

Proceedings of Meeting of April 26, 1952, of the
Tribal Business Council of the Standing Rock Sioux Tribe
On The Question of Home Rule.

The meeting was called to order by the Chairman, Whitney J. Agard.

Roll call as follows:

Robert McLaughlin	Henry Fasthorse
David Blackcloud	Paul Red Dog
Louis Thief	John Tiger
Sam Crowghost	Wm. Village Center
Mary Longchase	Wm. L. Gipp

Members of the Area Office Staff present were as follows:

J. M. Cooper, Area Director
 Graham Holmes, Area Counsel Attorney
 Louis Holloway, Administration Ass't., MRBI
 Glenn Landbloom, Supervisor of Extension
 Carl W. Rawie, Forest Supervisor
 Bud Ward, Auditor, Area Credit Division

The Chairman then proceeded to relate to those present the purpose of the meeting. He called on Mr. James E. Curry, Tribal Attorney, to bring them up to date on the subject.

Mr. Curry. This question of home rule for Standing Rock Indians arose about eight months ago. At that time, a delegation was going to Washington and the Council adopted resolution No. 53. This resolution said in effect the same thing that was later presented by the delegation to the Assistant Secretary of the Interior.

The delegation was composed of Josephine Kelly, Wm. L. Gipp, Martin Medicine and David Blackcloud. Two of those delegates are still here and two of them are no longer members of the Council. The way they presented the proposition to the Assistant Secretary was as follows:

"This morning we asked for a conference about the Tribe taking over control of tribal affairs. We would like to obtain from you a statement about how far the Department will go in granting us this power. You set a conference for three o'clock tomorrow afternoon and asked us to submit an outline for discussion. We have given this matter a great deal of thought. We have decided to limit ourselves to the following request:

"We wish you to grant to the people of the Standing Rock Sioux Tribe, subject to their acceptance at an election, the power thru their Tribal Business Council to do the following things without limitation and without supervision by the Department except to the extent that such limitation or supervision is required by law:

- (a) To control all their tribal funds.
- (b) To handle the leasing or management of their tribal lands and personal property and to prevent disposition of said lands.
- (c) To hire any necessary employees, to make contracts and to do any other things necessary to conduct tribal business affairs.

"We hope you will give us an answer at tomorrow's meeting as to whether you are willing to do the things we have requested above."

Louis Gipp and Dave Blackcloud will remember that we went over and talked to the Assistant Secretary and he said that he would refer the matter to the Indian Bureau and ask for a prompt reply as to their recommendation - so that he might give us a prompt reply.

At more or less the same time we had a big discussion with the Commissioner of Indian Affairs. As I remember, very little was said at that conference about this matter but later it turns out that more was said than I remember.

Things went on, and we got no answer from Mr. Doty, and I wrote several letters in which I urged him to give a prompt answer. The last one that I wrote was dated December 17, about three months after we had submitted the proposition to him. I am not going to read that letter, because I used words like telling him that he was stalling and so on. That is not the spirit of this meeting and we are not going to bawl anybody out.

So I won't read that letter but I would like to read Mr. Doty's reply, because I think that the answer that he gave is the basis of this meeting.

In that letter he said:

"This will reply to your letter of December 17 in which it is purported that the Department of Interior 'is stalling the Standing Rock Sioux Indians in connection with their request for control of their own affairs.'

"The Standing Rock Sioux delegation met with Commissioner Myer and me at the time of their visit to Washington in September. The Commissioner told the delegates that he was ready to sit down to work out with them an analysis of the problems on their reservation and that such an analysis would involve a thorough review of the whole Standing Rock situation. He indicated that this would require some time and work on the part of the Standing Rock Tribal Council. It was indicated that it would be necessary to review all of the services now provided by the Federal Government related to Standing Rock resources and community services in order to see if some procedures could be worked out to realize the Tribal Council's proposals. The Commissioner promised that Bureau personnel would be made available to work with the Tribal Council, or its appointed committees, in studying these objectives if they wished.

"In October Messrs. Hill, Landbloom, Holloway and Holmes, Bureau employees from Washington and Aberdeen, met with the Standing Rock Tribal Council over a period of two days. Discussions on the topics at issue were held and certain questions were raised as to the method and manner in which projects and enterprises of the tribe were being handled. More specifically, doubts were expressed within the Tribal Council as to the propriety of certain transactions which had been effected on the Standing Rock Reservation by some members of the Tribal Council. Since the Tribal Council was either unable or unwilling to resolve those difficulties at the time, the Bureau employees left after saying that they would be glad to discuss these matters at any time desired by the tribe."

Now I would like to stop quoting from that letter and interpret what this correspondence means. First your Tribe passed the resolution asking that you be given control of your own property, as far as management is concerned - not as far as selling is concerned but as far as management is concerned.

Doty says in reply, "You have to do a lot of work." The language they used is "analysis of the problems facing the reservation." They say you have to do a lot of things before you can know if you can get this control.

They also said that there was some question raised by the Council about some presumably dishonest things that have been done and they indicated the Council really didn't want to go ahead because of this dishonesty business.

Now the purpose of the meeting today I think is to settle these two questions: First, is there any hesitancy on the part of the Council about going ahead? Unless there is some question, I think we can just presume the Council wants to go ahead with this proposal that was first submitted by the delegation. If not, then I think we want to know, secondly, from the Area Office what this analysis is and what all this work is that they want us to do, to give the Tribe control of its own property.

Further, in the same letter, the Assistant Secretary said:

"The Commissioner again reiterated his interest in trying to work out a thorough and timely program by which there would be a larger measure of self-determination at Standing Rock. The offer was again made that the Bureau of Indian Affairs was ready to consult and cooperate in this effort at any time. To our knowledge, there has been no move on the part of the Council to arrange for a further program meeting."

Now from that sentence I took it that what they wanted us to do was to arrange for a further "program meeting." They thought they had previously told the Council that. As a matter of fact, I didn't know it and none of the Councilmen knew it.

So, reasonably promptly after this was received, we asked for a program meeting with a view to getting an answer to the questions that we asked. I think, unless the Chairman has something else, that it would now be up to the Area Office people to say just what they want us to do as a condition to getting an answer to our questions.

Graham Holmes: I don't remember that I attended all the meetings referred to in that letter. But I know that several members were here.

To our surprise and to the surprise of a great many of the Council, it developed at that meeting that the Members of the Council had no knowledge of the workings of the Council, and how their business had been conducted in the past, and who had control of their business, and what their business was. Now I know that some of the members are here now who sat in that meeting.

That is the reason for all of the statements in that letter, I am sure. I didn't have anything to do with the writing of that letter and hadn't read it nor heard it until it was read just now. But I am sure that Mr. McLaughlin and Mr. Gipp and - I am not sure - were any of you fellows here at that meeting? Was anybody else here?

Mr. Agard: John Tiger was here.

Mr. Holmes: Were you here? Well you all remember, at the meeting that day, that the first thing that came up was: what do we want? We got into a discussion of tribal affairs, tribal money, tribal property, who was managing it, and what they were doing with it, and who was spending the money. It developed at that meeting that the Members of the Council did not know. In other words, they hadn't been consulted about the matters of their business and some of them were greatly surprised.

When that all came up, it ended in a lengthy discussion, that lasted two days, about the powers and duties that the Tribal Council now has and the powers and duties that they wanted. We made - more or less - a complete study of the method and manner in which it had been conducted up to that time. The Council was then at a loss as to what was going on and what to do.

At least at that point, we could progress no further and it was determined by everybody present that we would adjourn. The Tribal Council would attempt to make a study and each individual would acquaint himself with the workings of the Council, and the property they had, and the powers they had, and when they had done that they would notify us that they were ready for another meeting.

Then, at that time, all of us present indicated our willingness to come back here at any time and meet with this Council to try to work out any problem that they might have. Now, is that the way you remember it?

Mr. Gipp: Yes, that's right.

Mr. Holmes: That explains our statement. It developed at that meeting that certain money that belonged to the Council had been spent and that the Council had no idea where it went, who spent it and what for and it was a surprise to us.

Mr. Curry: Has action been taken?

Mr. Holmes: Nothing. I don't know what has been done.

Mr. Curry: I think that the question about somebody having misspent the money of the Council is a very important question. But I don't think that has anything to do with the question that is up for discussion here. When you came back, you asked them what they wanted. That was already on record -- what they wanted. What they wanted is this:

"We wish you would grant to the people of the Standing Rock Sioux Tribe, subject to their acceptance at an election, the power thru their Tribal Business Council to do the following things without limitation and without supervision by the Department except to the extent that such limitation or supervision is required by law:

- (a) To control all their tribal funds.
- (b) To handle the leasing or management of their tribal lands and personal property and to prevent disposition of said lands.
- (c) To hire any necessary employees, to make contracts and to do any other things necessary to conduct tribal business affairs."

Now, as I understand it, you came back, in answer to that, and said: "First, what do you want? Second, somebody has been mishandling funds." I think that the question of the Tribe mishandling the funds. . .

Mr. Holmes: That developed at the meeting. We didn't even know that.

Mr. Curry: What was the answer, Mr. Holmes?

Mr. Holmes: We came down and said: "How do you want to manage your business? How do you want to set it up? What do you want to do?" We were here to discuss it. And no one present knew. There just wasn't any discussion.

Mr. Curry: You tell us. How do you want us to do it?

Mr. Holmes: You called the meeting, not me. I didn't call the meeting. I don't know how you are handling your affairs. I don't know what you are doing. You called the meeting, this meeting. The Council as I understand it called the other meeting. I don't know who called the other meeting. We took resolution 53. We studied it together, to go over it item by item, to see what was included in there, and what business you were going to manage and how you were going to manage it.

Mr. Curry: Well, I don't know. If you have any particular suggestions as to how it should be managed I think you ought to make them. I think the question here is whether or not you are willing to give them complete control.

