

**INTERIOR DEPARTMENT
APPROPRIATION BILL FOR 1949**

**HEARINGS
BEFORE THE
SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES**

EIGHTIETH CONGRESS

SECOND SESSION

ON THE

**INTERIOR DEPARTMENT
APPROPRIATION BILL FOR 1949**

PART 2

BUREAU OF INDIAN AFFAIRS

Printed for the use of the Committee on Appropriations

ROBERT P. WILLIAMS, *Administrative Assistant, Editor*



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II

INTERIOR DEPARTMENT APPROPRIATION BILL, 1949

HEARINGS CONDUCTED BY THE SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, IN CHARGE OF THE INTERIOR DEPARTMENT APPROPRIATION BILL FOR THE FISCAL YEAR 1949, ON THE FOLLOWING DAYS, NAMELY:

TUESDAY, FEBRUARY 24, 1948

BUREAU OF INDIAN AFFAIRS

STATEMENTS OF WILLIAM ZIMMERMAN, JR., ACTING COMMISSIONER; GUY C. WILLIAMS, CHIEF, BUDGET AND OPERATIONS DIVISION; DR. RALPH B. SNAVELY, DIRECTOR OF HEALTH DIVISION; ROBERT J. BALLANTYNE, ADMINISTRATIVE ANALYST; WILLIAM W. BEATTY, DIRECTOR OF EDUCATION DIVISION; WILLIAM L. MILLER, ACTING DIRECTOR, IRRIGATION BRANCH; EDWARD A. POYNTON, DIRECTOR OF CONSTRUCTION BRANCH; J. MAUGHS BROWN, DIRECTOR OF ROADS BRANCH; A. C. COOLEY, DIRECTOR OF EXTENSION BRANCH; LEROY D. ARNOLD, DIRECTOR OF FORESTRY BRANCH; DON C. FOSTER, GENERAL SUPERINTENDENT, ALASKA NATIVE SERVICE; PAUL L. FICKINGER, DISTRICT DIRECTOR, BILLINGS, MONT., AND JAMES M. STEWART, GENERAL SUPERINTENDENT, NAVAJO AGENCY.

COMPARATIVE SUMMARY OF APPROPRIATIONS AND APPROPRIATION ESTIMATES

Comparative summary of appropriations and appropriation estimates (excluding trust accounts)

Bureau or subdivision	Appropriations 1948			Estimate of appropriations for 1949	Increase (+) or decrease (-) 1949 estimates over 1948
	Presently available	Supplementals required (estimate)	Total (estimate)		
GENERAL AND SPECIAL APPROPRIATIONS					
Current appropriations:					
Salaries and expenses, Bureau of Indian Affairs	\$750,000	-----	\$750,000	\$921,000	+\$171,000
Salaries and expenses, District Office Administration	500,000	-----	500,000	650,000	+150,000
Salaries and expenses, reservation Administration	2,000,000	-----	2,000,000	3,000,000	+1,000,000
Maintaining law and order among Indians	-----	-----	-----	250,000	+250,000
Alaska Native Service	3,676,000	-----	3,676,000	4,769,700	+1,093,700

Excludes \$250,000 for activities transferred to "Maintaining law and order among Indians".

Please refer, Mr. Zimmerman, to the committee print, page 149, "Payment to Indians on Sioux Reservations." It seems that for the past several years the amount has been \$150,000 a year. Before that, it was up to \$200,000, \$225,000, and \$250,000, but it seems to have settled down to the basis of \$150,000. Give us a little explanation of that, if you will, please, sir.

Mr. ZIMMERMAN. This item, Mr. Schwabe, is an annual charge against the general fund of the Treasury. The payments are made pursuant to the treaty of 1889 which provided that certain articles should be issued to aid individual Sioux Indians in establishing themselves on their reservations. These benefits, as they are called, Sioux benefits, have now been converted into cash payments. We compute the value of the articles required and usually make the cash payments to the individual Indians. Those payments at the present time are about \$790 to each individual.

