pride in non-discriminatory practices and equality of citizenship in explaining its lack of statistical information on actual conditions and situation of Indians—eg. Indian drop-outs, housing and health deficiencies.

We believe it imperative that the State of Washington demonstrate an improvement in relations and regard for its Indian citizens before any such action as contemplated in this terminal legislation and as affecting any tribe be undertaken.

We can understand why most tribes desire change in their present situation—but we do not believe that termination has presented itself or proven to be either beneficial or productive, except in temporary sense when large amounts of money is involved, and only in isolated cases in long-range view.

In most cases, when the money is gone after short period of time, the Indians are left with nothing—without resources to draw upon, or without the resources-community complex upon which to building more meaningful lives.

Termination has inequities in application to the people of various ages and abilities, and is without equity to those yet unborn.

We do not believe in the "equal share among-the-living" concept that is being applied to the Colvilles, any more than we believe that the terminationists could demand and secure their pro rata share in the public worth and value of America as a whole.

We believe that tribal properties and other items of worth should not be subject to dissolution by individuals, but rather that the route of expatriation from the tribal complex should be taken without adversely affecting the people as a whole.

It is deplorable that the terminationists, among whom are most the Colvilles removed from the levels of poverty, should have in the past three years disregarded most federal programs which would have been of aid to that tribes' many persons living in poverty. This was one of many coercive devices for securing assent to termination.

We do not believe that these persons should be allowed to "be Indian for the moment" only to effect a decision that none of the Colvilles shall hereafter be regarded as "Indian" by the federal government. We do not think these people should be allowed to cling to their tribe only for the purpose of extinguishing the tribe for all.

For our part, we advocate much change in the national policy and practice in dealing with the matters of "Indian Affairs". We believe that much advantage and benefit can be secured to Indians from tribal and community existence, although conditions have not permitted such advantage and benefit in the past.

We do not think this legislation will serve the interest of all people of the Colville Tribes, the young and the old. Those who least need help now will be the only beneficiaries to its enactment. Money will not alone bring forth the solutions to the great needs in education, health, and social well-being.

Money alone will not bring forth the jobs that will be required for the long-range solutions, nor training to secure jobs at present.

In fact, a large allocation of money could forestall as much as anything the real solutions to the many problems that confront the Colville people, although

substantial monies are required in most Indian areas for significant development. At the present time, however, the Colvilles are turning down federal funds and even expending tribal funds in manners unthinkable in the absence of a termination issue and related attempts to force its enactment.

We respectfully request that the accompanying articles and statements be included as part of this Statement. They are fully explain our views upon this issue, although in broader perspective. They are listed by title on separate sheet.

We have previously been informed by Mr. Jim Gamble of your staff that this legislation has been worked over many times in order to meet the various objections. We believe that there has been too much legislation written around the objections of Indian people—and too little written around or addressed to our aspirations and hopes for the future.

Thank you.

[NIYC Press Statement, April 1966]

WASHINGTON, D.C.—The National Indian Youth Council (NIYC) is deeply disturbed about the attitudes reflected in the Senate Interior and Insular Affairs Committee's report accompanying their unanimous approval of Robert L. Bennett's nomination for becoming Commissioner of Indian Affairs.

We are particularly concerned about the references pertaining to termination of federal responsibilities and relationships with Indian Tribes.

Seemingly, the Senate Committee has not demonstrated itself to be responsive to the positive programs and policy changes of the Kennedy and Johnson Administrations—and now appears inclined to repudiate them outright. The fact that the Committee has held tenaciously to its termination concepts throughout the past 15 years has contributed, in part, to failure in implementation of positive programs, and to the consequent lack of substantial results.

The Committee has noted that the course of human events has not dealt kindly with the Indian. A major reason has been that he has always been considered only incidental to policy and as afterthought to solutions. And in the present dialogue on Indian Affairs—only the Indians' voice has been excluded. It is unfortunate that as this nation has developed, the Indian has not become beneficiary to its many strengths—but has continued to be the victim of many weaknesses.

Termination does not cause unwarranted fear among Indian people. It is very much warranted—and the policy is perhaps the most negative in the history of Indian Affairs.

The effect of termination, in the forms proposed and which have had application, is to remove the Indian from being the most closely-associated citizen to the federal government toward being the citizen most remote from it, and in such manner as there ceases to be any association between it and the tribes. Termination attempts to reduce the relationship between the federal government and the tribes to a degree even less than that which it maintains with the smallest incorporated town in America—or any community action group established under the provisions of the Economic Opportunities Act.

Termination makes the federal governments relationship to tribes equivalent to that now existing between tribes and most state governments—which is to say, one that is non-existent.

Termination does not essentially alter the Indians' relationship to either the federal or state government with respect to his citizenship—but rather just extinguishes his legal dimension as Indian, as tribes, and as distinct political units or self-governing communities.

Under termination, the states are not enabled to provide him any additional services or assistance than they are able to provide now—or for which the Indian is not now eligible, since he is presently a state citizen throughout this nation.

We would emphasize, however, that in most western states, in which the large majority of Indians are located, the legal dimension of the Indian does not enjoy positive existence and many of the states are constitutionally bound only to regard the Indian tribes in negative respect, or by exclusion—or either fail or refuse to recognize tribes as legally sustained, functional self-governing units. This has not acted as infringement upon the individual Indian's rights of citizenship, however.

We do not believe that any tribe is "ready" for termination. The phrase, "ready for termination" has had fallacious misapplication since its original usage in 1948, and later 1953. Tribes weren't ready for termination then—and they aren't "ready" for it now. Today's situation can not appropriately be consid-

ered within the context of this erroneous evaluation and negative concept. Our government can not conscientiously cite error of the past, then draw conclusion from it—"They were ready for termination in 1948 and 1953, therefore they must be ready for it now."—if the equitable purpose and interests of either the Indians or this nation are to be served.

We believe that there are many significant alternatives to termination—and which would serve many of the purposes that this policy purportedly seeks to achieve, and would do so much more effectively, equitably and justly.

We believe that most tribes are ready to consider these significant alternatives—and modifications in relationships to both state and federal governments. These relationships should be directed toward the survival of the Indian community, however defined. We want political, legal, and economic security for our tribes, reservations and communities—without the constant threat of their destruction or extinguishment, and with the same respect accorded them for existence as is freely granted other elements and units within the American population and system. A positive existence of relationships between the tribes and both federal and state governments should be established and sustained.

It is fallacious to believe that just by extinguishing, or otherwise affecting, the Indians' legal status, that the Indians' economic, educational, and social conditions will advance as natural consequence, immediately to be on par with the general populations. Yet, we note that it is primarily the Indians' legal status which comes under attack whenever this nation professes concern for the problems in education, economics, health and living conditions which confront the Indian.

We are appalled that—as American Indians enter our fifth decade as United States—citizens—our citizenship should be misused as preface, pretext, and total justification for all perverse policies and adverse actions which are contrived to follow. We believe that is more meaning and substance in citizenship than in the mere ascribing adjectival descriptions to it of "first-class" or "second-class".

Termination can not affect our material situation, or the vital concerns in education, economics, and living conditions—any more than revocation of our citizenship status, as granted all U.S. Indians in 1924, would—if that were to be the action of Congress.

Because we are citizens, however, we believe that all Indian Tribes should be afforded full and fair hearing regarding the many issues and problems which confront us—and that forms be devised wherein the Indian tribes throughout the nation may enter into the formulation of policies and decisions which directly affect them.

We are dismayed that educational considerations, with the matter of Indian students, should again be subordinated or become incidental to a question of integration and/or segregation. We note, for example, that almost two-thirds, of an approximately 150,000, Indian students presently attend state-supported public schools—where the drop-out rate is notably higher than in the federal Indian schools. In the State of Washington, where the state assumed responsibilities for Indian education 30 years ago, the drop-out rate exceeds the national average of 60%—and in some communities of several hundred in population, it approaches 100%. The quality of education is subject to question in many schools, both federal and state.

We could suggest that the Office of Education be directed to assume operation of the state-supported public schools "until the states are ready to take over this function," but recognize it as an unacceptable answer. Rather it emphasizes that the Indian interests extend far beyond the realm of the Bureau of Indian Affairs' administrative jurisdiction, and that these interests—particularly relative to education—should not be exclusively confined to any singular administrative jurisdiction or agency. Too often, however, they are.

Coupled with the fact that the collective poverty of American Indians is the worst of any group in the country, it is interesting to note further that public schools serving Indian communities were systematically excluded from application of this historic Elementary and Secondary Education Act of 1965, as originally enacted by Congress. This legislation was supposedly designed specifically to serve the educational needs of students from economically disadvantaged families.

This year, if the effort to reduce aid to public school districts in "federally impacted areas" is successful, those serving Indian reservations and communities will suffer the most severe blow.

We believe that educational considerations ought to receive highest priority and that more alternatives for serving the educational needs of Indian students need to be established—in all geographical areas, irrespective of which agencies have initial responsibilities for them.

We do not consider the Senate Committee's report as being without positive content. In this statement, however, we feel obligated to address ourselves to those points which do not reflect it.

We recognize the need for substantial change in the Bureau of Indian Affairs—to allow more responsive, positive, non-static and productive performance in relation to the situations on the reservations—if not an eventual phasing out of its existence. In any case, we believe they should be relieved of their present bureaucratic dilemma of how to perpetuate themselves without perpetuating "Indians." If termination is to be a policy, it should be directed toward the BIA, not the Indian Tribes.

We do not consider this an immediate prospect, or as serving positive purpose at this time, however.

We do consider it unfortunate that the Senate Committee has placed numerous contingencies upon its support for Mr. Bennett—which almost necessarily restricts his latitude for innovativeness and resourcefulness in the formulation of new positive programs and actions. In the absence of these restrictions and directives—we were confident that Mr. Bennett could bring much more to the office of Commissioner than the mere, and not necessarily meaningful, distinction of being Indian.

We are mindful that the House of Representatives also assumes responsibilities for formulating policy in the realm of Indian Affairs—and, moreover, the Administration itself should not be assumed to lack major responsibilities in this regard, nor precluded from exercising them. Nevertheless, we are not inclined to disregard the Senate Committee's report as having no implications upon the policies which will be given foremost consideration.

We think it is time that policies should no longer be formulated under the stigma of professed "shame". Furthermore, we believe that policies governing Indian Affairs should no longer be based upon destructive intent—the destructive intent which termination carries to its conclusion. It is time that policies were formulated on the basis of understanding and factual knowledge of the situation—and addressed to the aims and aspirations of the people affected.

At this time, we want our reservations and communities to be legally and politically secure and our tribal entities to continue to exist, without threat of extinguishment. We seek maximum economic development of our reservations and communities and the maximum utilization of our national and human resources. We desire educational advancement on par with the general society. And we want to eradicate the poverty which has held dominion over our lives only too long.

Yet, we seek the means, the programs, the ideas and actions which would best, or enable us to, accomplish these—not the abstractions which would tend to accommodate the continued existence of the present situation. Termination can not bring about these accomplishments in substance for Indian people of all ages, any more than would a law passed by Congress declaring all American Indians as being members of the "mainstream of American life."

Understanding that the Senate Subcommittee on Indian Affairs is contemplating extensive hearings regarding policies in Indian affairs, we are hopeful that considered judgment shall influence revision of certain conclusions already reached in the report submitted by the Senate Committee. We are hopeful that the Indian expressions made during the hearings need not be diluted in their honesty or completeness because of fears of "making Senators mad" and legislative reprisals—a fear that unfortunately has influenced expression in the past.

We do not regard this statement as harsh criticism of the Senate Committee, or any of its members, but rather urgent appeal for reconsideration of some of the views and conclusions contained in their report.

We do not purport to speak for all Indian people in this statement, and only offer our immediate response—but do feel that we reflect the general view held by most.

Our Executive Board will meet in Denver this week to consider the matter of general Indian policy—and will also confer with many tribal officials in Santa Fe this week—to determine what positive contributions we may offer to the present dialogue—and subsequent actions.

[From Americans Before Columbus, May 1967]

(National Indiana Youth Council Policy Statement)

A CHALLENGE FOR TODAY; A NECESSITY FOR TOMORROW

(Editor's Note: When Robert L. Bennett was sworn in as Commissioner of Indian Affairs, President Lyndon B. Johnson directed that the Bureau prepare the "most comprehensive" program for the Indians ever considered by this nation. The President asked that this program be "farsighted, venturesome and progressive." To date, NIYC is unaware of any such program having been developed or that is yet in the works. NIYC therefore submits the following as significant proposal for meeting the qualifications set forth by the President and for meeting the needs of American Indian people. The statement is not complete in addressing itself to all issues which must be considered under the change which it advocates. Yet, it outlines a direction in which to move.)

We believe it is today essential that the federal government address itself to basic questions of policy and objectives in its American Indian and Alaskan native programming. We, in fact, regard it of primary necessity to explore means of establishing new administrative and assistance framework—less cumbersome than the Bureau of Indian Affairs and more responsive to the national native American needs.

Now that the nation is budgeting more than a billion dollars in the Indians' name within every 3-year period, it seems imperative to remove programming from an agency that is notoriously unimaginative in idea and that has proven itself abominably inept in execution.

We propose that the Bureau of Indian Affairs be abolished. A native community development and program coordinating agency should then be established, either under the Executive Offices of the President or under an Assistant Secretary of HEW.

This should be a central resources and services planning agency, with primary responsibility for bringing the material, technological and intellectual resources of this nation more fully and directly to bear in meeting the critical assistance needs of Indian, Eskimo and Aleut people.

We definitely oppose the notion of parceling out service responsibilities to a multitude of agencies through break-up of functions and dispersal of "Indian Desks". These "budding bureaucracies" do not lead to greater coordination—but rather to expanded administrative overhead—nor provide the necessary security to our few numbers from having our concerns swallowed up and falling victim to the powerful demands of other interests.

Essential human services and assistance should not be viewed as merely a condition of a federal trust relationship. If so regarded, then our protectorate government can be found but in criminal violation of its trustee responsibilities and guilty of gross negligence in the related assistance role—both to the less than 25 percent of Indian people that it does serve in some degree, and to the more than 75 percent of Indian people that it does not serve at all.

In transition, we advocate an immediate revision of the federal trust relationship, although with certain contingencies.

These include removal of Indian lands from trust status, while continuing state and federal tax-exemptions upon Indian properties and income derived directly therefrom for a period of not less than 50 years. Certain restrictions against alienation of various Indian lands should be placed in force for similar period. Likewise, tribal entities should continue in existence as self-governing units.

General levying or taxing authorities, not now possessed by other governing authority, should be exercised by appropriate tribal authority. Tribal governments should be recognized as legitimate public agencies enabled to enter into working, cooperative or contractual agreements with agencies of the federal, state and local governments for programming and other purposes. Such authorities must be enlarged to afford the greatest latitude for community development.

Tribal funds regularly received into the U.S. Treasury, or held in trust by the United States, could conceivably be consolidated under some economic formula or federal corporate trust to provide a continuous investment and development fund for enabling collective utilization and circulation of Indian monetary resources. Such nationally consolidated fund should be permitted to operate as credit source under benefit of any federally "guaranteed or insured

loan" provisions which might become applicable to private credit agencies or lending institutions.

This would certainly not remove nor diminish the additional needs for a substantial increased Revolving Loan Fund or establishment of a Community Resources Development grant program; authorizations and appropriations for a guaranteed or insured loan program; and tax incentives or relief, and perhaps low-interest facility construction loans, to industries locating in or near Indian communities.

Funding of such programs could partially be met through savings by change of the present administrative framework. Much of the workload of the BIA could be removed by responsible revision of the trust relationship and with several items of carefully constructed legislation to provide for unrestricted tribal operations and community development.

Allowing a maximum 2-year period of transition, a number of actions should be immediately undertaken.

Among these is a thorough examination, conducted by an independent agency such as one or more of the nation's major law schools, into existing Indian legislation, statutes and regulations. Determinations should then be made on what items may appropriately be revised or repealed to allow for the greatest latitude in Indian action and community development. Participation with Indian representatives in a subsequent legislation drafting and recommendation body would also be contemplated.

A number of resource and economic development survey teams might also be established and dispatched to reservations or regions to work with tribes and inter-tribal groups in making preliminary resource inventory and analysis for development purposes.

Situation investigations and analyses should also be undertaken by independent agencies in cooperation with Indian personnel in regard to employment, education, housing and health needs and the extent of present programming at federal, state and local levels. With respect to education, such examination should be directed to all agencies now handling Indian students. And all survey analyses should include the considerable off-reservation Indian population.

Certainly, numerous other actions and considerations would be required in planning and in change.

Indians are not satisfied with the plodding, nor necessarily permanent, progress we are now advised to acclaim as the responsible route to advancement.

The creation of new jobs is not keeping pace with Indian population growth, and has been without impact in providing the 40,000 permanent jobs that are needed.

The much-heralded Industrial Development Program has contributed less than 200 jobs per year in 10 years of attracting industrial plants to reservations. Cited as major new income source, its total payrolls have amounted to a per capita increase among reservation Indians of only little over \$10 in a decade in which national per capita income has risen over \$700.

Under present pattern and pace, current housing needs shall not be met in another 30 years, and without provision for needs developing in the interim.

This has crucial implications toward overcoming abominable health conditions and disease rates, now featuring such indices as an infant and child mortality exceeding in rate and in number the American casualty counts in Vietnam as of January 1.

Of an approximate 160,000 Indian student population, 95,000 are projected to drop out before completion of high school. Another 16,000 have no school facilities at all, according to a 1966 senate report.

Advocates of simply turning Indian education responsibilities over to state-supported public schools ignore the fact that two thirds the Indian students already attend them—with a 10 per cent higher drop-out rate than federal Indians schools. In both, education is often of questionable quality and usefulness—but continuing without question presented.

More than 45,000 Alaskan natives, confronted by the most severe conditions of poverty in the nation, are ineligible for major programs of the Office of Economic Opportunity. Also, their land rights, as guaranteed protection in the Treaty of Session with Russia a century ago this March, go unrecognized in title by this government yet today.

The government has severed basic responsibility for the 47 percent of Indian people off the reservations—although countless number are equally in need of assistance.

The annual federal expenditures for the BIA, OEO, and Public Health Service together would now amount to incomes of \$4,635 for average families of five, if paid directly to 400,000 Indians. The average annual Indian family income, is, in fact, but one third that amount—and is largely gained from sources other than federal expenditure! There can scarcely be favorable accounting by accomplishment for the several billion dollars expended in the Indians' name in the national history. After being programmed through a poverty program of sorts for the past 150 years, the American Indian finds himself yet at the lowest levels of national living standards and conditions. We approach the future with the most negative economic, education and employment rates in the nation.

Whereas fault must be shared by all, on the part of all there has been great reluctance to examine into the bases and cause for failure. As result, the federal government has always found itself committed most fully to errors of the past and convenience of the moment—and primarily engaged in carrying forth the burdensome foundation for continuing failure.

The need for change is too obvious to be denied, and too critical in nature to be betrayed. Requirements of change fall not solely upon the Indian, but extend to the structural elements that have administered only too fully upon Indian lives and given little more than misguided direction to Indian destiny.

The Interior-proposed "Omnibus bill" appears to offer justification only for expanded bureaucracy to provide additional minor to meaningless results. It follows the Bureau's traditional orientation to real estate, then turns incidentally to Indians as holders of it. Yet, most landowners are above 33 years in age, while more than two thirds the Indian population is below the age of 30—half below the age of 17.

Interior has not effectively directed the services of other Department agencies to benefit of the Indians in care, development and utilization of land, mineral, water, forestry and fishery natural resources of our 53 million-acre land base.

For example, logging industries operating under supervision of BIA's Forestry Division have done, and are continuing to do, millions of dollars in damage to Indian water and fishery resources in certain areas of the Pacific Northwest. A national program that could prevent such destruction and lead to economic development of these resources—at substantially less cost than those of damage and correction now being inflicted—is precluded under priorities of the Department and its Fish and Wildlife Service.

Thus, there seems little reason for matters of American Indian programming to remain in the Department. Interior is the least logical agency for meeting the essential human services and technical assistance needs of Indians and Alaskan natives.

It seems inconceivable that our country can rightfully encourage or insist upon needed government and social reforms among nations of Central and South America in serving their populations, which totally include 40 million Indian people—yet resist necessary reform in our government for serving the needs of half a million here.

Indians are not opposed to change. Experiences of the past cause us, however, to give careful measure to the effects of change. The dramatic change required at the present time must be based upon the fullest measure of security this nation can now afford—protection of the remaining Indian homeland, our land and resources base, under a 50-year period affording the "freedom from fear" with which we have had but brief experience in the few centuries past.

We suggest such period of time not as terminal objectives, but as practical measure of promise. The new beginning, if not the rebirth of the American Indian, enabled and envisioned under the Administration of Franklin D. Roosevelt—but stifled immediately thereafter—was fostered in this "freedom" and such promise.

The impressive progress of that era has fallen with time to again become the needs of today. We can not now cite progress of the moment as sufficient although acknowledging the gains that are made—because needs not being met are growing and may well linger for countless more generations.

Any forthcoming change must, in any case, be free from the "termination" concepts that have gained so frightfully in influence and proven so destructive in effect.

The position of the Indian or native American in America can only be rightly set, if it is finally and first recognized that his place is initially with his family in their community. Development in that context can then open the doors to opportunity and alternatives throughout the world. At present he has few of the

alternatives and less of the opportunity—and his community is in constant jeopardy. If full development in the context of his community is enabled, and some should opt for the alternatives—the residue of, and for, those remaining could yet provide some of the brightest spots in America.

[From *Americans Before Columbus*, May 1967]

### THE CHALLENGE OF A DEMOCRACY

(By Ralph Nader)

(Editor's Note: The following originally appeared as concluding editorial for a series of articles, entitled, "American Indians: People Without a Future", written by Ralph Nader for the *Harvard Law Record*, while he was Editorial Manager, in 1956. More recently, Mr. Nader has become nationally-acclaimed as crusader for automotive safety and as author of "Unsafe at Any Speed", a provocative text on the designed-in dangers of automobiles produced by America's car manufacturers. Mr. Nader's editorial's editorial retains relevance to the Indian situation today—more than a decade after it was written.)

The 400,000 American Indians are by far the worst fed, worst clad and worst housed group in the United States. These people, recipients of the poorest educational and medical services in the country, are in a state of social and psychological maladjustment.

This is a situation of which the American public is only dimly aware. The terrible poverty of the peoples of Asia and Africa prevails today on the Indian reservations. It is the relative insignificance of the Indian minority position which obscures from the public the fact, for example, that the infant mortality rate of our Southwest Indians is 139.4 per 1000 live births as compared with 33.2 per thousand for non-Indians in the same geographical area.

Present federal policy offers the Indian little solace. The termination legislation adopted by Congress in 1953 is designed to accomplish, in the words of Indian Commissioner Glenn Emmons, "three specific purposes: (a) terminate Federal trusteeship over tribal and individual property; (b) terminate special Federal service and (c) give Indians the same status as other citizens in the states in which they reside." On the surface this policy seems in accord with our democratic professions; it is rationalized on the grounds of giving the Indian his full freedom and citizenship and finally solving the Indian problem.

#### UNWISE FEDERAL POLICY

However, this precipitate legislation harbors two serious defects. Emancipating the Indian would be an admirable objective, if he suffers under restrictions denying him full citizenship. Such is not the case. The Indian already has legal equality with his white neighbors and enjoys all the rights of full citizenship. According to the late Professor Felix Cohen, the mistaken notion of Indian inequality has proceeded from a somewhat blurred conception of (a) the trusteeship relationship with the Federal Government and (b) the fact that Indians receive Federal service rather than state services. The discredited concept of wardship, nevertheless, still persists to plague the Indian.

Second, the proposed rapid abandonment of Federal responsibilities toward the Indian will mean divestment of their lands and resources and the end of the Indian as a cultural group. In short, termination as envisioned will turn the Indians into the slum dwellers of Western cities and towns. Ample historical evidence substantiates this view; for termination enactments date back to the General Allotment Act of 1887, though none possessed the scope of present bills.

Federal-Indian law, though frequently violated, has served to protect the tribes in the States where they are situated. Indians were weak, defenseless and poor. They had neither the means nor the knowledge to cope with the unscrupulous exploitation of their persons and property. It is certain that without Federal protection, however imperfect, the Indian would have vanished long ago.

Those conditions of weakness and poverty still prevail today. Cattle, timber and mining interests are pressuring for rapid termination. If the Federal Government withdraws its educational and welfare services, there is little likelihood that the states having fewer funds and a more hostile popular attitude will step in to fill the gap. Ending the trust status of Indian lands will seriously threaten

their existence. Widespread alienation will result from land sales by Indians without the capital or knowledge to manage their now taxable lands as efficiently as the whites who desire to purchase them.

The policy initiated by the Indian Bureau in May, 1955, providing for more liberal insurance of individual fee patents only affords, as so often in the past, an opportunity for white interests to buy out potentially valuable Indian lands cheaply and quickly through a key tract purchase.

Of course, the eventual withdrawal of Federal participation is desirable. The issue, however, is when and under what circumstances. An abrupt end of Federal safeguards and services will not remedy the wide-spread Indian poverty, ill health and ignorance that constitute the real Indian problem. Before withdrawal is considered, the particular tribe should first achieve a satisfactory economic position and an adjustment to the white institutions that confront it.

The conditions which make Federal protection necessary must be remedied before termination. Indians should not be forced to alienate their lands because of economic pressures.

#### INDIAN REHABILITATION

Recently, the Indian Bureau has been placing its greatest emphasis (to the extent of \$47 million in 1954) on education and health services. On the other hand, Bureau appropriations for forest, soil and water, road, and technical aid in 1954 totaled only \$18 million. This imbalance between education and economic aid may have tragic consequences. The combination of education and poverty can lead only to social frustration and exploded aspirations.

A balanced rehabilitation program for each reservation, similar to that drawn for the Navajo and Hopi tribes in 1950, is necessary in order to build up the tribal economy and develop a self-reliant and self-sustaining Indian people. Such programs have not yet been drafted.

As a result of such a program, the long history of "palliative" federal expenditures will end and a period of "curative" aid with accelerating economic effects will begin. Such a program would clearly be in accord with President Eisenhower's recent proposal of a domestic Point Four program for the nation's chronically depressed areas. But the success of any program demands not only the sincerity of disinterested purpose but also a knowledge of the Indian and his physical environment.

#### A MORAL APPEAL

In a democratic state there is nothing irregular in the Indians' desire to retain their land base and preserve their heritage and customs. It is quite possible to be both an Indian and an American. As the Indian people develop, the exigencies of modern living will undoubtedly compel them to come to terms with the social and economic realities of American life. However, this does not mean that the Indian must lose his identity completely. In order for the Indian to have some measure of free choice, he must be helped to create conditions necessary for the exercise of freedom of choice.

An enlightened Federal policy cannot come into existence through the urgings of Indians unable to employ political or economic coercion. Neither expediency nor pressure is capable of being utilized to generate a "new look" in Indian affairs. The only appeal the Indians have is to our moral and humanitarian impulses. It is this kind of challenge which tests the ultimate stamina of a democracy.

[From Americans Before Columbus, May 1967]

#### BONES OF INJUSTICE RATTLE

(By Evelyn Dwimoh)

As the dust from passionate protests against injustice cloud over Capitol Hill, there emerges a renewed awareness of the American Indian. After centuries of indifference, the sympathizers ask: What about the poor Indian? Somehow, the rattling of the bones of injustice has reminded America about something it had chosen to forget. But as one great leader once stated so prophetically, "... it can never forget..." No, America can never forget what it has done here. But it listens now. The forced realization that there is a difference between justice and injustice has reminded America that there is a difference between ideals and

reality—and this great awakening must give America the courage to face the facts of life. And it must face them if it is to survive in tomorrow's world.

In this awakening, there are many Americans who are surprised that there are still real live Indians—and perhaps they have good reason to be surprised. The well-laid plans for physical extermination of Indians obviously never materialized, nor will any other kind of extermination program! This is a fact of life.

There are those who sincerely believe the Indian has never raised his hand in protest against his sorry plight. To these sincere believers we can only say that there is a big difference between giving a life, a nation in protest against injustice and in raising a hand. The American Indian has fought for centuries and has given up just about all that he has. Look into the unprinted annals of history and there you will find scenes which can chill the blood of every American today.

What some choose to call "silence" is nothing more than the deaf-muteness of a majority. These are the people who have failed to hear the pleas for justice through more than four centuries of good hearing.