Mr. Holmes: That is a different attitude altogether.

Mr. Curry: I think they will decide how to manage property once you give them control of it.

Mr. Holmes: If you want us to tell you how, why just ask us.

Mr. Cooper: My general thought is that we will hear from the attorneys Mr. Curry and Mr. Holmes quite a lot. In discussions of this kind, they have specialized, technical, information and advice that is not otherwise available to us.

Generally, however, from my knowledge of the request of the Standing Rock Sioux Council, these specific things that were outlined in a resolution last August, I believe, we have assumed that the recent action of the present Council indicated

that they wish to go further in the exploration of the possibilities of assuming greater authority and greater power in the Council, which is the governing body of the Tribe.

I do think that there was doubt in the minds of some of the people on the Council as to the current operations of some of their tribal enterprises, etc. The fact that Mr. Landbloom and Mr. Ward have spent the last week here, I hope profitably, on some of the problems, it seems to me like it was some of those things on which clarification was needed in order that the Council could possibly be in a better position to determine just where they stood and just where they wanted to go and how they wanted to get there.

Now that is a pretty generalized statement. I am going to admit frankly that I don't know the answers to technical questions and specific questions. That is the reason we have specialists here. In general, I would like to say this, and I think you know it, Mr. Curry. This present Council, when they were organized, made a sincere and, I am certain, a very successful attempt to operate, and started operating, in a businesslike manner.

I mention one thing, a very well thought out and a very logical tribal budget was presented. I assume that they are adhering to that budget. Or if they are varying from the terms of the budget, they will make provisions for that. In addition, they organized a committee, within the Council, subcommittees within the Council, to perform certain Council functions.

So it seems to me that the present Council group should be in a position to know generally the direction in which they want to go. I would like to reiterate, as far as we are concerned in the Aberdeen Area Office, and I am certain I can speak for Mr. Spencer here at the Agency, that it's our sincere desire to help the people attain the objectives that they are striving for.

Now, let me state here and now that I can't commit the Commissioner of Indian Affairs or the Secretary of the Interior - or no one here representing the Bureau of Indian Affairs can - make commitments beyond the fact that we will work with you people and attempt to work out plans and procedures. Now generally I don't believe there would be any better time than now to outline certain fundamental policies under which we are authorized to operate. That is one.

If the plans and the desires of the Tribe are such that they can't be accomplished within the authority now existing in the Bureau of Indian Affairs and the Department of the Interior, legislation may be required. However, there are a number of things that can be accomplished thru agreement. The Commissioner of Indian Affairs and the Secretary of Interior have power to approve certain operating agreements.

Now I hope that my thinking is sound in this respect: That is, that responsibilities go with privileges, regardless of what the deal is. Many of you will remember that, in November of last year, Commissioner Myer visited Standing Rock and appeared before the Council. He outlined essentially what his policy was, and what the policy of the Bureau of Indian Affairs was, in connection with the tribal programs, etc.

Now some of the details that will need to be discussed frankly, Glen Landbloom and these other fellows are going to have to take and discuss them.

But this group here and now, right now, to mention just one point, has a problem in connection with the land enterprise. I am hopeful that as a result of the joint efforts of the committee of the Council and Mr. Landbloom and Mr. Ward some of the problems incident to the operation of the tribal land enterprise can be, and will be, solved promptly.

I don't know that I have added too much to the subject at all but Graham Holmes made a statement, and I think it is absolutely correct. It would be wrong, and certainly I would want no part in, a proposition that would hand something to the Standing Rock people and say here is a plan.

I don't believe that we are in a position to say what can or what can't be done until it is carefully thought out and carefully developed and can be set down in one, two, three order.

And again without passing the buck I want to say we have certain authorities locally on certain things and I am sure that on something as important as the handling of tribal funds and tribal lands the authority of the Agency and the Area Office would be limited to recommendations.

Mr. Curry: Mr. Chairman, I would like, if I may, to address a question to Mr. Cooper. As I understand it, the Department either has or can get the power to transfer to the Indians the full control and management of their money and of their lands. The question that was originally stated and addressed to the Assistant Secretary was substantially: are you willing to do that? Now, as I understand your statement, it is that you cannot give any final answer.

Mr. Cooper: I cannot.

Mr. Curry: Therefore I would like to ask only this question: whether on the basis of what you know now, you will recommend a "yes" answer to this question. If you will not recommend a "yes" answer, then what do you want us to do in order to get you to recommend a "yes" answer? Can you answer it now, Mr. Cooper?

Mr. Cooper: I wouldn't be willing at this time to recommend a "yes" answer until we could sit down with the Council and see what their thinking was specifically in terms of what they wanted to do, how they wanted to do it, and what they were going to do it with.

Mr. Curry: In the original question put to Doty, what they want to do, first, is to control all their tribal funds. Secondly, they want to handle themselves the leasing or management of their tribal lands and personal properties and to have authority to prevent disposition of the lands by anyone else. And thirdly, they want to hire any necessary employees and make contracts and do any other things necessary to conduct their tribal affairs. And they want to do that without any more supervision than is required by law. That is the question. Are you willing to recommend that they be given that right? If not, what do you want us to do so that you will recommend it?

Mr. Cooper: No, I wouldn't agree. As to the three things that you have outlined there, I would like certainly to know if the Council recognizes that that removes practically the total of trust supervision and practically the total of the trust function.

Mr. Curry: That is your first question? Does the Council recognize that that removes the total of the trust supervision and the total of the trust function - practically? Are there any other questions that you want answers to?

Mr. Cooper: Number two. It would seem to me that consideration should be given by the governing body of the Tribe, as to the implications therein. If those restrictions are removed, that implies rather definitely that a group of people, to use a slang expression, are able and willing and desirous of "going on their own." Now I think some rather careful thought should be given by the people as to just how far in that direction they care to go.

I would just like to mention one specific illustration. Mr. Gipp and Mr. McLaughlin and I were talking just across the table about a problem here that concerns the people. That is the operation of the schools and the school plant. At the present time, a part of the school plant operation is by the school district, and I believe I am correct on that, Mr. Gipp, ^{and} part is by the Government.

It is the policy, and has been for some years, of the Bureau of Indian Affairs to further the integration of the Indian school system with the State and County school system. I will admit very frankly, in my opinion, that the people in many reservation locations would ultimately gain if the operation of their school system and their school plant was handled in the same manner as all other school plants in the country, if Indian children, non-Indian children, went to district schools, operated and managed by normal governing bodies of the school boards. Yet I found, in discussion, that

there is some reluctance on the part of some Indian folks and non-Indian folks to give active support to that principle.

The same thing applies to hospitals. It seems to me, very frankly, that if the Tribe, any tribe, assumes the management of their own affairs, then hand in hand with that there should be plans to take care of these various other services that are provided.

Now, I want to make it abundantly clear here that I hope that you folks don't interpret that statement as in any way a threat. That is the farthest from my mind. The only reason I say that is that I had a similar discussion at one other place and unfortunately I was misunderstood. But I do say that it seems to me to be common sense that these things will and should go hand in hand. Now I think I have talked too much. Some of the Council should be talking.

Louis Gipp: I believe Resolution No. 53 was drawn up rather hastily due to the fact that the Council thought that our administration at that time was more or less corrupt. Now I believe that we may have gone out on a limb too far in those requests.

I believe that we should now, inasmuch as we have representatives from the Area Office here, discuss each one, A, B and C.

We may want to withdraw or revise. In discussing each question, we can also thresh out just how far we can go on that. After all, we knew our land program at the time we drew that up. Let's think of that now. I think our land program has a certain amount of restrictions in it. In other words, we are asking, perhaps, to throw the mortgage in the waste basket and give us clear sale of that. I don't know.

Now I am assuming that we borrowed money from the United States Government to purchase land, that they more or less want to supervise. I would like to say right now that at the present time, regardless of what the old Council thought, and what the new one thought, as to how we are operating, it would indicate that it was not in a businesslike way. There was money taken out of different funds, etc., without any Tribal Council action. There was hiring and firing of clerks without any Council action and to get that down to a minimum we requested that authority.

Now I would like to see the Chairman or Mr. Curry present those facts and those questions individually, separately. We will ask the Area Director and the Area representatives just how far we can go and how far we want to go.

Now there may be some of us fourteen members on this Council today that might assume that they are good business men. Perhaps they are. They are running this Council to the best of their ability. Yet we may not be on this Council next year. I think that we should try to maintain a little restriction along the line, as long as our Superintendent has not stuck his neck out too far, and will allow us to make suggestions, and goes along with us, like he has been. I think we can thresh these things out without, as I say, taking on too much responsibility. Just like Mr. Cooper said: If we take on a certain amount of responsibility and privileges, a certain amount of responsibility goes along with it.

Mr. Holmes: Much of that was brought out. Now Mr. Curry wasn't here at the earlier meeting. But a lot of what Mr. Gipp has said here today was what we learned at that last meeting and, as far as I can see, Mr. Gipp has said that we should start out at about where we left off at that last meeting.

Mr. Agard: That would be the proper way to handle it because I think we want to keep in mind that Mr. Cooper and Mr. Holmes might not be here next year either. We don't want to drag this thing out.

Mr. Curry: Louis, May I delay that a minute? I would like to ponder on what Mr. Cooper said very briefly. We might as well keep things together. He said first that the Council should realize that this amounts to abolishing practically the total of the trust function. Now, I don't agree with what Mr. Cooper said.

I think there are three important parts to the trust function. One is, as long as the land is held in the name of the U.S., it cannot be sold without the consent of

Congress. Talking about tribal land, that is. Part of the trust function, as he calls it, is that this land cannot be sold without your going to Congress and getting the authority to do it.

The second important thing about the trust function, as he calls it, is that the land is tax exempt.

The third important thing about the trust function is that the Government keeps control of it.

