

SUMMARY OF THE MINUTES OF THE MEETING OF THE SHOSHONE AND ARAPAHOE COUNCILS, HELD IN THE OFFICE OF THE SUPERINTENDENT, FORT WASHAKIE WYOMING, JANUARY 9, 1940, AND JANUARY 11, 1940.

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SHOSHONE & ARAPAHOE BUSINESS COUNCILS MEETING
JANUARY 9, 1940

The meeting was called to order at 2:00 P. M., with Bruce Groesbeck presiding as Chairman of the meeting. Roll call was had with the following members present.

John L. Boyd	Bruce Groesbeck
Gilbert Day	Alonzo Moss
Lonjo McAdam	Charles Whiteman
Cyrus Shongutsie	Jerome Oldman
Charles Washakie	Robert Friday
Pete Aragon (late)	Nellie Scott (late)

Chairman: Mr. Smith wishes to speak on reimbursable.

Mr. Smith: Since the last presentation of a request for reimbursable funds, we have received a new circular, in which the handling of loans is discussed. The superintendent makes an application for allotments from tribal industrial assistance funds, after a resolution has been passed by the business councils requesting that this be done. The circular asks for an estimate of what you want the funds for. There is \$52,000 in the Treasury in the fund "Proceeds of Oil and Gas, Wind River Reservation, Wyoming. (Industrial Assistance Reimbursable) 1938-39. The new circular asks that the application be broken down for specific purposes; the following is an estimate of what we think it may be used for. It may be changed somewhat after the money is received.

(Reads a letter which had been prepared for the Indian Office, setting forth amounts needed for specific purposes as called for in circular.)

Chairman: This is a lump sum?

Mr. Smith: It is from joint tribal funds.

Mrs. Scott: Is this our tribal reimbursable fund?

Chairman: Yes.

Mrs. Scott: How much are you asking for?

Mr. Smith: \$52,000.

Chairman: In the letter you speak of recoverable and non-recoverable loans, what is the difference?

Mr. Smith: For instance, seed grain is classed as non-recoverable. Machinery, cattle, horses, etc. are recoverable.

Supt. Stone: The \$52,000 represents funds already to our credit in Washington. They are termed as revolving funds, funds that have been expended, then repaid, and have gone back into the Treasury to keep the fund revolving for reimbursable loan purposes. It will be necessary, however, to request that the money be allotted again for that purpose.

Mr. Day: Mr. Stone, does that include the grazing and the oil and gas moneys? That is the way I understand it.

Supt. Stone: No, that is just the name of the fund. \$50,000 was set aside for reimbursable loans two years ago, and \$50,000 last year.

Mrs. Scott: Mr. Stone, this is money that has been paid back, is it?

Supt. Stone: Apparently some of it has been used once. It is necessary, if you wish to request that these funds be allotted for use, that a motion to adopt this resolution asking for the money.

Chairman: Do I hear any comments? Will someone make a motion that this resolution here, be adopted?

Mr. Day: Mr. Chairman: Under what regulations is this money to be disbursed?

Supt. Stone: Under the same regulations. The council will have to pass on individual loans.

Mr. Day: I also want to know how it is to be apportioned among districts, or just among tribes?

Supt. Stone: Heretofore it has been distributed by population, in proportion to the people living in the various districts. This could be varied if the two councils agreed that such is desired, but that would be a matter that would have to be decided by the council if there was anything but an equal distribution according to population.

Mrs. Scott: Mr. Stone, didn't we handle it by districts, Arapahoe and Ethete for the Arapahoes, I don't know what districts for the Shoshones.

Supt. Stone: Yes.

Mr. McAdan: Mr. Chairman: Under the present regulations, I doubt whether an Indian starting from scratch, could get a loan. If the regulations could be modified so that the Indian starting from scratch could get a loan, I wouldn't mind asking for such regulations to go through. I realize that it will only work a hardship on the Arapahoes, now that the Shoshones have a little security to get loans. Those that have something can get a loan, those that have nothing and need a loan cannot get one. Would it be possible for the council and the government officials to draw up a set of regulations modifying these regulations we have now, so that landless Indians can get a loan?

- Mr. Friday: I want to ask a question. Can the council and Indian office put through regulations without going to Congress?
- Mr. McAdams: As I see it, under the present regulations on this Industrial Assistance Act, the only person who can get a loan is the person who has something. For instance, Mr. Jones has, perhaps, \$50,000, and he can get a loan, while Mr. Smith, has no land, and not much of anything else, can't get any help. Under the present regulations, this fund doesn't help the fellow that needs help.
- Mr. O'dman: (Through Interpreter) He says, I agreed with Mr. McAdams idea as to the purpose of these loans. He says, the people elected us to work for them as a whole, and I realize this has been the condition on the reservation that if a person has something for security he can get a loan. On the other hand, the person who hasn't anything for security, that person cannot get a loan. He don't see why it can't be fixed so that the landless Indian, or the person without any security can't get a loan. He says, I feel that this money belongs to both tribes. It is a tribal fund and in order to make these funds useful to the needy, and to those that need assistance, he don't see where the Indian Office would have any objection to modifying the regulations, whereby they could borrow from these tribal funds.
- Lonzo Moss: (Through Interpreter) Mr. Moss speaking. He says about a year ago I imagine, the council will remember when Mr. McSpadden, at this time was extension agent, and informed us about the regulations and the way the reimbursable funds would be handled, and as I understand it, the person who had land could put the land up for security for a loan, and the Indian could get a loan. Now, being as it is tribal funds, I think we should be a little cautious and give a little study to it, and modify these regulations in such a way that a person who needs these funds to help them in line with industrial assistance, etc. can participate, and I can see Mr. McAdams' point on that, for this reason. This money has to be stretched out to those who need loans to start themselves in life. They should participate in these loans. Going back to the same points that we have discussed, if there is any possible chance of both councils asking the Indian Department to modify the rules and regulations whereby the landless or the young people that are starting off in life to make homes, etc., can be assisted through these tribal funds, then I think we will be doing something for the young people. On the other hand, the people who have already borrowed money on reimbursable funds have already gotten started and have had the advantage borrowing money. I urge the council to make a resolution to that effect, so that landless people will be able to participate in the tribal funds. Is it possible that this modification can be made originating from the council, or whether we would have to go to Washington and meet with the Washington Office regarding the matter or just how we are going to do it.

Mr. Whiteman: (Through Interpreter) He says I agree with Mr. McAdams on the basis of how the tribal funds should be handled regarding loans. That has always been my thought. I realize the only person, or persons, that could participate in these loans have lands to secure them. Those who need help, or need loans particularly, do not have lands to secure them. I understand, under the regulations the council has the sole power to sanction these loans. Regarding the tribal moneys, every person that is enrolled on the reservation has an interest in these tribal funds which are set aside or made available for loans. Every person that wants or needs a loan naturally thinks he ought to participate in this money, and feels disheartened when he cannot get it, and the only thing he can do is to go out and work. The Indian Office, of course, has a feeling that the Indians should be helped as much as possible, and I should think they ought to be able to see their past mistakes. Those that have something for security are the only ones that can get a loan, from tribal funds, whereas a young man starting in life cannot borrow from the revolving fund. A lot of young people are starting life in various enterprises, such as stockraising, farming, agriculture or some other enterprise, but a majority of our young people are inclined to run livestock. The people who invest money in livestock will have an income each year, and will be able to pay back money they have borrowed from the tribal funds. I, myself, am in favor of having a modification of the regulations whereby the landless Indian can participate in these loans.

Mr. John Boyd: I would like to make a motion that we have a committee appointed, say two members from each council to take up this problem and report back to the council at the next meeting. They can see what they can find out about just what changes should be made in the regulations.

Mr. Day: I second the motion.

Chairman: You have heard the motion made by Mr. Boyd, seconded by Mr. Day. Are there any questions before bringing the motion to a vote?

Mrs. Scott: Ask Mr. Boyd if I may put an amendment to the motion. (Mr. Boyd gives consent)

Mrs. Scott: Add "and that a resolution be drawn up asking Washington to modify rules and regulations for expending this \$52,000, especially acquisition of land, and have it submitted back to the council for their approval.

