

74
. In 8/13

1040

9214
In 8/13
T 73/3
W 1/3/5

T 73/3 **FEDERAL LANDS IN TRUST FOR TRIBES
IN MINNESOTA AND WISCONSIN
LEGISLATIONS**

GOVERNMENT PRINTING OFFICE

Storage DEC 21 1971

LIBRARY
KANSAS STATE UNIVERSITY

HEARING

BEFORE THE

SUBCOMMITTEE ON INDIAN AFFAIRS

OF THE

COMMITTEE ON

INTERIOR AND INSULAR AFFAIRS

UNITED STATES SENATE

NINETY-SECOND CONGRESS

FIRST SESSION

ON

S. 1217

TO DECLARE THAT CERTAIN FEDERALLY OWNED LANDS
WITHIN THE WHITE EARTH RESERVATION, MINN., SHALL
BE HELD BY THE UNITED STATES IN TRUST FOR THE
MINNESOTA CHIPPEWA TRIBE

S. 1230

TO DECLARE THAT CERTAIN FEDERALLY OWNED LANDS
WITHIN THE STOCKBRIDGE-MUNSEE COMMUNITY, WIS.,
SHALL BE HELD BY THE UNITED STATES IN TRUST FOR
THE INDIANS IN THAT COMMUNITY

MARCH 26, 1971



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

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1971

68-674

Barcode with number 000970 706350 11600

77
J. L. B. 13
T. E. 13

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

HENRY M. JACKSON, Washington, *Chairman*

CLINTON P. ANDERSON, New Mexico
ALAN BIBLE, Nevada
FRANK CHURCH, Idaho
FRANK E. MOSS, Utah
QUENTIN N. BURDICK, North Dakota
GEORGE McGOVERN, South Dakota
LEE METCALF, Montana
MIKE GRAVEL, Alaska

GORDON ALLOTT, Colorado
LEN B. JORDAN, Idaho
PAUL J. FANNIN, Arizona
CLIFFORD P. HANSEN, Wyoming
MARK O. HATFIELD, Oregon
TED STEVENS, Alaska
HENRY BELLMON, Oklahoma

JERRY T. VERKLER, *Staff Director*
WILLIAM J. VAN NESS, *Chief Counsel*
FORREST J. GERARD, *Professional Staff Member*
CHARLES COOK, *Minority Counsel*

SUBCOMMITTEE ON INDIAN AFFAIRS

GEORGE McGOVERN, South Dakota, *Chairman*

HENRY M. JACKSON, Washington
CLINTON P. ANDERSON, New Mexico
QUENTIN N. BURDICK, North Dakota
LEE METCALF, Montana
MIKE GRAVEL, Alaska

PAUL J. FANNIN, Arizona
CLIFFORD P. HANSEN, Wyoming
TED STEVENS, Alaska
HENRY BELLMON, Oklahoma

(II)

CONTENTS

	Page
S. 1217.....	1
Department of Interior report.....	2
S. 1230.....	4
Department of Interior report.....	4

STATEMENTS

Bruce, Louis R., Commissioner of Indian Affairs, Department of the Interior, accompanied by Franklin G. Hutchinson, Assistant Chief, Bureau of Real Property Management Branch, Bureau of Indian Affairs; Herschel Sahmaunt, Legislative Specialist, Bureau of Indian Affairs; Robert Bruce, Legislative Counsel, Interior Department; and James Sansaver, Legislative Specialist.....	16
Coyhis, Aught, chairman, Stockbridge Munsee Tribal Council, accompanied by Roland "Bud" Davids, tribal councilman and youth coordinator; Felix Bruette, land committee chairman; Mrs. Bernice Miller, former councilman, enrollment committee chairman and director of arts and crafts; and Mrs. Thelma Putnam, former councilman treasurer and FSA committee member.....	31
Gross, Harold, attorney at law.....	45
Mondale, Hon. Walter F., a U.S. Senator from the State of Minnesota.....	15
Nelson, Hon. Gaylord, a U.S. Senator from the State of Wisconsin.....	13
Proxmire, Hon. William, a U.S. Senator from the State of Wisconsin.....	7
Sargent, Marvin, chairman, White Earth Tribal Council, accompanied by Simon Howard, president, Minnesota Chippewa Tribe, and John Buckanaga, White Earth Reservation.....	41

ADDITIONAL INFORMATION

"Our People—Past, Present, and Future," by Elmer L. Davids.....	40
---	----

APPENDIX

Background material requested by Senator Metcalf, supplied by Commissioner Bruce.....	55
Obey, Hon. David R., a U.S. Representative from the State of Wisconsin, statement.....	72

COZYNE 20

5462

STATEMENTS

[Faint, illegible text block containing multiple lines of text, possibly a list or series of statements.]

ADDITIONAL INFORMATION

[Faint, illegible text line.]

APPENDIX

[Faint, illegible text block containing multiple lines of text.]

FRIDAY, MARCH 26, 1971

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

The subcommittee met, pursuant to notice, at 10 a.m. in room 3110, New Senate Office Building, Senator Lee Metcalf, presiding.

Present: Senators Lee Metcalf (Montana), Clinton P. Anderson (New Mexico), Quentin N. Burdick (North Dakota), Ted Stevens (Alaska), and Paul J. Fannin (Arizona).

Also present: Jerry T. Verkler, staff director; Forrest J. Gerard, professional staff member; and Charles Cook, minority counsel.

Senator METCALF. The subcommittee will be in order.

This is an open hearing by the Subcommittee on Indian Affairs to receive testimony on two similar bills: S. 1217, to declare that certain federally owned submarginal lands within the White Earth Reservation, Minn., shall be held by the United States in trust for the Minnesota Chippewa Tribe; and S. 1230, to declare that certain federally owned submarginal lands shall be held by the United States in trust for the Stockbridge-Munsee Indian Community, Wisconsin.

The lands involved in both bills were acquired during the middle 1930's under title II of the National Industrial Recovery Act of June 16, 1933, and subsequent relief acts, as part of a program undertaken by the Federal Government for the benefit of Indians.

Both bills were transmitted to the Congress by executive communication from the Department of the Interior, with the approval of the Office of Management and Budget.

Without objection, the texts of S. 1217 and S. 1230, together with the executive communication accompanying each, will be inserted in the hearing record at this point.

(The documents follow:)

[S. 1217, 92d Cong. 1st Sess.]

A BILL To declare that certain federally owned lands within the White Earth Reservation shall be held by the United States in trust for the Minnesota Chippewa Tribe, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to valid existing rights, all of the right, title, and interest of the United States in the lands, and the improvements thereon, that were acquired under title II of the National Industry Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the Act of August 24, 1935 (49 Stat. 750, 781), and that are not administered by the Secretary of the Interior for the benefit of the Minnesota Chippewa Tribe, White Earth Reservation, are hereby declared to be held by the United States in trust for said tribe, and the lands shall be a part of the reservation heretofore established for the tribe.

SEC. 2. The Indians Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the beneficial interest conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 1, 1971.

HON. SPIRO T. AGNEW,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft of a proposed bill "To declare that certain federally owned lands within the White Earth Reservation shall be held by the United States in trust for the Minnesota Chippewa Tribe, and for other purposes."

We recommend that the bill be referred to the appropriate committee for consideration and that it be enacted.

This proposed bill transfers the beneficial interest to approximately 28,700 acres of federally owned submarginal land within the White Earth Reservation to the Minnesota Chippewa Tribe with the title to be held in trust by the United States. The bill also provides protection to any person who may have vested rights in the land. It further provides that the Indian Claims Commission will determine the extent to which the value of the beneficial interest conveyed should or should not be set off against any claim against the United States Government determined by the Commission.

These lands were originally tribally owned, but they were allotted under the allotment acts and subsequently passed from Indian ownership. They were acquired by the United States during the middle 1930's under Title II of the National Industrial Recovery Act (48 Stat. 200), and subsequent relief acts at a cost of \$175,664. The purchase of the submarginal land was but a small part of the submarginal land program undertaken by the Federal Government for the benefit of Indians.

In Circular No. 1, issued on June 7, 1934, by the Federal Emergency Relief Administration, to govern the acquisition of submarginal lands, it is stated that the land acquisition program of the Federal Government would be of three major types, the third type being "Demonstration Indian lands projects," which would include lands to be purchased primarily for the benefit of Indians. It was further stated that the objectives of the programs include "Improvements of the economic and social status of 'industrially stranded population groups', occupying essentially rural areas, including readjustment and rehabilitation of Indian population by acquisition of lands to enable them to make appropriate and constructively planned use of combined land areas in units suited to their needs." The circular set forth the following five types of demonstration Indian areas to be included in the program: (1) checkerboarded areas; (2) watershed or water control areas; (3) additional lands to supplement inadequate reservations; (4) lands for homeless Indian bands or communities now forming acute relief problems; and (5) lands needed for proper control of grazing areas.

In a memorandum of understanding between the Federal Resettlement Administration and the Office of Indian Affairs, approved by the Administrator of Resettlement Administration on October 19, 1936, it is stated that:

"Whereas, the lands being acquired under this program are situated almost entirely within the existing Indian Reservations to which they are intended for addition for the purpose of providing subsistence farm sites and consolidated grazing areas for the exclusive use of Indians; and

* * * * *

"2. Pending the transfer of the lands within these projects to the Office of Indian Affairs for permanent administration for the exclusive benefit of Indians, the Commissioner of Indian Affairs is hereby authorized to exercise, and hereby agrees to assume the responsibility for administration and maintenance of those projects, subjects to the following stipulations:

* * * * *

"4. Upon the consummation of its land acquisition program in connection with the projects listed in paragraph 1, the Resettlement Administration will recommend to the President that the lands within those projects be transferred to the Office of Indian Affairs for permanent administration for the exclusive benefit of Indians."

The records disclose a complete understanding between the Federal agencies involved in the acquisition and administration of submarginal lands on or near Indian reservations. It was that the lands were being selected for acquisition in connection with demonstration Indian projects; that they were needed by the Indians; that they would be utilized by the Indians in connection with the use

of Indian-owned lands; and that proper recommendations would be made at the appropriate time for the enactment of legislation to add these lands permanently to Indian reservations.

Jurisdiction over the White Earth submarginal land was transferred by Executive Order 7868, dated April 15, 1938, from the Department of Agriculture to the Department of the Interior for the benefit of the Indians, insofar as consistent with the conservation purposes for which the lands were acquired.

The full legal and equitable title to the lands is in the United States. The lands, technically, are not subject to the provisions of Title III of the Bankhead-Jones Farm Tenant Act of July 22, 1937 (50 Stat. 522) because they were transferred to the Department of the Interior about two months before most of the submarginal land projects were placed under the act. Nevertheless, that Act was intended to and did control all of the submarginal land projects under the jurisdiction of the Secretary of Agriculture on that date, that is June 9, 1938, including the Indian projects that were transferred to the Department of the Interior after that date. Under that Act the lands are to be used for a program of land conservation and land utilization broadly described to correct maladjustments in land use, control erosion, further reforestation, preserve natural resources, mitigate floods, prevent the impairment of dams and reservoirs, conserve surface and subsurface moisture, protect watersheds, and protect the public lands, health, safety, and welfare. The lands may be sold or donated to public agencies on condition that they be used for public purposes, or the lands may be transferred by the President to any Federal or State agency for administration in a manner that will further the land conservation and land utilization program authorized by the Act.

As neither Title III of the Bankhead-Jones Farm Tenant Act nor the original recovery and relief Acts under which the lands were acquired contemplate transfer of program lands to private owners, the lands in question have been administered by the Department of the Interior for more than 30 years for the dual purpose of conservation and benefit to the Indians. The fact that the lands are interspersed with 25,568 acres of Indian tribal lands and 1,993 acres of allotted lands, makes that form of administration the only practical method of accomplishing the conservation purpose for which the lands were acquired. The maladjustments in land use were, to a large extent, caused by the allotment of tribal lands and subsequent sales in relatively small acreages. These maladjustments have, for the most part, been corrected by integrating the administration of the submarginal lands with the remaining Indian tribal holdings. If the land is transferred to the tribe, such administration will, of course, be continued.

About 24,258 acres of the submarginal land are in 16 fairly solid blocks of adjoining tracts, located in two townships in Mahanomen County. The other 4,437 acres consist of 38 scattered tracts in four townships in Becker County which adjoins Mahanomen County. The 54 tracts range in size from 20 to 14,319 acres. Their present estimated fair market value based not only on increasing land values but primarily on increasing timber values and growth is \$745,500. This land is considered to be without value for minerals, either metalliferous or nonmetalliferous, although one permit has been issued for the removal of sand and gravel.

Improvements consist mainly of dwellings and farm buildings that were on the land when it was acquired by the Government. In addition, some improvements have been made on lakeshore lots by individuals who leased the lots from the Bureau of Indian Affairs under revocable permits.

Practically all of these submarginal lands are best suited to forestry production and should be managed with the tribal lands as a tribal unit. The cutting of timber on submarginal lands is presently limited to only that which is necessary to prevent the loss of fire-killed, wind-thrown or other damaged timber, and that which impairs productivity.

The Department has permitted the use of these lands by the tribe on a revocable permit basis. The tribe has in turn issued permits directly to individuals.

The White Earth Reservation Council, on December 2, 1961, adopted a provisional economic development plan which includes the use of submarginal and tribal lands. Tribal officers approved the plan on March 8, 1962. On August 13, 1962, this Department recommended to the Area Redevelopment Administration, Department of Commerce, the acceptance of the White Earth Overall Economic Development Program, which was subsequently approved by the Area Redevelopment Administration on September 8, 1962. Under this plan, one of the most urgent needs is for the White Earth Reservation to acquire title to the submarginal lands. In a letter addressed to the Commissioner of Indian Affairs, the Chairman of the Minnesota Chippewa Tribe stresses that the lands have not been developed to their highest potential because of the limitations of the revocable permits. The goals of the program are to provide employment for residents of the reservation

area; improve living standards with better housing, health and welfare facilities; full utilization of the natural resources; education and training of members to permit the earning of more adequate incomes; and cooperation with public agencies and individuals in economic development of the reservation area. The resources to be developed in accordance with this plan include cultivation of cranberry marshes, cultivation and harvesting of wild rice, mink farms, poultry raising, harvesting of maple syrup, dairying and agricultural pursuits and greater utilization of recreational resources. A Job Corps Center was developed on tribal land contiguous to the submarginal land. These improvements could be used as a nucleus for development of the submarginal land in conjunction with the tribal program. These uses are consistent with those recommended by the Minnesota Conservation Department and Mahanomen County Conservation Needs Committee. The White Earth Overall Economic Program will have many lasting benefits for the Indians of the White Earth Reservation, and the acquisition of these submarginal lands by the tribe is essential to the full realization of this program.

Because of the limitation on revocable permits, tribal plans for campground development, lakeshore leasing, access road construction, individual home construction, and industrial development are in effect prohibited with respect to the submarginal land, since the tribe is unable to encumber leaseholds of up to 25 years with an option to renew for a like period as they can do on tribal lands. Thus proper economic utilization of the submarginal land is being stifled because industry cannot construct the improvements necessary to make full use of the property.

For these reasons, it is urged that these lands be donated in trust to the tribe by the enactment of this legislation. The Minnesota Chippewa Tribe, by Resolution No. 50-67 dated January 13, 1967, has urged that this be accomplished.

The Office of Management and Budget has advised there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary of the Interior.

[S. 1230, 92d Cong. 1st Sess.]

A BILL To declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge-Munsee Indian Community, Wisconsin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to valid existing rights, all the right, title, and interest of the United States in the submarginal lands and federally owned improvements thereon, which are identified below, are hereby declared to be held by the United States in trust for the Stockbridge Munsee Indian Community, and the lands shall be a part of the reservation heretofore established for this community: Stockbridge Project LI-WI-11 Shawano County, Wisconsin, comprising thirteen thousand and seventy-seven acres, more or less, acquired by the United States under title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the Act of August 24, 1935 (49 Stat. 750, 781), administrative jurisdiction over which was transferred from the Secretary of Agriculture to the Secretary of the Interior by Executive Order 7868 dated April 15, 1938, for the benefit of the Stockbridge Munsee Indian Community.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the beneficial interest conveyed by this Act should not be set off against any claim against the United States determined by the Commission.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 1, 1971.

HON. SPIRO T. AGNEW,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft of a proposed bill "To declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge Munsee Community, Wisconsin."

We recommend that the bill be referred to the appropriate committee for consideration and that it be enacted.

This proposal transfers 13,077 acres of federally owned submarginal land to the Stockbridge Munsee Indian Community with the title to be held in trust by the United States. It also provides protection to any person who may have vested rights in the land. It further provides that the Indian Claims Commission will determine the extent to which the value of the beneficial interest conveyed should or should not be set off against any claim against the United States Government determined by the Commission.

These lands were acquired during the middle 1930's under Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), and subsequent relief acts, at a cost of \$69,546, or an average cost of \$5.32 per acre. The facts leading up to their purchase are briefly these.

The Indians of the Stockbridge-Munsee Community were moved to their present location in 1856. Reservation lands were allotted, and in 1909 the Indians received patents in fee for their allotments. By the middle 1930's little more than 100 acres remained in Indian ownership. The lands, for the most part, were subject to delinquent taxes and foreclosure. The Resettlement Administration accepted options and approved the purchase of 13,077 acres of submarginal land within the former reservation before the program was closed. Certain tracts within this area were not submarginal in character and could not be purchased under the submarginal program, but could be and were purchased under the authority of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984). All plans submitted for purchases under authority of the Indian Reorganization Act took into consideration the desirability of purchasing, insofar as possible, desirable tracts of land which would effect a more complete blocking of the submarginal lands. In fact the Resettlement Administration handled this phase of the work for the Bureau of Indian Affairs and recommended the purchase of some 3,000 acres in order to block out the entire area. With the funds available at that time, purchases of 1,249.86 acres were completed and a reservation was proclaimed on March 19, 1937, for the use and benefit of the Stockbridge and Munsee Band of Mohican Indians of Wisconsin. Subsequent funds made available under authority of the Indian Reorganization Act enabled the Bureau of Indian Affairs to purchase an additional 1,000 acres of land for these Indians.

The purchase of the submarginal lands was but a small part of the submarginal land program undertaken by the Federal Government for the benefit of Indians. In Circular No. 1, issued on June 7, 1934, by the Federal Emergency Relief Administration, to govern the acquisition of submarginal lands, it was stated that the land acquisition program of the Federal Government would be of three major types, the third type being "Demonstration Indian lands projects," which would include lands to be purchased primarily for the benefit of Indians. It was further stated that the objectives of the program include "Improvement of the economic and social status of 'industrially stranded population groups', occupying essentially rural areas, including readjustment and rehabilitation of Indian population by acquisition of land to enable them to make appropriate and constructively planned use of combined land areas in units suited to their needs." The circular set forth the following five types of demonstration Indian areas to be included in the program: (1) checkerboarded areas, (2) watershed or water control areas, (3) additional lands to supplement inadequate reservations, (4) lands for homeless Indian bands or communities now forming acute relief problems, and (5) lands needed for proper control of grazing areas.

In a memorandum of understanding between the Federal Resettlement Administration and the Office of Indian Affairs, approved by the Administrator of Resettlement Administration on October 19, 1936, it is stated that:

"Whereas, the lands being acquired under this program are situated almost entirely within existing Indian Reservations to which they are intended for addition for the purpose of providing subsistence farm sites and consolidated grazing areas for the exclusive use of Indians; and

* * * * *

"2. Pending the transfer of the lands within those projects to the Office of Indian Affairs for permanent administration for the exclusive benefit of Indians, the Commissioner of Indian Affairs is hereby authorized to exercise, and hereby agrees to assume the responsibility for exercising, temporary supervision over the administration and maintenance of those projects, subject to the following stipulations:

* * * * *

"4. Upon the consummation of its land acquisition program in connection with the projects listed in paragraph 1, the Resettlement Administration will recommend to the President that the lands within those projects be transferred to the Office of Indian Affairs for permanent administration for the exclusive benefit of Indians."

The records disclose a complete understanding between the Federal Agencies involved in the acquisition and administration of submarginal lands on or near Indian reservations. It was that the lands were being selected for acquisition in connection with demonstration Indian projects; that they were needed by the Indians; that they would be utilized by the Indians in connection with the use of Indian-owned lands; and that proper recommendations would be made at the appropriate time for the enactment of legislation to add these lands permanently to Indian reservations.

Jurisdiction over the Stockbridge Munsee submarginal lands was transferred by Executive Order 7868, dated April 15, 1938, from the Department of Agriculture to the Department of the Interior for the use and benefit of these Indians, insofar as consistent with the conservation purposes for which the lands were acquired.

The full legal and equitable title to the lands is in the United States. Technically they are not subject to the provisions of Title III of the Bankhead-Jones Farm Tenant Act of July 22, 1937 (50 Stat. 522), because they were transferred to the Department of the Interior about two months before most of the submarginal land projects were placed under the Act. Nevertheless, that Act was intended to and did control all of the submarginal land projects under the jurisdiction of the Secretary of Agriculture on June 9, 1938, including Indian projects that were transferred to the Department of the Interior after that date. Under Title III submarginal lands could be sold or donated to public agencies on condition that they be used for public purposes, or the lands could be transferred by the President to any Federal or State agency for administration in a manner that would further the land conservation and land utilization program authorized by the act.

As neither Title III of the Bankhead-Jones Farm Tenant Act nor the original recovery or relief acts under which the lands were acquired, contemplate the transfer of program lands to private owners, the lands in question have been administered by the Department of the Interior for more than 30 years for the dual purpose of conservation and benefit to the Indians.

The vegetative cover of the submarginal lands is 70 percent second growth hardwoods with scattered areas of coniferous reproduction. The remainder is agricultural in character except for some brush and swamp areas. The reservation lands are contiguous to submarginal lands and the Indians have been effectively utilizing both tribal and submarginal lands. There is no known mineral value, and no indication that minerals are being given much consideration in the sale and exchange of lands in and adjacent to the reservation, other than deposits of gravel and rock at locations strategic to road construction.

Based on records in this Office and on the assumption that these lands would be operated in conjunction with present tribal lands for timber management, recreation, residential and farming purposes, their value is estimated at \$355,000 or about \$42.50 per acre. These lands are without value for minerals, either metalliferous or nonmetalliferous.

There are 152 Indians residing on submarginal land and 92 Indians living on tribal land. The Indians occupying homesites on both the Community and submarginal lands were given assignments by the Community Council for this purpose. Assignments on the submarginal land provide for the right of inheritance, and, under stipulated conditions, for the removal of buildings added while the lands are held under assignment. There are approximately 30 families comprising 125 individuals living within four miles of the tribal and submarginal lands. Some of these families would like to obtain individual homesites on the submarginal land if it is given to the Community.

To date forty residences have been placed on the submarginal land. Twenty-seven of these are used year round, but only slightly more than half of them are in good condition. Thirty-five residences are located on tribal land, eighteen of which are of stone construction. In addition to these residences, the Mohican Housing Authority has constructed twenty low-rent units on tribal land. Also, efforts are being made to program twenty mutual-help units for the Stockbridge Munsee Indians.

The average annual family income of the residents on the submarginal lands is \$4,000 compared to \$3,500 for families living on tribal land. This income is substantially lower than the average annual family income for the State of Wisconsin, which is over \$6,000. Most of the adult Indians living on the tribal and submarginal lands are employed. Several are retired on Social Security or Veterans' Administration pensions. There is some supplementary income obtained through aid to dependent children, old age assistance, and disability aid. A few of the Indians depend upon seasonal employment for their livelihood.

The Bureau of Indian Affairs has worked with the Indians on their summary development program which has resulted in the Stockbridge Munsee Arts and Crafts Shop being opened in January 1964; a forest management program that was approved in November 1963; low rent and mutual self-help housing programs; the black topping of reservation roads; as well as expansion of employment assistance services and education programs. Other programs that have been proposed but are only in the preliminary stages involve recreational development; construction of truck trails for fire protection; the proposed consolidation of the land base including submarginal lands; a maple syrup project; and the Red River development dam and fish hatchery project.