It is impossible to understand any aspect of the modern Indian unless one is willing to look directly and unflinchingly at the story we conceive as American History. We leave behind the idea of Santa Claus after a certain period of growth, but we cling religiously to the idea of the brave and saintly pilgrims, the ravishing savages, and countless other ideas born from the emotions of a one-sided history. And somewhere the sympathetic ones brood, attempting to immortalize the dream of the "vanishing American."

In an age America leads, when man's intellect unleashes itself against the unknown, when old truths fade as new ones are discovered, it becomes an incredible fact of life that the traditional prejudices of the early 17th Century clerics would appear at the base of the troubles of a 20th Century America.

But one of the most tragic facts of all is that small, politically insignificant groups have no right to justice. It is in the game of politics where we find the comedy, a farce which determines whether man should be shackled by the chains of subversion or set free. The bones of injustice have been rattling long before and since 1865 for the Negro, but it was only after the political potential of over 20 million Negroes was recognized did any one of the political masters in Washington hear that rattling. How tragic that the basic foundations of this country can be but a game for wise politicians.

No, Americans can no longer afford the luxury of games or playing deaf and dumb to the pathetic cries of injustice within its borders! If it is to survive at all, it must listen and act now.

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#### STATEMENT OF ALEX PAUL

Mr. Chairman and Members of the Committee: My name is Alex Paul full-blood Colville, of Nespelem, Washington. I am an enrolled member of the Colville Confederated Tribes. I am opposed to enactment of S. 282 and against the idea of reduced reservation and the compromise issue, I don't want a little reservation, my reservation is already reduced.

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#### STATEMENT OF ANDREW PAUL

Mr. Chairman and Members of the Committee: My name is Andrew Paul full-blood Colville, of Nespelem, Washington Box 6. I am an enrolled member of the Colville Confederated Tribes. I am opposed to enactment of S. 282 and against termination of any form. I am against the idea of reduced reservation and the compromise issue. I want to keep my fishing and hunting rights and retain all my tribal rights, mineral, water rights and tax exempt.

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#### STATEMENT OF ALEX CHARLEY

Mr. Chairman and Members of the Committee: My name is Alex Charley I am full-blood Colville, of Malott, Washington. I am an enrolled member of the Colville Confederated Tribes. I am active member of the Petitioner Party. I resent the

reducing the reservation, because it is just no good for anybody. I don't want termination in any form, I want to keep my fishing and hunting rights and to retain all my tribal rights.

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STATEMENT OF LOUISE E. CHARLEY

Mr. Chairman and Members of the Committee: My name is Louise E. Charley a full-blood Colville of Malott, Washington. I am an enrolled member of the Colville Confederated Tribes. I am against the enactment of S. 282 and I am against the idea of the reduced reservation for the following reasons my reservation is already reduced too many times. I want to keep my reservation intact and retain all my tribal rights.

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STATEMENT OF ROSE CHARLEY

Mr. Chairman and Members of the Committee: My name is Rose Charley of Malott, Washington. I am an enrolled member of the Colville Confederated Tribes. I am opposed to the enactment of S. 282 into law. I am opposed to the idea of reduced reservation for the following reasons the Colville reservation is already reduced in the sense of economic base for development of our resources and assets. I want to keep the Colville reservation intact and to retain all my tribal rights.

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STATEMENT OF EDWARD WILLIE FRANK

Mr. Chairman and Members of the Committee: My name is Edward Willie Frank full-blood Colville, of Nespelem, Washington. I am an enrolled member of the Colville Confederated Tribes. I am against termination and against reduced reservation and the compromise issue. I like my fishing and hunting rights and for following reasons I am not educated enough to cope with the outside world.

OMAK, WASH., February 8, 1967.

HON. HENRY M. JACKSON,  
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SIR: I am a member of the Colville Confederated Tribes, Colville Indian Reservation. My purpose in writing is to support S. 282, a bill now pending before the United States Senate, proposing termination of federal supervision over the Colville Tribe.

We have been unable to reach the public and gain the support we feel is necessary for these bills. As a result, we have had two bills pass the Senate only to die in committee, for lack of action. We hope this will not happen again.

On September 26, 1966, a total number of 2523 opinion polls were mailed out to all of the adult members of the Confederated Tribes. The results of the opinion poll clearly indicates the ideas of the majority of the Colville Indians, as does the yearly election of councilmen the people choose to represent them. The reasons for the Colville Indians wanting termination are as varied as the people voting for it, but the present day Indian is not so ignorant as to be swayed or fooled the way the minority group implies. Today each person makes their decision on what they believe is in their own best interests. Two facts stand out very clearly here. There were 1,272 yes and 411 no votes on the opinion poll on termination and there were 10 councilmen elected who support termination against 4 who oppose. These were decided by a method both the State and National government think is best, by adult votes. Every enrolled members of the Colville Confederated Tribes had ancestors who were, by Executive Order in 1872, made members of the Colville Tribe and granted all rights of that membership. Our ancestors were in origin full-blood Indians and this is a heritage that has passed on to us. Many Indians today are not full-bloods but they are the descendants of the 4200 Indians who made up the Colville Tribe at the time it was formed. It is through no fraudulent action that they are on the rolls today. They are given the same rights and privileges as Indians that were guaranteed their

ancestors. Because of this fact, no person can now say they are not Indian and should not be entitled to membership.

Inter-marriage at a later time does not change the fact that the reservation was established for these Indians and their decedents.

It is ironic that the same band of Indians who came to the Colville reservation last have received more in the way of benefits from the reservation, and now feel that they are the only ones who should have any rights on the reservation. The majority of the 11 bands of Indians which make up the Colville Confederated Tribes had no war with the white man, so it would be logical that they would more readily enter into the white mans world. As a result, there are as many if not more, Indians living off the reservation, as on. These people are Colville Indians regardless of where they live.

Most Indians who support termination know they will lose the privilege of hunting and fishing at any time of the year. These are rights they will lose, but there are rights which the Indian will gain. It is an exchange of one way of life for another for a people who have progressed to the point where the change is necessary. The time when Indians depended on hunting and fishing for survival has long passed. It has become a sport we enjoy. Freedom, the right to handle our own affairs and determine our own future is a priceless right we could have and need to preserve our incentive, independence, and dignity as a people.

Civilized people throughout history thought this right so vital they fought wars to preserve it. To this time the American Indian has never had his freedom, so let us not treat it so lightly, that we would put hunting and fishing ahead of it.

The majority of Indians who oppose termination are over 40. They send their children away from the reservation for a better education and job opportunities. Many of them tell their children there is no future on the reservation if they want to get ahead, and yet, they do not want the status of the reservation to change because they believe they will be moved and become displaced persons. Many of these same people who worry about their future are now cared for by the state, through either welfare or old age assistance. The Bureau of Indian affairs has no programs equivalent to it. Others draw social security. In either case it is the white mans programs which sustain them. Many of these elderly people do not want the change and are willing to jeopardize the freedom of their young people to secure a way of life which cannot stay the same. The majority of us are not willing to make the sacrifice, because those young people are our children.

All enrolled Colville members have a joint interest in the tribal lands and assets, and the income derived from them. All members know what benefits they have received and what they can expect in the future as their share of those assets. They know the programs which are financed by the funds of all tribal members but are not now, and never have been available to everyone. And to be eligible for any of the programs they would have to move back to the reservation, where the only job opportunities are in the lumber industry, seasonal farm work, or the already over crowded Bureau of Indian Affairs. The alternative, if they want to be self employed is to operate their own farm or ranch.

With all these things in mind the opinions of all tribal members are based on personal preferences. No group has been promising any specific amount of money as has been claimed by those opposing termination. The promise of the bill S-282 is that each Indian would have the opportunity to find out what could be gained and weigh it against what we now have and would hope to have under the present system. Whatever would benefit the majority of the Indians could best be decided by each one deciding their own possibilities. Any Indian who did not want to terminate could vote against it, but at least all members would have the opportunity to decide and no minority group would commit us all to continued "wards of the government" status without first determining that it is the will of the majority of the Colville Indians. Less than 5% of the Colville Indians can say they do not pay taxes of any kind. This is a means of paying for the facilities we need and use. Our children attend the same schools, and we all use the highways, welfare services, and law enforcement agencies as our white neighbors. Our local business' believe us dependable enough to extend us the same credit as any other citizen. Professional, business, and industrial people believe us intelligent and capable of working with them. Because  $\frac{3}{4}$  (three-fourths) of us do not live on the reservation we also go to conventional institutions for financing on

our homes, etc., and we pay taxes on the homes, farms, or business we buy. The only one who doubts our integrity, intelligence, or capabilities is the Bureau of Indian Affairs.

We cannot teach our children responsibility, without first accepting it ourselves. We do not want to be set aside as an expense to the rest of the tax payers. The majority of us are not now, nor will we ever be a liability to our communities. The same reasons for opposing segregation in others should also be true of Indians, for it results in the same end.

Termination will not end the identity of the Indian. The Jewish people have preserved theirs for over two thousand years. Neither will living on a reservation guarantee that the Indian heritage will continue. Tradition culture, and the art of a people is handed down from one generation to the next. This can be done regardless of where you live if you have the desire and incentive to carry it on. The Federal government has enough national parks and recreational areas for the tourist to go without preserving the Colville Indian Reservation.

Pride in ourselves and our people will not permit us to stand by while the Bureau of Indian Affairs convinces the world that we are not capable of handling our own affairs. The Indian people have attained an educational level in less than two hundred years that it took civilization thousands of years to achieve. Our children have the opportunity to emerge equal to any American, but we cannot expect them to do it if we pass on the burdens of government control to them. They can and will handle their own affairs, just as most Colville Indians are capable of doing today.

BETTE EMERSON.

THE SHOSHONE-BANNOCK TRIBES,  
FORT HALL INDIAN RESERVATION,  
FORT HALL BUSINESS COUNCIL,  
Fort Hall, Idaho, June 19, 1967.

Re Senate bill 282.

HON. GEORGE MCGOVERN,  
*Senate Interior and Insular Affairs Committee,*  
*Chairman of Subcommittee on Indian Affairs,*  
*Washington, D.C.*

DEAR SENATOR MCGOVERN: AS Executive Director of the Northwest Affiliated Tribes, I desire to strenuously oppose the passing of S. 282 for the termination of the Colville Tribe.

The Business Council of the Shoshone Bannock Tribes, Fort Hall, Idaho, of which I am a member, also wishes to go on record in opposition to the adoption of this bill. Enclosed is the formal resolution which was passed unanimously by my Council. We respectfully request that the resolution and this letter be included in the June 8th hearing transcript regarding this matter.

It seems not only inconsistent, but pathetic for the Government to, in some areas, advocate a more secure base of economy and then seek to destroy the economic base of this Tribe by the passage of S. 282.

Those living outside the reservation boundaries should not be permitted to impose their will upon the actual residents of the reservation, which is contrary to the concept of the reservation in the first place. It is unfair and unjust.

Termination is a sceptre that hangs over the Indian like the Sword of Damocles. The termination of this one Tribe will again foment unrest, uncertainty and depression just the same as the enactment of Law 280 at its inception.

It cannot be pointed out too often or too strenuously that the Indian actually thought, when President Eisenhower signed this bill, with reservation; that Congress would immediately provide that termination could only come about with the consent of the Indians. This has never been done, although the President clearly indicated it should be and must be done and understood.

Another termination bill can only undo a great deal of work that has already been done and will again destroy the confidence of the Indian people in Washington.

Your respectfully,

ANGELA BUTTERFIELD,  
*Executive Director of the Northwest Affiliated Tribes.*

## RESOLUTION

BE IT RESOLVED by the Business Council of the Shoshone Bannock Tribes, Fort Hall, Idaho:

That we hereby express our opposition to the adoption of Senate Bill 282, which has for its purpose the termination of the Colville Tribe in the State of Washington.

That we think it is inconsistent with the Government's war on poverty where it seeks to secure an economic base through improvement in education, health and employment to, at the same time, seek to remove the economic base of the Colville Tribe on their reservation.

The threat of termination has and is causing concern, confusion and deep seated resentment among the Indian people generally. They have been lead to believe from a statement made by John W. Gardner at Kansas City, Missouri that both he and the President of the United States are against termination; and that the matter would not be continually presented.

BE IT FURTHER RESOLVED that we respectfully request that this Bill S. 282 be not allowed to pass.

Authority for the foregoing resolution is found in the Indian Reorganization Act of June 18, 1934, (48 Stat. 984) as amended and under Article VI, Section 1(a), (c), and (f) of the Constitution and Bylaws of the Shoshone Bannock Tribes of the Fort Hall Reservation, Idaho.

Dated this 19th day of June, 1967.

LAYTON L. LITTLEJOHN,

*Chairman, Fort Hall Business Council.*

[SEAL]

## CERTIFICATION

I hereby certify that the foregoing resolution was passed by a quorum of the Business Council by a vote of six in favor and one not voting on the date this bears.

ANGELA BUTTERFIELD,

*Acting Council Secretary, Fort Hall Business Council.*

## AFFILIATED TRIBES OF NORTHWEST INDIANS,

*Helena, Mont., June 9, 1967.*

HON. GEORGE MCGOVERN,

*Chairman, Subcommittee on Indian Affairs, Interior and Insular Committee, Senate Office Building, Washington, D.C.*

DEAR SENATOR MCGOVERN: The enclosed resolutions were adopted by the Affiliated Tribes of Northwest Indians in Convention in 1966. Both resolutions reflect the sentiments of our Northwest Indians regarding the proposed termination legislation.

As President of the Affiliated Tribes of Northwest Indians, I am asking that you use the powers and influence of your fine office to see that the Colville Indians do not suffer the injustices of termination.

Let us look at the record. It shows us that premature termination is wrong. The so-called democratic process of election or deciding an issue may or may not reflect the desire of a complete area. For this reason I feel that any decision made by the Congress regarding the future welfare of the Colville Indians could only mean a desire of the Congress to unload itself of a responsibility.

We all had better do some prethinking on after thoughts. Let us not have another Menominee situation.

I am presently working as Rural Area Coordinator in the OEO in Montana and work with both the Indians and non-Indians in the Poverty Program. We are spending much on the training of oldsters and giving pre-school training to the youngsters with the hope that this training will help them into the mainstream of our society.

In years past, perhaps those in authority recognized that there were underdeveloped, undereducated and underprivileged people and did little or nothing about it, only hoping that the problem would go away. Let us not be guilty of continuing these problems with the undereducated and underprivileged by taking away from them what guidance they already have, by taking away from them their home base and leaving them like children on the doorstep of an unfriendly

society who so far, have only wanted not the Indians themselves, but the worldly assets of the Indians.

At long last, Congress does realize the past mistakes made in Indian policy and regulations. In a time when we are spending tax dollars to deal with fall-outs, drop-outs, migrants and untrained people, it is my fond hope that Congress will pass only such good legislation as will benefit not only the Indians but our wonderful country as a whole.

Sincerely,

Mrs. FREDA A. BEAZLEY.

*President.*

RESOLUTION No. 2

Whereas the Affiliated Tribes of Northwest Indians adopted Resolution ATNI 1964-1 at its annual convention in Spokane, Washington, on October 17, 1964, which expressed the opposition of the Affiliated Tribes of Northwest Indians to S. 1442 (Colville Termination bill) ; and

Whereas the statement that was adopted in the resolution gave many reasons for opposing the bill matters that by proper amendments could have been corrected (i.e. the disgracefully inequitable referendum provisions, the fact that the referendum came before the appraisal, the fact that the "remaining Indians" would also be terminated and their lands taken out of trust, and other matters) ; and

Whereas S. 1413 in the 89th Congress is but a reintroduction of S. 1442 and at the Senate Interior Committee's hearings conducted thereon on April 5 and 6, 1965, most of the criticisms of S. 1442 previously expressed by the Affiliated Tribes of Northwest Indians were well presented; and

Whereas S. 1413 was passed by the United States Senate in July 1965, and while some amendments were adopted, there were no amendments adopted which made the bill more palatable and, in fact, the amendments that were adopted made the bill even more objectionable than it already was: Now, therefore, be it

*Resolved*, That the Affiliated Tribes of Northwest Indians does hereby at its 1965 annual convention in Missoula, Montana, September 23, 24 and 25, 1965, adopt the following statement summarizing its position in opposing enactment of S. 1413, 89th Congress:

STATEMENT OF AFFILIATED TRIBES OF NORTHWEST INDIANS IN OPPOSITION TO ENACTMENT OF S. 1413, 89TH CONGRESS

The Coleville Termination Bill violates the historic responsibilities of the Federal government to the Indians involved and, if applied to other tribes, will constitute a complete repudiation of the obligations to the American Indian.

Reams of material could be written about the unfairness of the approach to termination proposed in the Colville bill but the following points should indicate its main weaknesses:

1. (a) The bill, in placing fractional blood Indians on a parity with full blood members of the Tribes, would work an injustice on the very people the Federal government is supposed to protect. A sixteenth blood member of these Tribes, who has moved off the reservation and who has no children on the rolls, would have the same rights and vote as a full blood member of these Tribes, living on the reservation with several minor children on the rolls. No provision is made to recognize in the referendum and in the sharing of tribal assets the vast difference in the basic Indian rights of the true reservation Indian and his distant white cousins. He gets no greater share, has no greater vote, and his children get no vote at all.

(b) In Section 6(e) of the bill it is provided that a parent as natural custodian (or as guardian) may vote minor children to "withdraw" or to remain in a tribal organization. If the bill is to be enacted into law, this same principle should be applied in the referendum so that a parent's vote may be weighted with the number of minor children in his family. This would be a proper interpretation of the term "member" denoting all enrolled members, including minor children.

(c) These inequities were pointed out by many witnesses at the Senate hearings on S. 1413, S. 1442, 88th Congress, as originally drawn at least provided that the referendum would require a favorable vote of a majority of the adult

members. The United States Senate, ignoring the uniform criticism of even this provision as giving no voice to the minors and incompetents, went even further in S. 1413 which requires a favorable vote of but a majority of the adult members actually voting. With about 1,500 adults out of a total membership of about 4,900, this will mean that about 10% of the tribal members can force complete termination and liquidation on the entire tribe. Thus the terminationists show their cynical attitude toward the rights of Indian families who have the real stake in the future of the Colville Confederated Tribes.

2. The bill completely overlooks the existence of members of the Tribes who are not ready for termination. It allows a combination of off-reservations Indians and fractional bloods who have long been on a parity with the white population to vote away the Indian status and rights of the type of Indian who, if he applied for it, would not even be considered for a fee patent to his land.

3. The bill would create a great tax and social burden to the counties in which the reservations are located. In one fell swoop it would completely eliminate from the local economy and welfare posture all Federal supervision and assistance. The tribal government would disappear and its responsibilities and the expenses of its services and administration, including outlays for welfare and in the maintenance of law and order, would pass to the counties and the state. The Indians, inevitably to be stripped of their land and economic base, would become the responsibility of the counties alone. The lack of funds for public health, roads work, school assistance and many other things would sadly outweigh the slight increase in local revenues. About 1,700 Indians depend directly on the reservation, or in operations connected with the reservation, for their livelihood. It would be tragic to create an economic vacuum for these Indians.

4. The bill could create chaos out of the rights of many non-Colville Indians and in the administration of neighboring tribes. A few questions will demonstrate this point. What about the land rights of a Spokane Indian on the Colville Reservation? What would happen to the Indian rights of a Colville Indian on the Cocur d'Alene Reservation? How would the Flathead Tribe cope with the problem of a quarter blood member of the tribe who is  $\frac{1}{8}$  Colville and who, if that  $\frac{1}{8}$  quantum of blood should be terminated, might no longer be eligible for Flathead membership? What about a family of eight children, four of whom are Colvilles and four Kalispels—could the four Colville children be switched to the Kalispel Tribe and would children coming later be terminated Colvilles or newly born Kalispels? Would a terminated Colville become a non-Indian over whom the tribal courts of other tribes would have no jurisdiction? How would you cope with the visiting Indians, who, though half, terminated Colville, is nevertheless the unworkable character of the bill and its impact on the entire community of Indian Tribes.

5. The bill is misleading and can be easily misunderstood. It provides for the referendum before the appraisal, which would afford the landgrabbers and the proponents, be exaggerating the value of reservations assets, the opportunity to induce the favorable votes of members who, after knowing the appraisal, would wish they could change their minds. The bill creates the impression that members of the Tribes can vote to stay on the reservation as Indians or to withdraw their interests and go. Most people don't realize that even the Indians who stay will be completely terminated and stripped of their Indian rights, and the portion of the former reservation they might hold in common and their individual Indian lands would completely lose their status as Indian trust lands and be subject to taxes, incumbrance, attachment and alienation.

6. Even the appraisal, once completed, will not be an accurate measure of the value of the per capita interests in the Reservation assets. The bill as now drawn guarantees only the sale at appraised value of the timber assets to the Department of Agriculture. Where S. 1442 provided in Section 6(f) that tribal property would be sold "at not less than the appraised value", S. 1413 eliminates that provision so that the non-timber assets, thrown on the market to be sold within the four-year period required by the bill, will be sold for whatever they will bring, in a liquidation type of forced sale in which there is little chance of realizing the appraised value.

7. While S. 1413 provides that the Secretary shall "determine the value to the tribes of the tribal hunting and fishing rights" no provision can be found in the bill for any compensation for those rights.

## CONCLUSION

The Affiliated Tribes of Northwest Indians considers S. 1413, 89th Congress, as now proposed to be a thinly veiled effort of the Federal government to "emancipate" itself from its historic obligations to the Indian people. The terminations propose to put over their plan by a combination of appeal to the selfish interest of people to split up and "get their share" of tribal assets and of permitting fractional bloods, fully assimilated white men and women who have the good fortune to be on the rolls, to exercise the same vote as full blood Indians with large Indian families. The bill stands as a calculated effort of the terminationists to bribe the Indian people with the cash value of their own assets. We condemn this bill and every bill like it and call on the Indian Nations and their friends to do all they can to defeat this latest proposal of the terminationists.

The foregoing resolution was duly adopted by the Affiliated Tribes of Northwest Indians in convention assembled at Missoula, Montana, September 25, 1965, by a unanimous vote of all delegates present.

The above Resolution Reaffirmed at Spokane, Washington, August 30, 31 and September 1, 1966.

Attest:

FRANK GEORGE,

Secretary.

## RESOLUTION NO. 3

Whereas, H.R. 15869 was introduced June 22, 1966 providing for a tribal referendum as to whether an appraisal of the Colville tribal properties should be held and, if held, for another tribal referendum calling for a simple "yes" or "no" reply on the question of termination without indicating the form of termination;

Whereas, S. 1413 passed by the Senate and its counterpart bill in the House, providing for the Colville termination are still under consideration;

Whereas, resolutions ATNI 1964-1 and 1965-4 were adopted in 1964 and 1965 against the Colville termination on current bills;

Whereas, the Congress may substitute the provisions of H.R. 15869 for those in the bills under consideration; and

Whereas, H.R. 15869 is not acceptable in calling for a "yes" or "no" referendum without indicating the form of termination; and since a substantial portion of the Colville membership reside on or depend on its reservation for a livelihood, as brought out in hearings on its prior bills, termination is not equitable at this time: Now, therefore, be it

*Resolved*, That the resolutions of 1964 and 1965 are hereby reintroduced and passed by the ATNI in convention assembled August 30 to September 1, 1966 and that H.R. 15869 be opposed by this body as unfair and totally unacceptable.

Attest:

FRANK GEORGE,

Secretary.

OKANOGAN COUNTY SHERIFF'S OFFICE,

Okanogan, Wash., March 20, 1967.

Re State jurisdiction.

Mr. PAT NUGENT,  
Chairman, Law and Order Committee,  
Colville Indian Reservation,  
Inchelium, Wash.

DEAR MR. NUGENT: Since the day that the Okanogan County Sheriff took over jurisdiction of law enforcement on the lands of the Colville Indian Reservation situated in Okanogan County we have had practically no problems. It was completely different when we had only partial jurisdiction, many times there were precious minutes and many times precious hours wasted, just attempting to find just who had the jurisdiction or authority.

Since the date of state jurisdiction we note an increasing change in the Indian law violator. By this I mean, that the general population of the Indian both on and off the reservation have seemingly taken state jurisdiction in stride and have accustomed themselves to the fact that the law is there and they will abide by it.

The arrests of the Indian, at least by our department has lessened and in the event of an arrest it is made much easier than it was before state jurisdiction was enacted.

In the past, I have heard the Indian comment, "The Great White Father Fuzz", "Gestapo", "You don't have jurisdiction over us Americans", etc. But, it has been a long time since I have heard such things. I think the reason for not hearing such statements is, that the Indian has found that as far as law enforcement is concerned every one is treated equal. I must say here that, there is no doubt that there are persons involved in law enforcement who may have some discriminatory feelings toward the Indian, the same as such against other races, but the very thought of such in the Okanogan County Sheriff's Office would be grounds for immediate dismissal from the staff.

In closing I would like to state that it has been a pleasure for this department to work on the Colville Indian Reservation with full jurisdiction, and we are striving to give the people on the reservation the service they are entitled to, and with the splendid cooperation we have received from the Indians on the reservation we do not anticipate any further problems.

Sincerely,

FRED J. HORNER,  
Okanogan County Sheriff.

CHILOQUIN, OREG., June 16, 1967.

CHAIRMAN, SENATE COMMITTEE ON INDIAN AFFAIRS,  
Senate Interior Committee, Senate Office Building,  
Washington, D.C.

MY DEAR MR. CHAIRMAN: I am in receipt of an excerpt from the testimony of Mrs. Lorraine Mesiaszek on the Colville termination bill, as of June 8, 1967.

I most urgently request that you have Mrs. Mesiaszek prove everyone of her accusations which defile the reputation of the former members of the Klamath reservation. Upon failure on her part to do so, I respectfully request the Committee to strike her testimony from the record, with respect to the Klamath Indians.

(1) Mrs. Mesiaszek should furnish for the record, the names of Indians, withdrawn and remaining, with whom she discussed the personal business of the "Klamaths."

(2) Also she should furnish the names of the County and State Officials from whom she received information which prompted her to write such a degrading statement, which at best can only be attributed to gossip and hearsay.

(3) I ask that she be made to prove that 85% of the "Klamaths squandered their money."

(4) Have her prove that "60% of the children have dropped out of school."

(5) Have her prove that the "Klamaths were respected generally by the community but the situation has seriously deteriorated because of the wild orgy of spending demonstrated by the Klamaths who withdrew and received their cash share."

(6) Also make her prove: "The fact that a few Klamaths did quite well after termination cannot compensate for the damage done to the rest, damage that could take two generations to repair."

I have enclosed the letter from Mrs. Julia Brown, Administrator of Klamath County Welfare Commission. The letter clearly substantiates the fact that 85% did not squander their money. I ask to have the letter made a part of the committee record.

You will receive a letter from Mr. James Conway, Assistant County School Superintendent, who at my request mailed you the record of the school situation. I ask to have it placed in the record.

As for the ridiculous remark—"the majority of the Klamaths are not in the mainstream of society today"—I can only say that I have lived here all of my life—in fact I was born here. I am 73 years of age and I know positively that the Indian people and the non-Indians associated and still do, just the same as all people do. Friendships of many years exist among the people in Klamath, and many of the Indians are interested, and participate in public and civic affairs.

I know the Indians have money in several different banks, and have securities other than land. Let her prove from these sources that "85% squandered their money."

Whatever the Klamaths do, or have done, should not influence termination for the Colvilles, or in anyway deprive them of their individual rights.

I respectfully request you to insert this letter in the Colville hearing.

I shall deeply appreciate it.

Very truly yours,

WADE CRAWFORD.

[Enclosure]

KLAMATH COUNTY PUBLIC WELFARE COMMISSION,  
Klamath Falls, Oreg., June 15, 1967.

MR. WADE CRAWFORD,  
Box 9, Star Route,  
Chiloquin, Oreg.

DEAR MR. CRAWFORD: This is in response to your request for the number of Klamath Indian people who are receiving their support through public funds in Klamath County. Time did not permit a thorough research, and these figures are approximate since they are based on the supervisory knowledge of the family ethnic background.

There are, approximately, 10 families of Klamath heritage receiving Aid to Dependent Children grants where the adult in the household is also a Klamath Indian. In addition, there are approximately 12 Klamath Indian children receiving Aid to Dependent Children grants who are living with a non-Klamath adult. In most of these latter instances, the children are in the home of their mothers who are non-Klamath but whose fathers were Klamaths.

Fifty one Klamath Indian children in foster care are totally dependent on public funds for their support. These are children whose parent or parents are Klamath, but whose parents have no resources to meet the costs of foster care for the children. In all these instances the children are too young to have been included on the final roll and therefore do not have any Klamath financial resources of their own.

