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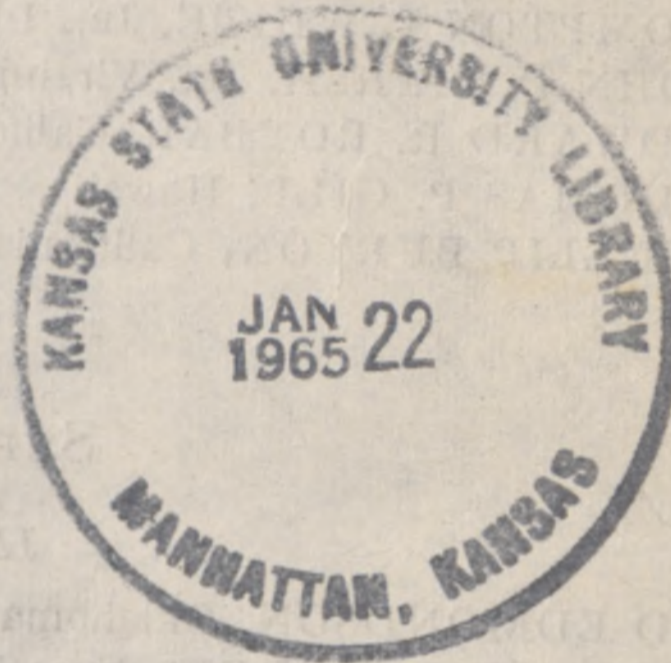
COMMITTEE PRINT NO. 38

<sup>6</sup>INFORMATION ON REMOVAL  
OF RESTRICTIONS ON AMERICAN INDIANS

A MEMORANDUM AND ACCOMPANYING INFORMA-  
TION FROM THE CHAIRMAN OF THE COMMITTEE  
ON INTERIOR AND INSULAR AFFAIRS, HOUSE  
OF REPRESENTATIVES, TO MEMBERS OF  
THE COMMITTEE



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NOVEMBER 2, 1964

Printed for the use of the Committee on Interior and Insular  
Affairs, House of Representatives

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37-628

Congress

House

64-65531

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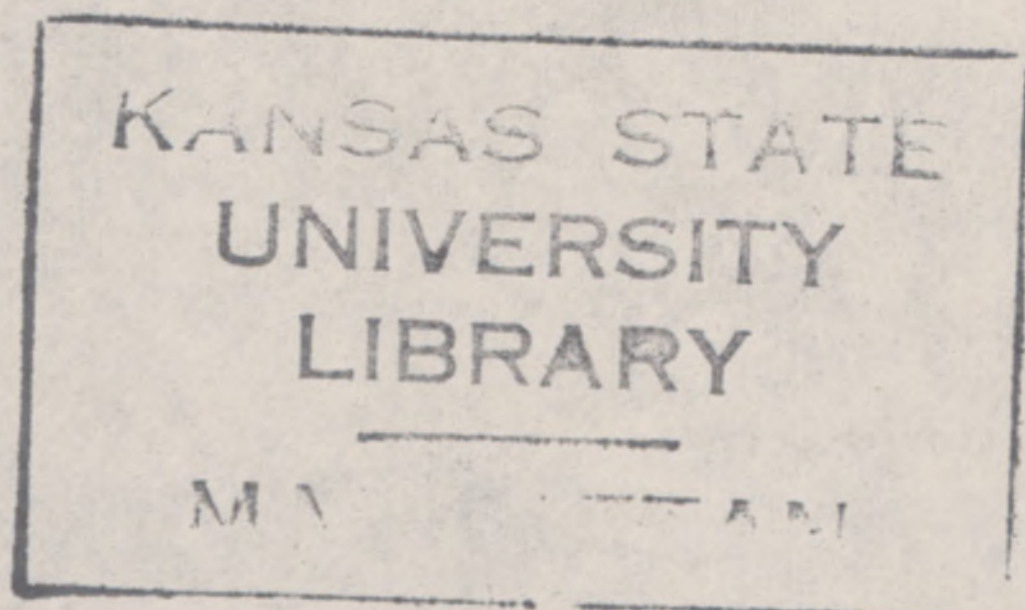


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STATEMENT OF THE CHAIRMEN

NOVEMBER 2, 1964.

*To the Members of the House Committee on Interior and Insular Affairs:*

In order to provide basic information for committee members and for other persons interested in legislation that has been enacted for the removal of restrictions on Indian Americans we have asked our staff members to prepare a compilation of Public Laws 277, 280, and 281, and House Concurrent Resolution 108 of the 83d Congress and related materials.

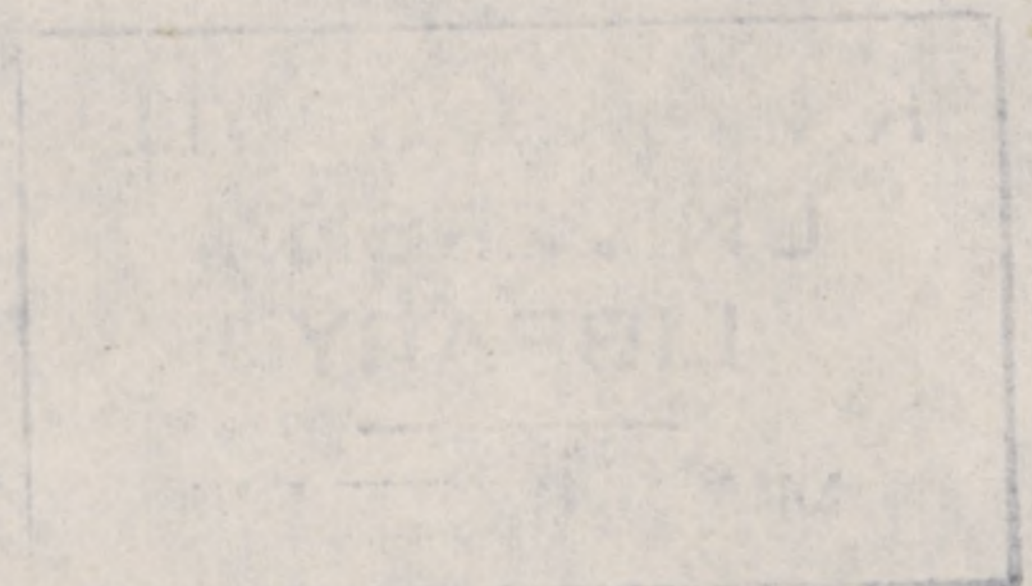
These documents deal with the following matters:

- (1) Repeal of discrimination in the Federal statutes regarding use or possession by, or sale and disposition of, intoxicants to Indians;
- (2) Conferring State civil and criminal jurisdiction over certain Indians making possible a similar extension to the remainder;
- (3) Repealing Federal statutes on Indians having to do with personal property and sale of firearms; and
- (4) Stating congressional policy regarding the Indian wards of the United States.

We are confident that this committee print will be useful to Bureau of Indian Affairs and tribal council officials closely concerned with Indian Affairs.

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

JAMES A. HALEY,  
*Chairman, Subcommittee on Indian Affairs,*  
*Committee on Interior and Insular Affairs.*



87 Stat. 886, Public Law 83-277, 83d Congress

HOUSE OF REPRESENTATIVES

1953

## PART I. PUBLIC LAW 83-277

AN ACT To eliminate certain discriminatory legislation against Indians in the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That chapter 53 of title 18, United States Code, is hereby amended by inserting at the end of the chapter analysis preceding section 1151 of such title the following new item:

"1161. Application of Indian liquor laws."

SEC. 2. Title 18, United States Code, is hereby further amended by inserting in chapter 53 thereof immediately after section 1160 a new section, to be designated as section 1161, as follows:

"§ 1161. Application of Indian liquor laws

"The provisions of sections 1154, 1156, 3113, 3488, and 3618, of this title, shall not apply within any area that is not Indian country, nor to any act or transaction within any area of Indian country provided such act or transaction is in conformity both with the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the Federal Register."

SEC. 3. The consent of the United States is hereby given to repeal of the third and eleventh paragraphs of article 20 of the constitution of Arizona, and that part of section 1 of article 21 of the constitution of New Mexico relating to the sales of intoxicants to Indians, if the people of Arizona and New Mexico shall adopt constitutional amendments to accomplish such repeal.

SEC. 4. Section 9 of the Act of June 4, 1920, An Act to provide for allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes (41 Stat. 751), is hereby repealed.

Approved August 15, 1953.

ELIMINATING CERTAIN DISCRIMINATORY LEGISLATION  
AGAINST INDIANS IN THE UNITED STATES

---

JULY 13, 1953.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

---

Mr. HARRISON of Wyoming, from the Committee on Interior and  
Insular Affairs, submitted the following

REPORT

[To accompany H.R. 1055]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 1055) to terminate Federal discriminations against the Indians of Arizona, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert in lieu thereof the following language:

That chapter 53 of title 18, United States Code, is hereby amended by inserting at the end of the chapter analysis preceding section 1151 of such title the following new item:

“1161. Application of Indian liquor laws.”

SEC. 2. Title 18, United States Code, is hereby further amended by inserting in chapter 53 thereof immediately after section 1160 a new section, to be designated as section 1161, as follows:

“§ 1161. Application of Indian liquor laws.”

“The provisions of sections 1154 and 1156 of this title, and sections 3113, 3488, and 3618 of the Revised Statutes, shall not apply within any area that is not Indian country, nor to any act or transaction within any area of Indian country provided such act or transaction is in conformity both with the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the Federal Register.”

SEC. 3. The consent of the United States is hereby given to repeal of the third and eleventh paragraphs of article 20 of the constitution of Arizona, and that part of section 1 of article 21 of the constitution of New Mexico relating to the sales of intoxicants to Indians, if the people of Arizona and New Mexico shall adopt constitutional amendments to accomplish such repeal.

SEC. 4. Section 9 of the act of June 4, 1920, an act to provide for allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes (41 Stat. 751), is hereby repealed.

Amend the title to read:

A bill to eliminate certain discriminatory legislation against Indians in the United States.

EXPLANATION OF THE BILL

H.R. 1055, as amended, would repeal Federal statutes relating to sales of intoxicants to Indians and the introduction and possession of intoxicants in Indian country.

No appropriation of Federal funds would result from the enactment of this bill.

It is the hope of the Committee on Interior and Insular Affairs that all legislation discriminating against our Indian citizens may be abolished. Termination of the subjection of Indians to Federal laws applicable only to Indians certainly appears to be desirable. In this connection, the House of Representatives recently passed H.R. 3409, repealing discriminatory Federal statutes with regard to personal property, sale of firearms, and livestock disposition in all Indian country.

As introduced, H.R. 1055 would have applied only to the State of Arizona and would have included the statutes repealed by H.R. 3409. As amended, H.R. 1055 repeals Federal statutes applicable to Indians in all Indian country in the United States with regard to the sale of intoxicants, except on Indian school sites, and the statutes concerning the establishment of distilleries on Indian reservations.

The Indians for many years have complained that the liquor laws are most discriminatory in nature. The Indians feel that, irrespective of the merits or demerits of prohibition, it is unfair to legislate specifically against them in this matter. Inasmuch as Indians are expected to assume the responsibilities of citizenship and serve in the Armed Forces on an equal basis with other Americans, the committee sees no reason for continuing legislation that is applicable only to Indians.

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

DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C., July 7, 1953.

HON. A. L. MILLER,  
*Chairman, Committee on Interior and Insular Affairs,  
House of Representatives, Washington, D.C.*

MY DEAR MR. MILLER: Reference is made to your request for a report on H.R. 1055, a bill to terminate Federal discriminations against the Indians of Arizona.

I recommend that the bill be enacted if amended in accordance with the advice that I have received as to the action that your committee proposes to take on the measure.

Six statutes are defined in section 1 of the bill as "Federal laws discriminating against Indians." Two of the statutes relate to the sales of intoxicants to Indians and the introduction and possession of intoxicants in the Indian country. Two of the statutes relate to the purchase or pledge from an Indian within the Indian country of articles used in hunting, implements of husbandry, cooking utensils, and clothing, and the sale of arms or ammunition in country occupied by hostile or uncivilized Indians. Two of the statutes relate to the sale or disposition of livestock issued to or purchased for Indians by the United States.

The House of Representatives has already passed H.R. 3409, a bill, as amended, to terminate certain Federal restrictions against Indians. H.R. 3409 repeals or amends the same statutes as those dealt with in H.R. 1055, except those relating to the sale of intoxicants to Indians and the introduction and possession of intoxicants in the Indian country.

I am advised that, in view of the passage of H.R. 3409 by the House of Representatives, your committee proposes to recommend that H.R. 1055 be amended

so that it deals only with the statutes relating to sales of intoxicants to Indians and the introduction and possession of intoxicants in the Indian country. I am also advised that your committee proposes to recommend that H.R. 1055 be amended so that it is of general application rather than restricted to Arizona.

I consider the laws which prohibit the sales of intoxicants to Indians as discriminatory and agree that these laws should be made inapplicable to transactions occurring outside of Indian country generally rather than only in Arizona. I also believe that the laws should be made inapplicable to transactions occurring within the Indian country, but only if such transactions are in conformity with the ordinances of the tribes concerned and are not contrary to State law.

Since I am informed that there is a particular urgency for the submission of the views of the Department, this report has not been cleared through the Bureau of the Budget and, therefore, no commitment can be made concerning the relationship of the views expressed herein to the program of the President.

Sincerely yours,

ORME LEWIS,  
*Assistant Secretary of the Interior.*

Enactment of H.R. 1055 as amended is unanimously recommended by the Committee on Interior and Insular Affairs.

#### CHANGES IN EXISTING LAW

In compliance with clause 3, rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets; new matter is printed in italic; existing law in which no change is proposed is shown in roman):

#### UNITED STATES CODE

#### TITLE 18.—CRIMES AND CRIMINAL PROCEDURE

\* \* \* \* \*

#### Chapter 53—Indians

Sec.

- 1151. Indian country defined.
- 1152. Laws governing.
- 1153. Offenses committed within Indian country.
- 1154. Intoxicants dispensed in Indian country.
- 1155. Intoxicants dispensed on school site.
- 1156. Intoxicants possessed unlawfully.
- 1157. Livestock sold or removed.
- 1158. Counterfeiting Indian Arts and Crafts Board trade-mark.
- 1159. Misrepresentation in sale of products.
- 1160. Property damaged in committing offense.
- 1161. *Application of Indian liquor laws.*

\* \* \* \* \*

#### § 1160. *Property damaged in committing offense.*

Whenever a white person, \* \* \*

#### § 1161. *Application of Indian liquor laws.*

*The provisions of Sections 1154 and 1156 of this title, and Sections 3113, 3488, and 3618 of the Revised Statutes, shall not apply within any area that is not Indian country, nor to any act or transaction within any area of Indian country provided such act or transaction is in conformity both with the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the Federal Register.*

ACT OF JUNE 4, 1920 (41 STAT. 751)

【SEC. 9. That lands within said reservation, whether allotted, unallotted, or otherwise disposed of, shall be subject to all laws of the United States prohibiting the introduction of intoxicating liquors into the Indian country until otherwise provided by Congress.】

# Calendar No. 716

83D CONGRESS  
*1st Session*

SENATE

REPORT  
No. 722

## ELIMINATING CERTAIN DISCRIMINATORY LEGISLATION AGAINST INDIANS IN THE UNITED STATES

---

JULY 29 (legislative day, JULY 27), 1953.—Ordered to be printed

---

Mr. BUTLER of Nebraska, from the Committee on Interior and Insular Affairs, submitted the following

### REPORT

[To accompany H.R. 1055]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 1055) to eliminate certain discriminatory legislation against the Indians in the United States, having considered the same, report thereon with the recommendation that it do pass with the following amendments:

On page 2, line 1, strike out the word "and" and insert in lieu thereof a comma and the following: "3113, 3488, and 3618" and insert a comma after the figures "1156".

On page 2 strike out all of line 2.

This bill has been considered by the Committee on Interior and Insular Affairs of the House; on July 13, 1953, that committee submitted its report (H. Rept. No. 775) to the House, recommending its passage, and on July 27, 1953, it passed the House.

#### EXPLANATION OF THE BILL

H.R. 1055, as amended, would repeal Federal statutes relating to sales of intoxicants to Indians and the introduction and possession of intoxicants in Indian country, providing such act or transaction is in conformity both with the laws of the State in which such act or transaction occurs and with ordinances duly adopted by tribes having jurisdiction over such area of Indian country. In other words, if this bill is enacted, a State or local municipality or Indian tribes, if they desire, by the enactment of proper legislation or ordinance, to restrict the sales of intoxicants to Indians, they may do so.

As introduced, H.R. 1055 would have applied only to the State of Arizona. After extensive hearings by the House Committee on Interior and Insular Affairs, that committee recommended that H.R. 1055 be amended so as to make the provisions of the bill applicable generally rather than only in Arizona.

Your committee is of the belief that all legislation discriminating against our Indian citizens should be abolished. Termination of the subjection of Indians to Federal laws applicable only to Indians certainly appears to be desirable.

The Indians for many years have complained that the liquor laws are most discriminatory in nature. The Indians feel that, irrespective of the merits or demerits of prohibition, it is unfair to legislate specifically against them in this matter. Inasmuch as Indians are expected to assume the responsibilities of citizenship and serve in the Armed Forces on an equal basis with other Americans, your committee sees no reason for continuing legislation that is applicable only to Indian citizens.

The favorable report on this proposed legislation is as follows:

DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C., July 7, 1953.

Hon. A. L. MILLER,  
Chairman, Committee on Interior and Insular Affairs,  
House of Representatives, Washington, D.C.

MY DEAR MR. MILLER: Reference is made to your request for a report on H.R. 1055, a bill to terminate Federal discriminations against the Indians of Arizona.

I recommend that the bill be enacted if amended in accordance with the advice that I have received as to the action that your committee proposes to take on the measure.

Six statutes are defined in section 1 of the bill as "Federal laws discriminating against Indians." Two of the statutes relate to the sales of intoxicants to Indians and the introduction and possession of intoxicants in the Indian country. Two of the statutes relate to the purchase or pledge from an Indian within the Indian country of articles used in hunting, implements of husbandry, cooking utensils, and clothing, and the sale of arms or ammunition in country occupied by hostile or uncivilized Indians. Two of the statutes relate to the sale or disposition of livestock issued to or purchased for Indians by the United States.

The House of Representatives has already passed H.R. 3409, a bill, as amended, to terminate certain Federal restrictions against Indians. H.R. 3409 repeals or amends the same statutes as those dealt with in H.R. 1055, except those relating to the sale of intoxicants to Indians and the introduction and possession of intoxicants in the Indian country.

I am advised that, in view of the passage of H.R. 3409 by the House of Representatives, your committee proposes to recommend that H.R. 1055 be amended so that it deals only with the statutes relating to sales of intoxicants to Indians and the introduction and possession of intoxicants in the Indian country. I am also advised that your committee proposes to recommend that H.R. 1055 be amended so that it is of general application rather than restricted to Arizona.

I consider the laws which prohibit the sales of intoxicants to Indians as discriminatory and agree that these laws should be made inapplicable to transactions occurring outside of Indian country generally rather than only in Arizona. I also believe that the laws should be made inapplicable to transactions occurring within the Indian country, but only if such transactions are in conformity with the ordinances of the tribes concerned and are not contrary to State law.

Since I am informed that there is a particular urgency for the submission of the views of the Department, this report has not been cleared through the Bureau of the Budget and, therefore, no commitment can be made concerning the relationship of the views expressed herein to the program of the President.

Sincerely yours,

ORME LEWIS,  
Assistant Secretary of the Interior.

## CHANGES IN EXISTING LAW

In compliance with subsection (4) of Rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

## UNITED STATES CODE

## TITLE 18.—CRIMES AND CRIMINAL PROCEDURE

\* \* \* \* \*

## Chapter 53—Indians

Sec.

- 1151. Indian country defined.
- 1152. Laws governing.
- 1153. Offenses committed within Indian country.
- 1154. Intoxicants dispensed in Indian country.
- 1155. Intoxicants dispensed on school site.
- 1156. Intoxicants possessed unlawfully.
- 1157. Livestock sold or removed.
- 1158. Counterfeiting Indian Arts and Crafts Board trade-mark.
- 1159. Misrepresentation in sale of products.
- 1160. Property damaged in committing offense.
- 1161. *Application of Indian liquor laws.*

\* \* \* \* \*

§ 1160. *Property damaged in committing offense.*

Whenever a white person, \* \* \*

§ 1161. *Application of Indian liquor laws.*

*The provisions of Sections 1154 and 1156 of this title, and Sections 3113, 3488, and 3618 of the Revised Statutes, shall not apply within any area that is not Indian country, nor to any act or transaction within any area of Indian country provided such act or transaction is in conformity both with the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the Federal Register.*

ACT OF JUNE 4, 1920 (41 STAT. 751)

【SEC. 9. That lands within said reservation, whether allotted, unallotted, or otherwise disposed of, shall be subject to all laws of the United States prohibiting the introduction of intoxicating liquors into the Indian country until otherwise provided by Congress.】

CHAPTER I

The Commission with the view of...  
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UNITED STATES CODE

Title 18 - Federal Criminal Code

Chapter 1 - Federal Criminal Code

Section 1001 - Federal Criminal Code  
Whoever knowingly and maliciously  
...of the...  
...of the...  
...of the...

Section 1002 - Federal Criminal Code

Section 1003 - Federal Criminal Code  
Whoever...  
...of the...  
...of the...  
...of the...

Section 1004 - Federal Criminal Code

Section 1005 - Federal Criminal Code  
Whoever...  
...of the...  
...of the...  
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provided by Congress

## PART II. PUBLIC LAW 83-280

AN ACT To confer jurisdiction on the States of California, Minnesota, Nebraska, Oregon, and Wisconsin, with respect to criminal offenses and civil causes of action committed or arising on Indian reservations within such States, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That chapter 53 of title 18, United States Code, is hereby amended by inserting at the end of the chapter analysis preceding section 1151 of such title the following new item:

“1162. State jurisdiction over offenses committed by or against Indians in the Indian country.”

SEC. 2. Title 18, United States Code, is hereby amended by inserting in chapter 53 thereof immediately after section 1161 a new section, to be designated as section 1162, as follows:

“§ 1162. State jurisdiction over offenses committed by or against Indians in the Indian country

“(a) Each of the States listed in the following table shall have jurisdiction over offenses committed by or against Indians in the areas of Indian country listed opposite the name of the State to the same extent that such State has jurisdiction over offenses committed elsewhere within the State, and the criminal laws of such State shall have the same force and effect within such Indian country as they have elsewhere within the State:

“State of	Indian country affected
California.....	All Indian country within the State
Minnesota.....	All Indian country within the State, except the Red Lake Reservation
Nebraska.....	All Indian country within the State
Oregon.....	All Indian country within the State, except the Warm Springs Reservation
Wisconsin.....	All Indian country within the State, except the Menominee Reservaton

“(b) Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall deprive any Indian or any Indian tribe, band, or community of any right, privilege, or immunity afforded under Federal treaty, agreement, or statute with respect to hunting, trapping, or fishing or the control, licensing, or regulation thereof.

“(c) The provisions of sections 1152 and 1153 of this chapter shall not be applicable within the areas of Indian country listed in subsection (a) of this section.”

SEC. 3. Chapter 85 of title 28, United States Code, is hereby amended by inserting at the end of the chapter analysis preceding section 1331 of such title the following new item:

"1360. State civil jurisdiction in actions to which Indians are parties."

SEC. 4. Title 28, United States Code, is hereby amended by inserting in chapter 85 thereof immediately after section 1359 a new section, to be designated as section 1360, as follows:

"§ 1360. State civil jurisdiction in actions to which Indians are parties

"(a) Each of the States listed in the following table shall have jurisdiction over civil causes of action between Indians or to which Indians are parties which arise in the areas of Indian country listed opposite the name of the State to the same extent that such State has jurisdiction over the other civil causes of action, and those civil laws of such State that are of general application to private persons or private property shall have the same force and effect within such Indian country as they have elsewhere within the State:

"State of	Indian country affected
California-----	All Indian country within the State
Minnesota-----	All Indian country within the State, except the Red Lake Reservation
Nebraska-----	All Indian country within the State
Oregon-----	All Indian country within the State, except the Warm Springs Reservation
Wisconsin-----	All Indian country within the State, except the Menominee Reservation

"(b) Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall confer jurisdiction upon the State to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of such property or any interest therein.

"(c) Any tribal ordinance or custom heretofore or hereafter adopted by an Indian tribe, band, or community in the exercise of any authority which it may possess shall, if not inconsistent with any applicable civil law of the State, be given full force and effect in the determination of civil causes of action pursuant to this section."

SEC. 5. Section 1 of the Act of October 5, 1949 (63 Stat. 705, ch. 604), is hereby repealed, but such repeal shall not affect any proceedings heretofore instituted under that section.