Mr. SCHWABE. Do you make those payments annually now, on that basis?

Mr. ZIMMERMAN. They are made once.

Mr. SCHWABE. Is that a commuted value which does away with the annual payments?

Mr. ZIMMERMAN. No; the payment is made once to each Indian when he becomes of age.

Mr. SCHWABE. Is that regardless of the future unborn Indians, so to speak, as they come along, or is that only as to a certain group who are on a certain roll? What is the basis of that?

Mr. ZIMMERMAN. That is the authorization as it still stands.

Mr. SCHWABE. Without reference to the degree of Sioux Indian blood?

Mr. ZIMMERMAN. That is correct. It is made to the individual Indian who becomes of age, or to the head of the family.

Mr. SCHWABE. But it is just once?

Mr. ZIMMERMAN. Just once.

Mr. SCHWABE. It is a start in life for him, so to speak?

Mr. ZIMMERMAN. That is right. That was the purpose.

Mr. SCHWABE. Those payments remain largely static in gross, do they not, or have for several years?

Mr. ZIMMERMAN. Yes, sir; they have been running fairly uniform.

PAYMENT OF INTEREST ON INDIAN TRUST FUNDS

STANDARD CLASSIFICATION SCHEDULE

Payment of interest on Indian trust funds

Funds available for obligation	Estimate, 1948	Estimate, 1949	Change
Appropriation or estimate.....	\$1,722,000	\$1,195,000	\$527,000
OBLIGATIONS BY OBJECTS			
14 Interest.....	1,722,000	1,195,000	527,000

RECONCILIATION OF ESTIMATES, 1949, WITH APPROPRIATION FOR 1948

Payment of interest on Indian trust funds

Appropriation Act, 1948.....	\$1,722,000
Base for 1949.....	1,722,000
Change for 1949: Decrease: Estimated reduction on earned interest..	527,000
Budget estimate, 1949.....	1,195,000

Mr. SCHWABE. The next item is "Payment of interest on Indian trust funds." Apparently this item has been growing considerably as we go along. What do you care to say on that?

Mr. ZIMMERMAN. This item, Mr. Chairman, is solely for the purpose of paying interest on Indian tribal funds held in the Treasury of the United States subject to appropriation. It is obviously difficult to forecast what the balances will be at any time in the future.

This item is subject to some variations. Last year the estimate and the appropriation, was \$1,722,000. That was much larger than the sum had been in any previous year, largely because there was an accrual of interest on a judgment credited to the Indians of California.

The interest accrual, as I recall it, was for about 2½ years. In the 1949 estimate the accrual is just for the one year, and that accounts in part for the reduction below last year's appropriation to \$1,195,000.

Further, there had been several large appropriations of tribal funds during the fiscal year for payment to individuals per capita.

Mr. SCHWABE. Which would cut down automatically the interest?

Mr. ZIMMERMAN. It would cut down the balances, and as a result, cut down the interest.

Mr. SCHWABE. Is there any way to get rid of a lot of these trust funds where they are so small in amount, as some of them appear to be? I think it would simplify the work of your office.

It is rather a nuisance, may I call it for want of a better work, to have to handle a lot of these small items that are all deposited in the Treasury of the United States. That is where they are deposited, is it not?

Mr. ZIMMERMAN. That is right.

Mr. SCHWABE. The Government pays interest. For instance, last year there was appropriated for this interest item \$1,722,000. This year the Bureau of the Budget has recommended and requested Congress to appropriate \$1,195,000 to cover interest only. Is that right?

Mr. ZIMMERMAN. That is correct.

Mr. SCHWABE. There is no administration expense or anything connected with that item?

Mr. ZIMMERMAN. That is simply for the payment of interest.

Mr. SCHWABE. By the Federal Government?

Mr. ZIMMERMAN. That interest is credited on the books of the Treasury.