Very truly yours,

JULIA BROWN, Administrator.

KLAMATH COUNTY SCHOOL DISTRICT,  
Klamath Falls, Oreg., June 15, 1967.

CHAIRMAN, INDIAN AFFAIRS,  
Committee on Interior and Insular,  
Senate Office Building,  
Washington, D.C.

DEAR SIR: Mr. Wade Crawford, a well-known and respected individual of the community of Chiloquin, has asked that I write you in regard to the testimony of Lorraine Mesiaszek before the Senate Subcommittee on Indian Affairs. My comments are on the effect of termination on the Indian youth of the area.

As an educator, it is my opinion that the termination in the total, long-range picture was right and beneficial to most of the people. It is true that school records indicate that Indian children have a high rate of drop out from school, but this is not new; and there is evidence that this situation is improving. Our district has formulated and is operating an active program to improve and deal with this problem. In our opinion, the program is showing good results.

When the children were wards of the government, there was very little reason for them to work at getting an education. The government would periodically give them money to meet their needs. I feel that this removed any incentive to improve their individual lots in life. Upon termination, the young people's money was put in trust and is available to them to meet their personal needs to further their education.

As they progress through our educational system, they become aware that there is money available for education and that they must prepare themselves for the time when they will take a rightful and productive place in a competitive society. It is regrettable that not all of the Indian youth take advantage of the opportunities confronting them, but this fact certainly cannot be credited to termination.

Termination has forced some adjustments on the Indian people; but from an educational standpoint, the future is much brighter for them than it has ever been. I base this judgment on the fact that I spent 6 years of my youth living in

Chiloquin area and attending school there, and have spent 18 years as a part of the educational system that serves that community.

I am sure that the experiences gained in liquidation of the Klamath tribe can be, and should be, used extensively to serve as a guideline for other termination proceedings.

Sincerely, //

J. B. CONROY,  
*Assistant Superintendent,  
Klamath County School District.*

NESPELEM, WASH., June 17, 1967.

HON. GEORGE MCGOVERN,  
*Chairman, Subcommittee on Indian Affairs,  
Senate Committee on Interior and Insular Affairs,  
1106 New Senate Office Building,  
Washington, D.C.*

DEAR SENATOR MCGOVERN: I am opposed to enactment of S. 282, a bill to provide for the termination of Federal supervision over the property of the Confederated Tribes of Colville Indians located in the State of Washington and the individual members thereof, and for other purposes.

I am an enrolled member of the Confederated Tribes of the Colville Reservation. I am a full-blood Indian and I have lived here since I was born. I greatly enjoy our homeland, the privileges that go with my special Indian status. It is not a biological disadvantage to be an Indian because we enjoy all the rights of United States citizenship and in addition to that we have privileges, rights and prerogatives that are inherent and older than the National Government.

The Federal trusteeship over Indian property should not be terminated. From my personal knowledge in living on the reservation over the years, there are still many members who need Federal protection of their land. They also need the services available to them. The clinic at the old agency hospital site has many tribal members calling for medical assistance and the clinic calls will total well over 7000 during this fiscal year. We are also grateful for the contractual services arranged by the Indian Health Division of the Public Health Service, whereby hospitalization in hospitals adjacent to the reservation is made available to our tribal members. This service is direly needed and should be continued. The Public Health Service is planning on enlarging its staff and will budget more money for medical assistance in the years to come, and we want to take advantage of the services that U.S. Public Health Service is endeavoring to provide for our tribal members.

Those of us who are residents of the Colville Indian Reservation will feel the impact of termination more than the absentee tribal members who are seeking termination. While the council members who are determined to liquidate us state that all tribal members have equal rights, I disagree to the point that we reservation residents who live on the land to be affected deserve favorable consideration since we are the ones who live on the reservation. The others want to sell us out for any consideration whether it be fair compensation or not. They are driven by a desire to get some money for their tribal equities. Our problems deserve careful deliberation on the part of Congress.

We who live on the reservation feel that our rights should be protected. We seem to be placed at the mercy of the so-called "majority" whose sole interest in termination springs from the projected sale of the tribal forest lands to the Department of Agriculture for a national forest with a per capita distribution of the proceeds.

The manner in which the tribal assets would be liquidated are so unfair to us who own the assets that it would not meet the requirements of just compensation. We are not interested in selling the tribal forest for less than full market value. We are content to have the land continue under its present status. We realize an income from it and the annual increment of the forest will permit a permanent income. All we have to do is retain the land.

If any kind of referendum is ever held, especially when the referendum deals with our trust holdings, parents or guardians should be permitted to cast votes in behalf of minor children and in behalf of members considered to be incompetent. It should not be limited to the kind of voting stipulated in the proposed legislation.

There are many of us not ready for termination of Federal trusteeship over our property and I urge that S. 282 not be enacted. We want to continue to enjoy our

special privileges as Indians—immunity from state taxation, hunting and fishing privileges on the reservation, and all the rights and privileges that are accorded us as Indians.

Sincerely yours,

VIRGINIA ANDREWS.

ED THOMPSON INSURANCE AGENCY,

Kalama, Wash, June 13, 1967.

Senator GEORGE MCGOVERN,  
Chairman, Subcommittee on Indian Affairs,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR: While the termination bill S282 is a much better bill than the first bills that have been submitted, it still does not meet all of the requirements necessary for an adequate termination bill. My main objection is that the tribal members will vote to accept or reject the termination legislation before the final appraisals are completed. Then, if these appraisals are not satisfactory to the tribe, they will be able to let the Federal Courts determine a just compensation.

I do not understand why the appraisals could not be completed first, then have the tribal members vote.

While there are very many good points in the bill, it seems to me that Congress is passing on its responsibility to the Federal Courts to make a final determination as to the fair market value of the reservation assets.

However, in spite of its shortcomings, I believe that this is probably as good a bill as the tribe will receive, and its passage is long overdue. I am in favor of S282 and sister bill HR 3051.

Very truly yours,

EDWARD D. THOMPSON, *Colville Indian.*

FERRY COUNTY,

Republic, Wash., February 27, 1967.

PAT NUGENT,  
Chairman, Law and Order,  
Colville Indian Reservation.

DEAR PAT: In regards to your letter of February 24, 1967, on the Senate Bill S282, effecting the Termination of the Colville Reservation.

I feel that since we have taken over State Jurisdiction on the Reservation, that it has made it much easier for this office. We know now that when we are called, on reservation, we have full jurisdiction. As it was before, we were never sure if it was Counties, F.B.I. or Indian Police.

I believe there has been more arrests made since we have taken over, and feel that we've had a little better law enforcement than before, as we do not have to fool around so much, before knowing who's jurisdiction it is to act.

We also have had better cooperation with the Washington State Patrol, since this happened as they were about like the Counties, never knowing for sure what they could do.

I do not feel that there are any draw backs in this set-up. Also do not feel there is any need of making any changes in the law.

One thing I do believe, we are going to have to work a little closer with the game department this summer. We have had quite a number of cattle missing on the reservation. I feel that a lot of this is cause by year around hunting on the reservation, but believe, this can be worked out between the two departments, so that we can solve a lot of these problems.

Yours truly,

LLOYD E. DAILY,  
Ferry County Sheriff.

Hon. HENRY M. JACKSON,  
U.S. Senator,  
Washington, D.C.

REPUBLIC, WASH., April 4, 1967.

DEAR SENATOR: I am Victor R. Campobasso and enrolled tribal member of the Colville Indian Reservation and I also live here on the Colville Indian Reservation.

I am also in strong favor of termination of the Colville Indian Reservation. There is over seventy-five percent of the Colville Indian People in favor of termination of the Colville Indian Reservation.

Also there is a small group of twenty-five per-cent of Colville Indians on the reservation who oppose termination. The reason why this small group of Colville Indians oppose termination is because the Bureau of Indian Affairs lets these people borrow loans from the Colville Tribal governing loan trust to buy logging equipment and land, cattle and farm equipment. These are the same Indian people who always are indebted to the Colville Tribal trust department, and some of these same people take their slow time to pay the tribal loans back to the tribal trust department, and when these people do that, this doesn't leave any tribal funds in the trust department.

That is why when another tribal member who applies for a tribal loan to get into business for himself, who for instance, has never applied for a tribal loan before in his life and when tribal loan trust department manager turns this tribal member down for a tribal loan and just on account of no tribal funds left in the tribal trust department to loan out to the tribal person or to the next tribal member who is trying to make a business or living, and herefore only these Colville Tribal members who oppose termination are the only members who can get a loan from the Indian Bureau loan trust department.

Also, I will say this, the Bureau of Indian Affairs will give the Indians who oppose termination, a bureaucratic job just to bribe them on.

Another which is true, these Colville Indians who oppose termination don't like to pay any sales tax of any kind on farm equipment or logging equipment that they buy new and when the new equipment is delivered on the reservation.

I will also say these Indian people who oppose termination are the Bureau of Indian Affairs favorite tribal Indian pets.

These Colville Indians who oppose termination are not realizing that they are only protecting the Indian white man bureaucratic jobs for them.

I, myself, can't see why we any longer have any more need of the Bureau of Indian Affairs. The Bureau of Indian Affairs was an Indian government set up to treat all Colville Indian Tribal members with equal benefit or equal justice, not to benefit a few favorite Indian pets as they have been doing. The Bureau of Indian Affairs has never worked out an equal justice or equal benefit to all enrolled tribal members of the Colville Indian Reservation.

Furthermore, the Colville Indians no longer live like wild savages like they did during their ancestral time of two or three centuries ago. Our Colville Indians are just as civilized as the white people are that live near to our reservation.

Another thing is why the Bureau of Indian Affairs wants to keep into existance is because the white people who work for the Bureau of Indian Affairs only want their soft Indian Bureau jobs and also they are only interested in our tribal resources such as timber, mineral, land, game, water rights.

The white Indian Bureau people don't really care or not really concerned about the tribal Indian, just only themselves.

And I will say this holds true for the few Colville Indians who oppose termination that work for the Bureau of Indian Affairs too. They also don't want to lose their Indian Bureau jobs either.

I am speaking about both white man Indian Bureaucrat and tribal member Indian Bureaucrat, and therefore, I can't see why the big majority of Colville Tribal Indians who are in strong favor of termination settlement have to have our right or justice be in jeopardy on account of these Colville Indian members who oppose termination. I don't see where these Colville tribal members who oppose termination and the Bureau of Indian Affairs do the entire Colville Indians any good or to any benefit.

I am in favor of abolishing the Bureau of Indian Affairs. The Colville Tribal Indian people need not be governed by the Bureau of Indian Affairs any longer. The Bureau of Indian Affairs is nothing more than a government within a government such as within United States government.

Bureau of Indian Affairs is no good to Colville Tribal Indians and our Colville Indian Reservation, and another thing I will say is that a few full blood Indian men and women no longer live on wild berries or wild yams or wild plant roots and therefore the Bureau of Indian Affairs supplies all or these few full blood Indian men and women with government surplus food so they don't have to go out into the wilderness to dig up wild plant roots and pick wild berries.

I am in favor of abolishing the Bureau of Indian Affairs and let the Colville Indian people live under one government instead of living under two govern-

ments. I would like to see the Bureau of Indian Affairs done away with immediately and completely or abolished completely.

Sincerely yours,

VICTOR R. CAMPOBASSO,  
*Keller Star Route.*

SPOKANE, WASH., June 16, 1967.

HON. GEORGE MCGOVERN,  
*Chairman, Subcommittee on Indian Affairs, Senate Committee on Interior and Insular Affairs, New Senate Office Buildnig, Washington, D.C.*

DEAR SENATOR MCGOVERN: I am opposed to the enactment of S. 282, a bill to provide for the termination of Federal supervision over the property of the Colville Indians and the individual members thereof.

I feel that this proposed legislation is ill-conceived and entirely premature. The rank and file tribal membership is not ready for termination of necessary Federal services which are now available to the enrolled tribal members of the Colville Reservation.

The testimony of the liquidating group should not be given any degree of credence for all the propaganda they are spreading throughout circulation of the tribal tribune which they control and it gives a one-sided view of the issues at all times. It has been because of the erroneous information disseminated among the members that many are blindly following them on this treacherous course of termination, so that they can cash in on the assets of the tribe even if they have to sell it for less than full market value. As I understand it, we have to be forced to sell the tribal forest on what is termed in the bill as a 10-year cutting cycle, which carries with it the hidden fact that we will be selling the timber at less than its present fair market value. If this comes about, it will obviously not be just compensation and will certainly be the subject of litigation as is now the case on the Klamath termination issue. We should not submit to such tricky language which is totally unacceptable. Yet the clamor for liquidation is still going on from the liquidation group. They'd apparently sell out our rights for any price.

While I live away from the reservation, I make frequent visits to the Colville Reservation as many of my relatives still live there. And I have many friends who also reside on the Colville Reservation. I have a deep understanding of their problems and how they want to retain the land base of the reservation in trust status. Despite the pressures being applied for termination and liquidation, I wholeheartedly subscribe to their views. There are so many undesirable features about the pending bill, S. 282 and I am certain that there are many tribal members who are not aware of what adverse effects the impact of termination and liquidation would have on our tribal members. As an enrolled member I maintain my tribal affiliation also by participating in the annual tribal election. However, I am disappointed in the fact that the council members I vote for are not serving on the important committees. I vote in the Nespelem District and none of the Nespelem District council members are on the education, land, or enrollment and other committees. The committee assignments go to those from the other districts. Yet the Nespelem District represents a large portion of our enrolled population. Other tribal members share my views, and as long as this condition exists, I feel that the request for termination that comes from the business council should be held in abeyance until there is a better treatment accorded the council members from my district. The enrollment committee recently denied my youngest child enrollment.

However, they have enrolled children who I feel are less deserving of enrollment than my child. I will give one example, the nephews of the business council chairman and his sister who is the chairman of the enrollment committee recently authorized the enrollment of the children of the Abeita brothers and I know that these children should not be enrolled because they do not meet the minimum quotient requirements that must stem from the Colville Confederated Tribes. I request that your committee reject this proposed legislation and not report it out of committee.

Sincerely,

MRS. PEARL STANGER TREVINO,  
*Enrolled Member of Colville Confederated Tribes.*

P.S.—My older children are all enrolled members of the Colville Tribe. Yet the youngest are continued denial enrollment into tribe. Full sisters and brother.

INCHELIUM, WASH., June 19, 1967.

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate, 3106 New  
 Senate Office Building, Washington, D.C.*

DEAR SENATOR JACKSON: I am an enrolled member of the Colville Confederated Tribes, born and raised in the Inchelium area. I was also allotted there.

I am against the enactment of S-282, a bill to provide for the termination of Federal Supervision over the property and affairs of the Confederated Tribes of the Colville Reservation, Washington.

I am not in favor of a reduced reservation. I am not in favor of selling any portion of the reservation. I want our lands to remain as they are. I want to keep my hunting and fishing and the benefits as provided through the Bureau of Indian Affairs and the Public Health Services.

Sincerely yours,

EMILY M. WHITE.

INCHELIUM, WASH., June 19, 1967.

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate, 3106 New  
 Senate Office Building, Washington, D.C.*

DEAR MR. JACKSON: I was born March 8, 1888 and an enrolled member of the Confederated Tribes of the Colville Reservation. I was born and am living on my own allotment, I do not intend to sell it.

I do not termination in any form. I do not want a reduced reservation.

Sincerely yours,

MARY M. DESAUTEL.

INCHELIUM, WASH., June 19, 1967.

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate, 3106 New  
 Senate Office Building, Washington, D.C.*

DEAR SENATOR JACKSON: I am an enrolled member of the Colville Confederated Tribes. I am 67 years old and I have heard about this argument all my life and I think it is better to hang onto the reservation.

This is our country, our boys fought in the wars and died for their country and it should remain as it is, belong to the Indian people.

I am against any type of termination. I want our land to stay as they are. We do not want to pay taxes on these lands because in time, we would lose our homes in a short time.

We depend on our hunting and fishing for our foods, if this reservation were sold, we would lose all those rights.

Sincerely yours,

DORA NOYES DESAUTEL.

INCHELIUM, WASH., June 18, 1967.

HON. HENRY M. JACKSON,  
*Chairman, Committee on Internal and Insular Affairs, U.S. Senate, 3106 New  
 Senate Office Building, Washington, D.C.*

DEAR SENATOR JACKSON: I am an enrolled member of the Colville Confederated Tribes, 4/4 degree Indian and a Granddaughter of the late Chief Jim James. I was born and allotted in the San Poil Area.

I am against the enactment of S. 282, a bill to provide for the termination of Federal Supervision over the property and affairs of the Confederated Tribes of the Colville Reservation, Washington.

I am not in favor of a reduced reservation. I want the lands of the Colville Reservation to remain as they are. The Colville Reservation has been reduced too many times already. We want our lands to remain as they are as we gather a great deal of our foods from the mountains and waters of our Reservation.

My Grandfather, Chief Jim James was a great leader of his people, he fought for the lands and rights and never gave in to any of the propaganda that would jeopardize the lands and rights that belonged to his Indian people. He stood firmly that these lands were for the sole use of his Indian people, and we, as his descendants are maintaining the same stand by opposing any type of termination that will take our lands and rights away, therefore, I am definitely opposed

to any type of any termination or liquidation bill that will affect my people or lands.

I firmly believe our people need to advance their education and there are opportunities available to them through the Bureau of Indian Affairs. The Public Health Service has benefited our Indian people through the medical and dental programs and we do not want to lose these benefits.

Sincerely yours,

CECILE IGNANCE.

INCHELIUM, WASH., June 19, 1967.

HON. HENRY M. JACKSON,  
*Committee on Interior and Insular Affairs, U.S. Senate, 3106 New Senate Office Building, Washington, D.C.*

DEAR SENATOR JACKSON: I am an enrolled member of the Colville Confederated Tribes of the Colville Reservation and have lived in the Inchehium area all my life. I have 8 children who are all on the rolls.

I am against this termination. There have been other reservations that were being terminated and the people were promised a lot of money for years and after they finally sold out, they only got \$1200 for their lands and I am afraid that is what would happen to us.

I don't want this termination because we get our per capita every 6 months or so and we are making out okay like that. We don't believe this propoganda about going to get a lot of money. We are alright the way we are.

Sincerely yours,

MODESTA M. FRY.

INCHELIUM, WASH., June 19, 1967.

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate, 3106 New Senate Office Building, Washington, D.C.*

DEAR SENATOR JACKSON: I am an enrolled member of the Colville Tribe and have lived on the reservation in the Inchehium area all my life.

I have an allotment and make my home on it. It is tax free and I would like to have it continue on that way.

I also enjoy the privilege of going out and hunting and fishing any time I wish, if this land was terminated, we wouldn't be able to do that.

I am definitely against the termination of our reservation.

Sincerely yours,

HELEN FERGUSON HOFFMAN.

INCHELIUM, WASH., June 19, 1967.

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate, 3106 New Senate Office Building, Washington, D.C.*

DEAR SENATOR JACKSON: I am an enrolled member of the Colville Confederated Tribes and was born and raised in the Inchehium area. I have three sons who are still minors but enjoy their hunting and fishing and have the same opinion as I.

I am against the enactment of S-282, a bill to provide for the termination of Federal Supervision over the property and affairs of the Confederated Tribes of the Colville Reservation, Washington.

I am not in favor of a reduced reservation. I am not in favor of selling any portion of the reservation. I want our lands to remain as they are. The lands of our reservation has the untouched beauty and clean air and our lakes and streams that are ours, we want it all to remain just as they are. We have our wildlife out in these mountains and we use them as we need them. Everything is so free to go in its own direction, this is really God's country, and we want it to remain as it is.

I feel that the efforts as put forth by Mr. Marcel Arcasa should be considered. He is an oldtimer who has been struggling for the safety of our lands all these years and he is getting up in age, we still admire his opinions.

We have our beneficial rights as Indians through our Public Health Services and Bureau of Indian Affairs, we do not want to lose those.

Sincerely yours,

ADELINE S. HOLFORD.

INCHELIUM, WASH., June 19, 1967.

HON. HENRY M. JACKSON,  
 Chairman, Committee on Interior and Insular Affairs, U.S. Senate, 3106 New  
 Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: I am an enrolled member of the Confederated Tribes of the Colville Reservation. I was born and raised in the Inchelium area.

I am a cattleman and I want to keep the reservation as it is.

I have 6 boys and I want them to be raised on the reservation and benefit from it as I have.

I have never received an allotment and I would like to keep our tribal assets intact.

Sincerely yours,

CLARENCE L. HOFFMAN.

KEWA, WASH., June 19, 1967.

HON. HENRY M. JACKSON,  
 Chairman, Committee on Interior and Insular Affairs, U.S. Senate, 3106 New  
 Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: I am an enrolled member of the Colville Confederated Tribes,  $\frac{1}{4}$  degree Indian. Born and allotted in the Kewa Area and make my home there.

I am against the enactment of S-282, a bill to provide for the termination of Federal Supervision over the property and affairs of the Confederated Tribes of the Colville Reservation, Washington.

I am not in favor of a reduced reservation. I want the lands of the Colville Reservation to remain as they are. I want to keep our hunting and fishing and all benefits as provided through the Bureau of Indian Affairs.

Sincerely yours,

HENRY CARMICHAEL.

INCHELIUM, WASH., June 19, 1967.

HON. HENRY M. JACKSON,  
 Chairman, Committee on Interior and Insular Affairs, U.S. Senate, 3106 New  
 Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: I am an enrolled member of the Confederated Tribes of the Colville Reservation, Washington. I was born December 3, 1943 and have lived in the Inchelium area all my life.

I am against termination. There aren't very many reservations left in this country and I think we should keep ours because we are a vanishing race as it is. There are fewer and fewer real Indians as it is.

We want our lands to remain as they are, tax free.

We would like to keep a closer watch on our timber that is being cut.

Sincerely yours,

ADRIANA LEE FRY.

SPokane, WASH., June 21, 1967.

HON. HENRY M. JACKSON,  
 Chairman, Committee on Interior and Insular Affairs, U.S. Senate, 3106 New  
 Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: I am an enrolled member of the Colville Confederated Tribes. I have lived all my life on the reservation.

I am against termination in any form. I do not favor a reduced reservation. I want our reservation lands to remain just as they are.

I enjoy my hunting and fishing privileges just as they are.

Sincerely yours,

VIRGIL I. MARCHAND.

INCHELIUM, WASH., June 19, 1967.

HON. HENRY M. JACKSON,  
 Chairman, Committee on Interior and Insular Affairs, U.S. Senate, 3106 New  
 Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: I am an enrolled member of the Colville Confederated Tribes. I was allotted in the Inchelium area and maintain my home there.

I am against the enactment of S-282, a bill to provide for the termination of Federal Supervision over the property and affairs of the Confederated Tribes of the Colville Reservation, Washington.

I am not in favor of a reduced reservation. I am not in favor of selling any portion of the reservation. I want our lands to remain as they are. I want to keep my hunting and fishing and the benefits as provided through the Bureau of Indian Affairs and the Public Health Services.

Sincerely yours,

MARY C. MARCHAND.

INCHELIUM, WASH., June 18, 1967.

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate, 3106 New Senate Office Building, Washington, D.C.*

DEAR SENATOR JACKSON: I am an enrolled member of the Colville Confederated Tribes, 4/4 degree Indian. I was born and allotted in the Inchehium area and maintain my home here.

I am against the enactment of S-282, a bill to provide for the termination of Federal Supervision over the property and affairs of the Confederated Tribes of the Colville Reservation, Washington.

I am not in favor of a reduced reservation. I am not in favor of selling any portion of the reservation. I want our lands to remain as they are. I want to keep my hunting and fishing and the benefits as provided through the Bureau of Indian Affairs and the Public Health Services.

We should be thinking in terms of developing our human resources and reservation assets, rather than selling out and letting the white man benefit from our lands. Our reservation contains undetermined resources of an unknown value. We must maintain our great heritage as Indians and develop our lands to their greatest extent.

Sincerely yours,

LOUIE PICHETTE.

BREMERTON, WASH., June 15, 1967.

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.*

DEAR SENATOR JACKSON. I want this letter to be made a part of the printed hearing record of the hearing which was held on your bill, S. 282.

I want you to know that I want you and the members of the subcommittee on Indian Affairs to adopt all of the amendments which have been proposed by Mr. Thomas E. Edwards of Seattle.

S. 282 must be amended in order to protect the interest of the Colville Wards, who, no matter how you look at it, are entitled to receive the full value of a theoretical share consisting of an equal portion of each category of tribal assets.

S. 282 as it now stands will not do this for the Colville Indian Wards, in fact it does not provide for complete emancipation. Those who become remaining members will never be able to emancipate themselves based on any criteria. The logical criteria for breaking the trust and obtaining the full value of an interest in a trust should be based on an individual ward proving himself competent and no longer in need of the trust protection.

Please adopt Mr. Edwards' proposed amendments to S. 282. Thank you.

Respectfully yours,

MAGGIE E. BLAKELY.

INCHELIUM, WASH., June 20, 1967.

Senator HENRY M. JACKSON,  
*U.S. Senator, Washington, D.C.*

DEAR SIR: I do not want to terminate. We are the natives of this country. You are not supposed to force any law on us without our consent. The English did not turn us over to the U.S.A. to keep us under an office to force us to take everything we own.

You say this is a country for all—justice, freedom and the pursuit of happiness. I am waiting to enjoy these freedoms. I am 85 years old—had 18 children—and

worked like a slave without any help from the Bureau. We had a ranch with a few cattle and horses.

We are under the international law. The English only wanted to protect us and our land so we would not be cheated, but what has been going on all these years? You can tell us as well as any one else. I think it is a disgrace. The whites said we are animals that don't know anything. We do not have to go to school 20 years to know who is crooked and those who are telling the truth. We only have to look in their eyes to tell you what they want; what they are. This is the last piece of what is truly our home land. We are going to keep it. No law or anything else is going to cheat us out of it. Our forefathers were here long before any white man set foot on it and look what they did to it—polluted air, water, land and river changed, and destroyed all its beauty. This country does not like good honest people. They killed Kennedy because he was a friend of all and other officers are the same. If they are found to be honest they lose their job in some underhanded way. May God forgive me for what I wrote but it is true. I have been under the Bureau and I know what it is like.

Yours truly,

SARAH FINLEY,

PORTLAND, OREG.

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs,  
U.S. Senate, Washington, D.C.*

DEAR SIR: I am an enrolled member of the Colville Indian Tribe. Since I have resided off the reservation for twenty-five years I feel that termination is the best possible solution.

One of our members, Thomas E. Edwards, has done a very comprehensive study of the responsibility of the U.S. Government to the Indian Ward and has prepared a set of amendments to your bill which would provide for an equitable settlement.

We hope you will give careful consideration to Mr. Edwards' proposal.

Please include my statement in the hearing record on Colville Termination.

Respectfully yours,

HELENE P. FOSTER.

BREWSTER, WASH., June 23, 1967.

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs,  
U.S. Senate, Senate Office Building, Washington, D.C.*

DEAR SENATOR JACKSON: We, the undersigned, represent a group who do not wish to terminate, therefore we call ourselves the Compromise Group, and it is our belief that the ones who wish to have a portion of the reservation assets sold and take their shares in cash be allowed to do so and the members who do not wish to terminate take their shares in land and keep it in a reservation status.

We would like you to know that our group supports S. 282 provided it is amended as recommended by the Department, to provide for remaining members to remain on a reduced reservation. It would be our recommendation that your Committee and the Senate pass the bill in this form.

We would also like to thank you and your Committee for granting us the time so we might testify on S. 282.

Very truly yours,

STEPHEN CLEVELAND,  
ED GORR,  
JOHN B. CLEVELAND.

NESPELEM, WASH., June 20, 1967.

Senator GEORGE McGOVERN,  
*U.S. Senator, Washington, D.C.*

DEAR SIR: I believe full Termination of the Colville Indian Reservation is pre-mature at this time, as the average education level of the Indian people is only about one-half of that of the general public.

Also our Reservation has not been developed to any extent. We have many potential's on the Reservation, such as Lakes, Streams, Timber, wild life, and Minerals, Rangelands, Irrigation, and farming.

Besides the many benefits that we are receiving from the Bureau such as Medical aid, and other help, that we receive now I don't believe any Colville member could get the Medical aid that we receive now. Most of us are in the very low income bracket, and could not afford Hospital and Dr's. care at all.

I do not object to those Tribal Members that want to withdraw from the Tribes and receive their share of the property.