Chairman: Mrs. Scott: Did you intend for this resolution to be drawn up by the committee mentioned in Mr. Boyd's motion? You have heard Mr. Boyd's motion and the amendment to it. Are there any questions? If not, all those in favor of the motion raise your right hand. Those opposed the same. Motion carried.

Chairman: Is the appointment of the committee to be left to the Chair, or put to a vote of the members?

Boyd: Personally, I would just as soon the Chair make the appointments.

Chairman: Is there any objection to appointing the committee in this way? (No objections registered? I appoint Mr. Boyd and Mr. McAdams from the Shoshone Council, and Mrs. Scott and Mr. Moss from the Arapahoe Council to look into the modification of the regulations and make a resolution submitting their proposal to the Indian Office.

/Chairman: Mr. Rawie has a matter to present to the Council.

Mr. Rawie: I have here a letter, addressed to Superintendent Stone, from Robert Harris and Bert Harris, two members of the Shoshone tribe. (Reads letter) Now as stated in the application, these two boys are interested in starting in the livestock business on the ceded portion and they propose to use their individual shares of the Shoshone Judgement Money to purchase stock, and in order to assure themselves of headquarters, they would like the council to consider their application for lease or assignment on this land, if and when it is purchased by the tribe on this land purchase program. If they can buy out livestock, and maybe buy out their deeded land, they could begin operations. They want to get an assignment of this land if the tribe acquires it so they can continue to operate. The stock they propose to buy is located on that range, and they would want to continue to run their stock there; take over any permit privilege this man might have, and continue running their stock

Chairman: May I ask this question? Do this man's leased holdings expire soon?

Rawie: He wants to make the deal. It will be several months after the appraisal is sent in to make the actual purchase by the tribe, but in order for these boys to go ahead with their program, they must also have headquarters supplementing the permitted holdings, to raise feed for this livestock.

Oldman: (Interpreter) He says he hasn't any objection as to the boy's program and their proposed use of the range land now being used by that person they wish to buy out. He is glad to see such young men as these forge ahead and set an example to the rest, and he has no objection to approving the boys' program.

Friday: I think the idea in the minds of the Indian Office is to try to encourage those who are trying to help themselves, and I believe the Council would have no objection to letting them have range until the Shoshones and Arapahoes buy the ceded portion back and let them have first privilege to have his headquarters there, and that is all I have to say.

McAdam: I don't believe the Council has got authority yet from the Interior Department as to just whether they have power to lease land on the other side. I haven't seen any authority coming from the Secretary of the Interior, although I would like to see these boys go ahead over there.

Supt. Stone: I rather think that Lonjo is entirely right about the council being without authority to grant privileges on the land use district over on the ceded portion inasmuch as those districts haven't as yet been set up, and the Secretary hasn't given the council or our office that authority. But what these men are asking for is authority that the council already has. They are asking for an allocation on this particular range provided it can be made available, and it is up to them to make it available if they can, with the help of the government in the matter of converting that area to Indian use. It isn't any departure from leases and permits that have been granted to Indians in the past, with the exception of the land purchase plans. I don't think that we are being asked for anything we are without authority to grant, and that the regulations we already have apply to this case.

Mrs. Scott: As long as this comes under the jurisdiction of the council, I make a motion that we grant permission to Robert and Bert Harris to acquire a lease on this piece of land.

John Boyd: I second the motion.

Chairman: You have all heard the motion made by Mrs. Scott and seconded by Mr. Boyd. Are there any questions?

McAdam: I would like to have an outline of this program; about what stock they will have to acquire before assuming this permit. We want to see if it is a sound program for the future. We might get sewed up in something here.

B. Harris: My program is that it will take all the money from my individual share of the Judgement money to purchase cattle, and we are willing to pay the lease on the land if acquired by the reservation.

Mrs. Scott: Mr. Chairman, I think we will have Mr. McAdams listen to this program so he will know what the program is.

Rawie: I have there the individual program of Bob Harris. Buster's program hasn't been worked up yet, but will be similar to his brothers, as they are partners, in livestock program on the ceded portion of the reservation. His wife reserves a certain portion of her money for incidentals, is to take care of their reimbursable indebtedness, and reserves a portion of her money to take care of unforeseen needs. The money of Robert and the available portion of the money of their two children will be invested in cattle. Bert's program will be about the same. One of them will continue working. The other will run the outfit and will draw a small salary to cover living expenses, etc. The rest of the profits will be invested back into the business.

McAdam: Mr. Chairman, I am quite satisfied with the program. It gives the council an idea of what it is getting into. Now if you want to put the motion to a vote, it is alright with me.

Day: What will be the acreage of the lease?

Rawie: 240 acres in this one place. The permit covers 85,000 acres, but also includes the permit of the Bar Gee sheep outfit which runs on the same area. The boys would only require a fraction of the area as they would only have fifty head or so to start with.

Chairman: Mr. Flinn, I want to put you on the spot. I just want you to say a few words regarding the land purchase program on this particular unit as to how soon it can be obtained, etc.

Flinn: We have already spent one day appraising it, and the appraisal should be completed tomorrow. After that, it will probably take from six to eight months to complete the deal.

Chairman: Are you ready to vote on the motion? All those in favor, raise your right hand. (Motion carried)

R. Harris: Mr. Chairman, I want to thank the Shoshone and Arapahoe Councils for the help they have given us.

Chairman: Mr. Cramer has something to present to the Council.

Cramer: Mr. Chairman: I believe the first thing I will take up with the council is the status of the Sacajawea Lodge. We have been instructed by the United States Attorney to take possession of the lodge for the Shoshone and Arapahoe Indians, and we have applications from two parties desiring to lease the same, taking out an occupancy permit on the tribal land. It will be up to the council to decide which one they wish to grant the permit to. The first application was received on November 20, from Mr. Fred Hanes, of Riverton, Wyoming, and states that he will pay the sum of \$100.00 per annum for the five year period and he agrees to make necessary improvements, keep property and buildings clean and painted, and run an orderly, well conducted business.

Supt. Stone: Is that property now vacant and ready to re-lease? Have we gone through the necessary procedure to vacate it in accordance with instructions.

Cramer: Yes, we have gone through the necessary procedure and have authority to take possession of the lodge from the U. S. Attorney. The people Mrs. Bengsten had on it are still there but have signed a statement that they would give immediate possession upon request. They are merely looking after the property under the Deputy Special Officer. If the council authorizes the execution of a new permit, it will be necessary to have the approval of the Department before possession is given to the new tenant.

Chairman: Mr. Cramer tells me that all we have been getting on this lease

from Mrs. Bengsten was \$22.50 per year for the 60 acres, and Mr. Hanes offers \$100.00 per year for the same 60 acres.

Cramer: The second application is from Mrs. Nellie Hurley, who is now on the place looking after it. She states that she will pay \$80.00 for it and will take out a trader's license. She states that she is sorry she cannot offer more, but that the buildings are in bad shape and that it will take \$50.00 to repaint and clean up same.

Chairman: Those are the two applications.

Day: I make a motion that the Hanes application be accepted.

McAdan: I second the motion.

Chairman: You have heard the motion. Are there any questions before a vote is taken? All in favor of the motion make it known by raising your right hand. (Motion carried)

Cramer: We have a matter of adoption here for the council to act on according to Office letter of November 27, 1939. Letter following:

Washington, D. C.
Nov. 27, 1939

Mr. Forrest R. Stone,
Supt., Wind River Agency

Dear Mr. Stone:

This will acknowledge the receipt of your letter of Nov. 2 transmitting an agreement covering the adoption of the minor child of Mr. James Chiefly by Mr. and Mrs. Lionel Dress, all of your jurisdiction.

You recommend that the adoption be not approved because of the objection of Mr. Robert Friday, brother of the deceased mother of the child, as set out in the letter which you enclosed.

