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UMATILLA JUDGMENT FUNDS

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HEARING

BEFORE THE

SUBCOMMITTEE ON INDIAN AFFAIRS

OF THE

COMMITTEE ON

INTERIOR AND INSULAR AFFAIRS

UNITED STATES SENATE

NINETY-FIRST CONGRESS

FIRST SESSION

ON

S. 2357 and H.R. 9477

TO PROVIDE FOR THE DISPOSITION OF JUDGMENT
FUNDS OF THE CONFEDERATED TRIBES OF THE
UMATILLA INDIAN RESERVATION

OCTOBER 29, 1969



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

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UMATILLA JUDGMENT FUNDS

WEDNESDAY, OCTOBER 29, 1969

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

The subcommittee met, pursuant to call, at 10 a.m., in room 3110, New Senate Office Building, Senator Quentin N. Burdick (chairman of the subcommittee) presiding.

Present: Senators Quentin N. Burdick (North Dakota), and Gordon Allott (Colorado).

Also present: Stewart French, chief counsel, and James Gamble, professional staff member.

Senator BURDICK. We are here this morning to consider, among other bills, H.R. 9477 and S. 2357, dealing with the provisions for the disposition of judgment funds of the Confederated Tribes of the Umatilla Indian Reservation.

Our first witness this morning will be the Honorable Mark O. Hatfield, Senator from the State of Oregon.

(Bills follow:)

[S. 2357, 91st Cong., 1st sess.]

A BILL To provide for the disposition of judgment funds of the Confederated Tribes of the Umatilla Indian Reservation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the entire unexpended balance of funds that were appropriated by the Act of May 13, 1966 (80 Stat. 141), to pay a judgment by the Indian Claims Commission entered in Dockets Numbered 264, 264A, and 264B in favor of the Confederated Tribes of the Umatilla Indian Reservation, and the interest thereon, less litigation expenses, shall be distributed in accordance with the provisions of this Act. A portion of such funds shall be used to provide a \$250 per capita payment to each enrolled member on the membership roll of the Confederated Tribes as of June 15, 1957, as approved by the Bureau of Indian Affairs on January 10, 1958; to each enrolled member on the supplemental membership roll as of April 12, 1960, approved by the Bureau of Indian Affairs on January 27, 1961; and any member enrolled since January 27, 1961, and prior to the date of the enactment of this Act or who became entitled to enrollment under section (b), article IV of the constitution and by laws of the Confederated Tribes adopted November 4, 1949, as determined by the Secretary of the Interior or his authorized representative.

(b) Upon the expiration of six months following the date of enactment of this Act, a second per capita payment in the amount of \$250 shall be paid from such funds to each person authorized to receive a per capita payment pursuant to subsection (a) of this section.

(c) Any of such unexpended funds referred to in subsection (a) remaining following the per capita distributions authorized by this Act shall be set aside in the general fund of the Confederated Tribes of the Umatilla Indian Reservation to be distributed as determined by the governing body of the tribe and the Secretary of the Interior.

SEC. 2. (a) Until distributed as herein provided, such funds shall remain tribal funds and the shares herein designated for the eligible membership shall con-

stitute inheritable and nonreimbursable credits therein from and after December 17, 1965.

(b) The per capita distribution and projection of such funds shall not be subject to Federal and State income tax.

[H.R. 9477, 91st Cong., 1st sess.]

AN ACT To provide for the disposition of judgment funds of the Confederated Tribes of the Umatilla Indian Reservation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the entire unexpended balance of funds that were appropriated by the Act of May 13, 1966 (80 Stat. 141) to pay a judgment by the Indian Claims Commission entered in docket numbers 264, 264A, and 264B in favor of the Confederated Tribes of the Umatilla Indian Reservation, and the interest thereon, less litigation expenses, estimated costs of distribution, and \$200,000 to be used as provided in section 5 of this Act, shall be distributed, per capita, in equal shares to all eligible members of the Confederated Tribes as defined in this Act under such terms and conditions as are authorized by the tribal governing body and approved by the Secretary of the Interior, including the establishment of trusts for minors and incompetents. Payments to heirs or legatees shall be made upon proof of death and inheritance satisfactory to the Secretary, whose findings shall be final and conclusive. Such per capita distribution shall be made in three installments of approximately equal amount, the first installment to be made as soon as possible after the date of this Act and the next two installments to be made at six-month intervals.

SEC. 2. The persons eligible to receive such per capita payments shall be all persons who were living on December 17, 1965, and whose names appear on any of the following:

(a) The membership roll of the Confederated Tribes as of June 15, 1957, as approved by the Bureau of Indian Affairs on January 10, 1958, or

(b) The supplemental membership roll as of April 12, 1960, approved by the Bureau of Indian Affairs on January 27, 1961, and also any other persons born after July 1, 1949, and living on or at any time between December 17, 1965, and the date of this Act who were either enrolled as of the date of this Act or became entitled to enrollment under section (b), article IV of the constitution and bylaws of the Confederated Tribes adopted November 4, 1949, as determined by the Secretary of the Interior or his authorized representative.

SEC. 3. Until distributed such funds shall remain tribal funds and the shares herein designated for the eligible members shall constitute inheritable property from and after December 17, 1965.

SEC. 4. The per capita distributions of such funds shall not be subject to Federal or State income tax.

SEC. 5. The \$200,000 withheld from per capita distribution pursuant to section 1 of this Act shall be invested or placed in trust with an institutional trustee by the Secretary of the Interior, under terms and conditions approved by the tribal governing body. The income from the investment or trust, together with such invasions of the principal or trust corpus as the Secretary deems desirable, shall be used for the education of members of the tribe until such time as the tribal governing body, with the approval of the Secretary, determines that the funds should be used in some other manner.

Passed the House of Representatives September 15, 1969.

PROVIDING FOR THE DISPOSITION OF JUDGMENT FUNDS
OF THE CONFEDERATED TRIBES OF THE UMATILLA
INDIAN RESERVATION

SEPTEMBER 4, 1969.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. HALEY, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany H.R. 9477]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 9477) to provide for the disposition of judgment funds of the Confederated Tribes of the Umatilla Indian Reservation, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

Page 1, line 8, after "expenses," insert "estimated costs of distribution, and \$200,000 to be used as provided in section 5 of this Act."

Page 2, line 2, strike out "Interior." and insert "Interior, including the establishment of trusts for minors and incompetents. Payments to heirs or legatees shall be made upon proof of death and inheritance satisfactory to the Secretary, whose findings shall be final and conclusive."

Page 2, beginning on line 3, strike out "with all deliberate speed" and insert "in three installments of approximately equal amount, the first installment to be made as soon as possible after the date of this Act and the next two installments to be made at six month intervals."

Page 2, beginning on line 4, strike out "No part of the cost of preparation of the roll shall be charged against said funds or other tribal funds."

Page 3, beginning on line 1, strike out "and nonreimbursable credits therein" and insert "property".

Page 3, following line 4, add a new section 5 reading as follows:

SEC. 5. The \$200,000 withheld from per capita distribution pursuant to section 1 of this Act shall be invested or placed

in trust with an institutional trustee by the Secretary of the Interior, under terms and conditions approved by the tribal governing body. The income from the investment or trust, together with such invasions of the principal or trust corpus as the Secretary deems desirable, shall be used for the education of members of the tribe until such time as the tribal governing body, with the approval of the Secretary, determines that the funds should be used in some other manner.

PURPOSE

The purpose of this bill, introduced by Mr. Ullman, is to authorize the Confederated Tribes of the Umatilla Indian Reservation to use a \$2,450,000 judgment recovered against the United States in the Indian Claims Commission, and accumulated interest. The money to pay the judgment has been appropriated, but under a provision carried in the annual appropriation act the money cannot be used until specifically authorized by Congress.

NEED

The bill, as amended, authorizes a per capita distribution of all of the judgment balance except \$200,000, which is reserved for use for educational purposes. The tribes have an estimated enrollment of 1,300, which will make the per capita share around \$1,750.

The \$200,000 reserved for educational purposes will supplement other educational funds that are available to the tribes, and will make the total about \$500,000. In addition, each child who participated in a 1958 per capita distribution received approximately \$3,500, which was placed in trust for him, and these trust funds are now worth about \$5,000 each. The money is available for the education of the child, to the extent it has not already been used for that or other authorized purposes.

The Confederated Tribes strongly urged a per capita distribution of the entire judgment, but indicated during the hearings on the bill that they would not object to the reservation of \$200,000 for educational purposes.

The Department of the Interior recommended that only half of the judgment be distributed per capita, and that the balance be reserved for reservation programs. In view of (1) the strong tribal opposition to this procedure, (2) the fact that about half of the tribal membership does not live on the reservation and would not participate in the reservation programs, and (3) the fact that no witness could say that the 1958 per capita distribution was unwisely used, the committee did not accept the Department's recommendation.

COMMITTEE AMENDMENTS

The committee amendments provide for (1) a reservation of \$200,000 for educational purposes, (2) a per capita distribution of the remainder of the judgment in three installments of approximately equal amount, (3) payment of the cost of distribution out of the judgment fund, which is a standard requirement included in all bills of this kind, (4) authority in the Secretary to protect the interests of minors and in-

competents and to make final determinations with respect to proof of death and inheritance, which is also a standard provision, and (5) a technical correction.

COST

Enactment of the bill will involve no Federal expenditure.

RECOMMENDATION

The committee recommends that the bill, as amended, be enacted.

DEPARTMENTAL REPORT

The report of the Department of the Interior is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 27, 1969.

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

DEAR MR. CHAIRMAN: This is in response to your request for the views of this Department on H.R. 9477, a bill to provide for the disposition of judgment funds of the Confederated Tribes of the Umatilla Indian Reservation.

We oppose the enactment of H.R. 9477 and recommend the enactment of a substitute bill, a copy of which is attached to this report.

The bill authorizes a full per capita distribution of the unexpended balance of funds that were appropriated by the act of May 13, 1966 (80 Stat. 141), to pay a judgment by the Indian Claims Commission entered in docket Nos. 264, 264-A and B in favor of the Confederated Tribes of the Umatilla Indian Reservation to all eligible members of the Confederated Tribes as defined in the bill, the present entity.

The substitute bill that we favor would authorize the unexpended funds to be credited to the Confederated Tribes of the Umatilla Indian Reservation, from which funds may be advanced, deposited, invested or reinvested, for any purpose authorized by the tribal governing body as approved by the Secretary of the Interior, except that a per capita distribution of \$450 will be made to those members of the present tribal entity upon the effective date of the act and another per capita distribution of \$450 will be made a year later. The balance of the funds, about half of the total judgment, will remain available to the tribe for a development program. The funds covered by this bill are exempt from Federal and State income taxes. A section protecting minors is also included.

The Indian Claims Commission issued a final judgment on February 11, 1966, in favor of the Confederated Tribes of the Umatilla Indian Reservation in dockets numbered 264, 264-A, 264-B, pursuant to a stipulation filed by the parties for a compromise settlement. The award represents fair payment for about 3,559,000 acres of land ceded by the Walla Walla, Cayuse, and Umatilla Tribes under the treaty of June 9, 1855 (12 Stat. 945), claimed in docket 264, payment for land excluded from the Umatilla Reservation by an erroneous survey, docket 264-B, and damages from the loss of fish and eel

runs in the Umatilla River, docket 264-A. Claims in the latter two cases were not tried; the value of these two smaller cases was estimated to be about \$150,000.

Funds to cover the award were appropriated by the act of May 13, 1966, and deposited in the U.S. Treasury to the credit of the Walla Walla, Cayuse, and Umatilla Tribes of Indians, to agree with the Commission's decision of September 28, 1964 (14 ICC 14).

In August 1966, \$245,000 was withdrawn for attorney fees awarded by the Commission as full compensation for all services rendered. In February 1967, at the request of the Confederated Tribes (Resolution No. 67-7), the balances remaining in the principal and interest accounts were withdrawn for short-term bank time deposits. Judgment fund balances available as of March 13, 1969, totaled \$2,470,034.60. A financial statement is enclosed.

The Court of Claims has held that how an award is to be paid and precisely who can participate in the award are for congressional and administrative determination. Wherever possible, the Department recommends to the Congress that Indian Claims Commission awards be paid to tribal entities as they are constituted today, rather than to a distant historic entity. We are following this policy in the substitute bill we recommend in this report. However, in connection with this case, there has been some difficulty in determining the proper disposition of the award, which required an extensive review of the case and possible beneficiaries, in view of divergencies between certain findings of fact and decisions of the Indian Claims Commission that the petitioner was not a full successor in interest to the 1855 treaty tribes and the stipulation in the final award granting the award to the petitioner, the Confederated Tribes of the Umatilla Indian Reservation. The information compiled is discussed briefly on the next several pages of this report.

In the opinion and findings of fact of the Indian Claims Commission in docket numbered 264, rendered on September 28, 1964, the Commission found that the Walla Walla, Cayuse, and Umatilla Tribes of Indians held Indian title to three separate but contiguous tracts of land in southeastern Washington and eastern Oregon. The permanent confederation of the three tribes was formed by the treaty of June 9, 1855. The Indian Claims Commission found that the petitioner was not the sole successor in interest of that confederation, and that "any recovery on a cause of action under the 1855 treaty should be on behalf of the entities then existing. We have concluded the petitioner may present this action only in a representative capacity on behalf of those entities." The Commission also noted the two classes of membership of the present organized Confederated Tribes.

In an interlocutory order, the Commission concluded as a matter of law that the petitioner "has the right and capacity under the Indian Claims Commission Act to bring and maintain this suit for and on behalf of the three tribes of Indians who were parties to the treaty of June 9, 1855 * * *." While this interlocutory order was pending on appeal in the Court of Claims, the parties entered into a stipulation for a compromise and settlement of all claims arising in dockets numbered 264, 264-A, and 264-B, dismissal of the appeal, and entry of a final judgment. The Court of Claims ordered dismissal of the appeal and entry of a final judgment consistent with the stipulation. Neither the stipulation nor the recitation of negotiation for

approval of the stipulation and entry of final judgment made reference to the Commission's decision that the award, if any, should be to the petitioner in a representative capacity.

On February 11, 1966, the Commission entered its final judgment and decreed:

* * * that the joint motion of the parties for final judgment be and hereby is granted and that accordingly judgment be and is hereby entered in favor of petitioner Confederated Tribes of the Umatilla Indian Reservation, against the defendant in the amount of \$2,450,000.

In considering an earlier proposal by this Department in connection with a request for a report on H.R. 3805, in the 90th Congress, the Bureau of the Budget asked the views of the Indian Claims Commission on the matter of "successor in interest." On September 4, 1968, the Commission responded that in approving the 1966 compromise settlement, the Commission did not overrule or set aside its 1964 decision on the capacity of the petitioner to take a judgment only in a representative capacity.

The Indian Affairs Division of the Solicitor's Office posed this same question to the Indian Claims Section of the Justice Department. Justice replied that the notice of appeal listed the Commission's finding that the Confederated Tribes was not the successor in interest to the Walla Walla, Cayuse, and Umatilla Tribes as one of the grounds for appeal. However, no briefs were filed in the appeal and after eight continuances the settlement was reached. No agreement was made by Justice regarding the capacity in which the Confederated Tribes took the award, it being simply provided for the award to go to the petitioner in the case.

A case paralleling the *Umatilla* case on the matter of successor in interest was considered by the Court of Claims in *The Confederated Tribes of the Warm Springs Reservation v. The United States*, decided October 14, 1966. The court affirmed the Commission's decision that the appellant is allowed to recover in a representative capacity:

* * * The Commission allowed the appellant to recover not as the successor in interest to, but on behalf of, the tribal entities signatory to the treaty of 1855. Appellant was incorporated by all of the Indians residing upon the Warm Springs Reservation; there was no requirement that any member of this entity be able to trace his ancestry to the treaty bands of 1855, or the entity created by the treaty. In fact, the Confederated Tribes of Warm Springs Reservation of Oregon does include a much wider range of people than merely descendants of the treaty entities; namely whole blooded or mixed blooded Paiutes. Thus, the Commission's determination of the appellant's capacity to sue is correct. *Spokane, supra*, at p. 72. *Peoria Tribe of Indians v. United States*, 169 Ct. Cl. 1009 (1965); *Minnesota Chippewa Tribe v. United States*, 161 Ct. Cl. 258, 270-272, 315 F. 2d 906 (1963). See also 25 U.S.C. sections 70(a) and 70(i). To whose benefit any award might inure is not decided by any phrasing of the capacity to sue. * * *

The Indians of the Umatilla Reservation are organized as "The Confederated Tribes of the Umatilla Indian Reservation." They did not accept the provisions of the Indian Reorganization Act of 1934 (48 Stat. 984), but adopted a written constitution and bylaws

which (was approved by the Assistant Secretary of the Interior on December 7, 1949.

The base membership of the organization consists of "all persons of Indian blood whose names appear on the official census roll of the Confederated Tribes as of July 1, 1949," as corrected within 5 years from the date the constitution is approved. There are nine persons enrolled who meet the base membership requirements, but who are not shown on the rolls as being of the blood of any of the three treaty tribes.

An extensive review of the organization and composition of the organizational documents of the Confederated Tribes shows that the membership requirements of the tribes are stringent and as a result there are a considerable number of persons who are of the blood of the Walla Walla, Cayuse, and Umatilla Tribes who have not qualified for enrollment with the Confederated Tribes, including many children of enrolled members. In brief, in order to be enrolled, an individual must have at least one-fourth degree Indian blood of the Confederated Tribes and both parents must be members of the organization. Children with only one parent enrolled may become members only upon application and acceptance by the general council. Other persons who have less than one-quarter degree blood of the Confederated Tribes may apply for membership under section (c) of article IV, Members, which reads: "Any other person of blood of the Confederated Tribes may, upon application, be admitted by a majority vote of the General Council to participate in tribal government and to vote and to hold office.

It is expressly understood, however, that such persons shall not participate in any right or claim arising out of treaties to which the Confederated Tribes are a party."

Proposals to include as beneficiaries of the Umatilla award certain nonmembers have been presented to the Confederated Tribes. The tribes have strongly opposed any proposal which would allow any one other than members of the Confederated Tribes, by their constitutional membership requirements, to participate in any distribution of these funds. The position of the board of trustees is set forth in Resolution No. 68-15, adopted on January 9, 1968. A copy of the resolution and the "Statement of the Confederated Tribes of the Umatilla Indian Reservation in opposition to Portions of Draft Bill of Bureau of Indian Affairs Relating to Disposition of Judgment Funds" are enclosed.

After carefully considering the facts uncovered in our review of the judgment and looking at the strong feelings of the tribes on the matter and taking into account the view of the Court of Claims that how an award is to be paid and precisely who can participate in the award are for congressional and administrative determination, we have decided to follow the position taken by this Department in most judgment matters and pay the proceeds of the judgment to the tribes as constituted under the constitution adopted by the tribes and approved by the Secretary of the Interior. This is what our substitute bill would do.

H.R. 9477 embodies the desires of the majority of the Confederated Tribes of the Umatilla Reservation. That bill is in for form voted on by tribal members attending the general council meeting of January 25, 1969, and was adopted by a vote of 52 "for" and 14 "against."

The bill was subsequently approved by the board of trustees, the tribal governing body, on February 19, 1969. A copy of Resolution No. 69-31 is enclosed. The bill appears to reflect the sentiments of the present and the recent past boards as well as a number of the tribal members. The present board members do not favor enterprises that would entail use of tribal funds, but are mainly interested in per capita payments.

A petition signed by 95 persons as the "Petitioners of the Confederated Tribes of the Umatilla Indian Reservation" has been received by the Department. The petitioners oppose the action taken by the Umatilla General Council on January 25, 1969, which approved a draft bill, designated as the "official requested bill" to effect a full per capita distribution of the Umatilla judgment funds. The petitioners have also expressed an interest in using some of the funds for investment purposes to earn an income for enrolled members. A copy of the petition and transmittal letter dated February 21, 1969, addressed to Secretary of the Interior are enclosed. On March 24, 1969, the Under Secretary acknowledged receipt of the petition and informed the petitioners that an approved resolution adopted by the board of trustees (No. 69-27, dated February 10, 1969) and accompanying supporting documents in connection with the proposed bill received by the Department were under review. Copies of these documents are also enclosed.

This petition shows clearly that there is strong support among the membership of the Confederated Tribes of the Umatilla Reservation for an investment program for the benefit of the tribes. Our substitute bill would meet the demands of both groups by providing a distribution and at the same time make some of the funds from the judgment available for an investment program.

H.R. 9477 sets December 17, 1965, as the eligibility date on which enrollees will be entitled to a share of the funds. That is the date on which the general council and the board of trustees of the tribes each adopted a resolution approving the proposed compromise settlement of the claims cases. Tribal members are in favor of that date as one of two eligibility dates in order that a full per capita share might be set aside for tribal members who have since passed on, some of whom had been actively involved in the claims cases from the beginning. Deceased enrollees' shares would go to their heirs or legatees.

We favor the effective date of the legislation as the effective date for persons to be eligible to share in any per capita distribution of judgment funds. Distributing funds on a roll 5 or 10 years old would necessitate considerable work in determining the heirs or legatees of the deceased enrollee and results in additional expenses chargeable either to the judgment fund or to the U.S. Government.

We believe the Department's proposal to spend approximately one-half of the judgment funds in per capita payments and the remainder to be reserved for tribal program purposes would best serve the need and interest of the Confederated Tribes and its membership.

In 1966, over 47 percent of the total tribal membership of approximately 1,242 persons were living away from the reservation area, earning their living, and managing their own affairs. The per capita payments would permit them as well as persons living on the reservation to realize immediate benefits from the award. The funds remaining may be used for programing which will take longer to develop, such

as improved housing conditions, improved sanitation facilities, community development, a tribal credit loan program, and reservation development to bring employment opportunities and income to the tribal members.

Judgment funds often constitute the only source of investment capital, and the Department is committed to a policy of encouraging all Indian tribes to utilize their judgment funds for the development of their resources—both human and natural—which would yield lasting benefits to a majority of the people involved.

Although the tribe has not considered programing the use of the judgment funds in recent years, in 1967 the incumbent board of trustees and its program planning committee drafted a preliminary plan which included reservation development programs, a tribal credit program, etc. The preliminary plan was adopted by the incumbent board, but no further action had been taken on the plan. The programs proposed in the preliminary plan and the position of the various boards of trustees and the tribal members are discussed on pages 2 and 3 of the enclosed Report on Social and Economic Conditions of the Confederated Tribes of the Umatilla Indian Reservation, Oreg.

In section 1 of our substitute bill, the title for the funds has been rephrased to agree with the Commission's decision of September 28, 1964 (14 Ind. Cl. Com. 14). The funds to cover the award were appropriated and deposited in the U.S. Treasury in account 14X7485—Walla Walla, Cayuse, and Umatilla Tribes of Indians, Awards of Indian Claims Commission.

Section 2 of the substitute bill would authorize the Secretary to make two \$450 per capita payments, one at the time of the enactment of this bill, and the second, on the anniversary date of the act, to each person who qualifies for membership in the Confederated Tribes of the Umatilla Indian Reservation and who is eligible to share in tribal assets pursuant to article IV of the tribal constitution, and is living on the date of this act.

The Confederated Tribes organization provides for two classes of membership. The base membership of the Confederated Tribes, as provided in the constitution, section (a) of article IV, consists of "all persons of Indian blood whose names appear on the official census roll of the Confederated Tribes as of July 1, 1949," as corrected within 5 years from the date of approval of the constitution. In order to be enrolled in the Confederated Tribes under section (b) of article IV, an individual must be at least one-fourth degree Indian blood of the Confederated Tribes. Children with only one parent enrolled may become members only upon application and acceptance by the general council. Other persons who have less than one-quarter degree blood of the Confederated Tribes may apply for membership under section (c) of article IV, Members, which reads:

Any other person of blood of the Confederated Tribes may, upon application, be admitted by a majority vote of the general council to participate in tribal government and to vote and to hold office. It is expressly understood, however, that such persons shall not participate in any right or claim arising out of treaties to which the Confederated Tribes are a party.

We estimate that there will be about 1,300 enrollees participating in the per capita payments. Based on this number, \$1,170,000 of the

judgment funds will be distributed on a per capita share basis, in two installments of \$450 each. Under the substitute bill, the balance of the funds would be turned over to the tribe for use and expenditure as provided by the tribal governing body and approved by the Secretary of the Interior.

Section 3 directs the tribe, with the assistance of the Secretary, to bring current as of the date of this act, the membership roll of the tribe. There is nothing in the membership provisions of the tribal constitution which provides that the membership roll developed in accordance with the tribe's membership requirements must have secretarial approval. However, the Secretary has trustee responsibility over tribal property and when authorizing the distribution of such property, must determine who is entitled to share. The two rolls cited in H.R. 9477, the membership roll of the Confederated Tribes as of June 15, 1957, as approved by the Bureau of Indian Affairs on January 10, 1958, and the supplemental membership roll as of April 12, 1960, approved by the Bureau of Indian Affairs on January 27, 1961, are in fact payment rolls prepared to distribute tribal funds to certain of its membership, therefore requiring approval by the Secretary or his authorized representative.

Section 4 provides for payment of a share directly to each enrollee or his heirs or legatees, and in the case of minors and persons under a legal disability, in accordance with procedures, including the establishment of trust, as the Secretary of the Interior, with the advice of the tribal governing body, determines appropriate to protect the best interest of such persons.

The section 5 provision is standard language contained in most of the judgment disposition proposals of the Department, where a portion of the funds is to be paid out on a per capita share basis. We believe the provision is appropriate in connection with the per capita payments authorized under the substitute bill.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program, but it believes that the committee will wish to consider the views of the Bureau of the Budget as set out in the attached copy of its report on S. 1654.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

A BILL To provide for the disposition of judgment funds on deposit to the credit of the Walla Walla, Cayuse, and Umatilla Tribes, in Indian Claims Commission dockets numbered 264, 264-A, and 264-B, 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 Secretary of the Interior is directed to transfer and credit in the United States Treasury to the account of the Confederated Tribes of the Umatilla Indian Reservation, the remaining balance of the moneys appropriated by the Act of May 13, 1966 (80 Stat. 141), and credited to the account of the Walla Walla, Cayuse, and Umatilla Tribes of Indians, to pay a judgment by the Indian Claims Commission in dockets numbered 264, 264-A, and 264-B, rendered in favor of the petitioner, the Confederated Tribes of the Umatilla Indian Reservation, and the interest

accrued thereon, and shall distribute such funds in accordance with the provisions of this Act.

SEC. 2. The Secretary of the Interior is authorized and directed (a) to make a per capita distribution from such funds in the amount of \$450 to each person who qualifies for membership in the Confederated Tribes of the Umatilla Indian Reservation and who is eligible to share in the tribal assets pursuant to Article IV of the tribal constitution, is living on the date of this Act, and is enrolled on the roll prepared and approved pursuant to this Act, and (b) upon the anniversary date of the enactment of this Act, to make a second payment in the amount of \$450 per capita from funds remaining to the credit of the tribe to all enrollees whose names appear on the roll specified in part (a) of this section. After deducting amounts sufficient to make the payments, authorized in parts (a) and (b) of this section, the balance remaining, together with accrued interest thereon, may be advanced, deposited, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 3. For the purpose of carrying out the provisions of this Act, the tribe is directed, with the assistance of the Secretary, to bring current as of the date of this Act the membership roll of the tribe.

SEC. 4. On approval of the roll by the Secretary, payment shall be made directly to each enrollee, or his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings shall be final and conclusive. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior, with the advice of the tribal governing body, determines appropriate to protect the best interest of such persons.

SEC. 5. Funds distributed per capita pursuant to this Act shall not be subject to Federal or State income tax, and shall not be subject to any lien, debt, or attorney fees except delinquent debts owed by individual Indians to the tribe or the United States.

SEC. 6. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., June 27, 1969.

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

DEAR MR. CHAIRMAN: This is in reply to your request for the views of the Bureau of the Budget on S. 1654, a bill to provide for the disposition of judgment funds of the Confederated Tribes of the Umatilla Indian Reservation.

