

October 22, 1934

Senator Thomas:

You have now heard the statement that I made in the explanation of the Bill, and you have also heard the statement made by Mr. Monahan, who represents the Indian Office and Mr. Collier, and I think you will draw to the conclusion that we are trying to help you and not to scare you, and we are all here to help you and to find out what you want. In all of our meetings, the proceedings have been taken down by stenographers, and we will have copies of all of our statements and copies of what is said by the several Indians of all the agencies. What we said here has been transcribed, and what you will say will be taken down and later a copy of what has been said here can be had, and that will serve as a permanent record of the proceedings of this conference. Now, in order for us to make the most progress possible, as our time is limited and I have another appointment which I must leave for in about half an hour, I am going to ask the different Indians to make statements in regard to the Bill. We will hear first from the members of the Arapaho tribe, or delegates representing the Tribal Council from the Arapaho tribe, because their tribe comes first with "A", and then we will call on someone from the Cheyennes, because their tribe comes next with "C".

Chief Whiteshirt, Arapaho, Cantonment: (Jesse Rowlodge, interpreter)

I am glad to know this afternoon and to understand the meaning of the language of the Wheeler-Howard Law better than I have heretofore. I am convinced that the policy as proposed is to my betterment instead of a detriment to me as a tribe. I have been informed at various times, which has aroused my interest, that my title rights were to be taken away from me for the general use of others other than my descendants. I think, and always have thought, that it is my right that whatever I have should descent to my proper legal heirs. After explanations by Senator and Mr. Monahan, explaining the Bill in detail, I am

convinced now that I am safe, which otherwise lead my mind a great deal of disturbance. At the time of the allotment, when the land was being segregated to the Cheyennes and Arapahoes, I was advised by the surveyors that I should keep my land, because there was no other land to be allotted to the Indians, should they lose their land for some reason, which they could not avoid. I have lived up to that advice from those surveyors from the time they surveyed the land; consequently, I have the benefit of the products which I have raised on my land up to today. The Indians of about my age are those who have still retained their original allotments simply because they are more matured in their thought and opinion, and they knew that the land was ^{the} only source of livelihood which they could depend on. The younger members of our tribes who were considered competent and who ^{were} released and issued their patents, sold their land; consequently, many of them have big families with no lands or no money to support their families. Today, it is a relief to me to think that I feel safe, and I have confidence that it will be a revision of laws that will help my people. I have been somewhat under fear to consider myself as competent to have to face the taxes and things that other people who are competent have to meet. My Government puts me in a position in considering the statement made by Senator Thomas wherein the Indians were considered in the way of purchasing land for them. My opinion seems to direct to the preference for buying the lands for the landless Indians in individual tracts where they can make their living from tilling the soil. I object to purchasing the land for the Indians in a body as a reservation, as it used to be before. The reason that I like the Government to buy land wherever they pick the land is because they can live among the white people and have their own lands to live on for their use. I have wondered, in the beginning, whether there would be enough land to buy for the Indians, because all the land was occupied, but after I understood that this land is to be bought from inherited rights, now I understand the meaning of that provision of the law how this land was to be bought.

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So far as my opinion is concerned, I think land should be bought, not as a reservation, but as individual tracts. About 10 years ago I made a visit to Washington City as a delegate, and during that visit, I made inquiry as to the relationship of the reservation lands to that of the Cheyennes and Arapahoes under which some of these lands were known at the present time. The Indian Office Officials at that time advised me that while it was not an actual possession of the Indians, those ~~wax~~ lands held as reservations were really a property of the Cheyennes and Arapahoes and would revert back to the Cheyennes and Arapahoes. I have, since then, convinced myself that I have some right to some of these lands that now exist under this jurisdiction.

Some years ago, when the agency at Cantonment was still in existence, there was a movement that started by some civilians out at the Supply Country wherein they undertook to buy out as much of the reservation land that could be purchased. As a tribal leader and a representative, I opposed to such an arrangement. At that time, I thought the best move could be made thereafter on account of the increase of the tribe, that those reservations should have been allotted to the Indians, even if in 40-acre tracts. Superintendent White was Superintendent at that time, and he objected that movement, because he felt that the younger ones that didn't have any land should be allotted with tracts, even as small as 40 acres.