I think if our Reservation were sold not that we would not receive  $\frac{1}{2}$  half what it is worth.

I agree with commissioner Robert Bennett's for a reduced Reservation, Which would give us a little more time to develop our Reservation, and Educate our young people.

WILLIAM PICARD.

TACOMA, WASH., June 24, 1967.

Hon. HENRY M. JACKSON,  
Chairman, Committee on Interior and Insular Affairs,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR JACKSON: I request you to make this letter of mine a part of the printed record of the June 8, 1967 hearing on S. 282 which was held in Washington D.C.

I am seventy-one years old, a full blood Colville Indian, and a retired government civil service employee. I urge your committee to incorporate all the amendments to S. 282 which have been offered by my son, Thomas E. Edwards. As an old timer, I would hate to see we Indians get beat out of our reservation which is what will happen if our amendment to S. 282 are not incorporated.

I am encouraged as a result of reading your committee's April 8, 1966 Report on the nomination of Robert LaFollette Bennett to be Commissioner of Indian Affairs. Your committee Report made it clear that the rights of the Off-Reservation Indians should be protected. I believe the Committee will agree, that the rights of the on-reservation Indians should be protected the same way. On page 4 of the Report in question, I quote the following:

"Approximately 150,000 Indians now live away from their reservation. It is imperative that the rights of these people in the estate of the tribes of which they are members be protected and that they continue to have a voice in the election of tribal officials, the management of tribal property, and the use of tribal revenue. \* \* \*"

S. 282 does not protect our interest, which is the reason for the amendments offered by my son, Mr. Thomas E. Edwards, of Seattle. Your Committee said "It is imperative that the rights of these people in the estate of the tribes of which they are members be protected".

In the same report your Committee stated the following:

"This committee does not intend to file this report and forget the problems raised nor the issues confronting this minority group of citizens. \* \* \*"

I shall be awaiting the results of your committee recommendations on S. 282 and I will be able to judge for myself whether or not the committee did not "forget the problems raised nor the issues confronting this minority group of citizens".

Without the proposed amendments offered by Mr. Thomas E. Edwards, our rights "in the estate of the tribes" will not "be protected".

Respectfully yours,

SIMON P. EDWARDS, Sr.

MALOTT, WASH., June 15, 1967.

Mr. GEORGE MCGOVERN.

I am an enrolled member of the Colville Confederated Tribes.

I am against termination (S. 282).

Mrs. EVELYN LEAF.

KELLER, WASH., June 13, 1967.

Senator MCGOVERN,  
U.S. Senate, Washington, D.C.

DEAR Mr. CHAIRMAN: My name is Kathleen T. Burke, a full blooded Indian of the San Poil Tribe. I have always lived here, as my ancestors did. Is it so wrong

to want to keep this heritage of ours? I attended the meeting at Nespelem, Washington, on March seventeenth of this year, and one of the older women who didn't want termination, said that she gets her food from this land of ours, like wild game, roots and berries. There was a tittering in the audience. Well, we real Indians do, and I'm not ashamed of it. We grew up on them. Then as I was reading my Tribal Tribune, written monthly by the Council men, I read on October 13, 1966, where the chairman, Narcisse Nicholson, Jr., reported that only one half or more Indian blood owned cattle. I wish to say that I know quite a few full blood Indians who make cattle their business. Then I read the January 2, 1967, issue and read about the Indians who were brought here, and wouldn't integrate with the whites. Is it so wrong to want to stay full blood Indian. As I understand it, the late Chief Jim James adopted them into our tribes, and called them brothers. It wasn't their choice to be displaced. The displaced full blood Indians don't have rights. Then I say to you, The very ones who want liquidation are displaced Indians as they have little Indian blood, and of all kinds of Nationality. They say they are capable of handling their own affairs and are equal to their white brothers. They are white! And lucky to be receiving per capita each year.

Mr. Senator, no termination please. There are those of us, who do not have any education, contrary to what the opposition say. I myself have only a ninth grade education. People older than me have none. Real Indians I mean. I am not the writer of enclosed motto. I endorse it. It's beautiful to me.

I am,

Sincerely,

Mrs. KATHLEEN BURKE.

#### WHAT PRICE HERITAGE?

This reservation doesn't make us incompetent.

This reservation doesn't tie us down.

This reservation doesn't keep us from moving wherever we want to go.

This reservation preserves the heritage of our tribes forever!

This reservation provides us with continuing per capita payments for a better tomorrow.

This reservation guarantees us our health and education benefits for the future.

This reservation gives us prestige, power, and pride as owners of a million acres of land.

This reservation is a home where we can always be welcome in the peace and quiet of nature.

This reservation was saved by our forefathers so that all of us would benefit from our common property holdings as long as the sun will shine and the grass will grow!

Tomorrow was supposed to be forever.

But liquidation means there will be not tomorrow!

It's not too late for you to guarantee us a tomorrow.

By stopping liquidation once and for all!

Veterans don't vote away their special rights.

Tax-free organizations don't give away their privileges.

Please don't give away ours!

Vote for candidates who will think about us and our tomorrow!

COMMITTEE ON INDIAN RIGHTS,  
Nespelem, Wash.

SPOKANE, WASH.,

June 23, 1967

Re Colville termination for June 8 hearing record.

Hon. HENRY M. JACKSON,  
Senate Office Building, Washington, D.C.:

BIA substitute bill and S. 1816 only back door omnibus bills. Strongly oppose both. Urge complete termination.

RONALD A. NELSON,  
President, Colville Indian Association.

INCHELIUM, WASH., June 20, 1967.

Hon. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs,*  
*U.S. Senate, New Senate Office Building,*  
*Washington, D.C.*

DEAR SENATOR JACKSON: We are enrolled members of the Colville Tribe. Were born and raised in the Inchelium area. We are living on our own tax free allotment.

We have lived on this reservation all our lives. We want the lands of our Reservation to remain as they are, we don't want to lose our hunting and fishing.

We don't want termination of any kind. We want to live on our land as long as we live as it is. No termination.

Sincerely yours,

MILLIE D. ALEX.  
 MOSE P. ALEX.

INCHELIUM, WASH., June 20, 1967.

Hon. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs,*  
*U.S. Senate, New Senate Office Building,*  
*Washington, D.C.*

DEAR SENATOR JACKSON: I am an enrolled member of the Colville Tribe, 80 years of age and 4/4 degree Indian—one of the True Colvilles. I live on my own allotment and my boys farm it.

I have lived on this reservation all my life and like it the way it is, I don't want anything to change.

Sincerely yours,

JENNIE NICHOLAS.

KETTLE FALLS, WASH., June 20, 1967.

Hon. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs,*  
*U.S. Senate, New Senate Office Building,*  
*Washington, D.C.*

DEAR SENATOR JACKSON: We are enrolled members of the Confederated Tribes of the Colville Reservation. We are allotted and maintain our home on our allotment.

We are opposed to the enactment of S. 282, a bill to provide for the termination of Federal Supervision over the property and affairs of the Colville Tribes.

We do not favor the reduced reservation. We want our reservation to remain as it is.

Sincerely yours,

ELLEN M. STONE.  
 ALBERT STONE.

INCHELIUM, WASH., June 20, 1967.

Hon. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate, 3106 New*  
*Senate Office Building, Washington, D.C.*

DEAR SENATOR JACKSON: I am an enrolled member of the Colville Confederated Tribes. I was born and raised on this reservation and reside on an allotment which is tax free land.

I do not favor termination. I want our lands to remain as they are.

I want to keep my hunting and fishing rights.

Sincerely yours,

JULIA SIMPSON.

INCHELIUM, WASH., June 19, 1967.

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate, 3106 New  
 Senate Office Building, Washington, D.C.*

DEAR SENATOR JACKSON: We are enrolled members of the Confederated Tribes of the Colville Reservation, Washington. We were both born and raised in the Inchehium area and have 6 children who are also enrolled members.

We are against the enactment of S. 282, a bill which provides for the termination of Federal Supervision over the affairs of the Confederated Tribes of the Colville Reservation. We don't want termination in any form. We do not favor a reduced reservation.

We want our lands to remain as they are, tax free and we want to keep our hunting and fishing just as it is.

There are many educational benefits available to the Indian children and we want our children to be able to take advantage of these. We also do not want to lose our benefits through the medical and dental programs as provided through the Public Health Service.

Sincerely yours,

SHIRLEY M. SEYMOUR.

JIM SEYMOUR.

INCHELIUM, WASH., June 19, 1967.

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate, 3106 New  
 Senate Office Building, Washington, D.C.*

DEAR SENATOR JACKSON: I am an enrolled member of the Colville Confederated Tribes. I have lived all my life in the Inchehium area. I spent my required time in the service during the World War II.

I am against the enactment of S-282, a bill to provide for the termination of Federal Supervision over the property and affairs of the Confederated Tribes of the Colville Reservation, Washington.

I am not in favor of a reduced reservation, I want our lands to remain as they are. We have our lakes and streams where we do our fishing and our mountainous areas where we do our hunting, if these lands were to be terminated, we would be unable to enjoy any of these privileges.

The efforts as put forth in fighting this termination over the years by my Uncle Louie Camille should be considered. He is an old timer but has been struggling for our reservation and rights for so long, I feel he is a great leader in our area and we all respect his views.

Sincerely yours,

EDDIE SEYMOUR.

INCHELIUM, WASH., June 20, 1967.

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate, 3106 New  
 Senate Office Building, Washington, D.C.*

DEAR SENATOR JACKSON: I am an enrolled member of the Colville Confederated Tribes. Lived on the reservation all my life.

I do not favor termination in any form. I do not favor a reduced reservation. I want our lands to remain just as they are.

I want to keep my hunting and fishing and all other privileges as granted to us as Indians. Our lands are tax free. Farm equipment and other household appliances are sales tax free.

Sincerely yours,

IGNATIUS SEYMOUR.

INCHELIUM, WASH., June 20, 1967.

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate, 3106 New  
 Senate Building, Washington, D.C.*

DEAR SENATOR JACKSON: I am an enrolled member of the Colville Confederated Tribes. I and my wife were born and raised on the reservation. We had 11 chil-

dren all together and have raised them all right here on the reservation. We have our home on allotted land which is tax free land.

We do not favor termination in any form. We do not favor a reduced reservation. We want to keep our lands just as they are and our hunting and fishing also.

My wife is an enrolled member, Lena C. Seymour but is in the hospital at the present time but she has the same opinion that I have mentioned above.

Our boys fought in the Korean and World War II for this country and we do not feel we should terminate and sell any of our lands.

Sincerely yours,

PETER SEYMOUR.

INCHELIUM, WASH., June 20, 1967.

HON. HENRY M. JACKSON

*Chairman, Committee on Interior and Insular Affairs, U.S. Senate, New Senate Building, Washington, D.C.*

DEAR SENATOR JACKSON: We are enrolled members of the Confederated Tribes of the Colville Reservation and have lived all our lives on the reservation. We have 8 children who are also enrolled members.

We are against the termination of our reservation, we would like it to remain just as it is. We have our benefits as Indians through the dental and medical programs. We have the educational benefits which our children are eligible for, and we want our children to all have a good education.

We are farmers and make our living on the farm. Whenever we purchase any type of farm machinery or house hold appliances, we can have it delivered to our trust property free of sales tax, this alone we feel is quite a benefit.

Our present Councilmen are trying to force this liquidation on us by dictating to us that we have to take liquidation, and this way, we would be losing all our benefits.

We feel we are first class citizens as we are and we are happy to remain as we are.

We enjoy and take advantage of our hunting and fishing privileges.

Sincerely yours,

VIRGINIA S. MASON.  
HAROLD L. MASON.

INCHELIUM, WASH., June 20, 1967.

HON. HENRY M. JACKSON

*Chairman, Committee on Interior and Insular Affairs, U.S. Senate, New Senate Building, Washington, D.C.*

DEAR SENATOR JACKSON: We are enrolled members of the Confederated Tribes of the Colville Reservation. We have lived on the reservation all of our lives.

We are against termination of any kind. We do not favor a reduced reservation. We want our lands to remain as they are.

We don't want to lose our dental and medical benefits as provided through the Public Health Services, or the educational benefits as provided through the Tribe and Bureau of Indian Affairs.

We enjoy and take advantage of our hunting and fishing privileges and want them to remain as they are.

Sincerely yours,

AMADEE M. WHITNEY.

INCHELIUM, WASH., June 20, 1967.

HON. HENRY M. JACKSON

*Chairman, Committee on Interior and Insular Affairs, U.S. Senate, New Senate Building, Washington, D.C.*

DEAR SENATOR JACKSON: I am an enrolled member of the Colville Confederated Tribes, I reside on an allotment which is tax free land.

I am not in favor of termination of any kind. I want to keep our lands just as they are.

I want to keep my hunting and fishing.

Sincerely yours,

AGATHA S. STENSGAR.

LONG BEACH, CALIF., June 8, 1967.

Hon. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs,*  
*U.S. Senate, Washington, D.C.*

Dear SENATOR JACKSON: I request that this letter and its enclosures be made a part of the printed record of the hearing to be held June 8th on S.282.

I am in receipt of a May 20, 1967 letter from Mr. Thomas E. Edwards. His letter transmitted to me a copy of a May 11, 1967 article which was in the Navajo Times. The title of the article is "Colville Termination Bill Termed Unsatisfactory in Protecting Rights of Wards". This article was written by Chet MacRorie, Editor of the Navajo Times. Also Mr. Edwards sent me a copy of a letter which also appeared in the May 11, 1967 Navajo Times.

I am in full agreement with what Mr. Edwards is trying to do. I support any amendment he may recommend to S.282 because he is looking out for the best interest of each of us tribal members. I want his May 20th letter to me made a part of my statement in the printed record. Every member of the Subcommittee will be able to read what he said in his May 20th letter which dealt with market impact and discounting of proceeds which may result from termination under S.282.

I want Mr. Chet MacRorie's article made a part of my statement, because he says exactly what I want to say about S.282. Mr. MacRorie's conclusion contained in the last paragraph points out a very important fact about the effects of Mr. Edwards' proposed amendments. It points out that Mr. Edwards proposed amendments provides for the "Compromise" which will allow remaining members to be protected on a diminished reservation. If a majority want to terminate, it still should not force every one to be terminated, but at the same time any one who wishes to become emancipated should be given a way to do it so that he can get the full value of an equal interest in tribal property.

Please have your bill, S.282, amended by incorporating Mr. Edwards' proposed amendments.

Respectfully yours,

JEWELL R. MARTIN,  
*Tribal Member.*

[Enclosure]

MAY 20, 1967.

Mrs. JEWELL MARTIN,  
*Long Beach, Calif.*

Dear Mrs. Martin: I am of the opinion, a Colville Termination Act will be enacted in the near future. Perhaps, as a tribal member, you are of the notion that if we are to be terminated, termination will provide you with the full value of a theoretical share consisting of an equal portion of each of all categories of tribal assets. If this is what you think termination will do, then I must impress upon you that S. 282, a proposed termination act, will not provide the full value of this theoretical share enumerated above.

If you are of the opinion you should be entitled to the full value of this theoretical share, I urge you to write to:

Hon. Henry M. Jackson, Chairman,  
 Committee on Interior and Insular Affairs,  
 U.S. Senate, Washington, D.C.

I urge you to voice your support of the proposed amendments to S. 282 which are recommended by myself (Thomas E. Edwards). In your letter, I also urge you to request that your letter be made a part of the printed record on the June 8, 1967 Washington D.C. hearing to be held on S. 282. If this hearing is handled like other hearings held in the past, you may have until at least June 18, 1967 (or later), to get your statements into the record before the record is closed.

Although I am recommending 18 amendments in all, to S. 282, the main changes are contained in my amendment Numbers 5 and 6.

*Amendment No. 5.*—Concerning Tribal Property vs. share in tribal property for each tribal member the legal reality is that unless you have a vested interest (title) in that which results in what you feel is a loss, you can not incur a legal loss, and therefore, you will not have a legal right to try to recover for the loss you claim. Amendment Number 5 adds a proviso to S. 282 which gives you an actual vested interest (title) in the property before it is sold, plus it also gives you a right to retain your mineral rights if you feel you are not being offered enough.

*Amendment No. 6.*—Concerning Timber Appraisal Criteria; Amendment Number 6 changes the Timber appraisal criteria from that of considering the value of the timber based on theoretically marketing the timber over a ten year period to *simply theoretically marketing the timber without impacting the market.* If the timber criteria is not amended, it will have two bad effects:

(1) it will authorize the Secretary of the Interior to determine the effects of selling all of our timber in ten theoretical sales, once each year for a period of ten years. I contend one-tenth of our timber (499,131,400 board feet) to be a market impacting volume of timber to be marketed in a one year period, if actually marketed, it would cause the market prices for timber to drop drastically, perhaps as much as 60 percent.

(2) it would give the Secretary of the Interior license to compute the present worth of a future sum of a series of payments (ten theoretical sales) occurring once each years. If he should choose to use 7% as a discount rate, one-thousand dollars ten years after termination would have a present worth on the year of termination of only \$508.35, a very reduced value.

I am sending this material to you at my own expense, which explains why I am unable to send the material to everyone. In using my own personal money, it is hoped you folks will join together with me so that we can help each other. If you are interested in providing more tribal members with the information I have furnished you and if you are interested in trying to get the proposed termination act amended in the Senate before it is enacted there—or later, if we fail in the Senate, you are interested in trying to get it amended in the U.S. House of Representatives, then I urge you to send contributions to me to meet the expenses of carrying this campaign to all tribal members. Make checks payable to me since there is not yet a formal organization. My address is: 4114 Whitman Ave. N.; Seattle, Washington; 98103.

I have a complete mailing address list of the tribal members, but I do not have the financial resources to carry on this campaign using my own personal money. If there are enough people interested in this campaign, I will attempt to set-up either a formal or informal organization which, in principle, will attempt to share equally among its participating members all the cost of this campaign from the time of its inception to the time we succeed in the objectives of the campaign.

Respectfully yours,

THOMAS E. EDWARDS,  
*Member of the Confederated Tribes  
of the Colville Reservation.*

#### COLVILLE TERMINATION BILL TERMED UNSATISFACTORY IN PROTECTING RIGHTS OF WARDS

(By Chet Macrorie)

As reported in the Times recently a bill has been prepared by Senator Henry M. Jackson for the termination of the Confederated Tribes of the Colville Reservation in the northwest. This was at the request of these tribes.

Following this newspaper report on the Colville termination bill Thomas E. Edwards of Seattle, Washington, forwarded copies of proposed amendments to Senator Jackson's bill which he said were necessary to protect the interests of the Colville Indians in any settlement brought about by termination.

Edwards is a member of the Confederated Tribes of the Colville reservation, past president of the Colville Indian Association, and a graduate of the University of Washington. He has a BA of Science degree in Electrical Engineering and a BA of Science degree in Industrial Engineering. He is presently employed as an engineer at the Boeing company in Seattle.

Edwards claims the termination of the Colville's as proposed under Senator Jackson's bill does not adequately protect their interests in the assets of the Colville reservation. "Senator Jackson's bill, S. 282, is a proposal which will result in both actually and theoretically dumping the huge market impacting Colville reservation on a market for a very reduced liquidation value, then dividing up the meager amount of cash on a per capita basis to the so-called withdrawing members of the tribes, plus transferring the so-called remaining members and the remaining assets into a trust arrangement similar to the remaining Klamath Indians," Edwards states.

He described Jackson's bill as allowing tribal lands to be sold without stipulating a minimum value where the bids could be rejected if they were too low.

Edwards objects to the Jackson bill as failing to set up adequate criteria for evaluating the value of the Colville's timber assets.

"Through the deception of a withdrawal clause (the Bill) will trap many Colville wards into another trust set-up like the remaining Klamath Indians of Oregon who do not have the right to obtain the cash value of trust interest through emancipation based on a ward becoming competent," Edwards contends.

Under present trust laws the Secretary of Interior is the trustee over Indians and as wards the Indians can be held by the Secretary to be incompetent and not entitled to seek sale or cash for assets such as tribal property or lands in which he holds an interest.

Edwards seeks amendments to the termination bill on the Colville Indians which would allow Indians to have a full divided share of the total assets not just land and timber. The amendments would also seek to vest in any Indian ward falling under this bill the right to go to any court of proper jurisdiction to obtain a decree that he is competent to manage his own affairs. This would allow him to handle or dispose of his property held in trust.

Edwards cited the problems of the Klamath Indians who were terminated. In particular he outlined the case of Crain vs. First National Bank of Oregon concerning the Klamath termination. The court ruled: "Congress has power to manage property of Indians until such time it releases them from wardship." The court at the same time also ruled: "Congress has power to determine when, how and by what steps it will emancipate Indians and whether emancipation shall be complete or only partial."

Referring to this court ruling Edwards said this ruling does not say what Congress must do, it only states what Congress has the power to do. "Congress left Crain as an unemancipated Indian with no means for him to have the right to emancipate himself based on any criteria," Edwards declared. "Intuitively it seems logical Crain should have been given the right to be able to break his trust restrictions and emancipate himself and obtain the full cash value of an interest in the trust based on him proving himself competent and no longer in need of trust restrictions.

"Crain got involved in the remaining Klamath trust set-up through the withdrawal clause of the Klamath Act and the default of not even voting on whether to remain or withdraw. The court's ruling on the power of Congress and the plight of Crain who can not emancipate himself based on any criteria such as competency to manage his own affairs, leads us to the logical conclusion that a termination act would be a lot more equitable to the Indian ward if it provided him with the legal right to emancipate himself based on being competent," Edwards asserted.

His amendments to Senator Jackson's bill would give Colville Indians an equal share in all tribal assets, establish minimum values for land and timber and allow those Colville's who want to run their own affairs do so by establishing through a court their competence. Those Indians who could not establish competency through a court would meanwhile remain under trust status until they could do so. This would apply to minors who remain under trust restrictions until reaching adult age and establishing competency.

[From Navajo Times, May 11, 1967]

#### LETTERS TO THE EDITOR

DEAR EDITOR: In your newspaper of April 20, 1967 you carried the article entitled "Termination for Colvilles Takes Giant Step." In the interest of providing you with more background information, I am sending you copies of material which I presented at the March 17th meeting of the Confederated Tribes of the Colville Reservation.

I am an enrolled member of the Confederated Tribes of the Colville Reservation, who is concerned that we Indians of the Colville Reservation are about to lose our last Indian vestige, the Colville Reservation, and all in the name of emancipation of the Indian.

A majority of the Tribal members and a majority of the Tribes fourteen man governing body are laboring under the opinion that termination means that they

will automatically receive a huge amount of money which represents their share of tribal property. The truth of the matter is that termination is not a means to instant riches, but is something that is uncertain and is contingent upon the net results of all the so-called unimportant phrases buried in among all the many sections of the act.

Although we have a so-called newspaper called the "Tribal Tribune", there is a vast difference between the "Tribal Tribune" and the Navajo Times. The Navajo Times is a newspaper, and the Tribal Tribune is not a newspaper. I have tried to get the Tribal Tribune to print the other side of the issue, but they will not allow anything in the so-called newspaper except what the governing body prints. The Tribal Tribune would not even report that the convened Tribes did enact one resolution which was the only official action taken by the Tribes. I am enclosing a copy of the resolution.

In order to try to get the truth out before the people, I printed at my own expense a document which presented the only rationals which would justify the kind of termination necessary to provide the tribal members with what they think termination is automatically suppose to do. I am sending you a copy of the document in question which is entitled "Proposed amendments to Senator Henry M. Jackson's bill S.282—90th Congress."

Apparently we are going to be terminated, but under very bad terms. Our only hope seems to depend on getting a Senator from some other state to introduce a bill such as the one defined by S.282 plus the amendments proposed in my March 17th, 1967 document.

I certainly hope you find some of my material sufficiently interesting enough to print some of it for the information of your subscribers. I subscribe to your newspaper and I recommend it to many of my fellow Indians as a very good source of Indian News.

THOMAS E. EDWARDS,  
*Trustee, Colville Indian Association.*

NESPELEM, WASH., May 31, 1967.

HON. GEORGE MCGOVERN,  
*Chairman, Subcommittee on Indian Affairs, Senate Committee on Interior and Insular Affairs, New Senate Office Building, Washington, D.C.*

DEAR SENATOR MCGOVERN: I oppose enactment of S. 282, the Colville termination bill now pending before your sub-committee.

I am an enrolled member of the Confederated Tribes of the Colville Reservation and I own my own individual allotment along with other parcels of individual trust-held land which I inherited. I am a full-blood Indian and have always made my home on the Colville Reservation.

It is my hope that we be permitted to retain our reservation in its present status as it now exists. I know of no good which would result from termination action. We who live here want to keep our land base and our views should be given favorable consideration. The absentee tribal members should not be cloaked with the power and the authority to dissolve our tribal holdings merely to serve the purpose of the mercenary interests who want to cash in on something that we've held since Time began.

I urge that Congress not enact S. 282 into law. It would be action taken in haste and would be very unwise in many ways.

Sincerely yours,

SUSIE C. WILLIAMS.

NESPELEM, WASH., June 5, 1967.

HON. GEORGE MCGOVERN,  
*Chairman, Subcommittee on Indian Affairs, Senate Committee on Interior and Insular Affairs, New Senate Office Building, Washington, D.C.*

DEAR SENATOR MCGOVERN: I do not want to give up my special Indian status with all its rights and prerogatives. Therefore, I suppose the enactment of S. 282, the Colville Termination Bill.

The Federal Government should continue the Federal trusteeship relationship and fulfill the legal and moral obligations with the Indians.

I am an enrolled member of the Confederated Tribes of the Colville Reservation and I am Colville Allottee No. S-281. It would not be feasible to give up our tax immunities and other privileges that are attached to Indian status.

We reservation residents want to retain our land base and not be forced to dispose of it under compulsion. We have valuable vested rights in our rights to be Indian and should not be taken away from us. I have lived on the Colville Reservation for a long time and it is my fervest wish that I keep my special Indian status during my life span. I need the sheltering protection of the Bureau of Indian Affairs and termination would have an adverse effect on my way of life.

I ask that S. 282 not be passed during the 90th session of the Congress of the United States. Termination would not be beneficial in any way but would cause me to lose many benefits and privileges which I have enjoyed while living on the reservation.

Sincerely,

Witnessed:

Mrs. CLEVELAND [her thumbmark] KAMIAKIN.  
VIRGINIA ANDREWS.  
ANNE GEORGE.

NESPELEM, WASH., May 31, 1967.

HON GEORGE MCGOVERN,  
*Chairman, Subcommittee on Indian Affairs, Senate Committee on Interior and Insular Affairs, New Senate Office Building, Washington, D.C.*

DEAR SENATOR MCGOVERN: I am opposed to enactment of S. 282, the Colville Termination Bill.

I am an enrolled member of the Confederated Tribes of the Colville Reservation and hold Allotment No. S-296 along with other parcels of individual land which I inherited.

It is my fervent desire to retain my special status as an Indian along with its rights and immunities. I consider my individual tribal membership as a valuable vested right and the money realized from termination would be totally inadequate in many ways.

I have always been opposed to terminal proposals ever since the issue was first mentioned many years ago.

I urge that S. 282 of the 90th Congress not be enacted into law. Its passage would have a harmful effect on our way of life on the reservation which has long been our homeland. We have a strong attachment for the land and do not want to sell it at this time.

Sincerely,

HATTIE ANDREWS.

NESPELEM, WASH., May 31, 1967.

HON. GEORGE MCGOVERN,  
*Chairman, Subcommittee on Indian Affairs, Senate Committee on Interior and Insular Affairs, New Senate Office Building, Washington, D.C.*

DEAR SENATOR MCGOVERN: I desire to make known my opposition to enactment of S. 282, the Colville Termination Bill on which a hearing will be held on June 8.

My name is Charley Williams and I am an enrolled member of the Confederated Tribes of the Colville Reservation. I was allotted in the Nespelem district and have made my home here in the Nespelem community continuously for over seventy-four years.

I firmly believe that the rights and prerogatives of Indianhood should not be destroyed by proposed legislation such as is now pending before your committee and known as S. 282. The special Indian status with its superior privileges and immunities is a valuable vested right which many of us wish to retain. We need the special services offered by the Bureau of Indian Affairs and the Federal protection of the Indian land base.

We who live on the Colville Reservation want our side given careful consideration and not give full credence to those absentee tribal members who want to sell out our tribal estate right out from under us. Enactment of S. 282 will affect many of us adversely and the harmful effects cannot be fully assuaged by a cash payment representing a consideration of less than the retail market value of the resources that would be sold under the terms of the Senate bill.