The Department of the Interior, in its report on this bill, discusses various questions that have come up regarding eligibility for participation in this award. As pointed out in the Department's report, there are conflicting views whether the organization known as the Confederated Tribes of the Umatilla Indian Reservation and the members

thereof should be the sole successors in interest to this judgment. This is in light of the fact that the Indian Claims Commission in its findings did not regard that organization as a sole successor in interest to all of the land of the 1855 treaty tribes on which the amount of the judgment was determined. We understand from the Department that there are between 500 and 2,000 additional Indians who might be eligible for participation in this judgment if a new roll were being prepared by the Secretary of the Interior.

Subject to the above, you are advised that the Bureau of the Budget would have no objection to enactment of this bill if otherwise amended as recommended by the Department of the Interior.

Sincerely yours,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

REPORT ON SOCIAL AND ECONOMIC CONDITIONS OF THE CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION, OREG.

GENERAL RESERVATION BACKGROUND

The Umatilla Indian Reservation is located in the northeast corner of Oregon in Umatilla County adjacent to the city of Pendleton, the primary trade center for the area, with a population of over 14,000. Timber, agriculture, tourism, a flour mill, Pendleton Woolen Mills, and Army ordnance are the major industries and activities of the area. Cayuse, Mission, and Thornhollow are the principal Indian settlements. Other nearby towns are Hermiston, Oreg., a distance of 20 miles and Walla Walla, Wash., 50 miles. The Umatilla River crosses the reservation from Pendleton to Bingham Springs.

The terrain varies from rolling plains and river valleys to timbered, rugged mountain areas. The elevation is from 1,000 to 4,000 feet above sea level. The average annual temperature is 52°, varying from 25° to over 100°. The annual precipitation is about 15 inches at lower elevations. There are frequent winter snows.

The original reservation, which was set aside by an 1855 treaty, contained nearly 157,000 acres. In 1891, allotments had been made to 1,118 Indians. Today the reservation is highly checkerboarded with approximately 45 percent of the original land area in non-Indian ownership.

All reservation roads which were constructed by the United States and maintained by the Bureau have been brought up to adequate standards and turned over to Umatilla County. Ninety-eight percent of the reservation roads are all-weather roads, with approximately 20 percent hard surfaced.

State Highway No. 11 traverses from the northwest boundary at Pendleton to Athena at the northern tip of the reservation. U.S. Highway No. 30, a main transcontinental highway, crosses the reservation in a southeastern direction from Pendleton to Meacham. This road is being converted to divided Highway 80 N. Secondary roads adequately serve the farms and small communities.

The municipal airport is 3 miles northwest of Pendleton. The Union Pacific Railroad extends east from Pendleton across the reservation, passing through the small communities of Cayuse, Thornhollow, and Gibbon. The reservation is serviced by Bonneville Power, Pacific

Power & Light, and Umatilla Electric Co-op. The Umatilla National Forest is east of the reservation.

In April 1967, the Umatilla subagency was converted to full agency status, with headquarters at Mission.

TRIBAL HISTORY

The Walla Walla, Cayuse, and Umatilla Tribes of Indians in aboriginal times were of the Plateau culture and of the same basic Sahaptin (Shahaptian) language stock. Early white observers sometimes confused the Walla Wallas with the Umatillas and the Cayuse with the Nez Perce. The three tribes were intermarried and occupied country so near each other that their interests were in common. In the main, their permanent winter villages were located along the Columbia, Walla Walla, and Umatilla Rivers. The Walla Wallas and Umatillas, whose winter villages bordered the Columbia River, relied somewhat more on fishing than the Cayuse, who frequented the uplands and Blue Mountains. Essentially fishing, hunting, and gathering of roots and berries constituted the economy of the three tribes.

DISPOSITION OF UMATILLA AWARD

On February 11, 1966, the Indian Claims Commission issued a final judgment in the amount of \$2,450,000 in favor of the Confederated Tribes of the Umatilla Indian Reservation in dockets numbered 264, 264-A, and 264-B, pursuant to a stipulation filed by the parties for a compromise settlement. The tribe has no other claim before the Indian Claims Commission.

Funds to cover the award were appropriated by the act of May 13, 1966 (80 Stat. 141), and credited in the U.S. Treasury to the "Walla Walla, Cayuse and Umatilla Tribes of Indians" to agree with the opinion rendered by the Commission in 1964 in docket 264. The Commission stated that the organized Confederated Tribes appears in a representative capacity on behalf of the treaty entities and the confederation formed by the 1855 treaty, but that it was not the full successor in interest. It also noted the organization provided for two classes of membership. Divergences between certain findings of fact of the Indian Claims Commission that the petitioner was not a full successor in interest to the 1855 treaty tribes and the final judgment granting the award in favor of the petitioner, the Confederated Tribes of the Umatilla Indian Reservation, necessitated an extensive review of the case, the organization and composition of the organized group, etc. In the 90th Congress, the Department was requested for its views on bill H.R. 3805 providing for the disposition of the judgment funds, but no formal report was submitted.

In August 1966, \$245,000 were withdrawn for attorney fees allowed by the Commission as full compensation for all services rendered. In February 1967, at the request of the Confederated Tribes, the balance remaining in the principal account, \$2,205,000, and interest accrued thereon, were withdrawn for short-term bank time deposits. As of March 13, 1969, the total judgment funds available amounted to \$2,470,034.60.

The Confederated Tribes had considered programing judgment funds in connection with H.R. 3805. There was disagreement among

the tribal membership on the use of the funds—some favored a full per capita distribution, while others favored programing and per capita. In September 1967, the program planning committee of the board of trustees drafted a preliminary program for the use of the judgment funds. In October 1967, the incumbent board adopted the preliminary plan, but no further action has been taken on the plan. In two separate general council meetings, held on December 11, 1967, and March 30, 1968, tribal members in attendance adopted resolutions requesting the board to rescind its approval of the report of the program planning committee, and to provide a full per capita distribution of the judgment funds. The present board members are new in their jobs. At the moment they do not favor enterprises that would entail use of tribal funds. They are mainly interested in per capita payments.

The preliminary program drafted by the 1967 Planning Committee of the Board of Trustees included the following:

1. \$500 per capita distribution.....	\$650, 000
2. Voluntary withdrawal plan.....	445, 428
3. Economic development and feasibility studies.....	10, 000
4. Remodel building No. 6.....	16, 000
5. Tribal well at celebration grounds.....	15, 000
6. Development of recreation on proposed damsite.....	250, 000
7. Land consolidation.....	250, 000 ¹
8. Agriculture and farm enterprise.....	75, 000
9. New home construction and home repair.....	100, 000
10. Livestock program.....	15, 000
11. General funding of credit loan funds.....	100, 000
12. Retained pending further studies and determination of amounts available (balance).....	278, 572

LAND

As of June 30, 1968, the land area of the reservation and restoration area consisted of 15,646 acres of tribal land, 70,616 acres of trust allotted land and .22 acres of Government-owned land. Most of the dry farm and grazing lands are farmed by nonmembers on a lease basis.

Class of land	Trust allotted	Tribal	Total	Indian
Dry farming.....	25, 971	698	26, 669	11, 350
Open grazing.....	38, 156	6, 895	45, 051	26, 123
Other nonagricultural.....	488	31	519	
Sprinkler irrigation.....	119		119	
Timber land.....	5, 882	8, 022	13, 904	
Total.....	70, 616	15, 646	86, 262	7, 473

¹ Used 5 percent.

² Used 14 percent.

Ownership status of allotted lands as of October 9, 1968: Total Number of tracts, 853, with 315 tracts in single ownership (including 193 original allottees); 422 tracts with two to 10 heirs; 116 tracts with more than 10 heirs.

Some multiple-ownership allotments are either being partitioned or heirs are purchasing the small interests of other heirs.

The tribe is considering plans to develop about 1,000 acres of tribal timber and grazing land for recreation and tourism. About 500 acres of this recreation land is around a lake site due to be completed in spring of 1970.

The Bureau of Reclamation has proposed a multiuse project in the Umatilla Basin. If this proposal is approved, irrigation water for nearly 14,000 acres of land within the reservation would be provided. About one-third of this land is in Indian ownership, including the tribe's 700 acres of farmland.

A three-member farm committee manages the tribal farming enterprise set up in 1965. It cooperates with the Department of Agriculture in this enterprise. Initially, it managed a 500-acre small grain farm owned by the tribe. Actual farming practices are performed through a custom-farming arrangement with farmers in the vicinity. To improve operations, the tribe increased its investment from \$10,000 to \$95,000 to permit the enterprise to purchase allotted trust lands and to lease or operate additional land. In 1965, one 40-acre tract of farm land was purchased for \$7,300. An adjoining 10-acre tract was purchased in 1966 for \$2,250. Another 158 acres was purchased in 1968 for \$53,000.

TRIBAL MANAGEMENT AND FINANCING

The Indians of the Umatilla Reservation are of the Umatilla, Cayuse, and Walla Walla Indian Tribes and are organized as "The Confederated Tribes of the Umatilla Indian Reservation." They did not accept the provisions of the Indian Reorganization Act of 1934, but have adopted a written constitution and bylaws which was approved by the Assistant Secretary of the Interior on December 7, 1949.

The nine-member tribal governing body, known as the board of trustees, is elected by the general council. The board, which holds regular montly meetings elects its own officers, including a chairman, vice chairman, secretary and treasurer and has established eight committees: Fish, scholarship, credit, health, farming enterprise, recreation, summer work program, and enrollment. It maintains a tribal business office and employs a tribal executive secretary and a clerk.

The general council is comprised of all members of the tribe 18 years of age and older. It meets at the call of the chairman, the board of trustees, or on receipt of a petition signed by 20 members of the general council. Its elected officers are chairman, vice chairman, and secretary. The chairman is automatically designated as a member of the board of trustees. Virtually all of the general council powers have been delegated to the board of trustees. Elections are conducted by secret ballot. Under the provisions of the constitution, absentee balloting may be provided, but limited to those of at least one-fourth or more degree blood.

The present members of the board of trustees are new to their jobs and inexperienced. At the present, they are against enterprises that would entail use of tribal funds. They are mainly interested in per capita payments.

Intergovernmental relations between the tribal governing body and Federal, State, and county agencies appear to be reasonably good. Although there are a number of tribal projects in which individual members participate freely, many reservation residents have shown little personal involvement.

In 1953, the tribe received a \$4,198,000 settlement from the United States for the loss of fishing sites at Celilo Falls, Oreg., reserved by

treaty, caused by the construction of the Dalles Dam project on the Columbia River. The program formulated in 1957 by the tribe recognized that more than one-half of the members resided off the reservation and were capable of planning and managing their own business affairs. The tribal program, which was aimed at promoting the social and economic welfare of the tribal members, provided for the development of individual or family plans for the use of these funds. Some of the acceptable categories of expenditures included land purchases, leasing or improvement; erection or improvement of homes; education; purchase of livestock, farming equipment, household furnishing, clothing, etc. The program also included provisions for conservation of minor's funds primarily through the establishment of trusts. Each member of the tribe was paid a settlement of \$3,494.61.

Principal sources of tribal income for the past 10 years have been from tribal timber sales, grazing permits on tribal land in the Johnson Creek restoration area, hunting and fishing licenses, lease rentals from tillable tribal land on the reservation proper and lease fees from lessees of allotted land through the tribal leasing enterprise. Income from lease fees and interest on U.S. Treasury funds in fiscal year 1967 was estimated to be about \$31,500. As of March 13, 1969, U.S. Treasury balances in the Proceeds of Labor, Umatilla Indians, Oregon, principal and interest accounts totaled \$27,878.94, and in the Umatilla school fund (14X7103) and interest account \$1,442.22.

Tribal income and expenditure are handled by the tribal executive secretary, except for the following accounts which are maintained by the Bureau:

	Account U-4 Umatilla tribal leasing enterprise	Account U-7 Umatilla tribal credit program
Balance on July 1, 1966.....	\$18,658.22	\$27,040.49
Income.....	+26,531.61	+59,054.97
Total.....	45,189.83	86,095.46
Expenditures.....	-24,818.48	-30,277.03
Balance as of June 30, 1968.....	20,371.35	55,818.43

Tribal funds were used to build a community hall and longhouse. The buildings and grounds are used for recreational activities and for encampments during root feasts, war dances, festivals, and meetings. Facilities are rented to outside activities, which helps to pay maintenance and repair costs. To improve sports and commercial fishing, the tribe, in cooperation with the Bureaus of Commercial Fisheries and Sports Fisheries and Wildlife, is involved in a small hatchery and stocking program to reestablish salmon steelhead runs in the Umatilla River.

The general council chairman and the chairman of the board of trustees are on the Umatilla County Community Action Committee which reviews and recommends programs to be sponsored by the Office of Economic Opportunity. The tribe and the Bureau have cooperated with the local school district in sponsoring several antipoverty programs: Project Headstart, Neighborhood Youth Corps, Upward Bound, Operation Mainstream, and a summer education-recreation program, to name a few.

POPULATION AND MEMBERSHIP DATA

As of April 12, 1966, there were 1,242 members on the tribal rolls, with 646 members living on or near the Umatilla Reservation and 596 members living away.

A breakdown of tribal members, by age groups, follows:

	Reservation service area	Off reservation	Total
Under 20 years.....	272	153	425
Between 21 and 40 years.....	174	149	323
Between 41 and 60 years.....	122	187	309
Between 61 and 80 years.....	72	98	170
81 years and over.....	6	9	15
Total.....	646	596	1,242

Within the reservation service area there were 141 households consisting of 267 family units, with an average size of 4.5 persons per household. Of the off-reservation group, there were 126 households consisting of 335 family units, with an average size of 4.7 persons per household. An explanation of the large number of combined family units of the off-reservation group is not available, but this may be attributed to the number of older persons of the group who are either living together or with the young members of the family.

In addition to the 646 tribal members residing on or near the reservation, which includes the towns of Athena, Adams, Rieth, Pendleton, and Pilot Rock, there were 301 other Indians not members of the Confederated Tribes. A considerable number of these Indians are children of enrolled members who, because of the strict membership eligibility requirements, have not qualified for enrollment. In brief, in order to be enrolled in the Confederated Tribes, an individual must be at least one-fourth degree Indian blood of the Confederated Tribes. Children with only one parent enrolled may become members only upon application and acceptance by the general council. Other persons who have less than one-quarter degree blood of the Confederated Tribes may apply and become members if accepted by the general council, under section (c) of article IV, of the Constitution. The latter group, however, is entitled to limited membership to participate in tribal government and to vote and hold office but is not eligible to share in the distribution of any tribal assets or property.

The local Office of Economic Opportunity is currently conducting a census which will be completed in a few months. This survey will allow a revision of the above data.

INCOME AND EMPLOYMENT OPPORTUNITIES

The Umatilla Indian Reservation is located in the midst of an agricultural area, producing peas and wheat, primarily. The main sources of family income of the Umatillas are wages earned as farm-workers or in the lumber industry and rentals from leasing, grazing and farmlands. Most of the farming and grazing lands are leased to non-Indian operators and about 30 percent of the annual family income is derived from allotment rentals. In 1966, the average annual income of Umatilla Indian families living on the reservation was estimated at \$2,139 (in 267 family units) and of the off-reservation fami-

lies, \$2,134 (in 335 family units). The 1960 U.S. Census reported the median family income of 11,195 families (all races) enumerated in Umatilla county as \$5,708; 17.3 percent of the families received income under \$3,000 and 12.6 percent received \$10,000 and over. Information on the average individual income is not available.

Following is a table showing total income of tribal members from four sources:

Sources of income	On reservation	Off reservation	Total
Leases and allotment.....	\$160,026.50	\$41,460.92	\$201,487.42
Rentals.....			
Grazing leases.....	3,450.00	2,370.00	5,820.00
Self-employed.....	15,000.00	61,500.00	76,500.00
Wages.....	392,669.00	609,720.00	1,002,389.00
Total.....	571,145.50	715,050.92	1,286,196.42

The reservation service area labor force in September 1968, totaled 422 persons. Of this number, 193 persons (159 males, 34 females) were reported employed on a full-time basis; 156 as temporarily employed (80 males, 76 females); 73 as unemployed (34 males, 39 females). Many members in the reservation service area are unskilled. Because of this, job opportunities are limited to unskilled labor and seasonal agricultural jobs. State training programs, as well as the Bureau's employment assistance program, MDTA and other OEO programs, are being used to combat this unemployment factor.

SOCIAL SERVICES

The Bureau of Indian Affairs has no direct welfare assistance program in the State of Oregon. The Umatilla Indians are eligible for and receive welfare services whether living on or off the reservation on the same basis as provided to non-Indian citizens. This assistance includes the general assistance and public assistance programs.

The Bureau provides counseling service to the Indians on family problems and adjustment and education problems of children, and assists the Indians in obtaining help from appropriate State and private social agencies. There is a commodity program run by the county through the county commissioner's office.

EDUCATION

The average educational level of tribal members ages 18 years and over and not in school is 8.6 years. Nearly all understand and speak English, although the Indian language is also used. Most of the young adults have finished high school and many have continued in college or advanced vocational training. The majority of the tribal members are highly interested in ways of education for their children.

The State of Oregon has assumed full responsibility for the education of Indian children in public schools without financial assistance from the Bureau. Children from the Umatilla Reservation attend public schools in three different cities adjacent to the reservation. During the school year, 50 Umatilla children in the elementary grades were enrolled in Catholic parochial day schools, one of which is located on the reservation.

During the school year 1967-68, there were 250 persons enrolled in K-8 grades; 85 enrolled in 9-12 grades. There are 19 students attending grades 9-12 in Federal boarding schools.

In 1966, a special counseling program was initiated with all junior and senior high schools serving the reservation, where class time has been made available to the local OEO offices to conduct classes with Indian students. The program has been carried into the local community college and grade schools. Parents are actively involved in this program as are the school counselors.

A three-member scholarship committee administers an \$8,000 a year higher education scholarship fund, which is derived from the interest on a \$200,000 trust fund set aside for this purpose. A scholarship grant has been established by Charles Luce for local tribal members which will supplement the tribal grant program. These two programs can furnish very adequate financing for a limited number of applicants. Presently there are limits of \$1,500 a year for regular college work and \$1,000 a year for vocational and technical training. Eleven college scholarships were awarded for school year 1967-68 and seven vocational-technical grants were awarded. The tribe also makes educational loans to students in junior and senior high schools. Celilo trust funds are used as collateral for these loans by the tribe. The Bureau maintains a record of the loans being made.

HOUSING

Many of the reservation homes are substandard and below the average of non-Indian homes in the area. Most families live in typical frame dwellings of three to six rooms. Many are overcrowded and badly in need of repair. There are 141 households on the reservation, with an average of 4.4 persons per home; 267 family units are included in these households. A sampling of 79 Indian homes showed 31 housed two or three families each. About 92 percent of these homes have electricity, 63 percent have sewage disposal systems, and 77 percent have running water.

In 1967, the tribe established a housing authority mainly to secure mutual self-help housing. An application for 50 units has been approved with the Federal Housing Administration. At the present time 14 new homes are under construction, each home containing 1,150 square feet of living area. These homes are due for completion in early 1970, with another 10 to 20 units to start construction in 1970.

Participation on these homes has been very good, and these people show much pride in their workmanship. The U.S. Indian Health Service will be installing the necessary sewerage and water facilities.

A study is presently underway by the tribe, in cooperation with the Umatilla County Health Department to determine housing needs and necessary sanitation sewerage facilities. There are only two sanitary fills on the reservation at present and more are needed. Through the efforts of the USIHS sanitation program, 63 percent of the Indian homes now have sewerage facilities.

CREDIT AND FINANCING

The loan program on the Umatilla Indian Reservation commenced in 1952 when the tribe obtained a loan of \$150,000 from the revolving

credit fund. However, only \$50,000 was used and the loan was repaid to the United States in 1956. The Tribe has invested its money in the program as follows:

Year:	Amount
1952.....	\$15,000. 00
1953.....	25,000. 00
1958.....	1,467. 28
1959.....	248. 33
1968.....	150,000. 00
Total invested.....	191,715. 61
Less withdrawal.....	1,715. 61
Present investments.....	190,000. 00

Loans have been made to individuals as follows:

Year	Number	Amount	Year	Number	Amount
1952.....	13	\$36,246. 80	1962.....	1	\$300. 00
1953.....	14	14,081. 64	1963.....	1	228. 21
1954.....	7	10,182. 71	1964.....	0	0
1955.....	8	6,225. 87	1965.....	1	2,960. 51
1956.....	8	10,530. 11	1966.....	17	4,401. 00
1957.....	2	900. 00	1967.....	13	5,339. 56
1958.....	0	0	1968.....	49	91,661. 53
1959.....	2	10,747. 15			
1960.....	3	3,096. 55	Total.....	141	200,810. 54
1961.....	2	3,908. 90			

Only eight loans were approved from 1960 through 1965 due to the fact that the tribe had not taken action to collect delinquent loans and its operations were suspended. In 1966 the tribe started granting loans to students in high school for the purchase of clothing and for the payment of school expenses. Sixteen loans were approved for this purpose in 1966 and 13 in 1967.

In 1967 the tribe obtained approval of a declaration of policies and plan of operation and provided funds for a credit officer and credit clerk. With competent personnel to administer the program the number of loans approved to November 22, 1968, has grown to 49. Loans were approved for the following purposes:

Purpose	Number of loans	Amount
Construction of new homes.....	2	\$42,287. 00
Purchase of home.....	1	4,916. 00
Remodeling of home.....	1	14,510. 00
Purchase of land.....	3	14,490. 00
Furniture.....	1	1,500. 00
Fishing equipment.....	1	400. 00
Educational loans.....	40	13,558. 53
Total.....	49	91,661. 53

The above figures illustrate the need for credit by the people of the Umatilla Reservation and it is estimated their requirements will grow to a point where \$125,000 to \$150,000 will be required annually.

HEALTH

The major health problems on the reservation are accidents, diabetes, respiratory ailments, dental care, and mental health. Health facilities are reasonably adequate to meet the health problems of the

Indians. Since most services are by contract, they compare favorably with non-Indian services in the area. A full-time health educator and one health clerk are on duty at the Umatilla Reservation to authorize contract medical and dental care for eligible Indian beneficiaries utilizing all hospitals and doctors in the Pendleton area. Needed drugs and supplies are furnished eligible beneficiaries through contract pharmacists. USIHS has contractual arrangements with the Oregon State Board of Health and the Umatilla County Health Department for public health nursing services and the services of a sanitarian. The health clerk assists in referring Indians to other agencies and resources for needed services.

NON-BIA AND USIHS RELATIONSHIPS

The State of Oregon extends to Indians all of the services provided for non-Indians. The Bureau makes no financial contribution toward the education of Umatilla children in the public schools or services to indigent Indians provided by the county welfare office. Extension services for the very small number of Indian farm families living on the reservation are available through the State extension service. The State has civil and criminal jurisdiction to apply State laws within the Umatilla Reservation, except when enforcement conflicts with treaty rights reserved to the Indians or with Federal statutes or regulations pertaining to trust or restricted Indian lands, under a 1953 congressional act, Public Law 280, which withdrew Federal jurisdiction in law and order matters.

ACCULTURATION INFLUENCES

Some of the old tribal customs are still in practice. Early in the spring, women of the tribe make an annual trip to the foothills to dig roots for the annual root feast. Special ceremonies are sometimes conducted for marriages and burials. Arts, crafts, and ceremonial dancing are preserved by active participation in local community events such as the Pendleton Round-up, Happy Canyon, Chief Joseph Days, La Grande Festival of Indian Arts, and tribal observances of national holidays. While such material expressions of Indian culture have received the respect of the surrounding communities as it is evident by the integral inclusions of these activities in local community events, the more subtle expressions of intrinsic Indian social values often remain unappreciated, misunderstood, or unknown by many of the residents of the surrounding communities.

On the surface, it appears that the relationship of the tribe and the non-Indian community is quite good. There are many activities in which the governing body of the tribe and various community groups cooperate fully. However, there is still a very subtle attitude of distrust on the part of many non-Indians as well as on the part of a large percentage of the Indians on the reservation. An active community development program may help resolve this.

READINESS OF INDIANS TO MANAGE THEIR OWN AFFAIRS

A significant number of the members on the reservations are unskilled and job opportunities open to them are limited to unskilled

labor and seasonal agricultural jobs. Many demonstrate very little ability in money management. Many of the less educated members have been unable to keep up with the rapid economic advancement in the Pacific Northwest. There has been, however, significant progress in improving their situation. Continued tribal and Bureau emphasis on vocational training and higher education should in a few years, show a noticeable improvement in the social and economic status of the Indians. The adult education activities of Blue Mountain Community College have been a great stimulus.

There are many tribal members, particularly among those living off the reservation, who are fully capable of managing their own affairs. It would be desirable to set up some type of program that would permit those who are capable and who desire to withdraw from the tribe under certain conditions to provide them with that opportunity and to enable those remaining with the tribe to receive more concentrated services, particularly in social and community development.

Walla Walla, Cayuse, and Umatilla Judgment Fund

Indian Claims Commission Dockets 264, 264-A, and 264-B

Statement as of March 13, 1969

Net award (14×7485) awards of Indian Claims Commission Walla Walla, Cayuse, and Umatilla Tribes (award of Feb. 11, 1966)-----	\$2, 450, 000. 00
Accrued U.S. Treasury interest on above fund (14×7985) through June 30, 1967-----	+ 172, 532. 03
Interest earned on bank deposits-----	+ 192, 502. 57
Less:	
Attorney fees-----	- 245, 000. 00
Attorney expenses-----	0
Total, judgment fund available-----	² 2, 470, 034. 00

¹ No U.S. Treasury interest has accrued since June 30, 1967, because all principal funds were removed from the Treasury before July 1, 1967.

² Of this sum, \$2,455,252.17 is invested as follows:

U.S. National Bank, Portland, Oreg., at 6¼ percent interest-----	\$1, 127, 459. 39
First National Bank, Portland, Oreg.: At 6¼ percent interest-----	722, 792. 78
At 6 percent interest-----	605, 000. 00
Balance on deposit in the U.S. Treasury-----	14, 782. 43

SUMMARY SHEET

UMATILLA award. Dockets Nos. 264, 264-A, 264-B. Compromise settlement.

Funds awarded: \$2,450,000.

Appropriated: Act of May 13, 1966 (80 Stat. 141).

Attorneys fees: \$245,000.

Final judgment: Granted February 11, 1966 in favor of the Confederated Tribes of the Umatilla Indian Reservation. Funds credited in Treasury to "Walla Walla, Cayuse, and Umatilla Tribes" to agree with 1964 Indian Claims Commission decision (14 ICC 14).

Status of funds

Total available as of Mar. 13, 1969-----	\$2, 470, 034. 00
Invested in short-term bank time deposits-----	2, 455, 252. 17
Balance on deposit U.S. Treasury-----	14, 782. 43

Disposition of award: Beneficiary, Confederated Tribes of Umatilla Indian Reservation.

	Per capita	Programing	Remarks
Legislative proposals:			
S. 1654.....	Full.....		Form favored by present tribal governing body, part of tribal members.
S. 2357.....	2 payments of \$250 each.....	Balance of fund.....	Form favored by segment of tribe. Payment on passage of act and 6 months thereafter.
H.R. 9477 (companion S. 1654).....	Full.....		Same as for S. 1654.
Departmental recommendation on bills.....		Unfavorable.....	Recommend substitute proposal.
Departmental proposal.....	2 payments of \$450 each.....	Balance of fund.....	About half of funds to be distributed per capita. Payment on passage of bill and year after.

Justification: Tribal members disagree on disposition. Some favor full per capita distribution, some favor programing part of funds. A preliminary plan for use of funds drafted in 1967, approved by incumbent board of trustees. No further action taken on plan. In 1966, over 45 percent of tribal membership (estimated to be 1,242) living away from reservation, managing own affairs. Off-reservation percentage about the same today. Under Department's proposal, on- and off-reservation Indians will realize immediate benefits from per capita payment. Remaining funds may be used for programs taking longer to develop: improved housing conditions and sanitary facilities, community development, and reservation development to increase employment and income. (1967 preliminary plan discussed on pages 3, 4, socioeconomic report.)

Per capita eligibility: Limited to enrollees entitled to share in all tribal benefits and living on date of act. Roll to be made current as of date of act.

Enrollees: 1,300 (projected as of date of passage of act).

Amount required for per capita (estimated): \$900 by 1,300 persons, \$1,170,000.