This Office does not feel that it is in a position to approve an adoption when there is any possibility that the child to be adopted may not receive the very best of care and attention. From the record it appears that it would not be advisable for the child of Mr. Chiefly to be adopted by Mr. and Mrs. Lionel Dress. It is suggested that the question of adoption be considered by the Tribal Council pursuant to the provisions of Section 3 of Chapter 3, of the Departmental Law and Order Regulations of November 27, 1935, dealing with tribal custom adoption, with a view to the Council authorizing the Court of Indian Offenses to take jurisdiction over the matter. The papers are returned herewith.

Sincerely yours,
Sgd/ Fred H. Daiker
Assistant to the Commission.

Chairman:

As I see it, this case can either be disposed of through a resolution by the council referring it to the Law and Order, or on the other hand you can give the chairman power to do that if you wish to do so.

Friday:

I want to explain myself on that. The way it happened, Elizabeth Friday Penn was my sister and she married James Chiefly. This man was delicate, he had consumption. When my sister was on her death bed, Father Pendergrast came along and married them. My sister had a baby. The baby was very delicate too, and was in the hospital ten months. After my sister died, relations of mine made it bad for this man, but I was good to him and comforted him in his sorrow and a few weeks after told him I would like to have the child because I have a home and haven't a big family. At that time Chiefly told me he would let me have the child. During the summer I made out adoption papers. Chiefly said he would sign it. The Farmer at Arapahoe, Bankhead, told Chiefly he would have to come to the office and sign and it scared him. I went down there and asked Chiefly to sign the adoption papers. He said he didn't like the way Bankhead told him. I heard when he was on his deathbed he made a will to his brother of this child. There is only one reason I want this child to bring up as my own child and that is because she is near to me, my own sister's child. On the other hand, on Chiefly's side, practically all his relations are dying off. This Dress Fly he willed the child to is only a half brother, and his wife Mathilde Fire is a Southern Arapahoe, and they go from place to place and live in a tent. I am asking the Shoshone and Arapahoe Council to pass judgement. I am not trying to put this over for any other reason than being my own blood. The old Indian custom law let relatives take the child and that is what I am trying to do. I am nearest relation. That is what we Arapahoes used to do. The Council can do it this way or if they want to put it up to the Court of Indian Offense, it is alright, but I would rather have you council members to see what I am trying to get at. I told Mr. Stone I was going to protest Dress Fly adopting the child, and had Mr. Cramer draw up this letter. Letter following:

"Ft. Washakie, Wyo.

10/27/39

Mr. Forrest R. Stone,
Supt. Wind River Indian Agency,
Ft. Washakie, Wyo.

Dear Mr. Stone:

I, Robert Friday, desire to protest the adoption of Olivia Penn, the child of my full sister, Elizabeth Penn, deceased, to Lionel Dress and Matilda Fire Dress. Lionel Dress is but a half brother of James Chiefly, the father of this child. Matilda is the wife of Lionel.

"My reasons for protesting this adoption are that the proposed adoptive parents do not maintain a satisfactory permanent home, but live in a tent and move from place to place as Matilda is a Southern Arapahoe and they do not reside on the reservation all the time. For this reason these Indians would not be able to take the proper care of this child. I feel that I would be able to give this child the proper care as I maintain a substantial permanent home continuously on this reservation. I also feel that this child is much closer to me than she is to Lionel and Matilda as she is my niece.

"I have prepared a place for this child in my home if I could adopt her. The necessary forms for her adoption were prepared for me to have executed prior to those prepared for Lionel Dress and wife. They would have been executed but for the reason the Government Farmer, in the district, told James Chiefly that the adoption papers should be signed at the office. Previous to this James Chiefly told me and my wife that he was willing for us to have this child. This was a few days after my sister, Elizabeth Penn, died and he was well at the time. He became quite sick shortly thereafter and the adoption he executed in favor of Lionel and Matilda was from a sick bed. I furthermore feel sure that if the Government Farmer had presented the adoption papers to James Chiefly in the proper way that he would have signed them before he became ill. I feel sure that James Chiefly was persuaded after he was sick to execute the adoption in favor of his half brother. Under the circumstances I desire to have the custody and care of this child and will give her a good home, if I am allowed to adopt her. James Chiefly died October 23, 1939.

Yours very truly,

Sgd/ Robert Friday"

- Mrs. Scott: I don't think the Council should rule on this. It looks like the Washington Office threw the buck to the Council. Friday is plaintiff and also on the Council so the Council should not be asked to decide. It should be turned over to the Law and Order. It is my understanding that Dr. Gunn and one from the office went over before Mr. Chiefly died, and that he was of the same mind then.
- Supt. Stone: You have the wrong understanding of the Office letter, Mrs. Scott. It only authorizes the council to turn it over to the Law and Order division, it says here that in dealing with adoptions it would go before the Court of Indian Offenses.
- Mrs. Scott: I make a motion that the Chair be allowed to refer this to the Law and Order Department.
- McAdam: I second the motion.

Chairman: Are there any exceptions to that motion? If not, all those in favor of the motion raise your right hand. (Motion carried)

Oldman: (Interpreter) Mr. Oldman asks permission for the council to tell Mr. Hanes that his application has been accepted as to lease of the Sacajawea Lodge. (Mr. Hanes is called in and so informed)

Hanes: I wonder when I could expect to take over the contract?

Chairman: I will have to be submitted to the Secretary of the Interior.

Hanes: I will be notified?

Supt. Stone: Yes.

Mr. Cramer: It will take some time to draw up the permit and that will have to go into the Department. This will take from three to six weeks before it is acted upon. If it goes through all right, the first thing is that you will have to execute a bond guaranteeing that you will fulfill your obligations, and you will have to deposit the rental, and after that is done it will be sent into Washington for approval, and when it is approved you will be promptly notified. If the permit is approved, it will be necessary for you to secure a trader's license to carry on your operations.

Supt. Stone: Mr. Chairman, there are a number of things that we have to go in to, and if we attempted to do so tonight, it would probably take us until midnight, and I wonder if it will be agreeable to the council to adjourn this meeting until 2:00 Thursday afternoon. It is cold, the roads are not good, and I dislike to hold a night session under these circumstances. What is your thought on this?

McAdam: Before we adjourn, I would like to have the president of each council draw up resolutions of regret over the death of Judge Aragon, a copy to be sent to the Commissioner of Indian Affairs, and a copy to be sent to his wife and son.

Chairman: Before we take up Lonnie's proposition, what do you think of adjourning the meeting?

Boyd: It meets with my approval.

Chairman: All in favor of adjournment, raise your right hand (Motion carried) Next in order is the proposal, by Lonjo McAdam, that the two chairmen of the councils draw up a resolution, expressing regret over the death of Judge Aragon.

Mrs. Scott: I second the motion.

Chairman: Any questions before putting the motion to a vote? All in favor of the motion raise your right hands. (Motion carries)

Oldman: (Interpreter) Mr. Oldman speaking. He says I have been requested to present to the business council regarding Running Hawk

and Rolling, two Sioux boys. They are energetic, industrious and of good character. They do not drink or do anything out of the way, to discredit themselves or the reservation, and they would like employment with the CCC-ID, in the single men's camp.

Moss: (Interpreter) Mr. Moss speaking. Being that these two are considered that have come up for employment, I have a request from Sore Thumb, a Southern Arapahoe Indian, who intends to make his home here, on land to be given to him by relatives, and he would like to get employment in the CCC-ID camps until Spring, when he can work the land. Tom Shakespeare presents the name of Last Horse.

McAdam: I believe the council should stick behind the resolution made some time ago, about allowing foreign Indians to come in here and get work. It is quite a problem for the Education and Labor Committee to place our own Indians in good positions. These foreign Indians are better educated than our Indians and get the better positions, and I don't think we should allow these foreign Indians to come in and take these positions.

Mrs. Scott: Mr. McAdams is right, we do have a time placing our boys and I do not think we should take these foreign Indians in. I make a motion that we hold our resolutions closed to foreign Indians

McAdam: I second the motion.