I belong to a much older generation of Indians and like most of them I have a close attachment for the Indian land base. It is an important part of our way of life and our views deserve the respect of the Congress of the United States.

I fervently urge that S. 282 not be enacted. I do not favor the recommendations of the Commissioner of Indian Affairs. There is no room for a compromise be-

cause any amendments would leave the bill as a bad piece of proposed legislation and the color of its intent would remain unchanged.

Sincerely,

CHARLEY [his thumbmark] WILLIAMS.

Witnessed by:

VIRGINIA ANDREWS.

IDA DESAUTEL.

NESPELEM, WASH., June 5, 1967.

HON. GEORGE MCGOVERN,

*Chairman, Subcommittee on Indian Affairs, Senate Committee on Interior and Insular Affairs, New Senate Office Building, Washington, D.C.*

DEAR SENATOR MCGOVERN: S. 282 should not be enacted into law. We Indians feel that the proposed legislation is totally undersirable.

I am an enrolled member of the Confederated Tribes of the Colville Reservation and I am Allottee No. S-477. I also own other parcels of individual allotted land which I inherited.

I do not want to have Federal trusteeship over Indian property terminated as proposed in S. 282. Enactment of the bill would have a harmful impact on those of us who make our homes on the Colville Reservation and our views should be given greater credence than the absentee members' views who are clamoring to break up our homeland by disposing of our valuable and vast resources which I feel should be retained for some time to come.

Termination as stipulated in the bill compel us to sell our tribal land base for much less than it is worth on the market. Our vested rights are valuable and no outside influences should compel us to part with it under unfavorable terms.

I strongly urge that S. 282 not be enacted into law. We reservation residents want to retain the land base in its present status and no diminish it for a paltry consideration in an inadequate cash return just for the sake of fulfilling the mercenary desires and whims of the liquidation promoters.

Sincerely,

ANNIE OWHI.

NESPELEM, WASH., June 5, 1967.

HON. GEORGE MCGOVERN,

*Chairman, Subcommittee on Indian Affairs, Senate Committee on Interior and Insular Affairs, New Senate Office Building, Washington, D.C.*

DEAR SENATOR MCGOVERN: I am opposed to enactment of S. 282, the Colville Termination Bill, and request that this letter be made a part of the record of the hearings scheduled for June 8.

I object to the ending of Federal Trusteeship over the property of the Colville Indians and it is hoped that S. 282 is not enacted into law during the 90th Congress.

Sincerely,

NED CLEVELAND.

WAPATO, WASH., June 8, 1967.

Senator GEORGE MCGOVERN,

*Chairman, Subcommittee on Indian Affairs.*

DEAR SENATOR: As a Colville Indian from the Petitioner Party I have always opposed termination of our Colville Confederated Tribe. We the Colville, got in a bind from the H.R. 7190 the restoration bill when the termination was included in that particular bill in 1955. As you know the natives of the North Central Washington State gave up most of what is now eastern Washington & the Palouse the Colville Valley and the Methon Valley to let the settlers take our country. My point is the Colville reservation is our last piece of land from all lands we ceded to the U.S.A. It is the home to most Indians. I don't want my two sons and nephews & nieces with no homeland to come back.

After termination we still be the Indian people and be discriminated by the white people. Because we will lose all Indian rights. The white looking Indians are not worried about discrimination they are women married to white men. They consider themselves white people and hope for a cash windfall. The best solution is for them to resign as Indians with no cost to the tribe. We have

tribal members had trouble getting on the rolls also the adopted people once they made the enrollment and worked hard to sell us out. The reservation is not a concentration camp to hear the CLP and others call to be set free. All people living there are free to move or live anywhere in the United States.

HARRY CHARLEY.

U.S. DEPARTMENT OF THE INTERIOR,  
BUREAU OF INDIAN AFFAIRS,  
COLVILLE INDIAN AGENCY,  
Coulee Dam, Wash., June 7, 1967.

Hon. GEORGE MCGOVERN,  
Chairman, Subcommittee on Indian Affairs, Senate Interior and Insular Affairs  
Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR MCGOVERN: Enclosed is a letter from a 16-year-old Colville boarding school student. Perhaps it will be of interest to you and your committee.

Sincerely,

C. C. NELSON,  
Acting Superintendent.

[Enclosure]

RIVERSIDE INDIAN SCHOOL,  
ANADARKO, OKLA., June 2, 1967.

DEAR MR. WAGNER: I do not know your views concerning our tribal termination but, I would like to express my concern towards it.

Yes, it is true, I have no lawful vote in my tribal elections, but I am not blind to see what has been happening. It has startled me to see this phase of termination to pass by so quickly.

Against my mother's beliefs, I am opposed to termination. True, it must come to an end sooner or later, but as of now, I feel we are totally unprepared for it.

If we cannot produce enough council men from our own tribe to run our affairs, how can we possibly learn to live as the white man and accept their ways more readily?

I do not understand as a whole how this came into being, but I do know, it existed long before I was born. That was during the life of my grandfather, Sam Socula.

I must admit, I never knew him but, I remember what my grandmother used to say about him, and now I listen earnestly to what my mother tells about him.

I know he would not have liked to see our people terminate, just as a young boy, he did not like to see our people put on reservations. That is what he believed, and that is what I earnestly believe.

If at all possible, I would like more facts concerning our termination. What I know from it, is what I hear, and what I read in our "Tribal Tribune".

I believe, if you can print material concerning termination for those who are for it, then it should be also true, to be able to print material against termination.

If termination is inevitable, then I shall try to accept it, when it comes, but my heart shall not be in it. What use will it be, to have the color of an indian, if you cannot claim right to any certain denomination of the indian nation as a whole? When we, as a tribe, terminates, we give up that right. It is a right that no other nationality can proudly claim. Thus I am sorry to see such a glorious heritage, pass out of existance.

I would like to thank you, for giving up your valuable time to read this letter from a Colville indian, who has another year to go, before she can graduate.

Sincerely Yours,

THERESA VALLEE,  
Bear Cub.

NESPELEM, WASH., May 29, 1967.

Hon. GEORGE MCGOVERN,  
Chairman, Subcommittee on Indian Affairs, Senate Committee on Interior and  
Insular Affairs, New Senate Office Building, Washington, D.C.

DEAR SENATOR MCGOVERN: Please include my letter as a part of the hearings record on S. 282, the Colville Termination Bill, on which hearings will be held on June 8 by your sub-committee.

I am a full blood Indian and an enrolled member of the Confederated Tribes of the Colville Reservation where I am an owner of several parcels of allotted land still held in trust status and which I inherited. I have maintained residence in the Nespelem District since I was born here.

I oppose enactment of S. 282. It is my firm belief that enactment of termination legislation now will be a decision taken in haste, dictated by unsound thinking and will end in poor justice for a people who deserve better treatment from the Congress of the United States. The trusteeship relationship that exists between American Indians and the National Government should not be summarily discarded.

I oppose the views of those tribal members who want to sell off our tribal holdings. Any action to terminate Federal services and protection of Indian trust-held property and thereby destroy Indian rights and prerogatives which derive from legal and moral obligations that still remain the unfinished business of the National Government would have a corrosive effect on our way of life on the Colville Indian Reservation.

The matter of our occupancy and utilization of trust-held property should be an over-riding factor in determining whether our reservation should be terminated. Reservation residents should be accorded greater consideration than the views of those who live away from the reservation. The Colville Indian Reservation was created for the purpose of reserving the area for Indians and that special trust status should continue.

We Indians who live here have always had a close spiritual attachment for the land base of the Indian people. This valuable asset of ours should not be bartered away at a discounted value.

Any terminal legislation should provide for appraisals first before any referendum is held. I also believe that the shares of children who are minors and the shares of incompetents should be voted by their parents or duly appointed guardians. Under the terms of S. 282 we are asked to sell our trust-held tribal property under compulsion and full value is not given consideration when payment is stipulated in the bill. The "fair value" could actually be far less than the present market value of the tribal land and the resources thereon. I consider S. 282 as a very unfair bill as far as Indian interests are concerned and could very well be very harmful in its impact.

I urge that the 90th Congress not enact S. 282.

Sincerely,

Mrs. DELIA G. COVINGTON.

—————  
NESPELEM, WASH., June 6, 1967.

Hon. GEORGE MCGOVERN,

*Chairman, Subcommittee on Indian Affairs, Senate Committee on Interior and Insular Affairs, New Senate Office Building, Washington, D.C.*

DEAR SENATOR MCGOVERN: I would like my letter to go on record as being opposed to S. 282, the Colville Termination Bill, on which hearings will be held on June 8 by your sub-committee.

I am an enrolled member of the Confederated Tribes of the Colville Reservation. I have maintained residence in the Nespelem District since I was born here.

I oppose enactment of S. 282. I believe the passing of this termination legislation now will be a hasty decision brought about by unsound thinking and an unfair one to my people who deserve better treatment from the Congress of the United States. The trusteeship relationship that exists between American Indians and the National Government should not be discarded.

I oppose the views of those tribal members who want to sell our tribal holdings. Any action to terminate Federal services and protection of Indian trust-held property would destroy Indian rights which derive from legal obligations that still remain the unfinished business of the National Government would have a deteriorating effect on our way of life on the Colville Indian Reservation.

The fact that we live and utilize our trust-held property should be an over-riding factor in determining whether our reservation should be terminated. Reservation residents should be accorded greater consideration than the views of those who live away from the reservation. The Colville Indian Reservation was created for the purpose of reserving the area for Indians and that special trust status should continue.

Any terminal legislation should provide for appraisals first before any referendum is held. I also believe that the shares of children who are minors and the shares of incompetents should be voted by their parents or duly appointed

guardians. Under the terms of S. 282 we are asked to sell our trust-held tribal property under compulsion and full value is not given consideration when payment is stipulated in the bill. The "fair value" could be far less than the present market value. I consider S. 282 to be a very unfair bill as far as Indian interests are concerned and could very well prove to be harmful.

I urge that the 90th Congress not enact S. 282.

Sincerely,

LAWRENCE J. COVINGTON, S.R.

COULEE DAM, WASH., June 7, 1967.

Senator GEORGE MCGOVERN,  
*Chairman, Subcommittee on Indian Affairs,*  
*Washington, D.C.*

Many Colvilles realize S. 282 and sister bill does not provide adequate information for a responsible vote. Bill should be amended to establish market value of tribal assets before referendum on withdrawal is required.

Frank Moore, George E. Moors, Viola Anderson, Dawn Leonard,  
Martha Johnson, Thad Moore, Lorraine Williams, Helen York,  
Annie Walling, Frank Abernier.

BREMERTON, WASH., June 6, 1967.

Senator GEORGE MCGOVERN,  
*Senate Building, Washington, D.C.*

I would like in regards to the hearing on the Colville termination for the people to hear this: My wife, myself, and my children, eight of us all enrolled in the tribe are against termination of any kind. Those who are working so hard to get termination are only one or two from a family of unenrolled children. The votes on this hearing should be counted according to the size of enrolled families. Then I know that the real Indian would benefit. I have never lived on the reservation over 2 years but I finished high school at Chemawa Indian School and am a B.I.A. graduate and one of the first in BIA training. My wife has 10 weeks left of beauty school on a tribal grant. So you see we have really been helped out and are making good use of it. We bought a home and farm 3 years ago and it is over half paid for. In the tribe 5 to 10 years from now others will probably do better. If we terminate now within 5 years after the payment eight out of 10 would have nothing. The only way to divide our reservation fair would be in checkerboard lots 6,000 squares one for each member all owning equal shares in each one. So we don't wish to divide it up either. We love our people and we don't wish to see them ruined by the ¼ breeds that are pushing termination. That's all I have to say and I hope you people in the house are really for the Indian and not out to destroy him. The chairman of our Council has the people believing that Commissioner Bennett is all for termination but I can't believe it. I think Bennett would want to help the Indians after all he is our Chief.

Thank you.

ANDREW JOSEPH,  
GERALDINE JOSEPH.

YAKIMA, WASH., June 7, 1967.

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs,*  
*U.S. Senate, Washington, D.C.*

Regarding Colville termination legislation hearing, circumstances make appearance of Yakima tribal delegation of filing of material for committee's consideration impossible at this time. Termination of trust status of lands and interests held by Colville members on Yakima Indian Reservation will seriously hamper Yakima Tribe's resource management program. Request opportunity after 3 week's delay to present testimony of the effect of proposed legislation on Yakima Tribe's resource management program and to suggest amendment that will safeguard Yakimma resource program and not effect Colville Reservation. Amount of land involved substantial. Management problems caused by non-trust interests in trust allotments is well known to committee. Please do not advance this legislation until we have an opportunity to be heard.

JAMES B. HOVIS,  
*Yakima Tribal Attorney.*

INCHELIUM, WASH., June 26, 1967.

Hon. HENRY M. JACKSON,  
 Chairman, Committee on Interior and Insular Affairs,  
 New Senate Building, U.S. Congress.

DEAR SENATOR JACKSON: I, Margaret P. Camille and I, Louie Camille are enrolled members of the Confederated Tribes of the Colville Reservation, Washington. We were born and raised and have lived all our lives on this reservation.

We still take the same stand as being opposed to termination, the present bill before the Congress is S-282, but we are opposed to this bill and any other bill that provides for the termination of our reservation. We do not favor termination in any form, nor do we favor a reduced reservation. This idea of a reduced reservation is out of the question as far as I can see. The main timber and mountainous areas would have to be sold to pay the withdrawing members off, and what lands would that leave us, boundaries surrounding our little towns when our hunting and fishing and everything is out in those mountains, not beyond the city limits.

We may be out of order on something like this, but nevertheless, there are a lot of people of the same opinion and feel that if we had the right kind of leaders, we could go ahead and develop our reservation, but as it is, our lands are remaining at a standstill, no development or anything. We have undetermined resources of an unknown value and if anybody should benefit from these lands, why shouldn't it be the Colville Indians who are the owners of these lands. Thereby, we are requesting the Commissioner of Indian Affairs to call a special election to get the right kind of leaders in there that will look for the future of our younger generation and also the future of the Colville Reservation and try to develop our human resources along with our reservation.

The Colville Reservation is the only reservation in the Northeast that allows absentee voting in their elections for Councilman. We believe the people being able to participate in their elections should have to either live on the reservation or drive to the polls on election day to vote for their candidates. As it is now, the liquidation promotors have a way of keeping in control by the outside voters. Before election time, they mail out this propaganda saying to vote for the candidates who are striving for the liquidation of the reservation assets and a large sum of money to you as enrolled member. Some of these people have never seen the reservation and have no desire to ever return. Why should the people making their homes and living on the reservation be jeopardized by those outside voters who wish to sell the reservation for cash settlement. This reservation was set aside for the Colville Indians for their use as long as there are people living on it, why sell it now, let us develop it and retain our Indian heritage which we are all proud of. We're not ashamed of our Indian blood or the color of our skin. We are a proud nation of our own.

Sincerely yours,

MARGARET P. CAMILLE.  
 LOUIS CAMILLE.

KLAMATH FALLS, OREG., June 11, 1967.

Senator GEORGE MCGOVERN,

DEAR SIR: I received the Tribal Tribune in the mail yesterday in which the Council asked the members of the Spokane Tribe and others of the Colville Confederated Tribes to write you their opinions and ideas.

For myself I favor termination. I haven't lived on the reservation since my father died in 1914. For the past twenty years I have worked in the heavy construction field as a qualified heavy duty mechanic and combination welder. Before that I worked in the logging industry at every job including that of logging superintendent, so you see I never needed any support from the Tribe.

My wife and I own our home. Our only child received a good education and is happily married. I am a member of the Masonic order in good standing.

I am reaching retirement age and I would like to receive my share of termination. Guess maybe so, this Injun is selfish.

Well, sir, termination is my opinion.

Thanking you, I remain respectfully

DELVIN D. HALL.

P.S.—I have never received an absentee ballot on this subject.

AUBURN, WASH., *June 4, 1967.*

Senator HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs,*  
*Washington, D.C.*

DEAR MR. JACKSON: I am member of Confederated Tribes of Colville Indians. And own all of my allotment and some of land that's inherited.

That's why I am against termination and compromise. I do not want to be deprived of rights. Not to end our Federal trusteeship over our land and reservation as Indian American citizen. I thank you, Senator.

Sincerely,

Mrs. EMILY F. PEONE.

AUBURN, WASH., *May 26, 1967.*

Senator GEORGE MCGOVERN,  
*Chairman, Subcommittee on Indian Affairs,*  
*Washington, D.C.*

DEAR MR. MCGOVERN: I am a member of Confederated Tribes of Colville Indians. I own allotment and parts of inherited land which my sister works.

We are against termination and compromise. I don't want any part of it. Until such a day when our young people graduate from college ready to face the world. Up to now I would like to have something more than our Indian Heritage, our land.

I would like something to remain of our Indian culture to remind our children that they are part of once-great and proud race of people. That they should have a voice in this matter in the long run termination will hurt them more than anyone else. The young people are one's of high school and college age group who are America's future hopes.

And wish the U.S. Government the Bureau of Indian Affairs to remain control over us.

Thank you, Senator.

Sincerely,

Mrs. EMILY F. PEONE.

BREWSTER, WASH., *May 31, 1967.*

HON. HENRY M. JACKSON,  
*Washington, D.C.*

HONORABLE SIR: While I shall not be able to attend the Senate hearing on S. 282, June 8, 1967, my brother Steve will be one of the spokesmen for our compromise group and I hope you will give him such assistance and advice that he may reasonably request.

The committee on a compromise, of which I was a member have submitted about 300 signatures of tribal members, living on the reservation, on petitions asking that S. 282 be amended to permit those that want to withdraw from the tribes to do so and be paid their pro rata share of the tribal assets and to leave those that elect to remain in the tribes continue to live as they are on a reduced reservation under the supervision of the Bureau of Indian Affairs.

The proponents of termination are, mostly, those living off the reservation and having no holdings thereon, while the tribal members living on the reservation do not favor termination in any form. We do not believe the most of them are ready for the Government to relinquish its trusteeship over their properties and for them to assume their responsibilities as non-Indian citizens, they would soon become public charges. The expenditures in the fiscal year 1966 by the U.S. Public Health Service does not indicate the tribal members, living on the reservation, are ready for termination.

I hope you will give us your support in the above mentioned amendment.

With regards, I am,

Respectfully yours,

JOHN B. CLEVELAND.

WAPATO, WASH., *January 18, 1967.*

DEAR MR. JACKSON: Enclosed with my letter to you, you will find a copy of the letter that I have written to representatives from each area on our reservation, the tribal council.

In our tribal newspaper they gave us a report on a resolution they had drawn up in their effort to try again to liquidate the assets of our reservation and to end government trusteeship over our tribe.

I feel they did not give us, the tribal membership, the entire script of the resolution, hence, I feel, we are not being honestly and properly represented by our Colville Tribal Council.

The letter attached will tell the whole story. Please answer my letter to you and let me know how you feel about the wording of the resolution and my reason for opposing it.

Sincerely yours,

Mrs. ROSE M. TOMEQ.

INCHELIUM, WASH., February 6, 1967.

HON. HENRY M. JACKSON,  
Chairman, Committee on Insular Affairs,  
Washington, D.C.

DEAR SENATOR JACKSON: I heard you made and are trying to pass a termination bill for the Colville Indian Reservation. It is the young people that want termination because they do not know any better, they do not know they are selling their right and freedom for a few dollars and maybe it is their own money they are going to get for our property. The whole world knows what happened to the Indians in these United States, we are the natives, we come under International law, our mistake was not sending representative when the United Nations was organized to get protection when we needed it. What would you do if a band of Indians would come to your place and say they are taking your freedom away. The Negro does not have our right and they are rioting and threatening and doing a lot of damage. And we do not blame them. Every one wants a place to call home, not to be driven from place to place.

That is why we do not want termination. We want to keep our reservation; it is our home; our inheritance from our forefathers; we want to keep it that way.

The last 20 years we are taking care of ourselves off of our income from our reservation. We have so many employees that are spending the taxpayers' money they are not doing anything for the Indians. We are still trying to keep from starving, while you are ready to do something to finish us off. Our reservation is only timber and rock, the people that move in kept pushing us until they took all our farmland.

The Indians were exempt from tax and were told they could fish any stream because this is their native land, we do not want any law changed because this is still our native land. Every river and our land are changed, we were not asked, and all the money made in U.S.A., is made off of our native land, we think you have all the money off of this property already.

Yours very truly,

SARAH FINLEY.

KETTLE FALLS, WASH., June 14, 1967.

Senator HENRY M. JACKSON,  
Senate Office Building,  
Washington, D.C.

DEAR SENATOR JACKSON: I am writing this letter to let you know that I and my husband do not agree with the termination bill for the Colville Indians. The Indians are not ready to terminate in any form. The reservation is there home and they make a living on their land if they are terminated they wont have no place to live and be free to do what ever they want. The Indians need more education and training for thier children. We love our land and home and wouldnt sell it for any amount of money.

Yours sincerely,

MARY A. MARCHAND  
and WILLIAM MARCHAND.

PORTLAND, OREG., June 2, 1967.

HON. Senator HENRY M. JACKSON,  
Washington, D.C.

DEAR SENATOR JACKSON: I hope that the hearing on June the 8th will decide in favor of the vast majority of the members of the Colville Indian Tribe on

the termination act, for the majority of the Tribe are looking forward to be free of the control of the B.I.A., for there is no future in being under the B.I.A. for they have completely failed in putting the Colville Indian Tribe in the upper levels and they have failed to manage our natural resources and prosperity of the Colville reservation in the management of the Indian forest on the Colville reservation in sales contract they made the lumber firms rich and made the owners of the forest poorer. Who can progress by that kind of management. For we had superintendent that was not business minded and did not have the know how. We have a list of sales and contract from 1919 to 1964 of timber sales on long range program some of them were to long. I am mailing you an article I had printed in the Oregonian paper. You might like to read it.

Your truly,

MARCEL ARCASA.

#### COLVILLE INDIANS HOPE TO END CENTURY-OLD 'BONDAGE'

(By DON HOLM, Staff Writer, The Oregonian)

NESPELEM (Special).—Members of the Colville Indian tribes here, as well as many living off the reservation in the mainstream of society plan a last-ditch attack on the century-old bureaucracy in Washington, D.C. June 8, which they say has kept them in bondage while stripping them of their remaining assets.

They plan to descend on the hearings scheduled in the House and Senate by Sen. Henry M. Jackson, of Washington, and Rep. James A. Haley of Florida, on the controversial Colville termination legislation, to head off the proposed "compromise plan" of the Bureau of Indian Affairs.

Members of the Colville Confederated Tribes have over the years voted frequently and overwhelmingly for termination of their reservation status, and just as frequently their wishes have been thwarted by Congress and the Bureau of Indian Affairs.

#### MOST SUCCEED

Said Marcel Arcasa, 84, a tribal leader and former council member who now lives in Portland, "We've got no chance under the Bureau of Indian Affairs. It has done nothing for us in the past 100 years except leave us a lot of dead stumps where we once had valuable stands of timber. We have got the short end of the horn."

Arcasa pointed out that the great majority of Colvilles have become well-educated and valuable members of the "outside" life. They do not want to be treated as incompetent children any more, he said. They are capable of handling their own affairs.

This sentiment was echoed by Thomas E. Edwards, Seattle, a Boeing Company engineer with degrees in electrical engineering and science, who is also a member of the Confederated Tribes and past president of the Colville Indian Association.

Edwards claims that Senator Jackson's termination bill must have some needed amendments to "protect the interest of the Colville Indians."

"Senator Jackson's bill," he said, "is a proposal which will result in dumping the huge Colville reservation on a market for a very reduced liquidation value, then dividing up the meager amount of cash on a per capita basis to the so-called withdrawing members of the tribes, plus transferring the so-called remaining members and the remaining assets into a trust arrangement similar to the remaining Klamath Indians."

After the experience in termination of the Klamath Indian reservation during the Eisenhower administration, Congress suspended termination as a general policy.

#### TRAP SEEN

Edwards said Jackson's bill would allow tribal lands to be sold without stipulating a minimum value where the bids could be rejected if they were too low. The bill, he said, has no criteria for evaluating the Colville's timber assets.

"Through the deception of a withdrawal clause, the bill will trap many Colville wards into another trust set-up like the remaining Klamath Indians of Oregon who do not have the right to obtain the cash value of trust interest through emancipation based on a ward becoming a competent."

Under present trust laws, he said, the Indians are at the mercy of the Bureau of Indian Affairs and the judgment of the Secretary of Interior.

Edwards wants the Jackson bill amended to allow the Colvilles to have a full divided share of the total assets, not just land and timber.

## KLAMATH CITED

These amendments would also seek to vest in any Indian ward falling under this bill the right to go to any court of proper jurisdiction to obtain a decree that he is competent to manage his own affairs. This would allow him to handle or dispose of his property held in trust.

Edwards cited the problems of the Klamath Indians who were terminated, in particular he recalled the case of Crain versus First National Bank of Oregon concerning the termination.

The court ruled: "Congress has power to manage property of Indians until such time it releases them from wardship." But the court at the same time ruled that Congress had the power to determine when, how and by what steps it will emancipate Indians and whether emancipation shall be complete or partial.

Edwards maintained this does not say what Congress must do, only what it has the power to do.

"Congress left Crain as an unemancipated Indian with no means to emancipate himself based on any criteria," Edwards said.

## PROBLEM URGENT

In addition to establishing minimum values for reservation assets, he said, his amendments would provide for those Colvilles who want to manage their own affairs, and for a method by which wards could establish their competence in the courts. This latter would also apply to minors who remain under trust restrictions until reaching adult age and establishing competency.

Arcasa added that the BIA and the tribal business council has been stripping the reservations timber resources at an ever increasing rate.

"They have even began supplying a new sawmill on the adjacent Spokane reservation with timber from the Colvilles, paying on the bare stumpage rate," he said. "It is urgent that we slow them down until we get this termination matter settled, or we won't have any assets left to divide."

Robert L. Bennett, commissioner of Indian affairs, held informal hearings on the Colville reservation in March to explain the bureau's "compromise plan" and to take statements of tribal members wishing to be heard on the matter.

PORTLAND, OREG., February 12, 1967.

Hon. Senator HENRY M. JACKSON,  
Washington, D.C.

DEAR MR. JACKSON: I am writing you in reference to the Termination Act, of the Colville Indian Tribe S. 1413. The latest report is that a new B.I.A. Omnibus proposal bill, has been legislated to be passed by the Senate and the House and to be passed without consulting or getting the full consent of the adult members of the Tribes and using the steamroller tactics to rush the bill through. The newly appointed Commissioner Mr. Bennet, is starting early in setting the Indians back for another century. The Colville Indians through their own effort have educated themselves without the assistance from the B.I.A. and they put themselves in a position that they can carry on without the maladministration of the B.I.A. which has been carried on for a long period of time and very little to show, and they have not performed any economic development of real benefit to the Colville Tribe in the whole century, and they have a very unsuccessful background.

The report from the business council of the Colville Tribe in majority has objected to the new B.I.A. proposal and we are certain that majority of the adult members of the Tribe will object to the Omnibus Proposal Bill. We are not interfering with other Tribes or reservations of what their wishes are. That is strictly up to them. The vast majority of the Colville Tribe has set their mind that they want a drastic change in their way of living under the full control of the B.I.A. for they have no future and are handicapped by the policies and rules and regulations, and have no voice in their affairs and are deprived of their constitutional rights of being full fledged citizen of United States of America. The B.I.A. was set up for the protection of the Indian nation and of their natural resources and property and to educate them and bring them to the upper levels,

and can't have the excuse of not having sufficient funds to work with, for they had sufficient tax payer's monies and Tribal monies to carry on their programs, for the Colville Indian only got a peacemeal per capita payment from the sales of long range program of timber sales contract.

The timber sales contract, was for a very large volume of virgin timber that was sold and the proceeds from the sales of timber the amount was \$22½ millions or more, and most of the timber was sold at a very low price. I hope you support Senate Bill No. 282 or House Bill 3051.

Yours truly,

MARCEL ARCASA.

WARM SPRINGS, OREG., May 29, 1967.

HON. GEORGE MCGOVERN,  
Chairman, Subcommittee on Indian Affairs,  
Senate Committee on Interior and Insular Affairs,  
New Senate Office Building,  
Washington, D.C.

DEAR SENATOR MCGOVERN: I am an enrolled member of the Confederated Tribes of the Colville Reservation and was allotted in the Nespelem District. I am 4/4 quantum of Indian blood and live on the Colville Reservation a portion of every year.