Now what we are suggesting is that the Government give control to the Indians, as they have done in other places around the country, but that they keep these other two things: (1) that the land cannot be sold and (2) that the land shall continue tax exempt.

So I do not agree with Mr. Cooper that we are abandoning the trust. We are keeping the most important part of it. Mr. Cooper, I am going to answer the second part, but maybe you would like to speak on that. I don't mean to contest what you say in an unfriendly way at all.

Mr. Cooper. I was very, very sincere in my statements. I know that we can have this discussion in the friendliest way. We sometimes see things in different lights. Meetings of this sort are very helpful so that at least we can understand each other's points of view.

Now, frankly, gentlemen, maybe it can be done. But I don't see how you can comply with the terms of that request and turn over the total control of tribal land to the Tribe and still retain these other so-called functions. It might be possible, and legally I am sure that it is possible, if you fellows say so. But it certainly doesn't make sense.

Mr. Curry: That, I think, is the principle that was carried forward at least all thru this so-called home rule or self-organization program that has been going on for years, that the Indians should manage their own property. If the policy of the new administration is otherwise, meaning that the Indians cannot have control over their own property unless they give up tax exemptions, and unless they give up this protection of not having their land subject to being sold by some Council that might not have proper care for it; if the administration says "no, we must keep control or you lose tax exemptions," then it is a good thing for us to know that.

Now you feel that it doesn't make sense, to give them control of their property unless they give up these other things. If I changed what you said, it was unintentional.

Mr. Cooper: Perhaps I am not articulate. I see no reason, frankly - and I would like to say this clearly and have Holmes, who is supposed to be my legal adviser, check: There would be no need to surrender tax exemption perhaps. On the other hand, if the means are not secure whereby it would be necessary for the Government or a Government representative to approve a land transaction, then I don't see how the Tribe can fully manage that.

And I believe that you would agree, would you not Mr. Curry, that in order to do that, legislation would be required to bring about a situation whereby the trust function so far as the Government is concerned in land transactions, in land sales, approval of leases, etc., would be granted to the Tribe instead of being kept by the Government as it is.

Mr. Curry: I do not want to go into the legal question as to whether legislation is necessary. I would like to know if you are willing to give them authority to manage their own lands yet to keep their lands tax exempt and to also permit them to have this protection of their lands not being subject to sale. I think it is legally possible to do it without any legislation, but the question is whether you are willing.

Mr. Spencer: Doesn't that approach a little example of what I have in my own family? I have some teen-age children. They are getting ideas all the time of what they are going to do and so on. I tell them that is OK but when they take off on their own they quit eatin' at the old man's table. Now I think we have got a similar situation here.

Mr. Curry: Now that is putting it very briefly. By "eating at the old man's table" the Superintendent refers to the fact that Indians are now getting certain free health services, free education services, free Extension service, and other services from the Government. Do I understand, Mr. Superintendent, that it is your thought, if the Indians want to manage their own lands, that they should give up all this free service?

Mr. Spencer: I can't say that the Government is thinking that. I am just saying I think so.

Mr. Curry: Do you agree with that, Mr. Cooper?

Mr. Cooper: I agree with that in principle. I don't think we ought to be tied down to specifics at this stage of the game.

Mr. Curry: I think this is the question. Would you let these people manage their own property without giving up the benefits of tax exemption, free high schools, free hospitals and things like that?

Mr. Cooper: Mr. Curry, I would object to any attempt to answer that question at this time. I don't think that there would be any basis on which an answer could be given.

Mr. Curry: Well, that is exactly the question that has been pending since last September.

Mr. Gipp: What does the word disposition mean?

Mr. Curry: "Disposition" means to sell. That is what you have been reading.

Mr. Gipp: "(b)" is "To handle the leasing or management of various tribal lands and personal property and to prevent disposition of said lands."

Mr. Curry: We are not asking for a power to dispose of the land. We are asking for power to prevent disposition of the land. This is so that some Indian Agent can't come along and sign a deed for some tribal land without the consent of the Tribal Council. We are asking to be able to block sales.

Mr. Holmes: Mr. Curry, the law prohibits that. That is prohibited by law. You are getting way off from your base, that we started to discuss. I take it from what I have seen and heard that under a properly proposed plan, the Commissioner of Indian Affairs will go along so far as legal limits allow in allowing you to manage your own affairs. I believe that that is true but, as you say, that is just my statement.

I think and I will repeat it that the Commissioner of Indian Affairs will go along with you in a carefully worked out and thought out plan to allow you to manage your own affairs within legal limits. And there are certain strict legal limits and there are other legal limits that are subject to interpretation.

Mr. Curry and I will probably differ on the interpretation. Everybody differs on the interpretation. But concerning Indian affairs, there is no certainty.

In sitting in the meeting the other day of the Commission on Indian Affairs for South Dakota, lawyers made speeches all day, and no two of them agreed, on the legal effect of the law concerning Indians and the Government. There was considerable confusion. I think my basic statement is still true, and I believe that the Commissioner will approve. I don't know that he will. But there is some indication now that he will go along, within legal limits, to allow you to manage your own affairs. As a matter of fact, you are managing most all of them now.

Mr. Curry: May I say that in my opinion the Area Counsel has given an excellent answer to our question. "The Commissioner will go along with any properly worked out plan to permit you to manage your own affairs." If he were the Area Director, I think the meeting would be over.

That, of course, is on the assumption that there is no condition that we would have to quit what the Superintendent calls "eating at the old man's table."

I wouldn't use that language. I don't think it is "eating at the old man's table." But Mr. Holmes didn't say we had to quit "eating at the old man's table." He didn't say we had to give up our free hospitals. He didn't say we had to give up our

free schools. He didn't say you had to give up anything; he just said "he would go along with any properly worked out plan to allow you to manage your own affairs." And there is no limit on that.

Then the only question I have is whether the Area Director will recommend the same thing without limitations, without keeping us from tax exemption, etc.

Mr. Cooper: Mr. Chairman, I think that Mr. Holmes made a very logical statement. I also think that if the question that Mr. Curry has proposed to me had been posed a little different I would have said yes. But what he said, as I remember, was, "With what you know now will you approve these certain things or recommend approval?"

I say definitely that we are here to sit down with you and work out each detail of logical planning, worked out and workable within existing law, or if they are not workable within existing law, to request legislation. We will go along with anything like that. But I am not willing to say yes or no as to what we will do in the future until we have something on which to base that answer. Does that sound fair, Mr. Curry?

Mr. Curry: Well, I think you could answer this thing "yes" or "no" or "yes but" or "no, because" pretty thoroughly. In other words, you can say "Yes, we will give you control of the management if you do thus and so." If you say, "We have to get a properly worked out plan," you throw the burdon on us.

Mr. Cooper: If we do it that way, Mr. Curry, we will be doing it in a way I don't think is proper. We will be saying, "Yes we will go along with you if you do thus and so." "Thus and so" means a plan we are imposing or attempting to impose on people.

Now that, I believe, will be resented. I believe the better answer is to say that "we would like to have an expression from you" and "we would like to know what your ambitions are in detail;" we would like to work with you and attempt to get these things so framed and so organized that we can say "yes" and turn in an affirmative recommendation.

Mr. Curry: You say you don't want to impose a plan on the Indians but in a sense you are already. They came in and said "we want control; we want management of our tribal funds; we want management of our tribal lands." And you say, "No, we won't do that unless you work out a plan."

Now their plan is theirs. They don't want you to tell them and they are not asking you to tell them just how to do it.

If you want a plan I think you should submit the plan and the reason for that is this. It is impossible for us and for the Council to know what is going to be acceptable to you. We might sit here and argue for weeks and months about what we want. Then it would go to several different offices and places in Washington in more detail. More people would have to talk about it. It might take a year or two or three years before our plan in all its detail would be worked out. On the other hand if you are putting conditions on, you tell us what the conditions are. The proposal was put to you very simply.

Mr. Holmes: Let's have a little discussion with some of the members of the Tribe. Is there a great deal of dissatisfaction about the way the management has been handled, with the way you are allowed to handle your business?

Mr. Gipp: I would like to ask Mr. Cooper one question. Can the Superintendent spend the Tribe's money in any way he sees fit, whether it is a good business deal or whether it isn't, without the consent of the Tribe?

Mr. Cooper: As a Superintendent working with a tribe with a very great deal of money I certainly don't know how I could have and I certainly didn't spend any tribal money without a proper resolution of the tribe authorizing that expenditure or within the framework of a properly drawn-up tribal budget.

Mr. Curry: May I answer that? The answer is "yes."

Mr. Cooper: If there is any Superintendent in this jurisdiction that does it, he and I are going to come to clinches.

Mr. Gipp: Mr. Curry's answer was "yes." Now, if that is true, then I think now is the time to put some restrictions on our money. Let's not give the Superintendent a free rein. Not that he isn't going to do a good job. The idea is we should have a certain amount of control of our money, and if it's going to be held in restrictions the Superintendent should have a certain amount of authority if that money is spent. But neither one of us should have full say of it.

Mr. Curry: Now that of course is an individual thing. The Resolution says that the Council wants control. Now you're talking about perhaps changing that resolution, and I have no objection to changing it at all. There's no reason why you can't reconsider it now.

The request on the record now is that the Tribal Council wants control of their money, not that they want joint control or they want to limit the Superintendent's control. The way it stands on the record now is that the Council wants control, subject to the people's accepting it.

James McLean: I think that as far as land and money are concerned the Bureau can do most anything they want to. They have done it in the past. We've got examples today where they leased land out without the consent of the owner. That has been done right along, with different old people that wanted to lease for more money to somebody else. The Agency wants to give it to some other guy who probably has a little more pull than somebody else. Isn't that right, John?

And John has had that same trouble here.