As was originally contemplated, it is our view that the most logical use of this submarginal land is in conjunction with the tribal land. Conversely, proper planning and development of the tribal land is dependent upon the submarginal land, and the planning that has taken place heretofore has been on the basis of the integrated use of submarginal and tribal lands. In view of the Indian improvements that have already been placed on this land, and the many advantages that the Stockbridge Munsee Community will derive from this transfer of the submarginal land to it, we urge that these lands be held in trust for the Community.

The Office of Management and Budget has advised there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary of the Interior.

Senator METCALF. We are delighted to have as the first witness this morning our colleague from Wisconsin, the Honorable William Proxmire.

Senator Proxmire, a few years ago I took it upon myself, when I was a Member of the House, to look into some of the origins of some of this submarginal land. I did not get over to Wisconsin, but that was a real freewheeling and swinging organization in those days, when they were going around and acquiring this land, and I compliment you and the Interior Department for your leadership in trying to straighten out some of these titles and return this land in legal title for the benefit it was purchased, and the Federal Government has really been a trustee for this land ever since.

You have a prepared statement. Go right ahead.

STATEMENT OF HON. WILLIAM PROXMIRE, A SENATOR FROM THE STATE OF WISCONSIN

Senator PROXMIRE. Thank you very much, Mr. Chairman, and Senator Stevens.

I appreciate the opportunity to testify in favor of the Jackson-Allott bill, S. 1230, to transfer 13,077 acres of FSA submarginal lands in trust to the Stockbridge-Munsee Indians. Twice over the past 10 years, I have introduced similar legislation to accomplish this transfer. In fact, I am currently cosponsoring a proposal introduced by my Wisconsin colleague, Senator Nelson, to bring about this land transfer.

The Stockbridge-Munsee Community has developed an extensive plan for use of this land. It is essential for their plan that this land be

transferred in trust to the tribe, so they may have the security of knowing the land and improvements on it will remain in their hands. Such a transfer will also permit the tribes to operate and manage these improvements economically and efficiently, and of course that is exactly what this bill would do.

The Federal Emergency Relief Administration (FERA), back in the early 1930's, was authorized to spend funds for the acquisition of submarginal land for use in Demonstration Indian Lands projects including the submarginal land under consideration today.

A memorandum dated July 16, 1934, to Hon. Harold L. Ickes, Secretary of the Interior from John S. Lansill, Director of the Land program, concerning submarginal land purchases reads, "These lands include projects in which land to be purchased is to be used primarily for the benefit of the Indians under the jurisdiction of the Bureau of Indian Affairs."

In January of 1935, a statement of policy regarding acquisition of land for Indian use was issued, this statement reiterated that it was "desirable to acquire lands for Indian use which will improve their economy and welfare, and lessen relief costs * * *"

These pronouncements make it clear that this land was intended for the use of the Indians. The question then is, "How can the Indians best make use of this land?"

It is my view, as well as that of the tribe and the Interior Department, that this can best be done by transferring this land in trust to the Stockbridge-Munsee Indians.

This Stockbridge-Munsee submarginal land currently is much more important to the well-being of the tribe than the tribal land. For example, there are 152 Indians residing on submarginal land while 92 live on tribal land. According to the Interior Department, approximately 40 homes have been built on submarginal land. During fiscal year 1969, \$17,010 was realized from the sale of submarginal land timber compared with a mere \$60 from the sale of tribal land timber.

Finally, the average family income of the submarginal land residents is \$4,000 compared to \$3,500 for the tribal land families.

The fact that the Stockbridge-Munsee tribe depends heavily on this submarginal land, which covers almost six times as much acreage as the tribal land, makes it clear that these two tracts must be coordinated, planned, and developed under the same management. In fact, the development and real estate plan submitted by the Stockbridge-Munsee Indians are based on the assumption and hope of receiving these 13,077 acres in trust.

According to the real estate planning report of the Stockbridge-Munsee Reservation, the development of lands (submarginal as well as tribal) is dependent upon getting the lands under one ownership for efficient management purposes.

This plan includes the creation of a five site commercial development, the cultivation of acreage for farming, and the establishment of a community recreation area which would include swimming and wading facilities as well as a unique recreational area to be developed commercially to benefit the tribe. The report goes on to say "the development of the recreation area could be after land ownership is consolidated in the areas involved."

This report concludes that:

There is sufficient acreage, considering the tribal, FSA land and the private lands within strategic areas for a commercial recreation center and to provide for the present and anticipated future needs of the Indian people for year-around and seasonal homesites. Also, timber production . . . is a compatible use.

It is important to note that one of the objections frequently interposed to tribal acquisitions of submarginal land is that the mineral value of the land is extremely high. This is not true of the land under consideration today. As the Real Estate Planning Report makes clear, there are no known mineral leases on either submarginal or reservation land.

The only minerals of any value are a few gravel and sand deposits scattered throughout the reservation and submarginal lands. A GAO report also came to this conclusion. Thus, neither the State nor the Federal Government stands to lose substantial mineral values by this transfer.

Now there is one section of this bill on which I have reservations, and which differs from the bill that Senator Nelson and I have sponsored. Section 2 of S. 1230 is a matter of concern. This section of the bill instructs the Indian Claims Commission to make a decision on whether or not to offset the land transfer against claims by the Stockbridge tribe against the Federal Government. Such a decision should be made by the Congress, not the Indian Claims Commission. In fact, I hope that this Subcommittee will decide to instruct the Claims Commission to ignore any transfer of submarginal lands to the Stockbridge-Munsee Indians in settling any outstanding claims made against our Government by the Stockbridge-Munsee tribe either individually or collectively.

I have taken this position after viewing the purpose of this transfer, the economic situation of the Indians involved and the general background of claims before the Commission. This proposed land transfer has nothing to do with the claims made by the Stockbridge-Munsee tribe against the Federal Government. These claims should be settled on their merits.

The economic condition of the Stockbridge-Munsee tribe is such that a cash award from the Claims Commission might enable the tribe to make better use of the submarginal land were it to be transferred to them. I hope you will bear these thoughts in mind when considering section 2 of this bill.

Finally, I would like to call the Subcommittee's attention to the time and effort that the Stockbridge-Munsee Indians and in particular Mr. Aught Coyhis, the tribal chairman, who is in the room today, have put into developing a program justifying the transfer of these submarginal lands to their tribe.

I also am pleased to note the positive stand taken by the Bureau of Indian Affairs and the Department of the Interior with regard to this proposal.

Senator METCALF. Thank you, Senator.

Thank you for a very carefully considered and eloquent statement, and be assured that the subcommittee will take into careful consideration your admonition on whether or not there should be an offset against the Indian Claims Commission.

Senator Anderson.

Senator ANDERSON. Why should there not be an offset?

Senator PROXMIRE. Why should there not be an offset?

Senator ANDERSON. Yes.

Senator PROXMIRE. This transfer, it seems to me, is to the benefit not only of the Indians but to the benefit of the entire area.

You have a situation now, Senator Anderson, where the Indians live—some of the Indians, less than half the Indians—live off tribal lands, which are surrounded and interrupted by these so-called submarginal lands, and the submarginal lands, ever since, for 30 years, have been for the Indian benefit, have been used for the Indians' benefit, and that was their purpose.

This transfer is simply a way of giving the Indians assurance that they can make long-range plans, coordinate the entire area, consolidate the lands together, and see that they can be used for the most useful economic purpose.

Now, I think any claims that they may have are aside and apart from the use of these lands, which, as I say, have been used for many years by them, and in which they have almost twice as many families living in the submarginal lands now as they have on the tribal lands. So I would think it would not be fair to these Indians, whose incomes, compared to the incomes of other people in our State, are very low, and compared to the incomes of people in our country, to provide that this transfer, which is effected for the purpose of a more logical, coherent economic progress, should be used to offset any claims they may have.

Senator ANDERSON. Would that continue to other areas?

Senator PROXMIRE. Well, I think if you have another instance like this, I would certainly say that you ought to apply the same principle.

Senator ANDERSON. Practically every land could be included in this way.

Senator PROXMIRE. No, I think that if you have a situation where you have land on which the Indians have not had dedicated and devoted for many years to the tribe, and which the tribes do not reside on, but which is adjoining and the Federal Government gives it to the tribe, then I think conceivably you would have quite a different kind of a situation, under those circumstances. I think you might very well say that an offset should be considered. But this is quite different.

Senator METCALF. Would you yield?

Senator ANDERSON. Yes.

Senator METCALF. Senator Proxmire, the difference is that during the depression era, the Federal Government went out and bought, in order to preserve and save from destruction, both this so-called submarginal land. Sometimes they bought it and turned it over to the States. Sometimes they bought it and rented it back to individuals.

And then they had these various programs, Florida, Wisconsin, Montana, New Mexico, where they bought some of this submarginal land for the benefit and held in trust for the Indians.

Now, this is not land that was taken, and there may be some merit in Senator Anderson's contention that this is land that the Federal Government purchased for the Indians, and it should be offset against some claims pending before the Indian Claims Commission, where we are trying to compensate them for previous land takings.

Senator PROXMIRE. Well, I think that Senator Anderson's point would be absolutely right under those circumstances.

Senator METCALF. Well, these are the circumstances—

Senator PROXMIRE. You see, what I am concerned about—

Senator METCALF (continuing). Under conditions which this submarginal land was purchased.

Senator PROXMIRE. Yes, I understand that. What I am saying, however, it depends on what the claims of the Indians might be. If you argue that this should be offset against a land claim by the Indians of some kind, I think that you would have a much better case.

Senator METCALF. I don't know the case for the Indians' claims before the Indian Claims Commission on the Chippewas and so forth.

Senator PROXMIRE. I don't either.

Mr. VERKLER. They are all land claims.

Senator METCALF. Well, I think under the statute they would all be land claims. Maybe the land that was taken comprises some of this land. Maybe it does not. It would seem to me that would be up to the Indian Claims Commission, within its competence rather than in the competence of a congressional committee.

Senator PROXMIRE. Well, the reason I am making this plea is because I do think that the injustice to the Stockbridge Munsee, that this transfer, which the Jackson-Allott bill provides, is a very constructive one, will enable them to make much better use of the lands which they occupy, anyway, and which is for their purpose, anyway, but this gives them assurance that they will have it with the continuity on which they can base economic plans.

For that reason, and because of their economic plight, it seems to me that it would be reasonable, at least, for this committee to give consideration to the appeal that I make, and that Senator Nelson had in his bill, which would provide that the committee might consider instructing the Claims Commission not to regard this as an offset.

Senator METCALF. Well, certainly the committee will consider it and go into it in depth.

Senator PROXMIRE. You have a very good point. I must say I had not had a chance to think it through. You may well be right.

But I would say, in view of what I have seen of the Stockbridge Munsee situation in our State, their needs, and their real desire to do this in a constructive way, this will benefit our State and benefit the whole surrounding area. I would hope that that would be considered as a transfer for that purpose, not as a transfer for the purpose of offsetting claims.

Senator METCALF. When the Commissioner of the Bureau comes on, I will try to make the record clear to ascertain all these various implications as to how much land has been charged, and how much the income has been, and so forth, so that we will at least have some background and some knowledge about historical development of these claims on these submarginal lands, as against the claims that are pending before the Indian Claims Commission.

Senator PROXMIRE. Yes, I think that is most desirable. I don't have it. I wish I could enlighten you on that.

Senator METCALF. I don't expect you to have it. I would not have had it if I had been in your place to testify. I hope that Commissioner Bruce does that.

Any more?

Senator ANDERSON. I am just trying to find out, and these places do have their own problems, as you see in the Blue Lake bill. There is a way of handling it.

I know you have been serving people, and you have served them well, but we have so many problems.

Senator PROXMIRE. Well, I understand that very well.

I hope that the record further witnesses can establish, there may be a clear-cut difference, and a reason for what I am asking for here.

Senator METCALF. Senator Stevens.

Senator STEVENS. Well, I hope that the Bureau will be able to give us a little bit of background. My memory is that these lands were turned over for Indian and non-Indian people alike, without cost, at the time.

I think you have got a real point, because I think this bill ought to confirm what was done back in the 1930's, and should not cost them money now. If the non-Indian beneficiaries of that program did not pay for the land, I don't see any reason why there should be an offset today. I think that is the point.

Did the non-Indian beneficiaries pay for the land that was acquired under the 1933 act? I think they did. So I think if we can get that information that we would have justification for what you want to do.

Senator METCALF. Senator Nelson?

Senator PROXMIRE. Thank you very much, Senator Stevens. I think that is most helpful, and I would hope the testimony you have will develop that.

Senator METCALF. I will say, Senator Nelson and Senator Proxmire, I have gone into acquisition of submarginal lands in the State of Montana during that year with Secretary of Interior Ickes, and they were operating under very vague and nebulous sort of authorizations.

And people were out there buying land on the one hand, allegedly for the benefit of the Indian community such as Fort Peck community up in northeastern Montana, and at the same time others were buying submarginal lands under various other titles of the bill.

And I can remember, since the first year I was in Congress, when Congressman Haley restored the submarginal lands in Florida to the Seminole Indians, we had some of these problems before this committee every year, and as you point out, and as Senator Stevens points out, we will have to send somebody down to our tribes, and to dig out some of the basic authorizations. I hope that the Bureau of Indian Affairs will be prepared to testify to it, because it was different, and as I say, we had an emergency situation, Senator, and they were foreclosing on land all over the northern part of the United States.

Farm Parity Association was dumping milk and burning wheat and so forth, and we had to do something to protect and preserve the land base of America, and one of the things, of course, was to provide for the purchase of land for the benefit of the various Indian tribes in areas where it was adjacent.

Now, in the State of Montana the Federal Government has maintained ownership and control and has continued to lease this land to the Indians, and they regard it as part of their reservation, but it is still in control of the Federal Government.

I don't know what actual legal title is here, and I hope that Mr. Bruce will be prepared to make a record for us.

Do you have something, Senator Nelson?

Senator NELSON. I have another appointment, so I just wanted to endorse what Senator Proxmire has said. The Stockbridge-Munsee bill has been here for a matter of 6 or 8 years before the committee, and Senator Proxmire introduced it, and I cosponsored it. I think it

has been pending about 8 years, and I hope we would be able to settle it.

I would like to submit my statement for the record. I think Senator Proxmire has covered the subject adequately.

Thank you.

(Senator Nelson's formal statement follows:)

STATEMENT OF HON. GAYLORD NELSON, A U.S. SENATOR FROM THE STATE OF WISCONSIN

On February 10 of this year I re-introduced S. 722, a bill to place in trust status 13,077 acres of land for the Stockbridge-Munsee community of Wisconsin. I have sponsored the same bill as early as 1963, and I am pleased that the concept of this bill now is before this committee.

The Administration's bill, S. 1230, accomplishes essentially the same objective that my bill would accomplish—to return the lands to the Stockbridge-Munsee community according to policy established in the mid-1930's when the lands were acquired by the Federal Government. Clearly, the time is long overdue to honor the commitment made then to the Indian people of this community, to help them restore their homes and their culture.

Involved are the so-called FSA lands, a title designation referring to the now-defunct Farm Security Administration. The original objectives of the acquisition of the FSA land was the retirement from farming of unprofitable, badly-eroded, thinly-soiled and exhausted land and the removal of the occupants to other more promising areas where they could be rehabilitated and thus taken off the relief rolls. It should be pointed out that the occupants of FSA lands in Wisconsin and elsewhere were, with minor exceptions, non-Indian.

Under a memorandum of understanding executed by the Resettlement Administration, which was charged with the land purchases, the lands were to be managed for the "exclusive benefit of the Indians." It is this official commitment which has never been honored because Congress has failed repeatedly to enact legislation to deliver these lands to the tribes.

Congress already has demonstrated that it recognizes the commitment to make FSA land a part of the Indian reservations involved. Legislation already has been enacted transferring to the Seminole Indians of Florida and to the Pueblos and other groups in New Mexico the lands that were purchased under the same government program, and for the same purposes, as for Stockbridge-Munsee.

Clearly, the policy has been recognized and the precedent has been established. It is now time for Congress to act.

The case of Stockbridge-Munsee is somewhat unusual. The people of this community were landless when they were moved to Wisconsin. They have struggled against unimaginable odds to save their culture and their community from total assimilation. Today, only 2,250 acres of land are part of the reservation. FSA lands total 13,077 acres within the reservation boundaries, or more than 85 percent of the total reservation area. This land is needed to restore the community and to allow the Stockbridge-Munsee people to put their development plan to work so that the economic position of the Band can be substantially improved. Housing is a critical need, and development of various commercial enterprises could provide employment for the many persons in the community. Passage of this legislation would allow home construction and job opportunity plans to proceed. Further, it would encourage those who have left the community to return to their people and their culture.

I cannot emphasize enough the importance of placing these lands in trust status. The lands issue is the most important issue to the Stockbridge-Munsee community, and it should be the most important to the committee.

There is another issue in this matter that also should be considered by the committee. Section 2 of S. 1230, a section which does not appear in S. 722, provides that the lands, if granted trust status, could be set off by Indian Claims Commission against any claims that might be filed. I understand that the affected FSA lands are not within claim settlement boundaries, and I join the Stockbridge-Munsee community in questioning the need for Section 2. Certainly, the case could be made that the federal government owes the Stockbridge-Munsee tribe at least \$22,737.12.

When the FSA lands were acquired with emergency relief funds "for the exclusive benefit of the Indians," the Government paid \$69,546. Since then, the Govern-

ment has collected a total of \$92,263.12 in stumpage fees, gravel mining permits, and land rentals on the FSA lands. Had the Federal Government turned the land over to the Stockbridge-Munsee people according to the agreement executed in the 1930's, the tribe would have collected the full \$92,263.12, and perhaps a good deal more through its own enterprise.

The Stockbridge-Munsee people apparently do not consider the money issue to be crucial. But in fairness to the tribe, which has labored long and hard for land that it was to have long ago, and because its necessity is questionable, section 2 should be deleted from S. 1230.

There is one other point I would like to make before this committee. Along with introduction of S. 722, I introduced bills to grant trust status to FSA lands on the Bad River Band near Ashland, Wis. (S. 723) and to the Lac Courte Orielles Band near Hawyard, Wis. (S. 724). There are about 13,000 acres of FSA lands involved on both reservations. Technically, the FSA lands issue is identical with the three reservations.

I urge the committee to consider early action on S. 723 and S. 724.

Thank you very much.

Senator METCALF. Thank you very much, sir.

Senator ANDERSON. Many years ago, the State of New Mexico was given school sections. Those school sections were part of their inheritance, and by action we bought them out. These lands were transferred, sold to the Federal Government, and never have belonged to the Indians at any time. They were sold; that is what the Indians were given.

I just wondered if you would make some distinction between what the school sections were, and the Indians, have they got these lands, when the Indians had not held them? I think that is important.

I think you are doing a fine job in the Senate, and I am highly satisfied with it, but what should be done about these lands which never were the property of the schools, but had to come from other operations?

Senator METCALF. Senator, I don't believe that the school sections were ever involved in the purchase of the submarginal lands. I just don't know what the constitution of the State of Wisconsin provides. In the State of Montana, we would not have been able to alienate those school sections at any time, so that there would only have been a lease as far as the State is concerned.

What about the State of New Mexico?

Senator ANDERSON. The school sections never had Indian title put in the bill.

Senator PROXMIRE. We were part of the Northwest Territory, and those school sections, I take it—I think Senator Anderson again has got a very good point. I think the school sections may very well have been involved. I don't know. But it would be surprising if they were not, because you have every quarter section a school section.

Senator ANDERSON. That is right.

Senator PROXMIRE. And this may well be a consideration.

Well, Mr. Chairman, I want to thank you very much. I do think that subsequent witnesses will be able to clarify the points that committee members have made.

I think Senator Stevens' point is an excellent point, and I think it is a stronger point, perhaps, than I have, which has been developed so far in support of our position. After all, Indians ought to be treated equal with others, and I think the precedent may well show that this land was given to others, and it was given, really, to the Indians, but it was held in legally different status.

Now it is being transferred so they can have more basis for economic planning, and, therefore, they should not be required to offset from the claims land.

Senator ANDERSON. When did you introduce your bill?

Senator PROXMIRE. This bill was — Gaylor did, this is the Nelson bill. Mine was in 1961 and 1963. I think Senator Nelson introduced his bill February 10 of this year. The Jackson Allott bill, I am not sure when that was.

Senator METCALF. These two bills, however, as I understand it, are administration bills, set up as a result of Executive communication, and have been introduced at the request of the Bureau of Indian Affairs and the Department of Interior.

Mr. VERKLER. That is correct.

Senator PROXMIRE. Thank you very much.

Senator METCALF. Senator, thank you.

We have a statement from Senator Mondale, in support of this legislation, and Senator Mondale had intended to testify in person. He was unable to be here this morning, and unless there is objection, Senator Mondale's statement will be incorporated in the record at this point.

(Senator Mondale's statement follows:)

STATEMENT OF HON. WALTER F. MONDALE, A U.S. SENATOR FROM THE STATE OF MINNESOTA

Mr. Chairman: I am happy to state my strong support for legislation to restore some 28,700 acres to the Minnesota Chippewa Tribe, White Earth Reservation.

I first introduced this legislation to restore these lands on May 23, 1967. I am therefore gratified that the distinguished Chairman of the Interior Committee has called these hearings.

The lands involved are submarginal and wholly within the bounds of the reservation. These lands were originally owned by the Minnesota Chippewa Tribe. Unfortunately, they were allotted under the allotment act and subsequently passed from Indian ownership.

They were purchased by the Federal Government during the mid-1930's under Title II of the National Industrial Recovery Act. The Government acquired the lands at a cost of \$175,664. When similar legislation was introduced in 1963, their market value was placed at \$474,000 by appropriate government agencies.

The object of the government's purchase was to retire these lands from private ownership and to correct maladjustments in land use. But the expectation that they would be made available for tribal use was not fulfilled.

Similar legislation to restore such lands has been enacted on behalf of several tribes, including the Seminoles of Florida and the Pueblos in New Mexico.

I hope, Mr. Chairman, that the Congress does not delay in this restoration. It is vital to the Minnesota Chippewas in permitting them to carry out Reservation development schemes that have been planned since 1961.

The White Earth Reservation Council adopted a provisional economic development plan on December 2, 1961, which includes the use of these lands. The plan was approved by tribal officers in March of 1962. In August of that year, the Interior Department recommended acceptance of this plan.

The goals of this development program add up to solid progress. It will provide employment for reservation residents. It will improve living standards with better housing, health, and welfare facilities. And it will offer full utilization of natural resources and the chance for cooperation with public agencies and individuals in overall economic development of the reservation area.

Many of these goals have been hindered under the present federal ownership of the land by the limitations imposed by revocable permits. One of the most urgent needs of the plan is that the White Earth Reservation acquire title to these submarginal lands.

I would ask the Committee to consider also the question of the income which the federal government has received from the lands over the years. This amount,

\$175,000, is not large, but its refund to the tribe as a part of this legislation would assist the development program.

This measure has been approved by the Federal agencies concerned.

Its importance to the Chippewas of Minnesota is clear.

I urge the Committee to report this legislation favorably. With its passage, the Congress can meet one more long-overdue responsibility to help our Indian citizens help themselves.

Senator METCALF. Mr. Commissioner, we are glad to have you again before the subcommittee to tell us why you sent us this bill, what your recommendations are, and give us some of the background.

STATEMENT OF HON. LOUIS R. BRUCE, COMMISSIONER OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY FRANKLIN G. HUTCHINSON, ASSISTANT CHIEF, BUREAU OF REAL PROPERTY MANAGEMENT BRANCH, BUREAU OF INDIAN AFFAIRS; HERSCHEL SAHMAUNT, LEGISLATIVE SPECIALIST, BUREAU OF INDIAN AFFAIRS; ROBERT BRUCE, LEGISLATIVE COUNSEL, INTERIOR DEPARTMENT; AND JAMES SANSAVER, LEGISLATIVE SPECIALIST

Commissioner BRUCE. Mr. Chairman, members of the subcommittee: I have with me on my right Mr. Franklin Hutchinson, Assistant Chief, Bureau of Real Property Management Branch of BIA, and Mr. James Sansaver, legislative specialist, Bureau of Indian Affairs, and Robert Bruce, legislative counsel, Interior Department, who will be back shortly.

