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September 27, 2010

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Hon. Steven Linscheid
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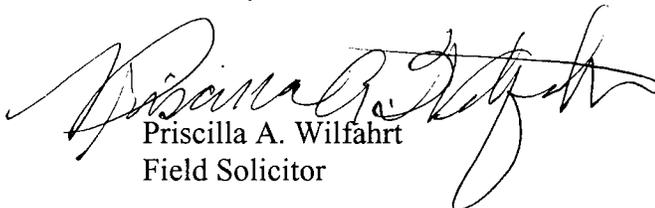
Attention: Administrative Judge Debora G. Luther

Re: Village of Hobart, Wisconsin v. Acting Midwest Regional Director, Bureau of Indian Affairs, Consolidated Docket Nos. IBIA 10-091, 10-092 and 10-107

Dear Judge Linscheid:

Enclosed herein please the Appellee's Brief in the above matter. The brief has been served on the Appellant by certified mail, return receipt requested and by regular mail to all others on the Board's distribution list.

Sincerely,


Priscilla A. Wilfahrt
Field Solicitor

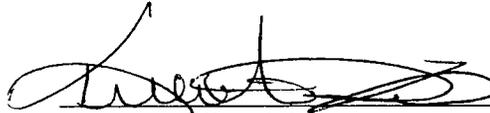
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I hereby certify that a true copy of this document was mailed by certified mail, return receipt requested, to the appellants, and by regular mail to those persons on the Board's distribution list.

Dated: September 27, 2010

A handwritten signature in black ink, appearing to read 'Kellie Dickey', written over a horizontal line.

Kellie Dickey
Administrative Assistant

Distribution: IBIA 10-091, -092, -107, & 10-131

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UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS

VILLAGE OF HOBART, WISCONSIN)	
Appellants,)	Docket Nos. IBIA 10-107
)	IBIA 10-91
v.)	IBIA 10-92
)	-
ACTING MIDWEST REGIONAL DIRECTOR,)	
BUREAU OF INDIAN AFFAIRS,)	Appellee's Brief
Appellee.)	
)	

The Appellant is seeking review of the March 17, 2010 (Cornish and Boyea)¹ and May 5, 2010 (Gerbers) decisions of the Bureau of Indian Affairs to acquire three tracts of land in trust for the Oneida Tribe of Indians of Wisconsin (Tribe). The tracts at issue are referred to as Gerbers (10-107), Boyea (10-091) and Cornish (10-092). The Board consolidated the appeals for briefing by Orders dated May 19, 2010 and August 31, 2010. The Appellant filed its consolidated brief for Docket Nos. 10-091 and 10-092 by letter dated August 9, 2010 and August 25, 2010 for Docket No. 10-107 (received on August 26, 2010). In accordance with the Board's August 31, 2010 Order to Consolidate and Modify the Briefing Schedule the Appellee's brief is due 30 days from the date of receipt of the Appellant's brief for Docket No. 10-107.

¹ The March 17, 2010 decisions for the Cornish and Boyea tracts were signed by Sean Hart, Acting Regional Director. The May 5, 2010 decision for Gerbers was signed by Diane Rosen, Regional Director. For simplicity, references hereinafter refer to the Acting Regional Director and the Regional Director's decisions as "RD's decisions" since it is irrelevant whether the decisions were signed by the Regional Director or an Acting Regional Director.

I. Facts

A. Cornish²

The Tribe enacted Resolution No. 4-12-06-U on April 12, 2006 requesting the BIA to accept the Cornish tract in trust to be used for residential purposes. (CB 2 AR 32(1)) and notified the State, Village and County of its request by letter dated June 15, 2006, requested their comments, indicated that their responses should be sent to the RD, that any comments received within 30 days would be considered and that the application was available for review.³ (CB 2 AR 32(5)). No comments were received. By letter dated September 20, 2007 the Tribe submitted its complete application to the RD. The Tribe resent letters seeking comments from the State, County and Village on August 27, 2008 and again requested the comments to be provided to the RD. The letter instructed that comments received within 30 days of receipt of the letter would be considered and that the application was available for review. (CB 2 AR 25). The BIA obtained tax information for the tract from the County's internet site and determined that the taxes for 2009 were \$2,769.40. (CB 2 AR 8). Memorandum dated February 4, 2010 from the

² The administrative records for the tracts at issue are voluminous: 3 ring bound volumes for Cornish/Boyea and 2 ring bound volumes for Gerbers. Hereinafter I will refer to the Cornish/Boyea record as (CB Vol.No. AR Tab No.) and the Gerbers record as (G Vol. No. AR Tab No.). The legal descriptions of each of the tracts is contained in the RD's decisions at (CB 1 AR 7, CB 2 AR 6, and G 1 AR 2).

³ By letter dated January 25, 1996 the Tribe was advised that it was authorized by the Assistant Secretary-Indian Affairs that it could send the letters of notice and comment required by 25 C.F.R. § 151.10 so long as the letter advised that any comments were to be sent to the BIA. (CB 3 AR 39). The Assistant Secretary-Indian Affairs clarified the January 25, 1996 authorization by letter dated May 31, 1996 to explicitly clarify that the Tribe was not authorized to exercise the inherently federal function of acquiring land in trust. (CB 3 AR 38).

BIA Environmental Protection Specialist for the Midwest Region certified compliance with the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), National Historic Preservation Act (NHPA), and 602 DM 2. (CB 2 AR 12).

B. Boyea

By Tribal Resolution No. 4-12-06-N dated April 12, 2006 the Tribe requested the United States to acquire the Boyea tract of land in trust. The resolution stated that the land would be used for residential and agricultural use. (CB 1 AR 46(2)). By letter dated June 15, 2006 the Tribe notified the State, County and Village that had filed an application requesting the United States to acquire the Boyea tract of land in trust and requested comments regarding taxes, special assessments, governmental services and potential conflicts of land use. (CB 1 AR 46(6)). The letter advised that comments should be sent to the RD, that any comments received within 30 days of the date of the letter would be considered, and that the application was available for review. No comments were received. The Tribe filed its application with the BIA on January 24, 2007. (CB 1 AR 46(1)). By letter dated August 27, 2008⁴ the Tribe again notified the State, County and Village of its application to have the United States acquire the Boyea tract in trust, requested its comments, advised that any comments should be sent to the RD, that any comments received within 30 days of receipt of the letter would be considered, and that the application was available for review. (CB 1 AR 41).

⁴ The Appellant's letters dated October 13, 2008 (CB 3 AR 27) and October 17, 2008 (CB 3 AR 24 and G 2 AR 24) and the BIA's response dated October 17, 2008 (CB 3 AR 21 and G 2 AR 21) both indicate that the Tribe's August 27, 2008 letters of notice were received by the Appellant on September 23, 2008. The reference in the Appellant's October 13, 2008 to June 11, 2008 correspondence refers to a tract not at issue in this appeal (Golden Pond Park II). (CB 3 AR 26 and G 2 AR 26).

By Memorandum dated July 23, 2009 the Regional Environmental Protection Specialist certified compliance with NEPA, ESA, NHPA and 602 DM 2. (CB 1 AR 30). The environmental memorandum was updated on December 9, 2009. (CB 1 AR 20).

C. Gerbers

On April 12, 2006 the Tribe enacted Tribal Resolution No. 4-12-06-Z requesting the United States to acquire the Gerbers tract in trust and stating that the tract would be used for residential housing. (G 1 AR 53(2)). By letter dated June 15, 2006 the Tribe informed the State, County and Village of its application to have the United States acquire the Gerbers tract in trust. (G 1 AR 53(6)). The letter requested comments regarding taxes, assessments, impact of removal from the tax rolls, governmental services provided to the property and potential conflicts of land use. It advised that any comments should be sent to the RD, that any comments received within 30 days would be considered, and that the application was available for review. No comments were received. The Tribe conveyed its formal application to the RD by letter dated February 8, 2007. (G 1 AR 53 (1)). It also provided an electronic copy of a report entitled "Socioeconomic Conditions within the Reservation of the Oneida Tribe of Indians of Wisconsin." (G 2 AR 30). By letter dated October 3, 2008 the Tribe again notified the State, County and Village of its application to have the Gerbers tract taken in trust, requested comments, advised any comments should be sent to the RD and that any comments received within 30 days would be considered. The letter further advised that the application was available for review. (G 1 AR 45).

By Memorandum dated January 21, 2010 the Regional Environmental Protection Specialist certified compliance with NEPA, ESA, NHPA and 602 DM 2. (G 1 AR 11). The environmental certification was updated on April 20, 2010. (G 1 AR 4). In support of its

application the Tribe on March 12, 2010 electronically provided a copy of a report entitled “Socioeconomic Conditions within the Reservation of the Oneida Tribe of Indians of Wisconsin, March 9, 2010.” The report provides a detailed list of its payments and contributions to the State, surrounding communities and various religious and charitable organizations, as well as tribally run programs providing a wide variety of services. (G 1 AR 6).

Cornish, Boyea and Gerbers

The Appellant contacted the RD by letter dated October 13, 2008 to request clarification of the notice process and to request an extension of time. (CB 3 AR 27 and G 2 AR 28). The request for an extension of time was granted by letter from the RD dated October 17, 2008 and extended the time for response until November 30, 2008. (CB 3 AR 21 and G 2 AR 21). By letter dated October 17, 2008 the Appellant contacted the Tribe and requested an opportunity to view the files. (CB 3 AR 24 and G 2 AR 24). By letter dated November 26, 2008 the appellant provided comments with extensive supplemental documents on 133 parcels of land proposed to be acquired for the Tribe, objecting to all of the acquisitions. (CB 3 AR 17(Sub tabs A - X) and G 2 AR 17 (Sub tabs A - X)). The Appellants comments were provided to the Tribe by the RD on December 16, 2008. (CB 3 AR 16 and G 2 AR 16). The Tribe responded to the Appellant’s comments on January 16, 2009. (CB 3 AR 9(Sub tabs A - T) and G 2 AR 9 (Sub tabs A - T)). On March 18, 2009 the Appellant filed a Supplemental Response to Fee to Trust applications of the Oneida Tribe of Indians of Wisconsin Currently Pending Before the Bureau of Indian Affairs in which it alleged that the BIA was deprived of authority to acquire land in trust for the Tribe by the Supreme Court’s decision in Carcieri v. Salazar, 129 S.Ct. 1058 (2009). (CB 3 AR Second Tab 5 and G 2 AR Second Table of Contents, Tab 4). By letter dated March 25, 2009 the RD

requested additional information from the Tribe in order to address the effect of the Carcieri decision on its pending applications. (CB 3 AR Second Tab 4). The Tribe responded to the appellant's supplemental filing by letter dated April 28, 2009. (See Attachment 1 to RD's June 14, 2010 Memo adding to the AR) and by letter dated April 28, 2009 responded to the RD's request for information. (CB 3 AR Second Tab 3 and G 2 AR Second Table of Contents, Sub tab 3). The Tribe's response to the RD was supplemented with multiple Departmental records, including the 1933-1934 Annual Report of the Commissioner of Indian Affairs which contained a tabulation of Indian tribes subject to the jurisdiction of BIA field offices which included the Oneida Tribe on the Oneida Reservation on the list. (CB 3 AR Second Tab 3(1)). The Tribe also included an April 23, 1936 letter from Commissioner of Indian Affairs, John Collier which states that the "Indians of the Oneida Reservation" voted to accept the IRA on December 15, 1934. (CB 3 AR Second Tab 3(9)).

On March 17, 2010 the RD issued her decision to acquire the Cornish tract in trust for the Tribe. (CB 2 AR 6). The decision addressed each of the requisite factors of 25 C.F.R. § 151.10. The Village filed its notice of appeal on April 16, 2010. The RD issued her Notice of Decision to acquire the Boyea tract by letter dated March 11, 2010 and reissued it on March 17, 2010. (CB 1 AR 9 and 7). The decision addressed each of the requisite factors of 25 C.F.R. § 151.10. The Village filed its appeal on April 16, 2010. The RD issued her decision to acquire the Gerbers tract in trust for the Tribe on May 5, 2010. The decision addressed each of the requisite factors for consideration under 25 C.F.R. § 151.10. (G 1 AR 2). The Village filed its appeal on May 28, 2010.

II. Arguments

A. Applicable Statute and Regulations

Section 5 of the Indian Reorganization Act (IRA), 25 U.S.C. § 465, authorizes the Secretary of the Interior, acting through the BIA to acquire land for Indians:

The Secretary of the Interior is hereby authorized, in his discretion, to acquire, through purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights, or surface rights to lands, within or without existing reservations, including trust or otherwise restricted allotments, whether the allottee be living or deceased, for the purpose of providing land for Indians.

25 U.S.C. § 465. The Secretary's authority is discretionary. In accordance with 25 U.S.C. § 465 land acquired in trust becomes exempt from state and local taxation. The regulations governing the acquisition of trust land are found at 25 C.F.R. Part 151 and at §151.10 set forth the criteria the BIA must consider when making a decision to acquire land in trust when the land is located on the applicant tribe's reservation. If the land is located off the reservation the BIA must also consider the additional criteria set forth in 25 C.F.R. § 151.11. Both the IRA and the regulations authorize the Secretary to acquire land for Indians within or without the applicant's reservation. *See*, 25 U.S.C. § 465 and 25 C.F.R. §151.3(b)(1).

The review criteria set forth in 25 C.F.R. § 151.10 are:

- (a) The existence of statutory authority for the acquisition and any limitation contained in such authority;
- (b) The need of the individual Indian or the tribe for additional land;
- (c) The purposes for which the land will be used;
- (d) If the land is to be acquired for an individual Indian, the amount of trust or restricted land already owned by or for that individual and the degree to which he needs assistance in handling his affairs;
- (e) If the land to be acquired is in unrestricted fee status, the impact on the State and its political subdivisions resulting from the removal of the land from the tax rolls;

(f) Jurisdictional problems and potential conflicts of land use which may arise; and

(g) If the land to be acquired is in fee status, whether the Bureau of Indian Affairs is equipped to discharge the additional responsibilities resulting from the acquisition of the land in trust status;

(h) The extent to which the applicant has provided information that allows the Secretary to comply with 516 DM 6, appendix 4, National Environmental Policy Act Revised Implementing Procedures, and 602 DM 2, Land Acquisitions: Hazardous Substances Determinations.

The administrative record and the RD's decisions to acquire the Cornish, Boyea and Gerbers tracts clearly demonstrate that the BIA considered all of the appropriate § 151.10 factors and followed appropriate procedures for the acquisition. (CB 1 AR 7, CB 2 AR 6, and G 1 AR 2).

B. Standard of Review

“The standard of review in trust acquisition cases is well established. Decisions of BIA officials on requests to take land into trust are discretionary, and the Board does not substitute its judgment for BIA's judgment in discretionary decisions.” City of Yreka, California, and City Council of the City of Yreka, California v. Pacific Regional Director, 51 IBIA 287, 294 (2010); City of Eagle Butte, South Dakota v. Acting Great Plains Regional Director, 49 IBIA 75, 80 (2009); State of South Dakota and County of Charles Mix v. Acting Great Plains Regional Director, 49 IBIA 129, 141 (2009). The Board reviews discretionary decisions to determine whether BIA gave proper consideration to all legal prerequisites to the exercise of BIA's discretionary authority, including any limitations on its discretion established in regulations. City of Eagle Butte, at 80. Proof that the BIA considered the factors set forth in 25 C.F.R. § 151.10 must appear in the record, but there is no requirement that BIA reach a particular

conclusion with respect to each factor. The factors need not be weighed or balanced in a particular way or exhaustively analyzed. City of Eagle Butte, at 80. The appellant bears the burden of proof to show that BIA failed to properly exercise its discretion and simple disagreement with BIA or bare assertions concerning the decision are insufficient to carry the burden. City of Eagle Butte, at 80; Jackson County, Kansas and State of Kansas v. Southern Plains Regional Director, 47 IBIA 222, 228-229 (2008). The appellant bears the burden of proving that the BIA's decision was in error or not supported by substantial evidence. State of South Dakota at 142. Appellants must provide a statement of the errors of fact and law upon which the appeal is based. "In contrast to the Board's limited review of discretionary decisions, the Board has full authority to review any legal issues raised in a trust acquisition case, except those challenging the constitutionality of laws or regulations, which the Board lacks authority to adjudicate." State of South Dakota and County of Charles Mix v. Acting Great Plains Regional Director, 49 IBIA 129, 141 (2009).