Speaking about "eating off the old man's table," I wish Mrs. Heineman were here. There's a whole lot of us that never see a decent meal the year around. Whenever they apply for relief they tell them to go out and work, you're young and able. They can't say a man is young and able; he might have some physical defects. He might be disabled some way. At the same time I don't think that Mrs. Heineman or anybody else should send back thousands of dollars to Washington so that she can make a reputation for herself, saving money, on that score. As far as Mr. Cooper's, a while ago, making a statement that the people should be concerned about different movements of the Tribal Council. On the other hand it is very difficult, because they can say that we're the governing body. You've got nothing to say. But there's a conflict there.

Mr. Holmes: The Superintendent has never told you that. The Superintendent never said to you that "I'm running these things."

Mr. McLean: He said the Tribal Council is the tribe's governing body. At the same time, under the Act of 1934, they can do, with or without the consent of the Indians, most anything - unless it has been modified later. That's all I'd like to say for now.

Mr. Agard: He got off the subject there a little. I think the question was whether or not the Superintendent has the authority to disburse or dispose of tribal funds without the authority of the Council. Mr. Curry said "yes" and that's as far as we got. I believe he asked Mr. Holmes to answer him on that.

Mr. Curry: I didn't ask him to answer. I just said if he disagreed he could answer if he wanted to.

Mr. Holmes: I don't know how they operate, and I haven't been able to find out in about five trips out here. I don't know. I am asking again. They don't know either.

They told me on numerous occasions. These two men right here, who were at the other meeting. They've been attending Council meetings. I haven't been to all of them.

They didn't know a thing about the business. They didn't know how it was operated. They didn't know how it was run - at that other meeting.

Now I don't know if they've made the study they were going to make after that meeting or not.

Mr. Curry: You place a great emphasis on the members of the Council, 14 of them, "knowing how the business is run." Now, I have sat in on the meetings of corporations of very substantial size, involving all kinds of money and all kinds of operations. I never knew a board of directors yet that had any real knowledge of the details of how the business is run. That's done by the management, not by the board of directors.

Mr. Holmes: What is the management of the Tribe?

Mr. Curry: The management right now is the Superintendent. If the Tribe ran its own business, it would have its own management. Now Mr. Agard, I am sure, is in an executive capacity. I think he knows lots of details of how it is done. If he doesn't, he will pretty soon. He's getting into the thing now, and he will know now it's operated.

But a member of the Council only comes in for meetings now and then. He has to spend a lot of time arguing about political matters and things like that. How would he know, in detail?

You ask the Board of Directors of the American Telephone and Telegraph Company some of those detailed questions. They won't be able to answer, either. But still they control the business.

And how do they control it? They control it by selecting honest, capable, people to run it for them. Every once in a while they stick their nose in and find out how this is going, how that's going. If they see anything wrong they fire the management. You shouldn't expect this "board of directors" to know all these details, and say to them, if they don't know all the details, that you won't let them control it.

Mr. Holmes: I didn't say that, Mr. Curry; I didn't indicate that.

Mr. Curry: Why is it important to mention this question unless it has to do with the main question here, whether this Board of Directors is to control their business?

Mr. Holmes: If this tribe wishes to control their own affairs, it should be known definitely by at least somebody who is going to manage their affairs. Is this man going to be the Chairman? Is the group going to manage? Somebody is going to have to.

Now if they are going to manage their own affairs, who's going to do it?

Mr. Curry: I'll tell you who'll do it. It will be managed by the Chairman, under the present setup, under orders of the Council. He is sort of a President.

Now, maybe they'll want to do it some other way. Maybe they'll want to hire a different man. If they want to get some other people, let them do it. But I think that would be the way to do it to start with.

Mr. Holmes: It seems to me that this Council is anxious to manage its own affairs it is high time to know who's going to manage it and how it is going to be done.

Mr. Cooper: First, the matter of the management of the land. There is a Tribal Land Enterprise in operation here. In my - possibly poor - way, the thing I've been attempting to suggest is that the Tribal Land Enterprise operation be studied generally, and that this group that's elected by the members of the Tribe should act, as Mr. Curry said, as a board of directors. They should indicate their satisfaction or dissatisfaction, needs for changes, needs for elaboration, in that Tribal Land Enterprise. When that is made clear to us, then at that time I won't back and fill on a yes-or-no answer as to whether I would recommend it to the Commissioner and the Secretary.

Frankly, I'll tell you just exactly what I'll do. I would have the basic plan. I would not only study it myself with you, but I would get the recommendation of these fellows here, your specialists. The recommendation that went in over my name would be my recommendation. It wouldn't be arrived at without advice and assistance of the members of the Area Office staff.

Now, in a way, the Chairman of this Council, as I see it, occupies approximately the same position as I do in Aberdeen, and the remainder of the members of the Council are his staff. Is that a fair analysis?

Mr. Curry: I don't really think so. They don't work for him. They're his boss. He's their staff.

Mr. Cooper: But jointly they consider properly just the same as the staff in the Agency or the Area Office. It is their joint determination, finally, that results in action by the Council.

Mr. Curry: I want to question one of the points you raise: bringing the Tribal Land Enterprise into this discussion, I think, only causes confusion. The Council is on record as asking for the control and management of the Tribal land, not the lands of individual Indians. The Tribal Land Enterprise is devoted mostly to the management of lands of individual Indians. Now, if we asked the Government to turn over to us the control of the individual Indian lands, that's something I don't think we could make very good case for. Leave that to each man alone, instead of taking it over.

But I'd like to discuss the Tribal lands, too. What they do ask is that Tribal leases should be signed by their general manager. The money from those leases should be put into their bank account, and that money should be paid out by their treasurer. That's the substance of what this first question is. It has to do with tribal lands only; it doesn't refer to the lands of individual Indians. Do you agree then that your reference to the Tribal Land Enterprise is covering in more than what is asked for?

Mr. Cooper: Well, it was not my intent to cloud the issue and bring the Tribal Land Enterprise in, other than to show that that is a step by the Tribe in the direction of handling their tribal lands along with some of the allotted land that has been taken. What is wrong with what is being done now? If you don't like what is being done now, tell us and we will change it. That's what the Council is after.

Mr. Curry: The point as to tribal land is that they should have control of it. If there is anything wrong with it, instead of asking you to change it they can change it themselves.

Mr. Holmes: How are we going to do that, Mr. Curry. What do you propose to do? How do you want the power given to the Tribe?

Mr. Curry: Well, there is no use of going into the legal question of how it is to be done unless the Government is willing to do it. That is why we raised that question with Assistant Secretary Doty: are you willing to turn over to the Tribe, thru its own governing body, with the consent of all the members of the Tribe, the control of all the Tribal lands, Tribal cattle, Tribal money and all that sort of thing. We meant of course that we want that control without at the same time giving up tax exemptions, without giving up free high schools, without giving up Federal relief, without any such adverse effects.

Now we've got several answers here. One is: "No, you can't have that unless you give up all this free service" altho I think like Jim that you are fully entitled to it. That was one of the answers, "You can't have full control of your own property unless you give up all this free service."

Mr. Holmes stated another answer. He said, "Yes, you can have it on any reasonable plan." I suggest they tell us what kind of a plan they want. As far as I am concerned this plan is down on paper. Now if they want any more than that they might say what they want.

Mr. Holmes: Now, let me see if I understand you correctly, you Tribal Council Members. This man is supposed to be talking for you. You propose that all the management of all of your tribal lands, the expenditure of all your tribal money, is to be handled by whom?

Mr. Curry: By the Council.

Mr. Holmes: By the Council. And they are going to be the governing body, without the knowledge, without the consent, without any interference or knowledge whatsoever on the part of any Government employee. You may sell the land, you make all your collections, you take your money, you do whatever you want with it without the Superintendent, without anybody else even knowing about it, or knowing where it is, what you are doing with it in any manner whatsoever. Is that what you propose? Is that right?

Mr. Curry: I would like to say that there is one condition on that and that is that the proposition's acceptable to the people. If we want to change our minds we'll do it, but that is the proposition now.

Mr. Holmes: I would like to hear expressions from the members of the Council if you have thought about it.

Mr. Gipp: Might I suggest that that resolution be brought up and each question or request be discussed separately and ask the Council if they want to revise it in any way or make amendments to it.

Mr. Curry: First, is to control all the tribal funds. As I understand it, you now have \$30,000 or \$40,000 a year of regular income but this year you had something over \$100,000. Right now that money is legally subject to the disposition of the Superintendent. As a matter of policy, though, the Indian Bureau doesn't do that. They don't ordinarily spend that except with the consent of the Council.

Now, the proposal is that that money be turned over to the Council, if the people agree to it. Now I consider that this isn't very much money. I consider that you can find people who can handle it. If they can't, you can throw them out and get some new ones.

I think that the amount of waste that might be caused by turning it over to the Indians would not be any more than the amount of waste that is caused now by Government administration. I hate to say that but the point was raised by Mr. Holmes. He suggested that it would be all going out the window but I think that a lot of money now is wasted because of

Mr. Holmes: I didn't say it would be wasted; you did. He said you can throw them out and get somebody else.

Mr. Cooper: The only thing I hope we can get abundantly clear here is that, in general, responsibility and authority goes together. If this, or any other tribal group, or if any group of people assumes authority, I think that everyone agrees it is responsibility that goes with it. Now when I made my statements before, I wanted to make it entirely clear that they should not be considered as a threat, but merely that the Tribe should consider very carefully how far they wanted to go along the lines of the assumption of additional authorities and responsibilities. I personally, and I am speaking personally, hope that you want to go a long ways and can go a long ways fast.

Specifically, Mr. Holmes made a statement to the effect that there was no reason why plans couldn't be worked out for the handling of lands and other things; that it would not necessarily endanger the tax-free status of the lands or other benefits, services and privileges that the Indians may have. But I don't believe that this or any other group of people can expect to assume the total control of land, we will say, or of their tribal business or of their tribal affairs without acquiring the responsibility for the provision of other services. That, I want it clear, is a general statement. I wouldn't want to say yes or no, I couldn't say yes or no, to a question: "if we get the land, do we have to give up the school?" That is something I don't think we can answer and I don't think anyone would want to answer at a preliminary meeting of this sort.