I am very pleased to be here to testify on this bill. I met with the delegation yesterday, and we have some real plans ahead, and I am delighted to testify today in favor of S. 1230.

This bill conveys the beneficial interest in 13,077 acres of land to the Stockbridge Munsee Community in Wisconsin. These so-called submarginal lands were acquired during the 1930's for the dual purpose of retiring them from private ownership and for the use and benefit of the Indians. They were acquired in conjunction with other lands that were purchased under the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

The details of the acquisition and transfer of jurisdiction are set forth in the Department's executive communication of March 1.

All of these lands, which are within the Indian reservation, were for the use of the Stockbridge Munsee Indians. They had lost all but about 100 acres of their allotted lands during a 25-year period after they received patents in fee in the early 1900's, and they were greatly in need of a land base.

Over the years, the Stockbridge Munsee Indians have been using the submarginal lands in the same manner as those lands purchased for them under the Indian Reorganization Act. In fact, there are over 150 Indians who today reside on the submarginal lands.

It was the intent of the Federal Government at the time purchases were made that these submarginal lands would be treated as other tribal lands and presumably would some day become a part of the reservation. They have been consistently used by the Indians in this manner.

For these reasons, we strongly urge enactment of S. 1230 on the part of the committee.

This concludes my statement, and I hope we have sufficient facts. Senator METCALF. Now, what about 1217?

Commissioner BRUCE. 1217?

Senator METCALF. That is the Minnesota land.

Commissioner BRUCE. This is the White Earth.

I have a statement.

Senator METCALF. Let's hear both statements.

Commissioner BRUCE. All right.

This bill, S. 1217, provides that some 28,700 acres of so-called submarginal land will be held in trust for the Minnesota Chippewa Tribe and shall be a part of the White Earth Indian Reservation.

All of these lands in the past were a part of the reservation, but with the allotment program in the early 1900's and the subsequent act removing restrictions on the sale of allotments of mixed bloods—and also on full bloods with secretarial approval—these Indians by the early 1930's had very little reservation land left.

Through acquisitions under the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), some of the reservation lands have been regained. The tribe now has a little over 25,000 acres. Individual Indians have less than 2,000 acres.

Generally, the lands in this area, both submarginal and tribal, are best suited for forestry production and should be managed as a tribal unit.

As you may know, there are many lakes in the area, and there exists a considerable potential for recreational development. Yet the tribe is limited to yearly revocable permits on the submarginal property, whereas tribally owned land may be encumbered by leaseholds up to 25 years with a like period of renewal.

As a result, construction of improvements necessary to make full use of the submarginal property is prohibited. Tribal plans for campground development, lakeshore leasing, road construction, as well as individual home construction, are limited in each case because of the year-to-year usage under revocable permits.

All of these factors are a serious handicap to the Indians of the White Earth Reservation, since they cannot realize the full potential of the submarginal lands acquired for their use.

There are 2,323 Indians living within the reservation, and 336 adjacent thereto. There is a total labor force of 968 individuals who are 16 years of age or older. Of this number, 348 are unemployed. The per capita income of the Indians is \$350.

To assist these Indians in making full use of the submarginal lands, to enable them to take advantage of all opportunities for development of the White Earth Reservation through leasing, and to provide for more efficient management of timberlands, with the income therefrom being available for tribal use, we strongly urge the enactment of this legislation.

Senator METCALF. That completes your statement?

Commissioner BRUCE. That completes my statement.

Senator METCALF. Now, these lands—are they within exterior boundaries of the reservation?

Commissioner BRUCE. Yes; they are.

Senator METCALF. All of them, in both instances?

Commissioner BRUCE. In both instances.

Senator METCALF. And they are lands that were, previously to the acquisition under the submarginal program, had been transferred to non-Indian owners.

Senator STEVENS. Originally, were Indian allotments, were they not; and then they were sold?

Commissioner BRUCE. Yes.

Senator METCALF. And they were sold to non-Indian owners?

Commissioner BRUCE. That is right.

Senator METCALF. And at the time that they were acquired under the submarginal land program, in the 1930's, in the time of the depression, they were acquired from non-Indian owners.

Commissioner BRUCE. That is right.

Senator METCALF. Yes. Now, in the years that have elapsed, title to these lands have remained in the Federal Government. Is that correct?

Commissioner BRUCE. That is correct.

Senator METCALF. And how have the Indians been using them? Have you leased them to the Indians, or have you just allowed them to squat on the land, or what has been done by the use, tribal use?

Commissioner BRUCE. Mr. Hutchinson, if you would.

Mr. HUTCHINSON. The Superintendent was authorized to manage these lands the same as he would tribal lands. As a result, some of the lands were occupied by individual members of the tribe. Others were—well, this is mostly cutover land, and some of the timber was harvested, with the proceeds from the timber contracts being deposited in the Treasury of the United States as miscellaneous receipts.

Senator METCALF. For the benefit of the tribe?

Mr. HUTCHINSON. No; for the benefit of the United States.

Senator METCALF. For the benefit of the United States. So the income from timber that was cut on that land went into the Treasury, General Treasury, of the United States?

Mr. HUTCHINSON. That is right.

Senator METCALF. Now, for the usage of the land, in the years that have elapsed, has the Federal Government charged a lease?

Mr. HUTCHINSON. No.

Senator METCALF. Charged to the Indian tribes?

Mr. HUTCHINSON. To neither one of these tribes have they issued a permit charging a fee.

On some of the other reservations, FSA land has been covered by a permit issued by the Commissioner to the tribal organization, but not in these cases.

Senator METCALF. So there has not been a payment from the tribal funds for the leasehold on these lands?

Mr. HUTCHINSON. There has been no leasehold. They were here.

Senator METCALF. They just merely occupied these lands with the permission of the Federal Government?

Mr. HUTCHINSON. That is right. To a limited extent, because most of these cases at White Earth, there was no occupancy by individual Indians.

You see, this is a checkerboard area, and the land is really not suitable for intensive use.

Senator METCALF. Well, now, was any of this land leased to non-Indians?

Mr. HUTCHINSON. No. There was a very small area permitted to an individual. I don't know whether it was a member of the tribe or whether that individual was non-Indian. The total receipt from the permit on the White Earth was \$5,154. That was turned in to the Treasury.

At Stockbridge-Munsee, the total income was \$315 for this land.

Senator METCALF. Now, does any of this land include school sections or land granted to the State for the use of the State for various statehood acts?

Mr. HUTCHINSON. I assume it does not, because these vendors, grantors, were individuals. They are responsible—

Senator METCALF. I am not very happy with the statement that "I assume it does not." I hope that somebody will look at the record and find out for us to complete the record whether it does or does not.

Mr. BRUCE. I am Bob Bruce.

Commissioner BRUCE. From the Interior Department, legislative counsel.

Mr. BRUCE. Sir, all of the land that was purchased was purchased from individual owners. If it had been for State use, the State had disposed of it under its normal—

Senator METCALF. It would have been school sections.

If permitted to be disposed of under the constitution of State law, it had been disposed of?

Mr. BRUCE. Yes, sir.

Senator METCALF. To Indian or non-Indian owners, and was purchased to prevent foreclosure or something during that depression period?

Mr. BRUCE. That is correct. That land was only bought from individuals, and not from public interests.

Senator METCALF. Yes. Well, that was my impression.

Mr. BRUCE. That is right.

Senator METCALF. But as I say, the people that went around and purchased that land at that time operated with very vague and ambiguous sort of authorizations, and it was an emergency.

Mr. BRUCE. Yes, sir.

Senator METCALF. An urgent situation.

Mr. BRUCE. It was a crash program to attempt to save from foreclosure and so forth a lot of this land that had no use and was generating very little income or opportunity for the owners to reclaim it through their own methods.

Senator METCALF. Senator Burdick can remember those days in North Dakota, and I know Senator Anderson can remember those days all over the United States, and, of course, I remember the days in Montana, of 30-cent wheat, burned along the railroads. Well—

Senator BURDICK. Were you getting as high as 30 cents?

Senator METCALF. Yes, we were—for fuel.

Well, would you comment on the suggestions as to whether or not you feel there should be an offset?

Mr. BRUCE. If I may—

Senator METCALF. Anybody. If somebody can speak officially for the Bureau.

Mr. BRUCE. The Commissioner can, sir.

Mr. VERKLER. It is their bill.

Senator METCALF. Yes; that is right.

Commissioner BRUCE. That is right. It is our recommendation that offsets, if any, will be determined by the Indian Claims Commission.

Senator METCALF. I understand it is your recommendation.

I am sorry. I have not read the statement that accompanied the bill.

Mr. VERKLER. Senator, on that point, if I might clarify something, I have been told by Mr. Gross, who is pretty much of an expert on this subject, and who will testify later, that he knows of no instance where these have ever been transferred to non-Indians. They have gone to Government agencies, Forest Service, and others. So the question of going—

Senator METCALF. You mean the submarginal land?

Mr. VERKLER. Yes, sir.

Senator METCALF. Well, I know of no instance.

I remember when Senator Langer, Senator Burdick, had a series of bills in.

Senator BURDICK. I still have them in.

Senator METCALF. To turn back this submarginal land?

Senator BURDICK. Yes.

Senator METCALF. To its original owners.

Much of this land, of course, has valuable mineral rights, especially in the Williston Basin, and some of us feel that there would be somewhat of an unjust enrichment there, to give the oil rights back.

As I understand it, there are no mineral rights involved in this land.

Commissioner BRUCE. That is right.

Senator STEVENS. May I inquire one thing? You are talking about never having been turned over to individuals and lands within reservations?

Senator METCALF. No; none of the submarginal lands.

Mr. VERKLER. Or elsewhere. They were purchased elsewhere.

Senator BURDICK. Mr. Chairman, I want to comment.

Submarginal land legislation I proposed, have been proposing for a number of sessions, is very similar to this. It is lands of the same type which you referred to, taken in the 1930's, has no mineral value we know of. It is just lying there. And we would like to have it turned over to the Indians.

Mr. VERKLER. So the principle of the setoff is certainly consistent with what we have done before in the past in similar instances.

Senator STEVENS. Well, I will have to look it up. My memory is that there were lands under the IRA program that were purchased that were turned over for housing developments, that were turned over for all types of individual uses, and those lands were made available to individuals.

Mr. VERKLER. To municipalities, though.

Senator METCALF. To municipalities, State governments, and Federal agencies. Some of the Indian lands here were turned over to the townsites of Poplar for an extension of a park, and so forth, as I remember. This was in the Fort Peck acquisition.

Commissioner BRUCE. Yes.

Senator METCALF. And I can remember on the Blackfeet Reservation some lands were turned over for a housing project, but as far as I know—it is difficult to find out what happened—as far as I know, no land was turned over to an individual.

It was turned over to nonprofit organization, or municipality, or a community, for the benefit of an individual, or in the case of the Seminoles, many years ago, just returned to the Indians and that was before the Indian Claims Commission, Senator, and I don't believe there was an offset provided in that case. I would have to go back and look it up.

Senator BURDICK. May I ask a question at this point?

Senator METCALF. Surely, please.

Senator BURDICK. And the land in the agricultural areas like North Dakota, they were simply leased over the years; were they not?

Commissioner BRUCE. That is right.

Senator BURDICK. On a bidding process?

Commissioner BRUCE. That is right.

Senator STEVENS. You know, I am inclined to disagree with the chairman, and apparently the Senator here.

As I understand it, Mr. Commissioner, these lands were lands that were subject to individual allotments to individual Indian people, prior to its repurchase; is that not right? And then they turned and sold them to non-Indian people, and they were within the confines of the reservation; is that not right? Is that the situation?

Commissioner BRUCE. That is right.

Senator STEVENS. To make sure I understand it.

And at the time of the allotments, there was no plan of the Government, the BIA, to assist these people, to do anything with them at all. There was no cash available in any way, and in this period of time the only way they had to get any income from their land was to sell the land; is that not correct?

Mr. HUTCHINSON. That is correct, except on White Earth, when the lands were, the trusts were deeded back, because of the type of Indians.

Most of those Indians there lost their lands through foreclosure, through fraud, fraudulent transactions, so I would say you are right.

Senator STEVENS. It just seems to me that this was an action by a trustee to try and correct an improvident act, and that they were really recovering the reservation for the purpose, for the benefit of these people. I really cannot see the offset in this circumstance.

I am going to have to do some research on that, the basic lands.

May I ask one other question?

You did buy some lands back under the IRA Act, did you not?

Commissioner BRUCE. That is right.

Senator STEVENS. Now, on those, was there any offset against the claims judgment?

Commissioner BRUCE. I don't think so.

Senator METCALF. Please answer.

Commissioner BRUCE. No.

Senator STEVENS. In other words, where we took specific moneys that were available to the BIA, you got the lands back and added them to the reservations, and no one said anything about any offset.

Commissioner BRUCE. That is correct.

Senator METCALF. Well, the Indian Reorganization Act, the IRA, was passed in order to encourage the Indians to comply with the provisions of the act, some of which have been very good for the Indians, and some of which have been detrimental.

There was a restoration of land to Indians all over the United States. Is that not correct?

Commissioner BRUCE. Yes.

Senator METCALF. Under the IRA. And that was long before the passage of the Indian Claims Act.

Commissioner BRUCE. That is right.

Senator METCALF. Now, to your knowledge, has there been any offset as far as the IRA lands that were given during the time that the Indians started to comply with the IRA, in subsequent Indian claims litigation?

A whole lot of people in the audience are shaking their heads.

Senator STEVENS. Mr. Chairman, I think we need a study from the BIA, and someone ought to get into the archives and dig this out.

Senator METCALF. Well, I know a little bit about Fort Peck, and I know a little bit about the Blackfeet.

I don't know very much about the land holdings in this particular area, and I am agreeing with Senator Stevens. We need a study to find out what the impact of State constitutions provisions, and the law, and a little historical background as to how this land has been held, and you may have it in the communication that sent the bill up.

Commissioner BRUCE. No, sir.

Senator FANNIN. Mr. Chairman, were you going to comment further?

I was just, for clarification, you certainly have clarified several points, but I just want to ask the Commissioner about one paragraph.

Mr. Commissioner, on page 3, the third paragraph in your report, you say that:

Technically, these lands are not subject to the provision of Title III of the Jones-Bankhead Act, because they were transferred to the Department two months prior to the time when most lands were placed under the Act.

Your next sentence, however, you go on to say that:

Nevertheless, the lands were intended to include all of the submarginal lands under the jurisdiction of the Secretary of Agriculture, including these lands.

And so my question is: are you saying that title III does or does not apply?

Commissioner BRUCE. Does not apply.

Senator FANNIN. Well, your report says that jurisdiction over these lands was transferred by the Agriculture Department to the Interior Department to be used for the Indians, and that they be used only insofar as consistent with the conservation purposes for which the lands were acquired.

Now, how can this commission be satisfied if the title is transferred, and then how can the agricultural utilization be satisfied?

In other words, you cannot say that just for conservation purposes. Is that not inconsistent?

Commissioner BRUCE. Well, maybe it is just from the standpoint of clarification.

Senator FANNIN. Could I have an explanation of this?

Mr. BRUCE. I think, Senator, you will find that up to this point in time that we have abided by this ruling, that we have tried to conserve the lands, at the same time letting the Indians use them but for the most part this is cutover land and had to be restored, and we have carried on appropriate timber management programs and so forth on the land.

We are now asking the Congress to turn this land over to the Indians in trust title, so that the Indians now can clearly move forward and use it to their benefit, but at the same time being sure that they conserve it for future generations under the trust.

Senator FANNIN. Well, then, you do have the specific plans, then, more specific now than the general ones you described in your report. In other words, you are looking forward to a greater utilization of those lands by the Indian people.

Mr. BRUCE. Yes.

Senator FANNIN. Now, you also had some values here, and I am wondering how these values were determined. On page 4 you speak of values, presently estimated fair market value, based not only on increasing land values but primarily on increasing timber values and growth is \$745,500

That is on page 4, the second paragraph.

Mr. HUTCHINSON. This was based on the study of the area, and the resources.

Senator STEVENS. You will have to speak up.

Mr. HUTCHINSON. This was based on a study of the land and the resources by the appraisal employees of the Bureau.

It was not a tract-by-tract basis, but on a gross area, on the basis of comparable values on sales of similar lands within that general area.

Senator FANNIN. Well, the Indian Claims Commission is given an option of determining whether the values can be set off against other claims, instead of considered directly. Why was this done?

Well, is the Indian Claims Commission given that option?

Mr. BRUCE. Yes.

Senator FANNIN. That is what I thought.

Mr. BRUCE. It is given that option. That is not a mandatory provision. It is optional. The commission is to consider it, and then should or should not determine whether it should be used as an offset against the judgment. Now, they may or may not, depending on what—

Senator FANNIN. Does the tribe have claims against which the value can be offset?

Mr. BRUCE. The Stockbridge Munsee Tribe could participate in a settlement that has gone to final judgment, docket 75. We don't know exactly how far, because it is a combined judgment.

There is still an outstanding judgment, docket 300, that they might or might not participate in, because again it is a combined judgment.

It is possible, Senator, that there would never be any money to be used as an offset, but in case there were, this provision would allow the commission to use the purchase price as an offset against any judgment money the tribe might receive under the claims process.

Senator FANNIN. Thank you.

Senator METCALF. Senator Stevens has a question, and then I have.

Senator STEVENS. Will we restore this to the trust title? Will any of these lands be available for allotment in the future?

Mr. HUTCHINSON. No; unless Congress so provides.

Senator STEVENS. There is no discretionary authority in the Commissioner to in effect go through the same procedure again, of having individual allotments?

Mr. HUTCHINSON. Right.

Senator STEVENS. In the reservation area?

Mr. HUTCHINSON. Right, no discretionary authority.

These two tribes are under the Indian Reorganization Act of 1934, which provides that no reservation land shall be further allotted.

Senator STEVENS. I said I only had one question. I have a second one.

In terms of the money that is involved here, you are suggesting that we allow the Commission to offset the original cost back in the 1930's against the award of judgment. Is that right?

Commissioner BRUCE. That is right.

Senator METCALF. It is the value of the land at the time of taking that would be the offset, and not the value of the land today.

Mr. BRUCE. If I may, Senator, normally, the Commission in making an offset determination—I am saying normally—determines the value of the land at the time it was either acquired or turned over to the Indians.

As an example, in the Navajo situation, it would be the value of the reservation at the time that the treaty gave it to the Indians, not today's value, because the land value is determined at the date the United States took it from the Indians.

It would be normally grossly unfair to have——

Senator STEVENS. That is my point, right here. It is grossly unfair that the taking had to be somewhere in the 1800's, and you are going to offset against it a price in the 1930's. And that, I would think, would swamp the relative values.

Mr. BRUCE. It sometimes does, but again the Government, the offset is usually based upon the cost of the land to the Government at the time that it was given to the Indians, or that it was purchased, it came to the Government's hands. That is normal.

Senator STEVENS. Well, if we are going to have any offset, I think it ought to be even. In other words, if you are going to give them 50 cents an acre for 1880, you certainly ought to not be dealing with \$5 and some cents an acre in 1930.

Senator METCALF. It was not worth very much in 1930.

Senator STEVENS. No. It was worth a lot less in the 1800's.

Mr. HUTCHINSON. In the matter of cases that have been decided by the Indian Claims Commission, they have adopted the practice, or maybe it is a policy, that the U.S. Government is not in the realty business to make a profit, so they have used the values as of the dates of taking, and not as the values of the present date.

Senator STEVENS. Yes; but you are suggesting that you take the value, what it costs to buy them back after it was improvidently sold, and I think that that in effect is going to be more than what the Indian Claims Commission can possibly hold was the value at the time of taking. If we have any offset at all, it ought to be an acre-for-acre concept.

Thank you.

Senator METCALF. Senator Anderson.

Senator ANDERSON. This was the question I wanted to ask, to make the record clear, that it was at the time of the taking during the depression, when land was being foreclosed, and this act was passed in order to save all of these owners from the destruction of a complete land base in America.

Mr. BRUCE. Senator, it would be my judgment that if there was an offset, it would be the \$69,000 and not the \$355,000 figure.

Senator METCALF. That was my question, too.

Senator ANDERSON.

Senator ANDERSON. Mr. Commissioner, you have specially referred to somebody else. We have to know what you would do. You are going to be the responsible party.

At the very top of this sentence you made, "It was the intent of the Federal Government" that such purchases be made in these sub-marginal lands. Why do you say it was the intent of the Congress? Have you measured it?

Commissioner BRUCE. Have I measured it?

Senator ANDERSON. Who knows this was the intent of the Congress? What do you have that supports your contention that this was the intent of the Government?

Mr. HUTCHINSON. May I answer?

Commissioner BRUCE. Yes.

Mr. HUTCHINSON. That statement——

Senator ANDERSON. I was trying to get him to answer, but go ahead.

Mr. HUTCHINSON. That statement was based on the record that is pertinent to the acquisition of these two land projects. There were letters in there from officials of the Department of Interior and officials of the Agriculture Department, which clearly disclosed their intent as to what subsequent action would be once the projects were completed, and that was to initiate or sponsor, rather, not initiate, but to sponsor legislation, or recommend legislation, which would return the equitable title to these lands to the Indians.

Senator ANDERSON. Did you bring any of those materials with you today, to show what it is based on, that it was the intent of the Congress?

Mr. HUTCHINSON. We can supply those. Not the intent of the Congress, but the intent of the departmental officials.

Senator ANDERSON. Are you sure that is right? It was the intent? I have some ideas about the intent, but are you certain it was the intent of the Government that this be done?

Did you ever participate?

Mr. HUTCHINSON. That probably is an unfortunate use of wording. It probably should have stated the intent of the——

Senator ANDERSON. I want you to answer this question because this is important for the legislative history of this matter.

Have you had a study of the way these lands were acquired?

Commissioner BRUCE. Yes.

Senator ANDERSON. Were there school sections involved in them?

Commissioner BRUCE. No.

Senator ANDERSON. Not at all?

Mr. BRUCE. No.

Senator ANDERSON. The Federal Government gave six and 16.

Senator METCALF. Senator, a school section could not have been involved unless under the statutes and the constitution of the specific State it had been alienated to private ownership.

Now, as I say, I don't know what the statutes of Wisconsin are. Under the law of the State of Montana, for example, it would be invalid under the constitution to alienate a school section, and so even though they are checkerboarded, they could not have been involved.

It may have been that prior to the depression, some of the school sections in some of these States were sold. If they were sold to private ownership, and then rescued from foreclosure by the Federal Government during the time of acquisition of this land, they would be involved, but they had already been alienated as far as the State was concerned. Is that not correct?

Mr. BRUCE. Right. All these purchases were made from individual landowners.

Senator METCALF. To prevent——

Mr. BRUCE. Foreclosure, either for taxes or for purchased money trust.

Senator METCALF. The whole question that Senator Anderson is raising, and that I am raising, is a significant question in some of the disposition of some of the rest of these submarginal lands, especially in the State of North Dakota and in the State of Montana, where you have substantially more land of greater value involved.

Now, Senator Proxmire was talking about a bill in here for 6 years. Senator Burdick and I have had legislation in for a lot longer than that, to restore to the Indians the submarginal lands in our States.

Mr. BRUCE. Yes, sir.

And I think, Senator Anderson, you will recall that several years ago we did turn some submarginal land over to the Pueblos in New Mexico in the bill that you sponsored, under the same kind of circumstances.

Senator ANDERSON. That is correct, I do think this issue is important, and I am glad these witnesses have asked some questions about it. They are not hostile witnesses. They are asking you to tell us what you intend to do, and I think it is important. This matter should be settled once and for all.

Senator STEVENS. Following up that, Senator Anderson, I think it would be very important to find out whether any of these lands were turned over to the reservations back in the 1930's, before the Indian Claims Commission Act, without cost.

Were any of these lands that were purchased under this act—and I am talking about the NRA funds—that were restored to the reservations then, without cost?

We not only want to treat Indian and non-Indian equal, I want to see that the Indians are treated equal to other Indians that might have gotten the benefit of an administrative decision then, when there would not have been anything to offset.