Chairman: You have heard Mrs. Scott's motion, seconded by Mr. McAdams. Are there any questions before voting on the motion? All in favor of the motion raise your right hands (8 votes in favor of motion) All opposed to the motion, raise right hands (3 votes against motion) (Motion carried)

Meeting Adjourned

Arapahoe and Shoshone Business Councils meeting called for January 9, 1940, which was adjourned at 5:30 P.M., on that date, to meet further on January 11, was called to order. All of the Arapahoe Council was present, but only three members of the Shoshone Council. Those three members were excused until 4:00 P.M., as there was business to be taken up with the Arapahoe Council only.

Chairman: The meeting is called to order.

Supt. Stone: While I was in Washington, I talked with the Office and with Mr. Goodwin and Mr. Carter about the request of the Arapahoes for change of attorneys from Mr. Henderson to Mr. Goodwin and Mr. Carter, some one else you might select, and found that we were tied up by contract to Mr. Henderson, and that Mr. Henderson was too ill to pass an opinion on whether or not he wanted to cancel the contract or whether he wanted to continue. The Office, acting on the request of the Arapahoe Council issued a notice to the agents of Mr. Henderson and Mr. Holden, asking them to show cause why the contract shouldn't be canceled and a new contract entered into with a new firm. The time I was in Washington, they hadn't received an answer yet from that notice. Since my return, they have received such a reply and forwarded a letter to us stating that in the case of Mr. Holden, he had died some little time ago, and Mr. Henderson's representatives had indicated consent for the contract to be canceled. A copy of the letter to Mr. Henderson, together with the letter from the Office of December 5, is here, and I want to read it to the Arapahoe Council. Letters following:

"Dec. 1, 1939

Mr. Daniel B. Henderson,
Attorney at Law,
2200 Nineteenth Street, N. W.
Washington, D. C.

My dear Mr. Henderson:

'Reference is made to an attorneys contract executed June 27, 1931, by and between White Shirt, Little Bird, and Henry Rowledge of Oklahoma, and Henry Lee Tyler, Robert Friday, and Bruce Groesbeck of Wyoming, acting for and on behalf of the Arapahoe Tribe of Indians residing on reservations in the States of Oklahoma and Wyoming, respectively, parties of the first part, and yourself and Benedict M. Holden, attorney at law, of Hartford, Connecticut, parties of the second part, the said contract having been approved as required by Section 2103 of the Revised Statutes of the United States by the Commissioner of Indian Affairs on October 11, 1932, and by the First Assistant Secretary of the Interior on October 14, 1932.

'On May 25, 1939, there was transmitted to you a copy of a

resolution adopted at a council of the Northern Arapaho Tribe of Indians of the Wind River Reservation, Wyoming, requesting termination of your contract with the tribe. Subsequently, in June of this year, delegates from the Arapahoe Tribe of Oklahoma were in Washington and conveyed to this Office their request that such steps be taken as might be necessary to obtain the services of other legal counsel. The requests of these Indians were made on account of their apprehension that by reason of your long-continued ill health their tribal claims are not receiving proper attention.

"It is deemed necessary, therefore, in order to protect the interests of the Indians, to serve notice upon you, and you are hereby notified that unless satisfactory cause is shown within sixty days from the date hereof why such action should not be taken the said contract will be considered terminated. This action is taken pursuant to that provision of the said contract quoted below:

(This contract may be terminated by the Commissioner of Indian Affairs and the Secretary of the Interior for reasonable and satisfactory cause, upon sixty days' notice.)

This action is not to be construed as a reflection upon either you or Mr. Holden. The circumstances in the case, however, make such action necessary.

A copy of this letter is being transmitted to Mr. Benedict M. Holden, 750 Main Street, Hartford, Connecticut. There is enclosed for your information a copy of a letter of this date addressed to Mr. Holden.

Sincerely yours,

Commissioner"

- - -

Washington, D. C.
December 5, 1939

Mr. Forrest R. Stone,
Supt., Wind River Agency.

Dear Mr. Stone:

"This will refer to your letter of November 16 recalling a question asked by Mr. Jerome Oldman, member of the Arapaho Business Council, concerning funds accruing to the Northern Arapahoes and Northern Cheyennes under a "treaty of 1886."

"Investigation in this Office fails to locate any treaty or agreement made with these Indians in 1886. It may be that the reference should have been to the Treaty of May 10, 1868, with the Cheyennes and Arapahoes. As understood here, Mr. Oldman's

statement was that under that certain treaty the Northern Arapahoes and Northern Cheyennes were to be furnished with rations and certain items of equipment. He believes that certain of these goods designated either for the Arapahoes or the Cheyennes were distributed to the Shoshones of the Wind River Reservation. He wishes to know whether it is possible to ascertain whether or not such a diversion of goods to the Shoshones took place; if so, in what amount; and whether it would now be possible to obtain compensation from the Shoshones.

'This Office has no facilities for making the accounting which would be called for by Mr. Oldman's inquiry. It would be necessary to have the General Accounting Office make such an investigation, and it would require an act of Congress to secure such action. Even were such a request made of the General Accounting Office, it is doubtful whether that office would have a complete record of transactions which were carried out in the field so many years ago and where goods were doubtless distributed largely at the discretion of the Superintendent in charge.

'In connection with the suit of the Shoshone Indians versus the United States (85 Ct. Cls. 331), the General Accounting Office prepared a complete statement of all the offsets which were to be counted against the Shoshone Indians. There is no indication in this statement that the Shoshones ever received any share of funds due the Northern Arapahoes, if any treaty funds were ever given to the Arapahoes. The examination of the accounts in connection with this suit was detailed and extremely complete, and it is believed that had the Shoshones received any money or goods which belonged properly to the Northern Arapahoes, mention would have been made in the report. Similarly, the report on the above mentioned case includes no reference to the Northern Cheyennes or to any money obtained by the Shoshones from funds belonging to the Northern Cheyennes.

'We, therefore, feel safe in saying, without any further accounting, that it is probable that the Shoshones did not receive any funds or goods which were properly due the Northern Arapahoes; or if so, there is at this late date no authentic record of such transactions.

Sincerely yours,

Sgd/John Herrick,
Assistant to the Commissioner

Supt. Stone: What are the wishes of the council in this matter?

Mrs. Scott: I think it should be expedited so that Mr. Goodwin and Mr. Carter could get a Bill in during this session of Congress. I know Mr. Goodwin tried to interview Mr. Cochran. We should get things started in time to prevail on our Senators and Congressmen to try to push it along. Congress is in session now, and we don't know how long it will be. I think we better

call a general council and get their views on it.

Oldman:

(Interpreter) Mr. Oldman speaking. He says he recalls while in Washington they interviewed Mr. Goodwin and Mr. Carter regarding employment, that is to work for the claims of the Arapahoes and of course, at that time, they both were willing to work for the Arapahoes provided that proper steps were taken and contracts canceled with Mr. Henderson and Mr. Holden and new contracts made by the Arapahoes with Mr. Goodwin and Mr. Carter. On arriving back from Washington, we told the people about it and they have understood the plan to make that change. He doesn't feel that it needs to be put up to a general council since the general attitude of the people is one of consent.

Whiteman:

(Interpreter) Mr. Whiteman speaking. He says, first of all I wish to thank our superintendent, Mr. Stone, for the things that he is trying to do for us Arapahoes and people on the reservation. We have a worker here who is looking out for our affairs, and while in Washington, he looked out for us and helped us in every way. He helped us in taking this up with the Washington Office and the attorneys, trying to put this thing where we could employ attorneys and get our claims going. Mr. Friday, Mr. Groesbeck, Mr. Oldman and Mrs. Scott were in Washington. They interviewed prospective attorneys and came back and gave us news to that effect. Everyone was in favor of changing attorneys and wished to present it to the Office for cancellation of the contracts of Henderson and Holden and hire new attorneys. Since we have been residents together of the reservation, the Arapahoe and Shoshone tribes, it seems like we were on a par, when all of a sudden, our fortunate friends, the Shoshones, received the Judgement Fund. It sprung up overnight. They had plenty of money and plenty to do with. We Arapahoes are quite poor, we are in a rut and can't get out of it. I am in favor of trying to get our attorneys employed just as soon as possible so we can see what is going on in our behalf. That is all I have to say.