Organization: Non-IRA constitution approved by Secretary December 7, 1949. General council, all tribal members 18 years and over. Nine-member board of trustees.

<i>Land</i>	
Tribal.....	15, 646
Allotted.....	70, 616
Total acres, June 30, 1968.....	86, 262

<i>Membership</i>	
As of Apr. 12, 1966.....	1, 242
On reservation.....	646
Off reservation.....	596
Non-Indians in service area.....	301

<i>Income</i>	
Average family, 1966:	
On reservation.....	\$2, 139
Off reservation.....	2, 134
Median family, all races, Umatilla County (1960 census).....	5, 709

Annual Indian family income from allotment rentals: 30 percent.

Tribal income: Timber sales, grazing permits; hunting and fishing licenses; lease rentals and fees; fiscal year 1967 estimate from lease fees and interest Treasury funds: \$31,500.

Welfare: State, tribal, Bureau (counseling), county (commodity program).

Education: Enrollment 1967-68 school year:

Kindergarten through 8th grades.....	250
9 to 12 grades	185

¹ 19 in BIA boarding schools.

Average educational level, adults: 8.6 years.

Tribal scholarship fund: \$8,000, from interest on \$200,000 trust fund.

Housing

Households.....	141
Family units.....	267
Housing authority (estimated).....	1,967
Number of units mutual self-help housing approved FHA.....	50
Percentages homes with sewage facilities.....	63

Housing on reservation substandard, overcrowded.

Health: Most services by contract. Compares favorably with non-Indian services in area.

Acculturation: Some old tribal customs practiced. Significant number reservation Indians unskilled, job opportunities limited to unskilled labor, seasonal agricultural jobs. Many show limited ability to handle money. A number of tribal members, particularly off-reservation, fully capable of managing own affairs.

STATEMENT OF HON. MARK O. HATFIELD, A U.S. SENATOR FROM
THE STATE OF OREGON

Senator HATFIELD. Mr. Chairman, I would like to open my statement this morning with a brief background summary on this problem.

I do appreciate the opportunity to be here and I thank the Chairman for his courtesy that he has extended to the various groups who are representing viewpoints here from the Umatilla Indian group in Oregon.

On June 9, 1955, the Federal Government and the Umatilla Indians entered a treaty wherein certain lands were ceded to the Government and other lands were taken though not ceded. During the early 1960's a "land claim" totaling \$12 million was presented to the Indian Claims Commission for these properties.

Another claim of \$3 million, known as the Umatilla River Fish Run Claim, was made for compensation for the destruction of salmon and other fish runs in the Umatilla River by the construction of dams by the Federal Government and its participation in the appropriation of waters from the river.

A third claim was made wherein \$2 million was sought to compensate for the alleged erroneous survey of the original reservation reserved in the Treaty of 1855, which had the effect of excluding several thousand acres from the reservation.

As you may know, in late 1965, the governing body of the Confederated Tribes of the Umatilla Indian Reservation agreed to accept \$2,450,000 as a compromise settlement of its claims then pending before the Indian Claims Commission. Judgment for this amount was entered in favor of the tribes after approval of the compromise by the Secretary of Interior, and a hearing on February 11, 1966.

The judgment funds were appropriated by the Congress on May 13, 1966 (Public Law 89-426, 80 Stat. 141, 150), and since this question of distribution has not been resolved to date, each annual appropriation bill for the Department of Interior since and including 1966 has contained a provision substantially the same as that found in the 1969 Appropriation Act, which reads:

"... tribal funds may be advanced to Indian tribes during the current fiscal year for such purposes as may be designated by the governing body of the particular tribe involved and approved by the Secretary: provided further, that nothing contained in this paragraph or in any other provision of law shall be construed to authorize the expenditure of funds derived from appropriations in satisfaction of awards of the Indian Claims Commission and the Court of Claims, except for such amounts as may be necessary to pay attorney fees, expenses of litigation, and expenses of program planning, until after legislation has been enacted that sets forth the purposes for which said funds will be used."

Attorney's fees have been paid, as specified, and the remaining portion of the judgment funds have been invested in Government securities where interest has been earned in excess of \$100,000 per year.

As stated, the principal issue regarding these funds is the method of distribution. Needless to say, the resolution of this most important question is long overdue and it is my sincere hope that a solution will

evolve from these hearings today. Moreover, the long history of this matter seems to dictate the necessity for our most immediate attention so that these funds can be distributed to the Umatilla Indians, where they are needed today.

On March 24 of this year I introduced S. 1654 to provide for the distribution of the judgment funds on a per capita basis in equal shares to all eligible members of the Confederated Tribes. On June 9, 1969, I offered S. 2357, to provide for the disposition of judgment funds on a per capita and tribal distribution basis.

My reason for introducing two proposals is twofold: (1) S. 2357 was offered at the request of a minority of the tribesmen and that bill incorporates a distribution solution that was formerly the position of the majority; (2) it is my belief that both sides should be heard and that this subcommittee and the Bureau of Indian Affairs should provide, through its expertise, an alternative that would be fair, just, and in the best interest of all members of the tribes.

In both the 89th and 90th Congresses Congressman Ullman introduced legislation on the subject presently before this subcommittee and no reports from the Executive Branch of the Government were filed with Congress. Principally for that reason, no hearing had been scheduled until this year. Now, Congressman Ullman has introduced H.R. 9477 in this session of Congress and that bill, as amended and passed by the House, is pending before this subcommittee. While I have not taken a position for or against H.R. 9477, I continue to maintain that a fair and just solution can be derived from the testimony of the opposing factions of the tribes and the Bureau of Indian Affairs.

Mr. Chairman, as I have stressed throughout my presentation, the need for positive action is paramount. How long must my fellow Oregonians wait for the distribution of funds which were due them a century ago? I urge that this subcommittee act now to provide a workable solution for this impasse so that the Confederated Tribes of the Umatilla Indian Reservation can gain their long-awaited judgment funds before the end of the year.

Senator BURDICK. Senator, do I understand that you have two bills and Congressman Ullman has one bill and that there are three different formulas for the distribution of these lands?

Senator HATFIELD. This is substantially correct. We have a history of this distribution problem which is not very simple, in fact it is very complex. There seems to have been over a period of time a shifting within the Indian tribes themselves from one viewpoint to another. As I indicated, at one time a majority of the Indians expressed their opinion that there should be a per capita distribution, that is a certain figure for a per capita distribution, and then a remainder which would be administered by the Tribal Council.

Then as this continued to drag on and drag on, the Indian views began to shift and we now have a majority opinion that says, "Let's have an all-out per capita distribution with no remainder for the handling of the Tribal Council." But the shift here has been in one point to another and yet it hasn't been that substantial because there is still strong feeling that there should be the original formula maintained.

Now, because of these facts, both sides felt the only way this could be resolved, since they had not been able to resolve it within their own Council, within their own tribe, was for both bills to be represented in order that the wisdom of Solomon might be exercised here by the committee.

Senator BURDICK. Senator, is this a fair statement? We have three bills, two by you and one by Congressman Ullman, neither of which are in agreement, and you have a division of opinion among the tribe itself, and now everybody wants us to decide this, is that it?

Senator HATFIELD. That is correct. Mr. Chairman, if I might comment, it is much like many arguments or disagreements that occur in our free society, whether it is labor or management, or whether it is within the Indian problems. Many times a third party can solve or offer a compromise that is not able to be reached by the disputants or the people directly involved in the controversy and that is, in a sense, what we are asking this committee to do, to act as that mediator or that referee to a dispute that has not been settled within the group.

Senator BURDICK. Is it fair to say, then, there is no clear majority for any particular method on the reservation?

Senator HATFIELD. If we were to do this in a quantitative sense and say x number of people support one viewpoint and x number another viewpoint, the majority viewpoint would be in having a complete total per capita distribution today.

But that, as it evolved, as I indicated, from a minority position before to its present majority status, which means that it has certainly a strong opposition that had been the majority position before.

Senator BURDICK. As I understand, the Ullman bill before us provides for \$200,000, for educational benefits and the balance to be distributed per capita?

Senator HATFIELD. That is right; it specifies the kind of expenditure that the so-called remainder would be used for, under the jurisdiction of the Tribal Council.

In our two bills we do not specify, but we leave to the Tribal Council the responsibility to designate its use. I might point out, too, that the Secretary of Interior would have a veto in the case of a Tribal Council that came up with a project that was not in the best interests of the tribe.

The Secretary of Interior would still have a veto on that action.

Senator BURDICK. I am sure the witnesses here this morning will express these various points of view.

Senator HATFIELD. They will do so very eloquently and I am sure very intensely.

I am grateful you have provided this opportunity for these groups to be heard.

Senator BURDICK. Thank you.

Senator Allott?

Senator ALLOTT. I have no questions.

Senator HATFIELD. Thank you.

Senator BURDICK. I will ask Mr. Loesch to step forward.

**STATEMENT OF HARRISON LOESCH, ASSISTANT SECRETARY FOR
PUBLIC LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR;
ACCOMPANIED BY MRS. CHIZER TODA, RESEARCH ANALYST, BIA**

Mr. LOESCH. I appear before your subcommittee today to present the Department of the Interior's position on Senate bills S. 2357 and S. 1654, and on H.R. 9477, which passed the House with certain amendments and was referred to your committee for consideration.

I have with me Mrs. Toda, who will help me with certain of the technical aspects of this matter, if necessary, and it very probably will be.

These bills provide for the disposition of \$2,450,000 awarded by the Indian Claims Commission to the Confederated Tribes of the Umatilla Indian Reservation.

Two proposals are offered in these bills, and I shall comment on them briefly. S. 1654 and H.R. 9477, as introduced, are identical bills which authorize full per capita distribution of the judgment funds. I say they are identical, but of course the House bill was amended. But as introduced, S. 1654 and H.R. 9477 are identical.

These two bills embody the desires of the majority of the members of the tribes. The present Umatilla Board of Trustees does not favor enterprises that would entail the use of judgment funds. It is mainly interested in distributing the funds per capita.

Senator BURDICK. When you say "per capita," do you mean totally? They call for a total per capita distribution?

Mr. LOESCH. That's right.

Senator BURDICK. You think the majority of the tribal members favor that?

Mr. LOESCH. So we have been advised by the Board, yes. Perhaps I should digress here, Mr. Chairman, to say that H.R. 9477, as it went through the House, was amended to provide a holdback of \$200,000, which is 10 percent roughly of the funds. This was not entirely in accordance with the Department position at the time of the hearings in the House, although the record will show that we agreed to it, in effect.

Senator BURDICK. Do you agree to it now?

Mr. LOESCH. We have a little more data now. You are going to hear today, from what I believe to be—but I am not positive—the minority of the tribe which desires a much more extensive programing from the judgment funds. Neither the Department nor the House had the benefit of the study, which has been made and finished just recently, at the time the hearings in the House were held.

We were convinced that the majority of the tribe or at least a very, very substantial majority of the tribe was in favor of the program and I would adhere to the Department's original position.

Senator BURDICK. Which is complete capital distribution?

Mr. LOESCH. No, sir, not the Department. Our original position was about half and half. I forget the figures exactly, but we had originally recommended approximately \$1.2 million for programing and the balance \$1.2 million for distribution. During the hearings and as a result of the fact that it appeared the tribe had no plan for proper programing at that time, for that much money, and on the basis that programing was necessary at that time, in our view primarily for educational purposes which would benefit off-reservation members

of the tribe, young ones, as well as on-reservation members, the Department in no instance changed its position during those hearings and receded from the 50-50 programing and agreed that we would make no objection to programing only \$200,000 of the judgment funds. I believe it is fair to state that was the position at the end of the hearings in the House.

The House subsequently passed a bill in that form programing \$200,000 and distributing the rest.

Senator BURDICK. Mr. Secretary, you apparently have no objection to a complete per capita distribution, less the \$200,000 for educational purposes.

Mr. LOESCH. That is correct.

Senator BURDICK. Would that be your position today?

Mr. LOESCH. Yes, sir.

Senator BURDICK. Thank you.

Mr. LOESCH. The other proposal, S. 2357, provides for partial programing of the judgment funds and is in the form proposed by another segment of the tribes. S. 2357 authorizes two \$250 per capita payments from the judgment funds and that the remaining balance be set aside in a general tribal fund.

Senator BURDICK. Using your arithmetic, how much would that be?

Mr. LOESCH. The remaining balance would be \$1.8 million, the two \$250 payments would amount to \$650,000, approximately 1,300 members of the tribe.

In our report of July 3 to the chairman of your committee, we recommended against enactment of both S. 1654 and S. 2357 and suggested a substitute bill for consideration by the committee. A similar report had been sent earlier to the chairman of the House Interior Committee on H.R. 9477.

Our substitute proposal provided that approximately one-half of the judgment funds be distributed per capita in two installments of \$450 each and that the remaining balance be available for tribal program purposes. It was felt that the proposal would best serve the needs and interest of the tribe and its membership.

H.R. 9477, as passed by the House, directs that all except \$200,000 be distributed per capita in three installments to each person who qualifies for membership in the Confederated Tribes and who is eligible to share in tribal assets. The present tribal enrollment is estimated at 1,300 and each per capita share will be about \$1,750.

We have considered H.R. 9477, as passed by the House, and the Department has no objection to the enactment of the House-passed legislation. The bill would earmark the \$200,000 reserve for educational purposes. When I appeared before the House Subcommittee on Indian Affairs hearings on H.R. 9477, I discussed the desirability of setting aside a substantial portion of the judgment funds toward the tribal scholarship fund, thereby benefiting those who have moved away from the reservation area as well as the on-reservation tribal members.

The interest income from two scholarship trust funds amounting to over \$300,000 has been meeting the educational needs of Umatilla students, but with added emphasis on education and the expressed interest of the tribal leaders and members in higher education training for their youth, we can expect that more students will be seeking tribal

financial assistance to supplement their own resources for this purpose.

Under the 1957 Dalles Dam settlement plan, the shares of 286 minors were placed in trust. A full share of each amounted to \$3,582.35. A number of the trusts have appreciated to over \$5,000. These funds are available for higher education and vocational training. All minors for whom trusts had been established will have reached the age of majority by 1978.

Umatilla children born after June 15, 1957, the cutoff date to qualify for a pro rata share of the Dalles Dam settlement fund, are without similar funds. Under H.R. 9477, as passed by the House, these children, who number over 120, will have trust funds available for educational purposes.

Tribal income is extremely limited. Present income-producing resources of the tribes would not support a long-range, expanded education program. In fiscal year 1967, the tribes' income was approximately \$31,500, and was derived mainly from lease and permit fees and interest on United States Treasury funds.

The bill H.R. 9477, as passed, sets December 17, 1965, the date the proposed compromise settlement was approved by the tribes, as one of the eligibility dates, for a person to be entitled to a share in the funds. Tribal members favor this date in order that a full per capita share might be set aside for tribal members who have since passed on, some of whom had been actively involved in the claims cases from the beginning. Deceased enrollees' shares would go to their heirs or legatees.

Although we favor the date the legislation becomes effective as the date for persons to be eligible to share in any per capita distribution of the judgment funds, we raise no strong objection to the earlier date of December 17, 1965. Distributing funds on a roll five or ten years old would necessitate considerable work in determining the heirs or legatees of the deceased enrollees and would result in additional expenses chargeable to the judgment funds. That is why we favor the 1965 date over the earlier date.

I should like to offer for the record an updated financial statement on judgment funds.

(The statement referred to follows:)

SUMMARY SHEET

Umatilla award in dockets 264, 264-A, & 264-B. Compromise Settlement. Amount of award: \$2,450,000. Appropriated: May 13, 1966 (80 Stat. 141).

Final judgment: Granted 2/11/66 in favor of The Confederated Tribes of the Umatilla Indian Reservation. Funds credited in Treasury to "Walla Walla, Cayuse, and Umatilla Tribes" to agree with 1964 Indian Claims Commission decision (14 ICC 14).

Status of funds: \$245,000 attorney fees paid. Total available as of 10/23/69, \$2,541,137.86. Invested in short-term bank time deposits.

LEGISLATIVE PROPOSALS ON DISPOSITION OF FUNDS

Bill No.	Per capita	Programing	Remarks
S. 1654.....	All, \$1,885 (estimate) each to about 1,300 persons.		Form favored by present tribal governing body, and majority of tribal members.
S. 2357.....	2 payments of \$250 each, \$650,000 total.	Balance of fund \$1,800,000.	Form favored by segment of tribe. Payment on passage of act and 6 months later.
H.R. 9477, as amended.	3 payments of approximately \$583 each, \$2,250,000 total.	\$200,000 for educational purposes.	H.R. 9477, as introduced, was identical to S. 1654. Payment on passage of act and other 2, 6-month intervals.
Departmental proposal.	2 payments of \$450 each, \$1,170,000 total.	Balance of fund \$1,280,000.	Department opposed bills as introduced and recommended substitute proposal. Payment on passage of act and year later.

Justification for Departmental Proposal—Tribal members disagree on disposition. Some favor full per capita distribution, some favor programming part of fund. Preliminary plan for use of funds drafted in 1967, was approved by incumbent Board of Trustees. No further action taken on plan. Under Department's proposal, on and off-reservation Indians will realize immediate benefits from per capitas. Remaining funds may be used for programs taking longer to develop: improved housing conditions and sanitary facilities, community development, and reservation development to increase employment and income. (1967 preliminary plan discussed on pp. 3-4, socio-economic report.)

Tribal organization.—Non-IRA constitution approved by Secretary 12/7/49. General Council, all tribal members 18 years and over. Nine-member Board of Trustees.

Land:

Total acres 6/30/68.....	86,262
Tribal	15,646
Allotted	70,616
Membership: As of 4/12/66.....	1,242
On-reservation	646
Off-reservation	596
Other non-member Indians in service area.....	301

Income.—Average family income, 1966—on reservation, \$2,139 (30% of income), off reservation, \$2,134 allotment rentals.

Median family income, all races, Umatilla County, \$5,709 (1960 Census).

Tribal income.—Sources—timber sales, grazing permits, hunting and fishing licenses; lease rentals and fees. FY 1967 estimate from lease fees and interest Treasury funds: \$31,500.

Welfare assistance: State, tribal, Bureau (counseling), County (commodity program).

Education: 1967-68 school year enrollment.—K-8 grades, 250, 9-12 grades, 85 (19 in BIA boarding school).

Average education level, adults: 8.6 years.

Tribal scholarship fund: \$8,000, from interest on \$200,000 trust. Luce Trust Fund scholarships.

Housing.—141 Household (4.4 persons per home), 267 Family Units, Housing on reservation substandard, overcrowded.

Housing Authority established in 1967. 50 Units Mutual Self-Help Housing approved FHA.

Facilities.—92% reservation homes have electricity, 77% running water, 63% sewage disposal system.

Health.—Most services by contract. Compares favorably with non-Indian services in area.

Acculturation.—Some old tribal customs practiced. Significant number reservation Indians unskilled. Job opportunities limited to unskilled labor, seasonal, agricultural. Many show limited ability to handle money. A number of tribal members, particularly off-reservation, fully capable of managing own affairs.

Reservation development study.—“A Program for Economic Development for the Umatilla Indian Reservation” prepared by Ernst & Ernst for Economic Development Administration (Dept. of Commerce). Submitted to Tribe October 1969. No action taken by tribal governing body. Work on study commenced July 1968. Board of Trustees in office at outset of project was replaced by a recall

election August, 1968. Present Board against enterprises that would entail use of tribal funds. They are mainly interested in per capita payments. Revised 10/23/69 BIA.

Walla Walla, Cayuse, and Umatilla Tribal Judgment Fund

Indian Claims Commission Dockets 264, 264-A & 264-B Statement as of
October 23, 1969

Net Award (14X7485) Awards of Indian Claims Commission, Walla Walla, Cayuse and Umatilla Tribes-----	\$2, 450, 000. 00
Accrued U.S. Treasury interest on above fund (14X7985) through June 30, 1967-----	¹ +72, 532. 03
Interest earned on bank deposits-----	+263, 605. 83
Less:	
Attorney fees-----	-245, 000. 00
Attorney expenses-----	
Total judgment fund available-----	² 2, 541, 137. 86

¹ No U.S. Treasury interest has accrued since June 30, 1967, because all principal funds were removed from the U.S. Treasury before July 1, 1967.

² All of this sum is invested in bank certificates of deposit as follows:

United States National Bank, Portland, Oreg., at 6¼ percent interest:	
1. To mature Nov. 24, 1969-----	\$1, 162, 888. 24
First National Bank of Oregon, Portland, Oreg., at 6¼ percent interest:	
1. To mature Jan. 3, 1970-----	126, 703. 34
2. To mature Dec. 13, 1969-----	619, 002. 17
3. To mature Nov. 24, 1969-----	501, 940. 93
4. To mature Nov. 24, 1969-----	115, 820. 75
at 5 percent interest:	
1. To mature Nov. 18, 1969-----	14, 782. 43
Total judgment fund invested-----	2, 541, 137. 86
Balance on deposit in the U.S. Treasury-----	

Mr. LOESCH. This concludes my prepared statement. However, I will be happy to answer any questions the committee may wish to ask.

Senator BURDICK. You say the tribe is composed of 1,500 members approximately. How many of them live on the reservation?

Mr. LOESCH. It is nearly half and half, if I am not mistaken. 52 percent. As of 1966, in April there were 1,242 members and 646 of them on the reservation and 596 off the reservation. At present I think the ratio is about the same, but there are a few more people.

Senator BURDICK. What is the economy of the reservation, is it agricultural now?

Mr. LOESCH. Yes. It is grazing, timber sales, hunting and fishing licenses. It is a very small area.

Senator BURDICK. How big an area is it, roughly?

Mr. LOESCH. About 15,646 acres of tribal land and 70,000 acres of allotted lands for a total of 86,000 acres.

Senator BURDICK. It has administration there and everything to go with it, an agency?

Mr. LOESCH. Yes.

Senator BURDICK. I would assume that this is the same age-old question, those on the reservation would like to retain more of the judgment funds than those that live off the reservation?

Mr. LOESCH. Yes, it is the age-old question, although it is my impression that it isn't just split exactly that way, Senator. Certainly a majority of those on reservation want to retain the funds and a majority of those off the reservation want to distribute the funds. I am not knowledgeable on this, Mr. Chairman, the tribe has just received a report from Ernst & Ernst, financed by the tribe, in connection with

EDA, which undoubtedly has great bearing on the economic base and the proposed future development of the area.

This was not available at the time of the earlier hearings. As I said before, at the earlier hearings we heard from no one who was in favor of programing the bulk of the money.

Senator BURDICK. Has there ever been a plebiscite taken to indicate the true feeling of the tribe?

Mr. LOESCH. I don't think so, Senator. Your other witnesses may know more about that than I. It is my understanding, however, that the Board of Trustees or the Tribal Council elections have been fought very nearly on this point, and from time to time they have swung back and forth, which I think, if that is the main issue, would be a pretty fair plebiscite.

Senator BURDICK. In other words, the elections have been held on this issue indirectly through the views of the candidates for the Tribal Council?

Mr. LOESCH. Yes.

Senator BURDICK. Is that the only plebiscite held?

Mr. LOESCH. That's right.

Senator BURDICK. I presume that situation will be developed by some of the witnesses?

Mr. LOESCH. I would imagine so, Senator, although I have not had any conference with them on the subject. I just have been furnished a copy of the program for economic development of the Umatilla Indian Reservation at Pendleton, which was an EDA-financed tribal-approved evaluation carried out by Ernst & Ernst.

Senator BURDICK. Mrs. Toda, do you have anything to add?

Mr. LOESCH. No.

Senator BURDICK. Are you a member of the tribe?

Mr. LOESCH. No, she is one of my experts in the Bureau of Indian Affairs.

Senator BURDICK. Thank you very much for your testimony.

Would Mr. McClanahan and his official group of tribal delegates please come forward?

You may proceed in any order you wish and you determine that yourselves.

STATEMENT OF MARK C. McCLANAHAN, TRIBAL ATTORNEY; ACCOMPANIED BY ROY McINTYRE, CHAIRMAN, BOARD OF TRUSTEES; KATHLEEN GORDON, MEMBER OF THE TRIBE; MARVIN PICARD, CHAIRMAN OF GENERAL COUNCIL; AND PETER MINTHORN, CHAIRMAN, TRIBAL SCHOLARSHIP COMMITTEE

Mr. McCLANAHAN. Senator Burdick, I would like to introduce these people so you will get, first of all, a bird's-eye view of the kind of representative capacity in which these people appear.

On my right is Mr. Roy McIntyre, who is Chairman of the Board of Trustees of the tribe, which would ordinarily be called the Tribal Council in other tribes.

Next to him is Kathleen Gordon, who is a member of the tribe.

Next to her is Marvin Picard, who is the Chairman of the General Council, the general membership of the tribe.

Next to him is Peter Minthorn, who is the Chairman of this Tribal Scholarship Committee.

I believe that it would be appropriate to have Mr. McIntyre testify first. I think you will find that many of the comments in my prepared statement are responsive to the questions which have already been indicated here.

I am informed that there is a representative of the people who just completed the EDA technical assistance project report. If it is permissible, Senator, I would like to testify last, so that I can present it not only with the prepared material, but also some comments which I have regarding the report.

I would appreciate a chance to respond to the comments regarding the economic report.

Senator BURDICK. Very well, proceed.

Mr. MCINTYRE. My name is Roy McIntyre. I am Chairman of the Board for the governing body, whichever you care to call it.

We have gone through this so many times and we have so many tons of paperwork. I would like to put to you my feeling on what has caused the splits on our reservation, these family arguments. We were coming along fairly well until then.

It has been some of our troubles to get you to understand our positions there. As I said before, I am the Chairman and I am just like you sitting there. I don't really have a voice in it, I am just sitting there and if there is a tie, I give a vote, otherwise I don't. So I have let myself just go along with what the majority of the people want. They wanted a full per capita payment.

Senator BURDICK. You said the people wanted a full per capita payment. What have you based that on? Did you at any time vote on it?

Mr. MCINTYRE. Yes, we vote on it every time we meet.

Senator BURDICK. I am not talking about the Tribal Council, I am talking about the tribe. How do 1300 people meet?

Mr. MCINTYRE. They don't ever meet. You just vote if you have a quorum.

Senator BURDICK. You said the people want a per capita payment. How can you tell what 1500 people want?

Mr. MCINTYRE. All you can go by is what comes in and asks for it. You can't go to their houses. They voted on this H.R. 9477 and they all come right out with the conclusion that they want per capita and we got our proposition put to us there that we would get a full per capita with the exception of the \$200,000 for scholarships and they all thought that was pretty good. But they didn't like the idea of cutting it into three things. That is why they wanted the full per capita.

Senator BURDICK. You refer to "you all" and "they want." How do you tell what they want?

Mr. MCINTYRE. I am telling you the truth. I could not tell you. All I know is what the votes are.

Senator BURDICK. What vote?

Mr. MCINTYRE. Whenever you hold a vote and ask what the people want at the General Council. We have no place for them to meet, so we have not had a meeting lately.

Senator BURDICK. What you are saying, when you refer to a vote, this is a vote of the Council?

Mr. MCINTYRE. The General Council, yes.

Senator BURDICK. Who composes the General Council?

Mr. McINTYRE. The General Council is all the people if they want to come. Our council is not like others, what you call a council that runs the governing body.

Senator BURDICK. Do you send a notice of the meetings to everybody?

Mr. McINTYRE. At times they did, but very seldom. We have an Assistant Chairman and the Vice Chairman, whichever you want to call him, of the General Council here with us. I usually attend down there.

Senator BURDICK. Did you ever send a ballot out to the entire membership of how they feel?

Mr. McINTYRE. We have.

Senator BURDICK. A written ballot?

Mr. McINTYRE. Written, and they were to answer it. Some of them come in and some of them don't.

Senator BURDICK. Did you ever send a ballot out and ask them, "Do you favor a total per-capita distribution" or do you not?

Mr. McINTYRE. We have sent that, yes.

Senator BURDICK. To every member?

Mr. McINTYRE. Every member whose address we had.

Senator BURDICK. Do you have the results?

Mr. McINTYRE. No, I don't have them with me. All I have, is that they voted and wanted their money, that is all.