I am somewhat accustomed and set in the way of management on the part of the Indian Bureau in the consideration of the extension of the trust period for the Cheyennes and Arapahoes whereby the government has extended to the Cheyennes and Arapahoes additional trust period of 10 years each time at the expiration of such trust period. I want to maintain that policy so far as I am concerned with the interest of the Cheyennes and Arapahoes. In my interest, in educational matters for the Cheyennes and Arapahoes, to my mind, I have always been opposed to abolishing reservation schools where Indians were grouped

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and used the advantage of the schools for their children, but as it has been, the schools have been abolished and have caused lot of the children to wonder off and not attend the schools regularly. They are not being compelled to go to school now as they have been before. My interest has been always that those schools should have been maintained in order that the children could attend those schools more conveniently than they could other schools that were further away.

I am not making this talk just to be talking; I am interested as a land owner with several grandchildren who will probably inherit my rights some day. I want to see and to know and to be relieved of the thought that my grandchildren will not be out in the world with nothing to depend upon. For that reason, I have expressed myself for the best interest of the Cheyennes and Arapahoes. The district that I represent, Canton, Fonda, Longdale, represents the biggest group of the Cheyennes and Arapahoes living out there on their allotments, but I am sorry to state that about half of the Indians living under that jurisdiction seem to show no interest in the provision of the Wheeler-Howard Law, but a small portion of those Indians seem to be interested as to the terms of this Law, and it is for that group that I have been busy and active in undertaking to get the actual interpretation of the law and what it means to the Cheyennes and Arapahoes. For that reason, I am still active in pursuing just what is what in the language of the law. What has been defined this afternoon in the contents of the Wheeler-Howard Law, so far as I am concerned, applies to me in a way that it meets with my approval, but the matter will take its course, as the Indians will pursue at an early date. I will concur whatever action taken.

I understood that the draft of the Bill contained a provision in it whereby each Indian tribe was to be allowed to use their own tribal members who were competent and qualified in positions that were necessary to maintain either the school, hospital, or the office, but at the present time, I am sorry to say

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that other tribes from other agencies than this are still coming in for employment. I seem to object to that very strenuously, for the reason that it does not give the Cheyennes and Arapahoes any chance to develop whatever they may have learned at schools and what they were qualified to do. Originally, that ought to have been the policy. I have always maintained that view. From the time that the Cheyennes were being educated, they should have been given preference, a chance to exercise what they learned at school, and by that, there would be a good number of those students who were returned from schools who would have been holding positions today; otherwise, we have many graduates who have returned to the camps and reservation with no benefit to themselves or anybody else. We older Indians have always encouraged the younger ones to attend school. We have come to learn that education is an advantage to the younger sources, and we have encouraged them to hold their lands and to farm them and convert the products into money to live on.

Senator Thomas:

We were glad to have the statement just submitted and to have the viewpoint of not only the Chief but of those for whom he speaks. Now I will call next on some delegate on this side to speak in behalf of their tribe.

Alfred Wilson:

I think all of the landless Indians agree to the purchase of land, but I think they want to reserve the right to act until after the next session of the General Council; and we agree to the extension of the trust period. Here is the question we want to ask: If the Government purchases land for the landless Indians, will it include all of the Indians, small and large, ~~ex~~ which are now carried on the rolls? That is one question.

Senator Thomas:

Let me give my interpretation of what might be considered my individual answer. We will not have money enough to start with to buy lands for all landless Indians, so in the first instance, in all probability, the Indian Office will search out those Indians--probably the older ones--who are most in need of a home and use the first money to buy lands and those most in need of land, then as the money becomes available, we will keep on buying as fast as we can, providing homes for those who need homes the worst, and then after a while, we will get down to the younger Indians. But at the start, I think it will be a good policy to consider first the older Indians and take care of them. That is my personal interpretation. If we had all the money we needed, of course, we would proceed to purchase lands for all the Indians; but since we don't have enough money, we will first purchase lands for the most needy Indians. That will be my interpretation as a matter of policy for using the money to buy lands.

Alfred Wilson:

The next question is: Ten years from now, if the Cheyenne and Krapaho tribes increase, and we have more Indians than we have today, will they also be purchased land in the future out of the same fund?

Senator Thomas:

No one can tell what is going to develop in 10 years. There might be a different administration and different Commissioner and even a different Congress, and we never can tell what is going to happen in the future, but if we can develop a sane, satisfactory policy now, in all probability, we can continue that policy. So I am satisfied that if we embark on a problem of buying lands and the Indians will accept the lands and make use of them, that we can keep that policy up until all the landless Indians have lands. But if this system, as

being proposed, works, it will not be very expensive for the great nation to contribute the funds necessary to take care of the remnants of this great race. There is only 300,000 Indians left in this entire country, so it will not be what we consider expensive to take care of the aged, and so far as I am concerned, I will go to any extent and any limit to take care of this ancient race or remnant. You people at one time owned this country, and the white people took it away from you, and now that the white people own most of the country, it will not be a heavy burden upon them to take care of you who have lost your property, and if we can educate the younger Indians so that they can take their place in the white society so they can compete, I think we can work out problems so that the older and the younger ones will both benefit by them.