Mrs. Scott:

I am thinking, Mr. Stone, that letter calls for a general council. If we should take it upon ourselves to make a contract with new attorneys, without the general council, it might be like the Shoshones on the enrollment. We might have to do it all over again. We better do it right in the first place.

Chairman:

I might explain this. The time that this resolution was made, a general council was called, and you know how those things work out, very few will attend unless special effort is made to go after each and everyone. Those who were there, a vote was taken and they asked that the resolution be sent into Washington.

Mrs. Scott:

The trouble is they are so scattered. If the letter says "general council" Zimmerman most generally means what he says. If we delay this, Congress is liable to adjourn before we get anything done.

Friday: It has always been customary to call a general council, and take the vote of those that could get there. That made it legal, and I believe that if we set a date for a general council meeting, we can get them to sign a contract to hire an attorney and it would be legal.

Chairman: I think we should comply with the letter and call a general council to elect representatives to sign the contract.

Supt. Stone: The letter states the general council, but it also refers to regulations governing those matters. As I understand the regulations, if the business council elects to decide themselves, rather than submit it to a general council, they can do so. In Section 8 of the regulations it says, "Except as hereinafter stated in Sections 12 to 15, a tribal attorney and tribal delegates to execute a contract shall be selected by a general council or meeting of the tribe, to be called by the superintendent of the particular reservation. The superintendent, or some one representing him, shall be in attendance with a stenographer
Section 13: Limitation of Authority. The tribal business committee or other representative body when proceeding under Section 12 hereof, should carefully investigate, with the assistance of the Superintendent if desired, the qualifications of available attorneys, bearing in mind the purpose for which counsel is desired and shall carry on its negotiations with attorneys subject to the distinct understanding that final action on the selection and employment of counsel shall be had in a general council or meeting of the tribe, subject to approval by the Department as required by law. Section 14: Employment by Tribal Business Committees. In case the tribal business committee or board has specific authority from the tribe to employ tribal attorneys and to execute a contract for that purpose, the tribal business committee or board may negotiate with attorneys and enter into a contract subject to departmental approval as provided by law. Section 15. VOTE BY SECRET BALLOT. Those tribes accustomed to act on important tribal matters by secret ballot, or by vote in district meetings, or in some other manner, may apply through their proper officers to the Commissioner of Indian Affairs for permission to consider and act upon employment of tribal counsel in the manner preferred by the tribe rather than by a general council or meeting."

Mrs. Scott: Then the business council can act on it if they elect to do so.

Supt. Stone: Yes, It would be different if it were something that the business council was opposed to and the tribe wanted.

Mrs. Scott: I think the people all know about it. I think they agreed to Carter and Goodwin. They want a lawyer. I know a lot of them have asked me when we were going to get them.

Supt. Stone: Now, here is the obligation that the business council has to keep in mind if they elect that way of handling it; after they have inaugurated such a contract, call a general council and have their action approved. They could do that either through a general meeting, or district meetings and approve or disapprove by secret ballot, but the voice of the general council

must be heard in the approval or disapproval of the contract.

Moss: (Interpreter) Mr. Moss speaking. He says he realizes the position we are in today. We want to forge ahead just as soon as we can. We want to change our attorneys for new attorneys. We want to get in stride and get it going during this session of Congress. There are two ways we can work this. One suggestion has been made and the other is to call a general council date set by the chairman or superintendent, or have group meetings such as Ethete, Mill Creek, and Arapahoe, to talk over, or the council can go ahead and approve the contract, and get the approval of the tribe later. We have those two plans on it.

Chairman: I, myself, feel that of course the other may work a little hardship on the people, themselves, in the getting to a general council, but I think if a special effort is made to get the people out, get transportation for them and get as many as possible to the meeting place, we can present it to the general council and it will be over with in a little while. It will be just a matter of selecting representatives to act for the tribe in signing the contract. They may pick out some of the councilmen or others. I think it will be just a matter of selecting delegates. I think that would be the quickest to get it before the people, and everyone would be satisfied.

Moss: (Interpreter) Mr. Moss says he has practically the same thought as I have about the general council, only he feels there should be a form of contract as has been made before. (I imagine there is a standard contract) He says if the contract was prepared and presented to the people at this general council, it would be just a matter of the people understanding the contract and letting them select those who would sign the contract. If a special effort is made to get the people there, I think we could have a general council. What do you think, Mr. Stone?

Supt. Stone: The general council has to do more than select representatives to sign the contract. They have to approve the attorneys. Their function isn't merely to select somebody to sign a contract with the attorneys. It is their function to give definite approval of the contract and the attorneys, and also to select representatives to sign the contract with the attorneys. Their responsibility is based on these three things. This plan could be followed: You could send in a resolution to the Commissioner asking that he prepare a contract with these attorneys the contract to be sent out here for execution by the tribe. Then when the Indian Office has acted upon their request and the contract is here, a general council can be held, and approval or disapproval can be made of the contract, together with selection of the attorneys to succeed Henderson and Holden. If they approve it, then they could name the representatives of the tribe who would sign it. If they have fully decided they want Goodwin and Carter, that is alright. If they are not satisfied as to this, they should decide on who they do want to select as their attorney, or attorneys, before the office is asked to prepare

a contract. It is almost necessary to know who your attorneys are to be, so their consent can be gained before the contract is prepared. While in Washington, I talked with Goodwin and Carter, and they were willing to form a partnership, if the Arapahoes want them to.

Friday:

Just a statement as to employing the attorney. The Arapahoe people are very anxious to change the attorneys in their behalf, knowing that Mr. Henderson is in ill health. Now the second time we went to Washington, we told Mr. Henderson our intention to employ somebody else because of the condition he was in, and he was very willing to change attorneys. We went over to Mr. Goodwin and told him what we wanted to do. We intended to employ Mr. John C. Carter. We know Mr. Carter is a very good lawyer and know he has been engaged in some Indian claims and understands the laws, and when we told Mr. Goodwin we intended to employ Mr. Carter in place of Mr. Henderson, he said it would be alright with him. Now at this time the Arapahoes are very anxious to get the lawyers to represent them in that claim, and we would like to get it done just as soon as possible. We want to get the contract executed and signed by the Arapahoe people so Mr. Carter can go ahead and put in their work and I do believe that the quicker we get action the better it will be. I believe that we should request the Indian Office to prepare a contract and our attorney, John C. Carter because I know all the Indians agreed to have John C. Carter work on this claim. It could be passed on or rejected and they could select representatives to sign the contract.

Oldman:

(Interpreter) Inasmuch as it is believed that it is the wish of the Arapahoe people that Mr. Goodwin and Mr. Carter be chosen I wish to make the following resolution and have it adopted:

RESOLVED:

We, the Business Council, of the Northern Arapahoe tribe of Indians, hereby request that the Commissioner of Indian Affairs prepare for the approval of said tribe - a contract with Messrs. F. M. Goodwin and John G. Carter, both attorneys of record in Washington, D. C. whereby such attorneys shall take over under a new contract, the expiring contract of Henderson and Holden with the Northern Arapahoe tribe of Indians, of Wyoming. That said contract, when drawn by the Commissioner of Indian Affairs with the advise and consent of Messrs. Goodwin and Carter, shall be returned to the Superintendent of the Wind River Reservation for ratification by the General Council of the Arapahoe tribe of Indians and its final execution by them through their chosen representatives.

Be it further resolved that a copy of this resolution be furnished to Messrs. Goodwin and Carter with the request that they immediately contract the Commissioner of Indian Affairs, or his designated representative, for the purpose of carrying out the request contained in the above Resolution.

Signed at Ft. Washakie, Wyo., on Jan. 11, 1940, by
Arapahoe Council Members

Chairman: Any question on the resolution before we put it up for a vote. If not, all in favor of the motion make it known by raising your right hand. (Motion carried unanimously)

4:00 P. M. and the Shoshone Council returned. Meeting was continued as a joint council meeting. All six of the Shoshone Council present.

Supt. Stone: Mr. Chairman, Mr. Lockett, Principal of the School, wishes to present a matter to you.