Senator METCALF. Well, were the Seminole lands returned to the Florida Indians before the enactment of the Indian Claims Commission?

Commissioner BRUCE. Yes, they were.

Senator METCALF. And there was no offset?

Senator ANDERSON. Wait a minute.

Senator METCALF. Let's have him answer, and then you can tell us what you remember.

Mr. BRUCE. I am not sure of that. We can discuss it, because there——

Senator METCALF. I am not, either. This is a long time ago.

Mr. BRUCE. Has the Seminole been made? I don't think the Seminole judgment is final, and I know of nothing, Senator, that if the Indian Claims Commission wished to determine the lands——

Senator METCALF. There was not any provision in the statute——

Mr. BRUCE. In the provision that they must.

Senator METCALF (continuing). Restoring these submarginal lands to the Seminoles at that time, was there?

Mr. BRUCE. No, sir; but all of the lands that the Seminoles now have, that the Government has turned over to them, under the very broad language of the Indian Claims Act, could be considered as an offset against any award the Government makes.

In other words, if part of that land was submarginal land, I know of nothing that, if the commission wished to, would prevent their considering it, in the final judgment, as an offset.

Senator STEVENS. Well, by the same token, if they don't put this section that the Senators object to in this bill, there would be nothing to prevent the Indian Claims Commission from considering this, too.

Mr. BRUCE. Not that I know of.

Senator ANDERSON. What did you start to say?

Mr. BRUCE. Nothing more.

Senator STEVENS. Thank you.

Senator METCALF. Well, Senator Stevens, I am just going back on memory, and have not done the kind of research. I can remember however, that it was quite a long time ago that we restored submarginal lands to the Seminoles.

Mr. BRUCE. Yes, sir.

Senator METCALF. And it was just about that time that we were considering and passing the act for Indian claims, and we were not even thinking of an offset at that time.

And I think that the Chippewas and the Navajos or the Blackfeet should be treated the same as the Seminoles, as far as claims are concerned, and restoration of submarginal lands.

Mr. BRUCE. May I say, Senator, that I think that the commission could do this if this language were in there or not.

Senator METCALF. OK.

Mr. BRUCE. But it is just a point of raising it to be sure that there is a consideration.

Senator METCALF. But you said there was not any offset. The commission could not do it.

Mr. BRUCE. If you specifically said that this would not be considered as an offset, I would say that that would bar the commission's consideration; yes, sir.

Senator ANDERSON. The commission assessment is also that all of these lands are in reservations, for the uses of these Indians.

Are all of these lands within the reservation?

Commissioner BRUCE. Yes.

Senator ANDERSON. That does make it different. Very frequently Indians come in here requesting and we report out favorable legislation providing for transfer of land within enclosed reservations. This is an important aspect if that is true.

Commissioner BRUCE. Both of these bills encompass land within the reservation.

Senator METCALF. Completely?

Commissioner BRUCE. Yes.

Senator METCALF. Are you through, Senator?

Any more questions?

Senator BURDICK. Just a minute.

I just want to recap the testimony here, because I was not here when it first began.

Do I understand that the submarginal lands that have been referred to will be returned to the tribe in trust, and that there will be an offset based upon the cost to the Government, and that offset will be deducted from any Indian claims there may be, or any other obligations? Is that what you are recommending?

Commissioner BRUCE. That is right.

Senator BURDICK. And you recommend these for all these submarginal claims we have in the file.

Mr. HUTCHINSON. I think all that the Department is recommending is that the Indian Claims Commission would be directed to consider whether there would be an offset.

Mr. BRUCE. Or not.

Mr. HUTCHINSON. But it is not directing that an offset be made.

Senator BURDICK. The reason I am wondering if this policy is made, because in the bills I have introduced in numerous sessions past, I have never even received a report. I thought this was a policy question that has never been decided, but now has it been decided to return these lands, with or without an offset?

Commissioner BRUCE. We are considering each one of the cases. The offset is not mandatory.

Senator BURDICK. But you are considering the return of the lands?

Commissioner BRUCE. That is right.

Senator BURDICK. With or without an offset?

Commissioner BRUCE. With—

Senator BURDICK. Or without?

Commissioner BRUCE. Directing that consideration be made by the Indian Claims Commission.

Senator BURDICK. I see.

But point No. 1 is being established now, that you think it is the best interests—of course, I suppose it is a case-by-case basis, but in these cases, where they are part of the reservation, and they were acquired during this period of distress, that they will be returned to the tribe, in trust for the tribe.

Commissioner BRUCE. That is right.

Mr. BRUCE. If I may elaborate on that, Senator Burdick, we are considering right now in the Department every one of the submarginal cases, and there are about 19 of them, are being considered individually, and are in the process of consideration for some kind of indication to Congress as to what should be done in each of the individual cases. So they will be coming up. These are just the first two. We finished those first.

Senator BURDICK. Well, this is good news, because I have not been able to get reports in the past years at all on this thing, so I am glad you are spending some time on them.

Senator METCALF. Are there any further questions of the Commissioner?

Senator STEVENS. Well, I commend the Commissioner again for his leadership. I think that new bunch he has got down there is doing a great job.

Commissioner BRUCE. Thank you.

Senator STEVENS. It is another example.

Senator METCALF. I am delighted to have this whole matter cleared up. Several of us have had legislation in, and we are concerned about the status of this submarginal land in our various States. It is a difficult problem.

I hope that you will go down to Archives and dig this out, and give us even more background than you have in regard to some of the transfers from the Secretary of Agriculture to the Secretary of Interior, that was already put in, because in a rather superficial research on the Fort Peck and the Blackfeet Indians I have discovered that this is a difficult legal problem, a difficult practical problem, and I am just wondering if you will come to the same conclusion as to an offset, after a thorough research in it.

(The background material requested by Senator Metcalf, and supplied by Commissioner Bruce, is in the appendix.)

Senator METCALF. Well, you have not suggested an offset. You have suggested that the Indian Claims Commission consider it.

Commissioner BRUCE. Consider it.

Senator METCALF. And so you have shrugged off the responsibility and said, "Well, it is up to the Indian Claims Commission, or to the Congress."

And we would like to have a definitive recommendation from you as to whether or not there should be an offset, and not just to say, "Well, let the Claims Commission or let the Interior Committee make that decision."

Senator BURDICK. By the way, I want to ask another difficult hypothetical question. I don't know if this case has ever come up, but what would you do in the case where the claims have been made, and there is a question of submarginal lands that comes up subsequently?

Commissioner BRUCE. There is nothing we can do.

Senator BURDICK. Well, if you are going to treat them all the same, you have to keep this in mind, don't you?

Senator METCALF. Well, the Fort Peck Indians are in that situation. They are now in the course of final litigation for their claims, and they are reluctant, now, to have me press the legislation for submarginal land that they have sought all the time, because they don't want an offset at this time. And I am not sure whether there should be an offset on this land, that is within exterior boundaries of the reservation.

Anyway, I think that there are more searching questions involved than are just superficially involved in this legislation, and each one of the members of this committee can think of specific legislation that is more complex and has more facets than this particular legislation.

I suppose that that is why you started off on a rather small sort of a transfer, with land that has not had additionally acquired values.

But if you are going to make recommendations on the other 17, we will be looking into this whole question in more detail in the future, and I think all of us will do more research than we have today.

Senator BURDICK. Can you give us a timetable on when you might have some conclusions on the Devil's Lake Sioux?

Commissioner BRUCE. No; I cannot. As far as a timetable?

Senator BURDICK. Yes.

Commissioner BRUCE. There is research in the area, Senator, at this time.

Senator BURDICK. Well, I would hope that you do it as expeditiously as you can, because I have to explain every year that I have not been able to get their thing through, and I want to be able to get something tangible.

Mr. BRUCE. Senator, if I may, one of the reasons that the language in section 2 is put the way that it is, is because the Indian Claims Commission in the years it has been in existence has approached the equities of setoff, and is probably the most experienced body in this area, and that is the reason we try not to equivocate, but we leave it to the expertise of the Commission, whether in considering all the equities they should or should not consider the setoff.

The language is there so that the Commission will not overlook this land in reaching its final determination, but the Department would not want to impose its judgment as to whether or not a setoff should be made, because the Commission in our judgment, is far better prepared to make this kind of judgment than we in the Department.

Senator METCALF. OK. The Commission is in a quasi-status of a court.

Mr. BRUCE. Right, sir.

Senator METCALF. But we would like to have a recommendation of an experienced, and, we hope a friendly to the Indian agency, at least to help us, and to help the Commission make its final resolution.

Mr. BRUCE. Right, sir.

Senator ANDERSON. Have any of these Indian claims cases been settled completely?

Commissioner BRUCE. No.

Senator BURDICK. You mean there has been no claim completely settled?

Mr. BRUCE. Oh, yes, but I thought the Senator was referring to the cases involving these tribes that we have before him today.

Senator BURDICK. Oh, I see.

Mr. BRUCE. Oh, yes, there have been a number of settlements. The Congress has passed the distribution legislation on a number of these cases.

But what I am saying is there are still some open judgments involving the tribes we have before us today.

Commissioner BRUCE. Yes, sir.

Mr. BRUCE. So that there could be offsets if the tribes participated in the settlement.

Senator ANDERSON. If it has come to final settlement, you could not have the offset, could you?

Mr. BRUCE. If it has come to final judgment; no, sir, the money has been paid out, and there has been settlement, there would be no way the Government can recover its funds.

Senator BURDICK. When is it paid out? When the money is placed in a trust fund, is it paid out by that time?

Mr. BRUCE. No; it is paid out after the Congress makes determination as to disposition of the funds. The bills are presented to you, and last Tuesday we had some hearings on dispositions of judgments.

Senator METCALF. Well, there is a quarter of a million acres, according to information, within the States of Montana, North and South Dakota, that are already involved on the various reservations.

Mr. BRUCE. I believe, Senator, that there are over 400,000 acres throughout the United States, and most of it is in the upper Middle West and the upper Northwest portion of the United States, that we are looking at at this time.

Senator METCALF. Well, I urge you to continue that exploration, and maybe this Congress can make a definitive judgment on all of this land and resolve a question that has been vexing all of us.

Thank you very much.

The next witness is the chairman of the White Earth Tribal Council, Mr. Marven Sargent.

Mr. Sargent, we are happy to have you here and have you testify.

Do you have any objections to having Mr. Coyhis, chairman of the Stockbridge Munsee Tribal Council testify ahead of you?

Mr. SARGENT. Not at all, sir.

Senator METCALF. Because he wants to show some slides.

Mr. SARGENT. Certainly.

Senator METCALF. OK. Then we will call Mr. Coyhis, chairman of the Stockbridge Munsee Tribal Council, who will give us a slide presentation as a part of his testimony.

We are delighted to have you here this morning.

STATEMENT OF AUGHT COYHIS, CHAIRMAN, STOCKBRIDGE MUNSEE TRIBAL COUNCIL; ACCOMPANIED BY ROLAND "BUD" DAVIDS, TRIBAL COUNCILMAN AND YOUTH COORDINATOR; FELIX BRUETTE, LAND COMMITTEE CHAIRMAN; MRS. BERNICE MILLER, FORMER COUNCILMAN, ENROLLMENT COMMITTEE CHAIRMAN, AND DIRECTOR OF ARTS AND CRAFTS; AND MRS. THELMA PUTNAM, FORMER COUNCILMAN TREASURER AND FSA COMMITTEE MEMBER

Mr. COYHIS. Thank you.

Senator METCALF. You are testifying on S. 1230?

Mr. COYHIS. Yes, sir.

Mr. Chairman, Senator Metcalf, Senator Anderson, Senator Stevens, Senator Fannin, and Senator Burdick: With your permission I would like to present a statement that follows:

I am Aught Coyhis, president of the Stockbridge Munsee Indian Community in Bowler, Wis.

I am to testify before this subcommittee on pending legislation which would transfer 13,077 acres of federally owned submarginal land to the Stockbridge Munsee Indian Community with the title to be held in trust by the United States.

Since the acquisition of the submarginal land under the Farm Security Administration as U.S. title in the 1930's, much confusion has arisen as a result of the land status.

At this point, I would, with your permission, Mr. Chairman, request permission to introduce the rest of the delegation and ask them to come forward and be seated within reasonable hearing distance, and they are as follows: Roland "Bud" Davids, tribal councilman and

youth coordinator; Felix Bruette, former councilman and land committee chairman; Bernice Miller, former councilman, enrollment committee chairman and director of arts and crafts; Thelma Putnam, former councilman treasurer and FSA committee member.

Senator METCALF. Pleased to have you all here.

Go ahead.

Mr. COYHIS. If I may continue with my statement, the Indians of the Stockbridge Munsee Community were moved many times over the past century and found it difficult to prosper and to achieve that level of accomplishment for which they were so diligently striving.

In 1937, a reservation was proclaimed and approximately 2,250 acres was placed in trust status. An additional 13,077 acres was acquired and administrative jurisdiction transferred from the Secretary of Agriculture to the Secretary of the Interior.

The tribe enthusiastically planned for development and hopefully felt that they had now found the home for which they had been searching for so long. Unfortunately, the fact that this 13,077 acres was not in trust status has impeded hoped-for development.

Today we are again very enthused. Our people on the reservation are enthused. We are so fortunate to be before this distinguished committee and prayerful that in your good judgment you will recommend early congressional action so that these lands will be placed in trust status, and we can proceed to do the things we all have talked about these years.

The transfer of these lands to trust status will bring about peace of mind and contentment to our people. Then they can live on the land knowing that it is theirs and can constructively plan to preserve much of it in its wild beauty for themselves, their children, and future generations of tribal members, and other citizens who will enjoy its wilderness and solitude.

Our people are also enthused because, once the land becomes ours to develop, we can actively plan to develop housing, recreational facilities for all our friends, be they Indians or others, sustain our forests, and beautify our reservation, improve our roads, more actively move in local, State, and national affairs, and improve our citizenship, always retaining our identity and culture.

Without classification of priorities, we might at this point touch on some of our development plans.

There is a great need for housing. Many of the housing we now have was built years ago and is not repairable. Much of it was placed on FSA land because it was our original understanding that 13,000 acres were to be considered reservation land. Now these houses should be replaced, but we don't know where to put them.

We are concerned with over 600 people, 41 percent under 19 years of age. Over 300 more hopefully would like to have a reservation to return to, but because of the present land status are afraid to make the move home.

Because the lands are not in trust status, we cannot participate in housing programs on these lands, even though our reservation housing is more deplorable than that on the national level.

The forests on these lands are maturing and under good management programs. We are protecting them and sustaining their potential. Again, because of the land status, the economic benefits are not accruing to the tribe, except for employment to individual members.

We need this economic input for the benefit of all our members through reservation programs.

We would like to develop roads and trails to protect our forests, preserve our streams, and stock them, maintain the beauty spots where people can spend their leisure time.

We have always invited and made welcome everyone to enjoy our reservation, and this is what we always will want to do. If we had this land in trust status, we could plan and provide more adequately for everyone.

Should these lands be made a part of our reservation, we will be in a good position to improve our housing, we will see more zest for pursuit of educational opportunities, we will be able to participate more with other citizen groups in communities developments, and tribal status will move steadily forward.

So it is with this plea that we ask that you favorably consider the merits of this legislation and recommend its passage, to the end that our tribe will soon realize many of our dreamed of hopes and cherished thoughts.

We believe that section 2 does not apply to Stockbridge-Munsee, for the following reasons: The Government originally paid \$69,000 for the land. Since that time, the Government has collected \$92,000 in stumpage fees from timber proceeds. As of this date, we have paid back the original purchase price and an additional \$23,000. And, since the FSA land is not within any past, pending, or future claim settlement boundaries, we do not understand how any question of offsets could apply to us.

I would further, perhaps, in part, refer to some of the statistics on the back page. While not reading them all, I would like to make a few comments in percentages, and saying that the Stockbridge-Munsee Community, in Shawano County, Wis., has 670 members, 600 residing in the community, and 70 scattered throughout the county. These are adjacent to the reservation.

The median age of the Stockbridge-Munsee's 670 Indian residents in the county is 25 years of age. The youthful nature of the reservation is further illustrated by the fact that nearly 41 percent of the population is under 19 years of age. The over-65 group, on the other hand, is fairly representative of the region.

However, the Stockbridge-Munsee Community has an enrollment of 1,000 members or more, and the 330 that are gone would undoubtedly return to the area, providing it is feasible to do so.

AGE DISTRIBUTION

Ages	Number of persons	Population percentages	Percent male	Percentage female
0 to 5.....	86	12.8	52.0	48.0
6 to 13.....	131	19.5	52.6	47.4
14 to 18.....	76	11.3	54.5	45.5
19 to 50.....	196	29.3	53.5	46.5
51 to 64.....	111	16.5	51.6	48.4
65 plus.....	70	10.6	53.7	46.3
Total.....	670		53.0	47.0

The Stockbridge-Munsee Community, in Shawano County, Wisconsin. Has 670 members, 600 residing in the Community, and 70 scattered throughout the County.

The median age of the Stockbridge-Munsee's 670 Indian residents in the County is 25.

The youthful nature of the Reservation is further illustrated by the fact that nearly 41 percent of the population is under 19 years of age. The over 65 group, on the other hand, is fairly representative of the region.

However, the Stockbridge-Munsee Community has an enrollment of one thousand (1000) members. The three hundred thirty (330) that are gone, would undoubtedly return to the area providing its feasible to do so.

Mr. COYHIS. In addition to this, Mr. Chairman, we request permission to show our slides next.

Senator METCALF. If you are ready to show your slides, go right ahead.

Mr. COYHIS. Thank you.

Mr. DAVIDS. That is a rehab building, built by the Government and sold to the Indians when it was first made a reservation.

This particular one stands on tribal lands, but at the time they were built, there were no distinctions between tribal land and FSA land, as was illustrated by the fact that 40 of these homes were built, and about half on FSA and about half on tribal lands. All but one. I can think of only one that is not on the reservation.

This is a view of the trout stream, in our park, and this park is intended to be a very important part of our recreational development.

This is my house, where I live, back in the zone. This is one of those rehab homes, and believe it or not, this one is also on tribal land, but only by accident. My folks moved up into this house when I was 6 months old, and only by accident it is on tribal land. My folks did not know the difference.

This is another picture of the first picture.

This is the only existing farm on the reservation. A fellow by the name of McAllicy runs it, and it is a nice farm, but it is the only tillable and good land on the reservation. The rest is all gravel and rocky.

Another view of the farm; and another view of the farm.

This is another where our pavilion for our campground will go, if we get the proposal granted to us. We have sent a proposal, and if it is granted, then there will be a park pavilion right here, surrounded by a campground.

This is a view of our library. This is an old cabin. No one lived in the house, and it was converted into a library.

And this is the inside of the library.

This is our tribal operations center. It holds the arts and crafts building, the tribal meeting room, and now the secretary offices and the community health representative office was moved in last month.

Here is another view of it. This is the only building we have for public meetings.

This is our church. It was constructed by the members—and also is on the reservation—with voluntary help, about 20 years ago.

This is our youth center. As we stated in our message, 41 percent of the Stockbridge Reservation is under 19 years old, and they never did have any sort of facilities previous to this.

This past summer, we were all engaged in this old, rundown building which had been abandoned, no windows, just terrible condition. We put 30 gallons of paint in it, and this is what we have ended up with.

This is on FSA land, and this 20-acre tract was granted in an assignment to the youth group. So in the back you see a clearing where we have started to clear, and we sent in a proposal and got a grant of \$7,000 to start construction of a gym. And we also tore down an old building and will use the lumber to frame out this gym, which finally will be constructed right behind this building.

Another view of the youth center.

This is a particular bridge in the island park. This park is used mostly by the white people surrounding our reservation.

There was not much local use originally, but with this campground developed, we hope to be able to control them, and move just a little bit off of there, adjacent to it, to better sites, right on the trout stream, and then our local people could more easily use the picnic areas, which you see.

This is the dam that holds the water back for our swimming hole. The swimming hole is just right upstream.

This is the picnic area.

This is the bathhouse, to change clothes in, for the swimming hole.

This is a typical view of the trout stream in the area, and what could be done with developing it. We feel our campground would become so popular, and we have cleared a road to it.

This, there is a trout lying under that tree there. Typical.

This is a ball diamond we constructed this summer. All the youth got together, and we dragged it and leveled it, and put up the backstop. It should hold up for a couple of years. We cut the posts, and it was used quite a bit.

We missed the one on the campground road, and some more did not get in there.

This is the young adult group that was formed very recently, and we had permission from the tribal council to develop this. So there is development taking place. We have held fundraising activities to construct this road, and as soon as we can, we will have it ready for about 40 campsites and further recreation.

Mr. COYHIS. I thank you, Mr. Davids.

Mr. Chairman, we have some of these people prepared, and perhaps have some short remarks, and there are certain areas that they have chosen, and we feel they have some expertise, and if you have any questions, we would use these people as backup.

Senator METCALF. Do any of you have further statements?

Mr. BRUETTE. I have nothing significant.

I am the chairman of the land committee, and I had thought, if you had any questions regarding the land, I presented this map prior, which you have actually seen, and I have nothing unless you have some questions.

Senator BURDICK. Mr. Chairman, I have a question.

A lot of these structures in a lot of these areas are on you call it the FSA land. How is that land managed? Do you have to deal with anybody, or you just use it, just by consent, or how does it operate?

Mr. COYHIS. Mr. Bruette perhaps could answer. This is Mr. Bruette.

Mr. BRUETTE. Of course, it developed about 1960, these lands were by assignment. In other words, the person was allotted or made a request for 40 acres of land, we made out the papers, the tribe

chairman would make out the papers and send them in to the office the BIA, and there they would approve them, and we would issue these land assignment agreements.

Senator BURDICK. Was there any fee to pay for it, any rental?

Mr. BRUETTE. Yes, sir; we charge for 20 acres, \$5.

Senator BURDICK. No; did the BIA charge you anything for the use of this land?

Mr. BRUETTE. No, sir.

Senator BURDICK. The tribe, and no individual. It was just use by consent all these years, then.

Mr. BRUETTE. Yes.

Senator BURDICK. I see. Then how long have you had it—since the 1930's?

Mr. BRUETTE. The 1930's mostly involved IRA land, and, of course, that is in a tribal statute.

Senator BURDICK. FSA went back to the 1930's, too, you know.

Mr. BRUETTE. At that particular time, this was very little FSA land that was settled upon. It was just within the last 15 or 20 years it became more. As the tribe enlarged, they gradually requested more land.

Senator BURDICK. What I am trying to get at, all during these years, now, whatever it was, the 1930's or the 1940's, that you have been occupying these lands, and using them, without payment of any rents, and with consent, you have just been using them?

Mr. BRUETTE. Well, sir, I would put it this way: I would say that we were more or less taking care of the land, as caretakers.

Senator BURDICK. I see.

Senator METCALF. A question?

Mr. DAVIDS. If I may, we were also encouraged, when I was 6 months old, and my family moved up, we were encouraged to occupy this land, and there was no distinction at that time of any difference, and none of these people were aware that there was a difference. Some of the people happened to have a home that is half on IRA and half on FSA, because it was built on the line, and they had no knowledge of this.

Senator BURDICK. The difference is now you want to make it legal. You want to transfer the title.

Mr. DAVIDS. That is it.

Mr. BRUETTE. Yes, sir.

Mr. DAVIDS. This gym that we are going to put up, we are allowed to do this, but if something else was done with the land, we would have to take the building with it. We are still willing to invest.

Senator METCALF. As I understand it, while you have had an opportunity to freely use and occupy this land, because you don't have title there are certain legal requirements that you are unable to comply with, such as participate in housing programs or other developments, until title is actually granted to the tribe. Is that correct?

Mr. BRUETTE. That is so.

Senator ANDERSON. Where do you live?

Mr. BRUETTE. Bowler, Wis. That is our reservation.

Senator BURDICK. Have you endeavored to develop any tourism on the reservation?

Mr. BRUETTE. We think that perhaps that would be one of our projected thoughts, and actually one of our main ideas of creating additional income.

Mr. DAVIDS. I have a proposal in now asking for money to put up signs. And there are many tourists who pass through now, and we don't have a chance to tap them for one dime, because we don't have a single business up.