Alfred Wilson:

We have some Indians here that have been issued fee patents under the old policy and Indians that have purchased lands and town lots, and those lands are being taxed now or subject to taxes. These Indians are anxious to know what is going to become of our lands if they are held under that status.

Mr. Monahan:

We find that many fee patents were issued in ~~the~~ different parts of the United States without the request of the Indian. The Indians did not ask for a fee patent but the Secretary of the Interior gave them the fee patent. Wherever that took place, that fee patent can be cancelled and the land may become trust patented again. If the Indian asked to have the fee patent, then nothing can be done. His land is his, just as my land in Washington is mine. It is taxable, and must remain that way. Land that you have bought out of your own money, you have the title, that is your land. That stays taxable. You hold the patent on it just as I hold the patent on mine.

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Alfred Wilson:

Some of the Indians have paid their taxes on their lands and some have not. There are certain restrictions placed on these lands. Possibly Mr. Milburn can tell you more about the details.

Mr. Milburn;

There are about 33 tracts of land owned by Indians under this jurisdiction which are taxable. This land was acquired by purchase with restricted funds or by exchange or trade of restricted land. The deeds by which such land was conveyed to the present owners contained clauses restricting same against alienation or encumbrance without the consent of the Secretary of the Interior, yet the United States, Eighth Circuit Court of Appeals, held, a short time ago, that such land was taxable, regardless of the fact that they cannot dispose of it or encumber it without the consent of the Secretary of the Interior. You can see that this is a very difficult situation for these Indians to be in. They are in the position of not being able to voluntarily encumber or alienate these lands, while they may be involuntarily alienated and encumbered by the county officials assessing taxes against same and if such taxes are not paid, the county has the authority to advertise same for tax sale, issue tax sale certificates and later convey same by sheriff's deed to the purchaser of the certificate.

Senator Thomas:

Have any of these Indians been dispossessed of their lands through failure to pay their taxes?

Mr. Milburn:

Yes, I have in mind one instance where an Indian woman lost a tract of land consisting of 160 acres which was a very fine piece of land. This case was taken up several years ago by the United States District Court for the Western

District of Oklahoma in an effort to recover this land for the Indian. The decision rendered by the Court was adverse to the Indian and three months was allowed in which to appeal the case. For some reason or other, the United States Attorney's office did not file the appeal, and the decree became absolute, ~~in~~ vesting title to this land in the purchasers of the tax sale certificates, and a sheriff's deed was issued such purchasers.

Senator Thomas:

How much did the Indian pay for this land?

Mr. Milburn:

I think either \$5,000 or \$5,500, I am not quite sure, but I know that it was a good piece of land.

Senator Thomas:

How much was the amount of taxes against this land at the time of the suit?

Mr. Milburn:

I do not know but would have to refer to the record to find out.

Senator Thomas:

I am going to ask the Superintendent of the agency to make an investigation of the land to ascertain just what the status is of each tract of land. It is to me a very serious matter for an Indian to lose a \$5,000 farm just because he has not been able to pay the taxes. While I recognize that taxes are high, yet it is to me an injustice to permit the guardian to see his ward or its Department to lose a valuable farm because it is impossible for the Indian to pay the taxes, and if an examination can be made of these several tracts-- it occurs to me that the government should provide some means of protecting these tracts until such time when the lands become higher.

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Mr. Berry:

This has gone into the Office. These various cases that you are speaking of have been reported to the Office several times, but their investigation was made prior to my coming here. When the delegation and myself were in Washington last spring, we took this matter up, and Mr. Stewart, who is in charge of that Department, grafted a bill which he thought would cover the situation. My understanding is that that bill will be presented to Congress at the next session, in view of clearing up not only this situation but situations in other jurisdictions.

Senator Thomas:

This problem shows that where the government buys the title to a tract of deeded land and then transfers that land to the Indian, that the Indian is in constant fear of losing that land by failure to pay the taxes. So it is very desirable in the buying of land for Indians to get lands that are not now taxable and retain them free from taxation. White people can't pay taxes on lands, and it is not expected the Indians to pay them. But the fact that Indians owning this good land can't pay taxes, it is folly to expect them to pay taxes on poor land.