Lockett: Mr. Chairman, I should like to bring one of my school problems to the attention of the council. The thing that is bothering me more than anything else right now, is the poor attendance in the schools. I should like to know what your feelings are about children attending school, and attending school regularly. As you perhaps know, the amount of money we get to run the school on, is based on average daily attendance, the number of children actually attending school, not the total number enrolled, but the number actually attending school every day. I should like to explain my position as principal of the school. I find that our attendance is very bad. Many of the school employees from time to time have contacted the parents, they always say, "Yes, I will have my children in school Monday." very fine. These children may come Monday, spend one or two days in school, then not come back again. We must sell these people the idea that school is a good place for a child to be. Almost every time we talk to the parents, they promise to send the children to school. We can't do like they did in the old days, send out the policeman, have him throw the children in a truck and bring them in. It is mostly up to the parents whether children attend school or not. Do you want your children to go to school or not?

When I first came here, two months ago, I had a talk with Miss Brandt, her headquarters are in Billings, and she is in charge of all education in this section of the country. She told me that as far as she knew the government school here had the poorest attendance of any place in the Service. That is very bad. Some places don't have busses. Here we do have busses and are running them to take the children to and from school. Now this applies to both tribes. When school started, we had quite a few Arapahoe pupils in High School, although not as many as we had Shoshones, of course. Now we have one Arapahoe child left. Most of you have been at the school, or by it, and you can see what it needs. It needs a lot of things done to it, and also we need additional buildings. We need additional equipment we need a lot of things. We particularly need a new high school building. Now Uncle Sam is a good friend of the Indians, but also, Uncle Sam is a good hard business man. If we ask him for money for schools and can't show a good attendance, he can be pretty tough about it. We can't say to the government, "Now, you build us a big high school here, and we will have 250 pupils next year; of course we only have 150 now, but after the high school is built, we will have 250." We can't get our high school that way. The government has been fooled too many times. They will say, "Show me that many children in attendance and we

will show you the money to build the school."

I just came up to this country from the Navajo Reservation where I have been working for the last five years, and I have lived there just about all of my life. I can't help comparing this country with the Navajo Reservation. Down there you don't have the water and soil you do here. Down there you don't have a lot of things you have here. In this country you have plenty of water, good soil; you have livestock, and can raise feed for them. You have good range. I see nothing but a bright future for the Indians in this Section of the country. You have something to work for and to be sure of. We need here, a good high school where your young folks can be trained in farming, home-making, and in livestock; as I believe most of the boys and girls will make their homes on farms here, going into farming, or into livestock, or both. We need a good high school to give them special training in this type of work, but we won't get it unless our attendance is taken care of.

Perhaps in your generation, and in your father's generation, education was not so necessary. Your father made a living, and perhaps you have made a good living, without much of an education, but education is vitally important to this generation now growing up. If you don't let them get this education, see that they attend school, it will be like taking food out of their mouths when they get older.

Mrs. Scott: Mr. Chairman, Mr. Lockett, do you know whether or not the Arapahoes children that left the school, are enrolled at one of the Mission Schools or not?

Lockett: No, they are not.

Mrs. Scott: Are they the children I asked about transportation for?

Lockett: No, they were in the high school group. Some of them had pretty good reasons for leaving; sickness, moving away, etc. I would like to hear a discussion from other people.

Boyd: Mr. Chairman, I would like to ask Mr. Lockett if, when he came here, he had any plan or program in mind which would make these children want to come to school, rather than to use force. Personally, I believe that sending an officer around would make matters worse. I believe that would make enrollment fall off worse than it has.

Lockett: In answer to your question, Mr. Boyd, I didn't come here with any particular plan for this particular school? One answer to that question might be to make the school so attractive to the children that they will want to come. Another way is to get in touch with the parents and sell them on the school. This sounds fine and is what should be done rather than to use force. But what are you going to do when you can't get the children to come to see whether they find it attractive or not, and the parents are not interested in education. If you have any suggestions, I would like to hear them. Those are the two answers I would

give, but I still have poor attendance.

Mrs. Scott:

It was just yesterday we were talking about foreign Indians coming in here and getting the good jobs because they had better educations than these Indians have. It seems like on other reservations the children get educations, then they are ready to take the good jobs, here or anywhere they can get them. They get high school educations, and some of them college, too. I don't know what the councils can do until the parents cooperate in making them go to school. I should think the parents would realize the children have to have an education, especially on this reservation, where there are plenty of jobs they could hold if they had an education. A lot of people here have the experience to fit them for jobs, but they can't get them, or hold them because they do not have the education. Your children won't go to school unless they are made to go. I know I didn't want to go to school when I was a kid. If they are made to go, they will get over that notion.

Lockett:

I will say that when I was a youngster going to school, that a truant officer had to come and get me several times to put me back in school, not that my parents were not cooperative, but I would get half way to school, and forget to go the rest of the way. I am really glad now that the truant officer did come and get me. Maybe I missed a few fishing trips, but that is alright I am glad that I had to attend school.

Now, the white citizens of the United States have a compulsory system of education. There might be some things not so desirable about it, but at least it has brought about a degree of civilization where most of the people read, write, and do some figuring. They believe that is a good plan for the white children, good enough that they still have that system. Now, in the Indian Service, they used to go out and round up the children and bring them into the Boarding School. They had some pretty strict rules. These rules have modified. At the present time, if I want to take a child and give it a darned good licking, and sometimes I think they need it, I can't do it. It is against the regulations. You ask most youngsters if they want to go to school, and the answer will often be "No." We have a 13 year old boy at the school now that don't see why he should go to school. He wants to be a gambler. I feel that a boy of that age doesn't know what he wants. There might be some things about compulsory education that are not good, but in other ways it might be a good idea. I can't possibly harm a child that might be forced into my school. There are times when a child should stay at home, if he is actually needed, or is ill. A child can get a good deal of training in the home that we can't give at the school. There is school training and there is home training. That is why we are anxious to have day schools instead of boarding schools. But children that aren't actually needed at home, loaf around, or come on the bus as far as the filling station and get off, have idle time on their hands; and when they have idle time, boys of fifteen years of age and there-

abouts are apt to get into trouble, and more trouble. I know a number of children right around here who are now on the road to being good bums.

McAdam: Mr. Lockett, when are you going to have your next PTA meeting?

Lockett: No definite date is set. We can have a PTA meeting any time we want to have one. I will say I attended one PTA meeting that Mr. Rains held, and there was a very fine attendance, and a very fine spirit. We talked about attendance, and the feeling of the group was that they were going to push attendance. They have been in the habit of having PTA meetings, and I suppose that every principal that has attended one has talked on attendance. In the next meeting I will do the same, but the fact still remains that we have the worst attendance of any Indian School in the service.

McAdam: Mr. Chairman, the point I am driving at, is this. We could probably, as a council, attend a PTA meeting, and that way we might have closer cooperation, and better attendance and also I think it would be only proper for the council to meet with the PTA and at that meeting they could probably work out some kind of a plan to have better attendance. I also think the Education and Employment Board should meet and talk with the PTA members, and be at that meeting. I think we could draw up a pretty good plan, or work out some kind of a solution so that we would have better attendance, or in other words perhaps we could fix up something so that we could give Mr. Lockett a little more power to get our boys and make them go to school, or work out something to help attendance, and also the members of the Shoshone Business Council and the Arapahoe Business Council, as well, should try to encourage their young people to go to school. You can see what we are up against today in this business council. We have to have interpreters. We have things come up before the business council we hardly know how to decide on account of the lack of education, and I think it is only fair to the younger generation that we, the business councils, go out and advise them to that effect. Mr. Chairman, I make a motion that the superintendent, the Education and Employment Board, and the Shoshone and Arapahoe Business Council attend the next PTA meeting for the purpose of discussing a way to better the attendance at the Indian School, and Arapahoe parents are also invited to attend.

Mrs. Scott: I second the motion.

Lockett: I should like to say to this group that I appreciate being able to come before you and state my problems and hope you will all come to the next PTA meeting. I believe if we all get behind this thing, we can make it go. You will all be notified when the meeting is to be held in plenty of time so that you can make plans to attend. Thank you.