C. Review of Factors of 25 C.F.R. Part 151.10

1. 25 C.F.R. § 151.10(a): Authority for the Acquisition

The RD determined that she had authority to acquire the tracts at issue pursuant to the general discretionary land acquisition authority of the IRA, 25 U.S.C. § 465. The appellant alleges that section 465 does not provide authority because it is unconstitutional and citing Carcieri v. Salazar, 555 U.S. 129 S.Ct. 1058, 172 L.Ed.2d 791 (2009) because the Tribe was not a recognized tribe under federal jurisdiction in 1934.

The case law is well established that the Board lacks authority to declare a statute unconstitutional. City of Yreka, California, and City Council of the City of Yreka, California v.

Pacific Regional Director, 51 IBIA 287, 294 (2010); State of Kansas v. Acting Southern Plains Regional Director, 36 IBIA 152 (2001); Shoalwater Bay Indian Tribe v. Acting Northwest Regional Director, 36 IBIA 1 (2001); County of Mille Lacs, Minnesota v. Midwest Regional Director, 37 IBIA 169 (2002); State of South Dakota and Moody County, South Dakota v. Acting Great Plains Regional Director, 39 IBIA 283 (2004); Shawano County, Wisconsin, Board of Supervisors and Town of Red Springs, Wisconsin v. Midwest Regional Director, 40 IBIA 241 (2005). “The Board considers this a settled area of law, and declines to reconsider its prior decisions that it lacks authority to declare an act of Congress unconstitutional.” State of South Dakota and Moody County, South Dakota, 39 IBIA 289. The appellant’s constitutional arguments will therefore, not be discussed further herein. However, to the extent a response is required, the Appellant’s constitutional allegations have been previously considered and rejected. *See*, Carcieri v. Kempthorne, 497 F.3d 15, 43 (1st Cir. 2007); State of South Dakota and Moody County, South Dakota v. United States, 487 F.3d 548 (8th Cir. 2007); South Dakota v. United States Department of the Interior, 423 F.3d 790 (8th Cir. 2005), cert. denied, 127 S.Ct. 67 (2006); Shivwits Band of Paiute Indians v. Utah, 428 F.3d 966 (10th Cir. 2005), cert. denied, 549 U.S. 809 (2006); United States v. Roberts, 185 F.3d 1125 (10th Cir. 1999), cert. denied, 529 U.S. 1108 (2000).

The appellant also argues that section 465 fails to provide authority for the United States to acquire land in trust for the tribe because it is barred by the Supreme Court’s decision in Carcieri v. Salazar. In Carcieri v. Salazar the Supreme Court considered whether the United States could acquire land for the Narragansett Tribe of Rhode Island under section 465. From 1927 through 1937 federal authorities had declined to give the Tribe assistance because they

thought the Tribe was under State rather than Federal jurisdiction and the Tribe was not formally recognized by the United States until 1983. Because section 465 provides the Secretary of the Interior the authority to acquire land in trust for ‘Indians’, and the term ‘Indians’ is defined at section 479, Justice Thomas, writing for the majority of the Court found that the Court’s task was to interpret the statutory phrase “now under federal jurisdiction” in section 479 of the IRA. Section 479 provides:

The term ‘Indian’ as used in this Act shall include all persons of Indian descent who are members **of any recognized Indian tribe now under Federal jurisdiction**, and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation, and shall further include all other persons of one-half or more Indian blood . . . The term ‘tribe’ wherever used in this Act shall be construed to refer to any Indian tribe, organized band, pueblo, or the Indians residing on one reservation . . .

25 U.S.C. § 479 (emphasis added). The Supreme Court applied a strict statutory construction analysis to determine whether the term “now”⁵ in the definition of Indian in § 479 referred to 1998 when the Secretary made the decision to accept land in trust for the Narragansett Tribe or referred to 1934 when the IRA was enacted. The Court held that the term “now under federal jurisdiction” in section 479 unambiguously referred to those tribes that were under federal jurisdiction when the IRA was enacted in 1934, and because the Narragansett Tribe was not under federal jurisdiction in 1934, the IRA provided no authority for the Secretary to acquire land in trust for it. In its decision in Carcieri the Court focused on the word “now” in the phrase “now under federal jurisdiction,” but failed to provide any guidance as to the meaning of the

⁵ It is interesting that the Court’s search for the definition of “now” did not include any reference to or discussion of 1 U.S.C. § 1 which provides that in determining the meaning of any Act of Congress, unless the context indicates otherwise - words used in the present tense include the future as well as the present.

balance of the phrase “under federal jurisdiction.” Justice Thomas noted that the Narragansett Tribe had not argued that it was under federal jurisdiction in 1934 and that there was no evidence in the file to the contrary. Justice Breyer in a separate opinion concurring in the majority opinion noted that the majority’s interpretation of “now” as 1934 may be less restrictive than first appears. He noted that a tribe may have been ‘under federal jurisdiction’ in 1934 even though the federal government did not believe so at the time. He referred to *Ten Years of Tribal Government Under I.R.A.* by Theodore H. Haas, Chief Counsel, United States Indian Service (1947) (Haas Report) and noted that there were tribes erroneously left off the list. The Haas report is considered by the Department to be an authoritative list as to the IRA status of those tribes which are included on the list. Justice Breyer correctly points out that it may not be authoritative of the IRA status of those tribes not included on the list because they may have been left off erroneously. For purposes of the Board’s review in the instant case, the *Haas Report* conclusively resolves the IRA status of the Oneida Tribe. The Tribe is included on the list of tribes in the State of Wisconsin and the report notes that the Tribe voted on the IRA on December 6, 1934 and accepted the IRA by a vote of 1844 persons voting yes and 688 persons voting no. A copy of the *Haas Report* is attached to this brief for the Board’s convenience. The Appellant’s brief suggests that the Board should look behind and second guess the Department’s 1934 determination that the Oneida Tribe was under federal jurisdiction and eligible to organize under the IRA. Such a request is untimely and the Board should firmly decline to do so. The organizational history of the Oneida Tribe is factually distinct from the Narragansett Tribe which was the subject of the Carcier decision and the holding of that decision does not apply to the Oneida.

The Appellants in the instant consolidated case before the Board argue that the Tribe was not under federal jurisdiction in 1934. They base their argument on miscellaneous departmental correspondence from which they cite only excerpted parts, rely heavily on a misapprehension of the effect of the allotment laws on continued reservation and tribal existence and a misapplication of the term 'federal jurisdiction.' The Appellant consistently and pervasively argues that the allotment of land to individuals under the General Allotment Act, 25 U.S.C. § 331 et seq. (GAA, also sometimes referred to as the Dawes Act) and as amended by 25 U.S.C. § 349 (Burke Act), and the passage of trust title of individual land to fee status resulted in the loss of the tribal federal relationship and the disestablishment of the reservation. They argue that the Tribe could not have been under federal jurisdiction because all of the land on the Oneida Reservation had been allotted and therefore there was no longer any federal jurisdiction over the land by 1934. (CB 3 AR Second Tab 5). The underpinning for their argument is both factually and legally flawed. Neither the allotment of land or the grant of citizenship to tribal members terminates the legal-political status of a tribe. *Felix S. Cohen's Handbook of Federal Indian Law*, pp. 18-19 (1982 Ed.). The Supreme Court has considered and rejected the argument that disposal of lands under the Dawes Act operated to terminate the reservation on which the allotments were made. Mattz v. Arnett, 412 U.S. 481, 496 (1973); Seymour v. Superintendent of Washington State Penetentiary, 368 U.S.351 (1962); Donnelly v. United States, 228 U.S. 243 (1913); United States v. Celestine, 215 U.S.278 (1909). The Supreme Court has also rejected the argument that sales of surplus lands on a reservation acts to terminate or diminish the reservation unless Congress explicitly intended that the reservation be terminated. Solom v. Bartlett, 465 U.S.463 (1984).

The appellant first presented this argument to the RD by letter dated March 18, 2009 wherein it made the same arguments it makes in its present appeal. (CB 3 AR Second Tab 5). By Memorandum dated June 14, 2010 the RD provided the Board with copies of two documents which had been in advertently omitted from the administrative record provided for Dockets Nos. 10-091 and 10-092 as well as a new table of contents including the documents. One of the documents was an April 28, 2009 response from the Tribe, to a March 25, 2009 request from the RD asking the Tribe to respond to the Village's Carcieri arguments. The Tribal response fully sets forth the correct legal analysis of the effect of allotment. (CB 3 AR Second Tab 3).

The Appellant's argument that the Oneida reservation no longer existed in 1934 also relies on two cases: 1) United States v. Hall, 171 F. 214 (E.D. Wis. 1909) which held that the United States could not prosecute liquor violations on allotted land; and 2) an unpublished opinion in Stevens v. County of Brown (E.D. Wis. November 3, 1933) which held that allotted lands were subject to state taxation. As the Tribe pointed out in its response neither case may be relied on to support the Appellant's assertion that the reservation was disestablished, the holdings in both cases have been deprived of precedential value by the Supreme Court cases noted herein above. The Appellants further rely on legislation enacted in 39 Stat. 969 (March 2, 1917) and 41 Stat. 408 (February 14, 1920) which authorized the sale of school lands no longer needed as evidence that the reservation no longer existed. While the Appellant cites language from the deed conveying such lands in support of its argument that the reservation was disestablished, the language of the deed more fully supports the opposite conclusion. The face of the deed notes that the land is located on the Oneida Indian Reservation. (Appellant's Appendix to Brief 10-91 and 10-91 #10). The Appellant argues that the sale of excess school

lands is evidence of the abandonment of the federal/tribal relationship and the elimination of the reservation. The Appellant fails to acknowledge or distinguish the body of cases holding that the sale of lands within a reservation does not operate to terminate the reservation.

The first and governing principle is that only Congress can divest a reservation of its land and diminish its boundaries. Once a block of land is set aside for an Indian Reservation and no matter what happens to the title of individual plots within the area, the entire block retains its reservation status until Congress explicitly indicates otherwise.

Solom v. Bartlett, 465 U.S. 463, 470 (1984) (citing United States v. Celestine, 215 U.S. 278, 285 (1909)). Diminishment or disestablishment is not lightly inferred and requires that Congress clearly evince an intent to change boundaries. Congressional intent must be clear and plain. Rosebud Sioux Tribe v. Kneip, 430 U.S. 584 (1977); South Dakota v. Yankton Sioux Tribe, 522 U.S. 329 (1998). The fact that the status of title to individual lands has no bearing on the existence or non-existence of a reservation was made perfectly clear by Congress when it enacted 18 U.S.C. § 1151(a) and defined “Indian country” as “all land within the limits of any Indian reservation . . . notwithstanding the issuance of any patent”. The Appellant’s argument that allotment disestablished the reservation is simply legally incorrect.

The Appellants also allege that all of the trust land of the Oneidas had been lost to fee status. That allegation is factually incorrect as shown by Appellant’s own exhibits. A November 13, 1931 letter from C.J. Rhoads, Commissioner of Indian Affairs, noted that there were scattered tracts of unallotted land on the Oneida Reservation, that it was occasionally found that members of the Oneida Tribe were entitled to allotments, and that land was being held in reserve from the unallotted area to make allotments. (Appellants Appendix to Brief for Docket No. 10-107 #15). The Commissioner’s letter contains statements relevant to the Appellant’s

argument on two points: 1) the United States still considered the Oneida members under their care and supervision; and 2) that tribal land still existed on the Oneida Reservation. The equivocal letter written by the Commissioner on November 19, 1931 reiterates the continued existence of tracts of tribal Indian land on the Oneida reservation, although it does make an inaccurate reference to the former reservation. (Appellant's Appendix to Brief for Docket No. 10-107 # 16). Similarly by letter dated March 13, 1934 the Secretary of the Interior advised that about 20 allotments, or parts of allotments, containing between 500 to 600 hundred acres remained in trust. His letter refers to pending legislation, Senate Bill No. 2755 and House Bill No. 7902, "the purpose of which is to establish a new policy with respect to Indian rights, acquisition of lands upon which to establish Indian communities or colonies where worthy landless Indians could be supplied with home places and for other purposes." "... and if enacted would no doubt be applicable to the Oneidas . . ." (Appellant's Appendix to Brief for Docket No. 10-107 #24). The bills referred to were enacted as the IRA. The Appendix to the Appellant's Brief also contains a copy of a letter dated March 18, 1937 from the Commissioner of Indian Affairs to the Senate Committee on Indian Affairs. (Appellant's Appendix to Brief Docket No. 10-107 #27). The letter transmits the Department's List of Tribes under the IRA and includes the Oneida Tribe under the Keshena Agency in Wisconsin. The Appendix also contains a letter dated May 10, 1937 in which John Collier, the Commissioner of Indian Affairs generally explains the IRA and specifically describes the situation at the Oneida Reservation. Collier states that the Oneida had largely passed out of Government supervision by reason of having been granted fee patents for much of their land and noted that only 20 small allotments remained out of the original large reservation. (Appellant's Appendix to Brief Docket No. 10-107 #28).

See also, BHI Policy Study, Hobart Village and OTI: Tax Base Issues, p.7, (April 2009) which notes that from 1923 -1936 the Tribe possessed 26 acres of trust land within Hobart's boundaries. (Appellant's Appendix to Brief Docket No. 10-107 #51). It is indisputably clear from the correspondence that the Oneida Tribe never left federal jurisdiction. While it is also undisputed that a diminution of contact with the Tribe and its members occurred during the period of federal policy which promoted tribal assimilation, and federal correspondence from that period reflected federal attempts to diminish its role in the lives of individual tribal members, the same correspondence shows that the Tribe and some of its members at all times retained trust lands which required federal supervision. All of the correspondence cited by the Appellant as evidence of the absence of federal jurisdiction arises from correspondence regarding tribal members who had been issued fee patents for their allotments. This was in fact the intended effect of the Dawes and Burke Acts under which the fee patents issued, but as noted above, allotment to individual tribal members did not operate to terminate either the reservation or the federal/tribal relationship. *See*, Mattz v. Arnett, 412 U.S. 481, 496 (1973); Seymour v. Superintendent of Washington State Penitentiary, 368 U.S.351 (1962); Donnelly v. United States, 228 U.S. 243 (1913); United States v. Celestine, 215 U.S.278 (1909). The federal policy in place at the time of the Dawes Act and the Burke Act were explicitly rejected by the IRA. The IRA was intended to remedy precisely the kind of land loss which occurred at the Oneida reservation from allotment policies.

The Appellants confuse the termination of federal supervision over individual fee patented allotments by equating it with the termination of the reservation and the federal/tribal relationship. The Supreme Court has made clear that this is not the case. The fact that the

Department of Interior held an election for the Oneida Tribe to determine whether it wanted to accept the terms of and organize itself under the IRA is incontrovertible proof that the United States viewed the Oneida Tribe as being under its jurisdiction in 1934. Correspondence dated November 12, 1934 and February 8, 1935 from the Superintendent at the Keshena Agency acknowledges the continued existence of the Oneida Tribe and his enthusiastic support for their organization under the IRA. (Appellant's Appendix to Brief Docket No. 10-107 ## 31, 32).

The Tribe's April 28, 2009 response to the BIA's request for additional information to address the Appellant's Carcieri arguments contains further correspondence and documentation making it clear that the Oneida Tribe was under federal jurisdiction on June 18, 1934. The Appendix to the 1933-1934 Annual Report of the Commissioner of Indian Affairs, at page 153 contains a report of the Indian population under the Keshena Agency in Wisconsin. It notes that the Oneida Reservation has a total population of 3,128 Indian persons, and then breaks that number down by subcategories. (CB 3 AR Second Tab 3(1)). The Appendix to the Report is dated April 1, 1934 and is therefore, fairly precisely contemporaneous with the enactment of the IRA. A letter dated April 23, 1936 from John Collier, Commissioner of Indian Affairs documents the vote of the Oneida Tribe to accept the IRA on December 15, 1934. (CB 3 AR Second Tab 3(9)).