Senator BURDICK. I think it would be very helpful to the committee if we had the expression of how they returned their ballots in a situation like this.

Mr. McINTYRE. Most of them come and cast their ballots and others just mail them in. But I don't have them with me.

Senator BURDICK. You may proceed.

Mr. McINTYRE. There is no more I can say about it. There is no need of me wasting all this paper here, because we have gone through this I don't know how many times and it just comes out to the same thing. We are talking about programs out of this money. I think what we need the most—I don't care about programs—we should have a hospital, we have people dying on the reservation. I think we should have a hospital.

Senator BURDICK. As long as you don't have a precise tally of how 1300 people actually feel, how do you feel?

Mr. McINTYRE. I just go along with what the people want.

Senator BURDICK. What do you think they want, what do you want?

Mr. McINTYRE. Myself, I have asked for a full per capita payment.

Senator BURDICK. How do you get hospitals and things like that if you pay it all out?

Mr. McINTYRE. I am just saying I think that is the only thing we need there.

Senator BURDICK. How can you get hospitals?

Mr. McINTYRE. I don't know, I don't think we can get anything there for the amount of money we have got.

Senator BURDICK. But you are for a full 100 percent per capita distribution?

Mr. McINTYRE. No, I didn't say that. I would like to see some left on the ends. They said \$200,000 would take care of itself for evolving

a scholarship thing. I would like to see some left for scholarships, but I would say a full per capita with the exception of what they held for the scholarships.

Senator BURDICK. As to the amount that has been contained in the House Bill H.R. 9477, approximately \$200,000, do you think that would be adequate?

Mr. McINTYRE. Well, I believe it would, drawing interest on that and the way the scholarships have been before.

Senator BURDICK. This would be your personal view?

Mr. McINTYRE. That is my personal view.

Senator BURDICK. But you have nothing to give you a specific finding by the 1,300 members, what they want?

Mr. McINTYRE. I don't believe I would have a right to speak for them with the exception that I go by what the votes were and what they wanted. But I could not go and tell you what they want and I don't think anybody in here can.

Senator BURDICK. But you never had a complete vote?

Mr. McINTYRE. Just as good as you can get. I don't know if you know how Indians run things, they come in there upside-down and backwards and you just have to live there to find out how they run things.

Senator BURDICK. I find in my state there is a lot of Indian democracy, they changed the tribal councils quite often.

Mr. McINTYRE. They do in our reservation, too, but they don't seem to improve according to these reports.

Senator BURDICK. When is the next election?

Mr. McINTYRE. Now they don't have a regular election time either, but I believe they are having one coming up now for a new Board of Trustees.

Senator BURDICK. When is this?

Mr. McINTYRE. I believe it has started on the 28th or 29th.

Senator BURDICK. Of November?

Mr. McINTYRE. Of this month.

Senator BURDICK. Why couldn't they put this question on a ballot and determine specifically what the people want, why couldn't they do it?

Mr. McINTYRE. I guess they could.

Senator BURDICK. So we could have something concrete to rest our case on what these people want. After all, this committee is interested in what the Indian people want themselves; that is, the 1300 that are interested in that.

Mr. McINTYRE. That would be something we could do.

Senator BURDICK. Who is the next witness?

Mr. McCLANAHAN. Could I respond to some of the questions that were asked? I have some information.

The prepared statement details the basis on which these people assert that the majority of the tribe was in favor of full per capita with this recent modification with the House amendment for the retention of the scholarship funds. A long history is attached to the statement, which details the various votes that have been taken.

(The data referred to above is in the committee files.)

The largest single vote on this particular issue in a meeting was 154 to 1 in favor of full per-capita distribution. There is attached to

this statement a petition to the Chairman of the Interior and Insular Affairs Committee in 1967.

Senator BURDICK. How was that meeting called and who was notified of that meeting?

Mr. McCLANAHAN. The 154 to 1 meeting was a generally called meeting. It was not one that would have had notices going out in the mail to all tribal membership. It would have been primarily people who were reservation people and those who were very interested in judgment funds who got there.

As has been indicated, the membership of this tribe is quite scattered. The largest single notice that ever went out that anybody knows about was in connection with the settlement. There a mailed notice of the meeting was sent out and there were 336, I think, tribal adult members that appeared at that meeting, which is the largest meeting the tribe has had during this century that anybody can recall.

Now there have been other votes. The ones in the General Council detailed in this history have all been extremely lopsided. There is an indication that the breakdown of the majority minority is not quite that one-sided as evidenced by the fact that there is a petition of recent origin of 95 opposing full per capita.

There is a petition attached to this statement in 1967 of 201 favoring full per capita. There have been two recall elections, and this issue was very much in both of them and, as indicated by Senator Hatfield, what you had at the beginning was the governing body of the tribe, the Board of Trustees, which had been pretty much the governing body for many years, and they have favored programming about two-thirds or three-fourths of the funds and distributing a \$500 per capita.

S. 2357 would reflect that pretty much. They had one recall election pretty much on the issue of that and it failed by about a two-to-one vote and it was a single question. Later and more recently about a year ago, and the date is in the statement, on a single question recall all the Board of Trustee members, it was put on the ballot pursuant to the constitution of the tribe and by about a two-to-one majority all of them were recalled.

Then that included by this time through the electoral process some members who are here today who were recalled and who actually favored the recall proceedings and then they ran for office and those who favored per capita got licked, even though they had been recently recalled.

At the present time, however, you can't say that the Board is unanimous. It is divided up again. They had a recent vote last Thursday, the governing body.

Senator BURDICK. How do you expect this committee to find out what the people feel in view of a history like this?

Mr. McCLANAHAN. I believe, Senator, that through all of the processes of representative democracy it has been rather clearly demonstrated. It could be handled by a mail ballot, but I have some doubts that you are going to find as many people voicing their views as have already, but I could be mistaken.

Senator BURDICK. The first vote you told me about was 154 for and 1 against, but there are 1150 people who did not cast their votes.

Mr. McCLANAHAN. The minors under 18, under the tribe's constitution, are not entitled to vote.

Senator BURDICK. What percentage are minors?

Mr. McCLANAHAN. Over half are minors.

Senator BURDICK. There still would be 400 people or more who did not vote or could not vote or something, at least their votes are not tabulated.

Mr. McCLANAHAN. Right, and we probably always will have some who won't vote. But I just wanted to clear up what evidence there is.

Senator BURDICK. The only thing is, counsel, you have not cleared up very much. It is pretty much of a confused picture so far. Let's hear the next witness.

Mrs. GORDON. I am Kathleen Gordon. The tribe sent me.

Now I don't have it in written statistics or anything. It is just that all the ones I have spoken to or written to off and on the reservation have specified their wishes for a full per-capita payment. A lot of the families are in dire need of this money and have waited a long, long time for action on it.

So as the gentlemen spoke before me that the majority of the people have expressed their wishes that I know of that and want the full per-capita payment, the \$200,000 for the educational funds.

Senator BURDICK. What is your personal view?

Mrs. GORDON. I always wanted the per-capita payment.

Senator BURDICK. Did you want educational funds originally?

Mrs. GORDON. No.

Senator BURDICK. What has persuaded you to that position now?

Mrs. GORDON. Just the way it has passed and standing now, how the House passed it.

Senator BURDICK. In other words, you were not for the \$200,000 set aside until after the House passed the bill?

Mrs. Gordon. I didn't know that they were going to put this into it, but I have agreed to that since it has been mentioned.

Senator BURDICK. The next witness.

Mr. PICARD. My name is Marvin Picard. I agree with the position of the Chairman and the General Council and this is the opinion of the majority of the people of the tribe. The point I was going to get across here is that we have had a number of various things happen here and referring you back to this recall of the Board of Trustees in August of 1968, we sent out at that time absentee ballots to everybody on our list that was of age to vote.

Out of those we received back a total of 237 votes. So if you got 500 people, evidently there are some of them in there that don't want to vote. I feel myself that we should have a more representative vote than that, but in this vote 161 of them voted to recall this nine-member Board and the biggest issue, of course, at that time was per-capita or programing.

Senator BURDICK. What did the Board stand for that was recalled?

Mr. PICARD. The Board that was in office at that time stood for programing of all the funds with the exception of \$500 per-capita payment.

Senator BURDICK. Now you say you sent notices out to the members. Did the notice contain the views of the Board as to how to vote for recall or against recall or was it just a plain recall?

Mr. PICARD. It was a plain recall, but the issue that was completely in the forefront at the time was the majority of the people knew it was the difference between those who were for full per-capita or those who were for programing of the funds.

Senator BURDICK. Suppose I lived in Spokane and I got a notice in the mail to vote for or against the Board members. Would there be anything in that notice that indicated the position of the Board?

Mr. PICARD. The official notices probably went out by the Board themselves and probably didn't have the information.

Senator BURDICK. Do you have a copy of the notice?

Mr. PICARD. No, I don't. However, at the time there was a lot of campaigning done and there was a lot of individual letter-writing among the tribal members of both sides. I myself personally wrote out better than 700 letters at that time voicing our particular position and why we were recalling these people.

Senator BURDICK. At least the ballot didn't officially indicate the position?

Mr. PICARD. The ballot didn't officially indicate it, this is correct. Along that line I think the reason here is good. The fact is at one time when I was not a member of any official delegation or anything like this, I suggested this position to the Board and there was no action taken. I personally sent out about 300 questionnaires and I am sorry to say I did not keep there questionnaires or I didn't keep the totals.

But out of those questionnaires I would say approximately 90 of those 300 I sent out came back voicing to me that they were for the full per-capita position. When I originally got in this, I was not as convinced as some others were that the full per-capita thing was the position to take. I was just like you, I said how do you know these people want full per-capita, how do you know this is their opinion? So this was my personal effort to find out how do these people feel?

I am sorry to say I wish that the Board at the time would have taken the suggestion that I gave them to go ahead and send these types of questionnaires out to the people and then we would have for you at this time an actual count of how many were for and how many were actually against out of those that were old enough to vote.

But I am sorry that it has never been done.

Senator BURDICK. How do you feel personally about this?

Mr. PICARD. Personally, I am convinced that the majority of the people in the tribe want the per-capita payment.

Senator BURDICK. No, I don't mean that. How do you feel yourself about how the money should be distributed? That is the point I am asking, the question I am asking.

Mr. PICARD. Well, if the Congress of this United States could convince me—

Senator BURDICK. Just a minute, you are in here asking for legislation.

Mr. PICARD. If the Congress could convince me that all of the unseen problems and the unseen funds that are proposed in this Ernst and Ernst report, if somebody could convince me that these would be forthcoming, that this was not just another big, grand idea that never becomes a reality, then I would say, "Let's program it all."

But what assurance do we have that this will ever become a reality? We have had down through the years numbers of programs and things

proposed that was going to remedy the problems of the Indians and still we are here today on this, a minority of people that still are in pretty bad shape as a group, educational-wise, community-wise, everything. So those are my personal views.

Senator BURDICK. I can't tell you what Congress is going to do, and you know that.

Mr. PICARD. I know that.

Senator BURDICK. I understand you, because I have Indian people in my State, too. But isn't it true that in 1957 you had something like \$4 million that all went out in per capita distribution?

Mr. PICARD. This is another reason why the people now feel if there should ever have been programing of funds, why weren't the \$4.5 million programed, because we would have gotten twice as much money as now.

Senator BURDICK. Now we have \$2 million more, what are we going to do with that? Pay it all out?

Mr. PICARD. I am sure that under the conditions of our tribe in the sense that the majority of the tribe no longer live on the reservation, it is the only way that the majority of the people are going to receive some immediate benefits from this fund. The programs are not for today or for tomorrow, they are for sometime in the future.

Senator BURDICK. In other words, it is your personal view unless you could be assured that Congress is coming through with some more of these economic programs, you would not be in favor of the per capita distribution?

Mr. PICARD. That plus there are other problems within the proposal that they have there, for instance, one proposal is that within the McCoy Creek Project that we lease the project for 99-year leases. We cannot under the present rules, lease for 99 years. The rules would have to be changed and there are other areas there that I am sure our attorney here will indicate, things that would have to be changed in the law before we could do the things that are required in that.

Senator BURDICK. Where does this leave you personally?

Mr. PICARD. It leaves me personally with the feeling that for immediate benefits to the majority of the members of the tribe that per capita payment is the only way that the members as a whole, the majority, will receive benefit payments.

Senator BURDICK. If these economic programs don't develop as fast as they should, what will be the condition of the tribe, the result thereof?

Mr. PICARD. If they don't? We will be in the same position we are right now.

Senator BURDICK. Most of them destitute?

Mr. PICARD. Yes. However, I do feel that the scholarship program, if we can educate our younger people, I don't believe we will ever be able to do anything without our own reservation that will economically improve our people. I think we are going to have to get away from the reservation and go out and seek the employment that is within the immediate area. In order to do this, in order for our people to compete, they have to be educated and that is why I definitely feel this way.

Senator BURDICK. If you feel strongly about that, and I do, too, is \$200,000 enough?

Mr. PICARD. With the \$200,000 we already have and with the funds that we have, the Charles Luce Fund, I think, that this would be sufficient for a good number of years, yes, because I think properly invested that this could perpetuate itself and we would have sufficient scholarship funds for our viewpoint for a number of years.

Senator BURDICK. Just by coincidence, I am very cognizant of the cost of college education as some members of my family are in college and college is no longer cheap. So I am wondering if your \$200,000 is going to be adequate to do at least this much for your people.

Mr. PICARD. There is one other small point here I would like to comment on, the amount of people that live on or off the reservation.

Every report I see that comes from the Bureau or comes out by somebody else, they always conflict. I have a most recent one which was made by the Community Action Program, which has a \$18,000 Community Action Program effort going on the reservation now, and there according to their records, their actual count of those living on the reservation are 292 people between the ages of 16 and 64, that is what their report says. So I don't think anybody really has an accurate count of how many people live on or off the reservation.

Senator BURDICK. Based on that count, how many adults between those ages live off the reservation?

Mr. PICARD. This is saying 292 between the ages of 16 and 64. We don't have too many older than 64, so you could not increase too many more adults on that.

Senator BURDICK. How does that compare to the same ages that live off the reservation?

Mr. PICARD. We have 1,300 people.

Senator BURDICK. Yes, but a lot of those are under 16.

Mrs. GORDON. The people off the reservation don't have large families.

Mr. McCLANAHAN. There are more children, the mix is to the younger on the reservation.

Senator BURDICK. Have you concluded your testimony?

The next witness.

Mr. PETER MINTHORN. My name is Peter Minthorn. As the attorney explained, I am Chairman of our Tribal Education Committee and I was permitted to introduce testimony in the House hearings and the committee was very concerned about the educational achievements of some of our Indian people. I testified to them that I felt as the Chairman of this particular committee I was very gratified to find people who after some years of time being out of school were willing to come in and make up an application for further schools to try to achieve or attain a goal to better employment, through a better cooperation with the white community, because he knew eventually that he would have to face white society.

To be able to face the complexities of the white society, he must be literate. I am trying to correlate my belief here with why I am for the full per-capita payment for the support of H.R. 9477.

I feel that the House of Representatives has been very lenient in being able in the makeup of legislation to provide us with increased educational benefits through the \$200,000 grant, if proposed to the Umatilla Tribe. I feel if we are to go ahead, if we are to turn our back

on the projects and go into the avenue of higher education, both university and collegewise as well as technical and vocational, I feel myself that if we learn to achieve these goals that we will be far more satisfied with the type of production through sending these students to school and that we will know in the end that we have achieved a goal that I feel should be sought by all American Indians.

And you have asked each of the delegates for their personal views in regards to this legislation. I wish to say myself personally that I have worked with this problem for three and a half years. I have run petitions, I have made resolutions, I have talked with people, I have made trips to Washington concerning this legislation.

I feel it is worthwhile legislation because in our community of Pendleton, Oreg., which is situated in Umatilla County, the county of Umatilla differs more in economic outlook than the people who reside within the confines of our reservation. Mainly it is because the community of Umatilla County is agricultural, the white farmer or rancher has the big ranches. He has the lands, he makes the money, and he does out money that is derived from lease agreements, rentals, which does not seem to satisfy the people of the reservation who rent their lands to these white farmers and ranchers.

Now in the past 2 years there have been total crop failures on our reservation that has cut the Indian income almost three-fourths.

To give an example, my aunt owns property on the reservation for one crop share which she received \$400 to \$500 and last year she received \$75. That is not progress to me, that is regression. I don't mean to blame the farmer or poor farm methods. I think he is an honest man and he tries to get out there and do what he can with the land he leases from the Indians.

But it is due to the climatic conditions that have appeared. We have had severe winters, it has destroyed the crops, in the early summertime before the crop is harvested there comes along a heat wave and destroys the wheat and the barley. This has led to the decrease in the economic outlook of many members of our tribe who own property on the reservation. It is with these thoughts that I feel that this legislation is needed, because right now the Indian people are in dire need of this money.

A lot of people are old, they don't stand a chance of living much longer. There are young people who must survive, who have to go week after week charging lunches because their parents are unemployed, and cannot provide the money to give their children school lunches.

Some of them don't even have decent clothes to wear to school and they are ashamed by this. These are my personal observations.

Senator BURDICK. I am impressed with your statement in regard to the need for education. This is a competitive world and this can be a very specialized world, and education is certainly needed. I stress that I have a little difficulty in squaring your testimony with the great need for education and, on the other hand, asking for a per-capita distribution.

The testimony shows that in 1957 the tribe received \$4 million. It has all been distributed and gone. If we have a total per-capita distribution again on the \$2 million, pretty soon, that will be all gone.

Based upon your description of the need for education, do you think \$200,000 is enough to set aside for this purpose?

Mr. MINTHORN. Yes, I do. As I told you, I testified in the House to this effect that I felt with an increase, as they have recommended, would be sufficient to meet the contingencies for future years of the students who want to go to school.

We do have a community college right in the immediate vicinity in Pendleton, and it is a 2-year junior college that provides a variety of educational programs. They have made several trips to the board of trustees meetings and they have urged the Indians to take advantage of some of the programs which they intend to give to the students. They want to include the Indians in their programs.

Senator BURDICK. I understand from the previous witness that there is a trust fund for educational purposes. Has that been adequate to take care of all those who want to go to school?

Mr. MINTHORN. Not the \$200,000, because as you say, year after year the expenses get higher and higher, but we were helped out by the Charles F. Luce-Nancy Odem Trust and this amounts to around \$139,000. If this legislation is enacted, it will provide the \$200,000 that would put us right at about a half-million dollars, which we could put in education.

I think that figure is probably realistic and that we could effectively administer that.

Senator BURDICK. My question is, has the trust fund been adequate to meet all the educational needs right now?

Mr. MINTHORN. The first trust is from the settlement of \$200,000 that was set aside for the education of our Indian people of which we derived the interest off of \$200,000 or principal, which runs around \$8,000 per year.

Senator BURDICK. That won't educate very many people.

Mr. MINTHORN. Although this \$8,000 is derived from the principal, we also have the interest on the \$200,000 which at last check was around \$12,800, that is derived from the same settlement.

Senator BURDICK. That is \$20,000. That won't educate many children.

Mr. MINTHORN. As I say, if this legislation was enacted, it would provide more money.

Senator BURDICK. It would only be another \$8,000 on the \$200,000.

Mr. MINTHORN. Let me say this. I have been on the committee for 2 years, and when I first took office in 1967, the people who applied for scholarship grants, came out about even. We used about \$8,000. In the second year we went up to about \$11,800.

Of course, it is going to grow year after year and I think this year I haven't made out my financial statement yet, but I think it is close to \$12,400.

Senator BURDICK. You referred to the fact that the children don't have lunches for school, they don't have clothes and they need money to go to school, and now you are in the process of distributing all of it except \$200,000. I just want to know if that is wise, that is all.

Mr. MINTHORN. In regard to the minors, if this legislation is enacted, their money would not be distributed per capita. It would go into a trust for them until they reached the age of their majority, which is 21. But it would be a benefit to the youngster if he was able to take out some of this money once in a while.

Let's take an example—for school expenses. He could take out some of this money to buy his clothes, yet not take out the principal

amount of the per capita, but take out some of the money for clothes or lunches and keep the rest of the money in the trust.

Senator BURDICK. But there isn't that much money in the per-capita distribution. If you have distributions to those on the rolls in 1965 let us say—the children of the principal enrollees are going to divide the money eight or nine ways—depending on the number of children. So this per-capita distribution won't give you as much as you think over the period of 10 or 15 years.

Mr. MINTHORN. I was just more or less trying to straighten out the fact that if this legislation were enacted, of course it would be silly to give the child this money.

Senator BURDICK. I understand that. But you are talking about how much to draw on this, and this per-capita distribution won't be too much through the years, until he is 21.

What I am getting at, you are the expert on education. Is the \$200,000 going to be enough? That is the question.

Mr. MINTHORN. I feel that it will satisfy the needs.

Senator BURDICK. To give these Indian children the specialized education needed to compete in today's world, this is my question.

Mr. MINTHORN. Yes, I believe so.

Senator BURDICK. You are the one that knows.

Mr. McCLANAHAN. I think that it might be better if I went forward at this time and maybe they can respond to my questions about the economic report rather than the other way around.

I am the attorney for the tribe and I have prepared a written statement and I have asked that it be inserted in the record.

Senator BURDICK. It will be inserted.

Mr. McCLANAHAN. The question of what proportion of the judgment funds should be distributed per capita is not one on which I, as their legal counsel, have an opinion. It presents only a question of policy.

I do want to assure the committee, however, that I have observed the process by which the official position of the tribe was established on this matter and that it was a democratic process under a democratic Constitution and Bylaws under which the tribe is operated since its approval by the Secretary of the Interior in 1949. Any decision which the Congress would make that there shall not be full distribution will have to be based on the propositions that:

1. The Congress knows better than the adult members of the tribe (those over 18 years of age) what is good for the tribe and its members.

2. It is realistic to expect substantial benefits from tribal programming of any retained funds even though the majority has demonstrated that they do not want to use these funds for those purposes.

I urge you to consider whether either of those propositions is valid. I think both would have to be to make a rational decision as to what was best.

There are certain positions of the Department's report which I believe are in need of clarification or correction, and also I wish to deal with the particular provisions of the respective bills before you.

Program Planning Committee Report of 1967:

From the reference to the 1967 preliminary program drafted with respect to the use of these funds (page 13 of House of Representatives Report No. 91-472), it might be inferred that the summary shown there was all that there was to the report. Actually, this summary merely takes the headings of each of the 12 items discussed at some length in a 19-page typed document.

Although there was no technical advice from engineers and the like, Bureau of Indian Affairs' assistance was provided. It included funds for developing the McCoy Creek Project for a recreation center. It provided for holding an election giving members not interested in tribal programing the option to withdraw from the tribe voluntarily and take with them shares of all tribal funds.

This document on which I performed editorial services was not received with favor by the majority of the tribe either on or off the reservation. It may be speculation, but perhaps the reasons included that the fear that "voluntary withdrawal" sounded a lot like the beginnings of termination. Also, one of the principal methods of accomplishing the objectives in several of the items, such as land consolidation, new home construction and home repair and the like, was to provide for loans of tribal funds to individuals.

The members of the tribe knew that (over the strong objections of the tribe) the Bureau of Indian Affairs had insisted that one of the rules for all loans made by the tribe must be that only those residing on the reservation would qualify.

Here I want to change my statement; the exception is educational loans. They do not have to be residents of the reservation.

Inasmuch as this made substantially fewer than one-half of the members of the tribe eligible for such loans, it may not be too difficult to see why most members of the tribe doubted that they would receive benefits from such programs. Thus, while Department and Bureau policies encourage tribal programming, the policy is substantially subverted by the stringent rules imposed on one branch of the Bureau of Indian Affairs.

I should add that parts of the program envisioned have been accomplished through other sources. The dam involved in the McCoy Creek Project has been completed under a Manpower Development Training Act program which involved expenditure mostly of Federal funds, but with some tribal funds also utilized at about \$330,000.

As is apparent from page 19 of the House report, an additional \$150,000 was added to the credit program from other tribal funds. Of course, other than construction of the dam, the dam site has not been developed for recreation or other purposes.

EDUCATIONAL FUNDS AVAILABLE

The educational funds presently available to young members of the tribe are substantial. They may be summarized as follows:

1. The \$200,000 fund referred to at page 18 of the House report. However, this is not really a "trust fund" as indicated in the report and instead of the \$8,000 per year earnings referred to in the report, the current interest exceeds \$12,000 per year. This is for higher education only.

2. The trust established by Charles Luce (House report, page 18). This trust, which was funded in 1966 with a principal in excess of \$118,500, had been arranged by Mr. Luce in 1961 when he resigned as attorney for the tribe and entered Federal service as Bonneville Power Administrator and, of course, he later became Under Secretary of the Interior. This trust is also for higher education and grants first preference to members of the Umatillas.

I might say, parenthetically, that came out of the attorney's fees which is referred to, that was the share which his time earned out of those fees and he, in order to go into Federal service, transferred his interest at that time in trust.

Senator BURDICK. He just paid his attorney fees back?

Mr. McCLANAHAN. Right. At that time they didn't have any money, but it ultimately turned out to be a substantial amount.

Senator BURDICK. Was that invested, too?

Mr. McCLANAHAN. Yes; I believe it is the Seattle First National Bank.

Senator BURDICK. CD's or what?

Mr. McCLANAHAN. I don't know what they have it invested in. I am not presently aware of its earning performance.

Senator BURDICK. Have any of the corporates of the two amounts been used?

Mr. McCLANAHAN. No.

Senator BURDICK. We will say \$6,000 there.

3. For those minors of the tribe born prior to June 15, 1957 (that is, those over 12 years of age), there are their funds from the Dalles Dam Settlement made in 1957 for the inundation of Celilo Falls. These are held in trust by a Portland, Oregon, bank for the individual minors and may be used only for (a) higher education purposes and also vocational training, and (b) as indicated in the House report (page 18) as collateral for loans to high school students for their education.

These uses are supervised by a tribal committee. Education loans have first priority and they actually loan these funds to high school students and use as collateral their interest in the trust fund which continues to earn, and this interest rate the high school students pay is less than their funds are earning at the same time.

Senator BURDICK. What has been the repayment of the high school students on these loans?

Mr. McCLANAHAN. They are not due until they reach their age of majority and then it comes out of these Celilo funds.

Senator BURDICK. In other words, a 12-year student will be getting money for nine years and he won't know anything about repayments?

Mr. McCLANAHAN. He will not repay it. It is not due until he gets the Celilo funds, at which time it comes due and is taken out.

A full minor's share of Celilo funds (that is, one from which no distribution has been made) is now worth in excess of \$5,200.

Under both S. 1654 and H.R. 9477 the existing Celilo trust could be supplemented by adding their shares of the judgment funds, and for the minors born since June 15, 1957, their shares and names could be added to the existing trust agreement.

The language of the bills is flexible enough to allow that to happen.

Senator BURDICK. When was the roll, 1957?

Mr. McCLANAHAN. The 1957 roll.

Senator BURDICK. Is that the latest?

Mr. McCLANAHAN. No; there was actually a per-capita distribution of \$150 in December of 1968 of which the 1293 figure comes, I believe.

Senator BURDICK. What roll is used for the distribution of funds in 9477?

Mr. McCLANAHAN. It takes the June 15th roll or if the name appears on a 1960 roll, which was a per-capita distribution, 1960, or if they were entitled to enrollment on those under the constitution.

We don't think there is anybody left out. We could have referred to these later rolls, but they are not formal documents. It will be a roll which is not closed until the enactment of this bill, you see, people being born right now.

Senator BURDICK. Does this roll take into account the shares for dissent and so forth?

Mr. McCLANAHAN. From December 15, 1965, I have an explanation of that in this statement here, or I guess the other statement. Probably they would have chosen the date of enactment just like most bills do to not close the rolls until the date of enactment of the bill and this doesn't. But it has this unusual characteristic and this was debated and voted upon by the General Council also.

It says that also those who were living December 17, 1965, when the General Council voted to accept this settlement, why their shares are a unit also even though they might have died, so those are inheritable from December 15, 1965.

That would increase that 1,293 figure somewhat. Ironically, some people certainly have died. Mr. McIntyre's wife was a delegate at the time of the House hearings.