These camp developments, we are hoping that that will detain the people long enough for them to contribute a profit.

Senator STEVENS. What is the source of your tribal income now?

Mr. COYHIS. Our total revenue from the tribe from the FSA lands, or, rather, from rent from homes, is \$125 per month, for the total tribe.

Senator STEVENS. That is all you get?

Mr. COYHIS. Yes, sir.

Senator STEVENS. Total amount of \$125 a month?

Mr. COYHIS. Yes, sir.

Senator STEVENS. On the land that is actually part of the reservation, have you developed any economy on it? You have land that is within the reservation that is neither IRA land or FSA land, don't you?

Mr. COYHIS. We only have access to the IRA and FSA. There are parcels of checkerboarded areas, where other people own in surrounding areas, and in answer to the first part of your question, we do have some resources that are coming back in the form of stumpage from any logging that they have done on the IRA part, but they are, as you can see by the figures, very small.

Senator STEVENS. You get a portion of the stumpage fees now?

Mr. COYHIS. We get 90 percent of any stumpage fees that are deposited in the U.S. Treasury, on the IRA land. We don't get any of it that is deposited on FSA.

Senator STEVENS. Do you have a plan for timber management?

Mr. COYHIS. Yes; we have, since 1962, been engaged in working with the Federal Government, with the Federal foresters from Ashland agency, and they are working with us on a sustained yield basis, and this is the way we operate. All green timber, commercial timber that is removed, is supervised by Federal foresters.

We feel this to be, perhaps, one of our greatest assets in the future, without thinking of using the land.

Mr. DAVIDS. This would illustrate——

Senator METCALF. "This" is referring to a map of the Stockbridge Indian Reservation.

Go ahead.

Mr. DAVIDS. And this would illustrate the enormous need. This blue represents our IRA land, and the orange is the FSA land involved. This is all we have, just coming up the road.

Senator BURDICK. What are the white?

Mr. DAVIDS. This white, that is not in it. It was never purchased. These people are inside.

Mr. COYHIS. There was an option at the time, in the early process of acquisition, FSA, and this is the reason it was never obtained.

Senator STEVENS. Where do your kids go to school?

Mr. COYHIS. Bowler School.

Senator METCALF. Identify Bowler, will you?

Mr. DAVIDS. Bowler is right off in here. It is about 7 miles off the reservation, and it would be right here [indicating].

Senator BURDICK. Bottom left of the map.

Senator STEVENS. It is a State school, or a local school?

Mr. COYHIS. It is a public school.

Mr. DAVIDS. This entire area was originally meant to be purchased under the IRA Act, but the IRA Act ran out of money, and that is how the FSA came in. They instructed that agency to buy it up.

Senator METCALF. If we can put the map in the record, with the proper identification, we will do so. Otherwise, it will be part of the committee record.

(The map referred to could not be reproduced and was retained in the committee files.)

Mr. COYHIS. May I make a statement here, that some years back a member of the tribe by the name of Elmer L. Davids had presented evidence in a sort of a brief history thing describing some of our history, and of our needs, and while I will not read it, I would like your permission to install this as a permanent part of the record.

Senator METCALF. It will be incorporated in the record or in the file of the committee, subject to examination by the staff.

Mr. COYHIS. If there are any further questions at all?

Senator METCALF. Senator Stevens.

Senator STEVENS. I would like to just ask one further question about the economic base, here.

What do you really think, beyond stumpage and tourism? Is there any other economic potential for this FSA land?

Mr. COYHIS. I would think that in the coming years, as was described, as far as the timber is concerned, that perhaps we want not big, but level, stable sources of income, it would not be a thing where it would be such a momentous thing, but it would be one of our primary—we do look for some industry by individual incentive to come in. We do have some prospects here.

I might refer just temporarily to one of our other members from the committee delegation, namely, Mrs. Miller, and maybe she would elaborate a little bit on the craft shop.

If you would, please.

Mrs. MILLER. We have a little craft shop, but with the economy, all of the people who are interested in working in it cannot have jobs, because we could only pay for what they made, and after it was sold, then we could pay them. So it ends up to be a pocket of poverty, but the shop is there, and we are interested in working with anyone who is interested.

Senator METCALF. There is testimony that the average annual income is about what, \$3,500 a year?

Mr. COYHIS. Yes, sir; in this neighborhood.

Senator METCALF. Now, where do the members of the tribe work to get that kind of an income?

Mr. COYHIS. They work primarily—to begin with, there is no employment on the reservation except for a little pulp and logging. They work primarily in Milwaukee, Clintonville, Shawano, Menominee, Enterprise is a next-door neighbor there. A few of them in Bowler, Wausau, I think I mentioned Clintonville, Marion. They are all commuters.

We have, according to a recent survey of our employable people, male, seven to eight employed, 94 employable, out of work.

Senator METCALF. So while the members of the tribe live on the reservation, there is very little income derived from either the reservation lands or opportunity for employment on the reservation.

Mr. COYHIS. This is right, sir. I think it perhaps is one of the biggest reasons why you don't see individual incentive being put to work more. I am thankful that as much has been, but it just saps individual incentive, because the status rules it out.

Senator METCALF. And even if you get this land, you will not get any employment or industrial base. You will, rather, get land, securing title for your residential home sites.

Mr. COYHIS. Yes, sir, this would be the primary.

Senator METCALF. Another statement?

Mr. DAVIDS. The stumpage fees are not controlled by the Tribal Council. They make no allowances for the quality of the logs being cut, the difficulty in obtaining them, the roads have to be built, and it makes it quite tough for the logging operations to exist.

And we could control this stumpage, to a more fair rate, and fluctuate it a little so that the person could economically allot these things, and then you would have more people working.

Senator ANDERSON. How long does it take to grow a tree?

Mr. DAVIDS. It all depends on how big you want it to get.

Senator METCALF. Well, what is your cutting cycle, if you had a sustained—

Mr. DAVIDS. We are operating on a 15-year cycle, and we are only doing corrective and selective logging.

Senator STEVENS. Thank you.

Senator METCALF. Thank you very much.

Senator ANDERSON. You consider the cycle about 15 years? That would not grow timber at all.

Mr. COYHIS. Sir, recycling, sustained yield basis, as used in accordance with the Federal foresters. Every 15 years, you will be back in the same place, and you start cutting again.

Senator STEVENS. It is only selective cutting, though. It is not clear cutting.

Senator ANDERSON. I know, but 15 years is a pretty short time.

Mr. COYHIS. It was never touched for 34 years, and this is why the idea of making it a cycle very short to utilize, you know, try to catch up with the 34 years that it was not used.

And this is another reason why we are in need of control, so that we can have control on the rates applied as according to the grade that is grown.

Mr. DAVIDS. Another advantage of the 15-year cycle is there are existing roads, that would not get so completely grown in as they would in 30 years, where you would have to build roads again.

And it is a workable plan. The Menominee Reservation has been operating on it for years.

Senator ANDERSON. How far away is Wausau?

Mr. COYHIS. Approximately 60 miles

Mr. DAVIDS. We are due east of Wausau. It is the relative size on the reservation. IRA land is in there. This appears as a total block.

Senator STEVENS. Thank you.

Senator METCALF. Any more questions?

Thank you very much.

Mr. COYHIS. Thank you very much. All of our official presentation is now concluded, and I thank you very much for the opportunity. Senator METCALF. Thank you all for coming.
(The document referred to by Mr. Coyhis follows:)

OUR PEOPLE—PAST, PRESENT, AND FUTURE

THE STOCKBRIDGE-MUNSEE BAND OF MOHICAN INDIANS

(By Elmer L. Davids)

As I review a lifetime of experiences, both as a reservation Indian and a citizen living on taxable land, I make the following observations.

Even though our people have been in close contact with European civilization for more than 300 years, we still remain as an identifiable group. It appears that this is true because of the fact that our philosophy of life differs in many respects from that of Europeans. The concept of money or the profit motive was something entirely foreign to our ancestors, and even today is painfully being explored by the present generations. Therefore, greed and its complications, having met with little opposition, have inevitably transferred most of our land and resources to other hands. Our early ancestors said, "Yes, there is room for us all," but now it seems that there is no longer room for us. As of now, our land holdings must be consolidated, guaranteed, and enlarged to meet our needs.

Our people lived and prospered without banks, courthouses or jails. Yet our code of ethics would today be considered above par. These are thoughts gleaned from our family circles and corroborated in recorded history. Our tendency still is to trust our white brothers, even though we have often been deluded.

OUR PRESENT

From our ancestral home in the State of New York to our present reservation in Shawano County, Wisconsin, is a long story. In general, it follows the pattern of all Eastern Tribes and it so well documents that I merely refer you to the records. During this long period of time, of necessity we have adopted most of the American way of life. But without the cultural background of Europeans, without capital or the knowledge of how to use it if we had it, we find ourselves a little wiser but even less well off than a few generations past.

At present, many more of our younger generation are completing high school; a few have college degrees. The element most needed, and desperately needed, is *time*.

We can say that today we are semi-assimilated. *Education* and *time* will eventually produce capital. It might not be too far-fetched to say that future educators of Indian descent may some day inject into our national conscience something better than a mad race for money. I have yet to find a definite objective of what we call American Culture.

Our present reservation is a cut-over tract. At the time of purchase it was about to be abandoned by the lumber men as worthless. However, it is quite well-suited to our Indian needs. There is some arable land, a forest that will again in time come into production, and several streams of good fishing water. We have made good progress here. The vital factor at the start was the Indian Reorganization Act of 1934. For a time we had high hopes. Then, without consulting us and contrary to our best interests, the Bureau of Indian Affairs bypassed our Constitution and Charter on lands known as F.S.A. or Federal Security Administration lands. This action has wrought havoc with our plans and thoroughly depressed our spirit. All Indian Tribes, of which there are many who have the same problems, should join hands and enlist the aid of their respective Congressmen and those persons and organizations who purport to be our friends to have these lands added to their respective reservations.

WHAT DO WE ASK OF THE FUTURE?

As before stated, our basic need is a land base, made secure for all time. In and on this hangs our future. Members of our tribe, scattered far and wide, are constantly applying for land and asking membership in the community. The primary reason given is that they wish to establish a home here among their people. One of the desirable features of this location is that it is within a reasonable distance

of the great industrial centers. Many of our young family men are employed in this city of Chicago, as well as others within a radius of about five or less hours' of driving time. Their families reside on the reservation and they commute weekly or to and from some of the nearer towns daily. Their earnings are often invested in homes and improvements here. If it were possible to establish even a small industry here, our problems would, in the course of time, solve themselves. We could be not only self-supporting but contribute to the general welfare with a surplus of skilled or professional workers.

Just a little help, given us in the early days of the Indian Reorganization Act, resulted in many of our young men mastering trades and thereby elevating the economic condition and living standards of many. Furthermore, if we were to be assured that this little oasis of land would be ours indefinitely, the effect upon our spirit would be all out of proportion to the real or sale value of the land. It is a home for the aged, refuge for the unemployed, handicapped or ill. Last but not least, it would restore our faith that people of these United States would have it that way if they really understood Indian nature.

Secondly, I would say that the white public be educated to look upon a reservation in the true meaning of the word: something the Indian Tribes have reserved for themselves out of the vast territory of this country which was once their domain and for which, in some cases, they so valiantly resisted the invaders.

Does the general public know that many of the products that loom large in our present economy are of Indian origin, like corn, tobacco, etc.?

That the early explorers were shown the valleys and water courses that became our highways?

That the stories of Daniel Boone, Kit Carson, and Lewis and Clark could never have been written were it not for friendly Indians? Would they have done these things had they been aware of the consequences? Is it fair to the Indian to use the textbooks in our public schools that tend to justify the acts of early settlers and make the poor Indian, resisting in proud self-defense, a culprit and a savage?

We believe that any act of Congress or Bureau dealing in Indian affairs should first consult with the Indians themselves, that they should sit in their councils, not just once but perhaps repeatedly, before taking any action affecting their welfare. Too often in the past a mere drive across a reservation or a ten minute stop at a few Indian homes constituted an "investigation" and was used as a basis for a report which would be entirely superficial, if not downright in error!

This, then, is *our* case, assuring you that any tribe having similar problems will have our full cooperation, and expressing the hope that *together* we may accomplish that which we might no do separately.

Mr. Elmer L. Davids, Sr. lives on the Stockbridge Reservation near Bowler, Wisconsin. Always active in tribal affairs, Mr. Davids is now a member of the Stockbridge Historical Committee. Recently he traveled to Stockbridge, Massachusetts, in search of historical information for the tribal records. This article was written for the American Indian Chicago Conference, June, 1961. It was also presented at the Milwaukee Conference in the spring of 1961.

Senator METCALF. Our next witness is Mr. Sargent, who I will again call, who will testify on S. 1217, the White Earth bill, on behalf of the White Earth Tribal Council.

STATEMENT OF MARVIN SARGENT, CHAIRMAN, WHITE EARTH TRIBAL COUNCIL; ACCOMPANIED BY SIMON HOWARD, PRESIDENT, MINNESOTA CHIPPEWA TRIBE, AND JOHN BUCKANAGA, WHITE EARTH RESERVATION

Mr. SARGENT. Mr. Chairman, members of the committee, if I may, I would like to, I think, one of the speakers will be John Buckanaga and Simon Howard.

Senator METCALF. Please bring anyone forward that you think will help.

Mr. SARGENT. This is John Buckanaga, from my reservation White Earth Reservation, and Simon Howard, who is the president of the Minnesota Chippewa Tribe, which our reservation is part of.

I brought the map. I was going to hang it up there, but so much of this coloring, I cannot see that far, so I would like to present this map and also the plan of and application for a HUD grant.

As you know, the orange lands here are the lands in question under this bill, 1217, and they are directly in the reservation, in the boundaries.

Senator METCALF. The exterior boundary of the reservation takes in all the land clear down to the bottom of the map?

Mr. SARGENT. Yes, sir. The original boundaries run something like this, sir, approximately 40 by 15 miles, and the blue land that you see up here is lands exclusively owned by the tribe, and the rest is the resettlement acres, approximately 28,000 acres.

I will not elaborate too much on our plans, other than they do offer quite a bit of economic potential, and to get down to our overall economic development plan, we will have this made available immediately to this committee in the very immediate future.

The plan was accepted originally by the Area Redevelopment Land Administration, Department of Commerce, on September 8, 1962.

There is considerable opportunity, especially down in this particular area, and up on the northern part of the reservation, which we feel to be very well used, if we could develop wild rice, type of developments such as this.

Down in this particular area, there is a great amount.

Senator METCALF. Could you orient the map for us? Which is north, now?

Mr. SARGENT. This is north, and this is south [indicating].

Senator METCALF. When you are saying "Down in this particular area," you are indicating the southern part of the area?

Mr. SARGENT. Right; yes.

It is fairly swampy down in this particular area, and down in here we have what you call Tamarack National Wildlife Refuge.

Senator METCALF. Down in the very southern portion.

Mr. SARGENT. Very southern part of the reservation.

There is a great amount of economic potential in this reservation. We do have some two industries. We are attempting to build up, as we go along, but we also feel that with the employment rate on the reservation of approximately 65 percent unemployment, we feel if we can build this up, and much of the potential that we describe in our overall economic development plan could affect directly or indirectly our people eventually, especially in our wild rice development, we could be using the money that comes in for scholarships.

We feel that we will have quite a few young people in college very shortly, so the overall range, I would hope it would be a long way, maybe 5 to 10 years before this really starts providing.

There is a great amount of timber in some areas. Of course, the water is not too—there are a number of lakes in here. The tribe owns some lakes for property. It is being leased, and bringing income into the tribe, and we feel there should be a little bit more besides this.

I have no other presentation, other than this. I think that Mr. BUCKANAGA and Mr. HOWARD both will have a little further knowledge.

Senator METCALF. Do either of you want to make a statement at this time?

Mr. BUCKANAGA. Mr. Chairman, I would like to make a brief statement.

As a past president of the Minnesota Consolidated Tribes, a former resident of the White Earth Band of the Minnesota Chippewa Tribe, I have been asked to support Mr. Howard, as our president of the Consolidated Tribes and Mr. Sargent as our White Earth Reservation chairman, to endorse and support S. 1217, which is transfer of submarginal lands to the White Earth Reservation, to be held in trust, for the U.S. Government.

And I think the reasons, the justifications for S. 1217 are well documented. They are well contained in the Senate Congressional Record, which was made recently by the Honorable Senators, Mr. Jackson and Mr. Allott, on March 12, 1971.

Our basic reason for obtaining this land as property for the White Earth Reservation is to improve the economic conditions, social conditions, to help alleviate the chronic unemployment conditions that exist on that reservation.

Senator METCALF. Well, now, how is this going to alleviate the unemployment conditions?

Mr. BUCKANAGA. We have plans, an overall economic development plan, as Mr. Sargent said. We have these plans ready for execution, and possible funding, once the lands are reverted.

Mr. Sargent mentioned something about timber on this. We have not really got involved totally in the timber products or the wood products, for several reasons, because, first of all, we don't have title to it. Therefore, we don't ingress on this property.

However, much of the timber we might say is overmatured. There are very limited right-of-ways of roads into this area, and these conditions exist. In the future, they will continue to exist, if we do not get title for the land, for the purposes.

Senator METCALF. So you will get some employment as a result of logging operations, you will get some employment as a result of building up your wild rice, down in some of this swampland.

Now, what else are you going to do?

Mr. BUCKANAGA. We have plans for agriculture development, using the lands that are available, and to develop much——

Senator METCALF. Some of this land is desirable for agricultural and——

Mr. BUCKANAGA. Part of it is, but not very much. But we have plans.

Senator METCALF. But it is not being used or tilled or farmed at the present time?

Mr. BUCKANAGA. Not at this time.

I would like to also say, finally, that in the event of future offsets, that we ask that no offsets be taken from the tribe, in future litigation, or what-have-you, because we think that we feel, and we know that we are, from these lands alone, we have paid back what originally was paid for these lands.

To make it more specific, we have returned \$175,896 to the U.S. Treasury, as compared to \$175,664 originally the cost of the land, when it was purchased in the early days, when the land valuations were much less than they are now.

Senator METCALF. Well, now, as I understand it, you have a 1-year lease for recreation land. Is that right? You give each developer on these lakes and so forth a revocable annual lease?

Mr. BUCKANAGA. The leases are annual.

Senator METCALF. In your program, is that right, Mr. Sargent?

Mr. SARGENT. Yes, on our tribal lands.

Now, within these areas here, in the submarginal lands in question, I heard somebody say not too long ago that there was people, you know squatting on these. We have a very few people, probably, build a house occasionally here or there, but other than that I believe that Interior Department has complete control as far as the forestation or harvesting, and forestry products, and all these other things, which reverts back to the U.S. Treasury, and we don't have any income on that.

Senator METCALF. If the timber is overmature, it does not look as if the Bureau of Indian Affairs or Interior Department is taking very good care of the land.

Mr. SARGENT. Well, we feel that probably under the tribal ownership, tribal manager—

Senator METCALF. You will take better care?

Mr. SARGENT. I do, yes.

Senator ANDERSON. Why?

Mr. SARGENT. Well, I feel that when we get into this particular area, and start developing plans, probably by our or any other community, that we would probably do—

Senator ANDERSON. They have been there for 30 years.

Mr. SARGENT. Oh, yes.

Senator ANDERSON. Why did they not sell off the timber?

Mr. SARGENT. We could manage the timber very well, Senator.

Senator ANDERSON. You are not disposing of it?

Mr. SARGENT. No.

Senator ANDERSON. You have to produce.

Mr. SARGENT. Well, this is falling under the overall economic development plan to efficiently run most of this particular area here, and harvest it by selective cutting, developing recreational areas within particular areas of the reservation.

There is a great amount of high lands over in this particular area, which looks very good for even, you know, development of ski resorts.

Senator METCALF. That is the eastern area?

Mr. SARGENT. Yes, the eastern area.

Senator ANDERSON. Do you live here in Washington?

Mr. SARGENT. No, I don't.

Senator ANDERSON. Where do you live?

Mr. SARGENT. I live in a little town called Naytahwaush, on the White Earth Reservation. It is right in here.

Senator METCALF. He is indicating near the center of the reservation.

Mr. SARGENT. There is coming industry, very strongly, in that particular area, the snowmobile, which is developing some of the trails, and resort areas, which would also provide some employment, and also some returns of moneys to the tribe for operations.

Senator METCALF. I assure you, in my own experience in and around Yellowstone Park and Glacier National Park, snowmobiles are not an unmixed blessing.

Senator ANDERSON. They do a great business.

Senator METCALF. They do a great deal of business; yes.

Mr. SARGENT. Other than that, Senator, I think that this is—

Senator ANDERSON. If you are granted this land, would you try to tie in the existing areas, plus these, plus certain private developments?

Mr. SARGENT. Absolutely. That would be one of the primary functions, to try to tie in these lands, tying them in with the agricultural area up here, with the swamp land, and your forest areas down here, because much of your lakeshore property right now.

Senator METCALF. And you would have some sort of a recreational development or cabin sites on the lakeshore?

Mr. SARGENT. Absolutely.

Senator METCALF. On a long-term leasing program?

Mr. SARGENT. This is indicated in our overall economic development plan, a very good one, very elaborate, I think. You will see it. It has been submitted to you.

Senator METCALF. Well, thank you very much for your presentation, and thank you for coming, and we assure you, you will be given every consideration, both your very able Senators and your own presentation this morning.

Mr. SARGENT. Thank you very much.

Mr. HOWARD. Thank you very much.

Senator METCALF. The next witness is Mr. Hal Gross.

Mr. Gross, we thank you for waiting so long. We are delighted to have you here, and go right ahead.

STATEMENT OF HAROLD M. GROSS, ATTORNEY AT LAW

Mr. GROSS. Thank you, Senator.

I am Harold Gross, an attorney who has spent the past 3 years working in various capacities on legislation affecting Indian tribes.

For the past 7 months, as a legal consultant to the National Council on Indian Opportunity, I have been primarily engaged in a study of the history, law, and administration of those parcels of submarginal land purchased by the United States for addition to the tribal land of some 19 Indian tribes. The results of that study will soon be published by NCIO, in the next several weeks, I hope.

Senator METCALF. We will be delighted to have it for our records.

Mr. GROSS. I think, Senator, it will answer several of the questions—not all of the questions, but several of them—that were raised this morning.

Today, I appear as an independent witness in support of the two bills before the committee.

We urge this committee to take today, with respect to these lands, action which would be the fulfillment of a promise made to these Indian tribes long ago.

In 1933, as the Nation attempted to recover from the Great Depression, a national "land program" was devised to improve the economic condition of several target groups, particularly including several Indian tribes.

The program was designed in the executive branch of the Government, but had the complete authorization of the Congress. Congress extended a broad mandate to create certain agencies to carry on the land program under title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200). The necessary funds for this program were appropriated by the Congress under the Emergency Relief Appropriations Act of 1935 (49 Stat. 115).

I want to underscore that this land was purchased by the Federal Government with special emergency relief appropriation funds,

appropriated by the Congress for that purpose. These lands are not, therefore, just some public domain land which the Government happened to have on hand. They were specifically purchased for the Indians to whom the bills now before this committee would convey it.

The specific congressional authorization for the land program was contained in section 55 of title II of the act of August 24, 1935 (49 Stat. 750, 781), giving the President broad discretion to acquire such submarginal lands, and to prescribe uses for them.

Under the overall program, certain funds were specifically set aside for "Demonstration Indian land projects." It was out of these funds that the lands to be conveyed to the Minnesota Chippewa Tribe and the Stockbridge-Munsee Tribe were purchased.

The purposes of this purchase were contained in a series of executive branch memorandums which our research has uncovered. Specifically, the purpose of the land program, insofar as Indian land projects were concerned, was "the readjustment and rehabilitation of the Indian population by acquisition of lands to enable them to make appropriate and constructively planned use of combined land areas in units suited to their needs."

In the case of the Stockbridge-Munsee, the purchase was coupled with the purchase under the Indian Reorganization Act of some 2,250 acres of land for the tribe. Both the submarginal acreage and the IRA acreage were entirely within the former Stockbridge Reservation, and purchased to restore those parcels to the tribe. Without these parcels, the tribe has no other land base.