The Haas Report, correspondence from John Collier, Commissioner of Indian Affairs, the April 1934 Report of the Indian populations under the Keshena Agency in Wisconsin, and correspondence from the Superintendent at the Keshena Agency all provide clear and indisputable evidence that the Oneida Tribe was under federal jurisdiction on June 18, 1934. Therefore the RD properly determined that the Supreme Court's decision in Carcieri v. Salazar

did not prohibit the use of 25 U.S.C. § 465 as authority for the United States to acquire the Cornish, Boyea and Gerbers tracts of land in trust for the Oneida Tribe.

Finally, given that the IRA does not define the term “under federal jurisdiction,” the canons of construction applicable in Indian law which are based on the unique trust relationship between the United States and Indian tribes dictate that the terms of the IRA be construed liberally in favor of the Tribe. Statutory silence or ambiguity is not to be interpreted to the detriment of the Tribe. Any ambiguities should be resolved in their favor. Minnesota v. Mille Lacs Band of Chippewa Indians, 526 U.S. 172, 200 (1999); County of Yakima v. Confederated Tribes and Bands of the Yakima Indian Nation, 502 U.S. 251, 269 (1992). The Board follows these cannons of construction in its decisions. Statutes passed for the benefit of Indians are to be construed liberally in favor of Indian with ambiguous provisions interpreted to their benefit. Todd County v. South Dakota, 33 IBIA 135 (1999).

2. 25 C.F.R. § 151.10(b) and (c) Tribal Need For and Proposed Use of Land

The Appellant argues that the Tribe has no need for trust land and no valid purpose for acquiring any of the tracts at issue. It argues that the Tribe has not shown that it needs the land placed in trust because it already owns the land in fee and that it cannot show that it needs the land because it has gaming revenue and could afford to pay taxes. “The short answer to this argument is that section 151.10(b) requires that BIA consider the Tribe’s “need for additional land,” not whether the Tribe needs the land *held in trust*, as Appellants essentially argue.” State of South Dakota, County of Charles Mix and City of Wagner, v. Acting Great Plains Regional Director, 49 IBIA 84, 104 (2009) (citing, South Dakota v. U.S. Department of the Interior, 423 F.3d 790, 801 (8th Cir. 2005); Jackson County v. Southern Plains Regional Director, 47 IBIA

222, 231 (2008); Jefferson County, Oregon v. Northwest Regional Director, 47 IBLA 187, 201-202 (2008). “Moreover, Appellants seem to believe that the Band must affirmatively demonstrate how it will be harmed if the land is not taken into trust on its behalf. This, too, is incorrect. The Band has no such burden.” Cass County, Minnesota and City of Cass Lake, Minnesota v. Midwest Regional Director, 42 IBIA 243, 248 (2006). “[B]oth this Board and the courts have rejected the arguments that a Tribe’s gaming revenue, financial security, or economic success disqualified it from further acquisition of land in trust.” Roberts County, South Dakota; State of South Dakota and Sisseton School District No. 54-2; City of Sisseton, South Dakota; and Wilmot School District No. 54-7 v. Acting Great Plains Regional Director, 51 IBIA 35, 51 (2009). The BIA has broad discretion in its interpretation or construction of tribal need for the land at issue. 51 IBIA 51; County of Sauk v. Midwest Regional Director, 25 IBIA 201, 209 (2007). The BIA’s determination that the acquisitions foster tribal self-determination places them squarely within the parameters of 25 C.F.R. § 151.3(a)(3). City of Yreka, California, and City Council of the City of Yreka, California v. Pacific Regional Director, 51 IBIA 287, 295 (2010).

The RD’s decisions for the Cornish and Boyea tracts noted that the land was historically part of the Oneida Reservation, that trust status would protect the Tribe’s investments within the reservation and that the land would be used for residential purposes, to support economic development, and for agricultural uses. The RD referred to the September 2008 report entitled “Socioeconomic Conditions within the Reservation of the Oneida Tribe of Indians of Wisconsin” which noted 282 tribal members on a waiting list for housing and an additional 10 members waiting for vacant land to build homes. Her decision in Cornish further noted that the land had

historically been used for residential purposes, that the Tribe had entered a long term residential lease for the property and that no change in use was anticipated. (CB 2 AR 6) and (CB 1 AR 7). The decision in Boyea noted that historically the land had been used for residential and agricultural purposes and at paragraph 8 of the decision states that no change in land use is planned. The decision for the Gerbers tract recites the same basis for need and notes that the land is proposed to be used for residential and agricultural use. (G 1 AR 2). The Gerbers decision refers to the March 2010 report entitled “Socioeconomic Conditions within the Reservation of the Oneida Tribe of Indians of Wisconsin,” and notes that it highlights a continuing need for housing. The decisions for all three tracts show that the RD considered the Tribe’s stated need and purpose, reviewed the provided documentation of need and reasonably determined that the Tribe needed additional land.

3. 25 C.F.R. § 151.10.(c) Impact of the Loss of Taxes on State and Local Governments

The Appellant argues that the RD has failed to properly analyze the impact of the loss of taxes to the State and its political subdivisions as required by section 151.10(c) and alleges that the RD failed to consider a substantial amount of data it submitted. The Appellant complains that the Tribe has declined to enter a service agreement with it, thus, it has lost the \$118,816 it was paid under a prior agreement with the Tribe and has received nothing in 2008, 2009, and 2010. It further alleges that if the United States continues taking land in trust for the Tribe the ultimate result will be that within 50 years all of the Village’s property tax base will have been transferred into trust effectively eliminating the Village. The Appellant complains that the RD did not adequately consider the tax impact on the Village but focused on the tax loss to the

County. The Appellant argues that the RD's failure to completely analyze all of its concerns constitutes error.

The RD's decision for the Cornish tract notes that the 2009 real property taxes were \$2,769.40 and comprise .003372% of the total tax levy. (CB 2 AR 6). The decision for the Boyea tract notes that the 2009 taxes were \$3,783.28 and comprise .0004% of the total tax levy. (CB 1 AR 7). The decision for the Gerbers tract notes that the taxes for 2009 were \$17,307.03 and comprise .0002%⁶ of the total tax levy. The Appellants do not dispute the accuracy of the individual tract tax information. All three of the RD's decisions considered the Village's comments and found them speculative and unpersuasive.

While the Appellant argues that the lack of a services agreement with the Tribe should have been weighed against it in the RD's review, nothing in Part 151 requires the Tribe to enter service agreements with the Village. Tribes are encouraged to consider such agreements in order to foster better relations with neighboring State and local governments, but they are not required to do so. In any event, based on the language and arguments of this appeal and the history of litigation between the Tribe and this Appellant, reaching any agreement was implausible.

The Village argued that the applications were too vague, that it did not have sufficient staff to respond, that it was concerned that the Tribe's long term acquisition goals would effectively destroy the Village, that it is legally obligated to provide services to trust land, that the Tribe was deliberately interfering with the Village's development plan, that the Tribe's

⁶ The computations of per cent of the total tax levy for both Boyea and Gerbers are incorrect. The Boyea decision notes that the taxes are .0004% of the total levy, but should have been noted as .0046%. The Gerbers decision notes that the taxes are .0002% of the total levy but should have been .02107%. Neither error is material since the correct percentage is still a number significantly less than 1% of the total amount of the levy.

financial resources would prohibit the acquisition of land in trust for it, and that the Tribe might game on the acquired lands. (CB 3 AR 17). The response did note at page 8 that if the BIA acquired all 2,673 acres of land for which the Tribe has pending applications the loss to the Village would be only 1.8% of its total tax levy and the Village's entire response assumed the number of acres being acquired was 2,673. The response was generic and extremely broad and did not address the merits of any single acquisition.⁷ The Village argued that the BIA is required to consider the cumulative future impact of the tax loss. The number of acres at issue in this case for all three tracts is 184.81 (Cornish - .852 acres, Boyea - 80.11 acres and Gerbers - 103.85).

All of the RD's decisions also considered information provided by the Tribe in its response to the Village's comments (CB 3 AR 9) and as to its existing agreements, governmental services and contributions to other local units of government as set forth in the Tribe's reports of Socioeconomic Conditions with the Reservation of the Oneida Tribe of Indians. (CB 3 AR 30 and G 1 AR 6). The Tribal Report provides an exhaustive and detailed list of its economic impact in the area. The RD reasonably determined that the benefit to the Tribe of acquiring the land in trust outweighed the minimal negative impact to the State and local political subdivisions.

The Board has consistently rejected the argument that analysis of the cumulative effect of all tax revenue losses on all lands within an appellant's jurisdictional boundaries is required.

Roberts County, South Dakota; State of South Dakota and Sisseton School District No. 54-2; City of Sisseton, South Dakota; and Wilmot School District No. 54-7 v. Acting Great Plains

⁷ The Appellant alleged that the Tribe owes \$430,000 in special assessments and storm water fees. The fees are disputed by the Tribe and the subject of recently filed litigation. Oneida Tribe v. Town of Hobart, USDC, ED Wisc. Civ. No. 10-C-137.

Regional Director 51 IBIA 35, 51 (2009). In Roberts County the BIA was acquiring four tracts of land for the Sisseton Wahpeton Oyate on the Lake Traverse Reservation. While in a footnote in the Roberts County case the Board did not foreclose the possibility that there may be instances when BIA should consider the collective tax impact of numerous simultaneous trust acquisitions it considered the actual number of acquisitions at issue and the actual tax loss attributable to each tract. It found the BIA's acquisition of four tracts did not trigger a requirement for cumulative analysis. This case is on point with Roberts County and previous cases cited by the Board therein in which it noted that the collective loss attributable to the tracts at issue was still significantly below the 1 percent impact which the Board has characterized as "minimal." In this case the collective loss from the three tracts is .0283% of the total tax levy. The BIA is not required to consider speculative tax loss or cumulative tax loss. Shawano County, Wisconsin, Board of Supervisors and Town of Red Springs, Wisconsin v. Midwest Regional Director, 40 IBIA 241 (2005).

3. 25 C.F.R. § 151.10(f) Jurisdictional Problems and Potential Conflicts of Land Use

The Appellants argue that the acquisition of the land in trust will cause or aggravate potential conflicts of land use because the land will no longer be subject to the Village's zoning authority. The BIA properly noted that the Oneida Reservation is subject to P.L. 280 and that jurisdictional patterns are well established. No new or novel jurisdictional issues will be created. It is difficult to credit the Appellant's concerns about conflicts of land use because the Tribe plans to use the land consistent with its historical uses. It is clear from the Appellant's comments to the BIA that its concern is not with the three tracts at issue, but is a much larger policy concern arising from the Tribe's existence within Village limits. Its concerns arise from

its lack of exclusive regulatory authority. The Board has rejected this same argument as unpersuasive. City of Yreka, California, 51 IBIA 287, 296. The RD cannot meaningfully address this concern, nor is she required to. “[S]ection 151.10(f) requires the Regional Director to *consider* jurisdictional problems or potential conflicts; it does not require her to *resolve* those problems or issues.” Roberts County, 51 IBIA 35, 52 (2009). Bare assertions of jurisdictional impact are not persuasive where the land is within a reservation and the jurisdictional pattern is established. Ziebach County, South Dakota v. Acting Great Plains Regional Director, 38 IBIA 227 (2002). The Appellant also argued that the RD was required to consider the impact of gaming on the tracts. Nothing in any of the administrative records indicates that the Tribe intends to game on the three tracts at issue. The BIA is not required to consider or address speculative facts asserted by an appellant. City of Eagle Butte, South Dakota v. Acting Great Plains Regional Director, 49 IBIA 75 (2009); State of Iowa and Board of Supervisors of Pottawattamie County, Iowa v. Great Plains Regional Director, 38 IBIA 42 (2002). The RD’s decisions for all three tracts demonstrates that she considered jurisdictional issues and reasonably concluded that no new jurisdictional problems were likely to arise from acquiring the land in trust. She is not required to address the Appellant’s policy concerns. Menominee County v. Midwest Regional Director, 52 IBIA 72 (2010).

4. 25 C.F.R. § 151.10(g) BIA’s Ability to Administer the Additional Land

The Appellant has not challenged the BIA’s finding that it is equipped to provide administrative services to the land if acquired in trust. It has however, challenged the Tribe’s lack of an explanation of the services it will need from the BIA . The Appellant misapprehends the nature of this requirement. The Tribe is not required to explain what services it will need.

The BIA must assess for itself whether it is equipped to provide the administrative services and oversight resulting from accepting the land in trust. 25 C.F.R. § 151.10(g). Further, it is unlikely that the Appellant has standing to challenge the RD's findings on this criteria.

In assessing standing before the Board, the Board applies the principles of standing that guide the Federal courts, as set forth in *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992): A plaintiff (i.e., an appellant before the Board) must show that (1) he or she has suffered an actual or imminent, concrete and particularized injury to or invasion of a legally protected interest; (2) the injury is fairly traceable to the challenged action; and (3) the injury will likely be redressed by a favorable decision. *Northern Cheyenne Livestock Ass'n v. Acting Rocky Mountain Regional Director*, 48 IBIA 131, 136 (2008); *Evitt v. Acting Pacific Regional Director*, 38 IBIA 77, 79-81 (2002). In asserting a procedural injury under NEPA, the foregoing standards are relaxed: Appellants may prosecute their claims "without meeting all the normal standards for redressability and immediacy." *Arizona State Land Dep't v. Western Regional Director*, 43 IBIA 158, 169 n. 14 (2006) (quoting *Lujan*, 504 U.S. at 572 n.8)

In addition to the above constitutional elements of standing, the Board also adheres to principles of prudential standing, as articulated in *Ass'n of Data Processing Serv. Orgs. Inc. v. Camp*, 396 U.S. 150, 153 (1970): Appellants must show that the interest sought to be protected is arguably within the zone of interest to be protected or regulated by the statute (or regulation) in question. See *Wadena v. Midwest Regional Director*, 47 IBIA 21, 27 (2008); *Evitt*, 38 IBIA at 79.

Voices for Rural Living v. Acting Pacific Regional Directors, 49 IBIA 222, 232 (2009). The Appellant is not within the to be protected in determining whether the BIA is equipped to provide administrative service to the land to be acquired.

5. 25 C.F.R. § 151.10(h) Environmental Hazards

The Appellant argues that the RD failed to comply with the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 *et seq.* The RD's decisions for each of the three tracts notes that the BIA's guidelines for NEPA compliance are set forth at 516 DM 10 which permits the BIA to find that land acquisitions may qualify for a Categorical Exclusion (CATEX) from

compliance with NEPA if no change in land use is planned. “The bare decision to accept land into trust status does not, of itself, adversely affect Appellant nor does it, of itself, offend any environmental concerns: The decision effects a change of title from the Tribe to the United States, as trustee for the Tribe.” Voices for Rural Living v. Acting Pacific Regional Director, 49 IBIA 222, 234, fn 14 (2009). “Thus, the bare decision to take land into trust where no change in the use of the property is planned ordinarily does not implicate environmental concerns or NEPA and is categorically excluded.” Id. The Regional Environmental Protection Specialist, Regional Archaeologist and the RD all signed a CATEX for the Cornish tract noting that there was no change in land use proposed for the foreseeable future. (CB 2 AR 12). A CATEX was also signed for the Boyea tract again noting that no change in land use was proposed for the foreseeable future. (CB1 AR 8(9)). A CATEX was signed for the Gerbers tract on January 21, 2010. (G 1 AR 3 (9)). The Exception Checklist for BIA Categorical Exclusions for each signed and approved CATEX shows that none of the tracts met any of the factors which would have precluded the issuance of the CATEX.