Mr. Agard: From that I get that you feel that what we ask for here is going to lead to our severing our relations with the Indian Bureau entirely, is that right?

Mr. Cooper: Well, I say this, that the trend, not only on the part of many Indian people, but also on the part of Congress, on the part of friends of Indians and neighbors of Indians generally is that, just as soon as possible the Government

should be out of the Indian business. Some of our employees have been accused of giving lip service to that matter of getting out of the business; but I certainly think that many of them are sincere in the attempt to work for the time where Indian employees won't be necessary, and they won't be here.

Mr. Agard: Do you feel that this is taking too much right to the Indians? Or do you feel that we should wait and forget about this and then you can cut us off all of a sudden? Don't you think we are gradually stepping into it, as you say?

Mr. Cooper: I would hope that you would gradually be stepping into it.

Mr. Agard: Don't you think that that would be one of the first steps? Or do you think we would be taking too much? It's down there in writing what we want: control of our own funds and our own lands. I don't see how much more detail you want.

Mr. Spencer: Is there anything down there that you haven't got? Would you consider this, the last part of the preceding clause: except that some limitation or supervision would be required by law. If you would consider that, I think you have everything you ask for in those three paragraphs.

Mr. Curry: What they want is to have their own bank account, to sign their own leases, and they don't have that now. The Area Director said that the trend is to get the Government out of the Indian business. I think it is. But I think that the Members of Congress would be very pleased to see the Government get out of this part of the Indian business: that is, keeping track of the Tribe's money. They would be very pleased to see them get out of this part of the business.

Maybe they could save a little money on the appropriations because Whitney Agard would be doing the work that is now done at the Bureau. I think they would be pleased about that.

As Whitney said, this is the first step. Is it too long a step?

Furthermore, if we take over our own bank account now, does that mean that you are going to shove the cost of the high schools on us? I don't see any reason why it should be done.

And I don't agree that the Area Director with this generality--and I certainly intended it as a generality--I don't think it applies here; that authority and responsibility go together.

Here you are asking for authority over your bank account. Then I think that the responsibility for your bank account does go with that. But if you take authority over your bank account, that does not mean that you have responsibility for your schools.

I will give you an excellent example of that! Me! I have absolute authority over my bank account but I have no responsibility for the school my child attends. I get it absolutely free in the same sense you Indians get it free. I do not pay taxes. I haven't any real property.

I say I have no ^{more} responsibility to the school my little girl goes to than you folks have. Not a bit. I pay the same taxes you do. As to the fact that you hold your land tax exempt: I don't pay land taxes either.

I have no land so I don't pay land tax either. They don't say to me that "Authority and responsibility go together. Because you control your own bank account, you have to pay for your child's schooling."

I think you have a right to ask authority over your bank account and the little bit of land you have left. It isn't much. If you are ever going to govern yourselves, as the Chairman put it, you better start some time.

In a very short time you are not going to have even that much land. If it means anything that the Indians should govern themselves, I think they ought to turn over to this Tribe the control of this land. They have done it before for other tribes and they can do it here. They shouldn't say that if you do that you have to take on new burdens. They should give it to you free if you want it. They should let you run your own cash, draw your own checks and sign your own leases. That is about all it amounts to.

Mr. Cooper: There is just one thing, Mr. Chairman, that I am asking for. Information on the law. If I remember correctly, in accordance with the law, the Secretary of the Interior has a very broad responsibility and is charged with the sole handling of trust land of Indians, to see that these land resources are not dissipated. Now in considering the problem, if the Tribe assumes the full managing authority, just how would we relieve the Government and the Secretary of that responsibility imposed by law?

Mr. Curry: Well, the answer is this: the responsibility of the Secretary is that the land should not be dissipated, so he retains title himself. Under our proposal, the Tribe can't sell the land. All they can do is manage it. Only Congress can sell it; so it can't be dissipated. If this thing is done as we suggest, not even Congress can dispose of it without the consent of the Tribe. That is the best way to avoid its being dissipated.

Also, there are regulations. The land is governed by grazing regulations, and those things are included in our proposal in that language which says: "subject to the provision of existing law." You have to respect certain laws. But the main thing is that you be able to sign your own leases and write your own checks and run your own bank account in the best way you see fit.

Now there are various ways the cash could be dissipated. Somebody might steal it. Well, I don't think that will happen. I don't think much of it has happened in the past years. But I think, if it did happen, under the watchful eye of the Superintendent, I think, Mr. Chairman, that the Tribal Council are going to watch you closer than the Superintendent. That is my guess.

I never saw an Indian tribal council yet that would let a tribal manager "make very much dough." They are about as cagey with their money as any people I ever saw. There is no waste when the Tribal Council manages things. They are just as careful with it as they can be, because they are poor and have to watch their money.

But when people in Washington spend money, they spend millions with a free hand. Often times there is a lot of tribal money spent pretty fast by those people.

Let me answer your question, Mr. Cooper. The land can't be dissipated, because it can't be sold. You say it might be ruined by overgrazing or something like that. My answer is that there are regulations protecting the land.

It might be sold in another way by making leases that are too long. Then my answer is that there is a limit of 10 years on leases. In fact, it is lower on some leases.

Lastly, as far as wasting the actual money thru graft is concerned, my answer to that is the Tribal Council will watch that money closer than the Government ever watched it.

Mr. Cooper: Well, you have answered my question satisfactorily, Mr. Curry, and I would like to illustrate what in my opinion are some of the things that will be necessary to be spelled out in the plan for the tribal operation of the land or any other phase of these things. I am further going to make a suggestion which I hope will be right. I think we are all agreed in a discussion group as large as this we frequently spend a lot of time in discussion. We sometimes get action that is desirable in smaller groups and work out specific things that are then presented to the larger group for action.

I would like to suggest that if it is the wish of the group here that through the Chairman or by some other means a smaller sub-committee be appointed to work as necessary with the employees of the Agency or the Area Office to detail plans of operation, plans of organization, and then, when they are satisfactory from the standpoint of the Tribe, without question and advice of their attorneys, we will be in a position to submit something to the Commissioner and the Secretary with a concrete recommendation.

James McLean: Talking about taxes, suppose the Council got the necessary functions they are demanding from the Indian Office and they were given that privilege would they in turn be able to turn around and impose taxes on the Tribe in some way, shape or form? I believe that has happened to other tribes. I think that should be clarified here.

Mr. Curry: There is nothing in this proposition that would give the Council authority to impose taxes. It has in other places and it can be arranged here. If you want the Council to have authority to tax you, we can arrange it but that isn't this proposition. That is on the record.

Mr. Agard: Your allotted lands are being taxed. There is only one difference between a tax and the fees; it is that they use a different term to explain it. But you pay a tax on your allotted lands when the ^{leases} are drawn up in the process. That to me is a tax.

Mr. McLean: It is supposed to be tax exempt.

Mr. Agard: It isn't exempt because it is a fee.

Mr. McLean: When the Government took the responsibility of taking care of the Indians they said they would protect the Indian in his tax exemption. I don't see any reason, whether he brands "I.D." or not, that he shouldn't be tax exempt. I think it should cover him either way, whether he brands "I.D." or otherwise.

Mr. Curry: I think the question that Jim raised is a good one but this doesn't raise it at all.

I would only like to suggest one change. I think it would be a good idea to have a small committee. However, I would like to suggest that we fix the responsibility for submitting a tentative plan. I think we should stop talking at this point and somebody should sit down and write a plan. Since it was the Area Office that suggested it, I would like to suggest that Mr. Holmes be delegated to do the job.

Mr. Cooper: I think that should be a joint responsibility. I may be rabid on the subject but I don't like to have employees write out plans for a tribal group.

Mr. Curry: Mr. Area Director, that is exactly what you are doing. We have given you our plans. If you want more detail, tell us what you want but don't just say "We want another plan." Then you will want to sit and talk some more. Write it down. Tell us what you want.

Mr. Gipp: At the present time some of you probably think that you have pretty good representatives on the Council, outside of myself. Now if you were to draw up that plan, give it to the Area Office and the Commissioner of Indian Affairs, the Secretary of the Interior to accept it, we would have to have a finance officer or treasurer. Naturally we would pick on somebody with some means, somebody that was known. Well, we have some of those men on the Council.

Then supposing that this plan was accepted. And let's say that this Fall we have elections and you wind up with no one on your Council with any means. The new Council would also go on record as requesting that the Treasurer does not need to be bonded. Then you lay yourself open for a right-hand punch.

There is also another small thing that could enter into that and that would be in the first place the Treasurer is going to request a salary. We ran into that in our Legion Post. We have a pretty good treasurer ourselves. I think that that is a pretty big request considering how I believe we would be in line in requesting those authorities providing we were squared up with the Government and we didn't owe them anything.

Another thing, I don't believe we are ready now to assume that much responsibility without some restrictions left on it. Talking about the Government severing itself from the Indians, I think that is going to come too fast. I think that is too big a step. I think the Government is going to sever itself from us too fast for our own good. I think if we can prolong that, we are going to profit by it. We are not going to be in quite as bad shape.

Therefore I would like to have the Council . . . I'll make a motion that we have an amendment to that resolution. I'll make the motion that we will add "final approval by the Superintendent." We are going to conduct our own business, so give us that authority. Yet the Superintendent will supervise. In other words, he is not going to run short. Instead of him running it without our guidance, like it has been, we will run it with his guidance.

Mrs. Longchase: Mr. Chairman, may I say a few words? I am glad to hear all this discussion. What the people want, what we want, the Councilmen. I knew they wanted something but they are kind of scared of those people. What we want, Mr. Area officer, is to handle our own leases the way we want to do it so we can live. The way it is handled by the Indian Office is pretty slow. Right now some of them are sitting here. They haven't got no religion, they are half starved, and here we sit arguing about trying to put the Indians on their feet and all these years we suffered and suffered. I know I did. I am an old timer and I am not afraid to talk.