A joint statement of policy, issued on January 1, 1935, by the director of the land program, Mr. Lansill, and the Commissioner of Indian Affairs, made it plain that the policy was to "acquire lands for Indian use which will improve their economy and welfare and lessen relief costs * * *."

Senator ANDERSON. Did you use a name here, sir?

Mr. GROSS. Lansill, Senator; J. S. Lansill, L-a-n-s-i-l-l, who was the director of the land program at that time.

On October 19, 1936, a memorandum of understanding was executed between the Resettlement Administration and the Bureau of Indian Affairs describing 10 submarginal land purchase projects. It made plain the land was acquired "for the exclusive benefit of Indians."

Subsequently, on August 11, 1937, the Secretary of Agriculture, and I might point out that the Resettlement Administration had in the meantime been moved into the Department of Agriculture, the Secretary of Agriculture wrote to the Secretary of the Interior that "Executive orders are now being prepared to transfer the lands acquired on these 10 projects to the Office of Indian Affairs for permanent jurisdiction."

Incidentally, within those 10 projects are the Montana projects which you have referred to earlier, and listed 11 additional projects which would be included under the terms of the memorandum of understanding of October 19, 1936. The two projects at White Earth Reservation, which are included in S. 1217, and the project at Stockbridge-Munsee involved in S. 1230, are among the latter 11 projects.

On April 15, 1938, President Roosevelt signed Executive Order 7868, which transferred jurisdiction over each of these projects from the Secretary of Agriculture to the Secretary of the Interior for

administration "for the uses for which they were * * * acquired, and, insofar as consistent with such uses, for the benefit of such Indians as he may designate * * *."

The Indian Commissioner's office then wrote to each affected Indian agency, clearly spelling out what was supposed to happen to this land, on May 26, 1938:

The title to these lands is taken in the name of the United States, and they will not become the property of the Indian tribe, for whose use they were purchased, until congressional action is obtained specifically transferring such title.

However, the lands listed in the Executive order * * * should, from the standpoint of administration, be treated as though they were tribal lands, and any use thereof should be taken up with the tribal council * * -.

As the Acting Secretary of the Interior acknowledges in a memorandum signed October 22, 1964:

The records disclose a complete understanding between the Federal agencies involved in the acquisition and administration of the submarginal lands, that such lands had been selected for acquisition in connection with demonstration Indian projects, were needed by the Indians, and would be utilized by the Indians in connection with utilization of Indian-owned lands, and that proper recommendations would be made at the appropriate time for the enactment of legislation to add permanently these lands to Indian reservations.

Senator METCALF. Just a minute.

Go ahead, sir.

Senator ANDERSON. You say this was 1964?

Mr. GROSS. The memorandum I am quoting from, Senator, was issued in 1964. But the action—

Senator ANDERSON. Do you know anything about the history of this area?

Senator METCALF. What was the occasion for the issuance of this memorandum?

Mr. GROSS. It is contained in a memorandum in which the Department is changing its policy with respect to some of the western parcels, and they are changing their fee. As a matter of fact, this is the time in which they stopped charging the Indians on the Dakota and Montana reservations for the surface use of the land, deciding that they had no right to charge in the first place, and, therefore, it made no good sense as a policy.

That was the context in which this memorandum was issued, but the paragraph I am referring to is part of a review in which the Secretary reviews the entire history of the acquisition and policy of the parcels.

Senator ANDERSON. He did not know what the original title was, did he? 1964 is a long time between 1933.

Mr. GROSS. Yes, Senator, but I think in his—in the complete memo, which we are prepared to put into the record, and which certainly will be a part of the report that we are preparing, he cites all of the previous historical documents, and they also will be included in my report.

Senator ANDERSON. I think that is important.

Senator METCALF. I don't know whether it is important to put the complete report, Mr. Gross, in this record or not, but this is a matter of very great importance and continuing importance to us, not only involving this legislation, but involving, as you are aware, the other parcels of the land concerned, and some of us have been interested,

have done some of this research ourselves, although my memory is not quite as accurate as if I had looked it up.

So, Senator, rather than just putting this complete memorandum as a part of this record, we will wait until his report is made, and then we will have it available for use on all of this legislation.

Senator ANDERSON. I think that would be fine.

Do you have any documents of how things were at the time?

Mr. GROSS. Yes.

Senator ANDERSON. And I know that some of these were called selection-for-use projects. A steer, made sure they had hooves and horns, and everything else, and were responsible for paying them for it.

And I think it is very important to give us the citation. That is all I care about.

Mr. GROSS. Since 1938, these tribes have awaited congressional action so that they might begin the process of economic development of their reservations.

Congress approved of the Presidential discretion exercised in purchasing submarginal land for donation to Indian tribes when, in the act of July 20, 1956 (70 Stat. 645), it completed the process by transferring trust title to its submarginal land parcel to the Seminole Tribe of Florida. The Seminole parcel was, like the two before the committee today, one of the 11 projects listed in Executive Order 7868, and in the Secretarial letter of August 11, 1937, to which I have previously referred.

Another precedent was referred to earlier by Mr. Bruce. This was another hunk of submarginal land transferred to the various Pueblos in New Mexico. However, that is not cited here because it came under a different Executive order, although under the same program.

Thus, delivery of this submarginal land to these two tribes would not set a precedent—rather, it would simply follow a precedent approved by the Congress in 1956.

Although the Interior Department has consistently supported enactment of legislation transferring trust title to these lands to the tribes for whom they were purchased, the necessary legislation has not been enacted by the Congress.

However, it is noteworthy that there has never been expressed public opposition to the passage of legislation transferring trust title to the Stockbridge Munsee Indian Community or the Minnesota Chippewa Tribe.

Even the Comptroller General's report of 1962, with which, I might say, I have a great deal of serious quarrels, and which opposed delivery of submarginal—

Senator METCALF. Is that report now going to be available as a part of your complete study by the NCIO?

Mr. GROSS. Yes, sir; it was submitted originally to the Interior Committee at the request of the committee.

Senator METCALF. I think that was the request of some of us who wanted to transfer some of this other land, which has mineral values and so forth.

Mr. GROSS. And I deal with this in the overall report.

Senator METCALF. Fine.

Mr. GROSS. I think it is at least obsolete, if nothing else, but at any rate, even in that report there was the recommendation in the case of the Stockbridge Munsee Reservation, and I quote:

It may be appropriate to make conveyance of the submarginal land to the Stockbridge community dependent on evaluation and acceptance of its land-use program.

And, in the case of the White Earth Reservation:

If the tribe's proposed land-use plan * * * is a realistic plan for tribal use of this land to provide employment and industrial training to tribal members, furtherance of this plan would be encouraged by a donation in trust to the tribe of a sufficient number of acres to help the plan be successful.

In other words, the report did not oppose the transfer of trust title to these two parcels to these two particular tribes.

Other than this report, there has never been any publicly expressed opposition to the completion of this submarginal land program as originally devised, and its recommendations are positive with respect to the bills before this committee at the present time.

There is one other matter which I would like to have the committee consider in deciding on the final language to be put in the bills before you, which we hope you will pass.

That is the matter of the funds collected by the United States in the Treasury, since they purchased these submarginal lands for the exclusive benefit of the Indians.

The original cost of the submarginal lands at the Stockbridge-Munsee Reservation was \$69,546. Had the lands involved in S. 1230 been transferred to the tribe by the Congress in 1938, all income subsequently received by the United States from this parcel of land would have gone to the Stockbridge Munsee Indian Community.

That this was the intent of the program was clear. Moneys collected by the Government from the submarginal land were placed in special deposit accounts, where they were held for the tribe, pending enactment of legislation transferring title. The bills recommended by the Interior Department at that time provided for not only the delivery of title to the land, but also delivery of the funds held in the special accounts.

On November 23, 1955, a new policy was announced. Moneys held in special deposits attributable to these submarginal lands were to be deposited in the U.S. Treasury to the credit of the appropriate miscellaneous receipt account. And quoting in part from that memorandum:

It appeared that no purpose would be served by continuing to hold this money in special deposits in support of such legislation since it may be provided in the legislation if so desired that such funds on deposits in the Treasury could be credited to the account of the tribe.

Now, that was the Interior Department position in 1955.

Subsequently, it appears they have forgotten that position. But at that time, the revenues previously held in special accounts were deposited in the Treasury, and all revenue since collected has also been deposited in the Treasury.

The total sum through fiscal 1970, collected from the Stockbridge Munsee parcel is \$92,283.12, or some \$22,737.12 more than the United States paid for this land parcel.

If the United States retains this money, it will mark one of the few times in history when the United States made a profit on an emergency relief appropriation.

To make the matter clearer, had the legislation, needed to turn title to the tribe, been passed in 1969, the Treasury would not have collected \$13,836 in timber stumpage fees, and \$50 in surface rents.

And I would also point out that up until 1964, on the five parcels, which include both of the reservations that are before the committee today, which are essentially timberland, the Bureau policy, until 1964, was not to harvest timber commercially. They cut dead and dying timber, and they gained a little bit of income from it, but essentially their policy was to preserve the trees for the time when the tribes got the land.

In 1964, they changed that policy, and began to commercially harvest this timber.

Thus, only the delay in passage of this legislation has enabled the Treasury to collect these revenues which, otherwise, would have gone to the tribe, where they are desperately needed.

Obviously, a number of alternatives are possible: the Stockbridge Munsee Community has made it plain that, although they can use these funds desperately, they are not willing to jeopardize passage of S. 1230, by insisting on receiving the funds as well as the land.

However, if the United States keeps the revenue, which thereby returns its original investment plus a considerable profit, the inclusion of section 2 in the bill, authorizing the Claims Commission to consider a setoff, would seem to be inappropriate, since this would give the United States the opportunity to be paid twice for this land.

Other alternatives are: The retention by the United States of a sum equal to the purchase price, payment of the balance, \$22,737.12, to the tribe, and again the deletion of section 2, on the same argument, that is, that the United States had been reimbursed for its original purchase price.

Or, a third alternative would be the payment of the entire \$92,000 to the tribe, on the assumption that that is where it was intended to go in the first place, and then a setoff provision in the bill could be considered.

Passage of S. 1230, in a form——

Senator METCALF. There is a fourth alternative, that was set forth by the Bureau of Indian Affairs this morning. They say not to say anything, to leave it blank in the bill, and leave it up to the Indian Claims Commission to make an equitable determination.

Mr. GROSS. I think it was your question pointed out, though, Senator, it seems to me that this creates an inequity, particularly with respect to any tribe which has already received its claim and subsequently is considering obtaining title to its submarginal lands.

Senator ANDERSON. You are going to ask somebody to do an awful lot of digging, because in the early days of the administration, 1935 and 1936, you had many problems in the return of property, rental property, use of materials, the lands in the Northwest, all started for the relief of the administration, and I can remember hauling dirt in the Northwest area. It was not always——

Senator METCALF. Fort Peck Dam, yes. Fort Peck was built at about that time, and a whole lot of land was acquired. We still have not straightened out the title of some of it. And title also, I assure you, in the State of Montana, for some of this other acquired land are still in some doubtful positions.

Mr. GROSS. I think with respect to these two reservations in particular, though, the title is pretty clear, and the intent of the program is pretty clear.

With respect to the other bill, S. 1217, you have the interesting situation where the income through 1970 is only about \$232 different than from original purchase price. That, of course, is a coincidence, and some of the same arguments I am making would apply, except that it would seem to eliminate one alternative, that is, there is no profit to donate to the tribe. You either have a setoff, or you don't, but the numerical figure is about equal.

Incidentally, I am prepared to furnish to the committee copies of any documents I have referred to, and considerably more documentation, and they will all be included in the report, which we have completed, and which, hopefully, will be printed within 3 or 4 weeks.

Senator METCALF. Well, I think the committee would be very interested and concerned in your comprehensive report of the study and the history, and the background of this entire area.

Some of us remember, and some of us remember research on other legislation, but, as you know, Mr. Gross, sometimes our memory is not quite accurate.

For instance, I was a Member of the House, and, Senator Anderson, you were in the Senate, when we passed the Seminole bill, were you not? And that, as you are citing it, is a precedent. I don't recall in just what order, but that and the Indian Claims Commission, all those things came up at about the same time, but it seems to me that when we passed the Seminole bill, we did not take into consideration the setoff at all.

Mr. GROSS. That is my recollection of the language of the bill.

Senator METCALF. I wonder if you would look that up, too.

Mr. GROSS. We certainly will.

Senator METCALF. And I wish the Department would also give us a little memorandum on that, because, as has been pointed out, this was land that was purchased under the same Executive order, probably a trust.

You know, the language of the purchase is the language we would use to create a trust; is it not?

Mr. GROSS. That is exactly correct; yes, sir.

Senator METCALF. And, well, as you point out, this legislation is a little simpler than some of the others that are going to be before us.

Mr. GROSS. Yes.

Senator METCALF. And so, instead of making it a part of the record of this, I am going to ask you, in the next few weeks, if, as this whole document comes out, if you will supply some of it, so that the members of the committee may have it before us as we look into this other.

Mr. GROSS. I certainly will do this.

Senator METCALF. And I am especially concerned with the Fort Peck and the Cheyennes and the Blackfeet.

Senator ANDERSON. I think also you have to pay a lot of attention to what these people did at that time. Here is precedent to them.

I remember traveling around in the Western States in 1935. The projects were being started. We had to haul people out, put them on the cars, ordinary train cars, to other parts of the country, where we could feed them. And as I say, it was the desire to return all this money. People were very happy to have a little food.

We had one area in the northwest corner of New Mexico, where the pasture was not very good, and we fenced 400,000 acres. Not by any process of law, originally, but just put some stakes down there. Now, later on, 25 years later, the pasture is very fine, and the cattlemen are now beginning to have to turn over the land. "You cannot serve with the Department of Agriculture. You have got to let those of us who are experts do it." But experts went to a lot of trouble.

Mr. GROSS. Sir, any indication of motives that I have attributed, I have simply quoted from public documents. It is clear that about 90 percent of the funds in the submarginal land program had to do with projects which had absolutely nothing to do with Indian reservations, and as near as I can tell, all of the land which the Government bought under those projects that has been—that something has been done with, have been turned into either national forests, some of it is contained in some of the Reclamation projects, there are—

Senator METCALF. Bureau of Land Management activity, some of it is under four-lane highways, some of it is in wildlife and wilderness areas. It is all over.

Mr. GROSS. Yes.

Senator METCALF. As far as I know, and this came up, has any of it been returned to private individuals?

Mr. GROSS. No; as far as I have been able to tell, there is no evidence that any has ever been turned over to private individuals. Certainly not the original owners.

The Land Review Commission, Public Land Law Review Commission, in its report, points out that the broad purpose of this entire program was essentially to bailout the small farmers who were in trouble, in the 1930's, and to buy up all these depleted properties of land which were simply not capable of supporting the people that were on them.

And I might point out for the record that, of course, none of the people that were paid money by the Government for land which was at the time presumed to be worthless will have to pay any setoff at any subsequent time for the benefit they received from that Government program.

The only context in which the question of setoff ever arises is in the Indian context, and that might be another consideration which this committee might want to take into account.

Senator ANDERSON. I took Rex Tugwell in the Southwest, passing on all these farm problems—that has been a while ago, I guess—and at that time he had some material on these resettlement projects, and things of that nature. Some people were encouraged to settle on former Bosque farms as a means of earning a livelihood.

Now, they are in good shape. And the lands have increased in value. Some as high as \$400 and \$500 an acre, but at one time they did not have sufficient income to pay the taxes.

Senator METCALF. Well, to distinguish a little bit from the homesteader who went out and homesteaded and then he found out in the depression there he could not sell his crops, and he was being foreclosed and could not pay his taxes, so we went out and tried to bail them out. It was John Collier who said, "Well, a lot of this land is on or adjacent to Indian reservations, and so why don't we get to pick up some of it to increase the reservations?"

Now, the Indians did not get that money. The settler got that money, or the homesteader got it, and so, as I pointed out to Senator Proxmire this morning, this is in a little different situation than public domain land that was taken from the Indian or something. It was purchased, but, as you point out, from some of the language, and I think you can find out more language, too, this is the kind of language that we lawyers in the trade use to create a trust.

And it was purchased for and on behalf of the Indians, and there is a trust, and the Federal Government is the trustee, and it would seem to me that it would be well, Senator, for this committee, even at this late date, to try to get all the historical basis, and maybe we can solve some of these problems that just continue to revolve and, as I say, some of this land is tremendously valuable in the Williston Basin. It has mineral potentialities that rival those of the North Slope or of Texas. Some of the Indian land in the Fort Peck is involved in that same sort of thing.

So we will welcome all the research you have done, all the research that you or anyone else that is interested, and we may have to do some more research ourselves.

And, Mr. Commissioner, I hope that you will go into this in greater detail, because you have gotten some of the questions that we have on these other matters.

Senator ANDERSON. Off the record.

(Discussion off the record.)

Senator ANDERSON. I think it has been very useful.

Senator METCALF. It was a thrilling time. It was sort of like combat, you know, like a combat operation, where everybody just went out, and with rather broad authority, did whatever was necessary to be done.

And it is pretty hard for all of us to trace back now and find out just what the legal situation is. But this is what Congress is about to do, to restore some of these equities.

Thank you very much.

Mr. GROSS. Thank you, sir.

Senator METCALF. We will be in recess subject to the call of the Chair.

(Whereupon, at 12:38 p.m., the subcommittee recessed, to reconvene at the call of the Chair.)

APPENDIX

(Under authority previously granted, the following communications were ordered printed in the hearing record:)

BACKGROUND MATERIAL REQUESTED BY SENATOR METCALF AND SUPPLIED BY
COMMISSIONER BRUCE

DEPARTMENT OF AGRICULTURE,
Washington, D.C., February 19, 1938.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The attached Executive order, which is presented for your approval and signature, provides for the transfer from the Department of Agriculture to the Department of the Interior of jurisdiction over certain lands, together with the improvements thereon, which have been, or are in the process of being, acquired in connection with the following projects in the States of Florida, Idaho, Michigan, Minnesota, Montana, North Dakota, Oklahoma, Oregon, South Dakota and Wisconsin:

Seminole (LI-FL-6)	Delaware (LI-OK-4)
Fort Hall (LI-ID-2)	Adair (LI-OK-5)
L'Anse (LI-MI-8)	Burns Colony (LI-OR-5)
Twin Lakes Land (LI-MN-6)	Pine Ridge (LI-SD-7)
Flat Lake (LI-MN-15)	Cutmeat (LI-SD-8)
Fort Peck (LI-MT-6)	Antelope (LI-SD-9)
Fort Belknap Land (LI-MT-3)	Crow Creek-Brule (LI-SD-10)
Blackfeet (LI-MT-9)	Cheyenne Indian (LI-SD-13)
Standing Rock (LI-ND-10)	Bad River (LI-WI-8)
Fort Totten (LI-ND-11)	Lac Court (LI-WI-9)
	Stockbridge (LI-WI-11)

The lands in question, aggregating approximately 381,578 acres, are largely within, contiguous or in close proximity to existing Indian Reservations. The projects, within which these lands lie, were initiated with a view to their ultimate administration by the Office of Indian Affairs for the benefit of Indians.

The execution of the attached Executive order, which provides for the administration of these project lands for the uses for which they were, or are in the process of being, acquired, and, insofar as consistent with such uses, for the benefit of Indians, is therefore recommended.

The lands in question have been, or are in the process of being, acquired under authority derived from Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of Title I of the act of August 24, 1935, (49 Stat. 750, 781).

Land acquisition under the National Industrial Recovery Act was conducted in connection with projects which come within the general classification set forth in section 202(b): conservation and development of natural resources. Land acquisition under the Emergency Relief Appropriation Act of 1935 was conducted in connection with projects classified under section 1, subsection (h) of that act: "* * * sanitation, prevention of soil erosion, prevention of stream pollution, sea coast erosion, reforestation, forestation, flood control, rivers and harbors and miscellaneous projects." Under section 55 of Title I of the act of August 24, 1935,

projects were developed, as a part of "a national program of land conservation and land utilization", for the "acquisition of submarginal lands and their use for such purposes as the President shall prescribe."

Respectfully,

H. A. WALLACE,
Secretary.

Enclosure.

EXECUTIVE ORDER 7868

TRANSFER OF JURISDICTION OVER CERTAIN LANDS FROM THE SECRETARY OF AGRICULTURE TO THE SECRETARY OF THE INTERIOR

Whereas certain lands, together with the improvements thereon, largely contiguous or in close proximity to existing Indian Reservations, have been, or are in the process of being, acquired in connection with the projects hereinafter designated, under authority of Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of Title I of the act of August 24, 1935, 49 Stat. 750, 781; and

Whereas it appears that the transfer of jurisdiction over such lands from the Secretary of Agriculture to the Secretary of the Interior for administrative purposes would be in the public interest:

Now, therefore, By virtue of and pursuant to the authority vested in me under the aforesaid National Industrial Recovery Act, the Emergency Relief Appropriation Act of 1935, and the act of August 24, 1935, it is hereby ordered that jurisdiction over the lands within the hereinafter-described areas, together with the improvements thereon, acquired or in the process of acquisition by the United States in connection with the hereinafter-designated projects, be, and it is hereby, transferred from the Secretary of Agriculture to the Secretary of the Interior: *Provided, however,* That the Secretary of Agriculture shall retain such jurisdiction over the lands now in process of acquisition by the United States as may be necessary to enable him to complete the purchase of such lands; and the Secretary of the Interior is hereby authorized (1) to administer, through the Commissioner of Indian Affairs, such lands for the uses for which they were, or are in the process of being, acquired, and, insofar as consistent with such uses, for the benefit of such Indians as he may designate, (2) in connection with the administration of such lands to exercise all powers and functions, insofar as they may relate to these lands, conferred upon the Secretary of Agriculture by Executive Order No. 7530 of December 31, 1936, and Executive Order No. 7557 of February 19, 1937, and (3) to prescribe such rules and regulations as may be necessary to carry out the purposes of this order.

SEMINOLE PROJECT, LI-FL-6

GLADES COUNTY, FLA.

Tallahassee Meridian

T. 39 S., R. 32 E., secs. 1 to 3, inclusive, 10, 12 to 15 and 22 to 27, inclusive, 34, and 35;

T. 38 S., R. 33 E., secs. 19, 20, and 29 to 36, inclusive;

T. 39 S., R. 33 E., sec. 2, lots 1 to 3, inclusive, N $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ NW $\frac{1}{4}$; secs. 3 to 9, inclusive, all; sec. 10, lots 1 and 2, NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$; sec. 11, lots 1 and 2; secs. 17 to 20, inclusive, all; sec. 21, lots 1 to 4, inclusive, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$; sec. 28, NW $\frac{1}{4}$; sec. 29, lots 1 and 2, NE $\frac{1}{4}$, NW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$; secs. 30 and 31, all; sec. 32, lots 1 and 2;

T. 38 S., R. 34 E., sec. 31, lots 1 to 4, inclusive.

FORT HALL PROJECT, LI-ID-2

BANNOCK, BINGHAM, AND POWER COUNTIES, IDAHO

Boise Meridian

Tps. 5, 6, 7, 8, and 9 S., R. 32 E., those parts lying within the Fort Hall Indian Reservation;

Tps. 4 and 5 S., R. 33 E., those parts lying within the Fort Hall Indian Reservation;

T. 107 N., R. 77 W., secs. 1 to 3, 10 to 15, 22 to 27, and 34 to 36, inclusive;
 T. 108 N., R. 77 W., secs. 1 to 3, 10 to 15, 22 to 27, and 34 to 36, inclusive;
 T. 109 N., R. 77 W., secs. 1 to 3, 10 to 15, 22 to 27, and 34 to 36, inclusive;
 T. 110 N., R. 77 W., secs. 34 to 36, inclusive.

CHEYENNE INDIAN PROJECT, LI-SD-13

DEWEY COUNTY, S. DAK.

Black Hills Meridian

T. 16 N., Rs. 27, 28, 29, 30 and 31 E., all.

BAD RIVER PROJECT, LI-WI-8

ASHLAND AND IRON COUNTIES, WIS.