Chairman: Are there any questions as to Mr. McAdam's motion?

Day: I have a suggestion, if it will help any, we could get the Chief of the Amusement Committee to announce it, when there was a definite date.

Chairman: I think that would be a good idea and I think it would help if every member of the council would notify what people he could after the date was set, spread it around where the people congregate, crying it out, also have notices posted, then make it our duty to spread it to the people. All in favor of the motion, signify by raising your right hand. (Motion unanimously carried.)

Supt. Stone: There are two matters I am going to have to take up with the Shoshone Council today, and this will leave unfinished business for the joint council. I will have to ask for an adjourned meeting of the joint councils, to be reconvened again on Thursday, January 18, a week from today, at 2:00 P. M. There are a number of matters we need to take care of as promptly as possible many of which should have been taken care of before this. I am unable to ask for a continuance of this meeting, due to other appointments and other plans that have to be looked after. Both councils are requested to meet here a week from today, January 18, at 2:00 P.M. After the joint council meeting is adjourned today, I will ask the Shoshones to remain for about three-quarters of an hour to take care of a couple of matters. (Arapahoe Council leaves)

(Mr. Boyd takes the Chair to preside over the short meeting of the Shoshone Business Council)

Supt. Stone: Mr. Chairman, while in Washington, we had up for discussion the proposal of the Shoshone Business Council voting \$10,000 for the Administration of the Shoshone Judgement Fund in view of the apparent failure of the budget to get sufficient government funds allowed in the budget to take care of proper administration of individual programs and tribal enterprises. You will recall that the council passed a regulation permitting the use of \$10,000 of this money providing it wasn't inconsistent with the Shoshone Judgement Act as contained in Section 3 C of the Act. Our Office feels that it is within the power of the business council to authorize the use of this item. Your attorney as I gather from his letter to Mr. Herrick, feels that it would have to be acted upon by the general council. In reply to that, the Commissioner has stated his position as being satisfied to present it to the budget if the business council is willing to recommend it and authorize it. There seems to be a little disagreement between your attorney and the government in, I gather, it is Mr. Tunison's belief that it should go before the general council, and the Commissioner feels that as far as we are concerned, authorization by the business council is sufficient. I have been asked to represent that to you, and I want to read the correspondence. While in Washington, Mr. Herrick wrote to Mr. Tunison asking his opinion in the matter. I haven't a copy of Mr. Herrick's letter. (Reads Mr. Tunison's letter of December 19, to Mr. Herrick, and Mr. Herrick's letter, dated December 22, to Supt. Stone, as follows:)

"Omaha, Nebraska
December 19, 1939

Commissioner of Indian Affairs,
Washington, D. C.

Attention: John Herrick,
Assistant to the Commissioner.

Dear Sir:

Receipt is acknowledged of your letter of December 9 respecting the resolution of the Shoshone Business Council of December 5, 1939, as follows:

"Resolved: That the Shoshone Business Council do hereby authorize the Secretary of the Interior to expend from the Shoshone Judgement fund, or interest thereon, not to exceed \$10,000 for the employment of personnel and the purchase and rental of equipment during the Government fiscal years of 1940 and 1941. When personnel and equipment is needed to successfully carry out the program as provided for in Section 2 of the Act of July 27, 1939; Provided: that all personnel paid from this fund shall be enrolled members of the Shoshone Tribe of Indians, of Wyoming, and Provided further, that not to exceed 25% of the sum so authorized shall be expended for the purchase and rental of equipment, and Provided further, that such authorization by the Shoshone Tribal Business Council is contained in Section 3 (c) of said Act."

You state that additional personnel is necessary to prepare programs for the expenditure of the Shoshones individual shares of the Judgement Fund and that it should not be necessary to call a General Council every time an item of a few thousand dollars comes up for consideration and you request my views, as counsel for the Shoshones, as to the propriety of the proposed expenditure.

I have given careful consideration to the subject and am obliged to state that, in my opinion, the proposed expenditure can only be made with the consent of the Shoshone Tribe expressed by meeting of the General Council. The provisions of the Act of July 27, 1939, Section 3, (a), (b), and (c), each require that expenditure thereunder be "upon the request of the Tribe" or "with the consent of the Tribe" as distinguished from action by the Business Council authorized in Section 1 and Section 6. While it appears that the proposed expenditure is for a meritorious purpose, yet it was the clear intent, when the bill was being prepared at Washington last winter, that the policy of making any expenditure from the Judgement Fund was to be only after the matter had been submitted to and approved by the Tribe as a whole. After the policy making body, the General Council, has acted, the Business Council can pass upon details.

'In view of the foregoing I am obliged to state that the proposed expenditure can be made legally only when the Tribe as a whole has consented thereto. It is possible that the subject can be considered at the next meeting of the General Council, of the Shoshones, and, if approved, the funds may be available in time to meet the need.

Sincerely yours,

Sgd/ G. M. Tunison

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"Washington, D. C.
December 22, 1939

Mr. Forrest R. Stone,
Supt., Wind River Agency

Dear Mr. Stone:

'I attach a copy of a letter of December 19 received from Mr. Tunison. Will you please take up this matter with the Shoshone Business Council.

'This Office is still of the opinion that the Business Council has power to vote the authorizations required in Section 3 of the Shoshone Judgment Fund Act. If, however, the Council chooses to take an opposite view, naturally we cannot coerce them into acting against their judgment

'If it is determined that this \$10,000 authorization for the employment of personnel is one which should be placed before a General Council, it seems to me that it would be wise and in the interest of efficiency to ask the General Council to vest the Business Council with some discretionary authority so that in the future, authorizations for the use of small amounts of money, say \$10,000 or less, can be passed upon by the Business Council.

'Please let us have an early recommendation from you, since it is desired to prepare an estimate and justification in order that an item covering the employment of tribal personnel may be included in the first deficiency bill.

Sincerely yours,

Sgd/ John Herrick
Assistant to the Commissioner.

Supt. Stone: Now the urgency of this lies in the fact that there is only a limited time to get that budget before the present Congress and it has to go before Congress and be authorized before the money can be used.

Day: Mr. Chairman, at the meeting at the Indian Office, if all of you still remember, I think Mr. Tunison was right in that statement where it had to receive the consent of the tribe as stated

in those three clauses, a, b, and c, and therefore it seems proper and it looks like we have to get the consent of the general council, because it is something we have recommended for the purpose, that \$10,000, we, as council members have been criticized over it, and if we refer that back to the general council and get the opinion of the general council, whether they will give you the authority to make the request, then I think it will be proper with the rest of the members of the tribe.

Chairman:

I believe if you will recall a discussion we had on this at the meeting of December 5, 1939, every member of the council was in favor of putting this \$10,000 through so it could be used. Now the Indian Office comes back and says it can be put through, and Mr. Tunison says it can't. We are between two fires. Are we going to go back on what we told the Indian Office, or are we going to do what Mr. Tunison advises? That is up to the business council.

Day:

As you stated, we are between two hot fires. At the time we made the motion to have that much money set aside, as made in our statement, "provided the matter have approval of all concerned" but it didn't. Therefore, it seems proper that we should refer it in that way. On the other hand, it is the members' of the tribe money, even though we, as councilmen, handle portions of it. I think we should refer it back to the general council. That is why they always criticizes us.

Supt. Stone:

I had this in mind. I don't know whether it is the right suggestion or not. I wouldn't want to propose it on all cases where matters were to go before the tribal council, and I wouldn't suggest it now if it were a plan to make any wide distribution of the Judgment Money outside of the tribe itself. Most of this money would go to members of the tribe for services, but the request I wish to make is whether the Council might entertain a petition signed by members of the general council if it was subscribed to by a large enough number, rather than by calling a general council meeting. I am not trying to sidestep general council, but at this particular time of the year, when the weather is cold and the roads none too good, and only a comparatively small amount of money requested, we would have a hard time to get out enough people to feel that we had a true representation of the tribe. It is very doubtful whether or not we could get a majority of the adult members of the tribe out to such a meeting. The help we have now, from other agencies and district offices, is but for a short time, and unless I am permitted to take on some of our own people to assist in shaping up these individual programs as well as tribal programs, up to the point where funds can be used and put into operation, I am very much afraid we will be seriously handicapped. Things won't work very smoothly, and the value of the programs won't be increased, and it won't increase the happiness of our people. This outside help is allowed us only for a period of one to three and four months. After that, we will be pretty much on our own.