I am opposed to enactment of S. 282, a bill to provide for the termination of Federal supervision over the property of the Confederated Tribes of Colville Indians located in the State of Washington and the individual members thereof, and for other purposes.

The Federal trusteeship over Indian property should not be destroyed. We still need Federal protection of our land base. I feel fortunate to be able to obtain medical assistance from the Indian Health Division of the U.S. Public Health Service and I strongly believe that the clinics and contractual agreements with various hospitals should be continued.

Those of us who live on Indian reservations will suffer if the Bureau of Indian Affairs terminates its services as service agency.

I have a great fear that the money realized from a liquidation of tribal assets will be inadequate. To my understanding, the bill will compel us to sell tribal resources at a discounted value. Indians should be told what the true value of their resources amounts to before any kind of referendum is conducted. I also believe that provisions should be made to permit parents or guardians to vote in behalf of minors and persons considered to be incompetent. It should not be limited to the kind of voting that S. 282 stipulates.

Many of us are not ready for termination of the Federal trusteeship and I urge that S. 282 not be enacted into law.

Sincerely,

Mrs. CECELIA PEO.

LAPWAI, IDAHO, June 10, 1967.

DEAR SIR: It has come to my understanding that the subcommittee on Indian Affairs on June 8, will convene for hearings concerning Colville termination proposals. As a member of the Colville Confederated Tribes I wish to express my views in the matter.

From the very beginning I was strictly opposed to this terminal intent. It is not so much of myself that I am anxious—I can survive—as it is (1) the elderly, (2) the unskilled, untrained (particularly the middle aged), (3) the incompetent, the non compos mentis. I will not comment on the above categories as they are self-explanatory and the effect that will be placed upon them has been heard and publicized many times.

For the past few years I have heard from trusted reliable sources that breeds or near all white members of the tribe have instigated ending the reservation. We full-bloods or near full-bloods, because of our historical and ancestral sentiments wish it continued. It had been my personal desire to see this termination proposition wane, falter and ultimately fail. Sadly, the opposite has occurred, and because of this and the recent results of the tribal elections, in which advocates of termination again succeeded in retaining their decisive majority in the tribal governing body, have come to the conclusion that a decision on the said proposal is inevitable in the near future.

Despairingly, I am unable to change the minds and attitudes of these advocates and proponents. Therefore the next most favorable action toward the solution of this problem, in my opinion, is a compromise. In other words, those wanting complete termination and to end all ties with the Federal Government, and those wanting to retain their Federal status, have an opportunity to choose which category they wish to be. Of course, detailed workable plans would have to be ironed out; but I'm sure this could be done once the compromise has been instituted. The above outline, I thought, should be given consideration by your committee, and could be a solution to curbing the two disputing factions which are comprising our reservation.

In concluding, I would like to ask of your committee to follow a course of action which would be most beneficial to those who are least likely to take care of themselves.

Thank you.

Respectfully yours,

ARNOLD F. McCORMICK,  
Member of Colville Tribe.

PORTLAND, OREG.  
January 31, 1967.

SENATOR H. M. JACKSON, *Washington, D.C.*

DEAR SENATOR JACKSON: We the majority of the Colville Tribe, we would like to get the real facts of what is taking place in relation to the problem of the North American Indians. It seem as though instead of lifting them out of the mire they are trying to shove them back in. I read some artical in the Oregonian paper that they are proposing some new bills to help the Indians to develop their reservation that in one artical published in the Oregonian and another artical is to shift the Indians under the H.E.W. What is the newly appointed Indian Commissioner Mr. Bennett try to do, experiment with the Indians as if they were just sheep or cattle or buffaloes as a matter of fact the Colville Inidan Tribe, the vast majority thru their own effort put themselves on the upper levels with out the help of the B.I.A. for the the B.I.A. had nothing to offer, all they looked for is power and control without progress. That is about the limit to the B.I.A. We have some good outstanding men in our Senate and Congress and hope they give this matter their best consideration for it would be a disgrace and would be a handicap to Colville Tribe, for they have lost all faith in their past administration and no one to blame but B.I.A. For we are still for termination and liquidation of the assets and property of the Colville reservation and each member receives their full prorata share so there is no one left out and a fair market value for our assets, and a manerly termination would be highly accepted for the betterment of the Tribe. Thanking you for past favor,

Yours Truly,

MARCEL ARCASA.

REPUBLIC, WASH., *March 24, 1967.*

Senator HENRY M. JACKSON,  
*Washington, D.C.*

HONORABLE SIR: I am requesting you to take immediate action on The Colville Indian Termination Bill S.282. I believe this is a fair bill, and demands action.

Most of the Colville Indian people are ready for termination now. The young people would like to further their education, but who are unable to do so because of lack of funds. We have a lot of old people who won't be here too much longer to enjoy what they have coming.

I think it's only fair to these old people, and these young poeple, who want to become self sufficient, and take their place as good and useful citizens.

May, God Bless, and I hope you will take some action, that is fair to all.

Most Respectfully yours,

MRS. MIKE CAMPOBASSO,  
MR. VICTOR R. CAMPOBASSO,  
MRS. MARIE L. MERRITT,  
MR. AND MRS. HAROLD CAMPOBASSO,  
MR. CLARENCE CAMPOBASSO.

PORTLAND, OREG., June 7, 1967.

DEAR SIR: I am writing in regards to the Termination Bill of the Colville Indian Reservation.

I do not live on the reservation and have not for about 10 years but I have relatives that do and I am against termination for their sake. They own land that is in trust and do not have to pay taxes. What will happen when they will have to pay those taxes every year? They will most likely lose their property.

If this reservation is terminated it will be another mistake as with the Klamath Indians. Where are those Indians now? Some of them are on welfare and not even ten years have passed since they received their \$43,000.00. What are the Colvilles going to do when they don't even get that much out of their Reservation. It is a fact that the Colvilles think and have been made to think that they are going to get \$43,000.00 or maybe even more. They are in for a shock when they receive about half that amount. I have quite a few Klamath friends and they wish they would not have spent their money so foolishly. And the Colvilles will be making the same complaint a few years after they get their "share."

Our per capita payments are about \$300.00 to \$400.00 per year now. If we had any kind of Council they would have developed our Reservation and we would be getting more. They wouldn't even get under the Self-Help Housing and build some houses for our Indians. And it is a fact that when the Indians get their termination money it won't be houses they'll be building.

You put dollar signs in front of some people and they will do just about anything, even give up their land and the heritage of their people.

The remaining members may get a part of the reservation but what part? The most valuable? How will they know when there isn't going to be an *appraisal* before the *vote* to terminate? How unfair can the Council be to our Indian people or whoever made up this part of the bill? This goes to show that the Liquidators don't care how much they get as long as it is a few thousand dollars.

A *Vote* to terminate before an *Appraisal* of our Reservation! Haven't the Indian people been cheated enough throughout the years? Isn't there anything we can do about this if termination is inevitable? As long as we are being forced to terminate let's get a fair deal anyway.

The worst enemy an Indian has is another Indian trying to sell him down the river. This has been proven many times throughout history. This is our council, if you can call some of them Indians.

If you and your committee are going to vote to pass this bill, you will be doing us a great injustice if you don't help delete this part about the *vote* before an *appraisal*. I would prefer it if this committee would just forget the entire bill for I am very much against termination.

Thank you for your attention.

Sincerely,

DOROTHY LEMERY DE LA CRUZ.

FAIRFIELD, CONN., March 23, 1967.

Senator HENRY JACKSON,  
Washington, D.C.

DEAR SENATOR JACKSON: I am writing regarding termination of the Colville Indian Reservation in the state of Washington. I understand Senator Magnuson and you have been working on this matter to end Federal control of the reservation.

Will you be kind enough to try and bring me up to date on what progress you are having. We are very anxious for complete and immediate termination, as I understand 75% of the rest of the members are. I believe this is long over due and everyone concerned would certainly benefit by termination now.

My husband, Bill, is an engineer with Shell Oil Co. and is located at 50 W. 50th St., New York, and if at any time you are in the city he would most enjoy meeting you. We are both Westerners and were transferred out here last summer, so seeing someone from home is a delight.

Hoping to hear from you soon, I remain.

Sincerely,

Mrs. W. B. WATERMAN

## PETITION

The undersigned, enrolled members of the Colville Confederated Tribes, hereby petition the Department of the Interior and the Congress of the United States to continue Federal supervision over the property and affairs of the Colville Confederated Tribes and their members, including the Colville Indian Reservation, without enactment of S. 1413, H.R. 5925, or any other termination bills, into law:

The above petition carried 14 signatures.

## LETTER No. 1

SEATTLE, WASH., June 3, 1967.

HON. HENRY M. JACKSON,  
Chairman, Committee on Interior and Insular Affairs,  
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: A matter of importance, which the Business Council of the Colville Reservation apparently has not brought to your attention, is the fact that the March 17, 1967 meeting of the Tribes did adopt one Resolution. Since I am the author of the resolution, I can give you the exact language of the Resolution.

Inasmuch as the Colville Business Council has seen fit not to print copies of the Resolution or even to report the fact that a resolution was enacted by the Tribes on March 17, 1967, I have found it necessary to print copies of the Resolution and try to let it be known that such a resolution was officially adopted by the Tribes.

Please find enclosed a copy of this Resolution which I will refer to as Exhibit—A to my letter No. 1 which I hope to be made a part of the printed record on S. 282. I respectfully request that this letter and its exhibit be made a part of the printed record on the June 8, 1967 hearing on S. 282.

The purpose of this letter is to enlist your help in convincing the Colville Business Council to honor a most solemn directive, a resolution adopted by the Confederated Tribes of the Colville Reservation convened in General Council on March 17, 1967 at the Nespelem School House at Nespelem, Washington. Would you please help the members of the Confederated Tribes obtain the information and material which they seek to have mailed to each adult member of the Tribes? As you can see from the Resolution, the Confederated Tribes of the Colville Reservation have authorized the use of Tribal money if it is necessary for obtaining sufficient copies of printed material concerning Colville Termination Legislation.

What ever help you can give the members of the Tribes in obtaining the information and material they seek will be greatly appreciated. Thank you.

Respectfully yours,

THOMAS E. EDWARDS.

## EXHIBIT A TO LETTER No. 1

## RESOLUTION

*Be it resolved*, That the Confederated Tribes of the Colville Reservation, convened in General Council here at the Nespelem school house Nespelem, Washington, on this date March 17, 1967, voting by majority vote, do hereby declare that the Business Council of the Tribes shall distribute to each adult member of the Tribes (1) an exact copy of Senator Jackson's bill S. 282 and Congressman Thomas M. Pelly's bill H.R. 1029 which will include the line for line reference numbers in the margin of the bills, (2) a copy of the House Hearing on H.R. 5925 & S. 1413 and H.R. 6331, and (3) a copy of all past and future hearing documents on Colville Termination legislation which have not been sent by the Tribes to its adult members and be it further,

*Resolved*, That the Tribes' Business Council shall obtain a sufficient number of hearing documents by requesting the Congressional Committees either for a sufficient number of said documents or for the right to be allowed to supplement, with tribal money, an amount sufficient to pay the Government Printing Office to print the extra required copies.

## CERTIFICATION

I, Thomas E. Edwards, an enrolled member of the Confederated Tribes of the Colville Reservation, and a Seattle Boeing Company Engineer, attest that the above resolution was submitted, discussed, and approved by the Confederated Tribes of the Colville Reservation convened in General Council on March 17, 1967 at the Nespelem School House and chaired by Robert L. Bennett, Commissioner of Indian Affairs.

THOMAS E. EDWARDS.

## LETTER No. 2

SEATTLE, WASH., June 3, 1967.

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs,  
U. S. Senate, Washington, D.C.*

DEAR SENATOR JACKSON: In order to assure yourself and the Subcommittee on Indian Affairs of the properness of Mr. Albert A. Grorud's relationship with the Colville Indian Association, I urge that Mr. Albert A. Grorud be requested to submit for the printed record on S. 282, a copy of his Colville Indian Association Credentials which will show the terms, authority, length of tenure of his position, method his services can be terminated, method his services are approved each year after a new Colville Indian Association Board of Directors are elected, and the date he first assumed the role of being the Colville Indian Association's General Attorney.

During the time I have been on the Board of Directors and even while I was President & Chairman of the Board, I was unable to put my hands on the legal document which defined the relationship of Mr. Grorud with the Colville Indian Association. I never was able to get the Board of Directors to act on this question since he has always had the tacit approval of the majority of the Board and while I was President and Chairman of the Board he had the tacit approval of Mrs. Norma K. Inks, Mrs. Alyce P. Hallenius, and Mrs. Violet Assing. Mrs. Mary Hall Wong has been the only one who has sided with me on the attorney question and now she is not on the Board of Directors. Mr. Grorud now has the tacit approval of Mr. Ronald A. Nelson, Alyce P. Hallenius, Mrs. Norma K. Inks, and Mr. Alfred B. Fry to continue to do in the name of the Colville Indian Association what ever he feels is necessary.

Since the Colville Business Council's attorney contract in past hearings has been made a part of the printed record, I don't think it is unreasonable to ask Mr. Albert A. Grorud to present his credentials for the printed record of the hearing on S. 282 to be held on June 8, 1967.

I respectfully request that this letter be made a part of the printed record of the hearing on S. 282 to be held on June 8, 1967.

Thank you.

Respectfully yours,

THOMAS E. EDWARDS,  
*Trustee, Colville Indian Association.*

## LETTER No. 3

SEATTLE, WASH., June 4, 1967.

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs,  
U.S. Senate, Washington, D.C.*

DEAR SENATOR JACKSON: I respectfully request that this letter as well as its Exhibit "A" be made a part of the printed record of the hearing on S. 282 to be held on June 8, 1967 in Washington, D.C. Exhibit "A" is a copy of a March 30, 1967 letter addressed to Thomas E. Edwards and signed by Senator Henry M. Jackson. Exhibit "B" is a copy of a document entitled "Proposed Amendments to Senator Henry M. Jackson's Bill S. 282—90th Congress" dated March 17, 1967 (Revised June 3, 1967). The document as well as its June 3rd revisions are a result of my work. The March 17th document had a mistake on pages five and six concerning the arrangement of Section five and its amendments. On June 3, 1967 I revised these two pages by rearranging the material to its proper sequence. Also the June 3rd revision added three new pages, pages 9, 10, and 11.

These new pages contain the reasons for proposing the amendment numbers 1 through 18, which appear on pages three and four of the document.

When I proposed amendment number 9, I did not go far enough. I now recommend, in addition to amendment number 9, the following amendment be added.

On page 8 line 10 after the word "bids" insert the following proviso: "*Provided further*, That in the event the bid or bids are met by an individual or individuals using their right to purchase using their interest as collateral, the Secretary is authorized to again select land which is equal to the appraised value of the land which was purchased using individual's interest as collateral".

The purpose of this amendment is to allow the Secretary of the Interior to keep on selecting land which if sold at its appraised value would be sufficient enough to pay back funds already paid out to Indian Wards who had emancipated themselves pursuant to Section 5(b). Theoretically this amendment would allow the process to take place until each ward had converted his virtue interest in tribal property into an actual interest. Thus from this point on whenever a ward emancipated himself pursuant to Section 5(b), he would be getting an unrestricted title to lands which he had bid on, plus his right to retain his mineral rights.

It is my hope that the Subcommittee on Indian Affairs will give careful consideration to the proposed amendments which I have offered to S. 282. The purpose of my amendments in my role as an Indian, is to help add a honorable chapter to a long history of the Indian getting the short end of the deal.

Respectfully yours,

THOMAS E. EDWARDS.

#### EXHIBIT A TO LETTER NO. 3

#### PROPOSED AMENDMENTS TO SENATOR HENRY M. JACKSON'S BILL S. 282—90TH CONGRESS, MARCH 17, 1967 (*Revised June 3, 1967*)

*Author.*—The amendments are proposed by Thomas E. Edwards, a member of the Confederated Tribes of the Colville Reservation, past president of the Colville Indian Association, a graduate of the University of Washington with a Bachelor of Science Degree in Electrical Engineering received March 1958 and a Bachelor of Science Degree in Industrial Engineering received August 1964, and presently an Engineer at the Boeing Company in Seattle.

The author of the amendments has documented the amendments herein for the purpose of handing out the document to the members of the Confederated Tribes of the Colville Reservation so that they may discuss this alternative proposal for termination legislation at the March 17, 1967 General Meeting called by Robert L. Bennett, Commissioner of Indian Affairs, for the purpose of discussing with the Colville people alternative proposals for termination legislation.

#### SUMMARY

*Senator Jackson's proposal.*—Senator Jackson's bill, S. 282, is a proposal which will result in both actually and theoretically dumping the huge market impacting Colville Reservation on a market for a very reduced liquidation value, then dividing up the meager amount of cash on a per capita basis to the so-called withdrawing members of the tribes, plus transferring the so-called remaining members and the remaining assets into a trust arrangement similar to the remaining Klamath Indians. Section 6(f) stipulates that lands belonging to the tribes be sold without stipulating a minimum value at which a bid should be rejected as being too low. Section 6(b) establishes a timber criteria based on evaluating the timber on the basis of ten theoretical market impacting timber sales to take place once each year for a period of ten years. Section 6(e) through the deception of a withdrawal clause will trap many Colville wards into another trust set-up like the remaining Klamath Indians of Oregon who do not have the right to obtain the cash value of trust interest through emancipation based on a ward becoming competent.

*New Proposal resulting from proposed amendments.*—In essence, the end results of the proposed amendments to the bill S. 282, converts Senator Jackson's proposal into a trust set-up which vests each Indian Ward with a restricted trust interest consisting of an equal entitlement in each of all categories of tribal assets, plus it vests each ward with the right to go to any court of competent jurisdiction and obtain a decree that he no longer is in need of the protective re-

striction on his interest which will then entitle him to demand payment of his interest based on its appraised value.

The advantage to the ward in the new proposal over Senator Jackson's proposal is that the ward would get the full value which could be obtained by marketing a theoretical share consisting of approximately one five thousandth of each of all the categories of tribal assets, instead of being forced to get an equal share of ten theoretical market impacting timber sales and an equal share of a land liquidation sale which would not stipulate a minimum value at which a bid should be rejected in order to protect the interest of the withdrawing tribal members who own the land.

*Basis for new proposal.*—The basis for the new proposal is based on accepting as termination constraints all the intuitive notions of what is involved in the trust responsibilities of the United States Congress and U.S. Federal Government to their Indian wards. These notions have been expressed in Court decisions, by legislators, and just plain citizens.

*Notion of the power to manage property and the power to Emancipate.*—A notion of what a part of the definition of the unwritten Indian Trust should include was given in a legal decision of the court in the case of Crain v. First National Bank of Oregon, Portland (C.A.Or. 1963, 324 F.2d 532) concerning the Klamath termination Act wherein the court ruled: "Congress has power to manage property of Indians until such time it releases them from wardship."

Also the court at the same time ruled: "Congress has power to determine when, how and by what steps it will emancipate Indians and whether emancipation shall be complete or only partial."

This court ruling does not say what the Congress must do, it simply says what the Congress has the power to do. Congress left Crain as an unemancipated Indian with no means for him to have the right to emancipate himself based on any criteria. Intuitively it seems logical Crain should have been given the right to be able to break his trust restrictions and emancipate himself and obtain the full cash value of an interest in the trust based on him proving himself competent and no longer in need of a protective trust restriction. Crain got involved in the remaining Klamath trust set-up through the withdrawal clause of the Klamath Act and the default of not even voting on whether to remain or withdraw. The court's ruling on the power of the Congress and the plight of Crain who can not emancipate himself based on any criteria such as competency to manage his own affairs, leads us to the logical conclusion that a termination act would be a lot more equitable to the Indian ward if it provided him with the legal right to emancipate himself based on him being competent.

To provide a means for full emancipation of each ward is consistent with the expressed intent of Congress as expressed in House Concurrent Resolution 108 adopted by the U.S. Congress on August 1, 1953. HCR 108 declared that "It is the policy of Congress, as rapidly as possible, to make the Indian within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, to end their status as wards of the United States, and to grant them all of the right and prerogatives pertaining to American Citizenship." The key phrase in HCR 108 is "to end their status as wards of the United States."

*Notion of a ward having an interest in tribal property.*—This notion of a tribal member having an interest in tribal property has been expressed in different ways by different groups. On August 6, 1966 at Yakima Washington, the Republican Party at its State convention stated its position on Indian property when it adopted item 6 of their platform on "Civil Rights and Responsibilities." Item 6 of the referenced platform reads as follows: "6. The inborn rights of any Indian ward pertaining to tribal property held in trust by the U.S. Government should be transferred into vested legal property rights by the passage of proper, just and equitable termination legislation. The Bureau of Indian Affairs should eventually be abolished."

In conclusion, it goes without saying that each Colville Indian ward feels by virtue of being an enrolled Indian that, he for all intents and purposes, has an equal interest in the ownership of all tribally owned property. Unfortunately, no matter how strongly a tribal member feels about owning a share, this is not the legal reality. In fact, one could go so far as to state, the Colville Reservation could be sold for as little as a dollar without the tribal member as an individual incurring a legal loss. To add insult to injury, one could go even further and say, none of the tribal members, as individuals, could establish a valid legal claim to share equally in the dollar. These facts are true because tribal members have

no vested legal rights to share in tribal property. It seems only logical, in order for the termination act to be equitable, it should include vesting each tribal member with either an equal entitlement in tribal property or insure he gets the full value of an equal entitlement in each category of tribal assets.

*Notion of Trust Responsibilities to Indian Wards.*—The notion of the trust responsibilities to the Indian wards has been expressed by some of our very prominent legislators.

The late Senator Neuberger of Oregon in speaking to Mr. Robert W. Chandler, Editor, Bend Bulletin, Bend Oregon, expressed his notion of what the Trust Responsibility consisted of. On page 222 of the printed transcript of the October 2, & 4, 1957 Hearing on the bill, S2047, which was an amendment to the Klamath termination act of 1954, Senator Neuberger said: "I just want to point out one thing to you, Mr. Chandler. I agree with you completely that the three major problems confronting us are, as you outlined them, these: First, to obtain the maximum dollar value possible to the Indians for the sale of their assets. Second, to conserve wisely and prudently these valuable resources; and third, to set up a sound method of disbursing the funds to the individual Indians which will be to their best interest and to that of the community."

The notion of the trust responsibilities has also been expressed by Senator Henry M. Jackson of the State of Washington. The statement to which reference is made appears on page 40 of the printed transcript of the April 5, & 6, 1965 Senate Hearing on S.1413. Speaking to Mr. Nash, Commissioner of Indian Affairs, Senator Jackson said: "We are concerned with trying to find the best possible way of protecting the assets and resources of the Indians so that they will get the maximum benefit from their property that belongs to them."

Senator Lee Metcalf of the State of Montana has a very keen sense of what this responsibility should consist of. On April 6, 1965 when Senator Lee Metcalf was chairman of the Senate's subcommittee on Indian Affairs and when he was talking to Mr. Thomas E. Edwards, the then president of the Colville Indian Association who had just finished making a statement for the hearing record on S.1413, Senator Metcalf said: "None of us are expert appraisers as members of the committee, but I want you to be assured that the members of this committee and the Members of the Senate are going to wear their hats as trustees of Indian land and to be sure that the appraisal is a just and fair appraisal and that the Secretary of the Interior has secured the highest possible value. As you say, we sit here in several different categories. It is as a sovereign to try to keep the economy of the State of Washington going and, of course, if the Secretary of Agriculture purchases this land we sit here as the purchaser."

"But right now, we are sitting in the capacity as exploring our responsibilities to our Indian wards, and I think you made a significant contribution at this time. I do not know just how the appraisal will be made but it certainly should be made so that the ultimate greatest value to the Indian land owners should be paid, if the Federal Government buys this to make a national forest."

The Key phrases in Senator Metcalf's statement are: "But right now, we are sitting in the capacity as exploring our responsibilities to our Indian wards . . ." and ". . . the ultimate greatest value to the Indian land owners should be paid, if the Federal Government buys this to make a national forest."

Although not on the same level as a Senator, Mr. Thomas E. Edwards when he was President of the Colville Indian Association, made some definite statements on what this responsibility should consist of. The statements to which reference is made appears on page 405 of the printed transcript of the November 3, 4, and 5, 1965 hearing of the House of Representatives on H.R. 5925 & S. 1413 and H.R. 6331, Serial No. 89-23. At that time Mr. Edwards made the following statements: "The Colville Indian Association is of the opinion that the main purpose of the Congress, in considering the Indian termination issue, should be to address itself to the task of exploring and ascertaining its trust responsibilities to its Indian wards who are wholly dependent on the Congress that exercises complete plenary authority over them \* \* \*

"Simply because there is no written trust agreement, as such, between the Federal Government and the Indians, the Congress should not be precluded from going ahead and devising a termination act that, in hindsight, will satisfy all the precepts of an equitable trust based on first of all protecting the interest of non compos mentis Indians in their estate and then providing for a means for a competent Indian to, so to speak, break the trust with respect to himself and thus gain full, unrestricted control of his hitherto restricted trust interest in his estate."

PROPOSED AMENDMENTS (BY THOMAS E. EDWARDS) TO THE BILL S. 282 INTRODUCED  
IN THE 90TH CONGRESS, 1ST SESSION

Number (1)—On page two line 19 after the word "property" insert the two words "or lands".

Number (2)—On page three line 16 after the word "conclusive" insert the phrase "if his decision is not contested within 90 days in any court of competent jurisdiction".

Number (3)—On page three line 17 after the word "appeals" insert the phrase "made to the Secretary".

Also on page three line 17 after the word "tribes" insert the phrase "uncontested tribal members".

Number (4)—On page three line 20 after the word "SEC. 5." and before the word "Upon" insert the reference "(a)".

On page three line 23 after the word "property" and before the word "which" insert the following phrase: "at which time his interest shall be considered vested".

On page three line 25 delete the word "transfer" and insert in its place the word "removal".

On page four line one delete the word "title" and insert in its place the word "restrictions".

On page four line one delete the word "tribal".

On page four line one delete the phrase "section 7 of".

On page four line 6 delete the word "transfer" and insert in its place the word "removal".

On page four line 7 delete the word "title" and insert in its place the word "restrictions".

On page four line 7 delete the word "tribal".

On page four line 7 delete the phrase "section 7 of".

Number (5)—On page four line 9 add a new subsection (b) to section 5 to read as follows: "(b) The vested personal property of each enrollee shall be considered to include an equal (either real or virtue) interest in each of all the categories of the tangible assets and intangible rights (surface and subsurface) of the Tribes which shall be fully protected by being held in restricted status for the beneficiary: *Provided*, That the restricted status of the beneficiary's interest may be removed by the Secretary any time he receives a decree from any court of competent jurisdiction declaring the beneficiary is no longer in need of the protective restrictions: *Provided further*, That when the restriction thereupon is removed, the beneficiary may have his interest identified in kind by the Secretary and appraised and may demand payment based on the appraisal: *Provided further*, That the beneficiary shall have the option to retain his mineral rights which shall allow him to share in royalties from each of all minerals (including oil and gas) removed from the site of the original Colville Reservation as it existed on the date the beneficial interests became vested personal property: *Provided further*, That the removal of restrictions on the beneficiary's interest and the acceptance of payment shall not be construed to have relinquished the beneficiary's right to share in any future awarded judgments: *And Provided further*, That the enumeration of the interest in kind, shall not be construed to relinquish the beneficiary's interest in tribal estate not included in the beneficiary's beneficial interests which became vested personal property nor shall the beneficiary be required to relinquish any interest without being entitled to just compensation as provided by the United States Constitution: *Provided further*, That the only valid basis for maintaining a restriction shall be based on the beneficiary being either a minor or an incompetent adult.

Number (6)—On page five line 5 delete the phrase "over a period of ten years" and insert in its place the following phrase "without impacting the market".

Number (7)—On page five line 16 after the word "tribes" insert a "period" and delete the rest of subsection (e) of Section 6.

Number (8)—On page five line 6 after the word "Secretary" and before the word "shall" insert the phrase "as the Indian wards guardian".

On page five line 6 delete the word "averaging" and insert in its place the phrase "taking the highest of".

Number (9)—On page six line 19 after the reference "(f)" and before the word "select" insert the phrase "have the authority to".

On page six line 21 after the word "pay" insert the phrase "back funds paid to".

On page six line 21 delete the phrase "who elect to withdraw".

On page six line 22 delete the phrase "from the tribes".

On page six line 23 after the words "tribal property" insert the word "and". Starting with line 24 of page six delete the phrase "and pay the proceeds of the sale to the withdrawing members".