The Departmental Manual at 516 DM 10 sets forth the guidance for BIA’s compliance with the NEPA process. It provides at 516 DM 10.3(A)(2) that tribal governments affected by a proposed action of the BIA shall be consulted during the preparation of environmental documents and, at their option, may cooperate in the review or preparation of such documents. It specifically provides that in such instances the BIA retains sole responsibility and discretion in all NEPA compliance matters. At 516 DM 10.5 the manual lists the categories of BIA actions which may be designated as categorical exclusions to NEPA and at 516 DM 10.5(I) specifically authorizes the BIA to issue a CADEX for approvals or grants of conveyances and other transfers

of interest in land where no change in land use is planned. NEPA does not require does not require agencies to elevate environmental concerns over other appropriate considerations and does not bar actions which affect the environment, even adversely. Voices for Rural Living at 239. The administrative record shows that the BIA fully complied with NEPA.

602 DM 2 requires any Department of Interior bureau or office to insure that it is fully apprised of potential contaminants issues on any land it proposed to be acquired by the United States. The bureau or office complies with this requirement by performing a environmental site assessment (ESA - but formerly referred to as a contaminants survey) on the property proposed to be acquired. An ESA was performed for each of the tracts at issue. (CB 1 AR 7(9), CB 2 AR 12, G 1 AR 11). The requirement for the ESA is to inform the decision maker of potential financial impacts arising from the acquisition of contaminated property so that the decision maker is fully informed of all costs arising from the acquisition and can weigh and consider such information in its decision. The Appellants have no standing to challenge the adequacy of an ESA because they are not the intended beneficiary of the information collected from the assessment. The Board has recognized that an appellant may have standing based on an environmental interest in the decision, but it must still show that it will suffer a concrete injury that affects it in a personal and individual way. Further, there must be a causal relationship between the injury and the conduct complained of. David Evitt, Russell Evitt, Doris Evitt, and James Edmonds v. Acting Pacific Regional Director, 38 IBIA 77, 80 (2002). “On appeal to the Board, the burden rests with appellants to show that BIA failed to consider one or more criteria, not to demand a particular level or degree of scrutiny.” Jackson County, Kansas and State of Kansas v. Southern Plains Regional Director, 47 IBIA 222, 231 (2009).

D. BIAS - The Regional Director's Decisions are Not Tainted by BIAS

The Appellant raises a new argument to the Board in its allegation that the BIA's decision making was tainted by bias. It did not make this argument before the RD. The Board ordinarily does not consider arguments raised for the first time on appeal and should decline to consider this argument. Jackson County, Kansas and State of Kansas, 47 IBIA 222, 231 (2008); Aitkin County, Minnesota v. Acting Midwest Regional Director, 47 IBIA 99, 106 fn 5 (2008); County of Mille Lacs, Minnesota v. Midwest Regional Director, 37 IBIA 169, 174 (2002).

Should the Board determine that it will hear this argument it should find that the BIA and tribal agreement are statutorily authorized and further Congressional policies supporting tribal self-determination. The Appellant alleges that the RD's decisions are tainted by bias because the BIA employees who prepared the files for the RD are employed by the BIA pursuant to an agreement with the Oneida Tribe. (Appendix to Appellant's Brief Docket No. 10-91 and 10-92, #34, referred to hereinafter as BIA/Tribal MOU). The Agreement notes that it is entered pursuant to 25 U.S.C. § 450(j) and § 458cc(b)(3) popularly known as the Indian Self-Determination and Education Assistance Act (ISDEAA) and the Tribal Self-Governance Act of 1994 (TSGA). The Oneida Tribe is a "self-governance" tribe and a copy of their annual funding agreement (AFA) is contained in the attachments to the Appellant's comments to the RD. (G 2 AR 17(P)). The intent of both Acts was to increase tribal control and decrease federal control over the provision of federal services to Indian people. 25 U.S.C. § 450(a) and Historical and Statutory Notes, 1994 Amendments, Pub. L. 103-413, Title II, § 201 (October 25, 1994), 108 Stat. 4270, enacting sections 458aa to 458hh. Pursuant to § 458cc(1) a self-governance funding agreement shall authorize the tribe to plan, conduct, consolidate, and administer programs,

services, functions, and activities, or portions thereof, administered by the Department of the Interior through the BIA. Subsection 458cc(2) provides that the BIA and the self-governance tribe may negotiate a plan to administer services, functions, activities or portions thereof, administered by the BIA. Pursuant to the ISDEAA and TSGA the Tribe could contract with the BIA to perform some or all of the realty functions which the BIA would have performed for the Tribe, except that a Tribe can not perform those functions deemed inherently federal. Thus, the Tribe and BIA have negotiated an agreement whereby the Tribe performs some aspects of land acquisition services which are essentially ministerial and has the BIA perform other aspects. The exercise of discretionary authority is retained by the BIA. In order insure that the BIA has sufficient staffing to perform its share of the retained functions the Tribe may reprogram its federal funding for that purpose. 25 U.S.C. § 458cc(3) and AFA, Paragraphs 4 and 5, and it has done so. Paragraph 9 of the AFA specifically provides that nothing in the agreement is permitted to diminish any funding or services to other tribes.

The BIA/Tribal MOU makes clear that the hiring, selection and rights of employees are governed by Title 5 of the United States Code and that they are employees of the BIA. All acquisitions are processed in accordance with 25 C.F.R Part 151. All discretionary decisions are either made or approved by BIA employees who are not employed pursuant to the agreement. The RD, who is completely independent of the agreement, approves the environmental documents and makes the final acquisition decision. The RD's decisions are subject to review by the Board. The federal courts have made clear that the BIA's decision making is not institutionally biased when it is complying with applicable statutes and Congressional policy toward Indians. "It requires a substantial showing of bias to disqualify a hearing officer in

administrative proceedings or to justify a ruling that the hearing was unfair.” State of South Dakota and Moody County, South Dakota v. United States Department of the Interior, 401 F. Supp.2d 1000, 1011 (D.S.D. 2005), *affirmed by*, 487 F.3d 548 (8th Cir. 2007). “In the absence of clear evidence to the contrary, courts should presume that public officers have discharged their official duties properly.” *Id.* at 1011. Plaintiffs bear the heavy burden of establishing that an administrative proceeding is unfair. *Id.* The institutional bias these Appellants complain of is precisely the same type of bias alleged in State of South Dakota and which the Court found lacked merit. The Appellants have not alleged any actual bias on the part of the BIA decision maker and their allegation of structural bias must fail because the agreement which they cite in support of it is statutorily authorized and furthers Congressional intent to let tribes decide for themselves how services should be provided.

Conclusion

As discussed more fully above it is clear that the Supreme Court’s decision in Carcieri v. Salazar does not apply to the Oneida Tribe. The United States determined in 1934 that the Tribe was under federal jurisdiction and qualified to be brought under the terms of the IRA and held an election to permit the Tribe to determine whether it wanted to take advantage of the benefits of it. The Tribe voted and accepted the IRA on December 6, 1934. The Board should decline to look behind the Department’s 1934 determination on this issue because such a challenge is neither timely nor supported by fact or law.

The Appellant’s constitutional arguments have all been previously rejected by the federal courts and provide no basis for the Board to vacate or remand the RD’s decision. Similarly, the Appellant’s argument that the BIA’s decision is tainted by bias arising from the BIA/Tribal

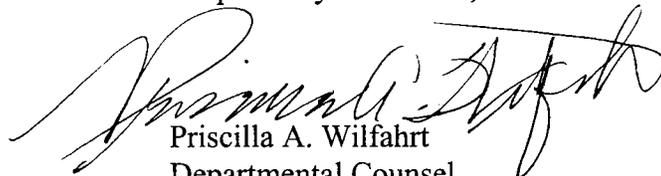
MOU must also fail because the argument is raised for the first time on appeal and because the agreement is statutorily authorized and in furtherance of Congressional intent for tribal self-determination.

The RD's decisions and supporting documentation in the administrative record show that the RD followed the procedural requirements of 25 C.F.R. Part 151 and reviewed and considered the appropriate criteria under 25 C.F.R. § 151.10. It is clear that the Appellant vehemently disagrees with the RD's decisions, but it has not shown that the decisions are in error. The Appellant's generic arguments for all three tracts does not show error in the RD's specific decisions for each tract at issue. Jackson County, Kansas v. Acting Southern Plains Regional Director, 49 IBIA 214 (2009). Disagreement is insufficient to carry the Appellant's burden of proof. Cass County, Minnesota and City of Cass Lake, Minnesota v. Midwest Regional Director, 42 IBIA 243 (2006). There is no requirement that BIA reach a particular conclusion with respect to each factor and the factors need not be weighed or balanced in a particular way or exhaustively analyzed. City of Eagle Butte, South Dakota v. Acting Great Plains Regional Director, 49 IBIA 75 (2009).

The Appellee respectfully requests the Board to affirm the BIA's decisions to acquire the Cornish, Boyea and Gerbers tracts of land in trust for the Oneida Tribe.

Submitted this 27th day of September, 2010.

Respectfully Submitted,



Priscilla A. Wilfahrt
Departmental Counsel

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Ten Years of Tribal Government Under I. R. A.

By **THEODORE H. HAAS**, Chief Counsel

United States Indian Service

UNITED STATES INDIAN SERVICE

1947

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UNITED STATES INDIAN SERVICE

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Ten Years of Tribal Government under the Indian Reorganization Act

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THE INDIAN REORGANIZATION ACT (48 Stat. 984), one of the most important and comprehensive Indian laws, was adopted a few days before the close of the first Congress which convened in the administration of Franklin D. Roosevelt. Although approved by the President on June 18, 1934, none of the authorized appropriations became available until May 1935. Though the Act dealt with a wide variety of subjects including land, credit, education, Indian employment and tribal organizations, this article will be confined to a discussion of the self-government feature.

KLAMATH INDIANS FIRST PROPOSED INCORPORATION IN 1927

The first suggestion for the incorporation of tribes was advanced in 1927 by the Klamath Indian tribe of Oregon. Indians of other tribes, including Vice President Curtis, a Kaw Indian, contributed many ideas which were embodied in the bill. The Indian Reorganization Act was presaged by the enactment by Congress of the Pueblo Relief Act on May 31, 1933, prohibiting the Secretary of the Interior from spending moneys appropriated under that Act for the various Pueblos "without first obtaining the approval of the governing authorities of the Pueblo affected."

While the Indian Reorganization bill was pending in Congress, Commissioner Collier and some of his principal aides attended ten meetings in various parts of the country to discuss and consult with delegations from Indian reservations and with other Indians about the proposed legislation. These conferences constituted a new precedent. They symbolized a new relation between the Indians and the Indian Office which the Commissioner hoped would evolve. In lieu of administrative absolutism there would be developed between government officials and Indians a partnership in the determination of many policies. Instead of the superintendents or Washington officials deciding everything, there would be an area for local self-government. If the Indian councils proved capable and faithful to their trust, they would be delegated additional power by the Secretary.

Under the terms of the Indian Reorganization Act power of approval or veto over the disposition of all tribal assets was given to the Indian tribes. It also authorized them to take over control of their own resources and to con-

duct tribal enterprises as membership corporations which would be subject to diminishing federal

supervision as the tribal leadership showed a desire for more control and an ability to direct their affairs. Other enumerated powers were the right to employ legal counsel (subject to the approval of the Secretary of the Interior with respect to the choice of counsel and the fixing of fees), the right to negotiate with federal, state and local governments and the right to be advised of all appropriation estimates affecting the tribes before such estimates are submitted to the Bureau of the Budget and Congress.

When a tribe is ready to draft its constitution, a constitutional committee of representative tribal members is chosen. It is the duty of this committee to draw up a constitution which will fit the needs of the tribe. The Department offers its assistance in the preparation of such documents, but only to the extent that such assistance is required. Scrupulous care is exercised to see that the document as drafted represents the wishes of the Indians.

When the constitutional committee has completed its draft and is ready to present the constitution to the tribal members for a vote on election is requested by the constitutional committee or by a petition signed by one-third of the adult members of the tribe. The calling of this election is mandatory upon the Secretary of the Interior when the request is made in the manner prescribed by law. Thus a tribe may vote repeatedly upon the question of adopting a constitution, in those cases where such elections have failed to carry. It is not within the Secretary's discretion to determine whether or not the election shall be called.

CONSTITUTIONS AND BY-LAWS SUBJECT TO AMENDMENT

The constitution and by-laws when ratified by majority vote of the adult members of the tribe or of the adult Indians residing on the reservation as the case might be, and approved by the Secretary of the Interior, could be revoked by an election open to the same voters and conducted in the same manner. Amendments may be ratified by the tribe and approved by the Secretary in the same manner as the original constitution and by-laws. The Act also provided that it should not be applicable to any reservation wherein a majority of all of the Indians entitled to vote, voted against its application. The original act provided that elections had to be called on the Act within one year after its approval. However, by the Act of June 15, 1935, this period was extended another year. The amendment to the act modified this rule so as to require a majority of those voting in an election in which not less than 30 per cent of those entitled to vote actually vote. Although many provisions of the statute did not originally apply to the Territory of Alaska or the State of Oklahoma, the Act of May 1, 1936, (49 Stat. 1250) and the Act of June 26, 1936, (49 Stat. 1967) extended the main provisions of the Indian Reorganization Act, with minor modifications, to Alaska and to Oklahoma.

During the period in which votes were taken on whether the Indian Reorganization Act should apply to the reservations, which extended from 1934 to 1936, 258 elections were held. The Oklahoma and Alaska Indians were not concerned in these elections as they were automatically brought under the law. In this balloting, 181 tribes (representing 129,750 Indians) voted to accept the law and 77 tribes (86,365 Indians) rejected it. About half of the latter were members of the Navajo Tribe (45,000) which rejected the act by a close vote.

At the present time there are 195 tribes, bands, and communities, or groups thereof, which are under the Indian Reorganization Act, excluding Indians in Oklahoma and Alaska. The Act applies to 14 groups of Indians who did not hold elections to exclude themselves from the application of the act.

On October 4, 1935 the first constitution prepared in accordance with the Indian Reorganization Act was adopted by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, by a vote of 549 to 123. It was approved by Secretary Ickes on October 28, 1935. Shortly there after constitutions were adopted and approved by the Rocky Boy's, Lower Brule and Fort Belknap Reservations. Ninety-three tribes, bands or Indian communities in the United States have adopted constitutions and by-laws, and seventy-three have been granted charters, permitting them to operate as business corporations.

Many constitutional provisions are substantially the same, notably those designed to enable the tribes to take advantage of the specific powers and benefits provided for in the Act. There are wide variations, however, in the provisions regarding tribal membership, the governmental organization, the safeguards available to individual members, the methods of handling tribal business and the extent of the supervision of the Secretary of the Interior.

TRIBAL GOVERNMENT TAKES MANY FORMS

While formal tribal organization has taken many forms, some governments have been adaptations of earlier tribal organizations. Some have merged the old and new forms and provided for a modern council and at the same time invested the chieftains with some power. A few organizations like the Minnesota Chippewas are confederacies.

After adopting a constitution and by-laws a tribe may, in accordance with section 17 of the Indian Reorganization Act, request the Secretary to issue a charter to the tribe. This request is made in the form of a petition signed by one-third of the adult Indians. The charter must be ratified by the tribe in a special election called by the Secretary. As in the case of the constitution, the calling of an election on the charter is mandatory when a petition is presented to the Secretary. A charter thus issued by the Secretary and ratified by the tribe may not be revoked or surrendered except by an Act of Congress.

CHARTERED TRIBES BECOME BUSINESS CORPORATIONS

Most tribes subsequently supplemented their constitutions and by-laws by adopting charters. The Indian Reorganization Act provides for the issuance to organized Indian tribes of charters containing such powers as are incident to the normal functioning of a business corporation, such as capacity to make contracts, to adopt and use its corporate seal, to sue and be sued in courts of competent jurisdiction, and other powers as set forth in the following language of section 17: "to purchase, take by gift, or bequest, or otherwise, own, hold, manage, operate and dispose of property of every description, real and personal, including the power to purchase restricted Indian lands, and to issue in exchange therefor interests in corporate property, and such further powers as may be incidental to the conduct of corporate business, not inconsistent with law,".