Fourth Principal Meridian

T. 47 N., R. 1 W., sec. 3, lots 1 and 2; secs. 4 to 9, inclusive, all; sec. 10, lots 1 to 4, inclusive; sec. 15, lots 1 to 4, inclusive; secs. 16 to 18, inclusive, all;
 T. 48 N., R. 1 W., secs. 32 and 33;
 Tps. 46, 47 and 48 N., Rs. 2 and 3 W., all;
 T. 48 N., R. 4 W., secs. 24, 25, and 36.

LAC COURT PROJECT, LI-WI-9

SAWYER COUNTY, WIS.

Fourth Principal Meridian

T. 40 N., R. 6 W., secs. 1 to 4, inclusive;
 T. 38 N., R. 7 W., sec. 6, $W\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$, and $W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$;
 T. 39 N., R. 7 W., secs. 1 to 21, and 28 to 33, inclusive;
 T. 40 N., R. 7 W., secs. 5 to 7, 16 to 20, and 31 to 33, inclusive;
 T. 38 N., R. 8 W., sec. 1, $E\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$ and $NE\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$; secs. 4 to 9, inclusive, 17, and 18, all;
 Tps. 39 and 40 N., R. 8 W., all;
 T. 38 N., R. 9 W., secs. 1, 12, and 13;
 T. 39 N., R. 9 W., secs. 24, 25, and 36.

STOCKBRIDGE PROJECT, LI-WI-11

SHAWANO COUNTY, WIS.

Fourth Principal Meridian

T. 28 N., R. 13 E., secs. 1 to 5, 8 to 16, and 21 to 28, inclusive, 33, and 34;
 T. 28 N., R. 14 E., secs. 3 to 10 and 15 to 22, inclusive, 29, and 30.

FRANKLIN D. ROOSEVELT.

The White House, Apr. 15, 1938.

MAY 24, 1938.

Memorandum to: Mr. Collier.

There is attached a copy of Executive Order No. 7868, of April 15, 1938, transferring administrative jurisdiction over lands purchased by the Farm Security Administration, for Indian use, from the Secretary of Agriculture to the Secretary of the Interior, to be administered through the Commissioner of Indian Affairs.

This covers lands in twentyone purchase projects in the states of Florida, Idaho, Michigan, Minnesota, Montana, North Dakota, Oklahoma, Oregon, South Dakota and Wisconsin.

There is also attached a copy of a letter from the Secretary of Agriculture to the President, submitting this executive Order for signature, dated February 19, 1938. The superintendents of agencies where purchase projects are located have

been furnished copies of this Executive Order. The following instructions as to title, administrative jurisdiction and disposition of revenue obtained from these lands have been given these superintendents.

"The title to these lands is taken in the name of the United States, and they will not become the property of the Indian Tribe for whose use they were purchased, until Congressional action is obtained specifically transferring such title.

"However, the lands listed in the Executive Order falling under your jurisdiction should from the standpoint of administration be treated as though they were tribal lands and any use thereof should be taken up with the tribal council in accordance with the practice now prevailing.

"These lands were purchased for Indian use and if it is found impracticable at the moment for the Indians to use a portion thereof you are authorized to issue use permits to non-Indians in accordance with the regulations now in force governing Indian tribal lands. The revenue obtained from that source should be taken up and carried as 'Special Deposits' until such time as more definite instructions are given you.

"You will observe from the enclosed copy of the Executive Order that in many instances an entire township is described. This does not mean that the entire township has been acquired and turned over to Indian Office administration but merely the tracts actually purchased or in process of being purchased by the Farm Security Administration within that particular township. You have promptly been furnished from time to time official letters from this Office describing all tracts heretofore purchased. This Office will, however, prepare and forward to you a schedule listing the exact descriptions of all the tracts purchased in your jurisdiction so that there will be no doubt in your mind as to just what lands the Executive Order covers."

The areas involved, the costs, and the status of title clearance are shown in the following table. Figures are taken from the Farm Security Administration report as of March 31, 1938.

State and project	Options accepted		Purchases completed	
	Acres	Cost	Acres	Cost
Florida: Seminole.....	27,068	\$92,800	27,081	¹ \$92,800
Idaho: Fort Hall.....	8,886	134,935	8,706	133,054
Michigan: L'Anse.....	4,015	16,125	637	2,585
Minnesota: White Earth Reservation:				
Twin Lakes.....	24,252	156,750	22,899	150,409
Flat Lake.....	4,616	19,948	3,348	14,310
Montana:				
Fort Peck.....	83,999	411,167	67,913	336,961
Fort Belknap.....	25,530	89,936	25,130	88,520
Blackfeet.....	9,037	31,076	9,037	¹ 31,076
North Dakota:				
Standing Rock.....	10,975	46,027	8,069	33,007
Fort Totten.....	1,384	11,506	1,424	¹ 11,869
Oklahoma:				
Delaware County.....	14,107	51,139	6,704	30,495
Adair County.....	4,971	10,934	1,818	5,867
Oregon:				
Umatilla Agency.....				
Burns Colony.....	606	3,028	606	¹ 3,028
South Dakota:				
Pine Ridge.....	46,493	208,976	43,189	194,999
Rosebud Agency:				
Cutmeat.....	10,249	53,603	10,009	52,283
Antelope.....	18,646	102,201	18,642	¹ 102,201
Crow Creek-Lower Brule.....	34,970	142,179	32,703	135,106
Cheyenne River.....	5,110	18,220	5,016	17,720
Wisconsin:				
Bad River.....	13,685	33,142	4,221	9,861
Lac Court Oreilles.....	14,359	27,066	5,925	16,550
Stockbridge.....	13,085	69,565	11,909	58,708
Total.....	376,043	1,729,723	314,986	1,521,409

¹Project purchases completed.

J. M. STEWART,
Director of Lands.

PROCLAMATION

MAR. 19, 1937.

By virtue of authority contained in Section 7 of the Act of June 18, 1934 (48 Stat. L., 984), the lands described below, acquired by purchase for the use and benefit of the Stockbridge and Munsee Band of Mohican Indians of Wisconsin as authorized in accordance with the provisions of Section 5 of that Act are hereby proclaimed to be an Indian reservation: All of Sec. 4, NE $\frac{1}{4}$ Sec. 9, NW $\frac{1}{4}$ Sec. 10, W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 10, all in T. 28, N., R. 13E., of the 4th Principal Meridian, Shawano County, Wisconsin, containing a total of 1049.88 acres more or less.

CHARLES WEST,
Acting Secretary of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS—FIELD SERVICE,
Minneapolis, Minn., September 30, 1936.

Mr. J. M. STEWART,
*Director of Lands,
Washington, D.C.*

DEAR MR. STEWART: We are submitting herewith original and two copies of Final Project Plan for the Stockbridge 1937 Expendable I.R.A. Acquisition Program, under the jurisdiction of the Keshena Indian Agency. The project plan herewith submitted consists of the following documents:

1. Narrative outline of Project Plan in accordance with "Field Procedure" instructions.
2. Tabulation sheets.
3. Options and appraisals.

A detailed outline of the proposed land acquisition on the Stockbridge Reservation and development plan for same was worked out by the Keshena Indian Agency. The Plan inclosed herewith incorporates the recommendations of Superintendent Fredenberg.

The outline for development program and rehabilitation of the Indians as presented in the project plan is necessarily a tentative one. We have tried to incorporate in our development program the recommendations of the Superintendent and his staff insofar as possible since it is understood that the responsibility for utilization of the land being purchased rests with the Superintendent of the respective jurisdictions.

Tentative plans for development included in the project plan are meant to be suggestive only and must be substantiated by further study and investigation.

Respectfully,

A. L. HOOK,
Land Field Agent.

Enclosure.

FINAL PROJECT PLAN STOCKBRIDGE I.R.A.—1937 EXPENDABLE

JURISDICTION: KESHENA AGENCY, KESHENA, WIS.

Explanatory Notes

The Stockbridge Project was initiated under the Submarginal Land Purchase Program and a total of 13,134.98 acres of land was accepted by the Resettlement Administration. Of this amount, approximately 6,880 acres have been paid for and title transferred to the United States. The project was continued under the I.R.A. Program with funds allocated from the 1936 appropriation. Under this later program a total of 1,249.88 acres was optioned and accepted at a total cost of \$12,634.10. The present acquisition program herein outlined is a continuation of this project and in compiling the information called for in the following outline, much of the material presented in former project reports has been repeated. This is especially true of lands purchased with I.R.A. funds, since we have considered the 1936 purchases and the proposed purchases for 1937 as one project in order to present a complete picture of the I.R.A. purchases in relation to the old Submarginal Land Project. It is suggested that this project plan be supplemented by references to the original Submarginal Land Project Plan and the I.R.A. Project Plan of 1936.

A. PRESENT SITUATION AND NEED FOR ADJUSTMENT

The Stockbridge Band of Indians consists of approximately 500 and there are over 100 Indian families in the group. These Indians are descendants of the old Stockbridge and Munsee tribes. The early home of these people was in Berkshire County, Massachusetts. For years they have wandered from one temporary home to another in a number of states. In 1856 the Stockbridges, together with a remnant of the Munsee Tribe, were removed to their present location in Shawano County, Wisconsin, where they were placed on a reservation, deleted from the Menominee Reserve and consisting of two geographical townships. In 1909 the Stockbridge Indians were granted Patents in Fee to their allotments and since that time have not been considered under Federal supervision. Indian land holdings were gradually reduced by alienation to white holders until at present there remains little more than 100 acres in Indian ownership, consisting of a number of small tracts or village lots.

These Indian land holdings are subject to taxation and at the present time the greater number are tax delinquent and subject to foreclosure.

The largest center of Indian population is in the vicinity of Morgan (see map of project area). The Indians making up this village formerly earned their livelihood from employment obtained at the lumber mill at Morton, but which has ceased operations. There are none of the Indians who could be classed as farmers since their farming activities are confined chiefly to production of garden vegetables for family use. From records of the Shawano Relief Administration it is found that at present approximately 100% of the Indian population is supported by some form of relief activity.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS—FIELD SERVICE,
Ashland, Wis., January 27, 1936.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D.C.

MY DEAR MR. COMMISSIONER: We enclose, herewith, the original and one copy of the Stockbridge Land Acquisition Project (Indian Reorganization Act) Final Plan: The Plan comprises two books as follows:

Book "A"—The Final Plan

Book "B"—Lands Recommended for Purchase, comprising options and appraisals

It is suggested that note be taken of item 11B on page 7 and Exhibit 2A referred to in the Final Plan. The appropriation "ear marked" for the Stockbridge Land Acquisition was \$12,000.00. Since a better grade of land is optioned than the land optioned under the Submarginal Program, it is hoped that the total appropriation is flexible to the extent that the total option price may reach the designated \$12,634.10.

Sufficient copies of the photograph exhibit are not on hand. Accordingly, only the original Final Plan contains this full exhibit.

The lands recommended for purchase are supported by the Keshena Indian Agency, Keshena, Wisconsin, Accordingly, we respectfully recommend that the submitted options be accepted.

Very respectfully,

CARL L. PEARSON,
Associate Land Negotiator.

Enclosure.

Name of project: Stockbridge Land Acquisition.
Type: Indian, Wheeler Howard Indian Reorganization Act.
State: Wisconsin.
County: Shawano.

REMARKS

Land Acquisition at Stockbridge has been a very necessary feature for these Indians. Under the Treaty of November 24, 1848 an area was set up in which Indians were allotted some 8,920 acres of land. All this land has been placed in fee simple and lost through sales or taxation.

A submarginal land project has been completed at Stockbridge acquiring 13,134.98 acres. The land thus acquired is checkerboarded over the whole Stockbridge Reservation area, but in many cases blocks out very well.

Land Acquisition under the Wheeler Howard Indian Reorganization Act, with an appropriation of \$12,000.00 available, offers an opportunity to secure desirable lands which will effect a more complete blocking, and which will consummate a purchase of lands with more practical purposes for the Stockbridge Indians.

A Preliminary Plan for Land Acquisition under the Indian Reorganization Act was submitted November 5, 1935 to the following:

Commissioner of Indian Affairs, Washington, D.C.

Mr. R. I. Nowell, Regional Director, Madison, Wis.

Mr. Ralph Fredenberg, Superintendent, Keshena, Wis.

Although the Preliminary Proposal stated that the lands more desirable than that optioned under submarginal were sought, it did not specify the lands to be recommended for purchase. In further support of the land acquisition there is presented this Project Plan which will support the definite tracts recommended for purchase under the Indian Reorganization Act appropriation.

STOCKBRIDGE INDIAN LAND ACQUISITION PROJECT

An allotment of \$12,000.00 was made to this jurisdiction to acquire land for the Stockbridge Indians under the Wheeler-Howard Land Acquisition Program.

The Stockbridge Sub-marginal Land Program was closed with the acceptance of 13,134.98 acres of land in the Towns of Bartelme and Red Springs, Shawano County, Wisconsin, at a total cost of \$68,551.65.

Under the \$12,000.00 allotment it was our objective to concentrate on land purchases within and contiguous to former Sub-marginal purchases, bearing in mind the wishes as well as land needs of the Stockbridge Indians. The site finally acquired represents in a substantial manner our objective and, if the purchases are consummated, will create an area open to the exclusive use of the Government for the benefit of the Stockbridge Indians in that only one private owner remains within the purchase area; several other settlers and farmers within the area executed options to the Government. The owner of the unoptioned land within the purchase area (E½-NE, Sec. 10, N½-NW, Sec. 11) does not constitute a relief or resettlement problem.

All of the land under option lies in the Red River drainage area, with fine agricultural soil and reforestation possibilities, good water is obtainable, a fair dirt road leads into the area and connects three miles south with a county trunk highway system.

LLOYD G. ANDREWS, *Compiler.*

RESETTLEMENT ADMINISTRATION,
Washington, D.C., January 21, 1936.

Subject: LU—Project Histories and Justifications.

Replying to: L-A. January 15, 1936.

Mr. JOHN COLLIER,

Commissioner of Indian Affairs,

Department of the Interior, Washington, D.C.

DEAR MR. COLLIER: This will acknowledge receipt of your communication of January 15 enclosing data on twelve proposed purchase projects under the Indian Reorganization Act of June 18, 1934 (48 Statute 984) in which the Resettlement Administration was acting as agent for the Indian Office in the Land Acquisition Program.

We wish to thank you for the prompt submission of the history and justification data requested on these projects.

Sincerely yours,

C. F. CLAYTON,
*Chief, Project Planning and Control Section,
Land Utilization Division.*

JANUARY 15, 1936.

Mr. C. F. CLAYTON,

Chief, Project Planning and Control Section,

Land Utilization, Resettlement Administration.

DEAR MR. CLAYTON: Supplementing Office letter of December 3 transmitting a brief "History of Project and Justification" for twelve of the proposed purchase

projects under the Indian Reorganization Act of June 18, 1934 (48 Statute 984) in which the Resettlement Administration was acting as agent for this Office in the Land Acquisition Program, there are transmitted herewith the desired statements for the remaining projects as requested in your letter of December 10 (LU-2-GWM).

Sincerely yours,

J. M. STEWART,
Director of Lands.

Enclosure.

DECEMBER 3, 1935.

Mr. C. F. CLAYTON,
*Chief, Project Planning Control Section, Land Utilization Division,
Resettlement Administration.*

DEAR MR. CLAYTON: Reference is made to your letter of November 14 (LU-2-GWM), requesting a brief "History of Project and Justification" for each of the Indian projects in which the Resettlement Administration is acting as agent for this Office in the land acquisition program.

There are enclosed herewith the desired statements for 12 of the proposed purchase projects. Further information is necessary before these statements can be completed for the six remaining projects. The superintendents of the reservations where these six projects are located have been requested to furnish the additional information at once, and the statements will be transmitted to you as promptly as they can be prepared.

Sincerely yours,

J. M. STEWART,
Director of Lands.

STOCKBRIDGE, WIS.

A total of 13,134.98 acres of submarginal land is being purchased through the Resettlement Administration. These submarginal purchases will result in a checker-board area, due to the fact that the quality and development of certain interspersed lands kept them out of the submarginal classification. The proposed purchases will fill in the checker-board and result in a contiguous area, which is necessary for proper management.

Selected tracts within the area will be devoted to subsistence homesites for homeless Indians, which should naturally reduce the cost of local relief. Truck gardening, dairying, and fur farming afford further excellent possibilities for development. Others will be utilized for reforestation purposes. The total cost of the 1500 acres is \$12,000.

NOVEMBER 25, 1935.

Mr. C. F. CLAYTON,
*Chief, Project Planning and Control Section,
Land Utilization Division,
Resettlement Administration.*

MY DEAR MR. CLAYTON: The receipt is acknowledged of your letter of November 14 (LU-2-GWM), requesting a "History of Project and Justification" for each of our Indian projects under the Resettlement Administration.

There is herewith enclosed the desired statement on each of the 32 submarginal land purchase projects. Should you desire more detailed information, it can be found, of course, in the reports already in your possession.

The necessary information on some of the twenty odd projects to be purchased under the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) will be obtainable from available records. In others it will be necessary to take up the matter with our superintendents of the reservations where such projects are in progress. You will be supplied the information just as promptly as it can be prepared.

Sincerely yours,

J. M. STEWART,
Director of Lands.

Enclosure.

STOCKBRIDGE PROJECT LI-WI-11

PRELIMINARY PLANS MADE IN JULY 1934

History:

Project submitted to Land Program (or R.A.)-----	Feb. 15, 1935
Original Authorization-----	\$110, 275
Approved by Land Program (or R.A.)-----	Feb. 31, 1935
Present Limitation-----	\$68, 552

Reports requested by R.A.:

Form I-----	Submitted to R.A.
Form PP No. 24-----	June 3, 1935
Form SL-13-----	June 22, 1935
Form N.E.C. Form 1-----	July 20, 1935
Form NRC-42-----	Aug. 6, 1935
Form NRC-42 (submitted to NRB)-----	Aug. 9, 1935
Form SL-13 (revised)-----	Aug. 9, 1935
	Sept. 10, 1935

Justification:

The greater part of the land in the purchase areas of the Lakes States is non-productive, cut-over forest land. Indigent Indians live here in extreme poverty. The prime object in purchasing it is to develop an extensive program of reforestation which will furnish employment for Indians for many years and will eventually create for the Indians a constant source of lumber and timber supply.

RESETTLEMENT ADMINISTRATION,
Washington, D.C., November 14, 1935.

Mr. M. A. PFEIFFER,
Chief, Land Acquisition Section, Office of Indian Affairs, Department of the Interior,
Washington, D.C.
(Attention: Mr. E. L. Groome.)

DEAR MR. PFEIFFER: We have in preparation for our records certain basic data in which we need a "History of Project and Justification" for each project under our supervision. In this connection we are advised by our Regional Analysts that in the case of those projects which we are handling for the various technical agencies, of which the Office of Indian Affairs is one, the specific agency in question can do a much more satisfactory job of providing such a "History and Justification" than Analysts could presume to do.

For this reason we are asking you to have such a short statement prepared for each of the Indian Projects for which we are serving as your agent in the Land Acquisition Program. This statement should not in any case exceed an approximate length of one hundred thirty-five (135) words.

Sincerely yours,

C. F. CLAYTON,
Chief, Project Planning and Control Section,
Land Utilization Division.

ASHLAND, Wis., November 14, 1935.

Mr. R. I. NOWELL,
Regional Director, Division of Land Utilization, Resettlement Administration,
Madison, Wis.

MY DEAR MR. NOWELL: Enclosed herewith is the original and one copy of the preliminary proposal for the Stockbridge Land Acquisition Project, Shawano County, Wisconsin. We have just written you that the Indian Office at Washington has informed us of the necessity of a preliminary proposal and a detailed Project Plan for the Stockbridge Land Acquisition Project and accordingly asked you to disregard official action on that which we termed a supplement to the Stockbridge Indian Demonstration Project and which was to act as the Project Plan for the Stockbridge Land Acquisition Project.

A careful investigation has been made relative to the lands to be acquired under the Indian Reorganization Act funds. As is noted, the Stockbridge Indian Demonstration Project under the Submarginal Program has been indicated as being closed with the acceptance of 13,134.98 acres. In drawing up the enclosed Preliminary Proposal and the Plan for land acquisition at Stockbridge, full cooperation has been gained from Superintendent Fredenberg and the Keshena Indian Agency.

It has been felt most advisable and practical to apply the Indian Reorganization Act funds toward blocking out the area thus far acquired under the Sub-

marginal Program. This blocking out of the area will mean the acquisition of certain desirable lands which could not be obtained under submarginal. While some 3,000 acres are necessary in blocking out the entire area, it is the forecast that under the present appropriation some 1,500 acres can be obtained. The optioned tracts will thus be submitted by a preference rating as recommended by the Keshena Indian Agency and the Indian Business Committee of Stockbridge.

Through your office appraising work was started November 21, 1935. Preliminary approaches and negotiations for some tracts have already been made with land owners.

At the present time a detailed Project Plan is being drawn up relative to the purchase area and relative to the lands to be acquired under the Indian Reorganization Act Land Acquisition. The detailed Project Plan will be supported by necessary endorsements.

One copy of the Preliminary Proposal is being submitted to the Commissioner of Indian Affairs, Washington, D.C. and one copy is being submitted to Ralph Fredenberg, Superintendent, Keshena Indian Agency, Keshena, Wisconsin.

Very sincerely yours,

CARL L. PEARSON,
Associate Land Negotiator.

Enclosure.

RESETTLEMENT ADMINISTRATION,
Ashland, Wis., November 14, 1935.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D.C.

MY DEAR MR. COMMISSIONER: Enclosed, herewith, is one copy of the preliminary proposal for the Stockbridge Land Acquisition Project, Shawano County, Wisconsin, such project through an appropriation of \$12,000 allotted to the Stockbridge Indian Reservation under the Wheeler Howard Indian Reorganization Act.

A careful investigation has been made relative to the lands to be acquired under the Indian Reorganization Act funds. As is noted, the Stockbridge Indian Demonstration Project, under the Submarginal Program, has been indicated as being closed with the acceptance of 13,134.98 acres at a total cost of \$68,551.65. In drawing up the enclosed preliminary proposal and the plan for land acquisition at Stockbridge, full cooperation has been gained from Supt. Fredenberg and the Keshena Agency. It has been felt most advisable and practical to apply the Indian Reorganization Act funds toward blocking out the area thus far acquired under the submarginal program. This blocking out of the area will mean the acquisition of certain desirable lands which could not be obtained under submarginal. While some 3,000 acres are necessary in blocking out the entire area, it is the forecast that under the present appropriation only 1,500 acres can be obtained. The optioned tracts will thus be submitted by a preference rating as recommended by the Keshena Agency and the Business Committee at Stockbridge.

At the present time a detailed project plan is being drawn up, relative to the purchase area, and relative to the lands to be acquired under the Indian Reorganization Act Land Acquisition. The detailed Project Plan will be supported by necessary endorsements.

Through the Regional office of the Resettlement Administration at Madison, Wisconsin, appraising work was started October 21, 1935. Preliminary approaches and negotiations for some tracts have already been made with land owners.

The original and one copy of the preliminary proposal is being submitted to Mr. R. I. Nowell, Regional Director at Madison, Wisconsin, and one copy is being submitted to Ralph Fredenberg, Superintendent, Keshena Indian Agency.

Very respectfully,

CARL L. PEARSON,
Associate Land Negotiator.

Enclosure.

PRELIMINARY PROPOSAL

STOCKBRIDGE LAND ACQUISITION PROJECT

Land acquisition under the Wheeler-Howard Reorganization Act in cooperation with and guidance of the Land Utilization Division, Resettlement Administration.
State: Wisconsin
County: Shawano

Name of project: Stockbridge Land Acquisition Project (Indian Reorganization Act Land Acquisition).

I. Location

The Stockbridge Land Acquisition Project is located in Shawano County, Wisconsin, within the congressional townships of Red Springs and Bartelme. The Village of Gresham, having a population of approximately 600, and the Village of Bowler, with a population of approximately 400, are just without the boundaries of the purchase area. The City of Shawano, the county seat of Shawano County, with a population of approximately 5,000, is about twelve miles distance from the southeast portion of the purchase area (See Exhibit No. 1, Map of Shawano County).