Starting with line 23 of page seven delete the following phrase "who has elected to withdraw from the tribes".

On page eight line 2 delete the phrase "the sale of".

On page eight line 4 after the word "individual" insert the word "restricted".

On page eight line 5 delete the word "withheld" and insert the words "restricted and held".

Beginning with line 5 of page eight delete the phrase "until distribution of the proceeds of the tribal estate as provided in this section" and insert the following phrase "as an actual part of the beneficiary's personal property".

Number (10)—On page 8 beginning with line 11 delete completely all of subsection (g) of Section 6.

Number (11)—On page 9 line 6 after the word "Act" insert a period and delete the comma.

Beginning on page nine line 7 delete the rest of subsection (a) of Section 7 including line seven.

Beginning on page 10 line one delete the entire subsection (c) of Section 7.

Number (12)—On page 10 line 9 delete the phrase "who withdraw from the tribes".

Number (13)—On page 10 line 18 after the word "each" insert the word "competent".

Beginning on page 10 line 21 delete the entire subsection (b) and subsection (c) of Section 9.

Number (14)—Beginning on page 12 line 13 delete the phrase "is authorized, in his discretion, to" and insert in its place the word "shall".

Beginning on page 12 line 14 delete the phrase "or any member or group of members thereof".

On page 12 line 17 after the word "tribes" insert a period and delete the rest of Section 10.

Number (15)—On page 13 line 17 before the word "proclamation" insert the word "first".

On page 15 line 4 before the word "proclamation" insert the word "first".

On page 18 line 13 before the word "proclamation" insert the word "first".

Number (16)—Beginning on line 23 of page 16 delete the phrase "to the tribes, or".

Beginning on line 24 of page 16 delete the phrase "for such purposes as may be designated by the governing body of the tribes and".

Number (17)—On page 17 line 10 delete the words "tribes and".

Beginning at the end of line 10 of page 17 delete the word "thereof" and insert the phrase "of the tribe".

Beginning on line 13 of page 17 delete the words "affairs of the tribes and their".

On line 13 of page 17 delete the letter "s" from the end of the word "members".

Number (18)—Beginning on line 14 of page 22 delete the following sentence "Nothing in this Act shall affect the authority to make timber sales otherwise authorized by law prior to the termination of Federal control over such timber."

#### REASONS FOR AMENDMENTS

Amendment Number (1)—The purpose of this amendment is to insure that the use of the Term, "Tribal Property" when used in Section 6 will include "lands" as it is defined in Section 2. The purpose of this amendment applies equally to the use of the term "Tribal Property" when it is used in Section 5.

Amendment Number (2)—The purpose of this amendment is to give persons who were contesting the roll of the Tribes, 90 days in which to contest the decision of the Secretary of the Interior in any court of competent jurisdiction. In a matter of this importance the Secretary of the Interior's decision should not be final and conclusive without allowing a person to contest his decision in a court of competent jurisdiction.

Amendment Number (3)—If amendment number 2 were to be incorporated without incorporating amendment number 3, the roll may never be finalized. The purpose of amendment number 3, is to allow the roll to become finalized based on the final roll being the names of all the tribal members whose names were not being contested. For all intents and purposes the proposed roll will be

99.999 per cent correct since there has been a up-to-date roll kept as a result of making per capita payments each year.

Amendment Number (4)—The purpose of this amendment is to make it clear that it is the intent of Congress that tribal property loses its status as tribal property and becomes vested in each tribal member at the time he final roll is published in the Federal Register. Also the purpose of this amendment is to perfect this part of Section five in terms of transforming S.282 into a just and equitable trust set-up involving Indian wards. This amendment is consistent with this document's subparagraph entitled "Notion of a ward having an interest in tribal property", also with the subparagraph entitled "Notion of Trust Responsibilities to Indian Wards."

Amendment Number (5)—The purpose of this amendment is to define what an enrollee's vested personal property shall consist of, to give each beneficiary the right to obtain the full value of his interest based on its appraised value, to give each beneficiary the right to retain his mineral rights instead of receiving a cash settlement which he felt was too small, to insure that each emancipated beneficiary did not lose his right to share in future awarded judgments, and to insure that the only valid basis for maintaining a restriction shall be based on the beneficiary being either a minor or an incompetent adult.

This amendment is consistent with all three subparagraphs of this document which were as follows: "Notion of the power to manage property and the power to Emancipate", "Notion of a ward having an interest in tribal property", and "Notion of Trust Responsibilities to Indian Wards."

Amendment Number (6)—The purpose of this amendment is to make it consistent with the subparagraph entitled "Notion of Trust Responsibilities to Indian Wards" which consisted of quotations of statements made by prominent legislators on the termination question. Statements quoted were ones made by such persons as the late Senator Neuberger of Oregon, Senator Henry M. Jackson of the State of Washington, and Senator Lee Metcalf of Montana.

The purpose of this amendment is to protect the Colville Ward from market impact considerations and discount values caused by computing the present worth of a future sum of a series of payments occurring once each year for ten years. If Section 6(b) of S.282 is not amended, the Secretary of the Interior will compute the effects of ten market impacting timber sales (in this case theoretical sales) in determining the value of our timber—this is because if one tenth of our timber were to be considered to be sold in a one year period this would cause a market impact. Also the phrase "over a ten year period" would give the Secretary of the Interior license to compute the present worth of a future market impacting sale occurring ten years after termination, of a future market impacting sale occurring nine years after termination, of a future market impacting sale occurring eight years after termination and so on until all nine future market impacting sales had been considered. This would be unfair to the Indian Ward if market impact plus discounting the dollar were to be considered. For example, if the Secretary of the Interior were to take 7% as the discount rate, \$1000 ten years after termination would have a present worth on the year of termination of only \$508.35, which is a very reduced value. It is not the fault of the ward that market impact and discount become a consideration in termination of this trust he finds himself a party to. Had the trust been set up properly years ago, so that as a ward became competent, he could be paid the full value of an equal interest in the trust property, this would have provided for a gradual termination of the Indian trust and thus there would be no need for market impact considerations today. The market impact consideration today are a result of the Trust providing no means for an Indian ward to emancipate himself based on him being competent, which would have been the logical way to have had the trust set-up, since it was based on the theory the wards were in need of this protection.

Amendment Number (7)—The purpose of this amendment is to delete the "withdrawal clause" from S.282, which if left in S.282, would through, the deception of making tribal members think they could maintain the status quo by voting to remain, cause Colville Wards to be trapped into another trust set-up like the remaining Klamath Indians of Oregon who do not have the right to obtain the cash value of a trust interest through emancipation based on a ward becoming competent.

This deleted portion of S.282 is no longer needed if amendments 4 & 5 are adopted. Amendment 5 provides each ward the right to withdraw any time he wants to do so and protect the interest of all minors and incompetent adults.

Amendment Number (8)—The purpose of this amendment is to cast the Secretary of the Interior in his proper role of being the Indian wards guardian which has been his role these many years in this trust which is to be terminated by a termination act.

Amendment Number (9)—The purpose of this amendment is to authorize the Secretary of the Interior to select a portion of tribal property, which if sold at its appraised value, would be sufficient to pay back funds paid to Indian Wards who emancipated themselves under section 5(b) of S.282. Also this amendment is to provide a means for a remaining Indian Ward to convert his restricted virtue interest in all tribal property into actual tangible land holdings which will also be protectively restricted until such time as when the ward emancipates himself pursuant to section 5(b).

Amendment Number (10)—The purpose of this amendment is to delete subsection (g) of section 6, since it is no longer necessary. The purpose of subsection (g) was to set-up a trust for the remaining group, this function is now taken care of by the new subsection (b) added to section five by amendment number 5.

Amendment Number (11)—The purpose of this amendment is to delete the portions of Section 7 which make reference to sections of the bill deleted by amendment number 10. Entitlement to share in judgement awards is now in section 5(b).

Amendment Number (12)—The purpose of this amendment is to delete the reference to members who withdraw from the tribes, since amendment number 7 deletes the withdrawal clause, Section 8 with amendment number 12, will still be applicable to those wards who emancipate themselves pursuant to section 5(b).

Amendment Number (13)—The purpose of this amendment is to protect the interest of incompetent adult tribal member's interest in other personal property held in trust for such member by the United States.

Amendment Number (14)—The purpose of this amendment is to direct the Secretary of the Interior to transfer to the tribes any federally owned lands acquired, withdrawn, or used for the administration of the affairs of the tribes. Only eight acres are involved.

Amendment Number (15)—The purpose of this amendment is to amend the section's reference to proclamation to be consistent with wards emancipating themselves pursuant to section 5(b) instead of voting to withdraw which was deleted by amendment number 7.

Amendment Number (16)—The purpose of this amendment is to disallow the governing body of the tribe the authority to spend tribal money for any purpose approved by the Secretary of the Interior. This amendment to section 15 still allows the Secretary to use the tribal funds pursuant to the termination act.

Amendment Number (17)—The purpose of this amendment is to amend the section dealing with the termination proclamation to be consistent with wards emancipating themselves pursuant to section 5(b) instead of voting to withdraw which was deleted by amendment number 7.

Amendment Number (18)—The purpose of this amendment is to delete the reference to authority to sell timber under authority existing prior to termination. The amended section still provides for a method of handling land which is sold but which involves a prior existing sales contract on timber.

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LETTER No. 4

SEATTLE, WASH., June 12, 1967.

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs,*  
*U.S. Senate, Washington, D.C.*

DEAR SENATOR JACKSON: I respectfully request that this letter and its Exhibit A be made a part of the printed record of the June 8, 1967 hearing on S.282.

In my letter of January 25, 1967 (Exhibit A), I expressed my concern about Section Six (f) of S.1413 which no longer contains the minimum bid criteria which would authorize the Secretary of the Interior to reject a bid on Tribal Property for the reason the bid was too low and would cause the tribal members to receive a much too low a return on the tribal property involved.

Also my January 25, 1967 letter (Exhibit A) expressed my concern about the remaining Tribal Members who would have no way to emancipate themselves based upon them proving themselves competent and no longer in need of being a party to a trust based on the theory he was in need of assistance.

Although these in effect referred to S. 1413, they apply to S. 282 since S. 282 is identical to S.1413 as it was amended by the Senate.

I was concerned then and I am still concerned now that my fellow tribal members are unaware of what your bill really does. I stated my reasons in my January 25, 1967 letter so rather than repeat it, I request that the January 25, 1967 letter be made a part of the printed record of the June 8, 1967 hearing on S.282.

I urge you to request the Subcommittee on Indian Affairs to amend S.282 so that competency will always be a means for a Colville Ward to emancipate himself and gain for himself the full cash value of an equal interest in the trust estate. After all, isn't the purpose of termination as outlined in H.C.R. 108 simply to provide for emancipation of the Indian Wards. The courts have shown in the cited case of Crain that the Klamath Termination Act's withdrawal Clause does not provide full emancipation or a means for an individual ward to emancipate himself.

Respectfully yours,

THOMAS E. EDWARDS.

EXHIBIT A TO LETTER No. 4

SEATTLE, WASH., *January 25, 1967.*

Hon. HENRY M. JACKSON,  
*New Senate Building, Washington, D.C.*

DEAR SENATOR JACKSON: I herewith respectfully request that your office furnish me with seven copies of the bill you introduced on or about January 12th which dealt with the termination of the Colville Indian Reservation.

Is there going to be a hearing conducted on the bill? I would like to be informed either now or at a later date of the time, date, and place of any hearing on the bill so that I may submit my testimony concerning the bill.

I have not yet seen a copy of your bill, but if it is the same as the one passed by the Senate last session a hearing should be conducted to see if the Colvilles really want to liquidate their reservation as proposed in your last bill, S. 1413, with there being no minimum value stipulated. A hearing might uncover the fact they do not want to sell without first stipulating a minimum value. In fact, a hearing might bring to light that there exist a misunderstanding on the part of a vast majority of the Colville Indian Wards as to what they think termination will do and what your bill will do for them.

The Colville Indian Ward is an average person in every respect and is no more informed than any other citizen, in fact, because of this, the average Colville Indian Ward is laboring under the same misconception as are many non-Indians when it comes to understanding termination. The average Colville Indian Ward, even without reading the latest termination bill introduced by you, have come to the conclusion that termination means he will be able to receive the full cash value of what he as an enrolled Indian feels is his equal share of all categories of tribal assets. Only a meager number of Colvilles have received a copy of the House's hearing on H.R. 5925, H.R. 6331, and S. 1413 and of these persons not all of them have taken time to completely read the transcript. Of the ones who have read the complete hearing document, many have completely missed, for example, the point made by Congressman Foley or else they would not think termination means what they think it means. On page 403 of the hearing document Congressman Foley said: "You do not as individuals have a legal claim to the tribal property. It is only if the Congress determines that this should be divided among the tribal members at a fair value based on an appraisal and then implemented that decision with appropriations that there will be any share."

If the rank and file Colville Indian Ward understood what Congressman Foley was saying, the Colville Indian Wards would quickly revise their naive belief that the government must and will insure that each Ward will receive a full cash value of an equal share of each tribal asset.

Many Colvilles as well as just average citizens can read from beginning to end, your bill, S. 1413, which was passed last session by the Senate and not be able to digest the full meaning and implication of each and every phrase. For example, how many readers of the bill would realize that the innocent little phrase like "elect to withdraw" would provide a legal trap which would prevent unsuspecting Colville Indian Wards from being emancipated with no future means to being emancipated? Some of these unsuspecting Colville Wards are sure to wake-up later and try to get free of the trap. If they try to get their share of the so-called trust by going to the courts, they will fail when the courts rule they have no rights. These people would have a right if the termination act spelled out that the only valid basis for any restrictions must be based on incompetency. Without this type of stipulation, the courts would rule as they did in the case of *Crain v. First National Bank of Oregon, Portland, Oregon (C.A.Or. 1963, 324 F. 2d 532)*. Here the court ruled: "Congress has power to determine when, how and by what steps it will emancipate Indians and whether emancipation shall be complete or only partial."

The Colville Indian Wards should be told exactly what any proposed termination bill will or will not do for them.

Respectfully yours,

THOMAS E. EDWARDS.

LETTER No. 5

SEATTLE, WASH., June 12, 1967.

HON. HENRY M. JACKSON,  
Chairman, Committee on Interior and Insular Affairs,  
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: I respectfully request that this letter, as well as its three Exhibits A, B, & C, be made a part of the printed record of the hearing on S. 282 to be held in Washington, D.C.

Exhibit A is a May 31, 1967 letter which I wrote to the Enrolled Indians of the Colville Reservation. The subject of this May 31, 1967 letter was "Evaluation of an Enrolled Indian's Virtue Interest in Tribal Assets". Exhibits B & C are copies of letters I have received from the Bureau of Indian Affairs concerning Tribal Assets. Exhibits B & C formed the basis for my May 31, 1967 letter (Exhibit A). Exhibits B & C as well as my May 31, 1967 letter, Exhibit A, I feel, will be of interest to the members of the Subcommittee on Indian Affairs and will help them better understand the need for amending S. 282 for the benefit of the Colville Wards.

I am very keenly aware of my position as an Indian Ward, which is why I am pleading with you and the Congress to amend S.282 so that it will be more equitable and just to the Colville Indians who are wards of the Government. A majority of my fellow tribal members, I feel, are not so keenly aware of what S. 282 will do for them. Most of them feel that the Federal Government will deal justly with them, they do not understand market impact consideration caused by marketing our huge timber stand theoretically over a short span of ten years or do they understand that they will not get the full value of these ten theoretical sales. This is the reason I wrote my May 31, 1967 letter to them.

It is implicit, I feel, that emancipation through termination should vest each ward who is competent with the full value of an equal portion of each category of tribal assets. In order to provide this type of termination, I urge you, as well as the other members of the Committee, to intervene and amend S. 282 before it is enacted and inflict much misery upon the Colville Wards.

Respectfully yours,

THOMAS E. EDWARDS.

EXHIBIT A TO LETTER NUMBER 5

Date: May 31, 1967.

To: Enrolled Indians of the Colville Reservation

From: Thomas E. Edwards, an enrolled Indian of the Colville Reservation.

Subject: Evaluation of an enrolled Indian's virtue interest in tribal assets.

The purpose of this letter, as well as the other material sent to you, is to furnish you with information concerning what your virtue interest in Tribal Assets

might consist of, depending on what assumptions are taken. I must CAUTION you, that the figures in my analysis which I come up with for your virtue interest in tribal assets do not form any legal basis upon which you can later go to court to demand more money than what you may receive under a termination act which may be enacted.

I do not want to MISLEAD anyone into thinking he presently has a share in tribal property which gives him the right to demand full payment. No matter how strongly a person may feel about already having an interest in tribal property—the legal reality is that no tribal member has a legally vested interest (title) in a share of tribal property. You will not have a vested interest in tribal property as a result of a termination Act, unless the act so specifies—Congress does have the authority to give you a vested interest in Tribal Property. S. 282, unless it is amended, WILL NOT vest you with an interest in Tribal Property.

VIRTUE SHARE OF EACH TRIBAL MEMBER IN EACH CATEGORY OF TRIBAL ASSETS

If we were to take each measurable category of tribal assets and divide those latest figures by the total number of tribal members (5024) who received the April 24, 1967 two-hundred dollar per capita, we would have the results which are shown in Table I.

TABLE I.—*Virtue share of each tribal member in each category of Colville tribal assets*

	<i>Per capita</i>
<b>Timber assets:</b>	
Ponderosa pine.....	482, 838. 17
Douglas fir.....	313, 944. 06
Western larch.....	125, 180. 34
True fir.....	31, 791. 80
Lodgepole.....	10, 928. 34
Other conifers.....	28, 811. 31
Under 11-inch diameter.....	-----
<b>Total, board feet.....</b>	<b>993, 494. 02</b>
<b>Land assets:</b>	
Forest lands (commercial).....	151. 110469
Forest lands (noncommercial).....	1. 978304
Irrigated farmlands.....	. 073448
Dry farmlands.....	. 291600
Grazing lands.....	27. 495621
Wild lands.....	2. 762341
Other lands.....	2. 089968
Government lands.....	. 001592
<b>Total, acres.....</b>	<b>185. 803343</b>

The per capita amounts listed in Table I were derived by dividing the amounts of Tribal Assets by the total number of Tribal Members, 5024. The amounts of Tribal Assets were given in the enclosed May 18, 1967 letter addressed to Mr. Dale M. Baldwin, Portland, Oregon Area Director of the Bureau of Indian Affairs. The May 18th letter was from Elmo Miller, Superintendent of the Colville Indian Agency of the Bureau of Indian Affairs.

EVALUATION OF VIRTUE SHARE OF EACH TRIBAL MEMBER BASED ON BEST CASE ANALYSIS

The rates for dollars per thousand board feet of timber and dollars per acre of land represent, probably the highest rates which might be possible although the rates could be higher at the time of actual termination, this is something no one can say now. Table II shows the results of the best case analysis. CAUTION, S. 282 will not provide this best case evaluation unless it is amended.

TABLE II.—*Evaluation of virtue share of each tribal member in each category of tribal assets based on best case analysis*

	<i>Per capita</i>
<b>Timber assets:</b>	
Ponderosa pine (\$51.42 per thousand board feet)-----	\$24, 827. 539
Douglas fir (\$36.80 per thousand board feet)-----	11, 553. 141
Western larch (\$36.80 per thousand board feet)-----	4, 606. 637
True fir (\$15.80 per thousand board feet)-----	502. 310
Lodgepole (\$15.80 per thousand board feet)-----	172. 668
Other conifers (\$15.80 per thousand board feet)-----	455. 219
Under saw size-----	-----
Total-----	42, 117. 514
<b>Land assets:</b>	
Forest lands (commercial @ \$25 per acre)-----	\$3, 777. 762
Forest lands (noncommercial @ \$25 per acre)-----	49. 458
Irrigated farmlands (\$131.14 per acre)-----	9. 632
Dry farmlands (\$131.14 per acre)-----	38. 240
Grazings lands (\$131.14 per acre)-----	3, 605. 776
Wild lands (\$25 per acre)-----	69. 059
Other lands (\$25 per acre)-----	52. 249
Government lands (\$131.14 per acre)-----	. 209
Total-----	7, 602. 385
Grand total-----	49, 719. 899

The timber rates and land rates were obtained from several sources. The \$51.42 per MBF for Ponderosa Pine and the \$15.80 per MBF used for True Fir, Lodgepole, and Other Conifers were obtained from an April 30, 1965 letter which was addressed to Thomas E. Edwards and was from Elmer Hassig, Acting Assistant Area Director of the Portland Area Office of the Bureau of Indian Affairs. The \$36.80 per MBF rate used for Douglas Fir and Western Larch were obtained from Table No. 797, "Stumpage and Lumber Prices for Selected Species", page 689 of the 1964 85th Annual Edition of the *Statistical Abstract of the United States*.

The land rate of \$131.14 per acre was also obtained from the same *Statistical Abstract of the United States*, page 614, Table No. 861, entitled "Farms—Value of Land and Buildings, by States."

The \$25.00 per acre figure was arrived at by a discussion with a Seattle Timber Consultant, who has done work on the Colville Reservation for the Bureau of Indian Affairs. The \$25.00 figure is considered as a ball park estimate of what the land is worth if all the commercial timber (larger than eleven inches in diameter) were to be excluded.

#### EFFECTS ON TIMBER CAUSED BY MARKET IMPACT AND DISCOUNT RATES BASED ON IDEAL PRICES

Section 6(b) of S. 282 contains the following statement: "The fair market value of the timber assets shall be defined to be the market price that would be realized if the sale of the timber assets were made over a period of ten years." The timber appraisal criteria based on the phrase "made over a period of ten years" will have two bad effects:

(1) it will authorize the Secretary of the Interior to determine the effects of selling all of our timber in ten theoretical sales, once each year for a period of ten years. One tenth of our timber, 499,131,400 board ft. is a market impacting volume of timber to be marketed any one year. If this amount of timber were to be actually marketed during any one year, it would cause market prices for timber to drop drastically.

(2) it would give the Secretary of the Interior license to compute the present worth of a future sum of a series of payments (ten theoretical sales) occurring one each year.

For the purposes of this analysis, I will assume that the Secretary of the Interior determines the effect of Marketing one tenth of our timber would cause a 60 per cent drop in timber prices. Also for the purposes of this analysis, I will assume that the Secretary of the Interior determines seven per cent to be the rate of discount which he will apply to the series of ten theoretical sales. The present worth of a tribal members virtue share in each category of Tribal Timber Assets is shown in Table III.

TABLE III.—The present worth of a tribal member's virtue share in tribal timber assets computed for the year of termination

Time of sale	Per capita value without market impact consideration	Per capita value with 60 percent market impact loss	Per capita value of market impact value discounted 7 percent per year
	(1)	(2)	(3)
9 years after termination.....	\$4,211.751	\$1,684.701	\$916.365
8 years after termination.....	4,211.751	1,684.701	980.511
7 years after termination.....	4,211.751	1,684.701	1,049.147
6 years after termination.....	4,211.751	1,684.701	1,122.587
5 years after termination.....	4,211.751	1,684.701	1,201.168
4 years after termination.....	4,211.751	1,684.701	1,285.250
3 years after termination.....	4,211.751	1,684.701	1,375.218
2 years after termination.....	4,211.751	1,684.701	1,471.483
1 year after termination.....	4,211.751	1,684.701	1,574.486
The year of termination.....	4,211.751	1,684.701	1,684.701
Total.....	42,117.510	16,847.010	12,660.916

The per capita value of Market Impact value Discounted 7% per year turns out to be \$12,660.916 which is just 30.06939% of the per capita value without market impact consideration which was derived in Table II. Put the other way this means you have a 69.94% loss when you consider the value of a theoretical share consisting of an equal share of each category of Tribal Timber Assets. No one can say how the Secretary of the Interior will interpret Section 6(b) of S. 282 if it should become enacted, but it is certain he will take into account the two considerations. The unknown factor is what will be the numeric value which will be used by the Secretary of the Interior when he computes Market Impact and present value of a series of payments.

The \$4,211.751 figure appearing in column (1) of Table III represents the full value of a Tribal Member's share of ten theoretical timber sales, if the sales were done without impacting the market and if the best prices used in Table II were to be realized. The \$1,684.701 figure appearing in column (2) of Table III represents the market impact value (60% loss) of a Tribal Member's share of ten theoretical timber sales—the \$1,684.701 figure was obtained by reducing the \$4,211.751 figure by 60 per cent. The figures appearing in column (3) of Table III represents the present worth (value on year of termination) of a series of ten market impacting sales resulting in each Tribal Member receiving \$1,684.701 per year for ten years. From Table III column (3) it can be seen that a Tribal member on the year of Termination would realize the full value of \$1,684.701, but for other theoretical marketing impacting sales occurring in the future, he would receive less than the full amount of the theoretical sale, for example, he will only receive on the year of termination, \$916.365, instead of \$1,684.701, which represents the effect of discounting \$1,684.701 by seven per cent per year for a period of nine years.

EVALUATION OF VIRTUE SHARE OF EACH TRIBAL MEMBER BASED ON 1966 STUMPAGE RATES AND S. 282 LOSS FACTORS

*Stumpage rates after BIA management costs are deducted.*—From a May 18, 1967 letter from Elmo Miller, Superintendent, Colville Indian Agency, addressed to Mr. Dale M. Baldwin, we note the following sentence: "During 1966, the total cut on the reservation tribal lands was 104,633 M board feet with \$2,179,800 in revenues paid to the tribes." Dividing the \$2,170,800 revenue figure by 104,633 M board feet gives us an average stumpage rate of \$20.7468007 per MBF which represents the average price obtained for our timber during the year 1966—

these figures already include deductions for costs associated with the Bureau of Indian Affairs Management Fees.

*Stumpage rates before BIA management costs are deducted.*—On May 29, 1967, I made a special trip to the Colville Indian Agency at Coulee Dam, Washington and consulted with the Timber Department of the Colville Indian Agency. From the Timber Department I obtained the figure of \$2,413,808 as being the total revenues for 1966 before deductions. Dividing the \$2,413,808 revenue figure by 104.633 M board feet gives us an average stumpage rate of \$23.0692802 per MBF which represents the average price obtained during the year 1966 for our timber before deductions.

By using the board foot per capita figures obtained from Table I and the stumpage rates computed above, it can be shown that at \$20.7468007 per MBF, a Tribal Member's Virtue share of timber would be worth \$20,611.822 and that at \$23.0692802 per MBF, a Tribal Member's Virtue share of timber would be worth \$22,919.191—these figures do not consider either market impact or discount factors. I must CAUTION you not to feel these figures represent what you will get thru termination, under S. 282 because S. 282 does require consideration of market impact if the amount of timber to theoretically be marketed would cause a market impact, also S. 282 gives the Secretary of the Interior license to discount. The effects of these two factors brought in by the language of Section 6(b) of S. 202 are shown in Table IV. Refer to paragraph entitled "Effects on Timber Caused by Market Impact and Discount Rates Based on Ideal Prices" to see where the S. 282 loss factor was computed to be the factor which caused the ideal value to be reduce down to 30.06939 per cent of its original value.

TABLE IV.—*Evaluation of tribal member's virtue share in tribal timber based on 1966 stumpage rates and S. 282 loss factor: Loss factor caused by 60 percent market impact loss and 7 percent discount rate both combined to reduce a figure to 30.06939 percent of its original amount*

Timber assets	Per capita value without S. 282 loss factor or BIA fees (\$23.069 per thousand board feet)	Per capita value with S. 282 loss factor but without BIA fees	Per capita value without S. 282 loss factor but with BIA fees (\$20.747 per thousand board feet)	Per capita value with S. 282 loss factor and BIA fees
	(1)	(2)	(3)	(4)
Ponderosa pine .....	\$11, 138. 729	\$3, 349. 348	\$10, 017. 347	\$3, 012. 155
Douglas-fir .....	7, 242. 463	2, 177. 764	6, 513. 335	1, 958. 520
Western larch .....	2, 887. 820	868. 350	2, 597. 091	780. 929
True fir .....	733. 414	220. 533	659. 578	198. 331
Lodgepole .....	252. 109	75. 808	226. 728	68. 176
Other conifers, under 11 in. diameter ..	664. 656	199. 858	597. 743	179. 738
Total .....	22, 919. 191	6, 891. 661	20, 611. 822	6, 197. 849

NOTE.—In columns (1) and (3) of table IV, it should be noted that the value for true fir, lodgepole, and other conifers are all higher than the ideal values computed for these species in table II; this is because we are using an average stumpage rate which also includes ponderosa pine, Douglas-fir, and western larch which have higher stumpage rates than true fir, lodgepole, and other conifers. The overall average stumpage rate is actually higher than some species which make up the sample cut.