Mr. SCHWABE. Yes, sir; I am wondering if we could not simplify this. The list gets longer instead of shorter, does it not? Or does it not?

Mr. ZIMMERMAN. It stands about the same. I would like to reply to your comments, if I may.

Mr. SCHWABE. Well, I am asking for a comment.

Mr. ZIMMERMAN. Here again is a situation in which legislation is pending before the Congress.

The Department's recommendation on this legislation will be that the Secretary be authorized to combine many of these accounts and simplify the whole accounting problem. Many of these small items were created as a result of sales of land or special statutes and in a few cases treaties, and the items are small. They are burdensome. They might as well be combined with the larger items.

Our recommendation will be, I am confident, that the Treasury be authorized to combine accounts. I think by so doing we could very materially reduce the paper work involved in keeping these records.

Mr. SCHWABE. That is what I am trying to get at exactly. I cannot see any good reason for not doing that.

Mr. ZIMMERMAN. As I say, the legislation has been introduced in the Senate but has not yet been acted on by the committee.

Mr. SCHWABE. Likewise, is it not possible to disburse a number of these funds?

Mr. ZIMMERMAN. That, again, is a problem.

Mr. SCHWABE. I am not asking with reference to any particular ones right now. I am thinking of the over-all picture first. I wonder if there is not a possibility of your disbursing some of these funds which are being so held as trust funds, I take it, and where bookkeeping and accounting expense is incurred, and where annoyance is bound to come in, and where it costs the Government money.

Some of these accounts, I notice, are very small indeed. Some of them are only a few hundred dollars. Perhaps they are even smaller than that in some few instances. Most of them are not major items, are they?

Mr. ZIMMERMAN. That is correct. The larger number of items represent small sums.

Mr. SCHWABE. That is right.

Mr. ZIMMERMAN. My recommendation would be, if I am pressed for an answer—

Mr. SCHWABE. I am almost pressing you for an answer.

Mr. ZIMMERMAN. That the Congress broaden the authorization, which the Indians now have in some specific cases.

For example, the Chippewa Indians of Minnesota requested and Congress passed an act authorizing them to withdraw their tribal funds without appropriation by Congress.

I think the appropriation procedure has probably slowed down the productive use of these funds. In the absence of authorizing legislation, it is necessary for the tribes to come to Congress each year and ask that these items be appropriated.

Mr. SCHWABE. What Congress is doing right here is merely appropriating out of the Treasury interest for these funds that are in the Treasury to the account of these respective tribes?

Mr. ZIMMERMAN. That is correct.

Mr. SCHWABE. There are just any number of instances here where the items are very small, where there is no annual accrual except the interest item itself.

Mr. ZIMMERMAN. That is correct.

Mr. SCHWABE. These items have been, to that extent, static and constant for years and years in many instances?

Mr. ZIMMERMAN. That is true.

Mr. SCHWABE. I come back to my original question: Is there any reason why, at least in some of these cases, you could not disburse these funds?

Mr. ZIMMERMAN. We cannot disburse them under existing law.

Mr. SCHWABE. You cannot?

Mr. ZIMMERMAN. No, sir.

Mr. SCHWABE. That is what I am asking, for the record. That question is often asked, and the people, I think, are entitled to know whether you can or cannot.

Mr. ZIMMERMAN. I would have to say that in most of these cases we could not disburse without specific authorization.

Mr. SCHWABE. But in some you can?

Mr. ZIMMERMAN. In some we can.

Mr. SCHWABE. Why not do it where you can? That is the next question.

Mr. ZIMMERMAN. That raises a question of policy, of course.

Mr. SCHWABE. Do not they have a little bit there where you could do that?

Mr. ZIMMERMAN. I take it the Treasury is probably the safest place for the tribes to keep their money.

Mr. SCHWABE. It is not necessarily good policy. There might be an argument as to whether they should keep this little amount of money there at all.