The exercise of corporate authority by a tribe is limited in certain respects by specific prohibitions against any sale, mortgage, or a lease for more than ten years, of any land within the reservation boundaries. The grant of a charter is made to enable a tribe more effectively to utilize the powers which it already possesses as an organized body, (55 I. D. 14), in promoting the welfare of its members. It bestows legal responsibility upon the organization and it adds weight to the legal status of the government body charged by the members with the duty and authority to administer the tribe's powers.

TRIBAL POWERS LIMITED

Neither the constitution and by-laws nor a corporate charter give the Tribal Council power to control the conduct of members of the tribe except in respect to the matters set forth therein. They do not interfere with the pursuit by the members of their own private objectives except in such ways and to such an extent as the members themselves have agreed. They do not interfere with allotment rights or shares in tribal benefits. The property with which the Tribal Council may deal is only the property of the tribe as a whole, not that of the individual members. Several tribes, which have constitutions but failed to ratify charters, have recently ratified charters, and thus have become eligible for loans under the revolving credit fund.

Many tribal governments are approaching the end of the first decade of their operation. To some tribes with corporate charters the end of the first ten years has a special significance. Most of the I. R. A. charters provide that after the charters have been in effect for a specified period of years certain supervisory powers of the Secretary of the Interior may be terminated by action of the tribal council, the Secretary and the tribe. In some charters the supervisory powers of the Secretary may be terminated after a period of five years. If the Secretary disapproves the request for termination by the tribal council, the council may be freed from this supervision if two-thirds of the eligible voters of the tribe concur.

SOME DIFFICULTIES OF TRIBAL GOVERNMENT

Before the various aspects of tribal governments are discussed, some of their difficulties, past and present, will be reviewed under the following headings:

1. Federal Indian Policy.
2. Institutional opposition to tribal government within the Indian Office.
3. Lack of familiarity among the Indians with white culture.
4. Misunderstandings and misinterpretations of the Indian Reorganization Act.
5. The war.
6. Abolition of the direct governmental services to tribal government.

1. **Federal Indian Policy.** Until comparatively recently the policy of the Federal Government has been to convert the Indian to the conventional land owning white farmer. The first step consisted in an attempt to break up tribal assets into individual allotments, to terminate historical tribal governments, and to suppress Indian customs and tribal laws. As a result some tribal governments had virtually disintegrated or had lost a great deal of their original vigor and importance. Broken treaties and promises, and harsh to cruel treatment naturally caused many Indians to feel varying degrees of hostility to the white race. The suspicion was ingrained that any new policy which might be started by the government was motivated by a desire to aid the whites and hurt the Indians. Since Indians were denied their natural way of life, the government had to establish the odious ration system which sapped initiative and resourcefulness. Many of the Indians became dependent upon government aid as a consequence. A tradition of need for assistance therefore has been developed among many who have experienced long periods of dependency on rations or other government assistance as well as unemployment or partial employment.

2. **Institutional opposition to tribal government within the Indian Office.** When the Indian Reorganization Act was enacted in 1934 a large number of Indian Service officials, including superintendents and chiefs of divisions in the agencies and central office, were skeptical of its success; in fact there were some who did not believe in Indian self-government. During several previous decades some important officials of the Service were lukewarm, or even unfriendly to many tribal councils. These employees, consciously or unconsciously, relegated Indian organization to the background. They absented themselves from council meetings.* Indian leaders frequently were not advised of reservation programs and other important acts. Often they were not consulted in the formulation of reservation plans. The attitude of the local administration in such cases may be likened to that of a colonial administrator who feels a keen sense of duty as a superior over on inferior, people whose

*Some superintendents who were sympathetic with self-government did not attend tribal council meetings unless asked, because they did not wish to influence the council.

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lives he controls. The feeling that Indians are not prepared to handle their own affairs, though prompted by high motives, may result in a display of paternalism towards the Indians which they will deeply resent. Any mistakes of tribal governments, which supported the preconceived idea that Indians were unfit, loomed large. Achievements, by the same mental process were forgotten. Fear was manifest among a few that their own power would be to a great extent jeopardized by another body having something to say about the management of the reservation. They betrayed an obvious annoyance when the council made recommendations concerning matters which they regarded as peculiarly a governmental responsibility, one within their purview, of course. While there has been great progress, there is still room for improvement.

3. **Lack of familiarity among the Indians with white culture.** With the exception of a comparatively few tribes and individual Indians, American Indians are among the most economically depressed groups in the country. Educated Indians and those experienced in white methods often leave the reservation. While there has been a great improvement in the amount of education which most Indians receive, it is still several years less than that of most whites in neighboring communities. This leaves a dearth of educated leadership to carry on at home. Also the inability of many of the older

Indians to understand English and many of the younger Indians to understand their native Indian tongue adds additional barriers. Lack of understanding and cooperation between the new and the old generation, an inevitable consequence in a rapidly changing culture, is often used to keep Indians in a divided status. Indians in some states are disenfranchised, and even in states where they vote, nowhere, save possibly in the State of Oklahoma, are many Indians elected or appointed to important offices. All these factors indirectly reflect on local Indians. For example most Indian councilmen had little experience in local government or in political matters generally prior to the institution of self-government on the reservation. Deeply frustrated groups are often plagued by internal rivalry and factionalism. Scapegoats are often sought. The Indians' plight is blamed on a person, a Bureau or a statute. The Commissioner of Indian Affairs, the Indian Office, the Superintendent, Council or the I. R. A. may be attacked as the cause of all woes.

4. Misunderstandings and misinterpretations of the Indian Reorganization Act. Prior to the enactment of the Indian Reorganization Act during the early discussions of it, there was some condemnation by the delegates attending regional-held meetings over the country, based on misunderstanding of the probable effect of the statute, or on reasons not connected with the proposed legislation. As was to be anticipated, some opponents of the new administration including selfish vested interests, conducted a nation-wide campaign of false propaganda to defeat the measure. Real estate interests which had been acquiring Indian lands by devious methods, and stockmen and lumber

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interests which had profited by the inability of the Indians to protect their own resources, waged a campaign designed to perpetuate their privileges, often through hired Indians. Fantastic rumors were spread, such as: the bill was designed to deprive the Indians of the interests in their lands, to take away their allotments and communize them, to put the church out of business, and forbid missionaries to work among the Indians. For example, the Navajo Tribe rejected the act by a close vote because many voted in the negative, misadvised that its adoption would result in the confiscation of their sheep and goats by the government. Even before the voting was over there was started the first periodic drive by whites to scuttle the I.R.A., abolish the Indian Service, and terminate Federal guardianship over resources. This drive has recurred periodically. Another method of attack is to resort to litigation to vacate sentences of tribal courts imposed for violations of tribal ordinances.

5. The war. Since most Indian reservations are in rural, thinly populated regions, the difficulties of transportation within recent times have greatly added to the problem of communication so necessary to unity, between Indian leaders on and off the reservations. Various meetings, including those called by the Indian Service to exchange ideas and diffuse knowledge helpful to tribal organization, have been stopped because of travel restrictions and cuts in appropriations. Many courageous and able leaders were in the armed services or defense industries. Many have recently returned and are again playing a vital role in tribal affairs.

6. Abolition of direct governmental services to tribal government. The field staff of the Organization Division, all of whom were Indians, selected for their zealous espousal of Indian participation, stimulated tribal self-government. The failure of Congress to appropriate money for this work has retarded the development of tribal organizations on some reservations.

ACHIEVEMENTS OF TRIBAL GOVERNMENT

The achievements of tribal governments despite the difficulties which I have briefly enumerated have nevertheless been a long step forward. On some reservations work in tribal self-government has been laudable. Most tribal councilmen are seriously endeavoring to exercise their powers wisely and thoughtfully, because they have a stake in the final outcome. On this very principle the government predicates its whole program of self-government, namely that people who are most active in the making of their government will in the long run do most to perfect it. A resume of the accomplishments of tribal governments will prove this thesis.

1. **Self-government and the war.** Enemy propaganda has sought, according to reports, to exploit the weakest link in our political and economic system. Failure to live up entirely to the American creed of brotherhood and equality has been assailed, particularly in connection with minorities. Persons of Indian ancestry have been included. While sowing the seeds of prejudice

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in various religious and racial groups, the enemy propagandists argued that the United States had broken treaties with the Indians and impoverished them by reducing the area and quality of their land. Such propaganda for many reasons has had little effect on the American Indian. Even before the outbreak of the war with Germany and Japan some Indian tribes like the Confederated Tribes of the Warm Springs Reservation of Oregon passed resolutions denouncing this propaganda.

There is no doubt that the gradual increase in self-government among the Indians during the last decade has contributed much toward overcoming historical bitterness and mistrust felt by some Indian groups against the United States. This has been evidenced by Indian leaders who frequently expressed their patriotism by speeches and deeds. Tribal councils invested over two million and a half dollars of funds in war bonds besides making sizable contributions to the Red Cross. Moneys were also set aside by some tribes to make loans to tribal members to pay transportation and tuition to trade schools in order to prepare members for defense work. A considerable amount of tribal land was permitted, leased or sold to the United States government for war purposes.

2. **Management of tribal resources.** One of the major functions of tribal councils is the management of tribal property. However, on allotted reservations containing little tribal land or other tribal resources, some tribal councils found it difficult to maintain interest in self-government after the novelty of elections had worn off. Some of the Lake States with meager tribal assets emphasized social and recreational activities. In other similar situations, as for example in the State of Oklahoma, the councils were mainly concerned with loans, leases, rehabilitation and relief. The chairman of the Caddo Council, by July 1940, intimated that the tribal revolving credit fund had enabled almost one-third of the tribal membership to be rehabilitated and taken off direct relief.

Tribal councils on the whole have exercised good judgment in controlling their resources. Tribal funds have been used to acquire fractionated heirship lands, to make loans for the purchase of land, livestock and equipment for individual members, and for tribal enterprises, such as livestock cooperative

associations, tribal farming enterprises (including the producing of hay on tribal land), producers and consumers co-operatives, and arts and crafts organizations. Group action through corporations and cooperatives has increased the utilization of Indian resources. When the resources are owned by the tribe, the benefits of the enterprise accrue to members of the tribe as a whole. Prior to the passage of the I.R.A., only a handful of livestock associations were organized. Now they have increased in strength and number totaling about 160 cooperative livestock associations. Approximately 40 per cent of the Indian-owned beef cattle is managed by livestock associations which

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have played an important role in improving breeding and management practices, range control, and feed production and cooperative sales. They have not only materially increased the income derived from the sale of cattle but they have enabled the Indians to utilize more fully the range lands, including the forestry areas suitable for grazing, aggregating approximately 80 per cent of the total Indian land resources.

In the initial stages of these enterprises supervision is usually given by Indian Service personnel to insure efficient operation and protection of the loan of the Federal Government. When the enterprise has created a sufficient surplus to insure its repayment, supervision is gradually relinquished until full responsibility is finally assumed by the Indians. Unfortunately this process is often slow.

Land management laws dealing with assignment, leasing, permitting and use of tribal lands also have been passed. Unfortunately economic plans for the use of Indian property are sometimes made by Indian Service officials with little or no participation by the Indians. Nevertheless, in my opinion there has been a slow but gradual increase in the amount of consultation by government officials with Indian leaders in the framing of policies. It is becoming recognized that a plan, no matter how idyllic, which is not favored by the people affected may be doomed to failure.

An increasing number of ordinances have been enacted by tribal councils to protect fish and wildlife, to provide a better and more equitable use of tribal land, and to conserve tribal land from overgrazing. For instance, recently the Papago Tribal Council enacted ordinances reducing excessive stock on tribal lands and eradicating horses infected with dourine. The White Mountain Apaches have appropriated money to round up wild horses.

The power to approve loans from revolving credit funds to members has been granted to the Flathead Tribe. It is reported that on the whole the tribal loan committee has been successful. In a few jurisdictions there had been abuses of the power to control certain tribal assets and distribute funds. A few tribal treasurers have misused funds and councilmen, in instances, have appropriated to their own use substantial sums by paying larger per diems or for excessive travel. Others have favored relatives and friends. But these are only the exceptional cases.

3. Social welfare and education. Some tribes having conducted very extensive home improvement and public works programs, are thus beginning to supplement the work of the government in the field of social service. The Apache Tribe of the Mescalero Reservation in New Mexico has constructed houses for each of the families. Tribal loans have been given Indians requiring special medical attention not

available at local government hospitals. In addition, committees have assisted in health, education and relief. In a few places the whole relief program has been financed by the

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tribe. Almost thirty councils have included a compulsory education section in their law and order code and three councils have adopted special compulsory education ordinances. Tribal funds have been used to employ truant officers.

The Makah Tribe of the Makah Indian Reservation, Washington, bought from the United States Government an abandoned construction camp no longer needed by the U.S. Engineers. Under the direction of a tribal council almost entirely composed of fullbloods, 64 new dwellings were moved to the Village of Neah Bay, the most populous village in the reservation, and about 250 members of the tribe secured vastly improved homes as a result. Twenty-four other buildings are utilized as boat houses, garages, wood shacks and other purposes. About \$60,000 of tribal funds was expended on the buildings and their removal.

4. **Law and order.** Under the revised law and order regulations promulgated by the Department soon after the passage of the Indian Reorganization Act, Indian Service officials are prohibited from controlling, obstructing or interfering with the functions of the Indian courts. Many councils have adopted their own law and order codes for their reservations which, after Secretarial approval, supersede the general regulations. Indian judges, while not always meticulous in following the proper procedure, have usually been conscientious and able in dispensing justice. Yet there is room for improvement in this field. The remuneration of Indian judges and Indian police is very low. Their training in law and procedure is often slight.

5. **Miscellaneous.** Tribal governing bodies besides those mentioned above have also enacted ordinances and resolutions dealing with a wide variety of other subjects. These include the correction of census rolls, the adoption and abandonment of membership, domestic relations including adoption, marriage, divorce and the appointment of guardians, inheritance, taxation and licensing, and tribal organizations and procedure. Variations in legislation will depend upon many facts, such as the power vested in the tribal councils by the tribal constitution, the local conditions and the calibre of the tribal officials. In distant Alaska the council of the native village of Noatak passed ordinances dealing with building permits, the making of wills and the straying of dogs.

6. **Medium for communication. Ignorance breeds many ills.** Maladministration, misunderstanding, and the dissemination of misinformation result when the channels of communication break down or are defective. The isolation of many reservations makes the transmission of developments in the Service of special importance. One of the major problems of the local agency administration is to diffuse a knowledge of its policies and of other important facts to local personnel and others principally affected.

Tribal leaders having a responsibility of conveying the news to their

people should be kept advised of matters of importance to the Indians. Tribal Councils offer an excellent medium for the transmittal of this information. Furthermore, by conferences involving the council, the superintendents, and other government officials, an opportunity is afforded to become acquainted with Indian leaders and vice versa.

7. Recommendations. Community government also furnishes a means whereby administrators may know the opinions, hopes and aspirations of the Indians. Officials who are inclined to resent recommendations of Indian councils which they consider are in a field outside of the jurisdiction of the council are treading on doubtful ground. It is not uncommon for state legislatures, municipal councils and even Indian Service superintendents to pass resolutions concerning matters outside of their purview. Tribal councils who might do likewise should not be discouraged. Administrators should appreciate the insight gained thereby into Indian thinking. An ability to vocalize a complaint constitutes an emotional outlet of distinct social value.

A provision of the Indian Reorganization Act whereby the tribal councils were authorized to advise the Secretary of the Interior with regard to all appropriation estimates of Federal projects for the benefit of the tribe has apparently been disregarded in part because of the administrative difficulties involved. I believe that explaining to the councils these estimates and securing their views would be a very important educational process for both the Indian and the government personnel. An important step has already been taken. Budgets involving the use of tribal funds are discussed with the appropriate tribal council.

8. Improvement. Many effective and modern procedures have been established by councils in the conduct of business affairs and meetings. Tribal offices are now in evidence, some in the agency building and others in a separate tribal building. The number of persons who go to these tribal offices for assistance on some jurisdictions exceeds those who visit the agency.