EVALUATION OF TRIBAL MEMBER'S VIRTUE SHARE IN TRIBAL ASSETS BASED ON INTEREST RATE EQUAL TO GROWTH OF TIMBER

Let us suppose that each Tribal Member's virtue share should consist of an amount of money which would produce the same amount of revenue at the same interest rate as the growth of the tribal timber. The rate of growth of the tribal timber during the year 1966 is found by dividing the present allowable cut for tribal timber of 116 million board feet by the total stand of tribal timber of 4,991,314 MBF. The rate of growth is found to be 2.3240373 per cent.

Dividing the allowable cut of 116 million board feet by the number of tribal members of 5024, gives us a per capita allowable cut of 23,089.171 board feet which when multiplied by the average stumpage rate for 1966 will give us the size of an allowable timber per capita payment. Using the computed value of \$23.0692802 per MBF which did not allow for BIA Fee deduction, gives us an allowable \$532.423 per capita payment. Using the computed value of \$20.7468007

per MBF which allows for the BIA Fee deduction, gives us an allowable \$479,026 per capita payment. If we figure our virtue interest in Tribal Property should be worth the amount of money necessary to produce at the interest rate equal to the growth of the timber, we find that in order for us to receive a \$532,423 interest payment we would need to have \$22,909,768 drawing interest at the rate of 2.3240373 per cent. In order to receive a \$479,026 interest payment, we would need to have \$20,612,134 drawing interest at the rate of 2.340373 per cent.

EVALUATION OF VIRTUE SHARE OF EACH TRIBAL MEMBER BASED ON  
WORST CASE ANALYSIS UTILIZING S. 282

The worst case is obtained by using column (4) of Table IV and columns (3) and (4) of Table II. These two tables are combined to form Table V.

TABLE V.—*Evaluation of virtue share of each tribal member in each category of tribal assets based on worst case analysis, which is based on interpretation of S. 282*

	<i>Per capita value using 1966 stumpage rates combined with S. 282 loss factor</i>
<b>Timber assets:</b>	
Ponderosa pine (482,838.17 board feet)-----	\$3, 012. 155
Douglas fir (313,944.06 board feet)-----	1, 958. 520
Western larch (125,180.34 board feet)-----	780. 929
True fir (31,791.80 board feet)-----	198. 331
Lodgepole (10,928.34 board feet)-----	68. 176
Other conifers (28,811.31 board feet)-----	179. 738
Under 11-inch diameter-----	
Total -----	<u>6, 197. 849</u>
<b>Land assets:</b>	
Forest lands (commercial) (151.110469 acres)-----	3, 777. 562
Forest lands (noncommercial) (1.978304 acres)-----	49. 458
Irrigated farmlands (.073448 acres)-----	9. 632
Dry farmlands (.291600 acre)-----	38. 240
Grazing lands (27.495621 acres)-----	3, 605. 776
Wild lands (2.762341 acres)-----	69. 059
Other lands (2.089968 acres)-----	52. 249
Government lands (.001592 acre)-----	.209
Total -----	<u>7, 602. 385</u>
Grand total-----	<u>13, 800. 234</u>

CONCLUSION

The worst case analysis in my opinion represents the most probable outcome if we are to be terminated by S. 282 without amending section 6(b) of S. 282. I recommend that if you feel you are worth more than the amounts shown in Table V, that you should urge that my March 17, 1967 proposed amendments to S. 282 be adopted.

THOMAS E. EDWARDS,  
*Member, Confederated Tribes of the Colville Reservation.*

EXHIBIT B TO LETTER NO. 5

U.S. DEPARTMENT OF THE INTERIOR,  
BUREAU OF INDIAN AFFAIRS,  
*Portland, Oreg., May 25, 1967.*

Forestry 63-3-14-103.3

Mr. THOMAS E. EDWARDS,  
*Seattle, Wash.*

DEAR MR. EDWARDS: By letter dated May 10, 1967, you requested current information pertaining to the Colville Reservation. Comparable data was furnished to you with our letter dated April 30, 1965.

We are enclosing a copy of letter dated May 18, 1967, from the Superintendent of the Colville Agency, which appears to furnish most of the information you have requested. We do, however, wish to call to your attention that Superintendent Miller has estimated the distribution of volumes between allotted and tribal "Timber Assets." This estimate was necessitated by the fact that our forest inventory data relates to the forest as a whole and not by classes of ownership.

You will also note there is no volume estimate included for "Under saw size (under 11 inch diameter)" timber assets. As indicated in our letter of April 30, 1965, small material such as saplings and reproduction cannot be meaningfully measured in board feet. Its value would be considered in a land appraisal procedure.

Sincerely yours,

A. W. GALBRAITH,  
Assistant Area Director, Economic Development.

COLVILLE INDIAN AGENCY,  
Coulee Dam, Wash., May 18, 1967.

Mr. DALE M. BALDWIN,  
Area Director, Portland, Oreg.  
(Attention Branch of Forestry).

DEAR MR. BALDWIN: In answer to your request of May 16, 1967 for information with which to answer the May 10, 1967 letter of Thomas E. Edwards, we have compiled the following data:

Timber assets (tribal only):	
Ponderosa Pine.....	2,425,779
Douglas fir.....	1,577,255
Western larch.....	628,906
True fir.....	159,722
Lodgepole.....	54,904
Other conifers.....	144,748
Under saw size (under 11-inch diameter) (no measures in bd. ft.)	
Total, in thousand board feet.....	4,991,314
Land assets (tribal only):	
Forest lands (commercial).....	759,179
Forest lands (noncommercial).....	9,939
Irrigated farmlands.....	369
Dry farmlands.....	1,465
Grazing lands.....	138,138
Wild lands.....	13,878
Other lands.....	10,500
Government land (used in connection with).....	8
Total acres.....	933,476

Total acres were taken from Forestry Annual Report as of December 31, 1966, compiled from records of land transactions obtained from the Branch of Realty.

Current assets (tribal only):	
Accounts receivable:	
Revolving credit loans, Apr. 30, 1967.....	\$756,763
Judgment funds <sup>1</sup>	
General Tribal Funds:	
In U.S. Treasury, May 17, 1967.....	220,714
In local accounts at Colville agency, May 17, 1967.....	344,679
Appropriated tribal funds in Portland area office, May 17, 1967.....	19,140
World War I Liberty Bonds.....	None
World War II Bonds.....	None
Funds accrued to Columbia Reservation.....	None
Total, plus judgment funds <sup>1</sup> .....	1,341,296

<sup>1</sup> \$3,446,700 judgment funds less claims attorney retainer fee, principal sum to be divided with Yakima Tribe when an agreement is reached between the two tribes.

Forest land area and total volume of tribal timber are from our annual forest reports (forms 5-482 and 5-490). The breakdowns of timber species were estimated by proportioning our Annual Forest Report figures. Farm lands and grazing areas are based on the current land operation report 50-1.

The present allowable cut on the Colville Indian Reservation is 120 million board feet. Of this amount, the tribal portion is approximately 116 million board feet. During 1966, the total cut on reservation tribal land was 104,633 M board feet with \$2,170,800 in revenues paid to the tribes.

The \$200 dividend payment of April 24, 1967 was made to 5,024 enrolled members of the Colville Confederated Tribes.

Sincerely yours,

ELMO MILLER,  
Superintendent.

EXHIBIT C TO LETTER NO. 5

U.S. DEPARTMENT OF THE INTERIOR,  
BUREAU OF INDIAN AFFAIRS,  
Portland, Oreg., April 30, 1965.

Forestry 63-3-14-103.3

MR. THOMAS E. EDWARDS,  
Colville Indian Association,  
Seattle, Wash.

DEAR MR. EDWARDS: By letter dated April 21, 1965, you request information additional to that furnished you with Superintendent Miller's letter dated November 9, 1964. You specifically ask for the highest stumpage rates ever obtained and the dates these rates were in effect for the five categories of timber referred to in the information furnished to you by Superintendent Miller.

As indicated by Mr. Miller, ponderosa pine from the Friedlander Unit during the third quarter of 1956 reached a maximum of \$51.42 per MBM and Douglas-fir and western larch from the Louie Creek Logging Unit reached a maximum of \$20.21 per MBM during the fourth quarter of 1959. A minor volume of lodgepole pine and white fir was also cut from the Louie Creek Logging Unit during the third quarter of 1963 at \$15.80 per MBM. The preceding rates appear to be the highest received by the tribe for Colville timber.

The total volume of timber referred to in your letter represented the total estimated sawtimber volume of both tribal and allotted as of January 1, 1964. The breakdown is as follows:

Species:	Volume MBM
Ponderosa pine	2,627,153
Douglas-fir	1,758,907
Western larch	695,975
True fir	177,746
Lodgepole pine	60,288
Other conifers	160,713
Total	5,480,781

We do not have a current estimate of distribution of the above volume between allotted and tribal ownership. However, the forest inventory completed in 1958 indicated the following approximate percentages of the total volume to be tribal:

Species:	Percent of total volume
Ponderosa pine	88
Douglas fir	93
Western larch	93
True fir	95
Lodgepole pine	94
Other conifers	95
Average	90

With reference to your inquiry as to the board foot estimate of tribal timber under "saw size and/or under commercial size," we have no such board foot estimate. Small material such as saplings and reproduction cannot be meaningfully measured in board feet. The presence of such material on a given plot of land

may, however, increase the value of the land because of its potential for future production of a commercial product. This value would be considered in a land appraisal procedure.

We have requested Superintendent Miller to furnish you information concerning the acreage of overlapping dual purpose lands, prices received in sales of lands of the various categories suggested in your letter, or yearly cash income and accounts receivable. We are hopeful the information received will be responsive to your request.

Sincerely yours,

ELMER HASSIG,  
Acting Assistant Area Director.

LETTER No. 6

SEATTLE, WASH., June 13, 1967.

Hon. HENRY M. JACKSON,  
Chairman, Committee on Interior and Insular Affairs,  
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: I respectfully request that this letter be made a part of the printed record of the June 8, 1967 hearing held on S. 282.

The purpose of this letter is to show that the bid criteria of S. 282 should be amended to make it more consistent with other departments of the Federal Government.

As an example for showing how the Federal Government protects its interest in its property, but does not, as a trustee, under S. 282 protect Tribal interest, I will cite two different Federal regulations which deal with its property when it comes to selling the property.

I cite the Bureau of Land Management Regulation which deals with the sale of property:

"Title 43—Chapter II

"2241.1—4 Bidding and sale

(a) The land will be offered for sale at public auction at a minimum price of not less than the appraised value, plus . . ."

I cite the National Forest Regulation which deals with the sale of property:

"Title 26—Chapter II

"281.8 Sale procedure

(a) . . .

(b) . . .

(c) Lands will be sold to the highest bidder qualified under the law and the provisions of this part, but at not less than the appraised value: *Provided*, That . . ."

THE pertinent part of the two regulations is the proviso that property will not be sold for less than the appraised value.

As an example of how the Federal Government, as a trustee of Indian Tribal Lands will not live up to its role as protector of the Indian Ward, I cite to you Section 6(f) of S. 1413, as it appears on page 43 of the printed transcript of the House November 3, 4, & 5, 1965 hearing on H.R. 5925 of the 89th Congress, S. 1413 of the 89th Congress, and H.R. 6331 of the 89th Congress. I cite this section of S. 1413, which is identical to the same section of S. 282, because the section in S. 1413 shows how it was amended. Underlined words are words which were added by amendment and lined thru are words which were deleted by amendment.

"SEC. 6. The Secretary shall—

(a) . . .

(f) select the portion of the tribal property which if sold at the appraised value would provide sufficient funds to pay the members who elect to withdraw from the tribes for their beneficial interest in the total tribal property, sell the property so selected [at not less than the appraised value determined by section 6 of this Act], and pay the proceeds of the sale to the withdrawing members: *Provided*, That . . ."

As you can see the proviso which stipulated that none of the land could be sold for less than its appraised value, has been completely deleted from section 6(f) of S. 282. This is inconsistent with the role of the Federal Government being the Indians trustee and Protector. This is inconsistent when you consider

the cited federal regulations which provide protection to the nth degree when the land is Federal.

If we, as Indian Wards and U.S. Citizens, are to continue to look to our Indian property Trustee, the Federal Government, for equitable and just treatment in its role as our Trustee, section 6(f) of S. 282 must be amended. As this section now stands, even if we had a reasonable Secretary of the Interior, he would be without authority to reject a bid, even if he knew it was much too low to give the tribal members a fair return for their tribal lands.

I recommend that so long as the Indian is to receive the benefit of the sale of his tribal land, that section 6(f) of S. 282 should be amended to restore the proviso to give the Secretary of the Interior the authority to reject bids if they are too low.

Respectfully yours,

THOMAS E. EDWARDS.

LETTER No. 7

SEATTLE, WASH., June 26, 1967.

Hon. HENRY M. JACKSON,  
Chairman, Committee on Interior and Insular Affairs,  
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: I respectfully request that this letter and its Exhibits A and B be made a part of the printed record of the June 8, 1967 hearing held on S. 282.

Exhibit A is a copy of a letter which I wrote to the editor of the Navajo Times which concerned my efforts to get the new out to the Colville Tribal members. I have tried to get the Colville Business Council to print the other side of the story in the Tribal Tribune, but they will not print anything which does not enhance their position. My letter to the editor was printed on page 2 and 3 of the May 11, 1967 Navajo Times and I never did get anything in the Colville Reservation's Tribal Tribune. A vast majority of the enrolled Indians of the Colville Reservation have never been told of any of the argument against some of the provisions of S. 282 which explains why your office does not receive an avalanche of letters protesting certain provisions of S. 282. Since the legal language of any proposed act is highly technical, we can not expect each Tribal member or a man on the street to pick up a copy of S. 282 and read it and be able to analyze it and understand what it will do and not do.

Exhibit B is a copy of an article which was written by Chet MacRorie, Editor of the Navajo Times. The reason I want this article made a part of the record is that it represents a good analysis of what the effect of my proposed amendments would have if they were incorporated in S. 282. Mr. MacRorie's article shows that he has a very keen understanding of what I seek to do by proposing amendments to S. 282. Mr. MacRorie's Article appeared in the May 11, 1967 issue of the Navajo Times.

Respectfully yours,

THOMAS E. EDWARDS

EXHIBIT A TO LETTER No. 7

[From the Navajo Times, May 11, 1967]

LETTERS TO THE EDITOR

DEAR EDITOR: In your newspaper of April 20, 1967 you carried the article entitled "Termination for Colvilles Takes Giant Step." In the interest of providing you with more background information, I am sending you copies of material which I presented at the March 17th meeting of the Confederated Tribes of the Colville Reservation.

I am an enrolled member of the Confederated Tribes of the Colville Reservation, who is concerned that we Indians of the Colville Reservation are about to lose our last Indian vestige, the Colville Reservation, and all in the name of emancipation of the Indian.

A majority of the Tribal members and a majority of the Tribes fourteen man governing body are laboring under the opinion that termination means that they will automatically receive a huge amount of money which represents their share of tribal property. The truth of the matter is that termination is not a means

to instant riches, but is something that is uncertain and is contingent upon the net results of all the so-called unimportant phrases buried in among all the many sections of the act.

Although we have a so-called newspaper called the "Tribal Tribune", there is a vast difference between the "Tribal Tribune" and the Navajo Times. The Navajo Times is a newspaper, and the Tribal Tribune is not a newspaper. I have tried to get the Tribal Tribune to print the other side of the issue, but they will not allow anything in the so-called newspaper except what the governing body prints. The Tribal Tribune would not even report that the convened Tribes did enact one resolution which was the only official action taken by the Tribes, I am enclosing a copy of the resolution.

In order to try to get the truth out before the people, I printed at my own expense a document which presented the only rationals which would justify the kind of termination necessary to provide the tribal members with what they think termination is automatically suppose to do. I am sending you a copy of the document in question which is entitled "PROPOSED AMENDMENTS TO SENATOR HENRY M. JACKSON'S BILL S. 282—90th CONGRESS."

Apparently we are going to be terminated, but under very bad terms. Our only hope seems to depend on getting a Senator from some other State to introduce a bill such as the one defined by S. 282 plus the amendments proposed in my March 17th, 1967 document.

I certainly hope you find some of my material sufficiently interesting enough to print some of it for the information of your subscribers. I subscribe to your newspaper and I recommend it to many of my fellow Indians as a very good source of Indian News.

THOMAS E. EDWARDS,  
*Trustee, Colville Indian Association.*

#### EXHIBIT B TO LETTER No. 7

[From the Navajo Times, May 11, 1967]

#### COLVILLE TERMINATION BILL TERMED UNSATISFACTORY IN PROTECTING RIGHTS OF WARDS

(By Chet Macrorie)

As reported in the Times recently a bill has been prepared by Senator Henry M. Jackson for the termination of the Confederated Tribes of the Colville Reservation in the northwest. This was at the request of these tribes.

Following this newspaper report on the Colville termination bill Thomas E. Edwards of Seattle, Washington, forwarded copies of proposed amendments to Senator Jackson's bill which he said were necessary to protect the interests of the Colville Indians in any settlement brought about by termination.

Edwards is a member of the Confederated Tribes of the Colville reservation, past president of the Colville Indian Association, and a graduate of the University of Washington. He has a BA of Science degree in Electrical Engineering and a BA of Science degree in Industrial Engineering. He is presently employed at the Boeing company in Seattle.

Edwards claims the termination of the Colville's as proposed under Senator Jackson's bill does not adequately protect their interests in the assets of the Colville reservation. "Senator Jackson's bill, S. 282, is a proposal which will result in both actually and theoretically dumping the huge market impacting Colville reservation on a market for a very reduced liquidation value, then dividing up the meager amount of cash on a per capita basis to the so-called withdrawing members of the tribes, plus transferring the so-called remaining members and the remaining assets into a trust arrangement similar to the remaining Klamath Indians," Edwards states.

He described Jackson's bill as allowing tribal lands to be sold without stipulating a minimum value where the bids could be rejected if they were too low.

Edwards objects to the Jackson bill as failing to set up adequate criteria for evaluating the value of the Colville's timber assets.

"Through the deception of a withdrawal clause (the bill) will trap many Colville wards into another trust set-up like the remaining Klamath Indians of Oregon who do not have the right to obtain the cash value of trust interest through emancipation based on a ward becoming competent." Edwards contends.

Under present trust laws the Secretary of Interior is the trustee over Indians and as wards the Indian can be held by the Secretary to be incompetent and not entitled to seek sale or cash for assets such as Tribal property or lands in which he holds an interest.

Edwards seeks amendments to the termination bill on the Colville Indians which would allow Indians to have a full divided share of the total assets not just land and timber. The amendments would also seek to vest in any Indian ward falling under this bill the right to go to any court of proper jurisdiction to obtain a decree that he is competent to manage his own affairs. This would allow him to handle or dispose of his property held in trust.

Edwards cited the problems of the Klamath Indians who were terminated. In particular he outlined the case of Crain vs. First National Bank of Oregon concerning the Klamath termination. The court ruled: "Congress has power to manage property of Indians until such time it releases them from wardship." The court at the same time also ruled: "Congress has power to determine when, how and by what steps it will emancipate Indians and whether emancipation shall be complete or only partial."

Referring to this court ruling Edwards said this ruling does not say what Congress must do, it only states what Congress has the power to do. "Congress left Crain as an unemancipated Indian with no means for him to have the right to emancipate himself based on any criteria." Edwards declared. "Intuitively it seems logical Crain should have been given the right to be able to break his trust restrictions and emancipate himself and obtain the full cash value of an interest in the trust based on him proving himself competent and no longer in need of trust restrictions.

"Crain got involved in the remaining Klamath trust set-up through the withdrawal clause of the Klamath Act and the default of not even voting on whether to remain or withdraw. The court's ruling on the power of Congress and the plight of Crain who can not emancipate himself based on any criteria such as competency to manage his own affairs, leads us to the logical conclusion that a termination act would be a lot more equitable to the Indian ward if it provided him with the legal right to emancipate himself based on being competent," Edwards asserted.

His amendments to Senator Jackson's bill would give Colville Indians an equal share in all tribal assets, establish minimum values for land and timber and allow those Colville's who want to run their own affairs do so by establishing through a court their competence. Those Indians who could not establish Competency through a court would meanwhile remain under trust status until they could do so. This would apply to minors who remain under trust restrictions until reaching adult age and establishing competency.

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LETTER No. 8

SEATTLE, WASH., June 26, 1967.

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs,*  
*U.S. Senate,*  
*Washington, D.C.*

DEAR SENATOR JACKSON: I respectfully request that this letter and its Exhibit A be made a part of the printed record of the June 8, 1967 hearing held on S. 282.

The purpose of this letter is to present my credentials. Enclosed as Exhibit A is a copy of a resolution adopted February 18, 1967 by Tribal members who live in the coastal area of the State of Washington. You already know the full story behind this resolution and the Colville Business Council's refusal to pay my expense as a tribal delegate.

I am also an elected member of the board of directors of the Colville Indian Association. I was elected to this position last July 16, 1966 with the second highest number of votes cast. Mr. Alfred B. Fry received one more vote than I did. As a trustee, I represent my electorate regardless of what my fellow members of the board may say.

The constitution and by-laws of the Colville Indian Association does not give the board of directors the authority to expel one of its members. Mr. Ronald A. Nelson, President of the Colville Indian Association in his March 6, 1967 letter to Narcisse Nicholson, Chairman of the Colville Business Council stated the following:

"As you are aware, Ronald A. Nelson and Norma K. Inks have been selected as the official delegates who will represent the Association at any Senate hearings held in Washington, D.C. on termination legislation for the Colvilles. Alyce P. Hallenius and Alfred B. Fry have been named as alternates in the event one or both of the delegates are unable to attend. They will be the only persons authorized to speak for the Colville Indian Association regardless of how many claim to be representatives."

The last quoted sentence above is in violation of the Colville Indian Association's constitution and by-laws which does not authorize the board the authority to expel one of its members. Their action is explained by the next sentence which followed the above quoted paragraph of their letter. The sentence is quoted as follows:

"These official Association delegates will be guided by the Association constitution and by-laws which set forth the goals and principles thereof \* \* \*."

The key word is the use of the word "guided" which means they do not consider the Association's constitution and by-laws to be a constraint to any of their actions.

Respectfully yours,

THOMAS E. EDWARDS, *Trustee, CIA.*

EXHIBIT A TO LETTER No. 8

CONFEDERATED TRIBES OF THE COLVILLE RESERVATION,  
SEATTLE INDIAN CENTER,  
*Seattle, Wash., February 18, 1967.*

WHEREAS, Thomas E. Edwards is a member of the Colville Indian Association Board of Directors, he nevertheless represents the viewpoint of many non-association members, and

WHEREAS, Mr. Edwards represents an important viewpoint concerning what the proper relationship of the Federal Government towards the Indian wards should be:

BE IT THEREFORE RESOLVED, That we Colville Indians consisting of delegates sent from Seattle, Washington, Tacoma, Washington, and Portland, Oregon, gathered together here in the Seattle Indian Center on this date, February 18, 1967 go on record as appointing Mr. Thomas E. Edwards to be a delegate to go back to Washington, D.C. to represent the coastal Colville Indians living in the Seattle area, Tacoma area, and Portland, Oregon area as an independent group who may not be properly represented by other established tribal groups, and

BE IT FURTHER RESOLVED, That the Colville Business Council pay Mr. Edwards per diem, wages, and expenses to travel to Washington, D.C. for hearings on S. 282 or any other bills concerning or affecting the Colville Indians, and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Senator Henry M. Jackson, Congressman Thomas S. Foley, Congressman James H. Haley, and the Colville Business Council.

CERTIFICATION

I, Mrs. Helene P. Foster, Portland, Oregon Colville Indian delegate, certify that the above resolution was submitted, discussed, and approved by the members and delegates of the Colville Indians assembled at the Seattle Indian Center on February 18, 1967.

HELENE P. FOSTER.

LETTER No. 9

SEATTLE, WASH., *June 28, 1967.*

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs,  
U.S. Senate, Washington, D.C.*

DEAR SENATOR JACKSON: I respectfully request that this letter be made a part of the printed record of the June 8, 1967 hearing held on S. 282.

The purpose of this letter is to clarify the use of the results of an October 1966 opinion poll conducted by the Legislative Committee of the Colville Business Council. This October 1966 opinion poll more than likely will be cited by the Colville Business Council as proof that the tribal members favor the enactment of S. 282 at the same ratio as the "yes" vs the "no" in the cited opinion poll.

From page 35 of the proceedings of the October 17, 18, & 19, 1966 Indian Leaders Conference with Robert L. Bennett, Commissioner Bureau of Indian Affairs held at Spokane, Washington, the Colville Business Council reported a preliminary tabulation of the 1620 returned polls as of October 14, 1966, to show the following results: 1168 Yes or 73.9%; 412 No or 26.1%; 40 No opinion.

I must caution the members of the Subcommittee not to interpret the results of the October 1966 Opinion Poll to show direct support of S. 282. We must interpret the results of the Opinion Poll in terms of the exact question put to the people. The exact wording of the question put to the tribal members was as follows:

"Do you favor termination and liquidation of Tribal owned reservation assets at fair value with the proceeds distributed equally to the members of the Tribes?"

Unless the amendments which I have proposed to S. 282 are incorporated into S. 282, the resulting termination act will not have the results stipulated in the question proposed in the October 1966 Opinion Poll. S. 282 unamended will bring in market impact considerations on sale of timber and will bring discount considerations based on computing the present worth (year of termination of a series of ten approximately equal installments occurring once each year for ten years. The results of these two unfavorable considerations would result in each tribal member receiving something far less than what he considers a "fair value".

Please do not consider the results of the Opinion Poll in question as proof that the tribal members favor enactment of S. 282 in its unamended form.

Respectfully yours,

THOMAS E. EDWARDS, *Trustee, CIA.*

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PETITION

The undersigned, enrolled members of the Colville Confederated Tribes, hereby petition the Department of the Interior and the Congress of the United States to continue Federal supervision over the property and affairs of the Colville Confederated Tribes and their members, including the Colville Indian Reservation, without enactment of S. 282, H.R. 3051, or any other termination bill, into law:

(The above petition carried 57 signatures.)

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COLVILLE CONFEDERATED TRIBES—COLVILLE INDIAN RESERVATION

*To whom it may concern:*

We, the undersigned, enrolled members of the Colville Confederated Tribes, of our free will and after a more enlightened understanding of our situation in relation to the termination of the Colville Indian Reservation DO HEREBY RETRACT and declare to be of no effect our signatures on petitions being circulated for legislation to provide for a reduced Indian reservation for those of us who may wish to remain in a tribal unit and to keep such reservation and our individual lands under federal supervision upon the termination of a major portion of the Colville Indian Reservation, for the following reasons:

1. It is impracticable to seek out the petitions circulating so that the signatures may be deleted.

2. There was some misinformation given, by way of pressure, on the effects of the proposed legislation. Of vital importance to us particularly, it was not pointed out that the reduced reservation could not provide the opportunities, advantages and income of the Colville Indian Reservation, operated as a whole and with its many interrelated assets, on which we depend for a livelihood and on which we place our future.

We are, and cannot but be, opposed to termination in any form.

The above petition carried 27 signatures.

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COLVILLE CONFEDERATED TRIBES—COLVILLE INDIAN RESERVATION

We, the undersigned, enrolled members of the Colville Confederated Tribes, of our free will and after a more enlightened understanding of our situation in

relation to the termination of the Colville Indian Reservation DO HEREBY RETRACT and declare to be of no effect our signatures on petitions being circulated for legislation to provide for a reduced Indian reservation for those of us who may wish to remain in a tribal unit and to keep such reservation and our individual lands under federal supervision upon the termination of a major portion of the Colville Indian Reservation, for the following reasons:

1. It is impracticable to seek out the petitions circulating so that the signatures may be deleted.

2. There was some misinformation given, by way of pressure, on the effects of the proposed legislation. Of vital importance to us particularly, it was not pointed out that the reduced reservation could not provide the opportunities, advantages and income of the Colville Indian Reservation, operated as a whole and with its many interrelated assets, on which we depend for a livelihood and on which we place our future.

We are, and cannot but be, opposed to termination in any form.

CHARLEY WILLIAMS.  
HATTIE ANDREWS.

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PETITION

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CHARLEY WILLIAMS.  
MRS. CLEVELAND KAMIAKIN.  
FRANK GEORGE.

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