For many years I have been attending meetings. I even hitchhiked to Washington.

Since the 1934 Act became a law here, we haven't got no charter or bylaws but our money has been tied up here. We get our leases just once a year. Every 12 months we get our little lease money. I just get a measly little \$32 a year. But I have to wait and wait. Some of us are sick and are in terrible shape.

That is why we want control. A man could walk in with a lease, I could sign his lease and make out papers that he pay me and put it on record and close my books and walk away with my lease money and I'd be satisfied. But we have to wait and wait.

This tribal money that you people are talking about. Some of us never see a red cent. I have seen a few dollars since I've been on the committee. I will be very thankful when I get it.

I get a measly \$5 because I'm from this District. Of course people have to come a long ways to get a little additional.

But that is what we want. We want to handle our own affairs because we got a good Chairman. He is young and he went to school and he knows something about how to keep things in order for the Indians.

We are supposed to work for the Tribe but since I've been on the Committee it looks like we are working for the Bureau. It looks to me like that.

When are we ever going to get on our feet? So many years ago the cattle program came in here without the knowledge of the people and the Land Enterprise. Ever since then we have been spending money and money and money.

Last winter we had a tribal herd down here. We paid out by tribal funds so long as they keep them. They still are here. Maybe we should ask Mr. Cooper to issue one head of cattle to all of us so we can milk a cow. That would have been a good idea.

But that is what we want, Mr. Cooper, is to handle our own leases without somebody pushing me around and taking a lease away from me without me knowing it and leasing it to somebody else.

We had a hard time on this 25-cent an acre lease. Many years we lease our lands for only 10 cents. That was for many years. All at once the Indians decided they wanted more money because everything went up. So we said 25 cents now. The Office give us 24 cents and there are still people lined up at the office every trying to get their lease money. But we have to go to this one, and that one, and sometimes we make the rounds and we don't get nothing. Especially the people that come a long ways from the other districts, they have a tough time coming up here.

But I am going to say that Mr. Spencer, ever since he took office, we can walk in and talk to him. He always give us a decent answer. So we feel better. But still we can't get our money the way we want to, on our own and the tribal leases.

Mr. Spencer: Now wait, Mrs. Longchase. You can only mean the grazing leases. That money was due April 1 and it was all, I'll say 95%, paid out before April 1.

Mrs. Longchase: But years before, that couldn't be done. I got three checks in one envelope. That was all right. I got my money. I took it away before they would take it back from me.

Mr. Curry: Then you are talking about both the tribal land and the allotted land and you want this controlled by the Indians.

Mrs. Longchase: Yes.

Mr. Spencer: Except for a complicated heirship lands, Mrs. Longchase, and these grazing leases that necessarily have to be handled in big units, you have that privilege. You have the privilege every time of going out and leasing your farming allotment and other lands and collecting the money right there. That is given to you right now.

Mrs. Longchase: Some of them took their leasing privileges out and had trouble with it and had to bring it back again. Something went wrong somewhere.

Mr. Blackhoop: When was this resolution drawn up, at this present Council or in previous Councils?

Mr. Curry: It was drawn up first by the previous Council but later, at the last meeting, the resolution was adopted which set out all that went before and asked that this meeting be called. Somebody mentioned that I called these meetings. In a way I did. I made a 'phone call and got people together. But the request for the meetings was in the resolution of this new Council. And that resolution said again substantially what was said before.

Mr. Blackhoop: I questioned it because as I might put it there is a misappropriation. Most of the members of this Council had no knowledge of this resolution. There is a man sitting right by me. He didn't know anything about it. There are only a few men that drew that resolution. I think it is proper for those few men that are here to explain that resolution. Then the second question is if we have any control in the management of our tribal lands and money, revenue that comes out of the tribal lands, do you think in your mind that the non-Indian could make a football ground out of us?

Mr. Agard: You said that some Councilmen had no memory of this resolution. At a special meeting of the Tribal Council on March 10, 1952, the members present were Henry Fasthorse, Paul Reddog, William Gipp, Mrs. Longchase, Sam Crowghost, Jessie Taken Alive, Shooting Bear, John Tiger, Isaac Hawk and Louis Thief, and I'll read you the motion when the resolution was adopted. "It was moved by William Gipp to adopt the resolution No. 5 concerning the control of tribal resources, motion seconded by Isaac Hawk." All present voted. If he was present, he should pay better attention to the meeting.

Mr. Gipp: You know, I believe that that resolution was drawn up because we have heard that other reservations were having difficulty, that the Superintendent would go to the chairman and say, "Let's go out and buy a thousand head of sheep" without the tribe's consent and invested it in some enterprise without the tribal council's consent, without a discussion, without any plan of operation, and also going ahead with delegation's checks, and so forth, at the tribe's expense, to hire a clerk to a non-Indian who had no presence here, pay them the sum they thought they should get without even the knowledge of the council. That is what we were trying to head off. Now I don't believe the Area Office will put restrictions on our Superintendent inasmuch as he has paid that money. Now if our Superintendent was restricted, and the Area Office could request that he will make no expenditures and invest in no enterprise without the approval of the Council, I think it will take care of the whole reservation.

Mr. Curry: Well, I think those restrictions already exist, right now.

Mr. Gipp: It is known, on some reservations, where they have taken money out of refunds and used them for educational loans without the approval of the council, without the approval of anybody except the Superintendent.

Mr. Curry: I think they did that on the basis of an approved budget. I think the regulations now require that there be consent of the council before any money is spent. That has always existed. The important thing, the thing that was discussed before at council meetings, is that they don't have to do that if they don't want to. They don't have to go and get consent of the council. Furthermore, the council should have the right to spend the money; not the Superintendent, but the Council.

Mr. James McLean: Mr. Chairman, I would like to ask a question. If a piece of land is in a unit and a man wants to withdraw, and if he has a chance to lease it for more money to some individual could he do that?

Mr. Agard: I think Mr. Rawie will be in a position to answer that.

Mr. Rawie: If the land is under contract, during the terms of that contract, then that would be only withdrawn for the owner's use himself. Now if at the end of the contract he wants to withdraw, he can do so, and do whatever he wants with it.

Mr. McLean: He can hire somebody to plow it, or cut hay on it, if he wants to?

Mr. Rawie: If he wants to use it himself, it may be withdrawn from the contract. However, he can't break a contract and lease it to some other man during that contract period.

Mr. McLean: Will the contract

Mr. Rawie: It is sometimes for one year, sometimes for two years, sometimes three years.

Mr. Curry: The other question was, could he hire somebody to cut hay on his own land. You have your answer, Jim.

Mr. Cooper: I would like to make clear here to the present Superintendent, I will certainly attempt to clarify, that at no time should he place himself in a position where he is even suspicioned of spending any tribal money, without the full knowledge and consent of the governing body of the Tribe.

Now I say that and I want to elaborate and add to it. I do hope that this statement won't prevent you as a Tribe or this Council from planning to assume greater responsibility. It is not the function of any person, just because he happens to be working on the Government side, to do anything other than encourage tribal groups and individuals to plan for the assumption of responsibility.

Now, I was a little bit concerned. I know that it was not intentional on Mr. Curry's part, but I was a little bit concerned at the indication that there had been two answers given to this matter of planning the program.

I don't think that was intended and if it was I would like to clarify it from my standpoint at least. Generally, I think that the statement that I made and the statement that Mr. Spencer made is correct. With additional authority it is reasonable to expect that additional responsibility will go along. Specifically, it is entirely possible that in the handling of the land and any other phase, an agreement might be worked out to the benefit of the Tribe that wouldn't endanger some of the basic privileges such as the tax-free status of your land. I just want to be sure that that was made clear.

Mr. Curry: Can I ask the next question? Is it possible to have the things that we ask for without endangering the taxing status of the land so far as you are concerned?

Mr. Cooper: I feel we have no basis for a yes-and-no answer. I would say this: that the Secretary of the Interior wouldn't give you an answer. I would certainly be presumptuous to do it. Thus far I don't think we have any basis of facts.

Mr. Curry: I think we asked for a program meeting. We want to know what the program is that will give the Council power to control their own money. We would like to know, step by step, what needs to be done to accomplish that, if the people want to do it. There has been no motion made. I think if a motion were made that perhaps it might be voted on at a different meeting. I don't know.

Mr. Spencer: May I ask, is this an official resolution? "On September 26, 1951, an authorized delegation of the Standing Rock Sioux Tribe submitted to the Assistant Secretary of the Interior the following request." In my records there is no place to show that came before the Business Council for approval.

Mr. Gipp: I believe you are right, Mr. Spencer.

Mr. Spencer: I am questioning whether you have a valid resolution by the Business Council.

Mr. Curry: I would like to quote the language of the report of this Indian Office group that came out here while I was not present. They recited just what you recited now and then they said the following: "Prior to the departure of the delegation to Washington the Tribal Council on September 18 adopted resolution No. 53, a copy attached, which includes the same above statements in somewhat different language as well as additional statements relating to the Standing Rock-Cheyenne merger, etc." I also want to point to the Resolution which the Chairman read which I think reiterates what went before it.

So it has been before the Council, as I understand it, once before the delegation went to Washington and once before this meeting was called. Now, do you want to repeal it? The question could be raised; but it is official now, Mr. Spencer.

Mr. Gipp: I don't remember our ever acting on the resolution.

Mr. Agard: It seems to me as if they were looking for loopholes in the administration before and after, the old and new. Let's get down to something constructive here. We are just beating around the bush.

We've got to have something settled, one way or the other. If we want to withdraw the resolution let's have something definite instead of looking for loopholes as to the validity of these resolutions.