Now I can stay here only about 30 minutes more, and if you will confine your questions to the Bill, then we will be glad to answer your questions.

Charles Wicks:

This so-called Indian Re-organization Act--what is it in regard to the Wheeler-Howard Bill?

Senator Thomas:

The answer is that when the Wheeler-Howard Bill was first compared, it contained 48 pages, but they have made so many changes, a lot of mistakes or misinterpretations and bad conclusions and bad statements were made about the

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whole matter, so Mr. Monahan says that in some places they called it the Indian Re-organization Bill. But this late Bill is ~~is~~ the only law that has passed, and there will be no laws passed that will affect you people without your knowing it and being given a chance to approve. But the way this is to be done, I believe, is for your Tribal Council to consider the laws that you want and to confer with your Superintendent and get his approval and send it to Washington.

Kish Hawkins:

Have you any opinion as to how much land will be bought for one landless Indian?

Senator Thomas:

That will all depend on the amount of money we can get and how valuable the land is that is bought. For example, we could buy grazing land and poor land for \$5, \$10, \$15 an acre, but to buy land that will raise corn, alfalfa and wheat, that will be bought for more money.

Kish Hawkins:

Will he be ~~not~~ compelled to stay on it or allow it to be rented out like under the old law?

Senator Thomas:

Now you have asked me some questions I cannot answer. That is a question of administration. I do not want to attempt to answer that question.

Kish Hawkins:

Suppose I have land and sell it and use the money like we have all been doing. Later on I want some more land, would the government buy me a piece?

Senator Thomas:

If I was the government, I expect I could answer that question, but

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I am just one member of the Senate, and the Senate consists of 96 members and there are 436 Congressmen. Before we can pass any law, we have to have the recommendation of the Indian Office. It would not do any good for Congress to pass a bill that wouldn't meet with the President's approval, because he might veto it. I see your viewpoint, but I am sure that the government will be just as liberal as it can be and what develops in the future remains to be seen. I am sure that everyone will do the best they can to satisfy the Indians, but of course I would not come down here and give you high hope that you ~~will~~ are going to get a lot of land and nice homes to live on. The first thing would be to take those who want a place to live on. Mr. Collier says that the land that is to be bought will not be bought and the title given to you, and you, and you. The title will remain in the United States Government and you will be given the use of the land. If you don't make use of it, the land will be given to someone else so that they can make good use of it. Or, if you make good use of the land, then your children will get it to use it to the same advantage. The idea is getting the land, holding the title in the United States Government, and letting the Indians use it as long as they make good use of it.

Kish Hawkins:

I want to know if there is any possibility of getting the title by an Act of Congress to the four little reservations here--Concho, Cantonment, the old Seger Reserve and the old Red Moon Reserve. There is altogether over 100,000 acres of land.

Senator Thomas:

I have been informed that the title to these reserve lands was in the United States, and I do not know whether or not title could be transferred to the Cheyenne & Arapaho Indians, but if it were done, it would probably require an Act of Congress.

Kish Hawkins:

I am glad to have the Senator here to discuss this matter, since I understood that the Senator was opposed to Mr. Collier's Bill.

Mr. Monahan:

The papers said that Senator Thomas was opposed to the Wheeler-Howard Bill, but that is not correct. The Senator is opposed to certain parts of the Bill. He has expressed himself in Washington as being favorable to the Bill. I do not want you to think that the Senator is opposed to the Wheeler-Howard Bill as a whole.

Senator Thomas:

The idea that I am opposed to the Bill is wholly erroneous. This 13th section of the Bill, I approve of whole-heartedly. The section providing that Indians should have preference in positions in the Indian Service, Agencies, Schools and Hospitals, I favor that, and I favor the section providing for educational loans to ^{your} young people. There were certain sections of the Bill that I was not favorable of. I have here a statement showing that there has been set aside for the Indians of the Cheyenne & Arapaho jurisdiction, the following tracts of land: At Colony, 2,445 acres; Clinton, 154 acres; Hammon, 1,280 acres; Canton, 3,020; Concho, 5,200 acres, making a total of 12, 199 acres. I have been advised ^{are} that the Cheyenne & Arapaho tribes do not own these lands, that the lands/owned by the government but set aside for the use of the Cheyenne & Arapaho tribe of Indians. Inasmuch as these lands are here, ^{and} ~~they~~ have been set aside for the use of the Cheyenne & Arapaho tribe, I don't think anyone would object that we take those lands and set them aside for the landless Indians especially. I suggest that the Council consider this and make a recommendation through your Superintendent, and let him make a recommendation, and send it on to Washington for our consideration. It appears to me to be land that will be available, but that is

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a matter for your consideration, and if you will make known your wants, and adopt some policy of what you want to use them for, and have your Superintendent to send it on to Washington for the consideration of Commissioner Collier and his staff.