SEC. 6. Notwithstanding the provisions of any Enabling Act for the admission of a State, the consent of the United States is hereby given to the people of any State to amend, where necessary, their State constitution or existing statutes, as the case may be, to remove any legal impediment to the assumption of civil and criminal jurisdiction in accordance with the provisions of this Act: *Provided*, That the provisions of this Act shall not become effective with respect to such assumption of jurisdiction by any such State until the people thereof



67 Stat. 588, Public Law 280, 83d Congress

83D CONGRESS  
*1st Session*

HOUSE OF REPRESENTATIVES

REPORT  
No. 848

AMENDING TITLE 18, UNITED STATES CODE, ENTITLED "CRIMES AND CRIMINAL PROCEDURE," WITH RESPECT TO STATE JURISDICTION OVER OFFENSES COMMITTED BY OR AGAINST INDIANS IN THE INDIAN COUNTRY, AND TO CONFER ON THE STATE OF CALIFORNIA CIVIL JURISDICTION OVER INDIANS IN THE STATE

JULY 16, 1953.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MILLER of Nebraska, from the Committee on Interior and Insular Affairs, submitted the following

R E P O R T

[To accompany H.R. 1063]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 1063) to amend title 18, United States Code, entitled, "Crimes and Criminal Procedure," with respect to State jurisdiction over offenses committed by or against Indians in the Indian country, and to confer on the State of California civil jurisdiction over Indians in the State, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

That chapter 53 of title 18, United States Code, is hereby amended by inserting at the end of the chapter analysis preceding section 1151 of such title the following new item:

"1162. State jurisdiction over offenses committed by or against Indians in the Indian country."

SEC. 2. Title 18, United States Code, is hereby amended by inserting in chapter 53 thereof immediately after section 1161 a new section, to be designated as section 1162, as follows:

"§ 1162. State jurisdiction over offenses committed by or against Indians in the Indian country

"(a) Each of the States listed in the following table shall have jurisdiction over offenses committed by or against Indians in the areas of Indian country listed opposite the name of the State to the same extent that such State has jurisdiction over offenses committed elsewhere within the State, and the criminal laws of such State shall have the same force and effect within such Indian country as they have elsewhere within the State:

State of	Indian country affected
California.....	All Indian country within the State
Minnesota.....	All Indian country within the State, except the Red Lake Reservation
Nebraska.....	All Indian country within the State
Oregon.....	All Indian country within the State, except the Warm Springs reservation
Wisconsin.....	All Indian country within the State, except the Menominee Reservation

“(b) Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute or within any regulation made pursuant thereto; or shall deprive any Indian or any Indian tribe, band, or community of any right, privilege, or immunity afforded under Federal treaty, agreement, or statute with respect to hunting, trapping, or fishing or the control, licensing, or regulation thereof.

“(c) The provisions of sections 1152 and 1153 of this chapter shall not be applicable within the areas of Indian country listed in subsection (a) of this section.”

SEC. 3. Chapter 85 of title 28, United States Code, is hereby amended by inserting at the end of the chapter analysis preceding section 1331 of such title the following new item:

“1360. State civil jurisdiction in actions to which Indians are parties.”

SEC. 4. Title 28, United States Code, is hereby amended by inserting in chapter 85 thereof immediately after section 1359 a new section, to be designated as section 1360, as follows:

“§ 1360. State civil jurisdiction in actions to which Indians are parties.

“(a) Each of the States listed in the following table shall have jurisdiction over civil causes of action between Indians or to which Indians are parties which arise in the areas of Indian country listed opposite the name of the State to the same extent that such State has jurisdiction over other civil causes of action, and those civil laws of such State that are of general application to private persons or private property shall have the same force and effect within such Indian country as they have elsewhere within the State:

State of	Indian country affected
California.....	All Indian country within the State
Minnesota.....	All Indian country within the State, except the Red Lake Reservation
Nebraska.....	All Indian country within the State
Oregon.....	All Indian country within the State, except the Warm Springs Reservation
Wisconsin.....	All Indian country within the State, except the Menominee Reservation

“(b) Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall confer jurisdiction upon the State to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of such property or any interest therein.

“(c) Any tribal ordinance or custom heretofore or hereafter adopted by an Indian tribe, band, or community in the exercise of any authority which it may possess shall, if not inconsistent with any applicable civil law of the State, be given full force and effect in the determination of civil causes of action pursuant to this section.”

SEC. 5. Section 1 of the Act of October 5, 1949 (63 Stat. 705, ch. 604), is hereby repealed, but such repeal shall not affect any proceedings heretofore instituted under that section.

SEC. 6. Notwithstanding the provisions of any Enabling Act for the admission of a State, the consent of the United States is hereby given to the people of any

State to amend, where necessary, their State constitution or existing statutes, as the case may be, to remove any legal impediment to the assumption of civil and criminal jurisdiction in accordance with the provisions of this act: *Provided*, That the provisions of this act shall not become effective with respect to such assumption of jurisdiction by any such State until the people thereof have appropriately amended their State constitution or statutes as the case may be.

SEC. 7. The consent of the United States is hereby given to any other State not having jurisdiction with respect to criminal offenses or civil causes of action, or with respect to both, as provided for in this act, to assume jurisdiction at such time and in such manner as the people of the State shall, by affirmative legislative action, obligate and bind the State to assumption thereof.

SEC. 8. Title 18, United States Code, is hereby further amended by inserting in chapter 53 thereof immediately after section 1162, a new section, to be designated as section 1163, as follows:

"1163. Application of Indian liquor laws.

"The provisions of sections 1154, 1155, 1156, 3113, 3488, and 3618 of this title, and the provisions of section 2141 of the Revised Statutes (25 U.S.C. 251) shall not apply within those areas of Indian country that are not subject to the provisions of section 1162 of this title, nor within those areas of the States named in said section 1162 that are not Indian country."

Amend the title so as to read:

"A bill to confer jurisdiction on the States of California, Minnesota, Nebraska, Oregon, and Wisconsin, with respect to criminal offenses and civil causes of action committed or arising on Indian reservations within such States, and for other purposes."

### EXPLANATION OF H.R. 1063

#### BACKGROUND HISTORY OF THIS LEGISLATION

Your Committee on Interior and Insular Affairs, through its Indian Affairs Subcommittee, and with the continuing cooperation of the Secretary of the Interior and the Indian Bureau, has, during this session, operated in five major areas of legislation affecting the Indians. This legislation, whether before the House or presently under committee consideration, has two coordinate aims: First, withdrawal of Federal responsibility for Indian affairs wherever practicable; and second, termination of the subjection of Indians to Federal laws applicable to Indians as such.

To accomplish these aims, the Congress must consider:

1. *Enactment of legislation terminating Federal responsibility for administering the affairs of Indian tribes within individual States as rapidly as local circumstances will permit*

Legislation is presently contemplated with respect to tribes in the States of California, Florida, Iowa, New York, and Texas. Such action, of course, necessitates agreement with the proper public bodies of the political subdivisions affected, whereby individual States assume responsibility for the services customarily enjoyed by the non-Indian residents. In addition, provision must be made for distribution of tribal assets, either to tribal control, or to individual members, whichever may appear to be the better plan in each case; provision must also be made relative to trust property responsibility in all instances.

2. *Enactment of legislation terminating Federal responsibility for administering the affairs of individual Indian tribes as rapidly as circumstances will permit*

In addition to legislation presently being considered for individual tribes, and members thereof, the committee is directing particular attention to legislation which would free from Federal supervision

and control and from all disabilities and limitations specially applicable to Indians the following: The Flathead Tribe of Montana, the Klamath Tribe of Oregon, the Menominee Tribe of Wisconsin, the Osage Tribe of Oklahoma, the Potawatomie Tribe of Kansas and Nebraska, and those members of the Chippewa Tribe located on the Turtle Mountain Reservation of North Dakota.

3. *Enactment of legislation terminating certain services provided by the Indian Bureau for Indians by transferring responsibility for such services to other governmental or private agencies, or to the Indians themselves*

In this area of operation, your committee has programed legislation which is aimed at withdrawal of Indian Bureau responsibility for health, welfare, soil conservation, and related programs. As an initial step, the committee has reported H.R. 303, which deals with the Indian Health Service, and the operation by the Bureau of Indian hospital and health facilities. H.R. 303, as reported, would transfer to the Department of Health, Education, and Welfare responsibility for this service; it would, at the same time, authorize transfer by the Secretary of that Department of such responsibility to State, county, or municipal subdivision, or to private nonprofit corporations, whenever satisfactory arrangements for such transfer could be agreed upon. In all instances of such service termination, care has been, and will continually be, taken to insure continuance of a high standard of service by the transferee agency.

It should be made clear that the transfer from one governmental agency to another will not create duplication of services; rather, it operates to place the Indian in the same position as non-Indians with respect to the service provided.

Members are familiar, in this area of legislation, with the numerous statutory enactments having as their purpose conferring of additional self-management upon specified tribes and individuals; this, through creation of tribal loan funds operated by the tribe, and increased authorizations for existing loan funds. Your committee has acted favorably on H.R. 5328, establishing a rehabilitation program for the Ute Mountain Tribe of the Ute Indians in Colorado, and similar legislation.

4. *Enactment of legislation providing for withdrawal of individual Indians from Federal responsibility, at the same time removing such individuals from restrictions and disabilities applicable to Indians only*

Congress has many times in the past considered and enacted legislation having as its purpose payments of current tribal income on a pro rata basis to individual members of each tribe where such payments are consistent with the point of safety in the protection of the tribe as a whole. Such payments recognize the responsibility of the tribe and of individual members to contribute a fair share of the cost of services enjoyed by them. Complementary to this aim have been the numerous bills providing for issuance of patents in fee to individuals, thus recognizing the ability of the individual to manage his own affairs.

Your committee has reported to the Speaker H.R. 4985, which would provide a procedure for the issuance of a certificate or decree of competency to any competent adult Indian making application,

conceiving it to be a progressive piece of legislation in the general area considered here. Termination of Federal trusteeship over the property of competent Indians, and a complete discontinuance of all special services for them, can be fully accomplished only if a method is provided whereby the Indian who wishes to do so can obtain a declaration of competency, eventually to withdraw completely from the tribe, obtain his share of tribal property, and go on his way—as a truly “first class citizen.” If enacted, H.R. 4985 would, in its operation, go a long way in narrowing down and helping to clarify the complex problem posed by individual withdrawal.

5. *Enactment of legislation having as its purpose repeal of existing statutory provisions which set Indians apart from other citizens, thereby abolishing certain restrictions deemed discriminatory*

Interrelated legislation in this area deals with—

- (a) restrictions applicable to Indians in personal-property transactions;
- (b) restrictions applicable to Indians as to disposition of livestock;
- (c) restrictions applicable to Indians having to do with possession and sale of firearms;
- (d) restrictions applicable to Indians having to do with sale, possession, and use of intoxicants;
- (e) the question of State civil jurisdiction over Indians;
- (f) The question of State criminal jurisdiction over Indians.

The House, in enacting H.R. 3409, has indicated its desire to repeal Federal statutes applicable only to Indians having to do with personal property, the sale of firearms, and the disposition of livestock. The committee has reported to the Speaker H.R. 1055, which has as its purpose repeal of Federal statutes prohibiting use or possession by, or sale and disposition of, intoxicants to Indians. H.R. 3409, together with H.R. 1055—if enacted—would abolish restrictions applicable only to Indians.

THE PRESENT BILL, H.R. 1063

As introduced, H.R. 1063 would have extended the criminal laws of the State of California to all the Indian country within that State. Concurrently, it provided for withdrawal of the entire State from operation of the Federal Indian liquor laws; finally, provision was made for permitting the California State courts to adjudicate civil controversies of any nature affecting Indians within the State, except where trust or restricted property was involved.

Need for such legislation on a general, rather than limited basis, is grounded on the following: These States lack jurisdiction to prosecute Indians for most offenses committed on Indian reservations or other Indian country, with limited exceptions. The applicability of Federal criminal laws in States having Indian reservations is also limited. The United States district courts have a measure of jurisdiction over offenses committed on Indian reservations or other Indian country by or against Indians, but in cases of offenses committed by Indians against Indians that jurisdiction is limited to the so-called 10 major crimes: murder, manslaughter, rape, incest, assault with intent to kill, assault with a dangerous weapon, arson, burglary, robbery, and larceny.

As a practical matter, the enforcement of law and order among the Indians in the Indian country has been left largely to the Indian groups themselves. In many States, tribes are not adequately organized to perform that function; consequently, there has been created a hiatus in law-enforcement authority that could best be remedied by conferring criminal jurisdiction on States indicating an ability and willingness to accept such responsibility.

Similarly, the Indians of several States have reached a stage of acculturation and development that makes desirable extension of State civil jurisdiction to the Indian country within their borders. Permitting the State courts to adjudicate civil controversies arising on Indian reservations, and to extend to those reservations the substantive civil laws of the respective States insofar as those laws are of general application to private persons or private property, is deemed desirable.

After consideration of the proposed legislation, the committee concluded that: any legislation in this area should be on a general basis, making provision for all affected States to come within its terms; that the attitude of the various States and the Indian groups within those States on the jurisdiction transfer question should be heavily weighed before effecting transfer; and that any recommended legislation should retain application of Indian tribal customs and ordinances to civil transactions among the Indians, insofar as these customs or ordinances are not inconsistent with applicable State laws.

#### OPERATION OF H.R. 1063 AND STATES AFFECTED

Your committee has amended the printed bill by adopting substitute language which operates to—

(1) confer as of date of enactment, civil and criminal jurisdiction on the States of California, Minnesota, Nebraska, Oregon, and Wisconsin, excepting specified areas within three of these States as hereinafter noted.

In the foregoing States the Indian Bureau advised State and local authorities indicated their willingness to accept the proposed transfer of jurisdiction. Indian groups in those States were, for the most part, agreeable to the transfer of jurisdiction, with certain groups opposing such transfer. The following tribes, each of which has a tribal law and order organization functioning in a reasonably satisfactory manner, have advised Bureau officials of their objections to State jurisdiction, and their reservation areas have therefore been excepted in the transfer legislation: Red Lake Band of Chippewa Indians of Minnesota, Warm Springs Tribe of Oregon, and the Menominee Tribe of Wisconsin.

(2) give consent of the United States to those States presently having organic laws expressly disclaiming jurisdiction to acquire jurisdiction subsequent to enactment by amending or repealing such disclaimer laws.

Examination of the Federal statutes and State constitutions has revealed that enabling acts for eight States, and in consequence the constitutions of those States, contain express disclaimers of jurisdiction. Included are Arizona, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Utah, and Washington. Effect of the disclaimer of jurisdiction over Indian land within the borders of these States—in the absence of consent being given for future action to assume jurisdiction—is to retain exclusive Federal jurisdiction until

Indian title in such lands is extinguished; such States could, under the bill as reported, proceed to amendment of their respective organic laws by proper amending procedure.

(3) give consent to all other States to acquire jurisdiction over criminal offenses or civil causes of action at such time and in such manner as by affirmative legislative action such States may elect to acquire jurisdiction.

This provision would operate with respect to Nevada, and other States similarly situated. In Nevada, authorities of some counties have indicated their willingness to accept jurisdiction, others opposed it, and still others stated they would accept such jurisdiction only with an accompanying Federal subsidy. The reported bill leaves open for such States the door to acquiring jurisdiction in the future.

(4) as reported, this legislation would repeal existing Federal statutes *having to do with intoxicants, and is applicable only to Indians within the named States.*

The favorable report of the Department of the Interior on this legislation is as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
*Washington 25, D.C., July 7, 1953.*

MY DEAR MR. MILLER: At hearings before the Subcommittee on Indian Affairs of your committee on Monday, June 29, a request was made that this Department furnish your committee with a report reflecting the attitude of the various States and the Indian groups within those States on the question of the transfer of civil and criminal jurisdiction over Indians on their reservations to the respective States. The subcommittee also took action to amend H.R. 1063, a bill to confer civil and criminal jurisdiction on the State of California over Indians on the reservations in that State, to make it of general application rather than limit it to California and the subcommittee requested that representatives of this Department cooperate with the subcommittee in determining the States in which the amended bill should be made applicable. This is in response to those requests.

The Bureau of Indian Affairs of this Department has consulted with State and local authorities and with the Indian groups on the question of transfer of civil and criminal jurisdiction on the States in the following States: California, Minnesota, Nebraska, Nevada, Oregon, Washington, and Wisconsin. Bills for each of the States except Nebraska and Washington are presently pending before the Congress.

In each of the States mentioned, with the exception of Nevada, State and local authorities indicated their agreeableness to the proposed transfer of jurisdiction. In the State of Nevada authorities of some of the counties indicated their willingness to accept jurisdiction, others opposed it, and others stated they would accept such jurisdiction only with an accompanying Federal subsidy. The Indian groups in those States were, for the most part, agreeable to the transfer of jurisdiction but certain groups opposed such transfer. The following Indian tribes, each of which has a tribal law-and-order organization that functions in a reasonably satisfactory manner, objected to being subjected to State jurisdiction:

Minnesota.....	Red Lake Band of Chippewa Indians
Oregon.....	Warm Springs Tribe
Washington.....	Colville and Yakima Tribes
Wisconsin.....	Menominee Tribe

These Indian groups have expressed various reasons for their opposition to being subjected to State jurisdiction. The Red Lake Band of Chippewa Indians, in voting unanimously in opposition to the extension of State jurisdiction, observed that State law would not be of any benefit to tribal members and that the tribal members should be given an opportunity by referendum election to accept or reject the extension of State jurisdiction. The Warm Springs Tribe expressed its fear that its members would not be treated fairly in the State courts. The Warm Springs Tribe constitutes an isolated population group. The reservation is located in two counties and the seat of each county government is some distance from the reservation. It has been reported that these two counties are poorly financed and heretofore have been unable to render any appreciable assistance

to the Indians on the reservation. The Colville and Yakima Tribes, in opposing State jurisdiction, expressed fear of inequitable treatment in the State courts and fear that the extension of State law to their reservations would result in the loss of various rights. The Menominee Tribe stated that its tribal police organization was capable of maintaining order on the reservation and that its people are not yet ready to be subjected to State laws.

The Bureau of Indian Affairs has consulted with State and local authorities and Indian groups only in the States mentioned above. However, we have other information which indicates that State authorities in Montana and South Dakota would be agreeable to a transfer of jurisdiction if such transfer were accomplished by a complete Federal subsidy. The Indians in these two States have indicated their unanimous opposition to the extension of State laws on their reservations.

It appears that there are legal impediments to the transfer of jurisdiction over Indians on their reservations in the case of a number of States. An examination of the Federal statutes and State constitutions indicates that enabling acts for the following States, and in consequence the constitutions of these States, contain express disclaimers of jurisdiction. These States are Arizona, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Utah, and Washington. In these cases the enabling acts required the people of the proposed States expressly to disclaim jurisdiction over Indian land and that, until the Indian title was extinguished, the lands were to remain under the absolute jurisdiction and control of the Congress of the United States. In each instance the State constitution contains an appropriate disclaimer. It would appear in each case, therefore, that the Congress would be required to give its consent and the people of each State would be required to amend the State constitution before the State legally could assume jurisdiction.

This Department does not have information on the attitude and disposition of the State and local authorities and the Indian groups in the States, other than those listed in the second paragraph of this report.

Sincerely yours,

ORME LEWIS,  
*Assistant Secretary of the Interior.*

Hon. A. L. MILLER,  
*Chairman, Committee on Interior and Insular Affairs,  
House of Representatives, Washington 25, D.C.*

The Committee on Interior and Insular Affairs unanimously recommends the enactment of H.R. 1063 as amended.

#### CHANGES IN EXISTING LAW

In compliance with clause 3, rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as amended, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

### UNITED STATES CODE

#### TITLE 18—CRIMES AND CRIMINAL PROCEDURE

\* \* \* \* \*

#### CHAPTER 53—INDIANS

Sec.

- 1151. Indian country defined.
- 1152. Laws governing.
- 1153. Offenses committed within Indian country.
- 1154. Intoxicants dispensed in Indian country.
- 1155. Intoxicants dispensed on school site.
- 1156. Intoxicants possessed unlawfully.
- 1157. Livestock sold or removed.
- 1158. Counterfeiting Indian Arts and Crafts Board trade mark.
- 1159. Misrepresentation in sale of products.
- 1160. Property damaged in commint offense.
- 1161. Application of Indian liquor laws.
- 1162. *State jurisdiction over offenses committed by or against Indians in the Indian country.*

\* \* \* \* \*

\*1161. The provisions of Sections 1154 and 1156 of this title, and Sections 3113, 3488, and 3618 of the Revised Statutes, shall not apply within any area that is not Indian country, nor to any act or transaction within any area of Indian country provided such act or transaction is in conformity both with the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the Federal Register.

*Sec. 1162. State jurisdiction over offenses committed by or against Indians in the Indian country*

(a) *Each of the States listed in the following table shall have jurisdiction over offenses committed by or against Indians in the areas of Indian country listed opposite the name of the State to the same extent that such State has jurisdiction over offenses committed elsewhere within the State, and the criminal laws of such State shall have the same force and effect within such Indian country as they have elsewhere within the State;*

<i>State of</i>	<i>Indian country affected</i>
California-----	All Indian country within the State
Minnesota-----	All Indian country within the State, except the Red Lake Reservation
Nebraska-----	All Indian country within the State
Oregon-----	All Indian country within the State, except the Warm Springs Reservation
Wisconsin-----	All Indian country within the State, except the Menominee Reservation

(b) *Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall deprive any Indian or any Indian tribe, band, or community of any right, privilege, or immunity afforded under Federal treaty, agreement, or statute with respect to hunting, trapping, or fishing or the control, licensing, or regulation thereof.*

(c) *The provisions of sections 1152 and 1153 of this chapter shall not be applicable within the areas of Indian country listed in subsection (a) of this section.*

*Sec. 1163. Application of Indian liquor laws*

*The provisions of sections 1154, 1155, 1156, 3113, 3488, and 3618 of this title, and the provisions of section 2141 of the Revised Statutes (25 U.S.C. 251) shall not apply within those areas of Indian country that are not subject to the provisions of section 1162 of this title, nor within those areas of the States named in said section 1162 that are not Indian country.*

## TITLE 28—JUDICIARY AND JUDICIAL PROCEDURE

\* \* \* \* \*

### CHAPTER 85—DISTRICT COURTS; JURISDICTION

Sec.

\* \* \* \* \*

1355. Fine, penalty or forfeiture.

1356. Seizures not within admiralty and maritime jurisdiction.

1357. Injuries under Federal laws.

1358. Eminent domain.

1359. Parties collusively joined or made.

1360. *State civil jurisdiction in actions to which Indians are parties.*

*Sec. 1359. Parties collusively joined or made*

*A district court shall not have jurisdiction of a civil action in which any party, by assignment or otherwise, has been improperly or collusively made or joined to invoke the jurisdiction of such court.*

\*COMMITTEE NOTE.—Sec. 1161, a proposed addition to title 18 of the United States Code, is contained in H.R. 1055, 83d Cong., reported to the House of Representatives on July 13, 1953.

*Sec. 1360. State civil jurisdiction in actions to which Indians are parties*

(a) *Each of the States listed in the following table shall have jurisdiction over civil causes of action between Indians or to which Indians are parties which arise in the areas of Indian country listed opposite the name of the State to the same extent that such State has jurisdiction over other civil causes of action, and those civil laws of such State that are of general application to private persons or private property shall have the same force and effect within such Indian country as they have elsewhere within the State:*

<i>State of</i>	<i>Indian country affected</i>
<i>California</i> .....	<i>All Indian country within the State</i>
<i>Minnesota</i> .....	<i>All Indian country within the State, except the Red Lake Reservation</i>
<i>Nebraska</i> .....	<i>All Indian country within the State</i>
<i>Oregon</i> .....	<i>All Indian country within the State, except the Warm Springs Reservation</i>
<i>Wisconsin</i> .....	<i>All Indian country within the State, except the Menominee Reservation</i>

(b) *Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute or with any regulation made pursuant thereto, or shall confer jurisdiction upon the State to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of such property or any interest therein.*

(c) *Any tribal ordinance or custom heretofore or hereafter adopted by an Indian tribe, band, or community in the exercise of any authority which it may possess shall, if not inconsistent with any applicable civil law of the State, be given full force and effect in the determination of civil causes of action pursuant to this section.*

**ACT OF OCTOBER 5, 1949 (63 STAT. 705, CH. 604)**

**[**That on and after January 1, 1950, all lands located on the Agua Caliente Indian Reservation in the State of California, and the Indian residents thereof, shall be subject to the laws, civil and criminal, of the State of California, but nothing contained in this section shall be construed to authorize the alienation, encumbrance, or taxation of the lands of the reservation, or rights of inheritance thereof whether tribally or individually owned so long as the title to such lands is held in trust by the United States, unless such alienation, encumbrance, or taxation is specifically authorized by the Congress.**]**

**SEC. 2.** Notwithstanding any other provision of law \* \* \*

# Calendar No. 691

83D CONGRESS  
*1st Session*

}

SENATE

}

REPORT  
No. 699

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CONFERRING JURISDICTION ON THE STATES OF CALIFORNIA, MINNESOTA, NEBRASKA, OREGON, AND WISCONSIN, WITH RESPECT TO CRIMINAL OFFENSES AND CIVIL CAUSES OF ACTION COMMITTED OR ARISING ON INDIAN RESERVATIONS WITHIN SUCH STATES

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JULY 29 (legislative day, JULY 27), 1953.—Ordered to be printed

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Mr. BUTLER of Nebraska, from the Committee on Interior and Insular Affairs, submitted the following

## REPORT

[To accompany H.R. 1063]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 1063) to confer jurisdiction on the States of California, Minnesota, Nebraska, Oregon, and Wisconsin, with respect to criminal offenses and civil causes of action committed or arising on Indian reservations within such States, and for other purposes, having considered the same, report thereon with the recommendation that it do pass without amendment.