Mr. ZIMMERMAN. Some of these items are large and substantial.

Mr. SCHWABE. That is right.

Mr. ZIMMERMAN. Some of these funds are being used, and, in my judgment, should be used for productive purposes.

Mr. SCHWABE. I think that is right.

Mr. ZIMMERMAN. Some of them represent current income. Some of them represent capital assets. Some of them represent the proceeds of judgments against the United States.

Take one of the larger items there, the Klamath Indians in Oregon. The balance of their credit is the balance of a judgment which arose out of a taking of land by the United States. In effect, this money is the equivalent of a capital asset.

Mr. SCHWABE. That is right.

Mr. ZIMMERMAN. It has been my contention that that kind of a fund should be treated as a capital asset and, if possible, should be used productively, rather than paid out per capita as earnings might be paid out.

Mr. SCHWABE. Of course, they also have a little current income.

Mr. ZIMMERMAN. They also have a current income.

Mr. SCHWABE. I mean the Klamath Indians.

Mr. ZIMMERMAN. That is correct.

Mr. SCHWABE. The Osages are in the same position, largely, are they not?

Mr. ZIMMERMAN. The Osages have a substantial current income, which is paid out quarterly.

Mr. SCHWABE. Yes, sir. That is under the law?

Mr. ZIMMERMAN. That is correct. That statute is mandatory, so the Osage balance in the tabulation before you is indicated as being \$80,000.

Mr. SCHWABE. That is one of the largest items?

Mr. ZIMMERMAN. That is one of the large items, but it does not stay there very long. The payments are made quarterly.

Mr. SCHWABE. Of course a substantial part of it stays there because there is an income constantly flowing into this fund?

Mr. ZIMMERMAN. Practically the total income, after deducting the administrative expenses at Osage, is paid out per capita each quarter. So there will be accruals for 3 months and then the fund diminishes because the accruals are paid out.

Mr. SCHWABE. Is there any other comment on this that you want to make, Mr. Zimmerman?

Mr. ZIMMERMAN. No, sir; I think that is all.

PROCEEDS FROM POWER

STANDARD CLASSIFICATION SCHEDULE

Proceeds from power, Indian irrigation projects

Funds available for obligation	Estimate 1948	Estimate 1949	Increase (+) or de- crease (-)
Appropriation or estimate.....	\$1,470,596	\$1,868,815	+\$398,219
Prior year balance reappropriated.....		770,596	+770,596
Total available for obligation.....	1,470,596	2,639,411	+1,168,815
Balance reappropriated for subsequent year.....	-770,596	-1,774,411	-1,003,815
Total obligations.....	700,000	865,000	+165,000
OBLIGATIONS BY OBJECTS			
01 Personal services.....	253,443	254,748	+1,305
02 Travel.....	3,650	3,650	
03 Transportation of things.....	10,500	30,000	+19,500
04 Communication services.....	1,550	1,550	
05 Rents and utility services.....	212,343	283,052	+70,709
06 Printing and binding.....	800	1,000	+200
07 Other contractual services.....	19,500	25,450	+5,950
08 Supplies and materials.....	152,714	183,050	+30,336
09 Equipment.....	36,500	72,500	+36,000
Total obligations.....	700,000	865,000	+165,000

Mr. SCHWABE. We will pass on to the next item, "Proceeds from power, Indian irrigation projects."

Apparently there was appropriated in 1948 fiscal year for this item \$1,470,596, and you are requesting \$1,868,815 for 1949 fiscal year. That is correct, is it not?

Mr. WILLIAMS. Yes, sir.

Mr. SCHWABE. The break-down of this seems to be divided between three projects.

You have the San Carlos project, the Colorado River project, and the Flathead project.

Who is going to justify that item?

GENERAL STATEMENT

Mr. WILLIAMS. Mr. Chairman, this is an appropriation of an indefinite amount of the accrued receipts from the power revenues for the operation and maintenance of these power projects. It covers

three projects. One is located at San Carlos, one at Colorado River and one at Flathead.