Senator BURDICK. I am saying since 1965, maybe it is 1960. This would have to be shared just like a descendant. If A had two children and B had one child, they wouldn't get the same amounts, would they?

Mr. McCLANAHAN. If that ancestor has died since December 15, 1965, no, the one child would get half and one would get full.

Senator BURDICK. This is the point I was making with the gentlemen down there. You would not have equal shares. There might be fractional shares for some large families.

Mr. McCLANAHAN. Yes, of course, if they are members of the tribe, each of those would get a full share also. There is some fraction and we recognize it is unusual. The problem is that every day that we have delayed this thing since 1965, we have caused an inequitable shifting and that is the reason for it. The delay is the only reason for that unusual characteristic.

Senator BURDICK. Proceed.

Mr. McCLANAHAN. Probably this could not be done and no trust could be established for the total \$500 per capita contemplated by S. 2357. Under the Department's proposed bill, trusts may be established, but because of the terminology employed in that proposed bill (Section 4) probably the existing trust agreement could be utilized.

I will at this time leave off the section-by-section analysis of these respective bills, because the statement is a matter of the record.

I would like to comment briefly on the program for economic development study which has recently been prepared by Ernst and Ernst under an Economic Development Administration technical assistance project.

This document was made available to the governing body of the tribe last Thursday. I saw it for the first time on the plane yesterday. I was able to read most of it.

There is much that is very encouraging in what is said in that report. I noticed, however, a number of respects in which the report has not solved, somewhat might be called legal problems. It is my considered opinion that there would have to be several administrative rule and legislative changes in existing law and regulations before the McCoy Creek Project or the motel-gold course complex, much like the one the Southern Utes discussed could be developed.

One has been mentioned, the term of the leases. Apparently the report indicates that is important so we would have to look forward to changing some rules. It looks forward to 35 percent private financing based on first mortgages of privately owned land. I have been of the opinion for many years that it would take an act of Congress to allow that to happen.

Certainly I think it very unlikely that a lending institution would take the chance that my opinion was wrong in that regard by lending 35 percent private financing.

There is another assumption that is made with respect to the two major projects, McCoy and the motel, and that is that we would have liquor. This tribe has not exercised local option. Ironically, in the middle fifties they were talking about the Pendleton Country Club wanted to locate fairly close to this present site on some privately owned land and the tribe at that time tried to exercise local option to allow liquor just on that limited area, but the Bureau of Indian Affairs had the policy, and so far as I know still has that policy, that they can't do that and the Secretary ruled that attempt by the tribe to on a limited basis for a particular area of the reservation is not legal.

So while the report indicates these things could happen, there would have to be a number of changes.

Senator BURDICK. Could you briefly tell me how the report relates to the bill before us?

Mr. McCLANAHAN. I believe that this report might be urged by some people, and I expect it to be urged by subsequent witnesses, as a reason for deferring distribution of a substantial portion of these funds until it could be seen whether this was going to go in effect or whether the people wanted it or something like that.

My point here about that is that I think that candor is required and that notwithstanding projections that this can be done in one, two and three years and the like, I believe we are looking at a much longer period of time, more legislation from Congress, and that it is not really appropriate to at the last moment say, "Yes, here is something."

Senator BURDICK. As a matter of fact on the terms of leases we have just extended one recently, and this may not be a major problem.

Mr. McCLANAHAN. I believe that legislation could be enacted that would make it feasible, but it is going to take time.

Senator BURDICK. Just last week we passed one in New Mexico for 99 years, so it may not be an obstacle at all.

Mr. McCLANAHAN. I think that the minimum when we are talking about ADA loans and the like, if it were to be delayed further, it ought to be on some definite assurance that by a certain time financing will be available for these projects and if not, then they would be dis-

tributed. Because it would be a cruel hoax to lead them on some more after this long delay.

That is the point I have about it.

Senator BURDICK. Let me see. What about the \$4 million that has already been dispensed with, what position is the tribe in after that distribution?

Mr. McCLANAHAN. Well, the minors have some substantial funds.

Senator BURDICK. Do any of the adults have substantial funds?

Mr. McCLANAHAN. No; I don't think there are many wealthy people. The House report makes the point in general that they seem to have done fairly well with the distribution of the \$3,500 per capita. I have heard, of course, that some people squandered it. There was testimony on it before the House. A lot of the people did it.

Senator BURDICK. The witnesses here today have told us about the plight of the reservation.

Mr. McCLANAHAN. \$2500 not \$1800, nor even these projects are going to end poverty there. It will help perhaps.

Senator BURDICK. You mean to say there is no answer?

Mr. McCLANAHAN. This fund is not going to eliminate poverty regardless of what it has done. It can make a dent in it, perhaps, as the \$3500 did, but it is a much bigger problem. That is unfortunate. They don't have enough money, they didn't recover a bigger judgment, but I am afraid that is done.

On the other hand, they are not as poverty-stricken as many of the Indian tribes. The average family income for 1966 was about \$2200. That is still below the poverty line.

Senator BURDICK. I suppose the honest difference of opinion, I don't know what the opposition is going to say, is that if some of this money may be invested, that in the end the tribe may be better off than to spend it now. I presume that is the position.

Mr. McCLANAHAN. I assume so. It may be right, but I am urging the committee to give some consideration to the delay in this matter and that if you were going to delay it on that ground, it ought to have a cutoff date at which time financing would be available for these projects and the financing, as I see it, is one of the major problems; and if that can't be done, if it was really just a general statement, that it would be nice to do these things, but it can't be done, then distribute the funds.

Thank you.

Senator BURDICK. Does that conclude this panel?

Thank you very much. I have just one question of the man who dealt with education. How many graduate from high school each year in this reservation?

Mr. MINTHORN. I would say that last year in particular we had nine.

Senator BURDICK. How many graduate from the eighth grade?

Mr. MINTHORN. This is kind of unusual. We accommodate a parochial institution on the reservation. They graduate, I think, around 35 eighth graders.

Senator BURDICK. Of course, high school students and eighth graders would also go into vocational education?

Mr. MINTHORN. Yes.

Senator BURDICK. This money could be used for vocational education?

Mr. MINTHORN. Yes.

Senator BURDICK. How many graduate from both the parochial and Indian institution combined?

Mr. MINTHORN. The parochial only goes to the eighth grade.

Senator BURDICK. What happens to the 27?

Mr. MINTHORN. You mean that graduate from the eighth grade?

Senator BURDICK. And do not graduate from high school?

Mr. MINTHORN. Now they graduate from the eighth grade in the parochial institution and they are integrated into the Catholic school system or else they may go to any school in town.

Senator BURDICK. There is no BIA school there?

Mr. MINTHORN. No, there is not. Now some of these students eventually go to Government-operated schools, some go to Haskell, you probably are familiar with Haskell.

Senator BURDICK. I played against them when I was in Minnesota, football, that is.

Mr. MINTHORN. Some go to the Institute at Haskell, some go to the BIA School in Oklahoma that don't finish high school.

Senator BURDICK. I believe most of the eighth graders go someplace for further instruction either in higher education or trade school, they go someplace?

Mr. MINTHORN. Yes.

Senator BURDICK. All of them could benefit from this educational fund?

Mr. MINTHORN. Yes.

Senator BURDICK. That is all.

Mr. McCLANAHAN. Thank you.

(Mr. McClanahan's complete statement and the petition referred to follow:)

STATEMENT OF MARK C. McCLANAHAN, TRIBAL ATTORNEY FOR CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

IN GENERAL

Mr. Chairman and members of the Subcommittee, I am attorney for the Confederated Tribes of the Umatilla Indian Reservation and have represented them since 1961. The question of what proportion of the judgment funds should be distributed per capita is not one on which I, as their legal counsel, have an opinion. It presents only a question of policy. I do want to assure the committee, however, that I have observed the process by which the official position of the tribe was established on this matter and that it was a democratic process under a democratic Constitution and Bylaws under which the tribe is operated since its approval by the Secretary of Interior in 1949. Any decision which the Congress would make that there shall not be full distribution will have to be based on the propositions that—

(1) The Congress knows better than the adult members of the tribe (those over 18 years of age) what is good for the tribe and its members.

(2) It is realistic to expect substantial benefits from tribal programming of any retained funds even though the majority has demonstrated that they do not want to use these funds for those purposes.

I urge you to consider whether either of those propositions is valid.

There are certain portions of the Department's report which I believe are in need of clarification or correction, and also I wish to deal with the particular provisions of the respective bills before you.

PROGRAM PLANNING COMMITTEE REPORT OF 1967

From the reference to the 1967 preliminary program drafted with respect to the use of these funds (page 13 of House of Representatives Report No. 91-472), it might be inferred that the summary shown there was all that there was to the report. Actually, this summary merely takes the headings of each of the 12 items discussed at some length in a 19-page typed document. Although there was no technical advice from engineers and the like, Bureau of Indian Affairs' assistance was provided. It included funds for developing the McCoy Creek project for a recreation center. It provided for holding an election giving members not interested in tribal programming the option to withdraw from the tribe voluntarily and take with them shares of all tribal funds.

This document on which I performed editorial services, was not received with favor by the majority of the tribe either on or off the reservation. It may be speculation, but perhaps the reasons included that the fear that "voluntary withdrawal" sounded a lot like the beginnings of termination. Also, one of the principal methods of accomplishing the objectives in several of the items, such as land consolidation, new home construction and home repair and the like, was to provide for loans of tribal funds to individuals. The members of the tribe knew that (over the strong objections of the tribe) the Bureau of Indian Affairs had insisted that one of the rules for all loans made by the tribe must be that only those residing on the reservation would qualify. Inasmuch as this made substantially fewer than one-half of the members of the tribe eligible for such loans, it may not be too difficult to see why most members of the tribe doubted that they would receive benefits from such programs. Thus, while Department and Bureau policies encourage tribal programming, the policy is substantially subverted by the stringent rules imposed on one branch of the Bureau of Indian Affairs.

I should add that parts of the program envisioned have been accomplished through other sources. The dam involved in the McCoy Creek project has been completed under a Manpower Development Training Act program which involved expenditure mostly of federal funds but with some tribal funds also utilized, at about \$330,000. And as is apparent from page 19 of the House report, an additional \$150,000 was added to the credit program from other tribal funds. Of course, other than construction of the dam, the dam site has not been developed for recreation or other purposes.

EDUCATIONAL FUNDS AVAILABLE

The educational funds presently available to young members of the tribe are substantial. They may be summarized as follows:

1. The \$200,000 fund referred to at page 18 of the House report. However, this is not really a "trust fund" as indicated in the report and instead of the \$8,000 per year earnings referred to in the report, the current interest exceeds \$12,000 per year. This is for higher education only.
2. The trust established by Charles Luce (House report page 18). This trust, which was funded in 1966 with a principal in excess of \$118,500, had been arranged by Mr. Luce in 1961 when he resigned as attorney for the tribe and entered federal service as Bonneville Power Administrator and, of course, he later became Under Secretary of the Interior. This trust is also for higher education and grants first preference to members of the Umatillas.
3. For those minors of the tribe born prior to June 15, 1957 (that is, those over 12 years of age), there are their funds from The Dalles Dam Settlement made in 1957 for the inundation of Celilo Falls. These are held in trust by a Portland, Oregon, bank for the individual minors and may be used only for (a) higher education purposes and (b) as indicated in the House report (page 18) as collateral for loans to high school students for their education. These uses are supervised by a tribal committee. A full minor's share of Celilo funds (that is, one from which no distribution has been made) is now worth in excess of \$5,200.

Under both S 1654 and HR 9477 the existing Celilo trust could be supplemented by adding their shares of the judgment funds, and for the minors born since June 15, 1957, their shares and names could be added to the existing trust agreement. Probably this could *not* be done and no trust could be established for the total \$500 per capita contemplated by S 2357. Under the Department's proposed bill, trusts may be established but because of the terminology employed in that proposed bill (Section 4) probably the existing trust agreement could not be utilized.

DISCUSSION OF PARTICULAR PROVISIONS

A. *Section 1.*—Both S 1654 and HR 9477 provide that the per capita distribution shall be “under such terms and conditions as are authorized by the tribal governing body and approved by the Secretary of the Interior,” and as amended in the House HR 9477 specifically provides for certain permissive types of such terms and conditions. These provisions of either bill will allow for the development of such individual or family planning as may be found appropriate. In addition, it will allow for any special protection that needs to be proposed with respect to minors’ funds and the funds of incompetents. In this respect the provision would authorize, if found needed, the kind of individual and family planning and protection of minors’ funds as was utilized in the distribution of The Dalles Dam Settlement Funds of over \$4,000,000, to which reference has previously been made. It is important that considerable discretion be left to the tribe and the Secretary of the Interior in this respect so that the best use and protection of the funds may be provided for.

Unfortunately neither S. 2357 nor the Department’s proposed bill provides for such general protective provisions except, in the case of the Department’s proposed bill, for minors and those under legal disability. In connection with S. 2357 literally Section 1(c) would seem to give this authority as to all *except* the \$500 per capita specifically provided for. We suspect this was not intentional on the part of the draftsman for it would seem to direct that all the fund be “distributed” whereas we are sure that the purpose of those proposing that bill is to have such funds *retained* in the tribe and not “distributed.”

B. *Section 2, eligibility.*—With the filing of the Department’s report, it appears that there is no longer any controversy between the Department and the tribe on the question of eligibility for per capita distribution, for the Department is in favor of respecting the enrollment and eligibility provisions of the Constitution of the tribe which was approved by the Secretary of the Interior in 1949. Consequently, we will not discuss that subject further. However, if there should be any question as to the correctness of the Department’s and the tribe’s position in this matter, the Subcommittee should know that extensive materials have been prepared by the tribe and by us on that question and have been furnished to the staff of the Subcommittee, to Senators Hatfield and Packwood and to the Department. A copy of the Constitution is filed with the Subcommittee in connection with other statements at these hearings.

Under Article I–V (a) of that Constitution, for persons born prior to July 1, 1949, membership and eligibility were dependent upon prior membership in the Confederated Tribes created by the Treaty which meant that their names appeared on a roll as of July 1, 1949. This roll is not mentioned in any of the bills for the reason that it actually was composed of more than one document and was of such informal nature that the entire roll was updated and placed in a single document in connection with distribution of The Dalles Dam Settlement Funds described in A, above. This is the roll of June 15, 1957, referred to in Section 2.

The other roll referred to in Section 2 of H.R. 9477 and S. 1654, that dated April 12, 1960, was prepared in connection with another per capita distribution which determined eligibility as of that date. This is simply an undating of the June 15, 1957, roll under the same rules of eligibility.

Section 2, however, also protects against any person who was entitled to enrollment under Article IV (b) of the Constitution prior to those dates or who has since become entitled to such enrollment. It is believed that this provision will not describe any persons born prior to April 12, 1960. It would have been feasible to describe two subsequent “rolls” which have been used for two subsequent per capita distributions, namely those in April, 1966, and December, 1968. These “rolls” were not specifically described because they are not contained in single documents. They will, of course, be referred to by the Secretary of the Interior in approving the final payment roll under H.R. 9477 or S. 1654.

If the language of S 1654 is employed, the “or” appearing at line 14 of page 2 of the bill should be changed to “and.”

Eligibility date.—HR 9477 and S 1654 provide for a dual or “split” eligibility date. S 2357 is ambiguous on the point, but probably the draftsman intended this same result. The Department’s proposed bill proposes only one date, that of maturation of the bill.

A reference to the Resolution 69–31, Exhibit 1, and the “History,” Exhibit 2, will show that this issue has been debated extensively. Probably the date of enactment of the bill would have been chosen by the tribe as the eligibility date

had it not been for the extreme delay in this matter. Were such date chosen the effect of the delay would be to deprive the heirs of many older people (who were alive at the time the tribe voted to accept the settlement on December 17, 1965, but have since died) of inheritance of their parents' or ancestors' shares. An ironic proof of this fact is that one of the tribal delegates, who testified at the hearings in the House regarding HR 9477 on July 1 of this year, has since died. This was Gertrude McIntyre. This limited inheritance right exists and should exist whether or not the people so inheriting it are enrolled members of the tribe, so that the delay of the Department and Congress in this matter will not cause unintended loss. On the other hand, following the tribal principle of interests in tribal assets, those persons born between December 17, 1965, and the enactment of the bill, should not be deprived of a full per capita share. Thus, because of the delay, it is necessary, in order to prevent serious inequities and to honor the expectations of many people when they voted for the settlement in December, 1965, that the dual or split eligibility date be adopted.

C. *Section 3.*—This section of HR 9477 and S 1654 makes it clear that the funds are tribal funds until distributed. Section 2 of S 2357 provides the same. The terminology of HR 9477 was amended in the House and we believe either language accomplishes the same result. There is no counterpart of this provision in the Department's proposed bill. The importance of keeping it is evidenced by the fact that it has reference to a contention once raised in connection with the distribution of The Dalles Dam Settlement funds above mentioned when the Department of the Interior and Comptroller of the Currency took the position that over \$1,000,000 of the funds ceased to bear interest on the ground that they had become "individualized" even though there was no specific plan or method yet developed for the distribution of the funds to the individuals (minors) who were to receive the funds. That is, the contention then made was that individual funds cannot bear interest or remain deposited in the United States Treasury.

However, in order to carry out the December 17, 1965, first eligibility date described above, the credits therein are made inheritable from that time.

D. *Section 4.*—This provision of HR 9477 and S 1654 as well as the similar provisions in S 2357 and the Department's proposed bill, for exemption from income tax of the per capita distributions, we believe to be noncontroversial and established precedent for bills of this character.

However, the Department's proposed bill (Section 5) contains additional language to the effect that the per capita distributions "shall not be subject to any lien, debt, or attorneys' fees except delinquent debts owed by individual Indians to the tribe or the United States." Contrary to the indication that in the Department's report (page 9 of the House report No. 91-472) this quoted language is not "standard language" for most judgment funds legislation. We are not quite sure what the Department has in mind with these provisions. It is not possible to encumber or assign these interests under existing law until paid. On the other hand, when they have been paid, Umatilla Indians should pay their debts like others. In this connection I want to assure you that this objection is not made from any personal interest. The tribe pays my fees on a current basis.

CONCLUSION

The Senate is urgently requested to adopt legislation on this subject at the earliest possible time.

(Subsequent to the hearing, the committee received material from Mr. McClanahan clarifying many points in his testimony and are in the appendix).

PETITION

Whereas, there are numerous elderly members of the Confederated Tribes of the Umatilla Indian Reservation in dire need of medical care; and

Whereas, the elderly members enrolled in the Confederated Tribes are plagued with high costs of living; and

Whereas, there are numerous members of the Confederated Tribes faced with inadequate housing conditions; and

Whereas, a drastic unemployment situation exists among the members of the Confederated Tribes of the Umatilla Indian Reservations and

Whereas, many of the younger members of the Confederated Tribes of the Umatilla Indian Reservation are faced with curtailing their educational programs because of heavy educational expense;

Now, therefore, We, the undersigned members of the Confederated Tribes of the Umatilla Indian Reservation respectfully petition and request that a per capita distribution be made of all funds due under the Judgment Funds of the land claims settlement in the amount of \$2,450,000.00 be made to the Confederated Tribes of the Umatilla Indian Reservation; per capita distribution to be made on the basis of all living members and their heirs as of December 17, 1965, and exempt from any claims of other agencies or organizations.

Dated January 28, 1967.

(The signers of this petition are in the committee files).

Senator BURDICK. Mr. Minthorn and Mr. Burke. I don't like to cut you off in the middle of your testimony, but we do have to leave in 10 minutes and, of course, we will come back at 1:30 to hear the rest of you if you can't complete your testimony.

Mr. LOESCH. Mr. Chairman, could I interrupt for one moment?

Are you going to hear the other two bills this afternoon?

Senator BURDICK. How long will your testimony take?

Mr. LOESCH. One of them is very short, but the other one just depends on——

Senator BURDICK. Would it be an inconvenience to come back at 1:30?

Mr. LOESCH. That is the reason I asked the question. I can reschedule. I have an interdepartmental meeting at 2 o'clock, but I think I could put it off to 3.

Senator BURDICK. We will take you at 1:30 on these bills.

Mr. LOESCH. That will be fine. Thank you.

STATEMENTS OF RAYMOND BURKE AND WILLIAM MINTHORN, ON BEHALF OF MEMBERS OF THE UMATILLA TRIBE

Mr. MINTHORN. Mr. Chairman, I have a prepared statement.

Mr. Chairman and members of the subcommittee, my name is William Minthorn, an elected member of the Board of Trustees of Umatilla Reservation.

I am presenting this statement on behalf of Mr. Raymond Burke and myself. We represent a group of the Umatilla Tribe, representing all age groups and classes within the tribe. We represent elders in the tribe and young members who desire to maintain the integrity of the tribe. It is our feeling that a limited judgment distribution should be made, with the bulk of the remaining funds used for investment in developing tribal resources, including the education of our youth and the resources of our land.

We feel that with the dissipation of these funds, we will never be able to recreate the opportunity we have now to stabilize our people, and to create opportunities for our youth and maintain our proud heritage.

We have developed a substantial potential program which would appear to have every potential for success. This is the Ernst and Ernst review.

I should like to give you a brief outline of what this review means to the people of the Umatilla Reservation. Going back a year or so ago, we accepted the proposal of the Economic Development Administration for a reservation economic development study and also the funds to make this study.

The Ernst and Ernst review covers the study of our tribal resources and how they could be developed, if we have funds with which to develop these tribal resources. This is our purpose of being here today to appear before your committee, to point out the needs of the Indian people of the Umatilla Indian Reservation.

This study was completed very recently and the tribe has not had the time to study and absorb the contents. We hope the people will have an opportunity to digest and understand this study and what it will mean to them and to future generations. So I ask that we be given time to consider the Ernst and Ernst study.

I should like to comment briefly on the development programs covered in the study. First, the McCoy Creek Resort Area. The Department of Labor provided funds to construct the earth dam on the McCoy Creek site. This program was a training program to teach our young Indian men to operate heavy equipment and chain saws and to do all the survey work.

We feel this was an important training program and money spent wisely. The project is now completed as far as the Government is concerned. Now it is the responsibility of the tribe to take this over, manage it, and put it into operation. We need funds with which to put this resort area into operation.

The study also included potential development of a motel-golf course complex, an industrial park, and a community skill center. The skill center will train our youth in management so that they can eventually take over management of the projects I have mentioned above.

We need this because this tribal area does not have resources for the development of the youth potential of the community. If young people want to do anything, they have to leave the tribal area. They have to go to the city or to other areas. Development of the reservation would keep them here as part of the area the area that they know best and which is traditionally their home and the home of their forefathers.

Mr. Chairman, our people are divided on the disposition of the judgment funds. There is dissension among the tribal members. We ask that the committee postpone final consideration on the disposition of these funds, to give the tribe and its tribal members an opportunity to review and consider the Ernst and Ernst study, in order that the views of the tribal members may be available to your committee.

If the committee wishes, I shall be happy to leave a copy of the Ernst and Ernst study with you.

Senator BURDICK. There is a vote going on in the Senate right now and it is 12:25 anyway. We will reconvene at 1:30, at which time we will proceed with the Secretary and then you will follow again.

(Whereupon, at 12:25 p.m. the subcommittee recessed, to reconvene at 1:30 p.m. of the same day.)

AFTER RECESS

(The subcommittee reconvened at 1:30 p.m., Senator Quinton N. Burdick, chairman of the subcommittee, presiding.)

Senator BURDICK. Gentlemen, we shall return to the record and resume with Mr. William Minthorn on H.R. 9477.

Mr. MINTHORN. That was the extent of my oral report.

Senator BURDICK. Do you have anything additional you want to add?

Mr. MINTHORN. This is in addition to our projects mentioned in our report. In other words, we have a certain amount of start-on of these. For on the recreation program which was started this year, the Government expended approximately \$360,000 or more on that and the funds came from the Department of Labor, so that is completed.

Now it is ready for the tribe to take that over and have funds enough to get that started. That is a job that is waiting there. If we do not do anything about it, it will start growing into weeds and trees and so forth. In other words, the money will be expended foolishly.

The other program, the hotel-golf course project, as you know, I can take you back a year or so on that. We purchased about 158 acres of land for \$153,000. We had a very definite objective when we purchased that land. We had this thing in mind for the fact that since the freeway is crossing the reservation, we felt that would be an ideal site for a motel and other installations from which the tribe would benefit.

Also in the course of time our Indian people would be trained enough in the management and so forth that they would eventually take that over and operate it themselves from which there would be revenue coming and in the years to come they would again get a per-capita distribution of funds, revenue coming from some of these other places.

Senator BURDICK. What freeway crosses the reservation?

Mr. MINTHORN. 80 freeway north.

Mr. BURDICK. What is your nearest major town?

Mr. MINTHORN. Pendleton, 7 miles north. The people are very enthusiastic about that program and they think it should be constructed and put into operation because they would benefit from it also as well as the Indian people.

Senator BURDICK. Are there motels within 7 miles of the area of Pendleton?

Mr. MINTHORN. There are, but there is no congestion center installation like there would be on that site.

Senator BURDICK. How large a city is Pendleton?

Mr. MINTHORN. About 13,000.

Senator BURDICK. Do they still have the annual roundup out there?

Mr. MINTHORN. Yes, sir; it is still one of the big things, and I extend an invitation to you to come back there because I participate and you might see me in my feathers.

Senator BURDICK. We have the American Indian Rodeo down in my State, which I would like to have you attend sometime and we have some excellent riders in the North Dakota section.

Mr. MINTHORN. I am a war dancer.

Senator BURDICK. You have heard the testimony of the other witnesses this morning, I am sure.

Mr. MINTHORN. I have.

Senator BURDICK. What is your evaluation of the sentiment on the reservation or the sentiment of the tribe in regard to the allocation of this money?

Mr. MINTHORN. As I have stated in my report, there is a split decision or split thinking on this and I think it is moving toward a partial per capita payment now more for the fact that this information, the Ernst and Ernst report, goes out to the people and as they begin to understand this, it will change the views of a great many people. It is already done. It is being published in the papers and I think the plan is to put that out in a series so it can get to people and they will no doubt understand it more than they do now.

Senator BURDICK. Then it is your position at this time that you would not favor the committee proceeding along any of the legislative bills at the present time?

Mr. MINTHORN. No. This would give our people time for further consideration. Then by a certain time this can be put to them and your committee can act on it and the reports will come in one way or the other. If they decide on a full per capita distribution, they can go cut their own necks off. If they decide the other, they will do the future generation some good.

Secretary BURDICK. How much time do you think is reasonably necessary?

Mr. MINTHORN. I think about six weeks or so. We have an election coming up on the 29th of November.

Senator BURDICK. Do you think the entire tribe can be apprised of this report in six weeks?

Mr. MINTHORN. I think so. We are getting this out to the papers and we will do a little public relations work on the side in favor of this report and I think they will understand it enough to know what to do.

Senator BURDICK. Mr. Burke, do you have anything to add or would you care to give a statement?

Mr. BURKE. Our people at home understand what they are trying to establish and what to make of this new program. We have people there that even the older ones are beginning to understand the younger group and now they feel they should not give all of the money and use some of this for their projects on their reservations, which will enable a better class of people to learn these many things.

Also there would be a lot of words and educational development of these people so they could do their work better. Also, our people feel this way. We are split and there are a lot of hard feelings, and we feel if we could get together, we could work this thing out and we could be a big success in this program that we are trying to put through to make them to see what the value would be on it.

I am for this program. The last \$4 million that went out had nothing to show for it. This we learned from that program which they had before. This \$2 million now for programming might not be too much, but yet we can do things for which we would like to use this money in helping our people in developing their education.

Senator BURDICK. Are you a member of the Tribal Council?

Mr. BURKE. I am not a member of the Tribal Council, but I am a member of the tribe.

Senator BURDICK. In other words, you don't support any of the bills at the present time?

Mr. BURKE. Yes, we do.

Senator BURDICK. Which one do you support? Is it 2357?

Mr. BURKE. Yes.

Senator BURDICK. That provides for what percentage of payout per capita?

Mr. BURKE. \$250 apiece.

Senator BURDICK. And you retain the balance for development?

Mr. BURKE. Yes.