This bill has been considered by the Committee on Interior and Insular Affairs of the House; on July 16, 1953, that committee submitted its report (H. Rept. 848) to the House, recommending its passage, and on July 27, 1953, it passed the House.

The Secretary of the Interior recommends the enactment of this proposed legislation as will appear from the Secretary of the Interior's report on H.R. 1063, dated July 7, 1953, which report is incorporated in said House Report No. 848.

The history and the reasons for the enactment of this proposed legislation is fully set forth in said House Report No. 848, a copy of which is attached hereto and made a part of this report, as follows:

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[83d Cong., 1st sess., Rept. No. 848]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 1063) to amend title 18, United States Code, entitled, "Crimes and Criminal Procedure," with respect to State jurisdiction over offenses committed by or against Indians in the Indian country, and to confer on the State of California civil jurisdiction over Indians in the State, having considered the same, report

favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

"That chapter 53 of title 18, United States Code, is hereby amended by inserting at the end of the chapter analysis preceding section 1151 of such title the following new item:

" '1162. State jurisdiction over offenses committed by or against Indians in the Indian country.'

"SEC. 2. Title 18, United States Code, is hereby amended by inserting in chapter 53 thereof immediately after section 1161 a new section, to be designated as section 1162, as follows:

" '§ 1162. State jurisdiction over offenses committed by or against Indians in the Indian country

" '(a) Each of the States listed in the following table shall have jurisdiction over offenses committed by or against Indians in the areas of Indian country listed opposite the name of the State to the same extent that such State has jurisdiction over offenses committed elsewhere within the State, and the criminal laws of such State shall have the same force and effect within such Indian country as they have elsewhere within the State:

State of	Indian country affected
California.....	All Indian country within the State
Minnesota.....	All Indian country within the State, except the Red Lake Reservation
Nebraska.....	All Indian country within the State
Oregon.....	All Indian country within the State, except the Warm Springs Reservation
Wisconsin.....	All Indian country within the State, except the Menominee Reservation

" '(b) Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall deprive any Indian or any Indian tribe, band, or community of any right, privilege, or immunity afforded under Federal treaty, agreement, or statute with respect to hunting, trapping, or fishing or the control, licensing, or regulation thereof.

" '(c) The provisions of sections 1152 and 1153 of this chapter shall not be applicable within the areas of Indian country listed in subsection (a) of this section.'

"SEC. 3. Chapter 85 of title 28, United States Code, is hereby amended by inserting at the end of the chapter analysis preceding section 1331 of such title the following new item:

" '1360. State civil jurisdiction in actions to which Indians are parties.'

"SEC. 4. Title 28, United States Code, is hereby amended by inserting in chapter 85 thereof immediately after section 1359 a new section, to be designated as section 1360, as follows:

" '§ 1360. State civil jurisdiction in actions to which Indians are parties.

" '(a) Each of the States listed in the following table shall have jurisdiction over civil causes of action between Indians or to which Indians are parties which arise in the areas of Indian country listed opposite the name of the State to the same extent that such State has jurisdiction over other civil causes of action, and those civil laws of such State that are of general application to private persons or private property shall have the same force and effect within such Indian country as they have elsewhere within the State:

State of	Indian country affected
California.....	All Indian country within the State
Minnesota.....	All Indian country within the State, except the Red Lake Reservation
Nebraska.....	All Indian country within the State
Oregon.....	All Indian country within the State, except the Warm Springs Reservation
Wisconsin.....	All Indian country within the State, except the Menominee Reservation

“(b) Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall confer jurisdiction upon the State to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of such property or any interest therein.

“(c) Any tribal ordinance or custom heretofore or hereafter adopted by an Indian tribe, band, or community in the exercise of any authority which it may possess shall, if not inconsistent with any applicable civil law of the State, be given full force and effect in the determination of civil causes of action pursuant to this section.’

“SEC. 5. Section 1 of the act of October 5, 1949 (63 Stat. 705, ch. 604), is hereby repealed, but such repeal shall not affect any proceedings heretofore instituted under that section.

“SEC. 6. Notwithstanding the provisions of any enabling act for the admission of a State, the consent of the United States is hereby given to the people of any State to amend, where necessary, their State constitution or existing statutes, as the case may be, to remove any legal impediment to the assumption of civil and criminal jurisdiction in accordance with the provisions of this act: *Provided*, That the provisions of this act shall not become effective with respect to such assumption of jurisdiction by any such State until the people thereof have appropriately amended their State constitution or statutes as the case may be.

“SEC. 7. The consent of the United States is hereby given to any other State not having jurisdiction with respect to criminal offenses or civil causes of action, or with respect to both, as provided for in this act, to assume jurisdiction at such time and in such manner as the people of the State shall, by affirmative legislative action, obligate and bind the State to assumption thereof.

“SEC. 8. Title 18, United States Code, is hereby further amended by inserting in chapter 53 thereof immediately after section 1162, a new section, to be designated as section 1163, as follows:

“1163. Application of Indian liquor laws.

“The provisions of sections 1154, 1155, 1156, 3113, 3488, and 3618 of this title, and the provisions of section 2141 of the Revised Statutes (25 U.S.C. 251) shall not apply within those areas of Indian country that are not subject to the provisions of section 1162 of this title, nor within those areas of the States named in said section 1162 that are not Indian country.’

“Amend the title so as to read:

“‘A bill to confer jurisdiction on the States of California, Minnesota, Nebraska, Oregon, and Wisconsin, with respect to criminal offenses and civil causes of action committed or arising on Indian reservations within such States, and for other purposes.’”

#### EXPLANATION OF H.R. 1063

##### BACKGROUND HISTORY OF THIS LEGISLATION

Your Committee on Interior and Insular Affairs, through its Indian Affairs Subcommittee, and with the continuing cooperation of the Secretary of the Interior and the Indian Bureau, has, during this session, operated in five major areas of legislation affecting the Indians. This legislation, whether before the House or presently under committee consideration, has two coordinate aims: First, withdrawal of Federal responsibility for Indian affairs wherever practicable; and second, termination of the subjection of Indians to Federal laws applicable to Indians as such.

To accomplish these aims, the Congress must consider:

1. *Enactment of legislation terminating Federal responsibility for administering the affairs of Indian tribes within individual States as rapidly as local circumstances will permit*

Legislation is presently contemplated with respect to tribes in the States of California, Florida, Iowa, New York, and Texas. Such action, of course, necessitates agreement with the proper public bodies of the political subdivisions affected, whereby individual States assume responsibility for the services customarily enjoyed by the non-Indian residents. In addition, provision must be made for distribution of tribal assets, either to tribal control, or to individual

members, whichever may appear to be the better plan in each case; provision must also be made relative to trust property responsibility in all instances.

2. *Enactment of legislation terminating Federal responsibility for administering the affairs of individual Indian tribes as rapidly as circumstances will permit*

In addition to legislation presently being considered for individual tribes, and members thereof, the committee is directing particular attention to legislation which would free from Federal supervision and control and from all disabilities and limitations specially applicable to Indians the following: The Flathead Tribe of Montana, the Klamath Tribe of Oregon, the Menominee Tribe of Wisconsin, the Osage Tribe of Oklahoma, the Potawatomie Tribe of Kansas and Nebraska, and those members of the Chippewa Tribe located on the Turtle Mountain Reservation of North Dakota.

3. *Enactment of legislation terminating certain services provided by the Indian Bureau for Indians by transferring responsibility for such services to other governmental or private agencies, or to the Indians themselves*

In this area of operation, your committee has programed legislation which is aimed at withdrawal of Indian Bureau responsibility for health, welfare, soil conservation, and related programs. As an initial step, the committee has reported H.R. 303, which deals with the Indian Health Service, and the operation by the Bureau of Indian hospital and health facilities. H.R. 303, as reported, would transfer to the Department of Health, Education, and Welfare responsibility for this service; it would, at the same time, authorize transfer by the Secretary of that Department of such responsibility to State, county, or municipal subdivision, or to private nonprofit corporations, whenever satisfactory arrangements for such transfer could be agreed upon. In all instances of such service termination, care has been, and will continually be, taken to insure continuance of a high standard of service by the transferee agency.

It should be made clear that the transfer from one governmental agency to another will not create duplication of services; rather, it operates to place the Indian in the same position as non-Indians with respect to the service provided.

Members are familiar, in this area of legislation, with the numerous statutory enactments having as their purpose conferring of additional self-management upon specified tribes and individuals; this, through creation of tribal loan funds operated by the tribe, and increased authorizations for existing loan funds. Your committee has acted favorably on H.R. 5328, establishing a rehabilitation program for the Ute Mountain Tribe of the Ute Indians in Colorado, and similar legislation.

4. *Enactment of legislation providing for withdrawal of individual Indians from Federal responsibility, at the same time removing such individuals from restrictions and disabilities applicable to Indians only*

Congress has many times in the past considered and enacted legislation having as its purpose payments of current tribal income on a pro rata basis to individual members of each tribe where such payments are consistent with the point of safety in the protection of the tribe as a whole. Such payments recognize the responsibility of the tribe and of individual members to contribute a fair share of the cost of services enjoyed by them. Complementary to this aim have been the numerous bills providing for issuance of patents in fee to individuals, thus recognizing the ability of the individual to manage his own affairs.

Your committee has reported to the Speaker H.R. 4985, which would provide a procedure for the issuance of a certificate or decree of competency to any competent adult Indian making application, conceiving it to be a progressive piece of legislation in the general area considered here. Termination of Federal trusteeship over the property of competent Indians, and a complete discontinuance of all special services for them, can be fully accomplished only if a method is provided whereby the Indian who wishes to do so can obtain a declaration of competency, eventually to withdraw completely from the tribe, obtain his share of tribal property, and go on his way—as a truly “first-class citizen.” If enacted, H.R. 4985 would, in its operation, go a long way in narrowing down and helping to clarify the complex problem posed by individual withdrawal.

5. *Enactment of legislation having as its purpose repeal of existing statutory provisions which set Indians apart from other citizens, thereby abolishing certain restrictions deemed discriminatory*

Interrelated legislation in this area deals with—

- (a) restrictions applicable to Indians in personal-property transactions;
- (b) restrictions applicable to Indians as to disposition of livestock;
- (c) restrictions applicable to Indians having to do with possession and sale of firearms;
- (d) restrictions applicable to Indians having to do with sale, possession, and use of intoxicants;
- (e) the question of State civil jurisdiction over Indians;
- (f) the question of State criminal jurisdiction over Indians.

The House, in enacting H.R. 3409, has indicated its desire to repeal Federal statutes applicable only to Indians having to do with personal property, the sale of firearms, and the disposition of livestock. The committee has reported to the Speaker H.R. 1055, which has as its purpose repeal of Federal statutes prohibiting use or possession by, or sale and disposition of, intoxicants to Indians. H.R. 3409, together with H.R. 1055—if enacted—would abolish restrictions applicable only to Indians.

THE PRESENT BILL, H.R. 1063

As introduced, H.R. 1063 would have extended the criminal laws of the State of California to all the Indian country within that State. Concurrently, it provided for withdrawal of the entire State from operation of the Federal Indian liquor laws; finally, provision was made for permitting the California State courts to adjudicate civil controversies of any nature affecting Indians within the State, except where trust or restricted property was involved.

Need for such legislation on a general, rather than limited basis is grounded on the following: These States lack jurisdiction to prosecute Indians for most offenses committed on Indian reservations or other Indian country, with limited exceptions. The applicability of Federal criminal laws in States having Indian reservations is also limited. The United States district courts have a measure of jurisdiction over offenses committed on Indian reservations or other Indian country by or against Indians, but in cases of offenses committed by Indians against Indians that jurisdiction is limited to the so-called 10 major crimes: murder, manslaughter, rape, incest, assault with intent to kill, assault with a dangerous weapon, arson, burglary, robbery, and larceny.

As a practical matter, the enforcement of law and order among the Indians in the Indian country has been left largely to the Indian groups themselves. In many States, tribes are not adequately organized to perform that function; consequently, there has been created a hiatus in law-enforcement authority that could best be remedied by conferring criminal jurisdiction on States indicating an ability and willingness to accept such responsibility.

Similarly, the Indians of several States have reached a stage of acculturation and development that makes desirable extension of State civil jurisdiction to the Indian country within their borders. Permitting the State courts to adjudicate civil controversies arising on Indian reservations, and to extend to those reservations the substantive civil laws of the respective States insofar as those laws are of general application to private persons or private property, is deemed desirable.

After consideration of the proposed legislation, the committee concluded that: any legislation in this area should be on a general basis, making provision for all affected States to come within its terms; that the attitude of the various States and the Indian groups within those States on the jurisdiction transfer question should be heavily weighed before effecting transfer; and that any recommended legislation should retain application of Indian tribal customs and ordinances to civil transactions among the Indians, insofar as these customs or ordinances are not inconsistent with applicable State laws.

OPERATION OF H.R. 1063 AND STATES AFFECTED

Your committee has amended the printed bill by adopting substitute language which operates to—

- (1) confer as of date of enactment, civil and criminal jurisdiction on the States of California, Minnesota, Nebraska, Oregon, and Wisconsin, excepting specified areas within three of these States as hereinafter noted.

In the foregoing States the Indian Bureau advised State and local authorities who indicated their willingness to accept the proposed transfer of jurisdiction. Indian groups in those States were, for the most part, agreeable to the transfer of

jurisdiction, with certain groups opposing such transfer. The following tribes, each of which has a tribal law and order organization functioning in a reasonably satisfactory manner, have advised Bureau officials of their objections to State jurisdiction, and their reservation areas have therefore been excepted in the transfer legislation: Red Lake Band of Chippewa Indians of Minnesota, Warm Springs Tribe of Oregon, and the Menominee Tribe of Wisconsin.

(2) give consent of the United States to those States presently having organic laws expressly disclaiming jurisdiction to acquire jurisdiction subsequent to enactment by amending or repealing such disclaimer laws.

Examination of the Federal statutes and State constitutions has revealed that enabling acts for eight States, and in consequence the constitutions of those States, contain express disclaimers of jurisdiction. Included are Arizona, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Utah, and Washington. Effect of the disclaimer of jurisdiction over Indian land within the borders of these States—in the absence of consent being given for future action to assume jurisdiction—is to retain exclusive Federal jurisdiction until Indian title in such lands is extinguished; such States could, under the bill as reported, proceed to amendment of their respective organic laws by proper amending procedure.

(3) give consent to all other States to acquire jurisdiction over criminal offenses or civil causes of action at such time and in such manner as by affirmative legislative action such States may elect to acquire jurisdiction.

This provision would operate with respect to Nevada, and other States similarly situated. In Nevada, authorities of some counties have indicated their willingness to accept jurisdiction, others opposed it, and still others stated they would accept such jurisdiction only with an accompanying Federal subsidy. The reported bill leaves open for such States the door to acquiring jurisdiction in the future.

(4) as reported, this legislation would repeal existing Federal statutes having to do with intoxicants, and is applicable only to Indians within the named States.

The favorable report of the Department of the Interior on this legislation is as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
*Washington 25, D.C., July 7, 1953.*

MY DEAR MR. MILLER: At hearings before the Subcommittee on Indian Affairs of your committee on Monday, June 29, a request was made that this Department furnish your committee with a report reflecting the attitude of the various States and the Indian groups within those States on the question of the transfer of civil and criminal jurisdiction over Indians on their reservations to the respective States. The subcommittee also took action to amend H.R. 1063, a bill to confer civil and criminal jurisdiction on the State of California over Indians on the reservations in that State, to make it of general application rather than limit it to California and the subcommittee requested that representatives of this Department cooperate with the subcommittee in determining the States in which the amended bill should be made applicable. This is in response to those requests.

The Bureau of Indian Affairs of this Department has consulted with State and local authorities and with the Indian groups on the question of transfer of civil and criminal jurisdiction on the States in the following States: California, Minnesota, Nebraska, Nevada, Oregon, Washington, and Wisconsin. Bills for each of the States except Nebraska and Washington are presently pending before the Congress.

In each of the States mentioned, with the exception of Nevada, State and local authorities indicated their agreeableness to the proposed transfer of jurisdiction. In the State of Nevada authorities of some of the counties indicated their willingness to accept jurisdiction, others opposed it, and others stated they would accept such jurisdiction only with an accompanying Federal subsidy. The Indian groups in those States were, for the most part, agreeable to the transfer of jurisdiction but certain groups opposed such transfer. The following Indian tribes, each of which has a tribal law-and-order organization that functions in a reasonably satisfactory manner, objected to being subjected to State jurisdiction:

Minnesota.....	Red Lake Band of Chippewa Indians
Oregon.....	Warm Springs Tribe
Washington.....	Colville and Yakima Tribes
Wisconsin.....	Menominee Tribe

These Indian groups have expressed various reasons for their opposition to being subjected to State jurisdiction. The Red Lake Band of Chippewa Indians, in voting unanimously in opposition to the extension of State jurisdiction, observed that State law would not be of any benefit to tribal members and that the tribal members should be given an opportunity by referendum election to accept or reject the extension of State jurisdiction. The Warm Springs Tribe expressed its fear that its members would not be treated fairly in the State courts. The Warm Springs Tribe constitutes an isolated population group. The reservation is located in two counties and the seat of each county government is some distance from the reservation. It has been reported that these two counties are poorly financed and heretofore have been unable to render any appreciable assistance to the Indians on the reservation. The Colville and Yakima Tribes, in opposing State jurisdiction, expressed fear of inequitable treatment in the State courts and fear that the extension of State law to their reservations would result in the loss of various rights. The Menominee Tribe stated that its tribal police organization was capable of maintaining order on the reservation and that its people are not yet ready to be subjected to State laws.

The Bureau of Indian Affairs has consulted with State and local authorities and Indian groups only in the States mentioned above. However, we have other information which indicates that State authorities in Montana and South Dakota would be agreeable to a transfer of jurisdiction if such transfer were accomplished by a complete Federal subsidy. The Indians in these two States have indicated their unanimous opposition to the extension of State laws on their reservations.

It appears that there are legal impediments to the transfer of jurisdiction over Indians on their reservations in the case of a number of States. An examination of the Federal statutes and State constitutions indicates that enabling acts for the following States, and in consequence the constitutions of the States, contain express disclaimers of jurisdiction. These States are Arizona, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Utah, and Washington. In these cases the enabling acts required the people of the proposed States expressly to disclaim jurisdiction over Indian land and that, until the Indian title was extinguished, the lands were to remain under the absolute jurisdiction and control of the Congress of the United States. In each instance the State constitution contains an appropriate disclaimer. It would appear in each case, therefore, that the Congress would be required to give its consent and the people of each State would be required to amend the State constitution before the State legally could assume jurisdiction.

This Department does not have information on the attitude and disposition of the State and local authorities and the Indian groups in the States, other than those listed in the second paragraph of this report.

Sincerely yours,

ORME LEWIS,  
*Assistant Secretary of the Interior.*

Hon. A. L. MILLER,  
*Chairman, Committee on Interior and Insular Affairs,  
House of Representatives, Washington 25, D.C.*

The Committee on Interior and Insular Affairs unanimously recommends the enactment of H.R. 1063 as amended.

## CHANGES IN EXISTING LAW

In compliance with subsection (4) of Rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill (H.R. 1063) as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

## UNITED STATES CODE

## TITLE 18—CRIMES AND CRIMINAL PROCEDURE

\* \* \* \* \*

## CHAPTER 53—INDIANS

Sec.

1151. Indian country defined.  
 1152. Laws governing.  
 1153. Offenses committed within Indian country.  
 1154. Intoxicants dispensed in Indian country.  
 1155. Intoxicants dispensed on school site.  
 1156. Intoxicants possessed unlawfully.  
 1157. Livestock sold or removed.  
 1158. Counterfeiting Indian Arts and Crafts Board trade-mark.  
 1159. Misrepresentation in sale of products.  
 1160. Property damaged in committing offense.  
 \*1161. Application of Indian liquor laws.  
 1162. *State jurisdiction over offenses committed by or against Indians in the Indian country.*

\* \* \* \* \*

\*1161. The provisions of Sections 1154, 1156, 3113, 3488, and 3618, of this title, shall not apply within any area that is not Indian country, nor to any act or transaction within any area of Indian country provided such act or transaction is in conformity both with the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the Federal Register.

*Sec. 1162. State jurisdiction over offenses committed by or against Indians in the Indian country*

(a) *Each of the States listed in the following table shall have jurisdiction over offenses committed by or against Indians in the areas of Indian country listed opposite the name of the State to the same extent that such State has jurisdiction over offenses committed elsewhere within the State, and the criminal laws of such State shall have the same force and effect within such Indian country as they have elsewhere within the State:*

<i>State of</i>	<i>Indian country affected</i>
<i>California</i> -----	<i>All Indian country within the State</i>
<i>Minnesota</i> -----	<i>All Indian country within the State, except the Red Lake Reservation</i>
<i>Nebraska</i> -----	<i>All Indian country within the State</i>
<i>Oregon</i> -----	<i>All Indian country within the State, except the Warm Springs Reservation</i>
<i>Wisconsin</i> -----	<i>All Indian country within the State, except the Menominee Reservation</i>

(b) *Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall deprive any Indian or any Indian tribe, band, or community of any right, privilege, or immunity afforded under Federal treaty, agreement, or statute with respect to hunting, trapping, or fishing or the control, licensing, or regulation thereof.*

(c) *The provisions of sections 1152 and 1153 of this chapter shall not be applicable within the areas of Indian country listed in subsection (a) of this section.*

\*COMMITTEE NOTE.—Sec. 1161, a proposed addition to title 18 of the United States Code, is contained in H.R. 1055, 83d Cong., reported to the House of Representatives on July 13, 1953.

*Sec. 1163. Application of Indian liquor laws*

The provisions of sections 1154, 1155, 1156, 3113, 3488, and 3618 of this title, and the provisions of section 2141 of the Revised Statutes (25 U.S.C. 251) shall not apply within those areas of Indian country that are not subject to the provisions of section 1162 of this title, nor within those areas of the States named in said section 1162 that are not Indian country.

## TITLE 28—JUDICIARY AND JUDICIAL PROCEDURE

\* \* \* \* \*

## CHAPTER 85—DISTRICT COURTS; JURISDICTION

Sec. \* \* \* \* \*

1355. Fine, penalty or forfeiture.  
 1356. Seizures not within admiralty and maritime jurisdiction.  
 1357. Injuries under Federal laws.  
 1358. Eminent domain.  
 1359. Parties collusively joined or made.  
 1360. State civil jurisdiction in actions to which Indians are parties.

*Sec. 1359. Parties collusively joined or made*

A district court shall not have jurisdiction of a civil action in which any party, by assignment or otherwise, has been improperly or collusively made or joined to invoke the jurisdiction of such court.

*Sec. 1360. State civil jurisdiction in actions to which Indians are parties*

(a) Each of the States listed in the following table shall have jurisdiction over civil causes of action between Indians or to which Indians are parties which arise in the areas of Indian country listed opposite the name of the State to the same extent that such State has jurisdiction over other civil causes of action, and those civil laws of such State that are of general application to private persons or private property shall have the same force and effect within such Indian country as they have elsewhere within the State:

<i>State of</i>	<i>Indian country affected</i>
California.....	All Indian country within the State
Minnesota.....	All Indian country within the State, except the Red Lake Reservation
Nebraska.....	All Indian country within the State
Oregon.....	All Indian country within the State, except the Warm Springs Reservation
Wisconsin.....	All Indian country within the State, except the Menominee Reservation

(b) Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall confer jurisdiction upon the State to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of such property or any interest therein.

(c) Any tribal ordinance or custom heretofore or hereafter adopted by an Indian tribe, band, or community in the exercise of any authority which it may possess shall, if not inconsistent with any applicable civil law of the State, be given full force and effect in the determination of civil causes of action pursuant to this section.