Most of the Indians have also increased their knowledge of their constitutions and charters. There are still, however, many questions of interpretation of these documents which sometimes test the ingenuity of lawyers. Some tribal officials have been accused of violating provisions of their constitutions. Such actions may violate the Law and Order Code, in which case a remedy lies through a complaint of the tribal court. In others, recourse may be found in the impeachment or recall of the official, where the constitution provides for such remedies. Finally the electorate has, in all cases, the ability to elect new officials on the next election day.

9. Tribes not organized under the I. R. A. Four tribes which voted to come under the Indian Reorganization Act are operating under constitutions not under the Act.

Thirteen tribes which are not under the Indian Reorganization Act are

operating under constitutions. Eight of these constitutions have been approved by the Commissioner of Indian Affairs. The governing body provided for in some of these constitutions has considerable power. In other constitutions the powers are meager.

Under the present law, tribes which are not under the Indian Reorganization Act, cannot come within its provisions, and tribes which are under the Act cannot exclude themselves from its provisions.

10. Relation between Indian self-government and world peace. Democracy in many parts of the world is on the march; a march that is increasing in tempo. The economic income of oppressed people throughout the world has become a concern for all and is receiving widespread attention. World peace is linked up with the attainment of more self-government, the decline of imperialism and the elimination of general poverty. Colonial people everywhere are looking hopefully to the United States Government. It is especially important that this country demonstrate the sincerity of its ideals and its ability to effectuate them. On every front this must be exemplified by the increasing substitution of local self-government even on the smallest reservations, for bureaucratic control. The Indian Office, together with tribal councils, by increasing the standard of living of depressed Indian groups and achieving a high measure of self-determination, will be in the vanguard of the movement for greater economic and political democracy.

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Table A

**Indian Tribes, Bands and Communities
Which Voted to Accept or Reject the Terms
of the Indian Reorganization Act,
the Dates When Elections Were Held,
and the Votes Cast**

ACTION BY TRIBES ON INDIAN REORGANIZATION ACT

(Those listed in black face type accepted the act)

STATE	RESERVATION POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
ARIZONA					
Colorado River Agency:					
	Colorado River...	705	365	119	8 Dec.15,1934
	Fort Mojave.....	432	265	102	8 Dec.15
	Cocopah.....	32	18	4	0 Nov.17
Fort Apache Agency:					
	Fort Apache.....	2718	1340	726	21 Apr.27,1935
Papago Agency:					
	Gila Bend.....	228	120	18	0 Dec.15
	Papago.....	5146	3028	1267	166 Dec.15
	San Xavier.....	525	283	158	22 Dec.15

Pima Agency:

Fort McDowell...	205	111	65	7 Oct.27,1934
Gila River.....	4659	2308	1188	116 Dec.15
Salt River.....	1049	592	194	66 Dec.15
Ak Chin.....	179	87	53	15 Dec.15

ACTION BY TRIBES ON INDIAN REORGANIZATION ACT

(Arizona cont.)

(Those listed in black face type accepted the act)

STATE	RESERVATION	POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
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ARIZONA

San Carlos Agency:

San Carlos.....	2843	1473	504	22 Oct.27
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Hopi Agency:

Hopi.....	2538	519	299	June15,1935
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Truxton Agency:

Havasupai.....	201	106	72	3 June15
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Hualapai.....	451	256	37	22 June15
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Camp Verde (Yavapai Apache)	451	259	112	20 Dec.15,1934
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Navajo Agency
(Arizona, New Mexico)

43135 15900 7608 7992 June14-15

ACTION BY TRIBES ON INDIAN REORGANIZATION ACT

(California)

(Those listed in black face type accepted the act)

STATE	RESERVATION	POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
CALIFORNIA						
Colorado River Agency:						
	Fort Yuma (Quechan).....	819	402	192	32	Nov.17,1934
Hoopa Valley Agency:						
	Hoopa Valley Reservation.....	554	240	8	174	Dec.15
	Klamath River.....	925	375	38	256	Dec.15
	*Quartz Valley...					
	Rancherias:.....	411				
	Smith River.....		41	1	31	June14,1935
	Crescent City.....		8	6	0	June14
	Hobnerville.....		9	1	5	June14
	Table Bluff.....		26	0	10	June14
	Trinidad.....		4	4	0	June14
	**Blue Lake.....	No Votes				June14

ACTION BY TRIBES ON INDIAN REORGANIZATION ACT

(California cont.)

(Those listed in black face type accepted the act)

STATE	RESERVATION	POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
CALIFORNIA						
Mission Agency:						
	Augustine.....	14	13	0		6 Dec.18,1934
	Cabazon.....	29	17	0		7 Dec.18
	Cahuilla.....	107	69	3		33 Dec.18
	Campe.....	135	73	7		18 Dec.18
	Capitan Grande (Including Barona)	160	87	37		35 Dec.18
	**Cuyapaipe.....	No Votes				Dec.18
	Inaja.....	33	22	0		15 Dec.18
	Laguna.....	3	1	1		0 Dec.18
	LaJolla.....	221	145	28		68 Dec.18
	La Posta.....	3	3	2		0 Dec.18
	Los Coyotes.....	88	52	3		37 Dec.18
	Manzanita.....	67	36	3		0 Dec.18
	Mesa Grande.....	218	119	9		64 Dec.18
	Pala.....	205	121	7		66 Dec.18

*Indians residing on lands purchased from I.R.A. funds. Group is organized under the I.R.A

**Act applies since Indians did not vote against it applications.

***Act applies since less than 30 percent of eligible voters participated in the election.

ACTION BY TRIBES ON INDIAN REORGANIZATION ACT

(California cont.)

(Those listed in black face type accepted the act)

STATE	RESERVATION	POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
CALIFORNIA						
Mission Agency (cont.):						
	Mission Creek.....	20	10	0		3 Dec.18
	Morongo.....	292	173	25		79 Dec.15
	Palm Springs.....	50	31	4		16 Dec.15
	Pauma.....	69	37	0		23 Dec.15
	Pechanga.....	216	156	14		48 Dec.15
	Rincon.....	181	114	22		58 Dec.15
	San Manuel.....	40	25	2		10 Dec.15
	San Pascual.....	9	3	2		1 Dec.15
	Santa Rosa.....	50	32	3		13 Dec.15
	Santa Ynez.....	90	48	20		0 Dec.15
	Santa Ysabel.....	237	122	14		47 Dec.15
	Soboba.....	122	76	6		57 Dec.15
	Sycuan.....	35	23	6		16 Dec.15
	Torres Martinez....	198	117	11		66 Dec.15

ACTION BY TRIBES ON INDIAN REORGANIZATION ACT

(California cont.)

(Those listed in black face type accepted the act)

STATE	RESERVATION	POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
CALIFORNIA						
Sacramento Agency:						

Alexander Valley	14	14	0 June11,1935
Alturas	13	6	5 June8
Auburn.....	36	5	16 June14
Berry Creek.....	49	0	26 June12
**Big Bend	No Votes		
Big Sandy.....	38	1	25 June8
Big Valley	46	21	4 June8
Cache Creek	15	7	3 June8
Buena Vista	4	2	0 June12
**Cedarville	No Residents		
Cloverdale	20	10	0 June11
Cold Springs.....	47	0	23 June8
**Colfax	No Residents		
Colusa	36	25	1 June12
Cortina	20	12	0 June12

ACTION BY TRIBES ON INDIAN REORGANIZATION ACT

(California cont.)

(Those listed in black face type accepted the act)

STATE	RESERVATION	POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
CALIFORNIA						
Sacramento Agency (cont.):						
	Coyote Valley		8	0		1 June10-30
	Dry Creek.....		49	8		17 June10-30
	East Lake (Robinson)		46	19		13 June8
	Enterprise.....		29	7		17 June12

Fort Bidwell.....	41	27	2 June8
Guideville.....	25	14	1 June10
Grindstone.....	27	11	0 June14
Hopland.....	56	28	3 June10
Jamestown.....	5	0	5 June11
Jackson.....	3	3	0 June12
Laytonville.....	29	7	11 June10
Likely.....	30	19	1 June8
Lookout.....	12	6	2 June8
**Lytton.....	No Residents		
Manchester.....	46	30	0 June11

ACTION BY TRIBES ON INDIAN REORGANIZATION ACT

(California cont.)

(Those listed in black face type accepted the act)

STATE	RESERVATION	POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
CALIFORNIA						
Sacramento Agency (cont):						
	Middletown.....		13	10		0 June8
	**Millerton.....	No Residents				
	Mooretown.....		43	0	34	June12
	Montgomery Creek.....		7	5		2 June10
	Nevada City.....		18	6		2 June14
	Northfork.....		6	0	4	June10
	Paskenta.....		26	17		0 June10
	Picayune.....		11	3	7	June10
	Pinoleville.....		51	29		1 June10

Pitt River.....	2	0	2 June10
Potter Valley.....	26	10	3 June10
Redding.....	12	2	4 June11
Redwood Valley.	18	16	0 June10
Rumsay.....	11	10	0 June12
**Santa Rose.....	Indians refused to Hold Election		

ACTION BY TRIBES ON INDIAN REORGANIZATION ACT

(California cont.)

(Those listed in black face type accepted the act)

STATE	RESERVATION	POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
CALIFORNIA						
Sacramento Agency (cont.):						
	**Sebastopol.....	No Residents				
	Scotts Valley.....		17	0		10 June8
	Sheep Ranch.....		1	1		0 June12
	Sherwood.....		35	10		12 June10
	Shingle Springs.....		3	0		3 June13
	Stewarts Point....		70	51		10 June11
	Strawberry Valley.		10	0		6 June14,1935
	Sulphur Banks....		20	11		7
	Susanville.....		9	6		0 June12
	Table Mountain....		16	2		10 June8
	**Strathmore.....	No Residents				
	Taylorville.....		4	2		0 June12
	Tuolumne.....		40	37		0 June11
	Tule River.....	186	94	50		2 Nov.17,1934
	Upper Lake.....		36	7		4
	Wilton.....	40	14	12		0 June15,1935

Round Valley (Covelo).....	827	458	138	36 Nov.17,1934
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ACTION BY TRIBES ON INDIAN REORGANIZATION ACT

(Those listed in black face type accepted the act)

STATE	RESERVATION POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
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COLORADO

Consolidated Ute
Agency:

Southern Ute.....	389	129	85	10 June10,1935
Ute Mountain.....	445	225	9	3 June12

FLORIDA

Seminole Agency:

Seminole.....	580	295	21	0 March30
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IDAHO

Northern Idaho
Agency:

Coeur d' Alene.....	634	203	76	78 Nov.17,1934
Kalispel.....	88	38	29	2 Nov.17
Nez Perce.....	1399	608	214	252 Nov.17

Fort Hall Agency:

Fort Hall.....	1839	971	375	31 Oct.27
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ACTION BY TRIBES ON INDIAN REORGANIZATION ACT

(Those listed in black face type accepted the act)

STATE	RESERVATION POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
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IOWA

Tomah Agency:

Sac & Fox.....	419	198	63	13	June15,1935
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KANSAS

Potawatomi Agency:

Iowa.....	498	245	115	3	June15
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Kickapoo.....	308	151	74	16	June15
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Sac & Fox.....	99	49	32	3	June15
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Potawatomi.....	955	469	198	122	June15
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LOUISIANA

Choctaw Agency:

Chitimacha.....	128	35	25	3	May14
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ACTION BY TRIBES ON INDIAN REORGANIZATION ACT

(Those listed in black face type accepted the act)

STATE	RESERVATION	POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
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MINNESOTA

Consolidated Chippewa Agency:

Fond du Lac.....	1298	725	167	28	Nov.17,1934
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Grand Portage....	377	179	75	4 Oct.27
Leech Lake.....	2076	961	375	60 Oct.27
(Cass Lake & Winnibigoshish, White Oak Point)				
White Earth.....	8059	4169	122	245 Oct.27
Nett Lake (Boise Fort).....	627	317	159	7 Oct.27

Red Lake Agency:

Red Lake.....	1968	828	418	24 Nov.17
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Pipestone School

Lower Sioux.....				
Granite Falls.....			Voted as one group	
Prairie Island.....				

ACTION BY TRIBES ON INDIAN REORGANIZATION ACT

(Those listed in black face type accepted the act)

STATE	RESERVATION	POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
MICHIGAN						
Great Lakes Agency:	L'Anse.....		558	413		8 June17,1935
	Bay Mills.....		95	42		25 June17,1935
	Hannahville.....			47		3 June17,1935
	Ontanagon.....					Voted with L'Anse

Tomah Agency:

Isabelle (Swan Creek-Black River-Saginaw).....	424	237	112 June17
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MISSISSIPPI

Choctaw Agency:

Choctaw	1792	736	218 21 March30
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ACTION BY TRIBES ON INDIAN REORGANIZATION ACT

(Those listed in black face type accepted the act)

STATE	RESERVATION POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
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MONTANA

Blackfeet Agency:

Blackfeet	3962	1785	823	171 Oct.27,1934
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Flathead Agency:

Flathead	2964	1218	494	166 Dec.15
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Fort Belknap Agency:

Rocky Boy's	676	344	179	7 Oct.27
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Tongue River Agency:

Tongue River	1541	757	418	96 Oct.27
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Crow Agency:

Crow.....	2082	982	112	689 May18,1935
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Fort Peck Agency:

Fort Peck..... 2663 1027 276 578 Dec.15,1934

ACTION BY TRIBES ON INDIAN REORGANIZATION ACT

(Those listed in black face type accepted the act)

STATE	RESERVATION	POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
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NEBRASKA

Winnebago Agency:

	Omaha.....	1642	807	212		17 Oct.27
	Ponca.....	392	192	64		4 Nov.17
	Santee.....	1277	627	260		29 Nov.17
	Winnebago.....	1187	583	133		52 Oct.27

NEVADA

Carson Agency:

	*Duckwater (Shoshone).....					
	Fort McDermitt..	273	89	73		2 Nov.17
	Pyramid Lake.....	549	277	151		54 Dec.15

ACTION BY TRIBES ON INDIAN REORGANIZATION ACT

(Nevada cont.)

(Those listed in black face type accepted the act)

STATE	RESERVATION POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
NEVADA					
Carson Agency (cont.):					
	Summit Lake.....	64	14	10	4 May24,1935
	Reno-Sparks.....	205	95	53	5 June10
	Dresslerville.....	170	75	58	1 June10
	Lovelock.....	134	45	31	10 June11
	Winnemucca.....	35	26	15	0 June11
	Battle Mountain.	28	14	9	0 June14
	Elko.....	73	40	34	0 June14
	Ely.....	64	35	8	6 June17
	Moapa River.....	158	84	42	3 Nov.17,1934
	Las Vegas Tract.	40	22	10	2 May17,1935
	Big Pine.....	20	11	0	11 June11
	Bishop.....	171	93	1	68 June11
	Fallon.....	426	247	39	74 May17

ACTION BY TRIBES ON INDIAN REORGANIZATION ACT

(Nevada cont.)

(Those listed in black face type accepted the act)

STATE	RESERVATION	POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
NEVADA						

Carson Agency
(cont.):

Ft. Independence	74	49	4	29 May24
Indian Ranch.....	28	8	8	0 May14
Red Hill.....		19	1	12 May11
**Walker River.	492	301	37	41 Nov.17,1934
West Bishop.....		14	1	9 June11,1935
Yerington.....	72	51	31	3 June15
Yomba.....				