Mr. Holmes: We started along that way a little, to determine what you ought to do. We got off the subject and have spent most of the day and we have never got back to what we were discussing.

Mr. Curry: Mrs. Longchase made a talk and some other people talked. The next point in our proposal is the handling, leasing and management of the tribal lands and personal property. And the next is "to hire any necessary employees" and do your own hiring and firing and having your own bank account and signing your own leases, and putting it down very plainly and thoroughly, that is what you do. Now my position is that the Secretary of the Interior is in a position to do that for you and he doesn't have to take away any tax exemptions. He doesn't have to take away your high school. He doesn't have to do anything like that. Now maybe he is going to do it. But we are going to get that clear on the record that you cannot have home rule unless you give up your free high school.

Mr. Gipp: I move we amend that to make everything subject to the Superintendent's supervision and then the supervision can be lifted later.

Mr. Curry: Mr. Gipp, do you want this temporarily under the Superintendent's approval? Do you want it removed at any particular time? Who do you want to have the power to remove the Superintendent's approval? Do you want that to be removed by the Government or do the people of the Tribe have the power?

Mr. Agard: I think that is a repetition of what is happening now, isn't that true? Everything is subject to the Superintendent's approval right now.

Mr. Gipp: We have known what we have had, and what other reservations have had, where they have gone ahead done business without our approval. Now this year, and we are asking for those three things. Now all right, let them grant them to us providing that we request that to read "with the approval by the Superintendent." In other words, that is the first step. That is a big step. We will cut that step down to something we think we can handle. We will do our own business and we are not going to ask him whether he likes it or not. We will just go ahead and do it and if he thinks it looks good to him, and we will not be sticking our neck out along the line anywhere, he will approve it. Now we have been hiring our own employees, haven't we? But if they don't accept that, what is to stop him from going out and hiring a dozen people, if he likes?

Mr. Agard: He has to go according to the plan of operation. It has to be accepted by the Council.

Mr. Gipp: Now the same way with our tribal lands. The Superintendent may now take it upon himself to lease those out. Let us do that, with his approval, in place of him doing it with our approval. That will be our first step. Later, when we get into operating when we think we are capable of carrying this thing out in a business-like way, then we can request the Superintendent to lift that approval business.

Mr. Curry: Would the people have any authority to lift that or not?

Mr. Holmes: I think what Louis has in mind is this: that by this proposal he will fix it so that the superintendent cannot act without the approval of the Tribal Council and neither can the Tribal Council. It will take the concurrence of both of them to spend the money and lease the land. Is that what you've got in mind, Louis?

Mr. Gipp shook his head. "Yes."

Mr. Gipp: We know in our office, we know we had no control. We have had employees working for the Tribe that the Tribal Council had never approved, that the Superintendent hired. Now, we are going to do that. We have been doing that recently. Now let's not base our decision on anything that we can do recently. Let's go back to some years ago. Find out what was going on then, which could start right in again.

It depends on your superintendent. Now this Council might jump up and throw a monkey wrench in this, which was never done before. But if they will grant us this authority, in other words, then I say, let us do it for a while and then maybe we can do it ourselves. But we are not going to go right out now with a bunch of expensive equipment and we don't know nothing about it.

Mr. Curry: I would agree with your suggestion, Louis, if you would permit the people of the Tribe to remove that power from the Superintendent when they want. If you say that may be removed only by the Government, then I agree with Whitney that the change is very slight.

I don't think there is any serious danger of the Superintendent disposing of your property without your consent. Therefore, the change is very little unless you provide in your amendment that these powers shall be subject to the supervision of the Superintendent excepting that the people of the Tribe by referendum may remove the requirement. Then I will say that there is an important change because you would start out under the Superintendent's approval; then when you prove yourself to the people that you can manage properly, that they could then remove from the Council the necessity of getting the Superintendent's approval. Now I think you would have a very good suggestion there.

Mr. Agard: Louis's first suggestion there was that the change of the administration might lead to disaster, you might say. Well, that is what happened in every organization. It happened in the Indian Bureau. That is the one reason that the Indian Bureau has gotten so much criticism lately from Congress: that the Indians are not advancing as rapidly as they should. That is because of all that change of administration. Sometimes you get good ones and sometimes you get bad ones.

Mr. Thief: When this first came up I was not in here. I was not in the discussion when this first came up. Then I went on the Tribal Council. Then this came up. I remember now. Without much discussion it was put over. Then I voted. I don't know just exactly. It was getting late and I wanted to get out. That is just about the size of it.

Well, it seems to me, now that Mr. Cooper was going to go where he has been, I guess. Maybe it wasn't carried out but what he said is going a long ways in controlling our own affairs and there belongs to the Tribal Council about all the liberty and the control that he wants and still be under Trust.

Now, I am going to relate a little incident. I think David will bear me out

on this. I told the people down there at Kenel, in regards to this question of going to State control, and regarding this here law and order, I said, "Let's be under Mr. Murphy, it is easier. We will be going out of the Indian Bureau and it's going out fast enough, especially for us full-blood Indians. It wouldn't hardly affect you mixed-bloods, you are well off. We are poor, us full-bloods."

By this I don't mean to be misunderstood. It is discrimination, but it is a fact. Now you see there are hardly any full-bloods in here. Even Jim isn't a full-blood. The only full-blood that said anything was Mr. Blackhoop. You notice right here that the full-bloods are always hanging back. They don't want to say anything. Well, especially like me.

But I hate to say much. I only went to seventh grade. So you can class me as illiterate. Don't know nothing. You can tell me to sit down.

Now to get to the point. Now as Mr. Gipp said, to give the Superintendent authority, that was to leave it just the way it is. He has been doing that and Mr. Cooper said he is going to give us a little more range. So I believe now that we should repeal that with the understanding that we be given a little more liberty in our doing business.

I think that would solve the whole problem because I am afraid, you know, if we go too far that this trust status might be taken away from us and who suffers most is going to be me. So I think that covers just about what I want to say. In fact maybe I should make a motion to repeal that and leave it just the way it was with this understanding that as Mr. Cooper said, give us a little more string, a little more liberty, in our business.

Mr. Gipp: Maybe I haven't express^{-ed} myself thoroughly. Those authorities that we are asking for, if we make that one amendment and it is granted to us we are going to have power that we never had before.

Who started this enterprise down here, this farming, this tribal herd? That was without the consent of the Tribe. Where were clerks hired and fired in our office that we knew nothing about. We didn't know how much they were getting paid or anything. This time, if power is granted to us, instead of the Superintendent doing it and approving it at the same time, all he is going to do is approve it, we are going to do it.

That is the first step. As I said, left as it is, it is too big. But if you look in the Congressional Record you will find that the Government and the Congress and the Senators and the Commissioner of Indian Affairs and the Secretary are very anxious to sever themselves from us. As Mr. Thief said, I am not talking for myself, I am talking for my own grandfather back home. I can take care of myself. There is some more that can take care of themselves, but we have some that can't and there is plenty of them.

Now before the Superintendent he did the business, he did all the thinking, he did the approving, and he carried out the program without the consent of the Council. This time we are going to do that and he is going to approve it. That is our first step.

Now I hope that you understand it is not going to be like it has been. You go back to a year and ask for those same things and you will see that we are asking for quite a bit. That plan of operation has not been modified or changed in any way recently, has it? Yet, what does the Superintendent do? Two years ago what did he do without the Council's approval? The things they did, they didn't ask the Council's approval until after the thing was done. The approval came in later. They went ahead and carried out the program and then come back in and said will you approve it. Now this time we are going to do it and are going to let the Superintendent approve it.

Mr. Curry: Do you want the motion to stand with the revision? Now Louis, I am not going to try to put my own ideas down here because we have done this before.

One thing I changed a little. You said that all powers shall be exercised subject to the approval of the Superintendent. But I think you didn't mean to include this

one about the disposition of land. In other words the Council ought to be able to prevent the disposition of lands without approval. If the Government tries to dispose of the land you should be able to stop it and not ask for the Superintendent's approval.

This is your proposed motion for amendment: "That all powers, except the power to prevent disposition of property, shall be exercised subject to approval of the Superintendent but the people by majority vote at any time shall have the power to remove the requirement for his approval."

Mr. Blackhoop: Suppose this question of the approval of the Superintendent. Could the Superintendent, if the Council would change and the Superintendent was not in good graces with this Tribal Council, would he not get all the testimonies etc? We tried that before World War II, while I was Chairman of the Council. Every time we would make any resolution, the Superintendent and I didn't get along so well, so he turned it down. That is as far as my ball goes and it bounces back.

I should think as soon as the present Commissioner of Indian Affairs will have reference to the Act of 1934, we can have a satisfactory . . . from the Indian Bureau as we do now. If we give the Superintendent the final OK of all the resolutions drafted by this organization it will be just the same way as before. That has been done by Mr. Clark. Mr. Clark was working with the Councilmen in such a way that I don't want to commit myself to make these remarks. But Mr. Clark was standing behind the picture in the last Tribal Council era. He is the one that spent all the misappropriations and mismanagement and he blamed the Tribal Council. He uses such pretenses by bribery among the Council. That is why we are now degraded and all the money spent. And that is the reason the question arises.

We want the management and control of our money. I really don't appreciate suggestion that the Superintendent be the final OK on all our resolutions. There should be some way of expending such resolutions thru Congress if we have to do it in order to gain any effort in what we want to do in our tribal affairs. I think Mr. Cooper should be glad, and all his cabinet should be glad, that this suggestion was taken. All afternoon Mr. Cooper has been standing behind the bush and every time we throw a rock at him he said "it is not me, it is the fellow over there." He should be glad and try to help support us and try to exit us from the Indian Bureau by a step like this.