## ACT OF OCTOBER 5, 1949 (63 STAT. 705, CH. 604)

【That on and after January 1, 1950, all lands located on the Agua Caliente Indian Reservation in the State of California, and the Indian residents thereof, shall be subject to the laws, civil and criminal, of the State of California, but nothing contained in this section shall be construed to authorize the alienation, encumbrance, or taxation of the lands of the reservation, or rights of inheritance thereof whether tribally or individually owned, so long as the title to such lands is held in trust by the United States, unless such alienation, encumbrance, or taxation is specifically authorized by the Congress.】

SEC. 2. Notwithstanding any other provision of law \* \* \*.

THE INDIAN ACTS  
AND  
TERRITORY ACTS

### PART III. PUBLIC LAW 83-281

AN ACT To terminate certain Federal restrictions upon Indians.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That sections 467 and 2136 of the Revised Statutes (25 U.S.C., sec. 266) and section 2135 of the Revised Statutes (25 U.S.C., sec. 265), all of the said laws being laws which forbid the sale, purchase, or possession by Indians of personal property which may be sold, purchased, or possessed by non-Indians, are hereby repealed.

SEC. 2. (a) Section 1157 of title 18 of the United States Code, as amended, is further amended by striking the period at the end thereof and adding the following: “: *Provided*, That this section shall apply only to livestock purchased by or for Indians with funds provided from the revolving loan fund established pursuant to the Acts of June 18, 1934 (48 Stat. 984), and June 26, 1936 (49 Stat. 1967), as amended and supplemented, or from tribal loan funds used under regulations of the Secretary of the Interior, and to livestock issued to Indians as loans repayable ‘in kind’, and to the increase of all such livestock, and only until such time as such loans are repaid: *Provided further*, That it shall be the duty of any purchaser of Indian livestock to use reasonable diligence to ascertain that such livestock are not subject to such loans.”

(b) Section 1 of the Act of July 4, 1884 (23 Stat. 94, 25 U.S.C., sec. 195), is repealed.

Approved August 15, 1953.

TERMINATING FEDERAL DISCRIMINATIONS AGAINST  
THE INDIANS OF MONTANA

APRIL 14, 1953.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

Mr. MILLER of Nebraska, from the Committee on Interior and Insular  
Affairs, submitted the following

R E P O R T

[To accompany H.R. 3409]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 3409) to terminate Federal discriminations against the Indians of Montana, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

That Revised Statutes (secs. 467 and 2136, 25 U.S.C., sec. 266) and Revised Statutes (sec. 2135, 25 U.S.C., sec. 265), all of the said laws being laws which forbid the sale, purchase, or possession by Indians of personal property which may be sold, purchased, or possessed by non-Indians, are hereby repealed.

SEC. 2. Revised Statutes (sec. 2138, as amended, 18 U.S.C., sec. 1157) is amended by striking the period at the end thereof and adding the following: “: *Provided*, That this section shall apply only to livestock purchased by or for Indians with funds provided from the revolving loan fund or tribal loan funds, and only until such time as such loans are repaid.”

(b) Section 1 of the Act of July 4, 1884 (23 Stat. 94, 25 U.S.C., sec. 195) is amended by striking the period at the end thereof and adding the following: “: *Provided*, That this section shall apply only to livestock purchased by or for Indians with funds provided from the revolving loan fund or tribal loan funds, and only until such time as such loans are repaid.”

Amend the title to read:

A bill to terminate certain Federal restrictions upon Indians.

## EXPLANATION OF THE BILL

The purpose of this bill is to repeal 2 obsolete laws that are discriminatory against our Indian citizens and to amend 2 other laws to make them applicable to present-day conditions. No appropriation of Federal funds is requested.

The first two statutes cited in H.R. 3409 relate to the purchase or pledge from an Indian within the Indian country of articles used in hunting, implements of husbandry, cooking utensils and clothing, and the sale of arms or ammunition in country occupied by hostile or uncivilized Indians. For many years there has been no need for the protection to both Indians and non-Indians which these statutes were designed to afford. There are no longer any Indians or Indian tribes which are considered as uncivilized or hostile in the sense in which these words are used. The statutes, therefore, are obsolete and should be repealed.

The other two statutes mentioned in H.R. 3409 relate to the sale or disposition of livestock issued to or purchased for Indians by the United States. The bill would make these statutes applicable only to livestock purchased by or for Indians with funds provided from the Revolving Loan Fund or tribal loan funds, and only such time as the loans are repaid.

As introduced, H.R. 3409 applied only to Indians residing in the State of Montana. The committee has amended the proposed legislation to make its provisions applicable to all Indians.

Although the Department of the Interior has not yet reported formally on H.R. 3409, representatives of the Bureau of Indian Affairs testified in its support at hearings recently held by a subcommittee of the Committee on Interior and Insular Affairs.

Enactment of H.R. 3409 as amended is unanimously recommended by the Committee on Interior and Insular Affairs.

## CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as amended, are shown as follows (existing law proposed to be omitted is enclosed in black brackets; new matter is printed in italic; existing law in which no change is proposed is shown in roman):

(25 U.S.C., sec. 266)

[The Secretary of the Interior shall adopt such rules as may be necessary to prohibit the sale of arms or ammunition within any district or country occupied by uncivilized or hostile Indians, and shall enforce the same. If any trader, his agent, or any person acting for or under him, shall sell any arms or ammunition at his trading post or other place within any district or country occupied by uncivilized or hostile Indians, contrary to the rules and regulations of the Secretary of the Interior, such trader shall forfeit his right to trade with the Indians, and the Secretary shall exclude such trader, and the agent, or other person so offending, from the district or country so occupied.]

(25 U.S.C., sec. 265)

【Every person, other than an Indian, who, within the Indian country, purchases or receives of any Indian, in the way of barter, trade, or pledge, a gun, trap, or other article commonly used in hunting, any instrument of husbandry, or cooking utensils of the kind commonly obtained by the Indians in their intercourse with the white people, or any article of clothing, except skins or furs, shall be liable to a penalty of \$50.】

(18 U.S.C., sec. 1157)

Where restricted Indians are in possession or control of livestock purchased for or issued to them by the Government, or the increase therefrom, such stock shall not be sold, transferred, mortgaged, or otherwise disposed of, except with the consent in writing of the superintendent or other officer in charge of the tribe to which the owner or possessor of the livestock belongs, and all transactions in violation of this provision shall be void.

All such livestock so purchased or issued and the increase therefrom belonging to restricted Indians and grazed in the Indian country shall be branded with the ID or reservation brand of the jurisdiction to which the owners of such stock belong, and shall not be removed from the Indian country except with the consent in writing of the superintendent or other officer in charge of the tribe to which the owner or possessor of such livestock belongs, or by order of the Secretary of the Army, in connection with the movement of troops.

Whoever violates this section by selling or otherwise disposing of such stock, purchasing, or otherwise acquiring an interest therein, or by removing such stock from the Indian country, shall be fined not more than \$500 or imprisoned not more than six months, or both【.】 : *Provided, That this section shall apply only to livestock purchased by or for Indians with funds provided from the Revolving Loan Fund or tribal loan funds, and only until such time as such loans are repaid.*

(25 U.S.C., sec. 195)

Where Indians are in possession or control of cattle or their increase which have been purchased by the Government such cattle shall not be sold to any person not a member of the tribe to which the owners of the cattle belong or to any citizen of the United States whether intermarried with the Indians or not except with the consent in writing of the agent of the tribe to which the owner or possessor of the cattle belongs. And all sales made in violation of this provision shall be void and the offending purchaser on conviction thereof shall be fined not less than \$500 and imprisoned no less than six months【.】 : *Provided, That this section shall apply only to livestock purchased by or for Indians with funds provided from the Revolving Loan Fund or tribal loan funds, and only until such time as such loans are repaid.*

PURCHASE AND SALE OF PERSONAL PROPERTY  
BELONGING TO INDIANS

JULY 30 (legislative day, JULY 27), 1953.—Ordered to be printed

Mr. BUTLER of Nebraska, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 3409]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 3409) relating to the purchase and sale of personal property belonging to Indians, having considered the same, report thereon with the recommendation that it do pass with the following amendments:

On page 1, lines 3 to 5, strike out "Revised Statutes (secs. 467 and 2136, 25 U.S.C., sec. 266) and Revised Statutes (sec. 2135, 25 U.S.C., sec. 265)," and insert in lieu thereof the following:

sections 467 and 2136 of the Revised Statutes (25 U.S.C., sec. 266) and section 2135 of the Revised Statutes (25 U.S.C., sec. 265),

On page 1, line 7, insert a comma after the work "non-Indians".

On page 1, lines 9 and 10, strike out "Revised Statutes (sec. 2138, as amended, 18 U.S.C., sec. 1157), is" and insert in lieu thereof the following:

Section 1157 of title 18 of the United States Code, as amended, is further

On page 2, strike out all of lines 1, 2, 3 and 4, and insert in lieu thereof the following:

That this section shall apply only to livestock purchased by or for Indians with funds provided from the revolving loan fund established pursuant to the acts of June 18, 1934 (48 Stat. 984), and June 26, 1936 (49 Stat. 1967), as amended and supplemented, or from tribal loan funds used under regulations of the Secretary of the Interior, and to livestock issued to Indians as loans repayable "in kind", and to the increase of all such livestock, and only until such time as such loans are repaid: *Provided further*, That it shall be the duty of any purchaser of Indian livestock to use reasonable diligence to ascertain that such livestock are not subject to such loans.

On page 2, lines 6 to 11, after the word "is" in line 6 strike out all the remainder of section 2(b) and insert in lieu thereof the word "repealed".

This bill has been considered by the Committee on Interior and Insular Affairs of the House; on April 14, 1953, that committee submitted its report (H. Rept. No. 268) to the House, recommending its passage, and on April 20, 1953, it passed the House.

#### EXPLANATION OF THE BILL

The purpose of this bill is to repeal 2 obsolete laws that are discriminatory against our Indian citizens and to amend 2 other laws to make them applicable to present-day conditions. No appropriation of Federal funds is requested.

The first two statutes cited in H.R. 3409 relate to the purchase or pledge from an Indian within the Indian country of articles used in hunting, implements of husbandry, cooking utensils and clothing, and the sale of arms or ammunition in country occupied by hostile or uncivilized Indians. For many years there has been no need for the protection to both Indians and non-Indians which these statutes were designed to afford. There are no longer any Indians or Indian tribes which are considered as uncivilized or hostile in the sense in which these words are used. The statutes, therefore, are obsolete and should be repealed.

The other statute mentioned in section 2 of H.R. 3409 relate to the sale or disposition of livestock issued to or purchased for Indians by the United States. The bill would make the statute applicable only to livestock purchased by or for Indians with funds provided from the revolving loan fund or tribal loan funds, and only such time as the loans are repaid.

The amendments recommended by the Secretary of the Interior and the Director of the Bureau of the Budget are adopted by your committee and are embodied in the bill as herein recommended for passage.

The Secretary of the Interior and the Director of the Bureau of the Budget recommend the enactment of this proposed legislation, if amended, as will appear from the copies of the reports of the Secretary of the Interior and the Director of the Bureau of the Budget which are attached hereto and made a part of this report, as follows:

DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington 25, D.C., July 29, 1953.

Hon. HUGH BUTLER,  
*Chairman, Committee on Interior and Insular Affairs,  
United States Senate, Washington 25, D.C.*

MY DEAR SENATOR BUTLER: Reference is made to H.R. 3409, a bill to terminate certain Federal restrictions upon Indians.

I recommend that the bill be enacted if amended as hereinafter suggested.

The two statutes, 25 United States Code 265 and 266, which are referred to in section 1 of the bill, relate to the purchase or pledge from an Indian within the Indian country of articles used in hunting, implements of husbandry, cooking utensils and clothing, and the sale of arms or ammunition in country occupied by hostile or uncivilized Indians. For many years there has been no need for the protection to both Indians and non-Indians which the statutes codified as 25 United States Code 265 and 266 were designed to afford. There are no longer any Indians or Indian tribes which are considered as uncivilized or hostile in the sense in which these words are used. The statutes, therefore, are obsolete and the Department believes that they should be repealed.

The two statutes, 25 United States Code 195 and 18 United States Code 1157, which are referred to in section 2 of the bill, relate to the sale or disposition of livestock issued to or purchased in trust for Indians by the United States. As passed by the House of Representatives, H.R. 3409 amends 18 United States Code 1157 by adding thereto the following proviso:

*"Provided, That this section shall apply only to livestock purchased by or for Indians with funds provided from the revolving loan fund or tribal loan funds, and only until such time as such loans are repaid."*

The Department recommends that this proviso, which appears in section 2 (a) of the bill, beginning on line 11 on page 1, be further amended. For ready comparison with the proviso in H.R. 3409, the additional amendments to this proviso which the Department recommends have been italicized. As so amended the proviso would read as follows:

*": Provided, That this section shall apply only to livestock purchased by or for Indians with funds provided from the revolving loan fund established pursuant to the acts of June 18, 1934 (48 Stat. 984), and June 26, 1936 (49 Stat. 1967), as amended and supplemented, or from tribal loan funds used under regulations of the Secretary of the Interior, and to livestock issued to Indians as loans repayable 'in kind', and to the increase of all such livestock, and only until such time as such loans are repaid: Provided further, That it shall be the duty of any purchaser of Indian livestock to use reasonable diligence to ascertain that such livestock are not subject to such loans."*

The proviso in section 2(a) of H.R. 3409 was inserted to protect outstanding and future loans by the United States and from tribal funds. The recommended amendment to this proviso identifies the revolving loan fund, and restricts the protection on loans from tribal funds to those which are subject to the regulations of the Secretary of the Interior. These regulations appear in 25 CFR 21. Unless so amended in this respect the proviso would apply to loans from local tribal funds which are not deposited in the Treasury of the United States and over which this Department now has no supervision.

Loans of cattle, totaling approximately 36,000 head, which are repayable "in kind" have been made by the United States and are outstanding at the present time. The same protection should be afforded to these loans as the proviso in H.R. 3409 would afford to the cash loans. The addition of the second proviso would place upon the purchaser of livestock from the Indians the burden of ascertaining that there is no indebtedness against the stock being purchased. The Department believes that without the second proviso the enforceability of the first proviso would be very uncertain.

It appears that no legal proceedings have been instituted under 25 United States Code 195 for more than 30 years, or since the law which now appears in 18 United States Code 1157 was originally enacted. The former statute appears, therefore, to be obsolete, and the Department believes it should be repealed. It is, therefore, suggested that section 2(b) of the bill be amended as follows:

At page 2, lines 6 to 11, after the word "is" in line 6 strike out all the remainder of section 2(b) and insert in lieu thereof the word "repealed".

If 25 United States Code 195 is not repealed, the Department recommends that section 2(b) be amended to contain the same provisos as are recommended above with respect to section 2(a) of the bill.

The manner in which some of the statutes affected by the bill are cited is confusing and could lead to difficulties in interpretation. For example, reference is made at page 1, line 9, to section 2138 of the Revised Statutes, although this section was repealed by section 21 of the act of June 25, 1948 (62 Stat. 683, 862). In order to perfect the text of the bill in this and other respects, the following additional amendments are suggested:

1. At page 1, lines 3 to 5, strike out "Revised Statutes (secs. 467 and 2136, 25 U.S.C., sec. 266) and Revised Statutes (sec. 2135, 25 U.S.C., sec. 265)," and insert in lieu thereof the following: "sections 467 and 2136 of the Revised Statutes (25 U.S.C., sec. 266) and section 2135 of the Revised Statutes (25 U.S.C., sec. 265),".

2. At page 1, line 7, insert a comma after "non-Indians".

3. At page 1, lines 9 and 10, strike out "Revised Statutes (sec. 2138, as amended, 18 U.S.C., sec. 1157), is" and insert in lieu thereof the following: "Section 1157 of title 18 of the United States Code, as amended, is further".

Since I am informed that there is a particular urgency for the submission of the views of the Department, this report has not been cleared through the Bureau of the Budget. However, the Bureau has advised that there would be no objection

to the submission of a generally similar report on this bill that was prepared while the bill was before the House of Representatives.

Sincerely yours,

ORME LEWIS,  
*Assistant Secretary of the Interior.*

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
*Washington 25, D.C., June 4, 1953.*

Hon. HUGH BUTLER,  
*Chairman, Committee on Interior and Insular Affairs,  
United States Senate, Washington 25, D.C.*

MY DEAR MR. CHAIRMAN: This will refer to the request of your committee for the views of this office on H.R. 3409, to terminate certain Federal restrictions upon Indians. This bill as introduced was applicable only to the Indians of Montana, but if enacted as passed by the House on April 20, 1953, it would apply to all Indians.

Section 1 of the bill would repeal some ancient statutes prohibiting the sale, purchase, or possession by Indians of certain personal property which may be sold, purchased or possessed by non-Indians. For example, 25 United States Code 266 prohibits the sale of arms or ammunition within any district or county occupied by uncivilized or hostile Indians.

The laws mentioned in the bill, and many others, were enacted in another era. They apparently were designed for the protection of the Indians, or for creating a more suitable atmosphere in the handling of hostile tribes or bands—Indians who were resentful of the rapidly expanding encroachment of white civilization into Indian territory. Many of these laws, to some degree at least, have become inoperative for years. No group of Indians in the United States today is recognized either as uncivilized or hostile, even though some of the ancient tribal customs are still in vogue and respected.

Section 2 amends existing law relating to the disposition of livestock by confining existing restrictive provisions to livestock purchased by or for Indians from revolving loan funds and then only until such time as the loans have been repaid. This represents a forward step in permitting the Indian to manage his own affairs.

In line 9, page 1 of the bill, reference is made to section 2138 of the Revised Statutes. That section was repealed by the act of June 25, 1948 (62 Stat. 683), and act "To revise, codify, and enact into positive law Title 18 of the United States Code, entitled 'Crimes and Criminal Procedure'." The proper citation is Title 18 U.S.C., sec. 1157.

Enactment of H.R. 3409 is recommended.

There is also before this Office your request for our views on S. 485, "To terminate Federal discrimination against the Indians of Arizona." Since H.R. 3409 as passed by the House, is of general application its enactment would make unnecessary the enactment of S. 485.

Sincerely yours,

ROWLAND HUGHES, *Assistant Director.*

#### CHANGE OF EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill (H.R. 3409) as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

(TITLE 25, U.S.C., SEC. 266)

[The Secretary of the Interior shall adopt such rules as may be necessary to prohibit the sale of arms or ammunition within any district or country occupied by uncivilized or hostile Indians, and shall enforce the same. If any trader, his agent, or any person acting for or under him, shall sell any arms or ammunition at his trading post or other place within any district or country occupied by uncivilized or hostile Indians, contrary to the rules and regulations of the Secretary of the Interior, such trader shall forfeit his right to trade with the Indians, and

the Secretary shall exclude such trader, and the agent, or other person so offending from the district or country so occupied.】

(TITLE 25, U.S.C., SEC. 265)

【Every person, other than an Indian, who, within the Indian country, purchases or receives of any Indian, in the way of barter, trade, or pledge, a gun, trap, or other article commonly used in hunting, any instrument of husbandry, or cooking utensils of the kind commonly obtained by the Indians in their intercourse with the white people, or any article of clothing, except skins or furs, shall be liable to a penalty of \$50.】

(TITLE 25, U.S.C., SEC. 195)

Where Indians are in possession or control of cattle or their increase which have been purchased by the Government such such cattle shall not be sold to any person not a member of the tribe to which the owners of the cattle belong or to any citizen of the United States whether intermarried with the Indians or not except with the consent in writing of the agent of the tribe to which the owner of possessor of the cattle belongs. And all sales made in violation of this provision shall be void and the offending purchaser on conviction thereof shall be fined not less than \$500 and imprisoned no less than six months【.】 : *Provided, That this section shall apply only to livestock purchased by or for Indians with funds provided from the Revolving Loan Fund or tribal loan funds, and only until such time as such loans are repaid.*

It is further stated that the removal of these persons from the United States is necessary in order to protect the national security.

(Classified as U.S. Secret)

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**PART IV. HOUSE CONCURRENT RESOLUTION 108,  
83D CONGRESS, 1ST SESSION, AUGUST 1, 1953**

Whereas it is the policy of Congress, as rapidly as possible, to make the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, to end their status as wards of the United States, and to grant them all of the rights and prerogatives pertaining to American citizenship; and

Whereas the Indians within the territorial limits of the United States should assume their full responsibilities as American citizens: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That it is declared to be the sense of Congress that, at the earliest possible time, all of the Indian tribes and the individual members thereof located within the States of California, Florida, New York, and Texas, and all of the following-named Indian tribes and individual members thereof, should be freed from Federal supervision and control and from the disabilities and limitations specially applicable to Indians: The Flathead Tribe of Montana, the Klamath Tribe of Oregon, the Menominee Tribe of Wisconsin, the Potawatomi Tribe of Kansas and Nebraska, and those members of the Chippewa Tribe who are on the Turtle Mountain Reservation, North Dakota. It is further declared to be the sense of Congress that, upon the release of such tribes and individual members thereof from such disabilities and limitations, all offices of the Bureau of Indian Affairs in the States of California, Florida, New York, and Texas, and all other offices of the Bureau of Indian Affairs whose primary purpose was to serve any Indian tribe or individual Indian freed from Federal supervision should be abolished. It is further declared to be the sense of Congress that the Secretary of the Interior should examine all existing legislation dealing with such Indians and treaties between the Government of the United States and each such tribe, and report to Congress at the earliest practicable date, but not later than January 1, 1954, his recommendations for such legislation as, in his judgment, may be necessary to accomplish the purposes of this resolution.

Attest:

Attest:

LYLE O. SNADER.

J. MARK TRICE.

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EXPRESSING THE SENSE OF CONGRESS THAT CERTAIN  
TRIBES OF INDIANS SHOULD BE FREED FROM FED-  
ERAL SUPERVISION

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JULY 15, 1953.—Referred to the House Calendar and ordered to be printed

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MR. MILLER of Nebraska, from the Committee on Interior and  
Insular Affairs, submitted the following

REPORT

[To accompany H. Con. Res. 108]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. Con. Res. 108) expressing the sense of Congress that certain tribes of Indians should be freed from Federal supervision, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

EXPLANATION OF HOUSE CONCURRENT RESOLUTION 108

BACKGROUND HISTORY OF THIS LEGISLATION

Your Committee on Interior and Insular Affairs, through its Indian Affairs Subcommittee, and with the continuing cooperation of the Secretary of the Interior and the Indian Bureau, has, during this session, operated in five major areas of legislation affecting the Indians. This legislation, whether before the House or presently under committee consideration, has two coordinated aims: First, withdrawal of Federal responsibility for Indian affairs wherever practicable; and, second, termination of the subjection of Indians to Federal laws applicable to Indians as such.

To accomplish these aims, the Congress must consider:

1. *Enactment of legislation having as its purpose repeal of existing statutory provisions which set Indians apart from other citizens, thereby abolishing certain restrictions deemed discriminatory*

Interrelated legislation in this area deals with—

(a) Restrictions applicable to Indians in personal property transactions.

(b) Restrictions applicable to Indians as to disposition of livestock.

(c) Restrictions applicable to Indians having to do with possession and sale of firearms.

(d) Restrictions applicable to Indians having to do with sale, possession, and use of intoxicants.

(e) The question of State civil jurisdiction over Indians.

(f) The question of State criminal jurisdiction over Indians.

The House, in enacting H.R. 3409, has indicated its desire to repeal Federal statutes applicable only to Indians having to do with personal property, the sale of firearms, and the disposition of livestock.

The committee has reported to the Speaker, H.R. 1055, which has as its purpose repeal of Federal statutes prohibiting use or possession by, or sale and disposition of, intoxicants to Indians. In addition, H.R. 1063, reported to the House as of this printing, has as its purpose the conferring of civil and criminal jurisdiction over Indians upon certain States, wherever abolishment of exclusive Federal jurisdiction is deemed practicable at this time.

2. *Enactment of legislation terminating certain services provided by the Indian Bureau for Indians by transferring responsibility for such services to other governmental or private agencies*

In this area of operation, your committee has programed legislation which is aimed at withdrawal of Indian Bureau responsibility for health, welfare, soil conservation, and related programs. As an initial step, the committee has reported H.R. 303, which deals with the Indian Health Service, and the operation by the Bureau of Indian hospital and health facilities. H.R. 303, as reported, would transfer to the Department of Health, Education, and Welfare responsibility for this service; it would, at the same time, authorize transfer by the Secretary of that Department of such responsibility to State, county or municipal subdivision, or to private nonprofit corporations, whenever satisfactory arrangements for such transfer could be agreed upon. In all instances of such service termination, care has been, and continually will be, taken to insure continuance of a high standard of service by the transferee agency.

It should be made clear that the transfer from one governmental agency to another will not create duplication of services; rather, it operates to place the Indian in the same position as non-Indians with respect to the service provided.