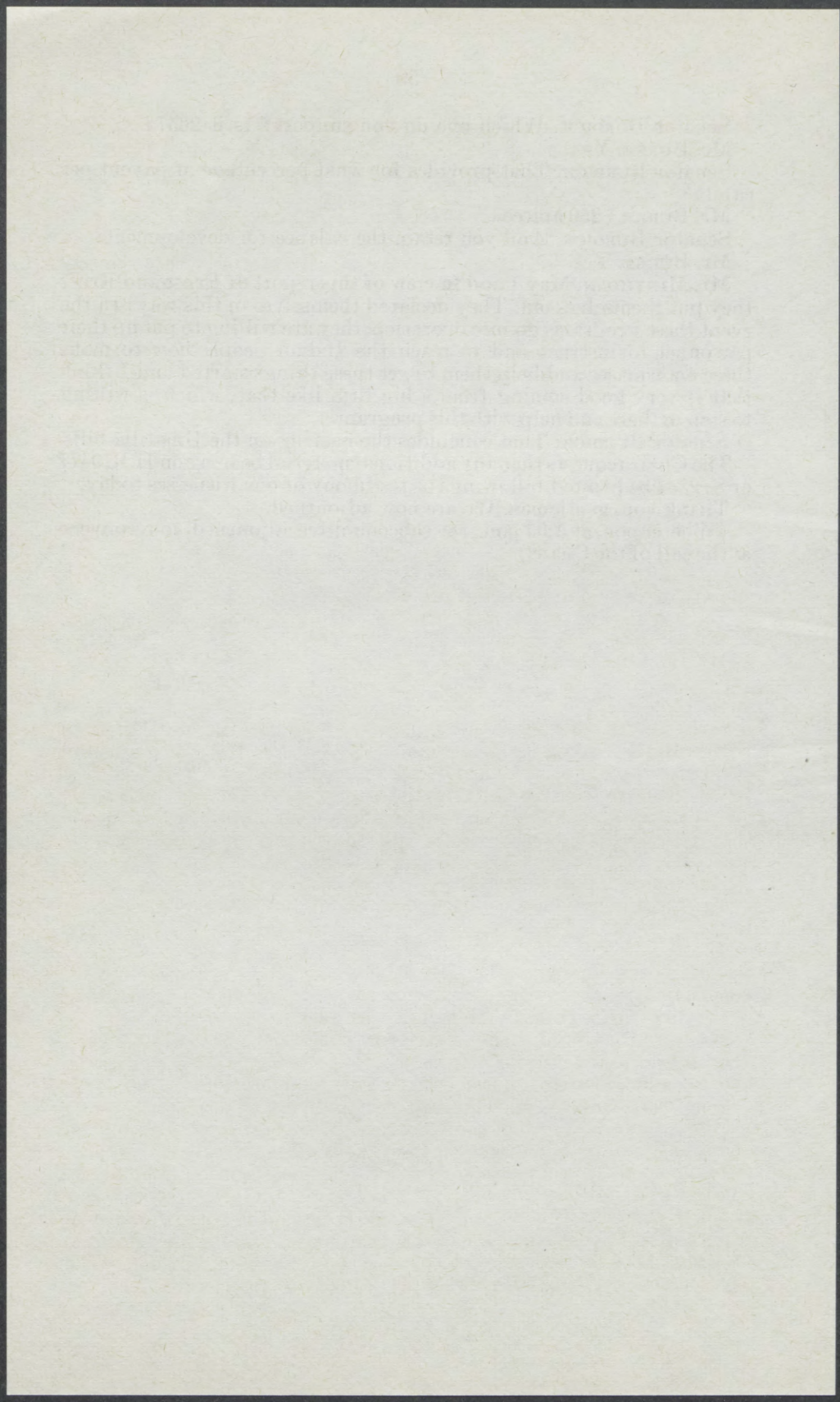
Mr. MINTHORN. May I add in view of this report of Ernst and Ernst they put themselves out. They declared themselves in this way: In the event these programs go into operation, they are willing to put up their personnel to instruct and to teach the Indian people how to make these enterprises and help them to get these things started and I think that is very good coming from a big firm like that, which is willing to step in there and help with this program.

Senator BURDICK. That concludes the hearing on the Umatilla bills.

The Chair requests that any additional material bearing on H.R. 9477 or S. 2357 be printed following the testimony of our witnesses today.

Thank you, gentlemen. We are now adjourned.

(Whereupon, at 2:05 p.m., the subcommittee adjourned, to reconvene at the call of the Chair.)



APPENDIX

(Under authority previously granted, the following statements and communications were ordered printed:)

STATEMENT ON BEHALF OF CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATIONS

I. BACKGROUND OF PRESENT LEGISLATIVE PROPOSALS

HR 9477, S 1654 and S 2357 were introduced and these hearings thereon are being had against the background of a lengthy and at times complex history. Senator Morse and Congressman Ullman introduced legislation on the same subject in the 89th Congress (S 3649 and HR 16489) and Congressman Ullman reintroduced it in the 90th Congress (HR 3805). No reports from the Executive Branch of the government were ever filed with Congress on this subject and principally for that reason no hearings were held on the subject. In fact, the first Executive Branch report was made only moments before the commencement of the hearings in the House on HR 9477, June 30, 1969. Perhaps none would have been filed yet if hearings had not been scheduled.

Although the report was long delayed, the subject of Umatilla Judgment Funds legislation must be one of the most extensively debated Judgment Funds matters since Congress started requiring such legislative proposals regarding judgments of the Indian Claims Commission. The delays which have occurred have taken many forms and concerned several different issues. They involve the delay within the Department of the Interior in preparing the "Socioeconomic Report" which usually accompanies its report on such subjects, a controversy within the Executive Branch of the government concerning the eligibility of those to share in per capita distributions of the fund and a controversy within both the tribe and the Department of the Interior on the question of whether all or some portion of the funds should be distributed per capita to the members of the tribe.

S 1654 and the original version of its counterpart introduced in the House (H.R. 9477), both calling for full per capita distribution of the funds, constitute the "official requested bill proposed by the Confederated Tribes of the Umatilla Indian Reservation pertaining to the distribution of the Judgment Funds." This "official" request is officially evidenced by Resolution No. 69-31 adopted February 19, 1969, by the Board of Trustees of the tribe which is the governing body of the tribe under its Constitution and Bylaws adopted November 4, 1949, and approved by the Secretary of the Interior December 7, 1949. A copy of Resolution No. 69-31 is attached as Exhibit 1A to this statement.

The Umatillas know from long experience, however, that frequently some of their requests are not granted. Under the circumstances and to avoid further delay, the Board of Trustees of the tribe adopted last Thursday, October 23, 1969, a resolution *endorsing immediate passage of HR 9477 as it was amended and passed by the House of Representatives* on September 15, 1969. A copy of this resolution is attached as Exhibit 1B to this statement.

The most important amendment made in the House was to withhold from distribution and to create a trust of \$200,000 of the fund "for the education of members of the tribe until such time as the tribal governing body, with the approval of the Secretary, determines that the funds should be used in some other manner." (Section 5) The other significant House amendment was to make the per capita payments in three equal installments. Although it is believed that such retention and delay in payments are unnecessary and that the latter may complicate the problem of loss of welfare benefits, the Board has expressed the view that most members of the tribe will be generally satisfied and prefer immediate passage of HR 9477 rather than further delay.

Neither the "official" nor this more recent position of the tribe is a unanimous one for all members of the tribe pertaining to the amount which shall be distributed per capita. (The tribe is believed to be virtually unanimous on the question of eligibility.) These positions are, however, clearly representative of the wishes of the substantial majority of the tribe. These and prior legislative proposals have undergone extended debate within the tribe and have been subjected to the democratic processes provided by the Constitution of the tribe. These processes included two recall elections and new elections with respect to the Board of Trustees, the governing body. Finally, the particular proposal was the subject of a specific referendum to the General Council of the tribe. (See the recitals in Resolution No. 39-61 (Exhibit 1A) and the resolutions of January 18 and 21, 1969, attached to the Department's report.)

The "Report on the History and Status of Proposals for Use and Distribution of Judgment Funds as of January 21, 1969," prepared by the tribal attorney, Mark C. McClanahan, and presented at the General Council meeting of January 25, 1969 (without, however, the rather voluminous appendices mentioned therein) is attached to this statement as Exhibit 2. The Committee is respectfully referred to that history which explains how many of the delays occurred and that every issue has been thoroughly debated. There is one important correction in this history and that pertains to the General Council vote of September 9, 1967, whereby the General Council called for complete distribution of the Judgment Funds. Instead of passing by a vote of 100 to 1, the vote, in fact, was 154 to 1 for that result. This was the largest meeting ever held by the tribal membership on the subject.

The history demonstrates, we believe, that by all tests of democratic decision-making the majority of the tribe prefer a full per capita distribution of all the Judgment Funds.

The Department's report filed in the House states that it "embodies the desires of the majority" of the tribe. Both Congressman Ullman, in whose district the reservation is located, and Assistant Secretary Loesch so stated in their testimony before the House Subcommittee. The Department's report does note that in January, 1969, 95 members of the tribe petitioned in opposition to full per capita distribution. However, it should also be known that in January, 1967, 201 members petitioned this Committee for full per capita distribution; a copy is attached as Exhibit 4 to this statement.

This bill is being considered by the Congress at a time when there is a widespread feeling of frustration and disillusionment within the tribe. The delays have been not only regrettable but, in view of many members of the tribe, unconscionable. Their claims were filed before the Indian Claims Commission in 1951, tried on a segregated issue in 1958, initially decided on that issue in 1960, whereupon a motion for rehearing was filed in the Fall of 1960, and not decided by the Commission until September, 1964. The vote of the tribe in favor of the compromise was December 17, 1965. Since that time the members of the tribe, many of whom have relatives and friends in other Northwest Indian tribes, have seen the judgment distribution bills of other tribes go through with only the ordinary delays that one expects in Indian matters—many of which resulted from Indian Claims Commission judgments entered subsequent to the Umatillas'. For instance the Sopkanes' judgment was appropriated May 29, 1967 (81 Stat 30), a full year after the Umatillas' was appropriated, but the distribution bill was enacted over 16 months ago, June 10, 1968 (82 Stat 175).

It is respectfully submitted, therefore, that the matter has been under consideration long enough and it is time that Congress adopted the necessary legislation to allow the tribe and its members to use their funds.

II. THE MERITS OF SUBSTANTIALLY FULL PER CAPITA DISTRIBUTION

A. Self-determination.—The principal justification for distributing all or nearly all the Judgment Funds is that that is what the majority of the tribe wants. It is their money. They have demonstrated their desire in the face of all of the overt and subtle pressures which have been brought to bear and in face of the well-known preference of many officials of the Bureau of Indian Affairs that the funds, or a substantial part thereof, be programmed on a tribal basis.

Thus, it has been suggested by some (but fortunately repudiated by responsible officials) that full distribution will mean "termination." The majority has maintained its position, notwithstanding the contention of some officials that per capita distributions should be made to many who are not members of the

tribe and to descendants of persons who ceased to be tribal Indians in the last century. Indeed, in 1967, the Bureau informed the tribe that it was contemplating making a proposal whereunder funds that were distributed per capita at the direction of Congress would be distributed to persons on a special "payment roll" substantially enlarged beyond the tribal membership but that for any funds retained and ultimately distributed by agreement between the tribe and the Department of the Interior the present tribal rolls prepared under the tribe's Constitution would be recognized.

B. Equitable sharing.—Probably one of the principal reasons for the desires of the majority of the tribe is that a majority of them live outside the Umatilla Indian Reservation whereas money programmed on a tribal basis would inure primarily to the benefit of residents of the reservation. For instance, one and one-half months after the General Council had voted 154 to 1 in favor of complete distribution, the then-existing Board of Trustees of the tribe voted 4 to 3 in favor of the Program Planning Committee's report which would have involved a \$500 per capita distribution to each member of the tribe and a tribal programming of the balance. One of the principal methods of use of the funds proposed in that report was to make tribal funds available for various purposes such as land consolidation, new home construction, and home repair, through increasing the funds of the tribe earmarked for loans to members of the tribe. However, in approving the regulations under which these funds may be loaned by the tribe, the Bureau of Indian Affairs (contrary to the wishes of the Board of Trustees) insisted upon a restriction that makes most loans available only to residents on the reservation.

It should not be inferred, however, that the division among the tribe on this issue is strictly between off-reservation and reservation members. A substantial number, probably a majority, of residents of the reservation also prefer full distribution. There is some evidence of this in the fact that, as required by the Tribe's Constitution, the members of the Board of Trustees who have voted for such distribution are necessarily residents of the reservation.

C. Need.—There are approximately 1,293 members enrolled in the Confederate Tribes of the Umatilla Indian Reservation. With the interest which has accrued on the funds since 1966 they now approximate \$2,550,000. Thus, a per capita share under present H.R. 9477 thereof would be in the neighborhood of \$1,800.

The members of the tribe, especially those living on and near the reservation, are less fortunate economically than the rest of the general population. According to a study of the Bureau of Indian Affairs in 1966, the average annual income of Umatilla Indian families was less than \$2,140. Family units on and near the reservation tend to include a greater number of persons than the family units outside the reservation area. In this area the main sources of family income for the Umatillas are wages earned as farm workers or in the lumber industry and rentals from allotted leasing, grazing and farm lands in which they have some fractionated ownership interests.

The Umatilla Indian Reservation has been designated a Depressed Area, or Redevelopment Area, under the Area Redevelopment Program based on the high rate of unemployment on the reservation. Umatilla County itself, within which the reservation is located, failed to get this designation, indicating that there are special conditions of poverty in the reservation area.

The difficulties of the Umatillas have been compounded this year by a substantial reduction in lease rentals on allotted lands. For instance, as the result of last year's poor crop conditions, members who ordinarily would have received some \$2,500 in lease rentals received only about \$100 to \$150.

Umatillas are not a rich tribe and their members do not derive any significant income or distribution from the tribe. Since the distribution of The Dalles Dam Settlement Funds in 1957 the only per capita distribution of tribal funds have been the following:

April, 1960.....	\$250
April, 1966.....	\$250
December, 1968.....	\$150

CONCLUSION AND REQUEST

On behalf of the Confederate Tribes of the Umatilla Indian Reservation the Senate is respectfully requested and urged to adopt H.R. 9477, as passed by the House of Representatives, as early as possible.

RESOLUTION No. 69-31

CERTIFICATE

The undersigned, Roy McIntyre and Viola P. Wocatsie, hereby certify that they are the Chairman and Secretary respectively, of the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation; that at a duly called and held Special Meeting of the Board of Trustees at the Meeting Room in the Tribal Office at the Umatilla Agency, Pendleton (Mission), Oregon, on Wednesday, February 19, 1969, a quorum of the Board of Trustees was present and the following Resolution was regularly moved, seconded and adopted by a vote of 5 to 2:

"RESOLUTION

Whereas, The history of the Judgment Funds matter has demonstrated that the membership of the Tribe is overwhelmingly in favor of full per capita distribution of the Judgment Funds, and such desire was recently demonstrated by the Resolution adopted by the General Council on January 18, 1969, and the tion, except that the bill proposed by Resolution No. 69-23 provided for an eligibility date as the date of enactment of the proposed bill and that attached to this Resolution calls for two eligibility dates, AND

Whereas, By Resolution No. 69-23 dated January 21, 1969, the Board of Trustees proposed as the Tribe's requested bill for the distribution of the Judgment Funds a bill in form and substance the same as attached to this Resolution except that the bill proposed by Resolution No. 69-23 provided for an eligibility date as the date of enactment of the proposed bill and that attached to this Resolution calls for two eligibility dates, AND

Whereas, At its January 25, 1969, meeting the General Council, by a vote of 52 to 14, approved the form and substance of the bill so referred to it, subject to special consideration of the eligibility date, AND

Whereas, Thereupon, by separate vote, the General Council, by a vote of 20 in favor and 23 opposed, appeared to express its disapproval of an eligibility date of the date of enactment of the bill, and by a vote of 35 in favor and 10 opposed approved an eligibility date of December 17, 1965, but several members of the General Council present at said meeting did not vote on said eligibility date questions and thereafter many members of the General Council who had voted in opposition to the date of enactment eligibility date notified the Board or its members that they had not understood that the effect of a December 17, 1965, eligibility date would be to exclude from full per capita shares children born after December 17, 1965, AND

Whereas, The Board of Trustees believes that when fully understood the majority of the General Council members would prefer two dates for testing eligibility, namely both December 17, 1965, and date of enactment of the bill, so as to protect the heirs of those dying in the long delay which has resulted since December 17, 1965, but also allowing children born since that date up to the time of enactment of the bill to participate in the per capita distribution as members of the Tribe, now, therefore, it is hereby

Resolved, By the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation that

(1) The form of bill attached to this Resolution is adopted as the official requested bill proposed by the Confederated Tribes of the Umatilla Indian Reservation pertaining to the distribution of the Judgment Funds.

(2) This Resolution, with the attached bill, immediately shall be forwarded by the Tribal Attorney to the Secretary of the Interior, the Oregon Congressional Delegation, and the Senate and House of Representatives Committees on Interior and Insular Affairs with the urgent request that it be enacted into law at the earliest possible moment."

and that said Resolution has not been modified, amended or repealed and is still in full force and effect.

Dated this 19th day of February, 1969.

Attest:

ROY MCINTYRE,
Chairman, Board of Trustees.

VIOLA P. WOCATSIE,
Secretary, Board of Trustees.

A BILL To provide for the disposition of Judgment Funds of the Confederated Tribes of the Umatilla Indian Reservation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. The entire unexpended balance of funds that were appropriated by the Act of May 13, 1966 (80 Stat. 141) to pay a judgment by the Indian Claims Commission entered in Docket Nos. 264, 264A, and 264B in favor of the Confederated Tribes of the Umatilla Indian Reservation, and the interest thereon, less litigation expenses, shall be distributed, per capita, in equal shares to all eligible members of the Confederated Tribes as defined in this Act under such terms and conditions as are authorized by the Tribal governing body and approved by the Secretary of the Interior. Such per capita distribution shall be made with all deliberate speed. No part of the cost of preparation of the roll shall be charged against said funds or other Tribal funds.

Section 2. The persons eligible to receive such per capita payments shall be all persons who were living on December 17, 1965, and whose names appear on any of the following.

(a) The membership roll of the Confederated Tribes as of June 15, 1957, as approved by the Bureau of Indian Affairs on January 10, 1958, or

(b) The supplemental membership roll as of April 12, 1960, approved by the Bureau of Indian Affairs on January 27, 1961.

and also any other person born after July 1, 1949, and living on or at any time between December 17, 1965, and the date of this Act who were either enrolled as of the date of this Act or became entitled to enrollment under Section (b), Article IV of the Constitution and By-Laws of the Confederated Tribes adopted November 4, 1949, as determined by the Secretary of the Interior or his authorized representative.

Section 3. Until distributed such funds shall remain Tribal funds and the shares herein designated for the eligible members shall constitute inheritable and nonreimbursable credits therein from and after December 17, 1965.

Section 4. The per capita distributions of such funds shall not be subject to federal or state income tax.

RESOLUTION No. 70-11

CERTIFICATE

The undersigned, ROY MCINTYRE and VIOLA P. WOCATSIE, hereby certify that they are the Chairman and Secretary, respectively, of the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation, that at a duly called and held Special Meeting of said Board at the Meeting Room in the Tribal Office, Umatilla Indian Agency, Pendleton (Mission), Oregon, on Thursday, October 23, 1969, a quorum of said Board was present and acting throughout, and the following Resolution was regularly moved, seconded and adopted by a vote of 4 to 1:

"RESOLUTION

Whereas, The history of the Judgment Funds matter has demonstrated that the majority of the membership of the Tribe is in favor of full per capita distribution of the Judgment Funds, and such desire has been demonstrated many times; and

Whereas, The House of Representatives of the United States has passed a bill, HR-9477, which contains most of the requests of the majority of Tribal members; and

Whereas, The Board of Trustees believes that the majority of Tribal members would not be opposed to passage of HR-9477; now, therefore, be it.

Resolved, By the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation, that the Senate Interior and Insular Affairs Indian Affairs Sub-Committee be notified that the Board of Trustees as governing body of the Tribe endorses the immediate passage of HR-9477 as passed by the House of Representatives on September 15, 1969."

and that said Resolution has not been modified, amended or repealed and is still in full force and effect.

Dated this 23rd day of October, 1969.

Attest:

ROY MCINTYRE,
Chairman, Board of Trustees.

VIOLA P. WOCATSIE,
Secretary, Board of Trustees.

REPORT ON THE HISTORY AND STATUS OF PROPOSALS FOR USE AND DISTRIBUTION OF
JUDGMENT FUNDS AS OF JANUARY 21, 1969

GENERAL

On December 17, 1965, the General Council and Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation voted to accept an offer of \$2,450,000 for the compromise settlement of its claims in Docket Nos 264, 264A and 264B then pending before the Indian Claims Commission. After approval of the compromise by the Secretary of the Interior, and the hearing thereon, the Indian Claims Commission entered its judgment in favor of the Confederated Tribes in that amount, February 11, 1966. It was appropriated by the Congress May 13, 1966 (Public Law 89-426, 80 Stat. 141, 150). The annual Appropriation Act for the Department of Interior for 1966, and for every year since that date, has contained a provision substantially as follows which is taken from the Appropriation Act for 1969 (Public Law 90-425, 82 Stat. 425):

"* * * tribal funds may be advanced to Indian tribes during the current fiscal year for such purposes as may be designated by the governing body of the particular tribe involved and approved by the Secretary: *Provided further*, That nothing contained in this paragraph or in any other provision of law shall be construed to authorize the expenditure of funds derived from appropriations in satisfaction of awards of the Indian Claims Commission and the Court of Claims, except for such amounts as may be necessary to pay attorney fees, expenses of litigation, and expenses of program planning, until after legislation has been enacted that sets forth the purposes for which said funds will be used."

After payment of the attorneys' fees specified by the Indian Claims Commission the net principal amount of the Judgment Funds was \$2,205,000. Commencing in late 1966, or early 1967, the funds have been invested in government securities bearing interest rates (approximately 5 percent or more) higher than the usual 4 percent which would have been applied without such investment. Thus the Judgment Funds earn interest in excess of \$100,000 per year.

ISSUES

The principal issues which related to the various proposals for use and distribution of the Judgment Funds and which at times have, in one way or another, contributed to the delay within the Department of Interior relating to legislative proposals therefor, usually concerned the following:

1. How much of the Judgment Funds should be distributed per capita?
2. Who are eligible to receive per capita payments from the Judgment Funds, including
 - (a) what membership or blood tests should be applied, and
 - (b) what should be the eligibility date?
3. What use should be made of any portion of the Judgment Funds not distributed per capita?
4. How specific should be the tribe's proposals and the Congressional enactment pertaining to the use or distribution of the funds?

The final decision on each of these issues lies with Congress and not the tribe or the Department of Interior. Subjects of controversy within the tribe and the Department of the Interior relating to these issues have concerned such matters as the need of individuals for money, the real or imagined impact of these problems on the future of the tribe, the desirability of specific proposed projects, the desire of some tribal members to withdraw from the tribe, and the relationship of the Judgment Funds proposals to per capita distributions of the remaining tribal funds.

The issues were and are, to some extent, interrelated. For instance: (1) the numbers of persons eligible for per capita distribution necessarily places a

maximum on the amount that can be distributed to each person because as the eligible numbers increase the maximum size of each per capita payment necessarily decreases; (2) Congress could decide that, because the tribal membership under its present Constitution differs from those entitled to receive any per capita distribution, the only thing to do is require that all funds be distributed per capita. This would mean that other tribal funds distributed per capita could not be replenished from the Judgment Funds; (3) if the expressed desire of some members to withdraw from the tribe and take a proportionate share of all tribal funds (or other assets) were to be accomplished and still leave the tribe with substantial undistributed funds, probably some portion of the Judgment Funds would be allocated to that purpose and thereby reduce the amount available for distribution to remaining members or for tribal projects.

In addition, there is the insistence by the Senate Interior and Insular Affairs Committee upon examining the economic, social and educational status of each tribe in connection with approval of a Judgment Funds bill. The stated reasons were set forth in the April 8, 1966, report of that Committee on the nomination of Commissioner Robert Bennett for Commissioner of Indian Affairs. Excerpts are included in Appendix B to this report.

CHRONOLOGICAL HISTORY

Since the appropriation of the Judgment Funds the principal developments with respect to proposals for use or distribution thereof or which evidence the status at the given time are set forth below:

Date, remarks:

1966

June 1.—In response to reports that at the behest of some members of the tribe, principally residing outside the reservation, legislation was about to be introduced requesting a full per capita distribution of the Judgment Funds and termination, at least with respect to some persons, the Board of Trustees adopted its Resolution No. 66-19 reciting that it was in favor of a \$500 per capita distribution from the Judgment Funds "as soon as reasonably possible" but opposing further distributions pending a report from its new Program Planning Committee pertaining to the use of the funds and caused a statement to be forwarded shortly thereafter to the Secretary of the Interior, the members of the Oregon Congressional Delegation, and the Senate and House Committees on Interior and Insular Affairs, expressing the reasons for its resolution.

June 14.—Board of Trustees adopted unanimously its Resolution no. 66-21 approving a proposed bill providing that "there may be" distributed per capita "under such terms and conditions as are authorized by the tribal governing body and approved by the Secretary of the Interior, the sum of \$620,000." The balance, according to the bill, was to be treated like other tribal funds—that is, used for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior." A copy of this bill, which in the 89th Congress became S 3649 and HR 16489, and in the 90th Congress HR 3805, is appended to this report as Appendix A. The resolution of the Board recited that as to the portion not designated for per capita the tribe would be left "free (subject to the approval of the Secretary of the Interior) to program, distribute per capita or otherwise utilize said funds * * *" and that "such is a superior method of governing said funds and to require a submission of detailed plans and programs to Congress."

July 15.—Recall of seven members of Board of Trustees failed at Recall Election by vote of 126 "No," to 61 "Yes."

July 22 and 25.—The above-mentioned bill was introduced in the 89th Congress, respectively, by Senator Morse as S 3649, and by Congressman Ullman as HR 16489.

August 25.—Commissioner Bennett advised Area Director Baldwin pertaining to S 3649 and HR 16489 that he questioned that the proposal of the tribe was sufficiently specific in view of the Senate Committee's "directive" that "comprehensive socioeconomic data on all tribes whose judgment distribution bills" are presented, be furnished. He also observed that inasmuch as the Area Office and Agency were not in a position to provide such "extensive data" the Bureau was reluctant to appear before Congress on the subject of the bills until a "human resources survey" was conducted. The letter also acknowledged a "petition of the off-reservation group for per capita distribution of all tribal funds and

subsequent withdrawal from the tribal members" and that Congressional inquiries had been made about it.

The Commissioner then stated "perhaps this may prompt the Board to take some action and give serious consideration to presenting some reservation development plans."

October 17.—At the Tribal Leaders Conference at Spokane the official delegation designated by the Board of Trustees filed reports and presented to the Commissioner of Indian Affairs the view that there were insufficient funds to embark on many worthwhile projects, let alone to distribute to substantial numbers of its members their proportionate interests in the tribal funds and Judgment Funds. They requested Revolving Fund or EDA grants or loan funds to replenish funds for any such withdrawing members and to supplement the Judgment Funds on the tribal projects.

Fall.—Various exchanges of correspondence between Senator Morse and the Department of the Interior and others was had pertaining to Judgment Funds and its relationship to the proposals by certain tribal members for voluntary withdrawal and distribution of withdrawing members' interests in all tribal funds.

1967

January.—Congressman Ullman reintroduced the bill in Appendix A as HR 3805.

February.—The Department of Interior's "Omnibus Bill" provisions for voluntary withdrawal among Indian tribes generally was reported to be meeting very poor reception from tribal leaders throughout the country on the ground that such was a "step toward termination." Apparently the "voluntary withdrawal" approach as a general policy of the Department was substantially abandoned about that time.