The San Carlos project is operated continuously to supply supplemental power for irrigation on the San Carlos irrigation project.

The Flathead project furnishes energy for project pumping and also to approximately 3,600 customers in the neighboring villages.

The Colorado River project power is obtained from the reclamation plant at Parker Dam. This power is used on the reservation for irrigation and irrigation pumping.

You will note in the bill that we are requesting a change of language. This language change is requested because of different interpretations of the language in the appropriation bill for 1948. The Bureau of Indian Affairs and the Bureau of the Budget are in agreement that the language, as was submitted last year, makes available to us all of the revenue which is on deposit to the credit of each of these projects.

The General Accounting Office has taken the position that the language does not make available the revenue which was collected and deposited prior to the act of August 7, 1946.

The purpose of the change in language is to make those receipts available for expenditure and obligation under section 3 of the act of August 7, 1946.

Section 3 provides that the collections so credited to these three projects shall be available, first, for the payment of expenses of operating and maintaining the power system; second, creation and maintenance of reserves to be available for making repairs and replacements to defray emergency expenses for and insuring continuous operation of the power system, the funds for each project to be maintained on such level, within limits set by the Director of the Bureau of the Budget as may from time to time be prescribed by the Secretary of the Interior; third, amortization in accordance with the repayment provisions of the applicable statutes or contracts of construction costs allocated to be returned from power revenues; fourth, payment of other expenses and obligations charged to power revenue to the extent required or permitted by law.

Now, without the total receipts to the credit of each of these projects being available to us, it is not possible for us to carry out all the provisions of section 3 of that act.

Under the present interpretation under which we are operating, the only funds that we have available are those which have been credited to these projects since August 7, 1946.

Mr. SCHWABE. When this money for the sale of power comes in, is it covered into the Treasury of the United States, is it not?

Mr. WILLIAMS. Yes, sir.

Mr. SCHWABE. Does it come to you, or who collects it and actually deposits it with the Treasury?

Mr. WILLIAMS. Each of the power projects collects these revenues and deposits them into the Treasury of the United States.

Mr. SCHWABE. How are the funds made available for operating these projects?

Mr. WILLIAMS. By appropriation.

Mr. SCHWABE. That is the purpose of this item in this bill right now?

Mr. WILLIAMS. Yes, sir.

MISCELLANEOUS INDIAN TRIBAL FUNDS

ADMINISTRATION OF INDIAN TRIBAL AFFAIRS

STANDARD CLASSIFICATION SCHEDULE

Administration of Indian Tribal Affairs (tribal funds)

Funds available for obligation	Estimate, 1948	Estimate, 1949	Increase (+) or decrease (-)
Allotted from "Miscellaneous Trust fund of Indian tribes".....	\$304,800	\$365,000	+60,200
Total obligations.....	304,800	365,000	+60,200
OBLIGATIONS BY OBJECTS			
01 Personal services.....	191,843	214,028	+22,185
02 Travel.....	2,836	3,158	+322
03 Transportation of things.....	765	765	
04 Communication services.....	1,270	1,370	+100
05 Rents and utility services.....	3,462	3,693	+231
06 Printing and binding.....	210	260	+50
07 Other contractual services.....	27,219	24,255	-2,964
08 Supplies and materials.....	63,020	75,515	+12,495
09 Equipment.....	9,640	26,806	+17,166
10 Lands and structures.....		15,000	+15,000
11 Grants, subsidies, and contributions.....	4,485		-4,485
13 Refunds, awards and indemnities.....	50	150	+100
Total obligations.....	304,800	365,000	+60,200

RECONCILIATION OF ESTIMATES, 1949, WITH APPROPRIATIONS, 1948

Administration of Indian Tribal Affairs (tribal funds)

Appropriations Act, 1948.....		+ \$304,800
Base for 1949.....		304,800
Change for 1949:		
Decreases—reduced and completed tribal programs....	\$37,722	
Increases—miscellaneous programs, services, and supplies.....	97,922	
Net change.....		+ 60,200
Budget estimate, 1949.....		365,000

We now pass on to the miscellaneous Indian tribal fund items. The first seems to be Administration of Indian Tribal Affairs (tribal funds).