Members are familiar, in this area of legislation, with the numerous statutory enactments having as their purpose conferring of additional self-management upon specified tribes and individuals; this, through creation of tribal loan funds operated by the tribe, and increased authorizations for existing loan funds. As example, your committee has acted favorably on H.R. 5328, establishing a rehabilitation pro-

gram for the Ute Mountain Tribe of Ute Indians in Colorado, and similar legislation.

3. *Enactment of legislation providing for withdrawal of individual Indians from Federal responsibility, at the same time removing such individuals from restrictions and disabilities applicable to Indians only*

Congress has many times in the past considered and enacted legislation having as its purpose payments of current tribal income on a pro rata basis to individual members of each tribe where such payments are consistent with the point of safety in the protection of the tribe as a whole. Such payments recognize the responsibility of the tribe and of individual members to contribute a fair share of the cost of services enjoyed by them. Complementary to this aim have been the numerous bills providing for issuance of patents in fee to individuals, thus recognizing the ability of the individual to manage his own affairs.

Your committee has reported to the Speaker H.R. 4985, which would provide a procedure for the issuance of a certificate or decree of competency to any competent adult Indian making application, conceiving it to be a progressive piece of legislation in the general area considered here. Termination of Federal trusteeship over the property of competent Indians, and a complete discontinuance of all special services for them, can be fully accomplished only if a method is provided whereby the Indian who wishes to do so can obtain a declaration of competency, eventually to withdraw completely from the tribe, obtain his share of tribal property, and go on his way—as a truly “first-class citizen.” If enacted, H.R. 4985 would, in its operation, go a long way in narrowing down and helping to clarify the complex problem posed by individual withdrawal.

4. *Enactment of legislation terminating Federal responsibility for administering the affairs of Indian tribes within individual States as rapidly as local circumstances will permit*

Legislation is presently contemplated with respect to tribes in the States of California, Florida, Iowa, New York, and Texas. Such action, of course, necessitates agreement with the proper public bodies of the political subdivisions affected, whereby individual States assume responsibility for the services customarily enjoyed by the non-Indian residents. In addition, provision must be made for distribution of tribal assets either to tribal control, or to individual members, whichever may appear to be the better plan in each case; provision must also be made relative to trust property responsibility in all instances.

5. *Enactment of legislation terminating Federal responsibility for administering the affairs of individual Indian tribes as rapidly as circumstances will permit*

In addition to legislation presently being considered for individual tribes, and members thereof, the committee is directing particular attention to legislation which would free from Federal supervision and control and from all disabilities and limitations specially applicable to Indians the following: The Flathead Tribe of Montana, the Klamath Tribe of Oregon, the Menominee Tribe of Wisconsin, the Osage Tribe of Oklahoma, the Potawatomie Tribe of Kansas and

Nebraska, and those members of the Chippewa Tribe located on the Turtle Mountain Reservation of North Dakota.

The resolution here considered, House Concurrent Resolution 108, your committee feels, would give direction to investigation by the Secretary of Interior of legislation needed to accomplish termination of services and responsibility for administering the affairs of Indian tribes in the States therein named, and for individual tribes named, as indicated in the foregoing paragraphs.

In addition, the proposed resolution establishes January 1, 1954, as the latest date for transmittal by the Secretary of the Interior to Congress of his recommendations for such legislation as may in his judgment be necessary to accomplish the purposes spelled out in the resolution.

REPORT

To accompany H. Con. Res. 108

The committee on Indian Affairs, United States Senate, has the honor to report to the Senate the results of its investigation into the termination of Federal supervision over certain Indian tribes in the States of Nebraska, North Dakota, and South Dakota, and the proposed legislation to accomplish such termination.

The committee has held numerous public hearings on this subject and has received many suggestions from interested parties. It has also conducted extensive research into the history and present status of the Indian tribes in the States named in the resolution. The committee believes that the proposed legislation is in the best interests of the Indian people and the Nation.

# Calendar No. 753

83D CONGRESS  
*1st Session*

SENATE

REPORT  
No. 794

## EXPRESSING THE SENSE OF CONGRESS THAT CERTAIN TRIBES OF INDIANS SHOULD BE FREED FROM FEDERAL SUPERVISION

JULY 30 (legislative day, JULY 27), 1953.—Ordered to be printed

Mr. BUTLER of Nebraska, from the Committee on Interior and Insular Affairs, submitted the following

### REPORT

[To accompany H. Con. Res. 108]

The Committee on Interior and Insular Affairs, to whom was referred the House concurrent resolution (H. Con. Res. 108) expressing the sense of Congress that certain tribes of Indians should be freed from Federal supervision, having considered the same, report thereon with the recommendation that it do pass without amendment.

This resolution was considered by the Committee on Interior and Insular Affairs of the House; on July 15, 1953, that committee submitted its report (H. Rept. No. 841) to the House recommending its passage, and on July 27, 1953, it passed the House.

A full explanation and the history of this proposed legislation is contained in said House Report No. 841, a copy of which is attached hereto and made a part of this report, as follows:

#### EXPLANATION OF HOUSE CONCURRENT RESOLUTION 108

##### BACKGROUND HISTORY OF THIS LEGISLATION

Your Committee on Interior and Insular Affairs, through its Indian Affairs Subcommittee, and with the continuing cooperation of the Secretary of the Interior and the Indian Bureau, has, during this session, operated in five major areas of legislation affecting the Indians. This legislation, whether before the House or presently under committee consideration, has two coordinated aims: First, withdrawal of Federal responsibility for Indian affairs wherever practicable; and, second, termination of the subjection of Indians to Federal laws applicable to Indians as such.

To accomplish these aims, the Congress must consider:

1. *Enactment of legislation having as its purpose repeal of existing statutory provisions which set Indians apart from other citizens, thereby abolishing certain restrictions deemed discriminatory*

Interrelated legislation in this area deals with—

- (a) Restrictions applicable to Indians in personal property transactions.
- (b) Restrictions applicable to Indians as to disposition of livestock.
- (c) Restrictions applicable to Indians having to do with possession and sale of firearms.
- (d) Restrictions applicable to Indians having to do with sale, possession, and use of intoxicants.
- (e) The question of State civil jurisdiction over Indians.
- (f) The question of State criminal jurisdiction over Indians.

The House, in enacting H.R. 3409, has indicated its desire to repeal Federal statutes applicable only to Indians having to do with personal property, the sale of firearms, and the disposition of livestock.

The committee has reported to the Speaker, H.R. 1055, which has as its purpose repeal of Federal statutes prohibiting use or possession by, or sale and disposition of, intoxicants to Indians. In addition, H.R. 1063, reported to the House as of this printing, has as its purpose the conferring of civil and criminal jurisdiction over Indians upon certain States, wherever abolishment of exclusive Federal jurisdiction is deemed practicable at this time.

2. *Enactment of legislation, terminating certain services provided by the Indian Bureau for Indians by transferring responsibility for such services to other governmental or private agencies*

In this area of operation, your committee has programed legislation which is aimed at withdrawal of Indian Bureau responsibility for health, welfare, soil conservation, and related programs. As an initial step, the committee has reported H.R. 303, which deals with the Indian Health Service, and the operation by the Bureau of Indian hospital and health facilities. H.R. 303, as reported, would transfer to the Department of Health, Education, and Welfare responsibility for this service; it would, at the same time, authorize transfer by the Secretary of that Department of such responsibility to State, county or municipal subdivision, or to private nonprofit corporations, whenever satisfactory arrangements for such transfer could be agreed upon. In all instances of such service termination, care has been, and continually will be, taken to insure continuance of a high standard of service by the transferee agency.

It should be made clear that the transfer from one governmental agency to another will not create duplication of services; rather, it operates to place the Indian in the same position as non-Indians with respect to the service provided.

Members are familiar, in this area of legislation, with the numerous statutory enactments having as their purpose conferring of additional self-management upon specified tribes and individuals; this, through creation of tribal loan funds operated by the tribe, and increased authorizations for existing loan funds. As example, your committee has acted favorably on H.R. 5328, establishing a rehabilitation program for the Ute Mountain Tribe of Ute Indians in Colorado, and similar legislation.

3. *Enactment of legislation providing for withdrawal of individual Indians from Federal responsibility, at the same time removing such individuals from restrictions and disabilities applicable to Indians only*

Congress has many times in the past considered and enacted legislation having as its purpose payments of current tribal income on a pro rata basis to individual members of each tribe where such payments are consistent with the point of safety in the protection of the tribe as a whole. Such payments recognize the responsibility of the tribe and of individual members to contribute a fair share of the cost of services enjoyed by them. Complementary to this aim have been the numerous bills providing for issuance of patents-in-fee to individuals, thus recognizing the ability of the individual to manage his own affairs.

Your committee has reported to the Speaker H.R. 4985, which would provide a procedure for the issuance of a certificate or decree of competency to any competent adult Indian making application, conceiving it to be a progressive piece of legislation in the general area considered here. Termination of Federal trusteeship over the property of competent Indians, and a complete discontinuance of all special services for them, can be fully accomplished only if a method is provided whereby the Indian who wishes to do so can obtain a declaration of

competency, eventually to withdraw completely from the tribe, obtain his share of tribal property, and go on his way—as a truly “first-class citizen.” If enacted, H.R. 4985 would, in its operation, go a long way in narrowing down and helping to clarify the complex problem posed by individual withdrawal.

4. *Enactment of legislation terminating Federal responsibility for administering the affairs of Indian tribes within individual States as rapidly as local circumstances will permit*

Legislation is presently contemplated with respect to tribes in the States of California, Florida, Iowa, New York, and Texas. Such action, of course, necessitates agreement with the proper public bodies of the political subdivisions affected, whereby individual States assume responsibility for the services customarily enjoyed by the non-Indian residents. In addition, provision must be made for distribution of tribal assets, either to tribal control, or to individual members, whichever may appear to be the better plan in each case; provision must also be made relative to trust property responsibility in all instances.

5. *Enactment of legislation terminating Federal responsibility for administering the affairs of individual Indian tribes as rapidly as circumstances will permit*

In addition to legislation presently being considered for individual tribes, and members thereof, the committee is directing particular attention to legislation which would free from Federal supervision and control and from all disabilities and limitations specially applicable to Indians the following: The Flathead Tribe of Montana, the Klamath Tribe of Oregon, the Menominee Tribe of Wisconsin, the Osage Tribe of Oklahoma, the Potawatomie Tribe of Kansas and Nebraska, and those members of the Chippewa Tribe located on the Turtle Mountain Reservation of North Dakota.

The resolution here considered, House Concurrent Resolution 108, your committee feels, would give direction to investigation by the Secretary of the Interior of legislation needed to accomplish termination of services and responsibility for administering the affairs of Indian tribes in the States therein named, and for individual tribes named, as indicated in the foregoing paragraphs.

In addition, the proposed resolution establishes January 1, 1954, as the latest date for transmittal by the Secretary of the Interior to Congress of his recommendations for such legislation as may in his judgment be necessary to accomplish the purposes spelled out in the resolution.

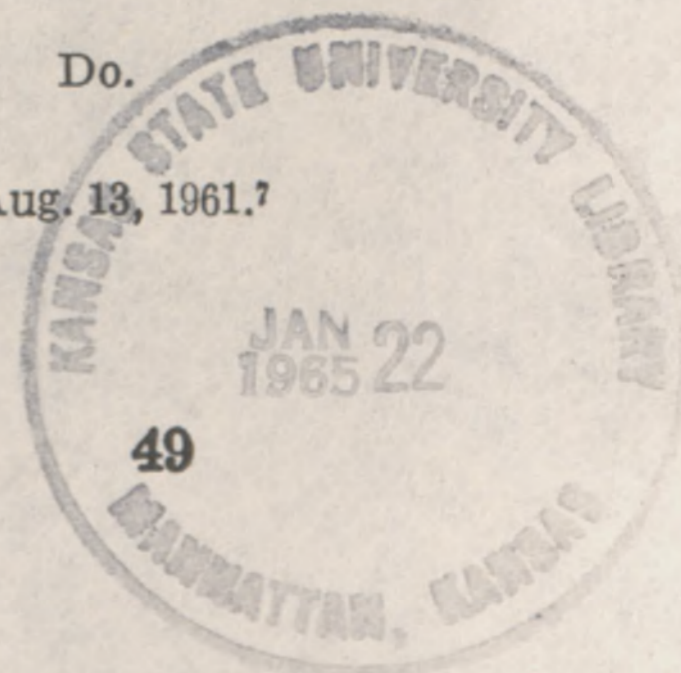
**PART V. LIST OF TRIBES, LANDS, AND RANCHERIAS WHICH  
HAVE BEEN FREED FROM FEDERAL SUPERVISION, AS OF  
JUNE 30, 1964 (PROVIDED BY COMMISSIONER OF INDIAN  
AFFAIRS AT THE REQUEST OF THE HOUSE SUBCOMMIT-  
TEE ON INDIAN AFFAIRS)**

**I. FEDERAL TRUSTEESHIP TERMINATED BY JUNE 30, 1964<sup>1</sup>**

*A. Terminated by act of Congress*

Land unit	Principal tribe (population at time of termination)	Public Law (statute reference)	Effective date <sup>2</sup>
<b>CALIFORNIA</b>			
Sacramento area office:			
Lower Lake	Pomo (8)	84-443 (70 Stat. 58)	Mar. 29, 1956.
Coyote Valley	Pomo (30)	85-91 (71 Stat. 283)	July 10, 1957.
Laguna	Diegueno (0)	80-335 (61 Stat. 731)	Feb. 4, 1958.
Buena Vista	Me-Wuk (5)	85-671 (72 Stat. 619)	Apr. 11, 1961.
Cache Creek	Pomo (4)	do	Do.
Mark West	Pomo (0)	do	Do.
Paskenta	Wintun (6)	do	Do.
Ruffeys	Ruffy (0)	do	Do.
Strawberry Valley	Maidu (2)	do	Do.
Alexander Valley	Wappo (12)	do	Aug. 1, 1961.
Chicken Ranch	Me-Wuk (16)	do	Do.
Lytton	Pomo (33)	do	Do.
Mooretown	Maidu (4)	do	Do.
Potter Valley	Pomo (11)	do	Do.
Redwood Valley	Pomo (27)	do	Do.
Table Bluff	Miami (48)	do	Do.
Redding (Clear Creek)	Mixed (44)	do	June 18, 1962.
North Fork	Mono (1)	do	Between June 30, 1960, and June 30, 1961. <sup>3</sup>
Scotts Valley	Pomo (45)	do	Do.
Table Mountain	Chukchansi (51)	do	Do.
Wilton	Me-Wuk (32)	do	Do.
Auburn	Maidu (83)	do	Between June 30, 1962, and June 30, 1963. <sup>3</sup>
Guidiville	Pomo (21)	do	Do.
Nevada City	Maidu (2)	do	Do.
Picayune	Chukchansi (11)	do	Do.
Upper Lake	Pomo (64)	do	Do.
Elk Valley	Crescent City (30)	do	Do.
Blue Lake	Blue Lake (22)	do	Between June 30, 1963, and June 30, 1964. <sup>3</sup>
Chico (Meechupta)	(Mixed) (113)	do	Do.
Cloverdale	Pomo (20)	do	Do.
Greenville	Maidu (22)	do	Do.
Indian Ranch	Paiute (9)	do	Do.
Robinson	Pomo (76)	do	Do.
<b>OKLAHOMA</b>			
Muskogee area office:			
Wyandotte (also Kansas)	Wyandotte (423)	84-887 (70 Stat. 893)	Aug. 1, 1959. <sup>4</sup>
Peoria	Peoria (230)	84-921 (70 Stat. 937)	Aug. 2, 1959. <sup>5</sup>
Ottawa	Ottawa (244)	84-943 (70 Stat. 963)	Aug. 3, 1959.
Modoc (also Missouri)	Modoc (29)	83-587 (68 Stat. 718)	Aug. 13, 1961. <sup>6</sup>
<b>OREGON</b>			
Portland area office:			
Grand Ronde and Siletz	Clackamas, Umpqua, Rogue River, and Klamath (2,100).	83-588 (68 Stat. 724)	Aug. 13, 1956.
Western Oregon public domain allotments (in- cludes Coos Bay).	Kusa, Rogue River, Klamath, and Ump- qua (803).	do	Do.
Klamath	Klamath, Modoc, and Snake (1,185).	83-587 (68 Stat. 718); 85-132 (71 Stat. 347); 85-731 (72 Stat. 816); 86-247 (73 Stat. 477).	Aug. 13, 1961. <sup>7</sup>

See footnotes at end of table, p. 50.



I. FEDERAL TRUSTEESHIP TERMINATED BY JUNE 30, 1964<sup>1</sup>—Continued

## A. Terminated by act of Congress—Continued

Land unit	Principal tribe (population at time of termination)	Public Law (statute reference)	Effective date <sup>2</sup>
SOUTH CAROLINA			
Washington office: Catawba...	Catawba (353) (roll 631).	86-322 (73 Stat. 592)-----	July 1, 1962.
TEXAS			
Anadarko area office: Ala- bama-Coushatta.	Alabama-Coushatta (385).	83-627 (68 Stat. 768)-----	July 1, 1955. <sup>3</sup>
UTAH			
Phoenix area office:			
Cedar City-----	Paiute (28)-----	83-762 (68 Stat. 1099)-----	Mar. 1, 1957.
Indian Peaks-----	Paiute (26)-----	do-----	Do.
Kanosh-----	Paiute (42)-----	do-----	Do.
Koosharem-----	Paiute (34)-----	do-----	Do.
Shivwitz-----	Paiute (130)-----	do-----	Do.
Uintah and Ouray-----	Ute (mixed blood only) (269); Affiliated Ute Citizens of Uintah and Ouray.	83-671 (68 Stat. 868)-----	Aug. 27, 1961. <sup>9</sup>
WISCONSIN			
Minneapolis area office: Menominee.	Menominee (2,221)-----	83-399 (68 Stat. 250); 84-715 (70 Stat. 544); 84-718 (70 Stat. 549); 85-488 (72 Stat. 290); 86-733 (74 Stat. 867).	Apr. 30, 1961.

<sup>1</sup> Land units identified in "U.S. Indian Population and Land" as (T).<sup>2</sup> Except as noted, applicable to tribal group, termination of land trusteeship having been accomplished as of such date or earlier.<sup>3</sup> Termination of trusteeship with respect to tribal group to be effective as of date of proclamation under statute; proclamation delayed to secure additions to sanitary facilities.<sup>4</sup> Same as footnote 3; proclamation delayed by search for trustee to dispose of Wyandotte (Huron Cemetery) in Kansas City.<sup>5</sup> Same as footnote 3; proclamation effective when claims pending before the Indian Claims Commission and the U.S. Court of Claims are settled.<sup>6</sup> Same as footnote 3; proclamation does not terminate the supervision over claims attorney contracts. See Klamath (Oregon).<sup>7</sup> Same as footnote 3; proclamation does not terminate the supervision over claims attorney contracts. Also Modoc (Oklahoma).<sup>8</sup> Same as footnote 3; proclamation provides that tribal members are still eligible for Federal educational and medical aid.<sup>9</sup> Same as footnote 3; proclamation does not terminate the distribution of unadjudicated and unliquidated claims and gas and mineral rights. Note: Termination effective only with respect to tribal group (mixed-blood Utes only).

I. FEDERAL TRUSTEESHIP TERMINATED BY JUNE 30, 1964—Continued

B. Terminated by transfer, expiration of restrictions, or disposal by fee patent

Land unit	Principal tribe (population at time of termination)	Page reference, H.R. 2503, 82d Cong.	Other references
ARIZONA			
Phoenix area office: City of Tucson (lots).	Papago (0)		Reported fiscal year 1960.
MICHIGAN			
Minneapolis area office: Scattered Ottawa and Chippewa (Beaver, Hog, and Fox Islands, etc.).	Ottawa and Chippewa (3,895).	{ 771 1,175 688 695 }	} None.
MINNESOTA			
Minneapolis area office: Pipestone	Sioux (103)	705	None.
Wabasha Community	Sioux (0)	{ 714 983 }	} None.
NEVADA			
Phoenix area office: Austin	Shoshone (139)	{ 734 1,135 }	} None.
Beowawe	Shoshone (61)	1,135	None.
Carlin	Shoshone (13)	{ 743 1,135 }	} None.
Eureka	Shoshone (23)	{ 804 1,135 }	} None.
Wells	Shoshone (52)	{ 968 1,017 1,135 }	} None.
NEW YORK			
Washington office: Allegany	Seneca (1,110)	688	Public Law 80-881 (62 Stat. 1224), July 2, 1948 (legal jurisdiction); Public Law 81-690 (64 Stat. 442), Aug. 14, 1950 (lease income); and Public Law 81-785 (64 Stat. 845), Sept. 13, 1950 (civil jurisdiction). <sup>1</sup>
Cattaraugus	Seneca and Cayuga (2,464)	690	
Oil Springs	Seneca (0)	703	
Oneida	Oneida (369)	703	
Onondaga	Onondaga (744)	703	
St. Regis	Mohawk (1,865)	708	
Tonawanda	Seneca (688)	712	
Tuscarora	Tuscarora (452)	713	
PENNSYLVANIA			
Cornplanter	Seneca (30)	692	
LOUISIANA			
Muskogee area office: Coushatta	Coushatta (200)	1,248	None.

<sup>1</sup> Except for annual payment of \$2,700 in cloth (act of Nov. 11, 1794), annual cash payment of \$6,000 (act of Feb. 19, 1831) and the provision of legal services. Also see H. Doc. 1590, 63d Cong., 3d sess. (1914).

II. FEDERAL TRUSTEESHIP IN PROCESS OF TERMINATION ON JUNE 30, 1964<sup>1</sup>A. *By act of Congress*

Land unit	Principal tribe (1962 population)	Public law (statute reference)	Effective date <sup>2</sup>
CALIFORNIA			
Sacramento area office:			
Big Sandy (Auberry)-----	Mono (100)-----	85-671 (72 Stat. 619), act of Aug. 18, 1958.	Not later than 3 years after approval of each plan.
Big Valley (Mission)-----	Pomo (226)-----		
Cold Springs (Sycamore)-----	Mono (28)-----		
Hopland-----	Pomo (106)-----		
Graton-----	Pomo (1)-----		
Middletown-----	Pomo (40)-----		
Montgomery Creek-----	0-----		
Pinoleville-----	Pomo (67)-----		
Quartz Valley-----	Shasta (36)-----		
Rohnerville-----	Bear River (29)-----		
Smith River-----	Smith River (102)-----		
NEBRASKA			
Aberdeen area office: Ponca--	Ponca (70)-----	87-629 (76 Stat. 429), act of Sept. 5, 1962.	Action pending.
OKLAHOMA			
Muskogee area office: Choc- taw (tribal land only).	Choctaw (7,729)---	86-192 (73 Stat. 420), act of Aug. 25, 1959; 87-609 (76 Stat. 405), act of Aug. 24, 1962.	Do.
WASHINGTON			
Portland area office: Colville.	Colville (2,952)----	84-772 (70 Stat. 626), act of July 24, 1956.	Do.

<sup>1</sup> Land units identified in "U.S. Indian Population and Land" as (t).<sup>2</sup> Subsequent to June 30, 1964, 2 public laws, 88-419 and 88-453, each relating to termination of Federal supervision over certain California rancherias were enacted. The text of these laws and their respective House and Senate reports follow.

## PUBLIC LAW 88-419

AN ACT To amend the Act entitled "An Act to provide for the distribution of the land and assets of certain Indian rancherias and reservations in California, and for other purposes", approved August 18, 1958 (72 Stat. 619).

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the first section of the Act entitled "An Act to provide for the distribution of the land and assets of certain Indian rancherias and reservations in California, and for other purposes," approved August 18, 1958 (72 Stat. 619), is amended to read as follows: "the lands, including minerals, water rights, and improvements located on the lands, and other assets of the rancherias and reservations lying wholly within the State of California shall be distributed in accordance with the provisions of this Act when such distribution is requested by a majority vote of the adult Indians of a rancheria or reservation or of the adult Indians who hold formal or informal assignments on the rancheria or reservation, as determined by the Secretary of the Interior. The requirement for a majority vote shall not apply to the rancherias and reservations that were at any time named in this section."

(b) Section 2(a) of such Act is amended by deleting "The Indians who hold formal or informal assignments on each reservation or rancheria, or the Indians of such reservation or rancheria, or the Secretary of the Interior after consultation with such Indians," and by substituting "When the Indians of a rancheria or reservation request a distribution of assets in accordance with the provisions of this Act, they, or the Secretary of the Interior after consultation with them,".

(c) Section 2(a) of such Act is further amended by changing the period at the end of the first sentence to a colon and adding: "*Provided*, That the provisions of this section with respect to a request for distribution of assets shall not apply to any case in which the requirement for such request is waived by section 1 of this Act, and in any such case the plan shall be prepared as though request therefor had been made."

(d) Section 2(b) of such Act is amended by changing the period at the end of the penultimate sentence to a colon and adding: "*Provided*, That the provisions of such plan may be modified with the approval of the Secretary and consent of the majority of the distributees."