April 3.—The tribe learned that a serious question existed among personnel in Washington, D.C. Office of the Bureau of Indian Affairs concerning the proper test for eligibility for those to be entitled to share in per capita distribution of the Judgment Funds. The information was that the Secretary's report on the pending bill was expected shortly and that probably it would contain provision for voluntary withdrawal and a \$500 per capita for others. A question was likely to be raised concerning the eligibility date desired by the tribe. It was expected that the tribe might want to establish December 17, 1965, as the eligibility date, whereas the usual procedure was to have the date of the Act Congress authorizing distribution to fix eligibility. The eligibility problem resulted principally from the interlocutory (that is, non-final) determination of the Indian Claims Commission that the Confederate Tribes of the Umatilla Indian Reservation presented the claims only as "representative" or trustee of the original treaty tribes. This was interpreted as indicating that the rules of the present Constitution perhaps should not govern eligibility.

June 28.—Acting Area Director Galbraith wrote the Commissioner of Indian Affairs pertaining to certain "draft proposed legislation" which the Bureau was contemplating as a substitute for H.R. 3805. Apparently that draft had provided for distribution not only to present enrolled members, but to descendants of persons on all rolls commencing with 1949. The report argued that the present tribal organization owned the Judgment Funds and that the tribal rolls under the Constitution should be recognized.

Summer or Fall.—Apparently in this period all or substantially all of the work on the "socioeconomic report" of the Bureau concerning the tribe was completed. (Numerous and varied requests for copies of this report have not been honored.) Its final makeup will probably await the final report of the Department.

September 9.—The Program Planning Committee of the tribe completed its Draft No. 1 for the proposed use of the Judgment Funds. (Because the report is lengthy and apparently has received wide circulation among the tribe, the only portion of the Program Planning Committee's report which is included in this present report is the summary page, which is included in Appendix F.) The principal method of financing land consolidation, new home construction and home repair and the general funding of credit loan funds was proposed as additions to the loan fund providing for loans to individual members and to groups of individual members, with \$450,000 earmarked for that purpose. \$650,000 was earmarked for a proposed \$500 per capita distribution (based on the tribal rolls) with an eligibility date of December 17, 1965. Voluntary withdrawal was provided for at an estimated cost of \$445,428.

September 9.—A meeting of the General Council, by a vote reported as 100 to 1, called for complete distribution of the Judgment Funds.

October 20.—By a vote of 4 to 3, the above-mentioned Program Planning Committee's report was adopted by special meeting of Board of Trustees.

November 7.—Richmond Allan, Associate Solicitor, Department of the Interior, advised Commissioner of Indian Affairs that under the compromise settlement the earlier interlocutory determination of the Indian Claims Commission to the effect that the present tribal organization was merely "representative" of the original treaty tribes had not been followed and that "there is no legal basis for concluding the Confederated Tribes are not the sole owner of the funds appropriated in satisfaction of the judgment." However, he also advised that "if you believe that descendants of the treaty tribes who are not members of the Confederated Tribes should participate in the Judgment Funds, it is open to you to recommend legislation which would permit them to share in the award to the Confederated Tribes."

December 11.—A meeting of the General Council adopted a resolution by a vote of 32 to 0, reciting that the Program Planning Committee's report recently adopted "does not reflect the majority will" and that a special committee representing the majority should be appointed and providing that "a mandate to distribute the Umatilla Judgment Award Funds pro rata shall be directed to the Board of Trustees." The resolution named Peter Minthorn, Jack Abraham and Lillian Hoptowit to this special committee.

December 15.—The Portland Area Office informally furnished to the tribe a draft of its proposed report on HR 3805 and a draft of a proposed substitute bill and requested comments from the tribe thereon. In general the draft bill provided for per capita distribution but left open for later determination the amount thereof. It also provided that for any amounts distributed per capita the eligibility would be determined as of the date of enactment of the Act and the test would be whether such persons were of the blood of the original treaty tribes and either on the rolls commencing with January, 1940, or were descendants from such persons. As to funds not distributed per capita it was provided that they would become ordinary tribal funds and, even if ever distributed per capita in the future, the rolls of the tribe under the Constitution would determine eligibility. A more detailed description of the draft bill and proposed report are contained in the January 9, 1968, statement described below, Appendix C.

December 19.—Tribal attorney reported on the above-mentioned draft proposals of the Bureau of Indian Affairs and the opinion of Richmond Allan and recommended that, even though it would probably involve some delay in getting the Department's report to the Committees of Congress relating to Judgment Funds legislation, strong objections should be made to the Bureau of Indian Affairs to the proposed tests for eligibility and the draft proposals of the Bureau. In addition, the Board adopted, by a vote of 5 to 0, Resolution No. 68-20 amending the Program Planning Committee report to specify that the eligibility date for per capita distribution should be changed to the date of approval of the Act of Congress providing for the disposition thereof.

1968

January 9.—Board of Trustees adopted Resolution No. 68-15 adopting the "Statement of the Confederated Tribes of the Umatilla Indian Reservation in Opposition to Portions of Draft Bill of Bureau of Indian Affairs Relating to Disposition of Judgment Funds." The statement is included in this present report as Appendix C. The statement, which was thereupon forwarded to the Bureau of Indian Affairs and Congressman Ullman, argued that the test for eligibility for per capita payments should be the rolls prepared under the Constitution, objected to the dilution that would occur under the Bureau's draft bill by increasing the numbers eligible for distribution, and to the Bureau's proposal to charge the expense of preparing the payment roll and accomplishing the distribution against the Judgment Funds.

March 11.—Petition by 32 members of the General Council filed requesting special meeting for March 30 to discuss Judgment Funds and the like.

March 11.—Commissioner of Indian Affairs advised the Board of Trustees that revised proposals were being prepared in light of the statement of January 9, 1968, which would "take care of some of the objections raised by the tribe" but that the Bureau had not "altered our position" with respect to certain eligibility requirements. The Commissioner stated that it was then planned

that the Department's proposal would include the January 9, 1968, statement by the tribe as an exhibit so that all views could be presented to Congress.

March 30.—Special General Council meeting adopted a resolution by a vote of 89 to 18 giving "mandate" to Board of Trustees to rescind its approval of the Program Planning Committee report and to provide for full distribution of the Judgment Funds per capita and to have the tribal attorney draft a bill to that effect.

April 4.—By a vote of 4 to 0 Board of Trustees tabled the March 30, 1968, request of the General Council.

April 10.—Tribal attorney discussed the eligibility question and the statement of January 9, 1968, with officials in Washington, D.C. Office of Bureau of Indian Affairs.

Spring and early summer.—Informal information received that sentiment was shifting within Bureau of Indian Affairs toward the position of the tribe regarding eligibility for per capita payments as set forth on January 9, 1968, statement.

July 16 and 24.—Bureau of Indian Affairs and Congressman Ullman advise that Bureau of Indian Affairs and Department of Interior Report completed and will be in favor of HR 3805, but that Congress would shortly adjourn for the political conventions and the matter could not be considered until early in the 91st Congress (January, 1969).

August 9.—Board of Trustees recalled in Recall Election by a vote of 161 to 76.

September 24.—After political conventions Congress reconvened and efforts were made to get the Department of the Interior Report issued and hearings held. However, learned that after Bureau and Department of the Interior had approved report adopting position of tribe as to eligibility and favoring HR 3805, questions were raised at the Bureau of the Budget level by Indian Claims Commission and Department of Justice officials regarding eligibility question.

October 30.—At the request of a delegation from the Board of Trustees tribal attorney forwarded letter of October 30, 1968 (Appendix D), and draft bill (Appendix E), providing for distribution of all Judgment Funds per capita "with all deliberate speed" together with an explanation of features of the proposed bill and a recommendation as to when action should be taken on the proposed bill by the Board.

December 30.—Tribal attorney advised Board of Trustees of information received that the Department of Interior Report was again up to the Bureau of the Budget level, but that it had been revised so as to reverse the position of the Department and:

(a) Oppose bills like HR 3805 originally proposed by the tribe and propose a bill that will:

(b) Require mandatory distribution of all the Judgment Funds and interest thereon.

(c) Open the rolls for eligibility for distribution to all lineal descendants of members of the original treaty tribes (ignoring the existing tribal rolls, blood requirements, and the eligibility requirements of the present Constitution).

(d) Give the final decision of eligibility to the Bureau of Indian Affairs with an elaborate administrative procedure whereunder persons claiming to be lineal descendants of the original treaty tribes may apply for eligibility and have the costs of each proceeding and the entire administration of the distribution charged against the Judgment Funds. The attorneys recommended an immediate tribal delegation to Washington, D.C.

CURRENT STATUS

So far as known, the current status is essentially as mentioned above with respect to December 30, 1968. No information has been received that the most recent Department of the Interior Report has gone further than the Bureau of the Budget. No copy has been received, although the same has been requested.

Historically it has been impossible to get Committees of Congress to schedule hearings on Judgment Funds matters without a report from the Department of the Interior which has cleared the Bureau of the Budget. Whether an exception can be made in this instance is unknown. Furthermore, all unpassed bills of the 90th Congress have no status in the present 91st Congress so it will be necessary that new bills be introduced in the House of Representatives or Senate or both. So far as known, no bills relating to Umatilla Judgment Funds have been introduced in the present Congress. A decision must be made on the form of the bill requested.

If the question of whether all of the Judgment Funds should be distributed per capita is considered within the tribe to be still open, the tribe, while opposing the substantial dilution of the individual per capita shares which would result from the adoption by Congress of the most recent reported Department position, could still lessen the impact of such a decision if it could get a reduction in the portion of the funds to be distributed per capita.

However, if it is considered that the tribe is unalterably opposed to any plan that does not involve complete distribution of the Judgment Funds, all efforts should be directed solely to the eligibility question.

A tribal delegation, if sent forthwith, could make a more informed judgment on the question of whether further efforts should be made on the eligibility question before the report is submitted to Congress or whether the efforts will have to be directed mainly to Members of Congress.

Dated and respectfully submitted, January 21, 1969.

MARK C. McCLANAHAN,
Tribal Attorney.

CONSTITUTION AND BY-LAWS OF THE CONFEDERATED TRIBES OF THE UMATILLA RESERVATION IN OREGON

We, the people of the Umatilla Indian Reservation in the State of Oregon, do hereby ordain and establish this Constitution and By-laws.

ARTICLE I—NAME

The tribal organization shall be called the "Confederated Tribes of the Umatilla Indian Reservation", and shall include Indians of the Cayuse, Umatilla, and Walla Walla Tribes.

ARTICLE II—PURPOSE

The purpose and powers of the Confederated Tribes shall be, within law, to exercise and protect all existing and future tribal rights arising from any source whether treaty, federal statute, state statute, common law, or otherwise; to achieve a maximum degree of self-government in all tribal affairs; and to protect and promote the interests of the Indians of the Umatilla Indian Reservation.

ARTICLE III—TREATY RIGHTS

This Constitution and By-laws is not adopted under the Indian Reorganization Act, also known as the "Wheeler-Howard Act." No tribal right of any kind shall be weakened, impaired, or surrendered by the adoption of this Constitution and By-laws.

ARTICLE IV—MEMBERS

The membership of the Confederated Tribes shall consist, as follows, of:

(a) All persons of Indian blood whose names appear on the official census roll of the Confederated Tribes as of July 1, 1949; provided, that corrections may be made in said roll by the General Council within five (5) years from the adoption and approval of this Constitution and By-laws, subject to the approval of the Secretary of the Interior or his authorized representative.

(b) All children born to enrollees of the Confederated Tribes, who are of at least one-fourth ($\frac{1}{4}$) degree of blood of the Confederated Tribes. Where only one parent of such children is an enrollee of the Confederated Tribes, the children may become members only upon application accepted by the General Council.

(c) Any other person of blood of the Confederated Tribes may, upon application, be admitted by a majority vote of the General Council to participate in tribal government and to vote and to hold office. It is expressly understood, however, that such persons shall not participate in any right or claim arising out of treaties to which the Confederated Tribes are a party.

ARTICLE V—GENERAL COUNCIL

SECTION 1. The General Council shall consist of all members of the Confederated Tribes of the age of eighteen (18) years or over. The General Council shall be the sole judge of the qualification of its own members.

SEC. 2. The General Council shall elect its own officers, and shall also elect the members of the Board of Trustees (formerly called the Umatilla Tribal Business Committee), as hereinafter provided; and the General Council shall have the power to demand reports from its officers and from the said Board, and to recall its officers or the members of the Board, as hereinafter provided.

SEC. 3. The officers of the General Council shall be a Chairman, a Vice-Chairman, a Secretary, and Interpreter, and such other officers as the General Council may from time to time create and fill. Their duties shall be as follows:

(a) The Chairman shall preside at all meeting of the General Council, shall attest the minutes thereof, shall appoint temporary officers in the absence of the duly elected officers, and shall perform such other duties as are placed upon him by this Constitution and By-laws. He shall vote only in case of a tie.

(b) The Vice-Chairman shall act in place of the Chairman in the event of his absence or disability, or at his request.

(c) The Secretary shall keep, prepare, and sign the official minutes of the meetings of the General Council and, subject to the direction of the Chairman, prepare an order of business in advance of each meeting of the General Council.

(d) The Interpreter shall interpret what is said at meetings of the General Council from the English language to the commonly understood Indian language, and vice versa, whenever necessary to full understanding by all members.

SEC. 4. Meetings of the General Council may be called by the Chairman of the General Council, by the Board of Trustees, or by petition signed by at least twenty (20) members of the General Council. Notice of each meeting, stating time, place, and purpose thereof, and signed by the Chairman of the General Council or the Superintendent of the Umatilla Indian Reservation, shall be posted in public places at the Umatilla Indian Agency Headquarters, and at Cayuse, Thornhollow and Gibbon, Oregon, at least twenty (20) days before the meeting. If the Chairman of the General Council, or the Board of Trustees, shall certify that an emergency exists, the meeting may be called upon five (5) days notice.

SEC. 5. (a) Not more than thirty (30) nor less than twenty (20) days after this Constitution and By-laws is ratified by vote of the adult members of the Confederated Tribes, and approved by the Secretary of the Interior or his representative, as provided hereafter in Article VIII, the first election of officers of the General Council, and of members of the Board of Trustees, shall be held. Thereafter elections for said positions shall be held every year in the month of November, and the successful candidates shall assume office on the first day of December following the election. The date of said first election, and the rules for conducting it, shall be determined by the Umatilla Tribal Business Committee then in office.

(b) Officers of the General Council shall hold office for a period of one (1) year, or until their successors are elected and take office. The terms of the officers elected at the first election hereunder shall expire on December 1, 1949.

(c) Members of the Board of Trustees shall each hold office for a period of two (2) years, or until their successors are elected and take office, except that in the first election of said members, the four nominees receiving the highest number of votes shall hold office until December 1, 1950, and the four nominees receiving the next highest number of votes shall hold office until December 1, 1949.

(d) The Chairman and the Secretary of the General Council shall certify as to the results of all elections of officers of the General Council, or members of the Board of Trustees, held hereunder.

SEC. 6. Any officer of the General Council, or any member of the Board of Trustees, may be removed from office by majority vote of the General Council upon the filing with the Board of Trustees of a recall petition signed by at least fifty (50) members of the General Council. Such petition shall state clearly the charges against the individual whose recall is sought. It shall be the duty of the Board of Trustees, when a recall petition is filed in proper form with sufficient signatures, forthwith to call an election of the General Council to vote upon the petition. The individual sought to be recalled shall have the right to see the said petition at least twenty (20) days before the said election, and to appear at the election and answer the charges made against him.

SEC. 7. A quorum of the General Council shall consist of thirty (30) members. Voting may be by show of hands, or by secret ballot, as the Chairman shall direct; and for members of at least one-fourth ($\frac{1}{4}$) degree of blood of the Confederated Tribes unable to attend meetings of the General Council, the Board of Trustees may provide for voting by mail and by ballot box.

ARTICE VI—BOARD OF TRUSTEES

SECTION 1. The governing body of the Confederated Tribes shall be a Board of Trustees. Subject to limitations imposed by the Statutes or Constitution of the United States, the Board of Trustees shall have the following powers:

(a) To represent the tribes and to negotiate with Federal, State and local governments and to advise with representatives of the Interior Department on appropriations, projects, and legislation that affects the tribes.

(b) To manage all affairs of the Confederated Tribes, including the administration of tribal lands, fund, timber and other resources, under appropriate contracts, leases, permits, and loan or sale agreements.

(c) To appoint committees, including members of the General Council who are not members of the Board of Trustees, and to delegate authority to said committees, and to provide per diem compensation and reimbursement of expenses incurred by officers of the General Council, members of the Board of Trustees and committee members while acting on official tribal business.

(d) To promulgate and enforce ordinances governing the conduct of members of the tribes, providing for the procedure of the Board of Trustees, and carrying out any powers herein conferred upon the Board of Trustees.

(e) To exercise any rights and powers heretofore vested in the Confederated Tribes, but not expressly referred to in this Constitution, or any powers that may in the future be delegated by an agency of local, state or Federal government.

SEC. 2. The members of the Board of Trustees shall consist of the Chairman of the General Council, as ex officio member with the right to vote, and eight (8) members of the General Council elected by the General Council. No member shall be qualified to act as a member of the Board of Trustees who is a non-resident of the Umatilla Indian Reservation. The Board of Trustees shall be the sole judge of the qualifications of its members.

SEC. 3. The officers of the Board of Trustees shall be a Chairman, a Vice-Chairman, a Treasurer and a Secretary. Their duties shall be as follows:

(a) The Chairman as chief executive officer of the Board of Trustees shall preside over all meetings of the Board of Trustees, affix his signature to official documents, countersign warrants duly drawn by the Treasurer against the tribal funds, and shall vote only in case of a tie.

(b) The Vice-Chairman shall preside at meetings and otherwise act in full capacity of the Chairman in the absence or disability of the Chairman, or at his request.

(c) The Secretary shall conduct all correspondence, issue public notices, take minutes, record official actions, have custody of all files and records, etc., of the Board of Trustees and affix his signature to official documents.

(d) The Treasurer shall accept, receipt for, and safeguard all funds of the tribes under his custody as directed by the Board of Trustees, and keep a complete record of receipts and expenditures. He shall be a bonded officer and shall not disburse any funds of the tribes except as duly authorized by the Board of Trustees, and he shall report his accounts and all financial transactions at a meeting upon request of the General Council or the Board of Trustees.

The Chairman of the General Council may, but need not necessarily, be elected as Chairman of the Board of Trustees. The Board may remove any of its officers at any time by a majority vote of the whole Board.

SEC. 4. The Board of Trustees shall hold regular monthly meetings at such time and place as it shall fix. Special meetings of the Board may be called by the Chairman of the Board, or by written request of any three (3) members thereof, upon at least two (2) days' personal notice to each member of the time, place and purpose. At all meetings of the Board, whether regular or special, five (5) members shall constitute a quorum. All meetings shall be open to any member of the General Council.

SEC. 5. Whenever, in the opinion of a majority of the entire Board of Trustees, any member of the Board of Trustees has been guilty of gross neglect of duty, it shall certify its opinion, together with the reasons therefor, to the General Council, which shall have the power to remove said member from office and to elect a successor. The member who is so accused shall have the right to receive a copy of the charges against him at least twenty (20) days in advance of the meeting of the General Council at which the question of removal and of selection of a successor are to be voted on, and shall be entitled to appear at said meeting and answer said charges.

SEC. 6. Vacancies in the Board of Trustees shall be filled by the General Council at an election called for that purpose.

SEC. 7. The Board of Trustees shall have custody of its letters, documents, records, and minutes, as well as those of the General Council.

ARTICLE VII—AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the members of the General Council at an election called for that purpose by resolution of the Board of Trustees or majority vote of the General Council, provided that such amendment receives at least fifty (50) affirmative votes. The notice of said election shall set forth the proposed amendment in full. No amendment shall become effective until approved by the Secretary of the Interior or his authorized representative.

ARTICLE VIII—RATIFICATION

This Constitution and By-laws shall become effective upon ratification by a majority vote of those adult members of the Confederated Tribes who shall vote as authorized by the Commissioner of Indian Affairs, and subsequent approval by the Secretary of the Interior or his authorized representative.

CERTIFICATION OF ADOPTION

Pursuant to an order approved on May 27, 1949, by the Assistant Commissioner of Indian Affairs, the attached Constitution and By-laws was duly submitted to the adult voters of the Confederated Tribes of the Umatilla Indian Reservation, Oregon, for ratification, and was on November 4, 1949, duly ratified by a vote of 113 for, and 104 against.

Election Committee:

MARY E. DICK,
LOUISE M. ELK,
AARON MINTHORN,
CLARENCE BURKS,
GILBERT E. CONNER,
SAMUEL KASH KASH,
DAVID S. HALL,
ISAAC B. PATRICK,

APPROVAL

This Constitution and By-laws, having been proposed and duly ratified by the adult voters of the Confederated Tribes of the Umatilla Indian Reservation, Oregon, on November 4, 1949, at a referendum called by the Commissioner of Indian Affairs, is herewith approved.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

Washington, D.C., December 7, 1949

(Subsequent to the hearing, the following explanatory information was received:)

KING, MILLER, ANDERSON, NASH & YERKE,
Portland, Oreg., October 30, 1969.

To the Members of the Board of Trustees Confederated Tribes of the Umatilla Indian Reservation.

Subject: Umatilla Judgment Funds.

LADIES AND GENTLEMEN: At the hearings of October 29, 1969, before the Subcommittee on Indian Affairs of the Senate Interior and Insular Affairs Committee, Senator Burdick who acted as chairman (and who was the only senator continuously present) indicated in several of his questions and comments that it seemed difficult to say in the absence of a referendum on the question whether the majority of the members of the tribe is in favor of full or substantially full per capita distribution of the judgment funds. The official delegation urged adoption of HR 9477 as passed by the House of Representatives and, somewhat surprisingly, the Interior Department witness (Assistant Secretary Loesch) testified that the Department now has "no objection" to HR 9477 and doesn't even have any "strong" objection to the split eligibility date. Senator Hatfield testified that apparently the majority is in favor of full per capita, they having supplanted

the prior and past majority which had been in favor of a \$500 per capita. He urged the committee to resolve the matter promptly so that such distributions as were to occur could be had prior to the end of the year.

The unofficial delegation composed of Raymond Burke and Bill Minthorn urged that the entire matter be delayed for about six weeks to give the tribe a chance to digest and consider the recently completed Ernst & Ernst report prepared for an Economic Development Administration Technical Assistance project for the Umatilla Indian reservation. Mr. Burke added that he still favored \$ 2357 (which provides for a \$500 per capita).

At the conclusion of the hearings both James Gamble (Staff Counsel to the Senate Interior Committee) and Mr. English (assistant to Senator Hatfield) urged to the official delegation that it was desirable that a referendum be had of the entire adult membership of the tribe on the question of how much, as between the choices available, should be distributed per capita. Mr. English pointed out that if no referendum is had the committee will just have to decide and that Senator Hatfield would probably have to take an important role in that decision, but that if a referendum is had that in all probability the wishes of the majority would be followed.

Considering all the various time factors involved, Mr. English, on behalf of Senator Hatfield, recommended that the referendum be held within about four weeks, about the end of November.

We were asked to advise the committee and Senator Hatfield promptly next week as to whether the requested referendum would be had.

I recommend (a) that the referendum be had about the end of November and (b) that two or three weeks prior to that time the tribe mail to all its adult members a brochure or pamphlet advising that the referendum will be held, telling the reasons for it (the Senators' requests) and summarizing the main conclusions of the Ernst & Ernst report. I have the following principal reasons for these recommendations:

1. Although it seems clear to me that the majority has spoken in favor of full per capita distribution, it is not necessary to convince me or even the tribe; what is necessary is to convince the Senate. If, however, a referendum is had, it appears highly likely to me that the Senate will substantially follow the expressed wishes of the majority. (I am sure, however, that it will favor retention of the \$200,000 education fund provided for in HR 9477 as outlined in the House.)

2. If no referendum is had, it is likely to take some time for the committee to make up its mind on what it considers a difficult choice, so the additional delay probably is not much greater than would occur anyway. Probably the committee would like to grant Senator Hatfield's request to have some distribution provided for by the end of the year. However, if the referendum is had sooner than about the end of November, or if opportunity is not given to those who vote to consider at least the general conclusions of the Ernst & Ernst report, there would still be the contention of the unofficial delegation that the vote was not had on a sufficiently informed basis as regards the possibilities outlined in the Ernst & Ernst report. In other words an election, after providing some material on the report and after some time is given for consideration of it, will be much more convincing to the members of the Senate who must make this decision. It is on this basis that I urge those who favor full or substantially full per capita distribution to approve use of tribal facilities to have such an election and to provide at least some information regarding the Ernst & Ernst report to all adult members of the tribe.

3. In the unlikely event that the majority should vote in favor of retention of a substantial amount, the tribe will have narrowly escaped the distribution of the only funds which appear available to accomplish any of the results projected by Ernst & Ernst.

This referendum is *not* an election called under the Constitution and Bylaws because that Constitution does not provide for referendum elections on issues. It is just to provide information. The request has been in terms of what the majority of the tribe wants, regardless of where they may be, whether or not they can afford to or do come to the reservation for a meeting. Therefore, absentee ballots should be provided to all adult members of the tribe and the quarter-blood restriction on absentee ballots should not apply.

Any other election procedure would not provide the requested information to the Senate.

I testified before the committee that how much of the funds should be distributed per capita was not a legal question but a policy question and, therefore, I had no legal opinion on it. I did comment, however, and repeat here that I can

see several instances in which the existing rules and the law would have to be changed before the projects envisioned by the Ernst & Ernst report could be had or be financed in the manner projected by them. For instance, Ernst & Ernst contemplate 35% private financing for the McCoy Creek project and the Motel-Golf Club complex, and state that this financing would be obtained by giving the private banks or financiers first mortgages on tribal lands. In my opinion, it is highly unlikely that there will be any such private financing available in the absence of a new law passed by Congress specifically authorizing such mortgage to be made by the tribe. (Maybe some other method of obtaining private financing could be found, but no one has reported on the feasibility of it.) Again both the McCoy Creek and Motel projects and the income projections on which their feasibility is based, are premised on the revenue and attraction produced by the sale of liquor at their respective locations. This will mean that either the tribe is going to have to elect to open up the entire reservation to the sale of liquor or somebody is going to have to change the present Bureau of Indian Affairs' ruling to the effect that the tribe cannot exercise its local option rights to legalize liquor sales with respect to specific locations only. (That was the ruling when the Pendleton Country Club wanted to locate its golf course not far from the presently proposed Motel-Golf Course.) Also, the McCoy Creek project's feasibility is based on the assumption that the tribe can make a 99-year lease of the home site lots around the lake. (To be competitive with other similar home site projects available to the public, perhaps it would be necessary to have 99-year leases.) Before this can be done, somebody will have to change the law or regulations which restrict leases of tribal lands to 25 years. (The housing project lease is 25 years with a renewal option for an equal period.) Probably other problems, now unforeseen, would be found.

Finally, it has happened on occasion that feasibility studies have been mistaken, either as to the availability of financing, or as to the costs of construction, or as to the financial soundness of the venture proposed. *The Economic Development Administration has not said it will finance anything.*

I enclose for each of you a copy of an article in the Daily Journal of Commerce of this date reporting on the results of a lawsuit (in which we represented the prevailing plaintiff) involving a feasibility study which turned out to be wrong.

With the foregoing qualifications, a relatively brief examination of the Ernst & Ernst report indicates to me that it is worthwhile considering if there is strong and continuing support within the tribe for the use of the funds in this manner—but not otherwise. That is, there isn't much sense in starting on even the best of programs if the tribal membership would in the future likely elect representatives who promise to work for per capita distribution of funds needed for the programs. Secretary Loesch made essentially the same point before the Senate Subcommittee.

I also urged to the Subcommittee that it seemed to me that financing is the major problem for the contemplated projects and that, if Congress were to withhold distribution of these funds solely on the premise that the projects envisioned in the report are more worthwhile than full per capita distribution, it should place a cut-off date, after which, if the financing were not available or there were other serious problems for which no solution was at hand, the funds would be distributed.

I have suggested to Roy McIntyre that a special meeting of the Board be called for Tuesday and that I could be there to discuss this matter with the Board and what choices might be presented on a referendum ballot.

Very truly yours,

MARK C. McCLANAHAN.