Jesse Rowledge:

There has been a goodly portion of the Cheyennes and Arapahoes that have objected to the Bill, which constitute mostly the patent Indians who have become owners of inherited land. What would their position be with reference to this Bill?

Mr. Monahan:

Of course, you can ask a lot of questions here that nobody can answer, but as I understand, your question is, "If, heretofore, an Indian had an allotment and he had the restrictions removed and he received a fee patent, and he thereafter sold the land, got rid of it, what is his standing in regard to new lands?" So far as I am concerned, I think he would be considered as a landless Indian. He doesn't lose his Indian blood or Indian heritage by having lost his land. He is still an Indian; he is still a ward, and I think he is entitled to have consideration, even though he got his land and perhaps applied for the patent, and ~~perhaps~~ perhaps later on sold the land. Perhaps he wouldn't be the first man to get a piece of land, but I think he ought to have consideration. I am not speaking for the Office, I am not speaking for Congress, I am merely speaking for myself.

Whiteshield:

Are patent and fee Indians, who are now landless, eligible to participate?

Mr. Monahan:

Yes. Everybody agrees to that. They might not have the first chance at land until all other Indians have land, but they have the same right.

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Chief Turkey Legs - Cheyenne (John Fletcher, interpreter)

Seven years ago, I met Elmer Thomas in Washington. I want you to listen to me today at what I have to say. Here are the Cheyenne & Arapaho Indians joined here this afternoon in the presence of Senator Thomas and the Commissioner's representative. I am glad to know a man like Senator Thomas, and I know that he will carry out our wishes. I want to know why the Commissioner don't propose to have these people that are in need of land to be allotted these Cheyenne & Arapaho reservations just mentioned. Ft. Reno is a part of the Cheyenne & Arapaho reserve, and I think we ought to have use of it too, and all these other reserves mentioned.

Senator Thomas:

It might be that the Commissioner would approve that, but the Commissioner, like all of us, just can't know everything. He can't know all of your problems and that is the reason why we came here today, to find out about your problems. Then if the Commissioner learns of these problems, he might try to help you.

Turkey Legs:

We do not desire to go out of the State or pick out new land, we would rather remain within the bounds of the reservation. There are other things that I have in mind at this time. For instance, the Court of Claims. When the Congress convenes, we always have in mind to send a delegation to Washington. That is the basis of this Tribal Council that is aiding. As a Chief or head man of both tribes in general ways,--we are spokesmen, we are known as Chiefs--we have authority to speak for both tribes. I wish to say that I wish the agency, such as school and hospital, will continue for a long time to come. I don't care to talk about anything out of the way that don't concern both tribes. I merely suggest to help these people who are homeless. That is all I care to say.

Senator Thomas:

I think now we have covered in the main the several provisions in this Bill. I am delighted to have this privilege of coming to Concho. It is my first trip to the agency. I have been all around but never over here. I am glad to be here, and I am glad to have the representative of the Indian Bureau present, and I am glad that so many of you came out to attend this meeting. The new administration is going to try to help you more in the future than you have been helped in the past. If you spend your time thinking about your condition, thinking about what can be done to help you in the future and agree on a program and set it down and have your agency Superintendent approve it and send it on to Washington, then we will have something there to work on. Before I go, I want the business committee to meet sometime, when you get ready, and pass a resolution and state what you think about this Bill and what you want done about it. Then send that to me and send Mr. Collier a copy. Then the Indians that are not members of the business committee--I will ask you, if you will, to set down and write me a letter telling me what you think about the Bill and what you think ought to be done about the Indians. I will not publish the letter. I will not show your letter without you want me to. You can make any suggestion you want to, you can criticize anybody you want to, criticize me if you want to; I get it, and I am used to it. Be honest and frank, and if we meet a real particular problem, all of us together will try and solve it. So by all working together, your Congressmen--get in touch with your Congressmen--and Senators--get in touch with Senator Gore--but any way, get in touch with them, tell them what you want and what you don't want, and we will all work together and spend less time fighting among yourselves. The first chance I have, I will come back and see you again. I am glad that I was here and hope that I will have a chance to come back again soon.