II. Conditions justifying a project

The purchase area was originally setup as a Submarginal Indian Demonstration Project. The Submarginal Land Acquisition Program has been indicated as completed insofar as funds are available. A total of 13,134.98 acres have been optioned and approved for purchase under regulations of the Land Program and the Resettlement Administration. Within the area there were many tracts not submarginal in character that could not be purchased under the Submarginal Program. Some of these are of a quality and grade which kept them out of the submarginal classification. Others are developed farms and lands on which there are stands of commercial timber. The deletion of these tracts from the Submarginal Land Purchase Program has resulted in the creation of a checkerboarded area, making future management of the project as a reforestation area difficult. A limited number of families occupy the unpurchased tracts within the purchase area and in many cases these families are isolated from schools and recreational centers. Their removal will effect the saving to the county in the cost of transportation of school children and maintenance of roads. It is felt that with these developed farms purchased, they may be utilized as subsistence garden sites for Indian families.

III. Purchase area

The purchase area is a contiguous unit and but one site is involved. The following tabulation presents a classified tabulation of the land within the purchase area:

Total acreage in purchase area.....	17, 140. 00
Total acreage purchased under submarginal.....	13, 134. 98
Total acreage proposed for purchase under Wheeler-Howard acquisition program.....	1, 500. 00

(See Exhibit No. 2, Map of Project Area)

IV. Resettlement area: No resettlement area.

V. Cost of land to be acquired

On the basis of appraisals and optioning completed under the Submarginal Land Program it is estimated that the land can be bought at an average price of \$8.00 per acre or a total cost of \$12,000 for 1,500 acres proposed for purchase.

VI. Number of families

There is a total of six families living on lands proposed for purchase. These families are without exception economically competent to arrange their own plans for resettlement. No resettlement area or any resettlement problems should be involved.

VII. Plan of resettlement: Not applicable.

VIII. Opportunities for employment

There is now little opportunity for employment within the purchase area except for seasonal demands for labor in the lumber industries.

IX. Savings in public costs

The proposed purchase program coincides with zoning plans of Shawano County. The closing of the area to development by white settlers will eliminate future costs of maintaining schools and roads. The relocation of the isolated settlers now making their homes within the area will be a direct saving in cost of transportation of school children and maintenance of township roads.

X. Proposed use and administration

Of the acreage to be acquired, it is proposed to use the area principally as a reforestation project for the benefit of the Stockbridge Indian tribe. It will be possible to market a limited supply of minor forest products from the lands proposed for purchase. Selected tracts within the area will be devoted to subsistence home sites for homeless Indians.

Truck gardening and dairying may be developed. Fur farming is also an excellent possibility.

XI. Endorsements

State, local and Federal authorities are heartily in favor of this program for the Stockbridge. Written and signed endorsements will be included in the detailed plan for the project.

RESETTLEMENT ADMINISTRATION,
Ashland, Wis., November 5, 1935.

COMMISSIONER OF INDIAN AFFAIRS,
Office of Indian Affairs,
Washington, D.C.

MY DEAR MR. COMMISSIONER: Enclosed herewith is one copy of a supplement to the Stockbridge Indian Demonstration Project. This supplement comprises the plan for land acquisition at Stockbridge under the Indian Reorganization Act appropriation.

Since a detailed final plan presenting Schedules I and II in accordance with the procedure under the Submarginal Program has already been submitted, this office does not consider it necessary to duplicate the entire plan. Accordingly, the original Project Plan can be referred to as supporting the enclosed supplement.

As will be noted the Stockbridge Submarginal Land Program has been signified as being closed with the acceptance of 13,134.98 acres at a total cost of \$68,551.65.

A careful investigation has been made relative to the lands to be acquired under the Indian Reorganization Act funds. Full cooperation has been gained from Superintendent Fredenberg and the Keshena Indian Agency. It has been felt most advisable and practical to apply the Indian Reorganization Act funds toward blocking out the area thus far acquired under the Submarginal Program. A total acreage of 3,126.82 acres is contemplated for purchase in blocking out the area.

Appraising work was started October 21, 1935. Options and relative documents will be submitted as field proposals as groups of options are received.

The original and one copy of the supplement are being submitted to Mr. R. I. Nowell, Regional Director, Mazon, Wisconsin and one copy is being submitted to Mr. Ralph Fredenberg, Superintendent, Keshena Indian Agency.

Very respectfully,

CARL L. PEARSON,
Associate Land Negotiator.

U.S. DEPARTMENT OF THE INTERIOR,
FIELD SERVICE, OFFICE OF INDIAN AFFAIRS,
TOMAH INDIAN SCHOOL,
Tomah, Wis., August 8, 1935.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D.C.

DEAR MR. COMMISSIONER: In line with the suggestions contained in your letter of August 2nd relative to the Stockbridge Indians, there will be found in the following paragraphs, a discussion of the situation among this tribe and an outline of a project of land acquisition and housing, for their economic rehabilitation.

GENERAL DISCUSSION

Although it has been intimated that the Stockbridges were to be transferred to this jurisdiction no official action toward that end has as yet been taken. Therefore none of their records being available at Tomah, it was necessary for us before outlining a project to go to Keshena and secure the assistance of the authorities of that Agency. This was freely granted.

We find that the last official roll of this tribe was taken in 1916. It shows that there were at that time approximately 600 enrolled members. Mr. Carl Miller,

Chairman of the Stockbridge Business Committee, who is attempting to compile an unofficial roll states that at present there are approximately 840, of which number 350 have been born away from the reservation and have not returned. This leaves approximately 500 people or 100 families eligible for and needing immediate attention.

We are planning a survey to obtain more accurate information in regard to the numbers, degree of blood etc., but feel that time will not permit undertaking such a survey prior to submission of the project. Under the circumstances some future difficulty may be anticipated in determining the degree of blood of individuals claiming rights as members of the tribe.

About five of the original allotments made to the tribe remain in Indian ownership. These are for the most part heavily encumbered. About 15 individuals own a house and about 1 acre of land. These are also for the most part mortgaged. The others are squatters or renters. About 90% are on relief. Practically all the homes are in very poor condition, many being merely shacks.

SUBMARGINAL LAND PROGRAM

We are informed by Mr. James W. Palmer, in charge of sub-marginal land acquisition in this territory, that options have been taken upon approximately 14,400 acres for the benefit of the Stockbridges within the confines of their former reservation. This is for the most part cut-over land with a small proportion of standing timber. To be serviceable for farming purposes it must first be cleared. Checker-boarded within this area are a number of cleared tracts which could not be acquired with submarginal funds because of limitations as to acreage price. It is our thought that the logical step to take would be for use to acquire as many of these tracts as possible in order to solidify the area for Indian use. We understand also that most of this optioned area has been accepted and will pass into Government ownership.

The general condition of the homes is such as to preclude the possibility of effecting satisfactory improvement by repairs. New construction will have to be undertaken. While there is probably sufficient standing timber on the optioned tracts to supply lumber for building homes if sawing operations were undertaken, its use is not recommended. Unless seasoned for a considerable period such lumber would be too green for use and would warp. Purchase of seasoned lumber from the Menominee Mill would be more desirable if immediate construction of homes should be undertaken.

SUGGESTED PROJECT

With \$12,000.00 it would hardly be possible to secure more than 500 acres of cleared land suitable for immediate use for subsistence farming. As a beginning, therefore, we would suggest the following program:

Purchase of 500 acres for 100 families, cleared land suitable for immediate use: 500 acres at \$25.00-----	\$12, 500
Cut-over land being acquired under submarginal program—15,000 acres: Construction of 100 homes—frame—4 rooms with half basement and small outhouse—\$1,200 each-----	120, 000

Assuming that each family had the use of 5 acres of cleared land with a comfortable home it should be possible for those who wished to extend their farming operations to do so by clearing additional land obtained from the area of cut-over land to be acquired. Also, if the future additional funds for land purchase should be appropriated by Congress, additional cleared areas could be purchased and additions made to the tracts of those who had demonstrated their ability to farm on a more extensive scale.

This area is suitable for berry raising, and poultry raising. A fact which offers possibilities for those Indians who might have a preference for some means of livelihood other than straight farming. For those who might wish to engage in dairy farming on a small scale the cut-over land, if acquired, will for several years offer an abundance of pasture land.

An additional possibility for revenue would be in the establishment of E.C.W. operations on the optioned tracts, with clearing operations, reforestation, etc. carried on by single and unattached members of the tribe.

We contemplate immediate action to secure options according to the plan outlined above. Also we wish to point out that we have only one field employee

available for the almost endless details which must be given personal attention in connection with the land matters of the Winnebagos and Oneidas and that the territory to be covered is more than two hundred miles long. If the Stockbridge affairs should be added to our already large burden, it is questionable whether the field work can be carried on with a reasonable degree of efficiency unless we are allowed an additional field clerk. Mr. Barnes is now called upon to work overtime and seldom finds it possible to make a distinction between Sundays and ordinary work days.

Very truly yours,

FRANK CHRISTY,
Superintendent.

U.S. DEPARTMENT OF THE INTERIOR,
FIELD SERVICE—OFFICE OF INDIAN AFFAIRS,
KESHENA INDIAN AGENCY,
Keshena, Wis., August 9, 1935.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D.C.

DEAR MR. COMMISSIONER: This will acknowledge receipt of Circular No. 3077 concerning the acquisition of land under the Indian Reorganization Act. Apparently this circular was misdirected or in some way failed to reach this office until the request was made by us on August 2 for copy of same.

All of the negotiations leading up to the optioning of land to be used by the Stockbridge tribe of Indians adjacent to the Menominee Indian Reservation were handled from this office. The area carried under option comprises approximately 14,000 acres. The abstracts and all relating papers have been forwarded to your Office after proper examination by the local clearing office and are in the process of action by the resettlement administration or the Secretary's office.

In acquiring this large area of land the usual obstacles were encountered where it was impossible to obtain certain areas within the project and creating in effect a checker board situation, not of any great consequence but nevertheless breaking our project up to some extent. Circular No. 3077 requires that certain information be furnished in connection with the acquisition of additional land and I shall attempt to set down some of the information that we have regarding these areas which we are unable to option. For the purpose of clarifying this situation I am submitting herewith a small map showing the areas now under option and one large area on the West border of the present project which can be optioned but which we are unable to appraise because of instructions from your Office denying us the use of our appraiser.

The nature of the land in question is both grazing and agricultural with improvements, in some instances there being farms of forty acres or more and having permanently established homes. As to the cost of obtaining this land I am unable to offer a fair approximation. Each case is distinctive and will require special negotiation to close the entire area up. None of these tracts can be considered to be of the key nature and absolutely necessary to the balance of the area. On the other hand the work of opening up the necessary fire trails and other improvements necessary to the protection of this area can be carried on without the scattered forties and eighties we do not have optioned.

The areas above described are within the proposed area of Indian consolidation and are surrounded by submarginal units purchased under that authority. The land will be used tribally and not individually beyond that required for small subsistence farms. This is strictly my idea and I have no instructions to the contrary. The area is of sufficient size and nature that a timber reserve can be created which would not have to be improved, but a system of fire protection should be inaugurated and the timber area thus created could be used as a source of future income and general tribal benefit. It is not contemplated that any but the Stockbridge Indians who are in need of this area will be rehabilitated within the project. I am advised that there are about one hundred families requiring use of the area. As a necessity this would make a very desirable project and would at the same time make it possible to create a very large sized reservation for tribal use.

I had occasion to read a letter which was directed to Superintendent Frank Christy having to do with the Stockbridge area and in which Mr. Christy was asked to supply certain information looking to the rehabilitation of the Stockbridge tribe. It appears from that letter that \$12,000 would be made available for

the purpose of purchasing this land. I doubt very much whether this amount would be sufficient to close up the entire Stockbridge submarginal land unit. On the other hand some progress could be made if each area is carefully negotiated and obtained at a nominal price, having in mind that possibly in another year Congress may supply additional funds making it possible to close up the entire area. The map required under question 7 in Circular No. 3077 is made to supply the information required. I am sorry that this circular was not received at this office because the information was very readily obtainable and could have been forwarded to meet with the instructions of the Office as of July 20, 1935.

I have taken considerable interest in the affairs of the Oneida Indians because of their very unfortunate condition and I am extremely anxious that the Office give special consideration to that tribe. This has been the subject of several letters from this office.

I urge that the Office make a serious effort to close up the Stockbridge matter because of the long delay and because of the dissatisfaction which is growing among those who freely gave us the options a year ago, looking to the sale of this land to the Government. Much of our future work in the acquisition of land is dependent upon a satisfactory settlement of the areas now being held. I wish to make it quite clear that it is not possible for this office to conveniently pursue the interest of the Oneida Indians or give them very much assistance because of the over load we are now carrying. On the other hand the interest of the Stockbridge people is closely related to the Menomines and can be handled with some convenience. The Oneida matters are now being handled under the jurisdiction of Superintendent Frank Christy at Tomah, Wisconsin.

Very respectfully,

RALPH FREDENBERG,
Superintendent.

SEPTEMBER 5, 1936.

MEMORANDUM OF UNDERSTANDING BETWEEN THE RESETTLEMENT ADMINISTRATION AND THE OFFICE OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

LI-MT 6, LI-MT 8, LI-MT 9, LI-ND 10, LI-ND 11, LI-SD 7, LI-SD 8, LI-SD 9, LI-SD 10, LI-SD 13

Whereas, the Resettlement Administration is now engaged in a land acquisition program in connection with certain projects for the exclusive benefit of Indians; and

Whereas, the lands being acquired under this program are situated almost entirely within existing Indian Reservations to which they are intended for addition for the purpose of providing subsistence farm sites and consolidated grazing areas for the exclusive use of Indians; and

Whereas, the Resettlement Administration is by Executive Order 7027 charged with the duty of administering such lands, and considerable time must elapse before acquisition can be completed and the lands transferred to the Office of Indian Affairs for permanent administration for the exclusive benefit of Indians:

Now Therefore, It is mutually agreed between the Resettlement Administration and the Office of Indian Affairs, Department of the Interior, as follows:

1. This Memorandum of Understanding shall apply to the 265,944 acres of land, more or less, now being acquired by the Resettlement Administration in connection with the projects listed below. Subdivision (a) contains those projects which lie entirely within the Indian Reservations respectively indicated; subdivision (b) contains those projects which lie partly within and partly without the Indian Reservations respectively indicated.

- (a) Fort Peck Reservation Project, LI-MT 6, (91,022 acres) Valley and Roosevelt Counties, Mont., Fort Peck Indian Reservation.
- Blackfeet Reservation Project, LI-MT 9, (20,972 acres) Glacier and Pondera Counties, Mont., Blackfeet Indian Reservation.
- Standing Rock Project, LI-ND 10, (11,169 acres) Sioux County, N. Dak., and Corson County, S. Dak., Standing Rock Indian Reservation.
- S. Dak., Standing Rock Indian Reservation.
- Fort Totten Project, LI-ND 11, (1,454 acres) Benson County, N. Dak., Fort Totten Indian Reservation.
- Pine Ridge Project, LI-SD 7, (42,690 acres) Washabaugh, Wash., Shannon, and Bennett Counties, S. Dak., Pine Ridge Indian Reservation.

Cutmeat Project, LI-SD 8, (7,205 acres) Todd County, S. Dak., Rosebud Indian Reservation.

Antelope Project, LI-SD 9, (23,332 acres) Todd County, S. Dak., Rosebud Indian Reservation.

Lower Brule and Crow Creek Project, LI-SD 10, (37,232 acres) Hyde, Hughes, Lyman, Buffalo and Stanley Counties, S. Dak., Lower Brule and Crow Creek Indian Reservations.

(b) Chippewa and Fort Belknap Project, LI-MT 8, (25,439 acres) Blaine and Phillips Counties, Mont., Fort Belknap Indian Reservation.

Cheyenne River Reservation Project, LI-SD 13, (5,429 acres) Dewey County, S. Dak., Cheyenne River Indian Reservation.

2. Pending the transfer of the lands within these projects to the Office of Indian Affairs for permanent administration for the exclusive benefit of Indians, the Commissioner of Indian Affairs is hereby authorized to exercise, and hereby agrees to assume the responsibility for exercising, temporary supervision over the administration and maintenance of those projects, subject to the following stipulations:

(a) The Commissioner of Indian Affairs shall provide an adequate staff for policing and patrolling the project lands and shall, whenever necessary, secure a proper authorization for this purpose from the owner of such lands as may not have been finally acquired by the Government. Such authority, to the extent that it has already been exercised by virtue of a letter from the Administrator of the Resettlement Administration to the Assistant Commissioner of Indian Affairs dated February 14, 1936, is hereby confirmed;

(b) The Commissioner of Indian Affairs shall provide an adequate staff for the maintenance of these lands and such improvements as may be located thereon;

(c) Temporary cropping and temporary grazing privileges on such lands shall be granted only in accordance with the procedure outlined in a letter from the Assistant Administrator of the Resettlement Administration to the Commissioner of Indian Affairs, dated May 13, 1936;

(d) The authority granted in this paragraph shall not apply to the rehabilitation and resettlement of non-Indian families now residing on project lands, and the Commissioner of Indian Affairs shall not, without the prior approval of the Administrator of the Resettlement Administration, disturb such non-Indian families whose resettlement by the Resettlement Administration is pending, and

(e) All orders, rules, or regulations of general application deemed necessary to the temporary administration and maintenance of these projects shall be submitted to and approved by the Administrator of the Resettlement Administration.

3. The Office of Indian Affairs shall continue to remain responsible for all developmental work on the project lands. This responsibility shall include that of determining which, if any, improvements acquired in connection with the project lands shall be altered or removed.

4. Upon the consummation of its land acquisition program in connection with the projects listed in paragraph "1", the Resettlement Administration will recommend to the President that the lands within those projects be transferred to the Office of Indian Affairs for permanent administration for the exclusive benefit of Indians.

(a) The Resettlement Administration will concur in appropriate recommendations made by the Department of the Interior to Congress for the incorporation of these projects lands into the Indian Reservations respectively indicated in paragraph "1".

5. This Memorandum of Understanding shall become effective upon the date of its execution.

L. C. GRAY,
Assistant Administrator, Resettlement Administration.

Approved:

R. R. TUGWELL,
Administrator, Resettlement Administration.

JOHN COLLIER,
*Commissioner, Office of Indian Affairs,
Department of the Interior.*

MEMORANDUM

JULY 16, 1934.

To: Hon. Harold L. Ickes, Secretary, Department of the Interior.
 From: John S. Lansill, Director, Land Program, Federal Emergency Relief Administration.

Various conferences have been held during the past three months for the purpose of formulating a land acquisition program. Active investigation in the field by the agencies cooperating in The Land Program has led to the necessity of reconsidering the plan and scope of The Land Program. The necessity for such reconsideration is agreed to by all land-use agencies involved in The Land Program of the Federal Emergency Relief Administration.

As a result of these conferences in which The President, Secretary of Interior, Secretary of Agriculture, Federal Emergency Relief Administrator, and the Governor of the Farm Credit Administration have participated, it is understood that the following program of projects will be carried out, under the authority of the Federal Emergency Relief Administration to expend funds for these purposes:

A. Projects will be of the following major types:

(1) *Demonstrational agricultural projects:* These include projects in which the major use (or combination of uses) of land to be purchased, includes farming, forestry or other uses falling within the administrative jurisdiction of the Department of Agriculture.

(2) *Demonstration recreational projects:* These include projects in which the land to be purchased is to be used primarily for recreational purposes, as submitted by the National Park Service, Department of Interior.

(3) *Demonstration Indian Lands projects:* These include projects in which land to be purchased is to be used primarily for the benefit of the Indians, under the jurisdiction of the Bureau of Indian Affairs, Department of Interior.

(4) *Demonstration Wild-Life projects:* These include projects in which land to be purchased is to be used primarily to carry out the Wild-Life Program of the Biological Survey, of the Department of Agriculture.

(5) *Other Demonstration projects:* These will include projects which may be suggested by authorized Federal or State agencies not above named.

B. The Land Program has three major phases:

(1) The purchase of land.

(2) The conversion of land purchased to a use, beneficial to the people of the United States.

(3) The permanent rehabilitation of the population at present living on land purchased.

C. The objectives of the Land Program will include:

(1) Conversion of poor land to other and more proper uses;

(2) Prevention of the misuse of land by erosion or other causes, and a restoration of land productivity;

(3) Improvement of the economic and social status of families occupying poverty farms;

(4) Improvement of the economic and social status of "industrially stranded population groups", occupying essentially rural areas, including readjustment and rehabilitation of Indian population by acquisition of lands to enable them to make appropriate and constructively planned use of combined land areas in units suited to their needs;

(5) Reducing the costs of local governments and of local public institutions and services;

(6) Encouragement of land-use planning by setting up experimental projects which will serve as repeatable demonstrations of types of adjustments applicable to various regions in the United States.

D. In general:

It is understood that whenever land is being misused or whenever land may be put to a different and more beneficial use, such land may be acquired under the Land Program of the Federal Emergency Relief Administration.

JOHN S. LANSILL.

STATEMENT OF HON. DAVID R. OBEY, A U.S. REPRESENTATIVE IN CONGRESS
FROM THE STATE OF WISCONSIN

Mr. Chairman, I would like to express my support for legislation on which your committee is holding hearings today, S. 722 introduced by Senator Gaylord Nelson and identical to legislation I have introduced in the House, and S. 1230 introduced by Senator Henry Jackson, with regard to the Stockbridge-Munsee Community of Wisconsin. Unfortunately, because of a prior commitment in Wisconsin, I am unable to appear before you in person.

The lands involved are 13,077 acres of submarginal lands purchased in the middle 1930's under Title II of the National Industrial Recovery Act of June 16, 1933.

Under a series of circulars and a memorandum of understanding with regard to the Stockbridge-Munsee and other submarginal lands, it is clear:

1. That these lands were to be acquired "for the exclusive benefit of Indians;"

2. That the lands acquired were situated almost entirely within existing Indian reservations "to which they are intended for addition for the purpose of providing subsistence farm sites and consolidated grazing areas for the exclusive benefit of Indians;" and

3. That the lands were transferred to the Department of Interior for administration "for the exclusive benefit of Indians."

The passage of S. 722 or S. 1230 would mean the fulfillment of a commitment by the Congress to eventually add these lands to the existing Stockbridge-Munsee reservation.

This legislation is needed to improve the economic situation of the Stockbridge-Munsee tribe. Because title to the land now rests in the United States the Indians are reluctant to make improvements on it, although many such improvements have been made. The lands which would be provided with the passage of this legislation are needed for home sites, as the current reservation is far too small to meet this need.

This legislation is needed to enable the Indian community to most efficiently manage the timber resources on the submarginal land, for beneficial use of the timberlands—lands which were originally acquired for the exclusive benefit of the Indians—is currently being denied them by the required payments of stumpage fees, most of which do not accrue to the benefit of the tribe. And, the acquisition of these lands is needed to further consolidation of land units for grazing and agriculture because, again, the present reservation lands are too small for this purpose.

It is true that there are precedents for legislation of this sort, for similar legislation was passed by the Congress in 1949 and 1956 for several Indian communities in New Mexico and in 1956 for the Seminole tribe in Florida. But, I think it is necessary to point out that this legislation is of particular interest and importance to the Stockbridge-Munsee community because these F.S.A. (Farm Security Administration) lands comprise 13,077 or 85% of the 15,327 total acres which make up the reservation.

Mr. Chairman, there is hardly another interest involved here as great as the need to enable these Indians to secure their own home sites and establish profitable economic activity. And, in this regard, I think it is useful to quote from the report of the Department of the Interior supporting this legislation:

"As was originally contemplated, it is our view that the most logical use of this submarginal land is in conjunction with the tribal land. Conversely, proper planning and development of the tribal land is dependent upon the submarginal land, and the planning that has taken place heretofore has been on the basis of the integrated use of submarginal and tribal lands. In view of the Indian improvements that have already been placed on this land, and the many advantages that the Stockbridge-Munsee Community will derive from this transfer of the submarginal land to it, we urge that these lands be held in trust for the Community."

I urge the members of this committee to give serious consideration to this legislation and I urge you to recommend it favorably to the Senate.