Apparently in 1947 fiscal you had \$189,427 for this item. Last year there was appropriated for 1948 fiscal, \$304,800. You are asking for, and the Bureau of the Budget has approved, \$365,000 for 1949 fiscal, which results in an increase over 1948 of \$60,200.

Mr. ZIMMERMAN. That is correct, Mr. Chairman. This total of \$365,000 is made up of 19 items, as indicated in the break-down on page 153 of the bill. Each one of these items includes sums to be appropriated from funds now in the Treasury to the credit of these tribes. These funds are tribal funds in the United States Treasury.

In every case the Indians concerned have requested or have approved the submission of these estimates.

The detailed justifications for these items begin on page 144 of the justifications. I doubt if you want to go into each item, but I call

attention to the attitude of the tribes, as indicated by their willingness to use their own money for many of the purposes covered by this item. For example, under the Arizona item the Fort Mojave Indians have requested that the sum of \$10,000 be appropriated for the purpose of removing, repairing, and constructing homes for certain members of the tribe. The Fort Apache Indians also in Arizona have requested the use of their money for various supplies and materials in connection with the operation of their cattle industry, and they have also authorized the use of a portion of that fund for payment of police because the funds available under the gratuity item have not been sufficient to permit the establishment of an adequate police force on all the reservations.

There are scattered through these other justifications various other tribal employees, who are not Federal employees. These are employees hired by the tribes and paid out of their own funds.

Mr. SCHWABE. You mean that all these funds listed in this list are expenditures out of tribal funds in the employment of Indians'?

Mr. ZIMMERMAN. They are not all for employment.

Mr. SCHWABE. Well, insofar as there is employment?

Mr. ZIMMERMAN. Insofar as there is employment, some are tribal employees and not Federal employees.

Mr. SCHWABE. However, they may be white people who are also included in the list of employees; is that right?

Mr. ZIMMERMAN. I do not happen to know of any.

Mr. SCHWABE. You make the selection of the employees, do you not?

Mr. ZIMMERMAN. No, sir. Often the tribe makes the selection.

Mr. SCHWABE. I want it in this record, so that we can determine what the facts are.

Mr. ZIMMERMAN. On tribal projects the tribe makes the selection.

Mr. SCHWABE. These are tribal employees paid with tribal funds; is that correct?

Mr. ZIMMERMAN. That is correct.

Mr. SCHWABE. In each instance the tribal authority has requested the appropriation of the amounts set forth here respectively?

Mr. ZIMMERMAN. That is correct.

BREAK-DOWN OF ESTIMATED ALLOCATIONS, 1948 AND 1949

Mr. SCHWABE. At this point in the record I wish to insert the tabulations appearing on pages 143 and 144 of the justifications. (The tabulation is as follows:)

Tribe	Authoriza- tion, 1948	Estimate, 1949	Increase (+) or decrease (-)	Income for 1947	Available balance
Fort Mojave.....		\$10,000	+\$10,000	\$4,407	\$103,844
Colorado River.....	\$2,320	6,232	3,912	1,158	132
Camp McDowell.....	650		-650	98	921
Fort Apache.....	49,800	50,000	+200	11,803	133,577
Salapal.....	11,095	11,275	+180	3,034	60,107
Maricopa.....	1,129		-1,129	3,609	56
San Carlos Apache.....	14,145	14,983	+838	11,226	61,506
Agua Caliente (Palm Springs).....	28,505	27,908	+1,403	58,907	62,420
Hopai Valley.....	2,500	2,500		15,340	23,122
Seminole.....	500			1,457	14,187
Coeur d'Alene.....	700	1,500	+800	268	7,844
Salapal.....	250		-250	68	2,340