(e) Section 3(c) of such Act is amended to read as follows:

"(c) To construct, improve, install, extend, or otherwise provide, by contract or otherwise, sanitation facilities (including domestic and community water supplies and facilities, drainage facilities, and sewage- and waste-disposal facilities, together with necessary appurtenances and fixtures) and irrigation facilities for Indian homes, communities, and lands, as he and the Indians agree, within a reasonable time, should be completed by the United States: *Provided*, That with respect to sanitation facilities, as hereinbefore described, the functions specified in this paragraph, including agreements with

Indians with respect to such facilities, shall be performed by the Secretary of Health, Education, and Welfare in accordance with the provisions of section 7 of the Act of August 4, 1954 (58 Stat. 674), as amended (42 U.S.C. 2004a)."

(f) Section 3(e) of such Act is amended by deleting the word "non-Indian".

(g) Section 5 of such Act is amended by adding a new subsection as follows:

"(d) Any rancheria or reservation lying wholly within the State of California that is held by the United States for the use of Indians of California and that was not occupied on January 1, 1964, by Indians under a formal or informal assignment shall be sold by the Secretary of the Interior and the proceeds of the sale shall be deposited in the Treasury of the United States to the credit of the Indians of California. Any rancheria or reservation lying wholly within the State of California that is held by the United States for a named tribe, band, or group that was not occupied on January 1, 1964, may be sold by the Secretary of the Interior and the proceeds shall be deposited to the credit of the tribe, band, or group."

(h) Section 10(b) of such Act is amended (1) by inserting after the words "their immediate families" the words "who are not members of any other tribe or band of Indians", (2) by inserting after "because of their status as Indians", the words "all restrictions and tax exemptions applicable to trust or restricted land or interests therein owned by them are terminated," and (3) by adding at the end of section 10(b) the following sentence: "The provisions of this subsection, as amended, shall apply in the case of a distribution of assets made either before or after the amendment of the subsection."

(i) Section 11 of such Act is amended by inserting immediately after the words "as amended," the words "or any other authority,".

(j) Section 13 of such Act is amended by deleting "not to exceed \$509,235" and by substituting "such sums as may be necessary".

Approved August 11, 1964.

AMENDING THE ACT ENTITLED "AN ACT TO PROVIDE FOR THE DISTRIBUTION OF THE LAND AND ASSETS OF CERTAIN INDIAN RANCHERIAS AND RESERVATIONS IN CALIFORNIA, AND FOR OTHER PURPOSES," APPROVED AUGUST 18, 1958

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APRIL 7, 1964.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

## R E P O R T

[To accompany H.R. 7833]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 7833) to amend the act entitled "An act to provide for the distribution of the land assets of certain Indian rancherias and reservations in California, and for other purposes," approved August 18, 1958 (72 Stat. 619), having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert the following language:

That (a) the first section of the Act entitled "An Act to provide for the distribution of the land and assets of certain Indian rancherias and reservations in California, and for other purposes," approved August 18, 1958 (72 Stat. 619), is amended to read as follows: "the lands, including minerals, water rights, and improvements located on the lands, and other assets of the rancherias and reservations lying wholly within the State of California shall be distributed in accordance with the provisions of this Act when such distribution is requested by a majority vote of the adult Indians of a rancheria or reservation or of the adult Indians who hold formal or informal assignments on the rancheria or reservation, as determined by the Secretary of the Interior. The requirement for a majority vote shall not apply to the rancherias and reservations that were at any time named in this section."

(b) Section 2(a) of such Act is amended by deleting "The Indians who hold formal or informal assignments on each reservation or rancheria, or the Indians of such reservation or rancheria, or the Secretary of the Interior after consultation with such Indians," and by the substituting "When the Indians of a rancheria or reservation request a distribution of assets in accordance with the provisions of this Act, they, or the Secretary of the Interior after consultation with them,".

(c) Section 2(a) of such Act is further amended by changing the period at the end of the first sentence to a colon and adding: "Provided, That the provisions of this section with respect to a request for distribution of assets shall not apply to any case in which the requirement for such request is waived by section 1 of this Act, and in any such case the plan shall be prepared as though request therefor had been made."

(d) Section 2(b) of such Act is amended by changing the period at the end of the penultimate sentence to a colon and adding: "Provided, That the provisions of such plan may be modified with the approval of the Secretary and consent of the majority of the distributees."

(e) Section 3(c) of such Act is amended to read as follows:

"(c) To construct, improve, install, extend, or otherwise provide, by contract or otherwise, sanitation facilities (including domestic and community water supplies and facilities, drainage facilities, and sewage- and waste-disposal facilities, together with necessary appurtenances and fixtures) and irrigation facilities for Indian homes, communities, and lands, as he and the Indians agree, within a reasonable time, should be completed by the United States: *Provided*, That with respect to sanitation facilities, as hereinbefore described, the functions specified in this paragraph, including agreements with Indians with respect to such facilities, shall be performed by the Secretary of Health, Education, and Welfare in accordance with the provisions of section 7 of the Act of August 4, 1954 (58 Stat. 674), as amended (42 U.S.C. 2004a)."

(f) Section 3(c) of such Act is amended by deleting the word "non-Indian".

(g) Section 5 of such Act is amended by adding a new subsection as follows:

"(d) Any rancharia or reservation lying wholly within the State of California that is held by the United States for the use of Indians of California and that was not occupied on January 1, 1964, by Indians under a formal or informal assignment shall be sold by the Secretary of the Interior and the proceeds of the sale shall be deposited in the Treasury of the United States to the credit of the Indians of California. Any rancharia or reservation lying wholly within the State of California that is held by the United States for a named tribe, band, or group that was not occupied on January 1, 1964, may be sold by the Secretary of the Interior and the proceeds shall be deposited to the credit of the tribe, band, or group."

(h) Section 10(b) of such Act is amended (1) by inserting after the words "their immediate families" the words "who are not members of any other tribe or band of Indians", (2) by inserting after "because of their status as Indians", the words "all restrictions and tax exemptions applicable to trust or restricted land or interests therein owned by them are terminated,", and (3) by adding at the end of section 10(b) the following sentence: "The provisions of this subsection as amended, shall apply in the case of a distribution of assets made either before or after the amendment of the subsection."

(i) Section 11 of such Act is amended by inserting immediately after the words "as amended," the words, "or any other authority,".

(j) Section 13 of such Act is amended by deleting "not to exceed \$509,235" and by substituting "such sums as may be necessary."

Amend the title so as to read:

A bill to amend the act entitled "An Act to provide for the distribution of the land and assets of certain Indian rancharias and reservations in California, and for other purposes" approved August 18, 1958 (72 Stat. 619).

#### PURPOSE

The principal purpose of H.R. 7833, as introduced by Representative Johnson of California and as amended, is to extend the provisions of the California Rancharia Termination Act of August 18, 1958 (72 Stat. 619), to all Indian reservations and rancharias lying wholly within the State boundaries. H.R. 7833 also amends the 1958 act in a number of other particulars.

## NEED

In 1953 the Congress adopted House Concurrent Resolution 108, 83d Congress (67 Stat. B132), in which it was stated to be the sense of Congress that—

all of the Indian tribes and the individual members thereof located within \* \* \* California \* \* \* should be freed from Federal supervision and control and from all disabilities and limitations specially applicable to Indians—

and that—

upon the release of such tribes and individual members thereof from such disabilities and limitations, all offices of the Bureau of Indian Affairs in \* \* \* California \* \* \* should be abolished.

Enactment of H.R. 7833, as amended, will assist in accomplishing the intent of House Concurrent Resolution 108 by enlarging the scope of the 1958 act cited above. That act provided for the ultimate distribution or conveyance to a corporation or to the Indians themselves of their assets on 41 out of the 116 rancherias and reservations in California. This was to be done if a majority of the adult Indians participating in a referendum voted in favor of a plan of distribution prepared in advance. Since 1958, the process provided for in the act has been fully completed in 14 cases and it will be completed shortly in another 14 cases. Programs are in process in all but 2 of the remaining 13 rancherias.

The present bill extends the provisions of the 1958 act, with certain amendments, to the 75 rancherias and reservations which were not originally covered by it. H.R. 7833 also amends the 1958 act by providing among other things that preparation of a distribution plan shall not commence until it has been requested by a majority of the adult Indians affected, that a plan may be modified even after it has been adopted if a majority of the distributees and the Secretary of the Interior concur, that rancheria land may be exchanged either for Indian or non-Indian land (instead of non-Indian land alone, as at present), that unoccupied rancherias may be disposed of and the proceeds thereof credited to the proper parties, that Federal services to Indians who are members of more than one tribe or band shall not automatically cease upon their participating in a distribution under the act if they are entitled to such services as members of another group, that constitutions and corporate charters issued under any authority of law (not only the Indian Reorganization Act, as at present) shall be revoked upon completion of the process provided for in the 1958 act, that the Secretary of Health, Education, and Welfare shall participate in providing sanitation facilities in accordance with his authority under section 7 of the act of August 4, 1954, as amended (42 U.S.C. 2004a), and that the present limitation on authorized appropriations (\$509,235) shall no longer be effective. All of these amendments will be helpful in dealing with problems that have occurred or that are anticipated to occur under the 1958 act.

The committee emphasizes that the termination programs envisaged by H.R. 7833 will be purely permissive and that the bill does not impose any program on an inhabited rancheria until and unless its people initiate action and give approval. It is not the intention of

Congress to force termination upon any group but it is its intent to encourage it.

Although it is not presently known how many rancherias and reservations will avail themselves of the benefits of this legislation, at least a dozen have indicated an active interest.

#### COST

Since it is not known which and how many reservations and rancherias will be receptive to H.R. 7833, it is impossible to state the cost of carrying it out, but it can be said with confidence that the longrun effects of its acceptance will be a considerable saving to the Government.

#### AMENDMENTS

The substitute bill recommended by the Secretary of the Interior was accepted by the committee with minor amendments.

#### DEPARTMENTAL REPORT

The report of the Secretary of the Interior, dated February 6, 1964, is as follows:

DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
*Washington, D.C., February 6, 1964.*

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

DEAR MR. ASPINALL: This responds to your request for a report on H.R. 7833, a bill to amend the act entitled "An act to provide for the distribution of the land assets of certain Indian rancherias and reservations in California, and for other purposes," approved August 18, 1958 (72 Stat. 619).

We have no objection to the enactment of the bill if it is amended along the lines of the enclosed draft, which is in the nature of a substitute bill.

1. The present law applies only to specifically named rancherias and reservations in the State of California. The bill amends the law to apply to all rancherias and reservations in the State. The substitute bill amends the law to apply to all rancherias and reservations lying "wholly" in the State, when a distribution of assets is requested by a majority vote of the adult Indians.

Although the present law makes any distribution of assets subject to approval of the plan of distribution by a majority of the adult Indians who vote in a referendum called for the purpose, we believe that it is preferable to initiate the planning process only on request of a majority of the Indians affected.

2. In order to conform to the foregoing change, the substitute bill amends the first section of section 2(a) of the present law, so that the planning process is started only after a majority of the adult Indians have requested a distribution of assets.

3. The substitute bill also amends section 2(b) by providing for modification of a distribution plan with the concurrence of the majority of the distributees and the Secretary. The present law has no such provision, and our experience under the law has shown the need for it.

4. The present law authorizes the Secretary of the Interior to provide adequate irrigation and domestic water systems before completing a distribution of rancheria or reservation assets. The substitute draft expands this authority to include sanitation facilities and sewage and waste disposal facilities. It also provides that any facilities within the scope of the Indian health program shall be provided by the Secretary of Health, Education, and Welfare, rather than by the Secretary of the Interior.

5. The present law authorizes land exchanges for non-Indian lands when it is in the interest of a termination program. The substitute bill removes the limiting words "non-Indian" in order that exchanges with Indians may also be made when they are desirable.

6. The present law does not provide for the disposition of a rancheria or reservation that is presently not occupied. At the present time, there are six unoccupied rancherias in the northern part of the State and six unoccupied reservations in the southern part of the State. The substitute bill adds a new section 5(d) to the law to cover this type of case.

Inasmuch as the Federal cost of acquiring these lands was set off against the judgment recovered by the Indians of California, a provision is included for depositing the proceeds of any sales to the credit who of the Indians of California.

7. The present law provides that any Indians who receive a part of the assets distributed pursuant to the program, "and the dependent members of their immediate families," shall not be entitled to further Federal services because of their status as Indians, et cetera. The substitute bill limits the reference to family members to family members who are not members of any other tribe or band.

Some of the dependent family members are enrolled with other Indian groups, and their rights should not be curtailed merely because their parents participated in the distribution of the assets of another rancheria or reservation.

8. The present law provides for the revocation of any constitution or corporate charter issued under the Indian Reorganization Act when a plan for the distribution of rancheria or reservation assets has been approved by the Indians. The substitute bill broadens the provision to make it apply to a constitution adopted under some provision of law other than the Indian Reorganization Act.

9. The present law limits the appropriation authority to \$509,235 to carry out the provisions of the law. That figure was based upon estimates for the rancherias and reservations named in the law. Inasmuch as the proposed legislation will expand the law to apply to the whole State, the dollar limitation is no longer appropriate.

Your attention is called to a typographical error in the title of H.R. 7833. The word "and" should be inserted between the words "land" and "assets."

Time considerations have not permitted us to obtain the advice of the Bureau of the Budget regarding the relationship of the proposed legislation to the program of the President.

Sincerely yours,

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

## PROPOSED SUBSTITUTE BILL

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the first section of the Act entitled "An Act to provide for the distribution of the land and assets of certain Indian rancherias and reservations in California, and for other purposes," approved August 18, 1958 (72 Stat. 619), is amended to read as follows: "the lands, including minerals, water rights, and improvements located on the lands, and other assets of the rancherias and reservations lying wholly within the State of California shall be distributed in accordance with the provisions of this Act when such distribution is requested by a majority vote of the adult Indians of a rancheria or reservation or of the adult Indians who hold formal or informal assignments on the rancheria or reservation, as determined by the Secretary of the Interior. The requirement for a majority vote shall not apply to the rancherias and reservations that were at any time named in this section."

(b) Section 2(a) of such Act is amended by deleting "The Indians who hold formal or informal assignments on each reservation or rancheria, or the Indians of such reservation or rancheria, or the Secretary of the Interior after consultation with such Indians" and by substituting "When the Indians of a rancheria or reservation request a distribution of assets in accordance with the provisions of this Act, they, or the Secretary of the Interior after consultation with them,".

(c) Section 2(b) of such Act is amended by changing the period at the end of the penultimate sentence to a colon and adding: "*Provided*, That the provisions of such plan may be modified with the approval of the Secretary and consent of the majority of the distributees."

(d) Section 3(c) of such Act is amended to read as follows:

"(c) To construct, install, extend, or otherwise provide, by contract, or otherwise, sanitation facilities, including domestic and community water supplies, irrigation and drainage facilities, and sewage and waste disposal facilities for Indian homes and communities, as he and the Indians agree, within a reasonable time, should be completed by the United States: *Provided*, That any facilities which the Secretary of the Interior determines shall be provided pursuant to this subsection shall be provided by the Secretary of Health, Education, and Welfare if the facilities are within the scope of the Indian health program heretofore transferred to him."

(e) Section 3(e) of such Act is amended by deleting the word "non-Indian".

(f) Section 5 of such Act is amended by adding a new subsection as follows: "(d) Any rancheria or reservation lying wholly within the State of California that is held by the United States for the use of Indians of California and that was not occupied on January 1, 1964, by Indians under a formal or informal assignment shall be sold by the Secretary of the Interior and the proceeds of the sale shall be deposited

in the Treasury of the United States to the credit of the Indians of California. Any rancheria or reservation lying wholly within the State of California that is held by the United States for a named tribe, band, or group that was not occupied on January 1, 1964, may be sold by the Secretary of the Interior and the proceeds shall be deposited to the credit of the tribe, band, or group."

(g) Section 10(b) of such Act is amended (1) by inserting after the words "their immediate families" the words "who are not members of any other tribe or band of Indians", (2) by inserting after "because of their status as Indians", the words "all restrictions and tax exemptions applicable to trust or restricted land or interests therein owned by them are terminated," and (3) by adding to the end of section 10(b) the following sentence: "The provisions of this subsection, as amended, shall apply in the case of a distribution of assets made either before or after the amendment of this subsection."

(h) Section 11 of such Act is amended by inserting immediately after the words "as amended," the words "or another authority,".

(i) Section 13 of such Act is amended by deleting "not to exceed \$509,235" and by substituting "such sums as may be necessary".

#### COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends enactment of H.R. 7833, as amended.

#### CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

#### ACT OF AUGUST 18, 1958 (72 STAT. 619)

**[**The lands, including minerals, water rights, and improvements located on the lands, and other assets of the following rancherias and reservations in the State of California shall be distributed in accordance with the provisions of this Act: Alexander Valley, Auburn, Big Sandy, Big Valley, Blue Lake, Buena Vista, Cache Creek, Chicken Ranch, Chico, Cloverdale, Cold Springs, Elk Valley, Guidiville, Graton, Greenville, Hopland, Indian Ranch, Lytton, Mark West, Middletown, Montgomery Creek, Mooretown, Nevada City, North Fork, Paskenta, Picayune, Pinoleville, Potter Valley, Quartz Valley, Redding, Redwood Valley, Robinson, Rohnerville, Ruffeys, Scotts Valley, Smith River, Strawberry Valley, Table Bluff, Table Mountain, Upper Lake, Wilton.**]**

*The lands, including minerals, water rights, and improvements located on the lands, and other assets of the rancherias and reservations lying wholly within the State of California shall be distributed in ac-*

*cordance with the provisions of this Act when such distribution is requested by a majority vote of the adult Indians of a rancheria or reservation or of the adult Indians who hold formal or informal assignments on the rancheria or reservations, as determined by the Secretary of the Interior. The requirement for a majority vote shall not apply to the rancherias and reservations that were at any time named in this section.*

SEC. 2. (a) [The Indians who hold formal or informal assignments on each reservation or rancheria, or the Indians of such reservation or rancheria, or the Secretary of the Interior after consultation with such Indians,] *When the Indians of a rancheria or reservation request a distribution of assets in accordance with the provisions of this Act, they, or the Secretary of the Interior after consultation with them, shall prepare a plan for distributing to individual Indians the assets of the reservation or rancheria, including the assigned and the unassigned lands, or for selling such assets and distributing the proceeds of sale, or for conveying such assets to a corporation or other legal entity organized or designated by the group, or for conveying such assets to the group as tenants in common[.]: Provided, That the provisions of this section with respect to a request for distribution of assets shall not apply to any case in which the requirement for such request is waived by section 1 of this Act, and in any such case the plan shall be prepared as though request therefor had been made. The Secretary shall provide such assistance to the Indians as is necessary to organize a corporation or other legal entity for the purposes of this Act.*

(b) General notice shall be given of the contents of a plan prepared pursuant to subsection (a) of this section and approved by the Secretary, and any Indian who feels that he is unfairly treated in the proposed distribution of the property shall be given an opportunity to present his views and arguments for the consideration of the Secretary. After such consideration, the plan or a revision thereof shall be submitted for the approval of the adult Indians who will participate in the distribution of the property, and if the plan is approved by a majority of such Indians who vote in a referendum called for that purpose by the Secretary the plan shall be carried out[.]: *Provided, That the provisions of such plan may be modified with the approval of the Secretary and consent of the majority of the distributees. It is the intention of Congress that such plan shall be completed not more than three years after it is approved.*

(c) Any grantee under the provisions of this section shall receive an unrestricted title to the property conveyed, and the conveyance shall be recorded in the appropriate county office.

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

SEC. 3. Before making the conveyances authorized by this Act on any rancheria or reservation, the Secretary of the Interior is directed:

(a) To cause surveys to be made of the exterior or interior boundaries of the lands to the extent that such surveys are necessary or

appropriate for the conveyance of marketable and recordable titles to the lands.

(b) To complete any construction or improvement required to bring Indian Bureau roads serving the rancherias or reservations up to adequate standards comparable to standards for similar roads of the State or subdivision thereof. The Secretary is authorized to contract with the State of California or political subdivisions thereof for the construction or improvement of such roads and to expend under such contracts moneys appropriated by Congress for the Indian road system. When such roads are transferred to the State or local government, the Secretary is authorized to convey rights-of-way for such roads, including any improvements thereon.

[(c) to install or rehabilitate such irrigation or domestic water systems as he and the Indians affected agree, within a reasonable time, should be completed by the United States.]

*(c) To construct, improve, install, extend, or otherwise provide, by contract or otherwise, sanitation facilities (including domestic and community water supplies and facilities, drainage facilities, and sewage- and waste-disposal facilities, together with necessary appurtenances and fixtures) and irrigation facilities for Indian homes, communities, and lands, as he and the Indians agree, within a reasonable time, should be completed by the United States: Provided, That with respect to sanitation facilities, as hereinbefore described, the functions specified in this paragraph, including agreements with Indians with respect to such facilities, shall be performed by the Secretary of Health, Education and Welfare in accordance with the provisions of section 7 of the Act of August 4, 1954 (58 Stat. 674), as amended (42 U.S.C. 2004a).*

(d) To cancel all reimbursable indebtedness owing to the United States on account of unpaid construction, operation, and maintenance charges for water facilities on the reservation or rancheria.

(e) To exchange any lands within the rancheria or reservation that are held by the United States for the use of Indians which the Secretary and the Indians affected agree should be exchanged before the termination of the Federal trust for [non-Indian] lands and improvements of approximately equal value.

SEC. 4. Nothing in this Act shall abrogate any water right that exists by virtue of the laws of the United States. To the extent that the laws of the State of California are not now applicable to any water right appurtenant to any lands involved herein they shall continue to be inapplicable while the water right is in Indian ownership for a period not to exceed fifteen years after the conveyance pursuant to this Act of an unrestricted title thereto, and thereafter the applicability of such laws shall be without prejudice to the priority of any such right not theretofore based upon State law. During the time such State law is not applicable the Attorney General shall represent the Indian owner in all legal proceedings, including proceedings before administrative bodies, involving such water right, and in any necessary affirmative action to prevent adverse appropriation of water which would encroach upon the Indian water right.

SEC. 5. (a) The Secretary of the Interior is authorized to convey without consideration to Indians who receive conveyances of land pursuant to this Act, or to a corporation or other legal entity organized by such Indians, or to a public or nonprofit body, any federally owned property on the reservations or rancherias subject to this

Act that is not needed for the administration of Indian affairs in California.

(b) For the purposes of this Act, the assets of the Upper Lake Rancheria and the Robinson Rancheria shall include the one-hundred-and-sixty-acre tract set aside as a wood reserve for the Upper Lake Indians by secretarial order dated February 15, 1907.

(c) The Secretary of the Interior is authorized to sell the five hundred and sixty acres of land, more or less, which were withdrawn from entry, sale, or other disposition, and set aside for the Indians of Indian Ranch, Inyo County, California, by the Act of March 3, 1928 (45 Stat. 162), and to distribute the proceeds of sale among the heirs of George Hanson.

*(d) Any rancheria or reservation lying wholly within the State of California that is held by the United States for the use of Indians of California and that was not occupied on January 1, 1964, by Indians under a formal or informal assignment shall be sold by the Secretary of the Interior and the proceeds of the sale shall be deposited in the Treasury of the United States to the credit of the Indians of California. Any rancheria or reservation lying wholly within the State of California that is held by the United States for a named tribe, band, or group that was not occupied on January 1, 1964, may be sold by the Secretary of the Interior and the proceeds shall be deposited to the credit of the tribe, band, or group.*

SEC. 6. The Secretary of the Interior shall disburse to the Indians of the rancherias and reservations that are subject to this Act all funds of such Indians that are in the custody of the United States.

SEC. 7. Nothing in this Act shall affect any claim filed before the Indian Claims Commission, or the right, if any, of the Indians subject to this Act to share in any judgment recovered against the United States on behalf of the Indians of California.

SEC. 8. Before conveying or distributing property pursuant to this Act, the Secretary of the Interior shall protect the rights of individual Indians who are minors, non compos mentis, or in the opinion of the Secretary in need of assistance in conducting their affairs, by causing the appointment of guardians for such Indians in courts of competent jurisdiction, or by such other means as he may deem adequate, without application from such Indians, including but not limited to the creation of a trust for such Indians' property with a trustee selected by the Secretary, or the purchase by the Secretary of annuities for such Indians.

SEC. 9. Prior to the termination of the Federal trust relationship in accordance with the provisions of this Act, the Secretary of the Interior is authorized to undertake, within the limits of available appropriations, a special program of education and training designed to help the Indians to earn a livelihood, to conduct their own affairs, and to assume their responsibilities as citizens without special services because of their status as Indians. Such program may include language training, orientation in non-Indian community customs and living standards, vocational training and related subjects, transportation to the place of training or instruction, and subsistence during the course of training or instruction. For the purposes of such program, the Secretary is authorized to enter into contracts or agreements, with any Federal, State, or local governmental agency, corporation, association, or person. Nothing in this section shall

preclude any Federal agency from undertaking any other program for the education and training of Indians with funds appropriated to it.