Mr. Gipp: I would like to clear up something to the Council and the new members. This resolution No. 53 was drew up the day before the delegation went to Washington to oppose the consolidation of our Indian Agency. The reason was we drew that up in a hurry. We figured that, if we could not opt the consolidation, we could keep that authority here. We could manage our own affairs without having to run to Mobridge or Aberdeen every time we wanted something. That was our main reason.

But inasmuch as it has gone this far we ought to follow it up to the extent. Inasmuch as our Superintendent has left here now, I think the motion I made ought to be pretty well in line. I believe by adding that last sentence "subject to the approval of the Superintendent but that the people by a majority vote at any time shall have the power to remove the requirement for said approval," it looks to me like the Area Office or the Commissioner or whoever makes the final decision of this request, of this resolution, is going to take that as a means of putting this thing thru.

They will say well maybe we are going to get this thru, whichever the Superintendent's approval of. I still think the Commissioner of Indian Affairs is the one that should see fit when we are capable of doing our own business with the recommendation of our Superintendent and our Area Office to remove that restriction.

Mr. Curry: And you want to take out that part where the people may remove? If they move the Agency to Mobridge again, then under this draft the people could give you control.

Mr. Gipp: Let's leave it the way it is.

Mr. Agard: Do you realize how far this has to go? Aberdeen and several different offices in Washington. There is 99 chances out of a hundred that it won't be accepted or that it will be accepted. Then it will have to come back to the people again, so we are a long way from anything being completed. It will probably be turned down.

Mr. Holmes: I want to say this, that I think most of you know me. I have been out here 4 or 5 times. Never on any occasion have I attempted in any way to tell you what to do with your business. I am just a lawyer and the advice that I have given you, insofar as I have been able to give it to you, has been along legal lines.

Now I am going to say this, that I don't quite understand Louis' resolution as he has it drawn. We are all of us bound by the Acts of Congress, we are bound by the law as it exists today. Now I am not at all certain in my own mind that the Secretary of the Interior can dispose of your land or can remove restrictions on your tribal lands without an Act of Congress. I don't know what effect this resolution would have. I am not saying to you now do pass it or don't pass it. But I am making these remarks now so that it will be on record that I didn't sit quietly by here and see a resolution passed and then later on raise some technical, complicated legal objection.

As I have said up to now, there is a question in my mind as to whether or not the Secretary of Interior himself could dispose of your tribal land or could remove restrictions on your tribal land under the 1934 Act or other Acts of Congress. There is question in my mind whether or not you could have the authority to remove restrictions on tribal lands or to dispose of tribal lands even with the consent of the Secretary of Interior.

Now, if you construe this resolution to mean that by a vote of the people of this reservation all restriction on tribal lands is removed, then there is some question in my mind as to the legality. I am not prepared today to answer the questions but you see what I mean. There is an Act of Congress that says your land cannot be disposed of.

I don't think the Secretary of Interior can sell your tribal lands without an Act of Congress, and there is some question in my mind whether you can even remove restrictions. If this resolution as it is drawn, such as it is, should be interpreted to mean that, I think that somewhere up the line somebody is going to raise that technical question. Now your attorney is here and you can discuss it with him and you can go ahead pass it if you like. All I am doing is giving you the benefit of legal advice at this time.

Mr. McLean: I would like to have these attorneys interpret Section 3 of the Indian Reorganization Act that the Secretary of Interior, for the public interest, is hereby authorized to restore the tribal ownership to many surplus lands of Indians on the reservation heretofore authorized to be opened for sale or any other form of disposal by Presidential proclamation.

Mr. Holmes: A great deal of that land has been restored. Every once in a while you get an order from the President restoring tribal management.

Mr. McLean: That means certain lands specified by Presidential proclamation.

Mr. Holmes: I haven't looked at your paper there. I haven't read it. You would have to read it all. Just give me a snapshot opinion of it. There are certain lands that were reportedly purchased from Indian tribes and opened for settlement. Do you remember? They came out and made treaties and they took some of the land and they gave you some more land and they switched around one way and another. Then the land that you gave them for some other land, they opened that for settlement to white people. Now a lot of that was never homesteaded. It was still in Government ownership. Now they passed a law that said you could give that back to the tribe, the management of that land which has not yet been opened to homestead. Does that answer your question?

Mr. McLean: You said that this would apply to land along the river?

Mr. Holmes: I don't know where it is.

Mr. McLean: You said the Congress couldn't have any authority. Would that apply to the taking area?

Mr. Holmes: I said the Secretary of Interior did not have that authority. I didn't say Congress didn't have that authority. That is another question as to whether or not Congress has that authority.

Mr. Agard: The motion was that our proposal to Mr. Doty be amended to provide that all powers requested except to prevent disposing of property shall be exercised subject to the approval of the Superintendent but that the people by majority vote at any time shall have power to remove the requirements for said approval. Is there a second to that motion?

Mr. Reddog: I don't quite get that, Mr. Chairman. Does that mean if they grant us that power, what we requested on those three things, that motion be in effect? If they don't grant us that power, what are we going to do then.

Mr. Agard: There is nothing we can do.

Mr. Reddog: If they grant us that power that we request, it would have to be up to the people to vote on that. Right?

Mr. Agard: Yes. That would be added to this request.

Mr. Curry: What the resolution is, as it stands now, is that the Council would get complete control of the little money you've got and of the land you've got. But they wouldn't get that until the people agreed to it by vote.

Now, ¹³Louis' amendment you are asking that you get that power but subject to the Superintendent's approving everything from time to time. Now, that won't be granted to you either until the people agree to it. Then later on if the people decide that they want you to go ahead and run it without the Superintendent approving it they can give you that power too -- by another vote. That is the way it would be under Louis' amendment.

I am going to say it over again. If the people agree to it the Council would have power to run things subject to the approval of the Superintendent. Furthermore, at a later point, the people can take the Superintendent out of the picture if they want to. Is that clear, Mr. Reddog?

Mr. Gipp: I would like to state my reason for amending that resolution. As I personally see it, we are not ready and capable of handling our own affairs to that extent. I further believe that the people think likewise. I don't doubt but what they are right. That is the reason why I made that amendment, hoping that the Secretary and the Area Office and the Commissioner of Indian Affairs would approve it and give it to us and we could bring it back to a vote and the people could vote and we'd have that much authority and yet it isn't going to be all the authority.

Mr. Fasthorse: The Council has the power to approve of everything. Why do you have to take it back to the people?

Mr. Agard: This is an exception. This is a plan here that you are setting up. You are going to make provision to have the people accept that by referendum. This is an exception to what we have been doing.

You are right that the constitution provides that the Council does have the authority to make a decision but this is one thing that was drawn up in accordance with the feelings and the sentiment of the people.

Mr. Gipp says (I don't know where he got his information) he believes that the majority of the people are not ready to go under the home rule. Now I would say this: I think that the majority of the people feel that they should go under the home rule. But they don't know the complications involved. That is the reason they want to go under the home rule.

Mr. Blackcoop: Which constitution are you using now? I understand that last time they installed a new Council, the Council used the 1914 constitution and bylaws.

Mr. Holmes: You have two constitutions. I have read them both. I have been advised by practically everybody on this reservation that you are operating under the oldest one.

I don't know exactly the legality of either one of them. But the Council records are incomplete. As I suggested in the opening of this meeting, I have never been able to figure just exactly how you do operate. I don't say that disrespectfully, just honestly.

Of all the times I've been out here everybody has advised me that you are operating under the 1914 constitution. Well the 1914 constitution is very short and doesn't provide any details to speak of for the management of your government.

It would be my opinion and the opinion of most of the people on this reservation, that you are operating under the 1914 constitution and that is the way the people want it. And that is the way we handled the last election question. You had an election law which you have passed which was supposed to be pursuant to the 1914 constitution. Now the questions concerning the last election, we made every effort to construe those questions in the light of the election ordinance which had been passed by the Council.

Now the Council saw fit to disregard the election laws, which I suppose they had authority to do, and they could be amended any time they wanted it. I took issue with that at the meeting and we settled that I think with the full, clear hearing, and everybody said everything they wanted to at that meeting. Now I don't think I have anything further to say.

Mr. Curry: Mr. Agard, to get back to the subject here we had a motion by Mr. Gipp and he wants to know if there is a second to that motion. If you want to discuss it further that is all right. If there is no second to your motion, Louis, then the other resolution will stand.

Mr. Thief: Haven't we been doing our own business lately, this year? At least if we have not been doing it before we just started now.

Mr. Gipp: Yes. Because the Superintendent has gone along with us. But supposing he moves out next week and he decides to change his ways. So far it has been swell, yes. But that is exactly what we are asking for, what we are doing now, because the Superintendent is cooperating with us.

(Mr. McLaughlin seconded Mr. Gipp's motion. Vote of 7 yes, opposed 2. Motion carried.)

Mr. Agard: The next thing in line for discussion would be the probabilities for setting up a committee to work up a plan to present to the officials for the approval and recommendation. How large a committee would you suggest, Mr. Cooper? Do you have any idea?

Mr. Cooper: I don't know whether it would be proper for me to suggest how many. Probably five members from the Council. Or, if you care to, you could go outside the Council.

Mr. Agard: Well, I think we should do it here and now, out of the members that are present. They have fresh in mind the discussions we tried to bring out this afternoon. If we wait until the next meeting you might not be liable to get somebody. It is in order to leave the floor open for nominations for a committee to set up a program to be submitted to Mr. Cooper for recommendation. The floor is open for nominations.

Mr. Louis Gipp made a motion that the Chairman nominate a committee of three.

Mr. Village Center seconded Louis Gipp's motion.

Mr. Agard: That the Chairman be authorized to nominate a committee of three to draw up the proposed home rule plan to be presented to the Council, the Chairman being an ex officio member. That motion was seconded by Mr. Village Center and a vote will be taken on it.

Yes 9, and no none.

Mr. Agard: Now is there anything further that we can talk about at this time?

The Tribal Council then proceeded to the discussion of other matters.