Western Shoshone
Agency:

Duck Valley (Shoshone-Paiute)	516	383	191	12 Oct.27,1934
Gandy.....	6	4	4	0 May5,1935
Goshute.....	155	81	21	0 May14
Skull Valley.....	41	21	9	5 Nov.21,1934

ACTION BY TRIBES ON INDIAN REORGANIZATION ACT

(Those listed in black face type accepted the act)

STATE	RESERVATION POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
NEW MEXICO					
Mescalero Agency:					
	Mescalero.....	722	367	273	11 Dec.15
United Pueblos Agency:					
	Acoma.....	1125	597	283	0 Dec.15
	Cochiti.....	305	167	121	0 Dec.15
	Isleta.....	1103	567	138	7 June17,1935
	Jemez.....	677	351	84	178 June17
	Laguna.....	2271	1315	776	66 Oct.27.1935
	Nambe.....	128	72	52	1 Dec.15

Picuris.....	117	59	51	0 Oct.27
Pojoaque.....	9	8	7	0 April13,1935
Sandia.....	129	69	15	0 Dec.15
San Ildefonso.....	126	62	57	4 April13
San Felipe.....	596	331	224	0 June17,1935
San Juan.....	561	280	243	0 Dec.15,1934
Santa Ana.....	241	148	100	0 June17
Santa Clara.....	400	200	134	34 April13
Santa Domingo...	866	476	171	1 June17
Sia.....	189	92	82	0 June17
Taos.....	745	402	303	36 Oct.27
Tesuque.....	123	71	67	0 Dec.15
Zuni.....	2051	1066	505	0 Nov.17,1934

ACTION BY TRIBES ON INDIAN REORGANIZATION ACT

(Those listed in black face type accepted the act)

STATE	RESERVATION	POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
NEW YORK						
New York Agency:						
	Allegany.....		548	37	298	June10,1935
	Cattaraugus.....		864	101	475	June14
	Cornplanter (Pennsylvania)....			23	17	June15
	Onondaga.....		350	17	206	June15
	St. Regis.....		800	46	237	June8
	Tonawanda.....		338	42	175	June11
	Tuscarora.....		225	6	132	June12
NORTH CAROLINA						
Cherokee Agency:						
	Qualla Boundary (Eastern Cherokee).....	3254	1114	700	101	Dec.20,1934
NORTH DAKOTA						
Fort Berthold Agency:						

	Fort Berthold.....	1569	61	477	139 Nov.17,1934
Fort Totten Agency:					
	Fort Totten.....	960	521	144	233 Nov.17
Standing Rock Agency:					
	Standing Rock				
	(North Dakota).....	1677			
	(South Dakota).....	2098	1559	668	508 Oct.27
Turtle Mountain Agency:					
	Turtle Mountain.....	6034	1181	257	550 June15,1935

ACTION BY TRIBES ON INDIAN REORGANIZATION ACT

(Those listed in black face type accepted the act)

STATE	RESERVATION POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
OREGON					
Klamath Agency:					
	Klamath.....	1364	666	56	408 June15
Umatilla Agency:					
	Umatilla.....	1140	681	155	299 June15
Grand Ronde-Siletz Agency:					
	Grande Ronde....	356	213	102	68 April 6
	Siletz.....	465	233	54	123 April 6
Warm Springs Agency:					
	Warm Springs.....	992	394	260	74 April 6
	Burns.....		67	48	1 April 6
SOUTH CAROLINA					
Cherokee Agency:					
	**Catawba.....				

ACTION BY TRIBES ON INDIAN REORGANIZATION ACT

(Those listed in black face type accepted the act)

STATE	RESERVATION POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
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SOUTH DAKOTA

Cheyenne River Agency:

Cheyenne River. 3288 1420 653 459 Oct.27,1934

Crow Creek Agency:

Crow Creek..... 953 388 87 246 Dec.15

Lower Brule..... 603 160 71 39 Dec.15

Flandreau School:

Santee Sioux..... 345 193 79 5 Oct.27

Pine Ridge Agency:

Pine Ridge..... 8370 4075 1169 1095 Oct.27

Rosebud Agency:

Rosebud..... 6362 3126 843 424 Oct.27

Yankton..... 2018 991 248 171 Oct.27

Sisseton Agency:

Sisseton..... 2658 1170 266 335 April6,1935

Standing Rock Agency:

(See North Dakota)

ACTION BY TRIBES ON INDIAN REORGANIZATION ACT

(Those listed in black face type accepted the act)

STATE	RESERVATION	POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
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UTAH

Uintah & Ouray Agency:

Cedar City..... 28 13 2 0 May14,1935

Kaibab (in Arizona)..... 93 51 28 5 Nov.17,1934

Kanosh..... 24 14 11 0 May7,1935

Koasharem..... 30 17 14 0 May10

Paiute..... 19 11 7 0 Nov.24,1934

Uintah..... 1251 634 335 21 Dec.15

Shiwits..... 79 40 27 2 Nov.17

Fort Hall Agency:

Washakie..... 137 109 37 26 April27,1935

WASHINGTON

Colville
Agency:

Colville.....	3118	1659	421	562	April6
Spokane.....	807	376	92	163	April6

Taholah
Agency:

Chehalis.....	132	70	22	26	April6
Makah.....	403	219	75	47	April6
Nisqually.....	63	40	19	2	Oct.27,1934
Ozette.....	2	2	2	0	April13,1935
Quinaielt.....	1729	764	184	176	April13
Hoh.....	4	4	3	1	April13
Quileute.....	242	96	37	15	April13
Shoalwater.....		11	3	5	April13
Skokomish.....	189	107	35	10	Oct.27,1934
Squaxon Island...	39	32	10	6	April6,1935

ACTION BY TRIBES ON INDIAN REORGANIZATION ACT

(Washington cont.)

(Those listed in black face type accepted the act)

STATE	RESERVATION	POP.	VOTING	TOTAL	VOTES	ELECTION
			POP.	YES	NO	DATES

WASHINGTON

Tulalip
Agency:

Lummi.....	667	287	72	110	March30
Muckleshoot.....	200	97	59	7	April13
*Port Gamble.....					
Port Madison.....	171	110	30	0	April6
Puyallup.....	328	190	34	36	April13
Swinomish.....	273	123	122	1	Nov.17,1934
Tulalip.....	663	215	143	68	April6,1935
Clallam.....	738				
Nooksak.....	235	135	53	13	March30
Skagit-Suiattle....	205	123	74	3	April6

Yakima
Agency:

Yakima..... 2942 1392 361 773 April20

ACTION BY TRIBES ON INDIAN REORGANIZATION ACT

(Those listed in black face type accepted the act)

STATE	RESERVATION	POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
WISCONSIN						
Great Lakes Agency:						
	Bad River.....	1211	697	296	47	Nov.17,1934
	Lac Courte Oreille.....	1559	871	205	175	Dec.15
	Red Cliff.....	506	360	122	7	Dec.15
	*Sokaogan.....					
	Potawatomi.....	388	51	31	3	June15,1935
	*Lac du Flambeau.....	853	492	162	57	June15
Menominee Agency:						
	Menominee.....	2077	1020	596	15	Oct.27,1934
Tomah Agency:						
	Oneida.....	3128	1844	688	126	Dec.15
	Stockbridge.....	600	226	166	1	Dec.15
WYOMING						
Wind River Agency:						
	Shoshone & Arapahoe.....	2196	1032	339	469	June15,1935

CONTENTS PAGE

TABLE B

Indian Tribes, Bands and Communities Under Constitutions and Charters as Approved by the Secretary of the Interior in Accordance with the Indian Reorganization Act, Oklahoma Indian Welfare Act, Alaska Reorganization Act

TRIBES ORGANIZED UNDER THE INDIAN REORGANIZATION ACT

The following list shows Indian tribes grouped by agencies which are under Constitutions and Charters as approved by the Secretary of the Interior in accordance with the provisions of the Indian Reorganization Act, the Oklahoma Indian Welfare Act,

Agency and Reservation	Official Name of Organization	Constitution Approved	Charter Ratified	Population
Blackfeet: Blackfeet	The Blackfeet Tribe of the Blackfeet Indian Reservation	Dec. 13, 1935 Amend. 1, Jan.18,1946	Aug. 15, 1936	4,494
Carson: Duckwater	The Duckwater Tribe of the Duckwater Reservation, Nevada	Nov.28,1940 Amend.1,June 6, 1944	Nov.30,1940	15
Fort McDermitt	The Fort McDermitt Paiute and Shoshone Tribe, Nevada	July 2 1936	Nov.21, 1936 Amend.1 June 20, 1945	280
Pyramid Lake Reno-Sparks Walker River	The Pyramid Lake Paiute Tribe, Nevada The Reno-Sparks Indian Colony, Nevada The Walker River Paiute Tribe, Nevada	Jan.15,1936 Jan.15,1936 March 26, 1937 Amend. 1 July 12, 1945	Nov.21,1936 Jan. 7,1938 May8,1937	558 191 461
Washoe (Dresslerville)	The Washoe Tribe, Nevada	Jan. 24, 1936	Feb. 27,1937 Amend. June 25,1939	163
Yerington Yomba	The Yerington Paiute Tribe, Nevada The Yomba Shoshone Tribe Nevada	Jan. 4, 1937		
Cherokee: (N. C.)	The Catawba Tribe of Indians	June 30, 1944		

Catawa	South Carolina			
Cheyenne River: Cheyenne River	The Cheyenne River Sioux Tribe, South Dakota	Dec. 27, 1935		3,583
Choctaw: Choctaw	The Mississippi Band of Choctaw Indians	May 22, 1945		2,281
Colorado River Colorado River	The Colorado River Indian Tribes of the Colorado River Reservation, Arizona and California	Aug. 13, 1937		845
Fort Yuma	The Quechan Tribe, California	Dec. 18, 1936		913
Agency and Reservation	Official Name of Organization	Constitution Approved	Charter Ratified	Population
Consolidated Chippewa: White Earth Leech Lake Fond du Lac Bois Fort Grand Portage	The Minnesota Chippewa Tribe	July 24, 1936	Nov. 23, 1937	13,610
Consolidated Ute: Southern Ute Ute Mountain	The Southern Ute Tribe of the Southern Ute Reservation, Colorado The Ute Mountain Tribe of the Ute Mountain Reservation, Colorado	Nov. 4, 1936 Amend. I, Oct. 15, 1942 Amend. II, Feb. 28, 1946 June 6, 1940	Nov. 1, 1938	423
Crow Creek: Lower Brule	The Lower Brule Tribe, South Dakota	Nov. 27, 1935 Amended Jan. 6, 1941	July 11, 1935	619
Flandreau: Flandreau	The Flandreau Santee Sioux Tribe, South Dakota	Apr. 24, 1936 Amended Jan. 6, 1941	Oct. 31, 1936	355
Flathead: Flathead	The Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana	Oct. 28, 1935	Apr. 25, 1936	3,208
Fort Apache: Fort Apache	White Mountain Apache Tribe, Arizona	Aug. 25, 1938		2,892
Fort Belknap: Fort Beldknap	Fort Belknap Indian Community, Montana	Dec. 13 1935 Amended Feb. 7 1944	Aug. 25, 1937	1,600

Fort Berthold: Fort Berthod	The Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota	June 29, 1936	Apr. 24, 1937	1,791
Fort Hall: Fort Hall	The Shoshone-Bannock Tribes of the Fort Hall Reservation, Idaho	April 30, 1936	Apr. 17, 1937	1,881
Grande Ronde- Siletz: Grande Ronde	The Confederated Tribes of the Grand Ronde Community, Oregon	May 23, 1936	Aug. 22, 1936	473
Agency and Reservation	Official Name of Organization	Constitution Approved	Charter Ratified	Population
Great Lakes: Bad River	The Bad River Band of the Lake Superior Tribe of Chippewa Indians Wisconsin	June 20, 1935 Amended Dec. 1, 1942 Amend. II , Oct 31, 1944	May 21, 1938	1,259
Bay Mills	The Bay Mills Indian Community, Michigan	Nov. 4, 1936 Amended Nov. 27, 1937	Nov. 27, 1937	190
Hannahville	The Hannahville Indian Community, Michigan	July 23, 1936	August 21, 1937	108
L'Anse	Keweenaw Bay Indian Community, Michigan	Dec. 17, 1936	July 17, 1937	939
Lac du Flambeau	Lac du Flambeau Band of the Lake Superior Chippewa Indians of Wisconsin	Aug. 15, 1936 Amend. I & III June 25, 1943 Amend. II, Oct. 12, 1944	May 8, 1937 Amended Nov.8, 1941	882
Mole Lake	The Sokoagon Chippewa Community, Wisconsin	Nov. 9, 1938	Oct. 7, 1920	187
Potawatomi	The Forest County Potawatomi Community, Wisconsin	Feb. 6, 1937	Oct. 30, 1937	310
Red Cliff	The Red Cliff Band of Lake Superior Chippewa Indians, Wisconsin	June 1, 1936	Oct. 24, 1935 Amended Nov. 12, 1938	643
St. Croix	St.Croix Chippewa Indians of Wisconsin	Nov. 12, 1942		
Hoopa Valley: Quartz Valley	Quartz Valley Indian Community, California	June 15, 1939	March 12, 1940	29
Hopi: Hopi	The Hopi Tribe, Arizona	Dec. 19, 1936		3,444

Jicarilla: Jicarilla	The Jicarilla Apache Tribe of New Mexico	Aug. 4, 1937	Sept. 4, 1937	743
Kiowa (See Oklahoma)				
Ala. Coushatta	The Alabama-Coushatta Tribe of Texas	Aug. 19, 1938	Oct. 17, 1939	344
Mescalero: Mescalero	The Apache Tribe of the Mescalero Reservation, New Mexico	Mar. 25, 1936	Aug. 1, 1936	790
Northern Idaho: Kalispel	The Kalispel Indian Community of the Kalispel Reservation, Washington	Mar. 24, 1938	May 28, 1938	100
Papago: Gila Bend Papago San Xavier	The Papago Tribe, Arizona	Jan. 6, 1937		6,217
Agency and Reservation	Official Name of Organization	Constitution Approved	Charter Ratified	Population
Pima: Fort McDowell	The Fort McDowell Mohave- Apache Community Arizona	Nov. 24, 1936	June 6, 1938	193
Gila River	The Gila River Pima-Maricopa Community of the Salt River	May 14, 1936	Feb. 28, 1938	4,865
Salt River	The Salt River Pima-Maricopa Community of the Salt River Reservation, Arizona	June 11, 1940		1,172
Pine Ridge: Pine Ridge	The Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota	Jan. 15, 1936		9,204
Pipestone School: Lower Sioux	The Lower Sioux Tribe in the State of Minnesota	June 11, 1936	July 17, 1937	192
Prairie Island	The Prairie Island Indian Community in the State of Minnesota	June 20, 1936	July 23, 1937	94
Potawatomi: Iowa	The Iowa Tribe in Nebraska and Kansas	Feb. 26, 1937	June 19, 1937	539
Potawatomi: Kickapoo	The Kickapoo Tribe in Kansas	Feb. 26, 1937	June 19, 1937	343
Potawatomi: Sac and Fox	The Sac and Fox Tribe of Missouri	March 2, 1937 Amended Nov. 25, 1943	June 19, 1937	129

Rocky Boy's Rocky Boy's	The Chippewa Cree Tribe of the Rocky Boy's Reservation, Montana	Nov. 23, 1935	July 25, 1936	742
Rosebud: Rosebud	The Rosebud Sioux Tribe, South Dakota	Dec. 20, 1935	Mar. 16, 1937	6,909
San Carlos: San Carlos	The San Carlos Apache Tribe, Arizona	Jan. 17, 1936	Oct. 16, 1937	3,103
Sacramento: Big Valley	The Bib Valley Band of Pomo Indians of the Big Valley Rancheria, California	Jan. 15, 1936 Amended May 13, 1940	Oct. 19, 1941	92
Colusa	The Cachil Dehe Band of Wintun Indians, California	Nov. 23, 1941	Nov. 23, 1941	72
Fort Bidwell	The Fort Bidwell Indian Community, California	Jan. 15, 1936 Amended June 4 1940 and Feb. 4, 1942	Nov. 23 1942	117
Agency and Reservation	Official Name of Organization	Constitution Approved	Charter Ratified	Population
Sacramento Manchester	The Manchester Band of Pomo Indians of the Manchester Rancheria, California	Mar. 11, 1936 Amended May 18, 1940	Feb 27, 1937	92
Round Valley	The Covelo Indian Community, California	Dec. 16, 1936	Nov., 1937	848
Stewart's Point	The Kashia Band of Pomo Indians of the Stewart's Point Rancheria, California	Mar. 11, 1936 Amended May 19, 1940		140
Tuolumne	The Tuolumne of Me-wuk Indians of the Tuolumne Rancheria, California	Jan. 15, 1936 Amended May 25, 1940	Feb. 15, 1942	80
Tule River	The Tule River Indian Tribe, California	Jan. 15, 1936 Amended May 24, 1940		201
Upper Lake	The Upper Lake Band of Pomo Indians of the Upper Lake Rancheria, California (Name changed by amendment Oct. 22, 1941 to Upper Lake Pomo Indian Community)	Jan. 15, 1936 Amended May 16, 1940 Amended Oct. 22, 1941	Feb. 15, 1942	72
Wilton	The Me-wuk Indian Community of the Wilton Rancheria, California	Jan. 15, 1936 Amended May 21, 1940		28
Taholah: Makah	The Makah Indian Tribe, Washington	May 16, 1936	Feb. 27, 1937	425