[From the Daily Journal of Commerce, Vol. 127—No. 101, Oct. 30, 1969]

ESTIMATION ERROR COSTS ENGINEERS \$153,400 VERDICT

WILLAMETTE MILL COLLECTS FOR PLANT

CORVALLIS—A Polk County Circuit Court jury has returned a \$153,400 verdict against the Corvallis consulting engineering firm of Cornell, Howland, Hayes and Merryfield on a claim of negligence in making a 1966 estimate for a client.

Awarded the sum was Willamette Industries which had employed the engineering firm to survey and make cost recommendations for renovations to a power generation plant originally built in 1904.

Willamette had sought \$394,426. Their complaint alleged that CH2M had first submitted a cost estimate for the project of approximately \$615,000. Acting on this, the company proceeded to line up equipment for the job. But after six months were told by the engineering firm that an error in making the estimate had been determined.

MORE THAN ONE MILLION

The second estimate for the project was near \$1,120,000.

At this point, after spending out-of-pocket sums of more than \$190,000, plus additional costs for machinery removal, Willamette halted work and brought the court action to recover expenses.

According to a spokesman for Willamette, the judgment does not cover all expenses. He noted that the CH2M fee alone was \$53,000.

KING, MILLER, ANDERSON, NASH & YERKE,
Portland, Oreg., November 6, 1969.

Subject: Umatilla Judgment Funds.

Hon. MARK O. HATFIELD,
U.S. Senate, Washington, D.C.

DEAR MARK: I enclose for your information a copy of resolution No. 70-12 of the Board of Trustees of the Umatillas adopted by a vote of 5 to 1 at a special meeting of November 4, 1969. The resolution calls a referendum election on how much of the judgment funds should be distributed. In accordance with the suggestion of your Sandy English, the election was set for the end of November (November 29, 1969) as a compromise between what presumably would be the desire of the official delegation position of having an early election and the 6 weeks or 60 days requested by Mr. William Minthorn for the "minority" position at the hearings of October 29, 1969.

In order to present a clear-cut majority for a specific position, the choices listed in item (1) on page 2 of the resolution were limited to HR 9477 as passed by the House and the retention of a specific amount. (The resolution leaves the amount of the retention to be determined by the Election Committee, who will design the ballot accordingly. Apparently, the purpose of the Election Committee will be to choose a retention amount which would be adequate to provide the tribe's part of the financing of the proposed projects if the people vote for any retention.)

I hope that the holding of this election will not prevent action which would provide the first installment of the per capita distributions by the end of the year, as requested by you in your statement to the Subcommittee on Indian Affairs. For instance, I hope this session of Congress does not adjourn until after it can act in the light of the referendum election.

Very truly yours,

MARK C. McCLANAHAN.

RESOLUTION No. 70-12

Whereas in recent hearings on the bills pending in Congress relating to Umatilla Judgment Funds, a question was raised in the Senate of the United States concerning what the majority of the members of the tribe prefer on the question of how much of the Judgment Funds should be distributed per capita, and some Senators have urged the tribe to have a referendum on that question to clearly show such preference, and

Whereas at a cost to the federal government of about \$35,000 the management specialist firm of Ernst & Ernst of Washington, D.C., has recently completed a feasibility study for certain development projects on the Umatilla Indian Reservation, and the report on such study proposes several projects which would require the investment of tribal funds along with substantial federal funds and private funds, and the proponents of those projects have asked for time to acquaint the membership of the tribe of the merits of the proposed projects and such proponents urge that the only source of the tribal investments required for the projects would be a portion of the Judgment Funds, and

Whereas on November 1, 1969, the General Council of the tribe approved the holding of such referendum election, now, therefore, it is hereby

Resolved by the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation as follows:

(1) A referendum election shall be held on November 29, 1969, on the following choices (which realistically appear to present the major alternatives which Congress would likely choose between and which, if and when tribal programs are to be had, will probably finance such proposed projects):

Which does the member prefer *as between* the following choices:

Choice No. 1: HR 9477 which (except for a \$200,000 educational fund) would distribute all the Judgment Funds per capita in three installments over a one-year period, providing about \$1,800 per capita for each member.

Choice No. 2: Retention of about \$—— (including the \$200,000 educational fund) and distribution of the balance per capita in installments, providing about \$—— per capita for each member.

(2) Inasmuch as this is not an "election" provided for by the Constitution and Bylaws of the tribe and in view of the information which has been requested by the above described Senators (simply the preference of the majority), the following special rules shall apply:

a. The qualified voters shall be all adult (18 years of age or older) members of the tribe, and the quarter-blood restriction on absentee ballots shall not apply.

b. Absentee ballots shall automatically be furnished to all qualified voters as shown by the Tribal Records, and shall be so numbered so as to avoid duplicate ballots being cast by the same person either by mail or in person at ballot boxes.

c. The polls shall be open from 8 a.m. to 8 p.m. of election day and, to be valid, absentee ballots must be received (regardless of when mailed) by 8 p.m. of said day.

d. In order to provide a test of sentiment on the question based on residence or nonresidence on the reservation, different color ballots shall be provided to those whose addresses are off the reservation from those provided to those whose residences are on the reservation as indicated by the Tribal Records.

e. An Election Committee consisting of 6 members shall be appointed jointly by the chairman (or in his absence the vice-chairman) of the General Council and the chairman (or in his absence the vice-chairman) of the Board of Trustees, and such chairman or vice-chairmen shall be co-chairmen of the Election Committee. The Election Committee shall design the hereinafter described summary of the Ernst & Ernst conclusions and financial matters and the form of the ballot designed to present the above described choices, and shall report the results of the election to the Board of Trustees which shall certify thereto.

(3) As soon as practicable the Executive Secretary shall cause to be mailed to each household where adult members of the tribe reside (according to Tribal Records or other more recent information) a copy of this resolution and a brief summary of the conclusions of the Ernst & Ernst report and of their projected sources of financing for each proposed project.

(4) The blanks in "Choice No. 2" above shall be completed by the Election Committee.

CERTIFICATE RES. NO. 70-12

The undersigned Roy McIntyre and Viola P. Wocatsie, hereby certify that they are the Chairman and Secretary, respectively, of the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation; that a duly called and held special meeting of said Board of Trustees at the Meeting Room in the Tribal Office at the Umatilla Agency, Pendleton (Mission), Oregon, on the 4th day of November, 1969, a quorum of the Board of Trustees was present and the foregoing resolution was regularly moved, seconded and adopted by a vote of 5 members in favor and 1 member opposed and that said resolution has not been modified, amended or repealed and is still in full force and effect.

Dated this 4th day of November, 1969.

ROY MCINTYRE,
Chairman, Board of Trustees.

Attest:

VIOLA P. WOCATSIE,
Secretary, Board of Trustees.

KING, MILLER, ANDERSON, NASH & YERKE,
Portland, Oreg., December 1, 1969.

Subject: Umatilla Judgment Funds.

Hon. GEORGE S. MCGOVERN,

Chairman, Subcommittee on Indian Affairs, Senate Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR MCGOVERN: As a result of suggestions made at the hearings on HR9477, S1654 and S2357 before your committee October 29, 1969, at which Senator Burdick presided, a referendum election was called by the tribe on the question of how much of the judgment funds should be distributed per capita and how much should be retained for tribal projects. With my letter to Senator Hatfield of November 6, a copy of which was furnished you, I supplied a copy of the resolution of the governing body of the tribe, the Board of Trustees, establishing the rules and questions presented in the election. The election was held November 29, 1969, and the unofficial results are as follows:

Choice	Vote of reservation residents	Vote of nonresidents	Total vote
H.R. 9477 as passed by the House.....	132	382	514
Retention of \$1,800,000 and a per capita of approximately \$500.....	105	68	173
Total.....	237	450	687

The referendum election was held in conjunction with the annual elections of officers.

This is by far the largest vote on any question or matter ever recorded for this tribe. The next highest vote was one taken in an open meeting December 17, 1965, when the tribe voted to approve the settlement leading to the judgment funds here involved; that vote was 306 to 16. I have never heard of any other votes exceeding 300 votes. One of the heavier votes was the recall election of August 9, 1968, by which the then-existing Board of Trustees was recalled by a vote of 161 to 76. The heavy vote in this instance was undoubtedly partially attributable to the fact that for this election the provision in the tribe's Constitution to the effect that on elections of officers *absentee* ballots may be cast only by members with one-quarter blood of the tribes was not invoked. In fact absentee ballots were sent to the last known addresses of all known members of the tribe. It was felt that this was not an election called under the Constitution (there is no provision therein for referendums) and that this vote would be more informative to your committee. At the same time different colored ballots were provided for residents and non-residents of the reservation so that a tally would be possible on that basis.

I will expect shortly to furnish your committee with the certified results of the election as determined by the tribe's governing body. At that time we will expect to furnish copies of the ballots which also contained a description of the tribal projects discussed in the Ernst & Ernst Report to the Economic Development Administration referred to in the above-mentioned resolution calling the election. For now, however, I have the following comments:

The referendum and its relationship to the tribal projects envisioned by the Ernst & Ernst Report received quite a bit of publicity in the Pendleton and Portland newspapers and perhaps elsewhere. I enclose a copy of my file of the news clippings from The East Oregonian of Pendleton and The Oregonian, The Oregon Journal and the Daily Journal of Commerce of Portland. Two representatives of Ernst & Ernst, a Washington, D.C. representative of the Economic Development Administration and a Portland representative of that agency discussed the proposed projects and the report at an all-day meeting of the General Council of the Tribe (the general membership) held November 15, 1969. Between 45 and 55 members attended. The EDA representative indicated that one of the projects, the motel-golf course complex, probably could be financed on a basis even more favorable to the tribe than indicated in the Ernst & Ernst Report. He was less encouraging with respect to the other projects, suggesting that the proposed community center be financed by the Department of Housing and Urban Development instead of EDA and that the McCoy Creek recreation project was marginal from the EDA standpoint for the stated reason that the job opportunities to be

provided thereby were of doubtful sufficiency by EDA standards. It was, of course, emphasized that no application had been approved by the EDA for the proposed financing and that the pending applications by other tribes exceed the funds available at least for this year.

Very possibly the proponents of tribal programming and the lower per capita would have preferred that the second choice on the ballot present a somewhat lower retention and a larger per capita, possibly feeling that such would still finance the projects and yet obtain a greater number of votes. The Election Committee, however, decided to present a clear-cut choice between HR9477 and what in substance is S2357. The \$500 per capita approach was also the tribal proposal in the prior two Congresses. Ernst & Ernst had concluded that the proposed projects could be financed with a tribal contribution not exceeding \$680,000. However, they had contemplated rather substantial private financing being made available with a mortgage on tribal lands and other assets. It appears that, if the private financing projected by them were not available, the tribal projects studied in the report would have required something like \$1,800,000 of tribal funds assuming all other aspects of the Ernst & Ernst Report were valid.

The proponents of tribal programming also generally favored delaying the election for an additional two weeks or 30 days to enable further discussion and presentation of information regarding the proposed tribal projects. On the other hand, on the 17th of this month it will have been four years since the tribe accepted the compromise settlement resulting in these judgment funds.

If any distribution is to be accomplished by the end of this year as urged by Senator Hatfield in his testimony, it will be necessary that the legislation be adopted within the next few days. Even then it may not be possible to actually provide distribution by that time.

Very truly yours,

MARK C. McCLANAHAN.

KING, MILLER, ANDERSON, NASH & YERKE,
Portland, Oreg., December 5, 1969.

Subject: Umatilla Judgment Funds.

HON. GEORGE S. MCGOVERN,
U.S. Senate, Washington, D.C.

DEAR SENATOR MCGOVERN: We appreciate very much that the committee has reported out legislation on this subject promptly after the referendum election. Although the legislation, like most legislation, does not meet with unanimous approval and the choice for some undoubtedly was a hard one, the respect given to the democratic processes and the demonstrated will of the majority were important actions on an important principle.

For your information we enclose one copy each of the Referendum Ballot and the Certificate of the Election Committee with respect to the November 29 1969, election.

The tribe and we appreciate the time and consideration given to this by the members of your committee, the thoughtful, interested and candid manner in which Senator Burdick conducted the hearing and the assistance of Mr. Gamble.

Very truly yours,

MARK C. McCLANAHAN.

REFERENDUM

Check which does the member prefer *as between* the following choices:

Choice No. 1: HR 9477 which (except for a \$200,000 educational fund) would distribute all the Judgment Funds per capita in three installments over a one-year period, providing about \$1,800 per capita for each member.

Choice No. 2: Retention of about \$1,800,000 (including the \$200,000 educational fund) and distribution of the balance per capita in two installments, providing about \$500 per capita for each member.

DESCRIPTION OF CHOICE NO. 2

Proposed projects in Ernst & Ernst study:

1. *McCoy Creek Recreation Area.* The proposed McCoy Creek Recreation Area consists of a 520 acre partially wooded area overlooking an 85 acre lake including

485 lots, a 60-space camp ground, a day use area, a convenience center (lodge, general store, small restaurant), fishing, boating, swimming and other sports facilities. It would require an investment of \$1,051,820 which would provide an income of \$99,900 per year after fifth year, also will provide \$92,000 per year in wages.

2. *Motel Golf Course Complex.* The proposed Motel Golf Course complex would include sports facilities such as indoor and outdoor swimming pools, a semi-public 9-hole golf course (expandable to 18 holes), a pro shop, a restaurant, a cocktail lounge with Indian entertainment, a conference & private dining rooms, an Indian museum in the lobby, an arts & crafts workshop and an Indian gift shop. It would require an investment of \$1,103,100 which would provide an income of \$80,000 per year and total annual wages of \$243,700 per year.

3. *Industrial Park.* The proposed 34 acre industrial park would require an investment of \$2,150,300 which would provide after ten years an annual income of \$225,800 and provide total annual wages of \$3,085,500.

4. *Multi-Purpose Community Skill Center.* The proposed multi-purpose community skill center would be a two floor 140 feet by 80 feet building with 3,600 sq. ft. basement. It will provide space for classrooms, child day care, health clinic, arts & crafts, General Council chambers, tribal dancing and amateur theatricals, adult education, athletic activities, kitchen, cold storage and laundry. It would require an investment of \$168,000 and would provide a loss of \$8,125 a year and provide annual wages of \$5,000.

The above projects would require a total investment of \$4,473,220 which would come from the following sources :

Federal Grants.....	\$134, 400
Loans (EDA & commercial).....	3, 659, 437
Tribes investment.....	679, 383
Total	4, 473, 220

CERTIFICATE OF ELECTION

We, the undersigned Tribal Election Committee members, hereby certify that on Saturday, November 29, 1969, after the close of the Polls, which were open from 8:00 am to 8:00 pm, and held at the Tribal Office, Umatilla Indian Agency, Pendleton (Mission), Oregon for the purpose of voting on the election of General Council officers and 4 Board of Trustees members and voting by referendum on the judgment funds; and that we counted all votes cast and the result of the count is as follows :

	<i>Number of Votes Received</i>
General Council (To serve until December 1970) :	
Chairman, Raymond Burke.....	166
Vice-Chairman, Marvin L. Picard.....	215
Secretary, Barbara Alexander Chalakee.....	192
Interpreter, Eliza Cowapoo Bill.....	284
Board of Trustees (To serve until December 1971) :	
Members :	
Roy McIntyre.....	297
Lillian K. Hoptowit.....	252
Alphonse Halfmoon.....	219
Kathleen Wilson Gordon.....	216
Cecil I. Thompson—Alternate.....	147

Voted by mail : 309 ; Voted at polls : 224 ; Total ballots : 533.

REFERENDUM ON USE OF JUDGMENT FUNDS

	Choice No. 1	Choice No. 2	Total voting
On reservation.....	132	105	237
Off reservation.....	382	69	450
	514	173	687

UNION GAP, WASH., October 24, 1969.

HON. QUENTIN N. BURDICK,
Senate Interior and Insular Affairs, Indian Affairs Subcommittee, Senate Office Building, Washington, D.C.

DEAR SIR: I am writing you in regards to House Bill H.R. 9477 concerning the confederated tribes with which you are no doubt familiar.

It calls for the disposal of the monies that were appropriated about three years ago and now in the tribal council coffers. (The Portland Oregon Banks)

I am in full accord with the manner of distribution this bill calls for; that is \$200,000 for schooling and the balance on per capita basis. A great majority are of the same opinion, many of whom have never expressed themselves to the council. Therefore, I ask you to urge immediate payment.

According to the information I have, plus the memories of the early 1900s, this money is the result of an under payment due to surveyor's error, therefore actually should have been paid years ago. As to payment at this time I cannot see where there is a problem of any kind. The money belongs to every member and should be paid out that way, even tho some members would like to play around with it. A quarter of a million for attorneys fee etc.; gives birth to a good many ideas and I do not mean to imply that I have lost all faith in our countrymen. Even tho some of us old timers lived some pretty tough times I never heard the crying and wailing that we hear now, so why not authorize payment now, so long as they are pouring billions down rat holes and abandoned projects, for this is an honest debt.

Respectfully yours,

W. A. GAGNON.

UMATILLA, OREG., October 22, 1969.

HON. QUENTIN N. BURDICK,
Senate Interior and Insular Affairs, Indian Affairs Subcommittee, Senate Office Building, Washington, D.C.

DEAR SENATOR BURDICK: I understand that hearings are to be held on the house passed bill H.R. 9477. I feel that this bill is most constructive and will give immediate help to the majority of Indians of the Umatilla Indian Reservation.

Would you please use your good offices to see that this bill gets a speedy hearing and it is reported to the floor for passage as soon as possible. Thank you very much.

Sincerely yours,

M. L. PICARD.

WALLA WALLA, WASH.

Senator BURDICK,
Senate Interior and Insular Indian Affairs Subcommittee, Senate Office Building, Washington, D.C.:

As an enrollee of the Confederated Tribes I am for HR 9477 for full per capita payment and scholarship fund.

MARJORIE F. SYER.

THE DALLES, OREG.

Senator BURDICK,
Senate Interior and Insular Indian Affairs Subcommittee, Senate Office Building, Washington, D.C.:

Please support bill #4-9477 on Oct. 29.

JOHN E. KITTSON,
Member of Walla Walla Tribe.

PORTLAND, OREG.,
October 28, 1969.

Senator QUENTIN BURDICK,
Washington, D.C.:

I support bill measure #HR 9477.

DARYL GRIFFITH.

BOISE, IDAHO.

Senator BURDICK,
Senate Interior and Insular Affairs Committee, Indian Affairs Subcommittee,
Senate Office Building, Washington, D.C.:

As an enrolled member of the Umatilla Confederated Tribes and in agreement with majority I urge your favorable support of HR 9477 which calls for a 200,000 scholarship fund with the balance of the land settlement to be distributed on a per capita basis.

RUSSELL CARTER.

WALLA WALLA, WASH.,
 October 28, 1969.

Senator BURDICK,
Senate Office Building, Washington, D.C.:

We are for bill HR 9477.

Duane M. Duffy, Frank M. Morrisette, Frank U. Morrisette, Stella Sams, Gary Sams, Eddie Sams, Mrs. Roy Dorr, Mrs. Tom Martin, Mervin Duffy, Rosie Duffy, Ruth Breen, Mabel Waldron, Al Raineville, Sam Raineville, Casey Raineville.

COULEE DAM, WASH.,
 November 3, 1969.

Senator BURDICK,
Senate Interior and Insular Indian Affairs Subcommittee,
Senate Office Building, Washington, D.C.:

We recommend passage of Bill 9477 would be more favorable for all members of Umatilla Indian Reservation that the full payment be made.

CELESTINE M. FRIDLANDER,
Member of Umatilla Tribe.

PORTLAND, OREG.,
 October 28, 1969.

Senator BURDICK,
Senate Interior Indian Affairs Subcommittee,
Senate Office Building, Washington, D.C.:

Note for full capital payment HR 9477.

ALFRED S. GRIFFETH.

PORTLAND, OREG.,
 October 28, 1969.

Senator BURDICK,
Washington, D.C.:

Vote for full capital payment H.R. 9477.

DONNA LEE LINCOLN.

PORTLAND, OREG.,
 October 28, 1969.

Senator BURDICK,
Department of the Interior Insular and Indian Affairs Subcommittee, Senate
Office Building, Washington, D.C.:

Vote for full capital payment H.R. 9477.

ANNIE W. GRIFFITH.

PORTLAND, OREG.

Senator BURDICK,
Senate Interior Insular of Indian Affairs Subcommittee, Senate Office Building,
Washington, D.C.:

Vote for full capital payment H.R. 9477.

RACHELLE MARIE PARKER.

PORTLAND, OREG.,
 October 28, 1969.

Senator BURDICK,
Senate Office Building, Washington, D.C.:

Vote for full capital payment H.R. 9477.

LEO GRIFFITH, JR.

PORTLAND, OREG.,
October 28, 1969.

Senator BURDICK,
Washington, D.C.:

Vote full capital payment H. R. 9477.

DENAILLE BEASLEY.

PORTLAND, OREG.,
October 28, 1969.

Senator BURDICK,
Washington, D.C.:

Kenneth James Griffith is voting for full capital payment on H.R. 9477.

KENNETH JAMES GRIFFITH.

WASHOUGAL, WASH., October 26, 1969.

Hon. QUENTIN N. BURDICK,
Indian Affairs Subcommittee,
Senate Office Building,
Washington, D.C.

DEAR SIR: I'm writing in regards to the Land claim of the Confederate Tribes of the Umatilla Reservation of Oregon. I'm a member and think the Bill that the House of Representatives passed, No. H.R. 9477, is a good one.

The people need this very bad. Most of the people there are in very poor condition.

If they get the money they could fix up their homes and have a few things they need badly.

There are those of us who had to move away to make a living and send our Children to good Schools.

We are all entitled to our share of the Land Claim.

There are about thirteen hundred on the rolls, of which about four hundred live on the Reservation, Is why we need a cash payment, That way each would get their equal share.

There are about nine hundred living off the Reservation.

Trust you will get this through as soon as possible.

Sincerely,

BLANCHE B. SCHELL.

ADAMS, OREG.,
October 21, 1969.

INDIAN AFFAIRS SUBCOMMITTEE,
Senate Office Bldg.,
Washington, D.C.

DEAR SIR: I am asking you to support our bill no. H.R. 9477 the House passed. It is a good bill.

I am a member of the Confederate tribes of Umatilla, Oregon.

Yours truly,

ALBERT F. BROUILLARD.

YAKIMA, WASH.,
October 24, 1969.

Senator BURDICK.

DEAR SIR: As a member of the old Confederated Tribes of the Umatilla Indian Reservation.

I vote for the House passed Bill H.R. 9477.

To set aside Two Hundred Dollars for a Scholarship Fund.

I am a registered voter, 64 yrs. old.

Thanking you.

Sincerely,

ROSALINE CLARK BLIZARD.

ADAMS, OREG.,
October 27, 1969.

HON. HENRY M. JACKSON,
Chairman, Senate Interior Committee, Senate Office Building,
Washington, D.C.

DEAR SIR: I'm writing in regards to Bill H.R. 9477 concerning the Confederated Tribes of the Umatilla Indian Reservation and our judgment fund. I'm in favor of full distribution of funds to individual members of the Tribe.

Most of us are of low income and need money to keep our children in school, repair our homes, or acquire any other items to better our living conditions. Most of our people have had to move away from the Reservation to find employment to support their families, and they need their money now.

I am in favor of Bill H.R. 9477. I am asking for your consideration of this Bill.

Sincerely yours,

ANGELA (MCBEAN) PICARD-

ADAMS, OREG., October 28, 1969.

Senator HENRY M. JACKSON,
Chairman of the Senate Interior Committee,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JACKSON: I am a Walla Walla Indian and I am in favor of Bill No. H.R. 9477.

Because I am building me a new home on the reservation. I have eight kids and my wife is unable to work. This money would help me with my house.

ROBERT H. McBEAN, Sr.

ADAMS, OREG.,
October 27, 1969.

Senator JACKSON,
The Senate Office Building,
Washington, D.C.

DEAR SENATOR JACKSON: I would like to ask your help in getting Bill No. HR-9477 passed as there are many of the members of the Tribe who are in real need of this money to pay debts and help to improve their homes.

I do not own my home and have no future sight of owning one as I am in a low income Bracket and it take all I make to live on.

As a member of the Confederated Tribes of Umatillo Indian Reservation

I am seeking your help in this action we need this money.

Sincerely,

JOSEPH JOHN McBEAN, Jr.

ADAMS, OREG., October 25, 1969.

HON. QUENTIN N. BURDICK,
U.S. Senate,
Washington, D.C.

DEAR SIR: I am writing in regard to House Bill H.R. 9477. We need our full Per Capita payment. We will not benefit by all the things they say they want the money to build and we could use our money to do so much for ourselves.

Thank you.

EILEEN PICARD CLARK.

PORTLAND, OREG., October 24, 1968.

Senator BURDICK,
Senate Interior and Insular Affairs,
Indian Affairs Subcommittee,
Washington, D.C.

HONORABLE SIR: I am writing in regards to the bills for the disposition of the Indian Land Claims judgment, S. 1654, S. 2357, and H.R. 9477. When we voted this spring (1969) on the distribution of the land claims money, the board agreed to abide by whatever the people wanted.

The vote was almost unanimous to accept the per capita payment.

Since then the ones who owe money to the loan fund has found out this will have to be paid back out of there payment. This they do not wish to happen.

Very few if any of the tribal members have been informed of this \$680,000 they want for a project.

That likely will never be completed, and that only a few might ever benefit from. I for one never heard of this until I read it in the paper.

It is a known fact that the revenues derived from the reservation as the million or more dollars for the timber we received one payment of \$250.00 a piece.

There was the Celilo money we never received all of this, the money from both of these settlements was squandered, misspent, and much of it never accounted for.

The dissenters of the now pending disposition of the land claim money were in power at this time.

The tribal members off the reservation have derived no benefits from any of the so called "plans for the betterment of the Indians."

They are refused the loan fund, medical aid, dental care, education, etc.

If this Bill for \$680,000 passes it will be the same as before the money will be misspent.

Do you realize if this is passed it will terminate from 60 to 70 percent of the Indians for they will receive practically nothing, it has already been suggested to pay off the members at \$200 a piece.

It was my understanding this Bill for the \$2.45 for the land claim had been passed, we voted this spring to accept the per capita payment.

Now I read the Bill for the disposition of the money has not been passed and more is wanted to be taken out.

I do not want any amendments attached to H.R. 9477.

To sum this up: The tribal members off the reservation are a forgotten and unheard from majority, the few who live on the reservation derive all the benefits and a very few, in fact it is a "family affair" of many years standing that runs the reservation.

What has happened to the Celilo money? Where did the timber money go? What happened to our vote on the disposition of the land claim money? Why cannot anyone see the books? Why are they never audited and a report sent to the tribal members?

These are a few of the questions I would like some answers to. I for one won't agree to one cent more money for any "projects."

I say leave this bill as we voted, absolutely no amendments to H.R. 9477, and give us our money that is rightfully ours.

Thank you for any help you can give us.

Respectfully submitted,

JAMES D. SIMPSON.

BAKER, OREG., *October 29, 1969.*

HON. QUENTIN N. BURDICK,
Washington, D.C.

DEAR SIR: I am writing in regard to House Bill H.R. 9497. Would you please vote yes for full per capita payment for us. For those who are living off the Reservation do not benefit by anything on the reservation. They say we can take care of ourselves, but as you see we couldn't all live on the reservation for there isn't any work and we would have to live on welfare like most do.

Sincerely,

RUTH GROVER PERRY.

PENDLETON, OREG., *October 26, 1969.*

Senator JACKSON,
(or)
Senator BURDICK,
Washington, D.C.

DEAR SIRs: Writing in regard to House Bill No. 9477. About Judgment funds of the confederated tribes. Please vote to pay full per capita payment to us. For those of us who live off the reservation do not get any help from the reservation whatsoever. We cannot all live on the reservation one thing there isn't housing, there isn't jobs so therefore we moved off the reservation to work and support our family. I am a widow who has raised my family by cooking in a restaurant, still have 2 children left at home one in college and one in high school. They won't help me in anyway. No medicine to doctor to loans for school no dental work nothing simply because I live off the reservation and yet I live within about 3 miles of it. That is always their excuse I don't know what it would be if I lived on the reservation but they would find another one. There is just a certain group who get all the help they need and the rest of us do without. So therefore we would like to have our per capita payment. We have many uses for it. Thank you.

NORMA MINNICK HALL.

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