Tribe	Authoriza- tion, 1948	Estimate, 1949	Increase (+) or decrease (-)	Income for 1947	Available balance
Nez Perce.....	\$20,830	\$31,708	+\$10,878	\$33,095	\$127,092
Red Lake Shippewa.....	3,500	3,650	+150	26,779	257,183
Western Shoshone.....	2,945	3,000	+55	1,464	36,458
Navajo.....	14,900	14,900		338,831	519,008
Mescalero.....	7,100	5,000	-2,100	5,117	88,284
Eastern Cherokee.....	15,385	4,500	-10,885	27,633	313,977
Fort Berthold.....	3,871	4,697	+826	408,101	381,438
Umatilla.....	1,000	5,000	+4,000	7,275	40,067
Cheyenne River.....	10,000		-10,000	1,430	10,042
Utah and Ouray.....	6,585	9,280	+2,695	5,205	14,744
Colville.....	38,520	36,620	-1,900	163,832	1,021,596
Makah.....	21,295	23,100	+1,805	45,438	260,813
Puyallup.....	1,000	1,000		3,270	60,801
Quileutto.....	250	250		56	473
Quinalt.....	1,800	9,000	+7,200	3,959	28,660
Shoalwater.....	500	600	+100	207	1,413
Spokane.....	3,000	23,444	+20,444	31,295	292,661
Yakima.....	29,335	38,000	+8,665	60,003	184,732
Miscellaneous.....	13,390	26,575	+13,185		
Total.....	304,800	365,000	+60,200	1,274,365	4,029,700

Mr. ZIMMERMAN. This table supports some of the statements you made previously, Mr. Schwabe.

Mr. SCHWABE. All right.

Mr. ZIMMERMAN. You will notice that some of the items are very small, such as \$600, \$500, \$700, withdrawals from the Treasury, which cannot be made under present law except by appropriation.

INCREASE FOR SPOKANE INDIANS

Mr. SCHWABE. There is a sizable increase in the item for the State of Washington for the Spokane Indians, which is \$3,000 in the current fiscal year, and goes to \$23,444 for 1949. Do you happen to know what that is for?

Mr. ZIMMERMAN. The largest part of the increase, approximately \$13,000, is to be used for the purchase of equipment, including an ambulance. There is no hospital on the Spokane reservation, but there is a very good Government hospital on the Colville Reservation, which is immediately adjacent on the west. These Indians want to use their own money to buy an ambulance to transport patients to the hospital.

They also want to buy a small portable sawmill and a tractor for cutting lumber on their reservation.

Mr. SCHWABE. Operated by them and not under your supervision?

Mr. ZIMMERMAN. Operated by them for building Indian homes, using their own lumber.

Mr. SCHWABE. Under their own supervision?

Mr. ZIMMERMAN. Under their own supervision.

Mr. SCHWABE. In other words, they are conducting their own industry with their own funds and their own employees? That is the situation?

Mr. ZIMMERMAN. This is their program and their money.

Mr. SCHWABE. They operate it?

Mr. ZIMMERMAN. They operate it. That is the purpose.

SUPPORT OF KLAMATH AGENCY, OREGON

STANDARD CLASSIFICATION SCHEDULE

Support of Klamath Agency, Oreg. (tribal funds)

Funds available for obligation	Estimate 1948	Estimate 1949	Increase (+) or decrease (-)
Allocated from "Miscellaneous trust funds of Indian tribes".....	\$150,000	\$203,900	+\$53,900
Total obligations.....	150,000	203,900	+53,900
OBLIGATIONS BY OBJECTS			
01 Personal services.....	109,394	122,399	+13,005
02 Travel.....	1,200	1,200	
03 Transportation of things.....	100	100	
04 Communication services.....	1,200	1,200	
05 Rents and utility services.....	2,500	3,500	+1,000
07 Other contractual services.....	13,000	15,000	+2,000
08 Supplies and materials.....	21,106	24,001	+2,895
09 Equipment.....	1,500	36,500	+35,000
Total obligations.....	150,000	203,900	+53,900