Taholah: Nisqually	The Nisqually Indian Community, Washington	Sept. 19 1946		60
Taholah: Quileute	The Quileute Tribe of the Quileute Reservation, Washington	Nov. 11, 1936	Aug. 21, 1937	287
Taholah: Skokomish	The Skokomish Indian Tribe of the Skokomish Reservation, Washington	May 3, 1938	July 22, 1939	221
Tomah: Isabella	The Saginaw Chippewa Indian Tribe of Michigan	May 6, 1937	Aug. 28, 1937	434
Tomah: Oneida	The Oneida Tribe of Indians of Wisconsin	Dec. 21, 1936 Amended June 3, 1939	May 1, 1937	3,351
Tomah: Sac & Fox	The Sac and Fox Tribe of the Mississippi in Iowa	Dec. 20, 1937		473
Tomah: Stockbridge	The Stockbridge-Munsee Community, Wisconsin	Oct. 30, 1937	May 21, 1938	460
Tongue River: Tongue River	The Northern Cheyenne Tribe, Montana	Nov. 23, 1935	Nov. 7, 1936	1,618
Truxton Canon: Camp Verde Havasupai	The Yavapai-Apache Indian Community, Arizona	Feb. 12, 1937		467
Truxton Canon: Camp Verde Havasupai	The Havasupai Tribe of the Havasupai Reservation, Arizona	Mar. 27, 1939	Oct. 5, 1946	213
Agency and Reservation	Official Name of Organization	Constitution Approved	Charter Ratified	Population
Hualapai (Walapai)	The Hualapai Tribe of the Hualapai Reservation, Arizona	Dec. 17, 1938	June 5, 1943	462
Moapa	The Moapa Band of Paiute Indians	Apr. 17, 1942	May 3, 1942	172
Tulalip: Muckleshoot	The Muckleshoot Indian Tribe, Washington	May 13, 1936	Oct. 31, 1936	228
Tulalip: Port Gamble	The Port Gamble Indian Community, Washington	Sept. 7, 1929	Apr. 5, 1941	192
Tulalip: Puyallup	The Puyallup Tribe, Washington	May 13, 1936		319
Tulalip:	The Swinomish Indian Tribal	Jan. 27, 1936	July 25, 1936	314

Swinomish	Community, Washington			
Tulalip: Tulalip	The Tulalip Tribes, Washington	Jan. 24, 1936 Amended Mar. 8, 1941	Oct. 3, 1936	676
Uintah & Ouray: Kanosh	The Kanosh Band of Paiute Indians	Dec. 2, 1942	Aug. 15, 1943	
Uintah & Ouray: Uintah & Ouray	The Ute Indian Tribe of the Uintah and Ouray Reservation, Utah	Jan. 19, 1937	Aug. 10, 1938	1,347
Uintah & Ouray: Shivwits	The Shivwits Band of Paiute Indians of the Shivwits Reservation, Utah	Mar. 21, 1940	Aug. 30, 1941	97
United Pueblos: Santa Clara	The Pueblo of Santa Clara, New Mexico	Dec. 20, 1935 Amended Dec. 19, 1939		485
Warm Springs: Warm Springs	The Confederated Tribe of the Warm Springs Reservation, Oregon	Feb. 14, 1938 Amended Dec. 19, 1941	April 23, 1938 Amended Dec. 19, 1941	778
Western Shoshone Duck Valley	The Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada	Apr. 20, 1936	Aug. 22, 193	554
Western Shoshone Elko	The Te-Moak Bands of the Western Shoshone Indians of Nevada	Aug. 24, 1938	Dec. 12, 1938	80
Western Shoshone Goshute	The Confederated Tribes of the Goshute Reservation in Utah	Nov. 25, 1940	Mar. 29, 1941	155
Winnebago: Omaha	The Omaha Tribe of Nebraska	Mar. 30, 1936	Aug. 22, 1936	1,713
Winnebago: Ponca	The Ponca Tribe of Native Americans, Nebraska	Apr. 3, 1936	Aug. 15, 1936	384
Winnebago: Santee	The Santee Sioux Tribe of Nebraska	Apr. 3, 1936	Aug. 22, 1936	1,197
Winnebago: Winnebago	The Winnebago Tribe of Nebraska	Apr. 3, 1936	Aug. 15, 1936	1,268
			TOTAL	105,216

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Oklahoma Tribes

Agency and Reservation	Official Name of Organization	Constitution Approved	Charter Ratified	Population
Cheyenne & Arapaho: Cheyenne-Arapaho	The Cheyenne-Arapaho Tribes of Oklahoma	Aug 24, 1937 Amended Feb.4, 1942		2,949
Five Tribes: Creek	The Alabama-Quassarte Tribal Town	Jan 10, 1939	May 24, 1939	150
Five Tribes: Creek	The Kialegge Tribal Town	June 12, 1941	Sept. 17, 1942	250
Five Tribes: Creek	The Thlopthlocco Tribal Town	Jan. 10, 1939	Apr. 13, 1939	380
Kowa: Caddo	The Caddo Indian Tribe of Oklahoma	Jan.17, 1938 Amend. 1, Jan.11, 1944	Nov. 15, 1938	1048
Pawnee: Pawnee	The Pawnee Indians of Oklahoma	Jan. 6, 1938	Apr. 28, 1938	1017
Tonkawa	The Tonkawa Tribe of Indians of Oklahoma	Apr. 21, 1938		54
Quapaw: Eastern Shawnee	The Eastern Shawnee Tribe of Indians, Oklahoma	Dec. 22, 1939	Dec. 12, 1940	299
Quapaw: Miami	The Miami Tribe of Oklahoma	Oct. 1939	June 1, 1940	299
Quapaw: Ottawa	The Ottawa Tribe of Oklahoma	Nov. 30, 1938	June 2, 1938	438
Quapaw: Peoria	The Peoria Tribe of Indians of Oklahoma	Oct. 10, 1939	June 1, 1940	393
Quapaw: Seneca	The Seneca-Cayuga Tribe of Oklahoma	May 15, 1937	June 26, 1937	288
Quawaw: Wyandotte	The Wyandotte Tribe of Oklahoma	July 24, 1937	Oct. 30, 1937	800
Shawnee: Iowa	The Iowa Tribe of Oklahoma	Oct. 23, 1937	Feb. 5, 1938	110
Shawnee: Kickapoo	The Kickapoo Tribe of Oklahoma	Sept. 18, 1937	Feb. 5, 1938	269
Shawnee: Potawatomi	The Citizen Band of Potawatomi Indians of Oklahoma	Dec. 12, 1938		2,920

Shawnee: Sac & Fox	The Sac and Fox Tribe of Indians of Oklahoma	Dec. 7, 1937		910
Shawnee: Shawnee	The Absentee-Shawnee Tribe of Indians of Oklahoma	Dec. 5, 1938		667
			TOTAL	13,241

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Alaska Native Communities and Cooperatives				
Alaska Community	Official Name of Organization	Constitution Approved	Charter Ratified	Population
Angoon	The Angoon Community Association	Nov. 15, 1939	Nov. 15, 1939	347
Atka	The Native Village of Atka	May 23, 1939	May 23, 1938	91
Barrow	The Native Village of Barrow	May 21, 1940	May 21, 1940	386
Chanega	The Native Village of Chanega	Feb. 3, 1940	Feb 3, 1940	100
Chilkat	See Klukwan			
Craig	The Craig Community Association of Craig, Alaska	Oct. 8, 1938	Oct. 8, 1938	201
Deering	The Native Village of Deering	Oct. 26, 1945	Oct. 26, 1945	177
Diomedede	The Native Village of Diomedede	Jan. 31, 1940	Jan. 30, 1940	126
Douglas	The Douglas Indian Association	Nov. 24, 1941	Nov. 24, 1941	232
Elim	The Native Village of Elim	Nov. 24, 1939	Nov. 24, 1939	98
Fort Yukon	The Native Village of Fort Yukon	Jan. 2, 1940	Jan. 2, 1940	320
Gambell	The Native Village of Gambell	Dec. 31, 1939	Dec. 31, 1939	290
Haines	The Chilkoot Indian Association	Dec. 5, 1941	Dec. 5, 1941	106
Hoonah	The Hoonah Indian Association	Oct. 23, 1939	Oct. 23, 1939	590

Hydaburg	The Hydaburg Cooperative Association of Alaska	Apr. 14, 1938	Apr. 14, 1938	329
Kanatak	The Native Village of Kanatak	Mar. 1, 1940	Mar. 1, 1940	60
Karluk	The Native Village of Karluk	Aug. 23, 1939	Aug. 23, 1939	192
Kasaan	The Organized Village of Kasaan	Oct. 15, 1938	Oct. 15, 1938	83
Ketchikan	The Ketchikan Indian Corporation	Jan. 27, 1940	Jan. 27, 1940	787
King Island	The King Island Native Community	Jan. 31, 1939	Jan. 31, 1939	192
Kivalina	The Native Village of Kivalina	Feb. 7, 1940	Feb. 7, 1940	144
Klawock	The Klawock Cooperative Association of Alaska	Oct. 4, 1938	Oct. 4, 1938	277
Klukwan	The Chilkat Indian Village	Mar. 27, 1941	Mar. 27, 1941	115
Kwethluk	The Native Village of Kwethluk	Jan. 11, 1940	Jan. 11, 1940	172
Mekoryuk	The Native Village of Mekoyruk	Aug. 24, 1940	Aug. 24, 1940	133
Metlakatla	The Metlakata Indian Community	Dec. 19, 1944	Dec. 19, 1944	700
Minto	The Native Village of Minto	Dec. 30, 1939	Dec. 30, 1939	128
Napakiak	The Native Village of Napakiak	July 29, 1946	July 29, 1946	121
Nikolski	The Native Village of Nikolski	June 12, 1939	June 12, 1939	87
Noatak	The Native Village of Noatak	Dec. 28, 1939	Dec. 28, 1939	350
Nome	The Nome Eskimo Community	Nov. 23, 1939	Nov. 23, 1939	508
Noorvik	The Noorvik Native Community	Dec. 27, 1939	Dec. 27, 1939	221

Nunapitchuk	The Native Village of Nunapitchuk	Jan. 2, 1940	Jan. 2, 1940	140
Point Hope	The Native Village of Point Hope	Feb. 29, 1940	Feb. 29, 1940	247
Point Lay	The Native Village of Point Lay	Mar. 22, 1946	Mar. 22, 1946	90
Saxman	The Native Village of Saxman	Jan. 14, 1941	Jan. 14, 1941	99
Alaska Community	Official Name of Organization	Constitution Approved	Charter Ratified	Population
Selawik	The Native Village of Selawik	Mar. 15, 1940	Mar. 15, 1940	290
Shaktoolik	The Native Village of Shaktoolik	Jan. 27, 1940	Jan. 27, 1940	122
Shishmaref	The Native Village of Shishmaref	Aug. 2, 1939	Aug. 2, 1939	235
Shungnak	The Native Village of Shungnak	Jul. 24, 1946	Jul. 24, 1946	
Sitka	The Sitka Community Association of Alaska	Oct. 11, 1938	Oct. 11, 1938	620
Stebbins	The Stebins Community Association	Dec. 5, 1939	Dec. 5, 1939	104
Stevens	The Native Village of Stevens	Dec. 30, 1939	Dec. 30, 1939	92
Tanacross	The Native Village of Tanacross	Jan. 5, 1942	Jan. 5, 1942	109
Tetlin	The Native Village of Tetlin	Mar. 26, 1940	Mar. 26, 1940	81
Tyonek	The Native Village of Tyonek	Nov. 27, 1939	Nov. 27, 1939	101
Unalakleet	The Native Village of Unalakleet	Dec. 30, 1939	Dec. 30, 1939	307
Venetie	The Native Village of Venetie	Jan. 25, 1939	Jan. 25, 1939	86
Wales	The Native Village of Wales	July 29, 1939	July 29, 1939	189

White Mountain	The Native Village of White Mountain	Nov. 25, 1939	Nov. 25, 1939	174
			TOTAL	10,899

This list is subject to change. A number of the tribes which have accepted the act have not yet adopted constitutions of charters. Any Oklahoma tribe or Alaska village may organize at any time.

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Table C

Indian Tribes and Bands which accepted the Indian Reorganization
Act
but which operate under Constitutions adopted prior to the passage
of the I. R. A.

Agency and Reservation	Official Name of Organization	Constitution Adopted	Population
Cherokee: Cherokee	The Cherokee Tribe of North Carolina, State Charter	March 8, 1897 Amended April 1, 1931 Amended March 6, 1933	3,795
Menominee: Minominee	The Menominee Indians of the Menominee Agency, Wisconsin	Feb. 11, 1928 Amended	2,551
Red Lake: Red Lake	The Red Lake Band of Chippewa Indians Minnesota (I.R.A. Constitution pending.)	April 13, 1918	2,484
Standing Rock: Standing Rock	The Standing Rock Sioux Tribe, North Dakota	June 25, 1914 Amended	4,324
		TOTAL	13,154

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Table D

List of Indian Tribes not under the Indian Reorganization Act
which operate under Constitutions

Agency and Reservation	Official Name of Organization	Constitution Adopted	Population
Colville: Colville	The Confederated Tribes of the Colville Reservation, Washington	Feb. 26, 1938	3,505
Hoopla Valley: Hoopla	The Hoopa Tribe of the Hoopa Reservation, Montana	Nov. 20, 1933	636
Fort Peck: Fort Peck	The Fort Peck Indians of the Fort Peck Indian Reservation, Montana	Indefinite	3,116
Fort Totten: Fort Totten	The Devils Lake Sioux Tribe, North Dakota	April 14, 1944	1,142
Grand Ronde-Siletz Siletz	The Siletz Business Council, Oregon	June 30, 1933	516
Klamath: Klamath	The Klamaths, Modoc, and Yahooskin Band of Snake Indians, Klamath Reservation, Oregon	Dec. 23, 1929 Amended Mar. 30, 1936	1,547
Mission: Palm Springs	The Agua Caliente Band of Mission Indians, California	June 2, 1939	58
Navajo: Navajo	The Navajo Tribe of Indians of the Navajo Reservation, Arizona, and New Mexico	July 26, 1938 Amended	55,458
New York: Seneca	The Seneca Nation of Indians of the Allegheny Reservation, New York	1848, Revised Oct. 22, 1868 Jan. 23, 1893 Nov. 15, 1898	2,879
Sisseton: Sisseton- Wahpeton	The Sisseton-Wahpeton Sioux Tribe, South Dakota	Oct. 16, 1946	3,177
Tahola: Chehalis	The Confederated Tribes of the Chehalis Reservation, Washington	Aug. 22, 1939	27
Turtle Mountain:	The Turtle Mountain Band of Chippewa	Oct 8, 1932	7,439

Turtle Mountain	Indians, North Dakota		
Wind River: Wind River	The Shoshone and Arapahoe Indians of the Wind River Reservation, Wyoming	1930	2697
		TOTAL	82,197