Chairman:

Do any of you have any suggestions you wish to offer? If not,

I would like to say a word in connection with this. For the last three or four weeks, I have had any number of members of the tribe catch me at the office, asking why their program hasn't come through. The only thing I can tell them is that we are so short on help. I believe that if the programs were put through more quickly, and the Indians knew that they would be if the office got this additional help, they would okay it. The time is growing short, and they want their programs approved, and think we should take matters in our own hands, and do something about it. I suggest that we have, say two members of the Council take the petition and circulate it among the members of the tribe. Perhaps it would be well to have one side marked for the signatures of those agreeing with the petition, and the other side marked for the signatures of those who do not agree to it.

I am in favor of the suggestion as to the petition. Any number of Indians catch me in the hall, want their programs pushed through, but on account of lack of help, we cannot get these programs through. We have a lot to figure out. Here is a letter from a fee patent, that I want the Chairman to read to you. It will show you some of the things Pete and I are up against. There have been a number of complaints come in that fee patent Indians are getting the best of the other Indians. The fee patent Indian can request what he wants, go to one of the farmers, or some one in the head office, and he gets his program out. But it seems like the others hold back for some reason or other. They feel the patent fee Indians get everything in their favor and they are the ones that have to sit back and wait their turn. I think, up to the present time, we have close to 200 programs made out, and only about 50 have been approved. About 150 programs have not been approved yet. They have to go their routing. I think the entire number of programs will run about 550. We have about 500 more programs yet to work over, we are just getting barely started. We need more help here. I would like to see things speeded up. The longer we hold back, the longer our Indians will be waiting to get started on their programs, getting a farm or other enterprise started.

Shongutsie: (Interpreter) It seems like they would try to approve them as fast as they could, and keep them from getting piled up; get them strung out and keep them going. It looks as though it could be held out to them that some of the money could be utilized, and it would take a load off the office.

McAdam: Mr. Chairman, I think if every Indian would study the regulations and draw their program to fit the regulations it would be easier for our office to pass on. They don't know the regulations and from second hand information they get the idea they can draw up a program they think is a productive program. They spend four or five hours on it and it won't work because regulations say it is not a productive program. It has to go through the mill again. I don't even understand them, and I have been working with them for quite a while.

Shongutsie: (Interpreter) He says those taking down the program should stop and explain rules and regulations to some of them. That might help the fellow to make the program right, and regulations would not be disregarded.

McAdam: I think employees taking down the programs now do a pretty good job of it and are familiar with the regulations, but the Indian wants something, insists on having it put in, then they find that under the regulations he can't receive it. I think it is the Office policy to give the Indian as much rope as they can in building the programs from the ground up, if they can do it; if there is any possible chance.

Shongutsie: (Interpreter) He says he is in favor of Mr. Stone's suggestion as to the petition. The people can handle it according to their judgment.

Supt. Stone: The council will have to determine whether or not the petition represents the views of the tribe. If they are satisfied that it does, in view of the small amount of money, we would be satisfied with it; the council would have to pass on it then as to whether the signed petition represented the views of the general council.

Day: It is alright with me. If someone will make a motion I will vote for it. Is that to be reimbursed from joint tribal funds?

Supt. Stone: No. It is exclusively for the use of the Shoshone Indians.

Day: Who will the equipment go to when they are through with it?

Chairman: By that time the equipment will be quite old.

Supt. Stone: Regardless, it will be the private equipment of the Shoshone Indians. It will not belong to the government.

McAdam: As I look at it, the programs are going to be coming in for the next eighteen years.

Supt. Stone: The budget officer's estimate of that item, however, is only \$1,000 for possible supplies and equipment. The rest of it is for the payroll, and \$300.00 for repairs to equipment.

Chairman: Would some member of the council like to make a motion concerning this petition?

McAdam: Mr. Chairman: I make a motion that a petition be drawn up by our Chairman and superintendent, concerning this \$10,000, and that it be circulated to members of the tribe by Cyrus Shongutsie and Gilbert Day and other interested members of the Shoshone tribe.

Day: Mr. Chairman: I am going to work for the Irrigation, I would only have a couple of days.

Supt. Stone: Putting in the phrase "other interested members of the tribe"

will allow additional help to be used.

Aragon: I second the motion.

Day: I would like to add on to Lonnie's motion, if you will let me, and that is to add a statement that that \$10,000 is not to be paid back, if that is alright with Lonnie, so that the Indians will know.

Chairman: Are there any more questions? If not, we will vote on Mr. Mc Adam's motion. All in favor of same raise your right hand. Motion carried. (Unanimous vote) (Motion prepared)

Supt. Stone: Mr. Chairman, there is one more matter that Mr. Herrick pointed out to me, in a letter from him of January 4. He states that he notes that in the meeting of December 11, the council appointed two members to act as a committee to approve programs for the council, without rescinding their approved motion in the meeting of November 28, wherein they approved three members. At this meeting, John L. Boyd, Lonjo McAdams and Peter Aragon were appointed. Then at the council meeting of December 11, another motion was made appointing a committee of two, Lonjo McAdam and Peter Aragon. How did that happen? Was there any special reason or was it just an oversight?

Chairman: I guess it was just an oversight.

Supt. Stone: If you wish, you can make a motion to rescind your action of November 28, and ask that the action of the council on December 11, appointing Lonnie and Pete be approved.

Day: I make a motion that the action of the business council on November 28, 1939, choosing three members of the business council to act on programs be rescinded and that the action of the council on December 11th, selecting two members, Peter Aragon and Lonjo McAdam, be allowed to stand as the representatives of the council body.

Shongutsie: I second the motion.

Chairman: Is there any question? If not, all in favor of the motion, raise your right hand. (Motion carried.)

Chairman: I have been handed a request from Link Bradford, a fee patent, on his program. Lonnie has just handed me a letter addressed to Superintendent Stone, that gives some idea of what they are going through in the back room, getting the programs approved. Reads letter as follows:

"Forrest R. Stone, Supt.
Ft. Washakie, Wyo.

Dear Mr. Stone:

Permission is herewith respectfully requested to be relieved of trust status on property purchased with Judgment Funds.

'Section 223.68 provides that fee-patent Indians may be relieved of the provision of Section 223.59 by applying to you and the council for same.

'I have been operating for over five years on a non-trust basis and desire to continue to do so. I believe my record with the office especially with the Forrestry and Extension division will show you that I have always complied with the regulations in regard to non-trust status.

Respectfully,

Sgd/L. W. Bradford"

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- McAdan: Mr. Chairman, if I am wrong I would like to be corrected by the superintendent. The regulations provide that property bought with the Judgment fund should be held in trust for those living on the reservation. Indians living away, competent Indians, may have the \$1350.00 turned over to them.
- Supt Stone: There is a consideration given fee patent Indians. However, we have, at present, several questions up to the Office about that, which we have not had answers on. Money can be turned over to competent ward Indians as well as fee patent Indians, in some instances, if the council and superintendent thinks their programs are best served that way, but in addition to that, the fee patent Indian enjoys some release of funds. He is required to present a program, and if it is approved, he can get the money. He cannot, however, buy land on the ceded reservation, but he can buy it from other persons on the reservation. When we get answers to several of the questions we have before the Office, we will know more about handling some of these situations.
- McAdan: I think to be fair with Mr. Bradford, the superintendent and the council, we should just table this, and any other programs we might get like it, until we have heard from the Indian Office.
- Chairman: Are there any more questions to be brought up?
- McAdan: I make a motion we adjourn until Thursday, the 18th, at 2:00 P.
- D_{ay}: I second the motion. (Vote taken and meeting adjourned)