SEC. 10. (a) The plan for the distribution of the assets of a rancharia or reservation, when approved by the Secretary and by the Indians in a referendum vote as provided in subsection 2(b) of this Act, shall be final, and the distribution of assets pursuant to such plan shall not be the basis for any claim against the United States by an Indian who receives or is denied a part of the assets distributed.

(b) After the assets of a rancharia or reservation have been distributed pursuant to this Act, the Indians who receive any part of such assets, and the dependent members of their immediate families *who are not members of any other tribe or band of Indians*, shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians, *all restrictions and tax exemptions applicable to trust or restricted land or interests therein owned by them are terminated*, all statutes of the United States which affect Indians because of their status as Indians shall be inapplicable to them, and the laws of the several States shall apply to them in the same manner as they apply to other citizens or persons within their jurisdiction. Nothing in this Act, however, shall affect the status of such persons as citizens of the United States. *The provisions of this subsection, as amended, shall apply in the case of a distribution of assets made either before or after the amendment of the subsection.*

SEC. 11. The constitution and corporate charter adopted pursuant to the Act of June 18, 1934 (48 Stat. 984), as amended, *or any other authority*, by any rancharia or reservation subject to this Act shall be revoked by the Secretary of the Interior when a plan is approved by a majority of the adult Indians thereof pursuant to subsection 2(b) of this Act.

SEC. 12. The Secretary of the Interior is authorized to issue such rules and regulations and to execute or approve such conveyancing instruments as he deems necessary to carry out the provisions of this Act.

SEC. 13. There is authorized to be appropriated [not to exceed \$509,235] *such sums as may be necessary* to carry out the provisions of this Act.

# Calendar No. 1199

88TH CONGRESS }  
*2d Session* }

SENATE

{ REPORT  
No. 1263

AMENDING THE ACT ENTITLED "AN ACT TO PROVIDE FOR THE DISTRIBUTION OF THE LAND AND ASSETS OF CERTAIN INDIAN RANCHERIAS AND RESERVATIONS IN CALIFORNIA, AND FOR OTHER PURPOSES," APPROVED AUGUST 18, 1958 (72 STAT. 619)

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JULY 29, 1964.—Ordered to be printed

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

## REPORT

[To accompany H.R. 7833]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 7833) to amend the act entitled "An act to provide for the distribution of the land assets of certain Indian rancherias and reservations in California, and for other purposes," approved August 18, 1958 (72 Stat. 619), having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

### PURPOSE

The principal purpose of H.R. 7833, as amended and passed by the House, is to extend the provisions of the California Rancheria Termination Act of August 18, 1958 (72 Stat. 619) to all Indian reservations and rancherias lying wholly within the State boundaries. H.R. 7833 also amends the 1958 act in a number of other particulars.

### NEED

In 1953 the Congress adopted House Concurrent Resolution 108, 83d Congress (67 Stat. B132), in which it was stated to be the sense of Congress that—

all of the Indian tribes and the individual members thereof located within \* \* \* California \* \* \* should be freed from Federal supervision and control and from all disabilities and limitations specially applicable to Indians—

and that—

upon the release of such tribes and individual members thereof from such disabilities and limitations, all offices of the Bureau of Indian Affairs in \* \* \* California \* \* \* should be abolished.

Enactment of H.R. 7833, will assist in accomplishing the intent of House Concurrent Resolution 108 by enlarging the scope of the 1958 act, with certain amendments, to include the 75 rancherias and reservations which were not originally covered by it.

That act provided for the ultimate distribution or conveyance to a corporation or to the Indians themselves of their assets on 41 out of the 116 rancherias and reservations in California. This was to be done if a majority of the adult Indians participating in a referendum voted in favor of a plan of distribution prepared in advance. Since 1958, the process provided for in the act has been fully completed in 14 cases and it will be completed shortly in another 14 cases. Programs are in process in all but 2 of the remaining 13 rancherias. Several of the Indian groups omitted from the 1958 act requested that that the law be amended to include them.

H.R. 7833 also amends the 1958 act by providing—

1. That preparation of a distribution plan shall not commence until it has been requested by a majority of the adult Indians affected.

2. That a plan may be modified even after it has been adopted if a majority of the distributees and the Secretary of the Interior concur.

3. That rancheria land may be exchanged either for Indian or non-Indian land instead of non-Indian land alone, as at present.

4. That unoccupied rancherias may be disposed of and the proceeds thereof credited to the proper parties.

5. That Federal services to Indians who are members of more than one tribe or band shall not automatically cease upon their participating in a distribution under the act if they are entitled to such services as members of another group.

6. That constitutions and corporate charters issued under any authority of law (not only the Indian Reorganization Act, as at present) shall be revoked upon completion of the process provided for in the 1958 act.

7. That the Secretary of Health, Education, and Welfare shall participate in providing sanitation facilities in accordance with his authority under section 7 of the act of August 4, 1954, as amended (42 U.S.C. 2004a).

8. That the present limitation on authorized appropriations (\$509,235) shall no longer be effective.

All of these amendments will be helpful in dealing with problems that have occurred or that are anticipated to occur under the 1958 act.

H.R. 7833 does not impose any program on an inhabited rancheria until and unless its people initiate action and give approval. However, the committee believes the Bureau of Indian Affairs should actively encourage and assist the Indians in drawing up programs that will result in satisfactory termination plans, thus permitting the Bureau to withdraw completely from California at the earliest possible time.

## COST

Since it is not known which and how many reservations and rancherias will be receptive to H.R. 7833, it is impossible to state the cost of carrying it out.

## DEPARTMENTAL REPORT

The report of the Secretary of the Interior, dated February 6, 1964, is as follows:

DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C., February 6, 1964.

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

DEAR MR. ASPINALL: This responds to your request for a report on H.R. 7833, a bill to amend the act entitled "An act to provide for the distribution of the land assets of certain Indian rancherias and reservations in California, and for other purposes," approved August 18, 1958 (72 Stat. 619).

We have no objection to the enactment of the bill if it is amended along the lines of the enclosed draft, which is in the nature of a substitute bill.

1. The present law applies only to specifically named rancherias and reservations in the State of California. The bill amends the law to apply to all rancherias and reservations in the State. The substitute bill amends the law to apply to all rancherias and reservations lying "wholly" in the State, when a distribution of assets is requested by a majority vote of the adult Indians.

Although the present law makes any distribution of assets subject to approval of the plan of distribution by a majority of the adult Indians who vote in a referendum called for the purpose, we believe that it is preferable to initiate the planning process only on request of a majority of the Indians affected.

2. In order to conform to the foregoing change, the substitute bill amends the first section of section 2(a) of the present law, so that the planning process is started only after a majority of the adult Indians have requested a distribution of assets.

3. The substitute bill also amends section 2(b) by providing for modification of a distribution plan with the concurrence of the majority of the distributees and the Secretary. The present law has no such provision, and our experience under the law has shown the need for it.

4. The present law authorizes the Secretary of the Interior to provide adequate irrigation and domestic water systems before completing a distribution of rancheria or reservation assets. The substitute draft expands this authority to include sanitation facilities and sewage and waste disposal facilities. It also provides that any facilities within the scope of the Indian health program shall be provided by the Secretary of Health, Education, and Welfare, rather than by the Secretary of the Interior.

5. The present law authorizes land exchanges for non-Indian lands when it is in the interest of a termination program. The substitute bill removes the limiting words "non-Indian" in order that exchanges with Indians may also be made when they are desirable.

6. The present law does not provide for the disposition of a rancheria or reservation that is presently not occupied. At the present time, there are six unoccupied rancherias in the northern part of the State and six unoccupied reservations in the southern part of the State. The substitute bill adds a new section 5(d) to the law to cover this type of case.

Inasmuch as the Federal cost of acquiring these lands was set off against the judgment recovered by the Indians of California, a provision is included for depositing the proceeds of any sales to the credit of the Indians of California.

7. The present law provides that any Indians who receive a part of the assets distributed pursuant to the program, "and the dependent members of their immediate families," shall not be entitled to further Federal services because of their status as Indians, etc. The substitute bill limits the reference to family members to family members who are not members of any other tribe or band.

Some of the dependent family members are enrolled with other Indian groups, and their rights should not be curtailed merely because their parents participated in the distribution of the assets of another rancheria or reservation.

8. The present law provides for the revocation of any constitution or corporate charter issued under the Indian Reorganization Act when a plan for the distribution of rancheria or reservation assets has been approved by the Indians. The substitute bill broadens the provision to make it apply to a constitution adopted under some provision of law other than the Indian Reorganization Act.

9. The present law limits the appropriation authority to \$509,235 to carry out the provisions of the law. That figure was based upon estimates for the rancherias and reservations named in the law. Inasmuch as the proposed legislation will expand the law to apply to the whole State, the dollar limitation is no longer appropriate.

Your attention is called to a typographical error in the title of H.R. 7833. The word "and" should be inserted between the words "land" and "assets."

Time considerations have not permitted us to obtain the advice of the Bureau of the Budget regarding the relationship of the proposed legislation to the program of the President.

Sincerely yours,

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

#### PROPOSED SUBSTITUTE BILL

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That* (a) the first section of the Act entitled "An Act to provide for the distribution of the land and assets of certain Indian rancherias and reservations in California, and for other purposes," approved August 18, 1958 (72 Stat. 619), is amended to read as follows: "the lands, including minerals, water rights, and improvements located on the lands, and other assets of the rancherias and reservations lying wholly within the State of California shall be distributed in accordance with the provisions of this Act when such distribution

is requested by a majority vote of the adult Indians of a rancharia or reservation or of the adult Indians who hold formal or informal assignments on the rancharia or reservation, as determined by the Secretary of the Interior. The requirement for a majority vote shall not apply to the rancharias and reservations that were at any time named in this section."

(b) Section 2(a) of such Act is amended by deleting "The Indians who hold formal or informal assignments on each reservation or rancharia, or the Indians of such reservation or rancharia, or the Secretary of the Interior after consultation with such Indians" and by substituting "When the Indians of a rancharia or reservation request a distribution of assets in accordance with the provisions of this Act, they, or the Secretary of the Interior after consultation with them,".

(c) Section 2(b) of such Act is amended by changing the period at the end of the penultimate sentence to a colon and adding: "*Provided*, That the provisions of such plan may be modified with the approval of the Secretary and consent of the majority of the distributees."

(d) Section 3(c) of such Act is amended to read as follows:

"(c) To construct, install, extend, or otherwise provide, by contract, or otherwise, sanitation facilities, including domestic and community water supplies, irrigation and drainage facilities, and sewage and waste disposal facilities for Indian homes and communities, as he and the Indians agree, within a reasonable time, should be completed by the United States: *Provided*, That any facilities which the Secretary of the Interior determines shall be provided pursuant to this subsection shall be provided by the Secretary of Health, Education, and Welfare if the facilities are within the scope of the Indian health program heretofore transferred to him."

(e) Section 3(e) of such Act is amended by deleting the word "non-Indian".

(f) Section 5 of such Act is amended by adding a new subsection as follows: "(d) Any rancharia or reservation lying wholly within the State of California that is held by the United States for the use of Indians of California and that was not occupied on January 1, 1964, by Indians under a formal or informal assignment shall be sold by the Secretary of the Interior and the proceeds of the sale shall be deposited in the Treasury of the United States to the credit of the Indians of California. Any rancharia or reservation lying wholly within the State of California that is held by the United States for a named tribe, band, or group that was not occupied on January 1, 1964, may be sold by the Secretary of the Interior, and the proceeds shall be deposited to the credit of the tribe, band, or group."

(g) Section 10(b) of such Act is amended (1) by inserting after the words "their immediate families" the words "who are not members of any other tribe or band of Indians", (2) by inserting after "because of their status as Indians", the words "all restrictions and tax exemptions applicable to trust or restricted land or interests therein owned by

them are terminated," and (3) by adding at the end of section 10(b) the following sentence: "The provisions of this subsection, as amended, shall apply in the case of a distribution of assets made either before or after the amendment of the subsection."

(h) Section 11 of such Act is amended by inserting immediately after the words "as amended," the words "or any other authority,".

(i) Section 13 of such Act is amended by deleting "not to exceed \$509,235" and by substituting "such sums as may be necessary".

#### CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill (H.R. 7833) as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets; new matter is printed in italic; existing law in which no change is proposed is shown in roman).

#### ACT OF AUGUST 18, 1958 (72 STAT. 619)

**[**The lands, including minerals, water rights, and improvements located on the lands, and other assets of the following rancherias and reservations in the State of California shall be distributed in accordance with the provisions of this Act: Alexander Valley, Auburn, Big Sandy, Big Valley, Blue Lake, Buena Vista, Cache Creek, Chicken Ranch, Chico, Cloverdale, Cold Springs, Elk Valley, Guidiville, Graton, Greenville, Hopland, Indian Ranch, Lytton, Mark West, Middletown, Montgomery Creek, Mooretown, Nevada City, North Fork, Paskenta, Picayune, Pinoleville, Potter Valley, Quartz Valley, Redding, Redwood Valley, Robinson, Rohnerville, Ruffeys, Scotts Valley, Smith River, Strawberry Valley, Table Bluff, Table Mountain, Upper Lake, Wilton.**]**

*The lands, including minerals, water rights, and improvements located on the lands, and other assets of the rancherias and reservations lying wholly within the State of California shall be distributed in accordance with the provisions of this Act when such distribution is requested by a majority vote of the adult Indians of a rancheria or reservation or of the adult Indians who hold formal or informal assignments on the rancheria or reservation, as determined by the Secretary of the Interior. The requirement for a majority vote shall not apply to the rancherias and reservations that were at any time named in this section.*

SEC. 2. (a) **[**The Indians who hold formal or informal assignments on each reservation or rancheria, or the Indians of such reservation or rancheria, or the Secretary of the Interior after consultation with such Indians,**]** *When the Indians of a rancheria or reservation request a distribution of assets in accordance with the provisions of this Act, they, or the Secretary of the Interior after consultation with them, shall prepare a plan for distributing to individual Indians the assets of the reservation or rancheria, including the assigned and the unassigned lands, or for selling such assets and distributing the proceeds of sale, or for conveying such assets to a corporation or other legal entity organized or designated by the group, or for conveying such assets to the group as tenants in common [.]* *Provided, That the provisions of this section with respect to a request for distribution of assets shall not apply to any*

*case in which the requirement for such request is waived by section 1 of this Act, and in any such case the plan shall be prepared as though request therefor had been made.* The Secretary shall provide such assistance to the Indians as is necessary to organize a corporation or other legal entity for the purposes of this Act.

(b) General notice shall be given of the contents of a plan prepared pursuant to subsection (a) of this section and approved by the Secretary, and any Indian who feels that he is unfairly treated in the proposed distribution of the property shall be given an opportunity to present his views and arguments for the consideration of the Secretary. After such consideration, the plan or a revision thereof shall be submitted for the approval of the adult Indians who will participate in the distribution of the property, and if the plan is approved by a majority of such Indians who vote in a referendum called for that purpose by the Secretary the plan shall be carried out[.]: *Provided, That the provisions of such plan may be modified with the approval of the Secretary and consent of the majority of the distributees.* It is the intention of Congress that such plan shall be completed not more than three years after it is approved.

(c) Any grantee under the provisions of this section shall receive an unrestricted title to the property conveyed, and the conveyance shall be recorded in the appropriate county office.

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

SEC. 3. Before making the conveyances authorized by this Act on any rancheria or reservation, the Secretary of the Interior is directed:

(a) To cause surveys to be made of the exterior or interior boundaries of the lands to the extent that such surveys are necessary or appropriate for the conveyance of marketable and recordable titles to the lands.

(b) To complete any construction or improvement required to bring Indian Bureau roads serving the rancherias or reservations up to adequate standards comparable to standards for similar roads of the State or subdivision thereof. The Secretary is authorized to contract with the State of California or political subdivisions thereof for the construction or improvement of such roads and to expend under such contracts moneys appropriated by Congress for the Indian road system. When such roads are transferred to the State or local government the Secretary is authorized to convey rights-of-way for such roads, including any improvements thereon.

[(c) to install or rehabilitate such irrigation or domestic water systems as he and the Indians affected agree, within a reasonable time, should be completed by the United States.]

(c) *To construct, improve, install, extend, or otherwise provide, by contract or otherwise, sanitation facilities (including domestic and community water supplies and facilities, drainage facilities, and sewage- and waste-disposal facilities, together with necessary appurtenances and*

*fixtures) and irrigation facilities for Indian homes, communities, and lands, as he and the Indians agree, within a reasonable time, should be completed by the United States: Provided, That with respect to sanitation facilities, as hereinbefore described, the functions specified in this paragraph, including agreements with Indians with respect to such facilities, shall be performed by the Secretary of Health, Education, and Welfare in accordance with the provisions of section 7 of the Act of August 4, 1954 (58 Stat. 674), as amended (42 U.S.C. 2004a).*

(d) To cancel all reimbursable indebtedness owing to the United States on account of unpaid construction, operation, and maintenance charges for water facilities on the reservation or rancheria.

(e) To exchange any lands within the rancheria or reservation that are held by the United States for the use of Indians which the Secretary and the Indians affected agree should be exchanged before the termination of the Federal trust for [non-Indian] lands and improvements of approximately equal value.

SEC. 4. Nothing in this Act shall abrogate any water right that exists by virtue of the laws of the United States. To the extent that the laws of the State of California are not now applicable to any water right appurtenant to any lands involved herein they shall continue to be inapplicable while the water right is in Indian ownership for a period not to exceed fifteen years after the conveyance pursuant to this Act of an unrestricted title thereto, and thereafter the applicability of such laws shall be without prejudice to the priority of any such right not theretofore based upon State law. During the time such State law is not applicable the Attorney General shall represent the Indian owner in all legal proceedings, including proceedings before administrative bodies, involving such water right, and in any necessary affirmative action to prevent adverse appropriation of water which would encroach upon the Indian water right.

SEC. 5. (a) The Secretary of the Interior is authorized to convey without consideration to Indians who receive conveyances of land pursuant to this Act, or to a corporation or other legal entity organized by such Indians, or to a public or nonprofit body, any federally owned property on the reservations or rancherias subject to this Act that is not needed for the administration of Indian affairs in California.

(b) For the purposes of this Act, the assets of the Upper Lake Rancheria and the Robinson Rancheria shall include the one-hundred-and-sixty-acre tract set aside as a wood reserve for the Upper Lake Indians by secretarial order dated February 15, 1907.

(c) The Secretary of the Interior is authorized to sell the five hundred and sixty acres of land, more or less, which were withdrawn from entry, sale, or other disposition, and set aside for the Indians of Indian Ranch, Inyo County, California, by the Act of March 3, 1928 (45 Stat. 162), and to distribute the proceeds of sale among the heirs of George Hanson.

(d) *Any rancheria or reservation lying wholly within the State of California that is held by the United States for the use of Indians of California and that was not occupied on January 1, 1964, by Indians under a formal or informal assignment shall be sold by the Secretary of the Interior and the proceeds of the sale shall be deposited in the Treasury of the United States to the credit of the Indians of California. Any rancheria or reservation lying wholly within the State of California that*

*is held by the United States for a named tribe, band, or group that was not occupied on January 1, 1964, may be sold by the Secretary of the Interior and the proceeds shall be deposited to the credit of the tribe, band, or group.*

SEC. 6. The Secretary of the Interior shall disburse to the Indians of the rancherias and reservations that are subject to this Act all funds of such Indians that are in the custody of the United States.

SEC. 7. Nothing in this Act shall affect any claim filed before the Indian Claims Commission, or the right, if any, of the Indians subject to this Act to share in any judgment recovered against the United States on behalf of the Indians of California.

SEC. 8. Before conveying or distributing property pursuant to this Act, the Secretary of the Interior shall protect the rights of individual Indians who are minors, non compos mentis, or in the opinion of the Secretary in need of assistance in conducting their affairs, by causing the appointment of guardians for such Indians in courts of competent jurisdiction, or by such other means as he may deem adequate, without application from such Indians, including but not limited to the creation of a trust for such Indians' property with a trustee selected by the Secretary, or the purchase by the Secretary of annuities for such Indians.

SEC. 9. Prior to the termination of the Federal trust relationship in accordance with the provisions of this Act, the Secretary of the Interior is authorized to undertake, within the limits of available appropriations, a special program of education and training designed to help the Indians to earn a livelihood, to conduct their own affairs, and to assume their responsibilities as citizens without special services because of their status as Indians. Such program may include language training, orientation in non-Indian community customs and living standards, vocational training and related subjects, transportation to the place of training or instruction, and subsistence during the course of training or instruction. For the purposes of such program, the Secretary is authorized to enter into contracts or agreements, with any Federal, State, or local governmental agency, corporation, association, or person. Nothing in this section shall preclude any Federal agency from undertaking any other program for the education and training of Indians with funds appropriated to it.

SEC. 10. (a) The plan for the distribution of the assets of a rancheria or reservation, when approved by the Secretary and by the Indians in a referendum vote as provided in subsection 2(b) of this Act, shall be final, and the distribution of assets pursuant to such plan shall not be the basis for any claim against the United States by an Indian who receives or is denied a part of the assets distributed.

(b) After the assets of a rancheria or reservation have been distributed pursuant to this Act, the Indians who receive any part of such assets, and the dependent members or their immediate families *who are not members of any other tribe or band of Indians*, shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians, *all restrictions and tax exemptions applicable to trust or restricted land or interests therein owned by them are terminated*, all statutes of the United States which affect Indians because of their status as Indians shall be inapplicable to them, and the laws of the several States shall apply to them in the same manner as they apply to other citizens or persons within their jurisdiction.

Nothing in this Act, however, shall affect the status of such persons as citizens of the United States. *The provisions of this subsection, as amended, shall apply in the case of a distribution of assets made either before or after the amendment of the subsection.*

SEC. 11. The constitution and corporate charter adopted pursuant to the Act of June 18, 1934 (48 Stat. 984), as amended, *or any other authority*, by any rancheria or reservation subject to this Act shall be revoked by the Secretary of the Interior when a plan is approved by a majority of the adult Indians thereof pursuant to subsection 2(b) of this Act.

SEC. 12. The Secretary of the Interior is authorized to issue such rules and regulations and to execute or approve such conveyancing instruments as he deems necessary to carry out the provisions of this Act.

SEC. 13. There is authorized to be appropriated [not to exceed \$509,235] *such sums as may be necessary* to carry out the provisions of this Act.

**PUBLIC LAW 88-453**

AN ACT To authorize the Secretary of the Interior to sell Enterprise Rancheria numbered 2 to the State of California, and to distribute the proceeds of the sale to Henry B. Martin, Stanley Martin, Ralph G. Martin, and Vera Martin Kiras.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior may sell and convey Enterprise Rancheria numbered 2, comprising 40.64 acres of land, more or less, described as lot 3, section 1, township 19 north, range 5 east, Mount Diablo base and meridian, to the State of California for a negotiated price which in the opinion of the Secretary reflects its fair market value, and the proceeds from the sale shall be distributed to Henry B. Martin, Stanley Martin, Ralph G. Martin, and Vera Martin Kiras.

Approved August 20, 1964.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO  
SELL ENTERPRISE RANCHERIA NO. 2 TO THE STATE OF  
CALIFORNIA

JULY 23, 1964.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 11562]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 11562) to authorize the Secretary of the Interior to sell Enterprise Rancheria No. 2 to the State of California, and to distribute the proceeds of the sale to Henry B. Martin, Stanley Martin, Ralph G. Martin, and Vera Martin Kiras, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of H.R. 11562, introduced by Representative Johnson of California as a result of an executive communication from the Secretary of the Interior, is to authorize said Secretary to sell the 40.64-acre Enterprise Rancheria No. 2 located in Butte County, Calif., to the State of California and to distribute the proceeds among Henry B. Martin, Stanley Martin, Ralph S. Martin, and Vera Martin Kiras.

NEED

Enterprise Rancheria No. 2 was acquired for the sum of \$162.56 by the Federal Government pursuant to the act of August 1, 1914, as supplemented by a joint resolution of March 4, 1915, to provide a home for a group of landless California Indians. Tracts of land so purchased are known as rancherias; i.e., small settlements or collections of dwellings. Such rancherias were purchased in the name of the United States for the benefit of landless California Indians. They differed in this respect from reservations set aside from the public domain for the benefit of Indians, but there is no practical difference

today between California rancherias and reservations in the way they are managed by the Bureau of Indian Affairs.

The descendants of the Indians for whom the Enterprise Rancheria was established have agreed to the proposed sale of the rancheria and to distribution of the proceeds therefrom among the four named beneficiaries.

The State of California has asked for this legislation so a fee title to the land may be obtained. The rancheria is within the reservoir area of the Oroville Dam, an important feature of the California State water plan. The State appraised the land at \$275 per acre for a total of \$11,176 and the personal property thereon at \$1,020.

When the land has been sold and the proceeds distributed, the Bureau of Indian Affairs will have terminated its supervisory responsibilities over Enterprise Rancheria No. 2 and its inhabitants.

#### COST

Enactment of H.R. 11562 will entail no cost to the Government.

#### EXECUTIVE COMMUNICATION

The executive communication from the Secretary of the Interior, dated May 16, 1964, is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
*Washington, D.C., May 15, 1964.*

Hon. JOHN W. McCORMACK,  
*Speaker of the House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: Enclosed is a draft of a proposed bill to authorize the Secretary of the Interior to sell Enterprise Rancheria No. 2 to the State of California, and to distribute the proceeds of the sale to Henry B. Martin, Stanley Martin, Ralph G. Martin, and Vera Martin Kiras.

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

This bill authorizes the Secretary to sell Enterprise Rancheria No. 2 to the State of California, and to distribute the proceeds of the sale to Henry B. Martin, Stanley Martin, Ralph G. Martin, and Vera Martin Kiras. The State needs the land for use in connection with the Oroville Dam and Reservoir.

This rancheria, which is located in Butte County, Calif., contains 40.64 acres. The land was acquired pursuant to the act of August 1, 1914 (38 Stat. 582, 589), as supplemented by joint resolution of March 4, 1915 (38 Stat. 1228), for the use of landless Indians of California. The purchase price was \$162.56.

According to the records of the Bureau of Indian Affairs, this land was purchased to provide a permanent home for a band of eight Enterprise Rancheria Indians; namely, Nancy Martin, her son George, his wife, Sadie, and their children. Nancy, George, and Sadie Martin are deceased. There are four surviving children of George and Sadie Martin. They are Henry B. Martin, Stanley Martin, Ralph G. Martin, and Vera Martin Kiras.

In our consideration of the distribution of the proceeds, we originally proposed that only the occupants of the rancharia; namely, Stanley and Ralph, who are living on the rancharia, and Henry, who lives in the vicinity and visits the rancharia frequently, should participate. This is consistent with the actions taken under the provisions of the act of August 18, 1958 (72 Stat. 619), in distributing the assets of most of the rancharias named in that act. Enterprise Rancharia No. 2, however, was not included therein. The three brothers were consulted and they expressed a desire to have their sister, Vera, receive a share of the proceeds. These four children, then, in anticipation of this legislation, signed a statement agreeing that the entire proceeds be divided equally among them. As to the surviving children of deceased children of George and Sadie Martin, none of these individuals have ever had any connection with the rancharia, nor do they live in the vicinity; hence, we see no reason to include this class in the distribution of the assets of the rancharia.

The State of California has asked for this legislation. Although a flowage easement could be negotiated under authority of the act of February 5, 1948 (62 Stat. 17), the State wants to acquire a fee simple title, and there is no existing authority for a conveyance in fee.

The entire rancharia will be flooded. The State of California appraised the land at \$275 per acre, or a total of \$11,176. The improvements, which are considered to be the personal property of the Martin family, are appraised at \$1,020. This aggregate appraised value of \$12,196 has been concurred in by the four members of the family and by this Department.

Since title to the land is in the United States it is not possible to distribute the proceeds from the sale without legislation. As the rancharia was purchased as a home for Nancy Martin and her son George in 1914 and has been used continuously by George Martin and certain members of his family since that date, we believe it is only just that the proceeds from the taking should be distributed to Henry, Stanley, and Ralph Martin, and Vera Martin Kiras.

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

Sincerely yours,

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

A BILL To authorize the Secretary of the Interior to sell Enterprise Rancheria No. 2 to the State of California, and to distribute the proceeds of the sale to Henry B. Martin, Stanley Martin, Ralph G. Martin, and Vera Martin Kiras

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior may sell and convey Enterprise Rancheria No. 2, comprising 40.64 acres of land, more or less, described as lot 3 sec. 1, T. 19 N., R. 5 E., Mount Diablo base and meridian, to the State of California for a negotiated price which in the opinion of the Secretary reflects its fair market value, and the proceeds from the sale shall be distributed to Henry B. Martin, Stanley Martin, Ralph G. Martin, and Vera Martin Kiras.*

#### COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends enactment of H.R. 11562.

# Calendar No. 1293

88TH CONGRESS }  
2d Session }

SENATE

} REPORT  
No. 1357

## AUTHORIZING THE SECRETARY OF THE INTERIOR TO SELL ENTERPRISE RANCHERIA NO. 2 TO THE STATE OF CALIFORNIA

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AUGUST 8, 1964.—Ordered to be printed

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

### REPORT

[To accompany H.R. 11562]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 11562) to authorize the Secretary of the Interior to sell Enterprise Rancheria No. 2 to the State of California, and to distribute the proceeds of the sale to Henry B. Martin, Stanley Martin, Ralph G. Martin, and Vera Martin Kiras, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE

The purpose of H.R. 11562 is to authorize the Secretary of the Interior to sell the 40.64-acre Enterprise Rancheria No. 2 located in Butte County, Calif., to the State of California and to distribute the proceeds among Henry B. Martin, Stanley Martin, Ralph G. Martin, and Vera Martin Kiras.

#### NEED

Enterprise Rancheria No. 2 was acquired for the sum of \$162.56 by the Federal Government pursuant to the act of August 1, 1914, as supplemented by a joint resolution of March 4, 1915, to provide a home for a group of landless California Indians. Tracts of land so purchased are known as rancherias; i.e., small settlements or collections of dwellings. Such rancherias were purchased in the name of the United States for the benefit of landless California Indians. They differed in this respect from reservations set aside from the public domain for the benefit of Indians, but there is no practical difference today between California rancherias and reservations in the way they are managed by the Bureau of Indian Affairs.

The descendents of the Indians for whom the Enterprise Rancheria was established have agreed to the proposed sale of the rancheria

and to distribution of the proceeds therefrom among the four named beneficiaries.

The State of California has asked for this legislation so a fee title to the land may be obtained. The rancheria is within the reservoir area of the Oroville Dam, an important feature of the California State water plan. The State appraised the land at \$275 per acre for a total of \$11,176 and the personal property thereon at \$1,020.

When the land has been sold and the proceeds distributed, the Bureau of Indian Affairs will have terminated its supervisory responsibilities over Enterprise Rancheria No. 2 and its inhabitants.

#### COST

Enactment of H.R. 11562 will entail no cost to the Government.

#### EXECUTIVE COMMUNICATION

The executive communication from the Secretary of the Interior, dated May 16, 1964, is set forth below:

DEPARTMENT OF THE INTERIOR,  
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*Speaker of the House of Representatives,*  
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We recommend that the proposed bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

This bill authorizes the Secretary to sell Enterprise Rancheria No. 2 to the State of California, and to distribute the proceeds of the sale to Henry B. Martin, Stanley Martin, Ralph G. Martin, and Vera Martin Kiras. The State needs the land for use in connection with the Oroville Dam and Reservoir.

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In our consideration of the distribution of the proceeds, we originally proposed that only the occupants of the rancheria; namely, Stanley and Ralph, who are living on the rancheria, and Henry, who lives in the vicinity and visits the rancheria frequently, should participate. This is consistent with the actions taken under the provisions of the

act of August 18, 1958 (72 Stat. 619), in distributing the assets of most of the rancherias named in that act. Enterprise Rancheria No. 2 however, was not included therein. The three brothers were consulted and they expressed a desire to have their sister, Vera, receive a share of the proceeds. These four children, then, in anticipation of this legislation, signed a statement agreeing that the entire proceeds be divided equally among them. As to the surviving children of deceased children of George and Sadie Martin, none of these individuals have ever had any connection with the rancheria, nor do they live in the vicinity; hence, we see no reason to include this class in the distribution of the assets of the rancheria.

The State of California has asked for this legislation. Although a flowage easement could be negotiated under authority of the act of February 5, 1948 (62 Stat. 17), the State wants to acquire a fee simple title, and there is no existing authority for a conveyance in fee.

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

Sincerely yours,

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A BILL To authorize the Secretary of the Interior to sell Enterprise Rancheria No. 2 to the State of California, and to distribute the proceeds of the sale to Henry B. Martin, Stanley Martin, Ralph G. Martin, and Vera Martin Kiras

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PART VI. LISTS OF THE TRIBES, BANDS, OR GROUPS OF  
INDIANS FOUND TO BE QUALIFIED FOR FULL MANAGE-  
MENT OF THEIR OWN AFFAIRS (1953)

In order to present a full list of tribes, bands, and groups which were officially determined by the Indian Bureau to be immediately eligible or ineligible to manage their own affairs, the following table was prepared on the basis of evidence from field agencies submitted by the Indian Bureau in 1953 (i.e., from the Dillon Myer field questionnaire of August 1952). The word "yes" refers to those groups qualified to handle their own affairs immediately and the word "no" to those not so qualified, in the opinion of local officials of the Indian Bureau.

Blackfeet: Yes (except for a minority).	Flathead: Yes.
California (115 groups listed on pp. 1140-1141 of H. Rept. 2503, 82d Cong., 2d sess.): Yes.	Fort Apache: No.
Cherokee and Catawba:	Fort Belknap and Rocky Boy's:
Cherokee of North Carolina: No.	Fort Belknap: Yes.
Catawba of South Carolina: Yes.	Rocky Boy's: No.
Cheyenne River: No.	Fort Berthold: Yes.
Choctaw of Mississippi: No.	Fort Hall: Yes (if gradual).
Colorado River Agency:	Fort Peck: Yes (except for minority).
Hualapai: No.	Great Lakes Consolidated:
Yavapai: Yes (conditionally).	Bad River: No.
Havasupai: No.	Bay Mills: Yes.
Camp Verde: No.	Forest County Potawatomi: No.
Fort Mohave: No.	Hannahville: Yes.
Cocopah: Yes.	Keweenaw Bay: Yes.
Colorado River: No.	Lac Courte Orielles: No.
Colville and Spokane:	Lac du Flambeau: Yes (conditionally).
Colville: Yes (conditionally).	Oneida: Yes.
Spokane: Yes.	Red Cliff: Yes.
Consolidated Chippewa:	Sac and Fox of the Mississippi in Iowa: No.
Fond du Lac: Yes.	Saginaw Chippewa or Isabella: Yes.
Grand Portage: Yes (conditionally).	St. Croix: Yes.
Leech Lake: Yes (conditionally).	Sokaogon or Mole Lake: Yes (conditionally).
White Earth: Yes (conditionally).	Stockbridge-Munsee: Yes.
Nett Lake: Yes (conditionally).	Winnebago of Wisconsin: Yes (conditionally).
Mille Lac: Yes.	
Consolidated Ute Agency:	Hopi: No.
Southern Ute: No.	Jicarilla: No.
Ute Mountain: No.	Klamath: (?)
Crow: No.	Menominee: Yes.
Crow Creek and Lower Brule:	Mescalero Apache: No.
Crow Creek: No.	Navajo: No.
Lower Brule: No.	Nevada: <sup>1</sup>
Five Civilized Tribes: No.	Battle Mountain Colony: Yes.
Quapaw area:	Carson County: Yes.
Eastern Shawnee: Yes (conditionally).	Duck Valley: Yes.
Ottawa: Yes.	Duckwater: Yes.
Quapaw: Yes (except for minority).	Elko: Yes.
Seneca-Cayuga: Yes (conditionally).	Ely: Yes.
Wyandotte: Yes (conditionally).	Fallon Colony: No.
	Fallon: Yes.
	Fort McDermitt: Yes.
	Goshute: No.
	Las Vegas: Yes.

<sup>1</sup> Based on numerical counts of families, competent, marginal, and incompetent.

## Nevada—Continued

- Lovelock Colony: No.  
 Moapa: Yes.  
 Pyramid Lake: Yes.  
 Reno-Sparks: Yes.  
 Ruby Valley: Yes.  
 Skull Valley: Yes.  
 South Fork: Yes.  
 Summit Lake: Yes.  
 Walker River: Yes.  
 Washoe: No.  
 Winnemucca Colony: Yes.  
 Yerington Colony: No.  
 Yerington (Campbell Ranch): Yes.  
 Yomba: Yes.  
 Northern Cheyenne: No.  
 Northern Idaho Agency:  
   Kalispel: No.  
   Kootenai: No.  
   Nez Perce: Yes.  
   Coeur d'Alene: Yes.  
 Osage: (?)  
 Papago: No.  
 Pima Agency:  
   Fort McDowell: No.  
   Salt River: Yes (conditionally).  
   Gila River: No.  
   Maricopa or Ak Chin: No.  
 Pine Ridge: No.  
 Pipestone: (?)  
 Red Lake: No.  
 Rosebud and Yankton:  
   Rosebud: No.  
   Yankton: Yes (conditionally).  
 San Carlos: No.  
 Seminole of Florida: No.  
 Sisseton-Wahpeton Sioux: Yes.  
 Southern Plains:  
   Absentee Shawnee: No.  
   Alabama-Coushatta of Texas: Yes  
     (except for minority).  
   Caddo: Yes.  
   Cheyenne-Arapaho: No.  
   Citizen Potawatomi: Yes.  
   Fort Sill Apache: Yes.  
   Iowa of Kansas and Nebraska: Yes.  
   Iowa of Oklahoma: Yes.  
   Kaw: Yes.  
   Kickapoo of Kansas: Yes.  
   Kickapoo of Oklahoma: No.  
   Kiowa-Comanche-Apache: No.  
   Otoe-Missouria: No.  
   Pawnee: Yes (except for minority).  
   Ponca of Oklahoma: No.  
   Prairie Potawatomi of Kansas: No.  
   Sac and Fox of Kansas and  
     Nebraska: Yes.  
   Sac and Fox of Oklahoma: Yes  
     (except for minority).  
   Tonkawa: Yes.  
   Wichita: Yes (except for minority).  
 Standing Rock: No.

## Turtle Mountain and Fort Totten:

Turtle Mountain: Yes.  
 Fort Totten: Yes (conditionally).

## Uintah and Ouray:

Uintah and Ouray: No.  
 Shivwits: No.  
 Koosharem: No.  
 Indian Peaks: Yes (conditionally).  
 Kaibab: No.  
 Kanosh: No.

## Umatilla: Yes (conditionally).

## United Pueblos:

Acoma: No.  
 Cochiti: No.  
 Isleta: No.  
 Jemez: No.  
 Laguna: No.  
 Nambe: No.  
 Picuris: No.  
 Pojoaque: No.  
 Sandia: No.  
 San Felipe: No.  
 San Ildefonso: No.  
 San Juan: No.  
 Santa Ana: No.  
 Santa Clara: No.  
 Santo Domingo: No.  
 Taos: No.  
 Tesuque: No.  
 Zia: No.  
 Zuni: No.  
 Canyoncito: No.  
 Alamo: No.  
 Ramah: No.

## Warm Springs: No.

## Western Washington:

Chehalis: Yes.  
 Hoh: Yes.  
 Lower Elwha: Yes.  
 Lummi: Yes (conditionally).  
 Makah: Yes.  
 Muckleshoot: Yes.  
 Nisqually: Yes.  
 Ozette: Yes.  
 Port Gamble: Yes.  
 Port Madison: Yes.  
 Public Domain: Yes.  
 Puyallup: Yes.  
 Quileute: Yes.  
 Quinault: Yes.  
 Shoalwater: Yes.  
 Skokomish: Yes.  
 Squaxon Island: Yes.  
 Swinomish: Yes (conditionally).  
 Tulalip: Yes.

## Wind River: Yes.

## Winnebago Agency:

Omaha: Yes.  
 Ponca: Yes.  
 Santee Sioux: Yes.  
 Winnebago: Yes.

## Yakima: No.

## SELECTED REFERENCES

### PART VII. SELECTED REFERENCES REGARDING REMOVAL OF RESTRICTIONS ON AMERICAN INDIANS

#### HOUSE DOCUMENTS

- U.S. Congress. House. Committee on Interior and Insular Affairs.  
Amending the Klamath termination act. Hearings before the Subcommittee on Indian Affairs on H.R. 650 [and others] . . . Washington, U.S. Govt. Print. Off., 1957.  
iii, 244 p. tables. 23 cm. (Its [Hearings before] the Committee on Interior and Insular Affairs, House of Representatives, Eighty-fifth Congress, serial No. 2).  
Hearings held Feb. 11–Mar. 21, 1957. HD171.A18 A35. no. 2.
- U.S. Congress, House. Committee on Interior and Insular Affairs.  
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#### TERMINATION OF FEDERAL SUPERVISION OVER CERTAIN TRIBES OF INDIANS

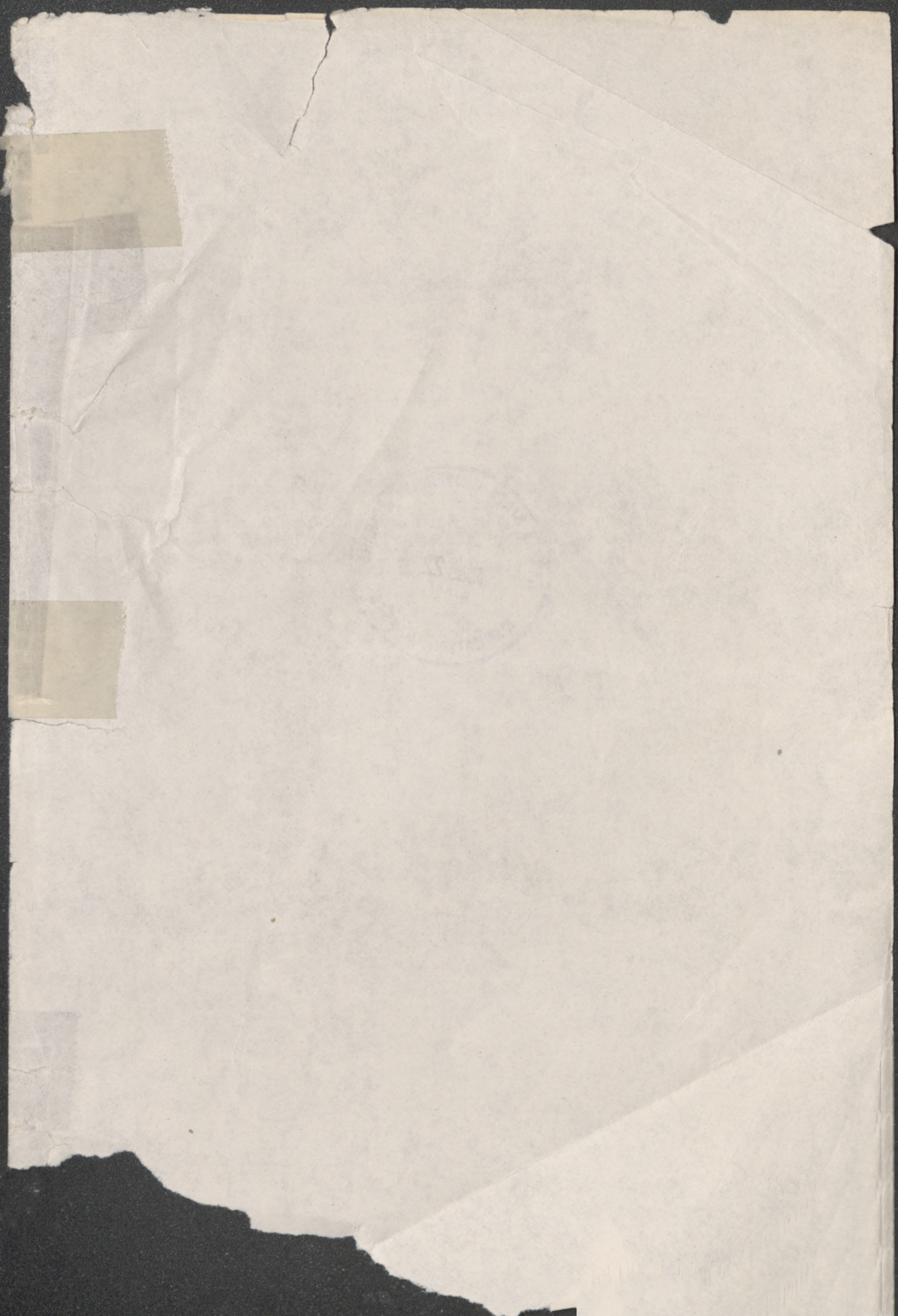
##### JOINT HEARINGS

Joint Hearings before the Subcommittees of the Committees on Interior and Insular Affairs, Congress of the United States 83d Congress, 2d Session, Feb. 15, 1954 to April 19, 1954, Wash., D.C. Printed in 12 parts as follows:

- Part 1. Utah. February 15, 1954, Hearings on S. 2760 and H.R. 7674. Includes Shivwits, Kanosh, Koosharem, and Indian Peaks Bands of the Paiute Indian Tribe, Skull Valley Band of the Shoshone Indian Tribe, and the Washakie Band of the Northwestern Band of Shoshone Indians, all of Utah. pp. 1-87.
- Part 2. Texas. February 16, 1954, Hearing on S. 2744, H.R. 6282, and H.R. 6547. Includes Alabama and Coushatta Indians of Texas. pp. 89-131.
- Part 3. Western Oregon. February 17, 1954, Hearing on S. 2746 and H.R. 7317. Includes Confederated Tribes of the Grand Ronde Community, Confederated Tribes of Siletz Indians, Alsea, Applegate Creek, Calapooya, Chaftan, Chempho, Chetco, Chetlesington, Chinook, Clackamas, Clatskanie, Clatsop, Clowwewalla, Coos, Cow Creek, Eucheas, Galice Creek, Grave, Joshua, Karok, Kathlamet, Kusotony, Kwatami or Sixes, Lakmiut, Long Tom Creek, Lower Coquille, Lower Umpqua, Maddy, Mackanotin, Mary's River, Multnomah, Munsel Creek, Naltunnetunne, Nehalem, Nestucca, Northern Molalla, Port Orford, Pudding River, Rogue River, Salmon River, Santiam, Scoton, Shasta, Shasta Costa, Siletz, Siuslaw, Skiloot, Southern Molalla, Takelma, Tillamook, Tolowa, Tualatin, Tututni, Upper Coquille, Upper Umpqua, Willamette Tumwater, Yamhill, Yaquina, and Yoncalla. pp. 133-194.
- Part 4. Klamath Indians, Oregon. Feb. 23 and 24, 1954. Hearings on S. 2745 and H.R. 7320. Includes Klamath and Modoc Tribes and Yahooskin Band of Snake Indians. pp. 195-349.
- Part 4-A. Klamath Indians, Oregon at Klamath Agency, Ore., April 19, 1954, on S. 2745 and H.R. 7320. Includes Klamath and Modoc Tribes and Yahooskin Band of Snake Indians. pp. 1-111.
- Part 5. California Indians. March 4 and 5, 1954, Hearing on S. 2749 and H.R. 7322. Includes any tribe, band or group of individual Indians in California. pp. 351-577.

- Part 6. Menominee Indians, Wisconsin. March 10, 11, and 12, 1954. Hearing on S. 2813 and H.R. 2828, and H.R. 7135. Includes the Menominee Tribe of Wisconsin. pp. 579-772.
- Part 7. Flathead Indians, Montana. February 25, 26, and 27, 1954. Hearing on S. 2750 and H.R. 7319. Includes Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana. pp. 773-1025.
- Part 8. Seminole Indians, Florida. March 1 and 2, 1954, Hearing on S. 2747 and H.R. 7321. Includes the Mikasuki or Miccosuki Band and the Cow Creek Band of Seminole Indians in the State of Florida. pp. 1027-1150.
- Part 9. Makah Tribe, Washington. February 24, 1954. Hearing on H.R. 7981. Includes the Makah Indian Tribe of Washington, pp. 1151-1205.
- Part 10. Indians of Nevada, held at Reno, Nevada, April 16, 1954 on H.R. 7552. Includes Ruby Valley Shoshone Tribe, Yerington Paiute Tribe, and the following colonies of Indians—Battle Mountain, Carson, Las Vegas, Lovelock, Reno-Sparks and Yerington. pp. 1207-1311.
- Part 11. Sac and Fox, Kickapoo and Potawatomi Tribes of Kansas and Nebraska, Feb. 18, 1954, Hearing on S. 2743 and H.R. 7318. Includes Kickapoo Tribe of Kickapoo Reservation, Kans.; Sac and Fox Tribe of the Missouri of the Sac and Fox Reservation in the States of Kansas and Nebraska, the Iowa Tribe of Indians of the Iowa reservation of Kans. and Neb.; and the Prairie Band of Potawatomi Indians of Kansas. pp. 1313-1419.
- Part 12. Turtle Mountain Indians, North Dakota, March 2 and 3, 1954, Hearings on S. 2748 and H.R. 7316. Includes Turtle Mountain and of Chippewa Indians in the States of North Dakota, South Dakota and Montana. pp. 1421-1604.
- Library of Congress E94.U52 (Volumes 1 and 2).





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