RECONCILIATION OF ESTIMATE, 1949, WITH APPROPRIATION, 1948

Support of Klamath Agency, Oreg. (tribal funds)

Appropriation act, 1948.....	\$150,000
Base for 1949.....	150,000
Change for 1949:	
Increases:	
Cattle repayment program.....	\$34,000
Within-grade salary advancements.....	2,268
Payment of positions on full year basis.....	9,959
Miscellaneous operating expenses and irregular labor.....	7,673
Total increases.....	53,900
Net change.....	+53,900
Budget estimate, 1949.....	203,900

Mr. SCHWABE. We will now pass on, I think, to the Klamath Agency. Apparently in 1947 fiscal the amount was \$126,366. In 1948 fiscal it was \$150,000, and the request for 1949 fiscal is \$203,900.

PROCEDURE FOR FORMULATING BUDGET

Has this item been requested by the duly constituted authority of the Klamath Agency for expenditure of funds out of their own funds held in trust with the Treasury of the United States subject to your check, upon authorization by Congress?

Mr. ZIMMERMAN. Let me say that as to this item, and also as to the next two—the ones for the Menominee and for the Osage—the usual procedure is for us to make up the budget and then submit it to the proper tribal officials.

In the case of the Klamath budget it was submitted first to the Klamath Business Committee, and was approved by that committee

on October 7, 1947, and then was submitted to the Klamath General Council, which is the total electorate of the tribe, the voting members of the tribe, on October 9, and was approved by the tribe.

INCREASE FOR CATTLE REPAYMENT PROGRAM

I point out that the largest item in the increase, as indicated on page 150 of the justifications, is for the cattle repayment program. This item, I think, was eliminated last year because the appropriation was not sufficient to meet this obligation.

Let me explain what has happened on this cattle repayment program. Some years ago the Federal Government through the Indian Service set up a revolving cattle pool out of which cattle were shipped to Indians, and the Indians contracted to repay, at varying periods, one heifer for each cow that was delivered to them.

Later the Klamath Tribe signed a contract with us by which it took over the responsibility for operating the pool on the reservation, so that future repayments of cattle by individuals would be made to the tribe and not to the United States, but the tribe would obligate itself to make the total payments to the United States. The purpose of this item of \$34,000 is to repay to the United States the amount that is now due.

NEED FOR REDUCTION OF ADMINISTRATIVE COSTS

Mr. SCHWABE. You spoke of that as being the largest item. You have agency administration, and that is an item of \$66,885.

Mr. ZIMMERMAN. I was addressing myself only to the increases, Mr. Chairman.

Mr. SCHWABE. Is there not some way in which this administration item could be reduced? Of course, these employees in this instance are employees of your Bureau; that is, they are appointed and designated by you; are they not?

Mr. ZIMMERMAN. That is correct.

Mr. SCHWABE. Not as in the other case that we just disposed of.

Mr. ZIMMERMAN. Generally that is true. At these three agencies these are Federal employees.

Mr. SCHWABE. On civil-service status?

Mr. ZIMMERMAN. Yes; having civil-service status, who were assigned to these agencies.

Mr. SCHWABE. And the only difference between the operation of these agencies and some of the others is that at these three agencies tribal funds are used to pay the operating expenses instead of gratuity money, or money out of the Treasury of the United States; is that not about the only difference?

Mr. ZIMMERMAN. That is correct; that is the difference.

Mr. SCHWABE. Well, do you not think that we owe it to these folks to help them economize just as much as if the money were paid out of the Treasury?

Mr. ZIMMERMAN. I am glad to answer your question. I think it is highly desirable that the Klamath Indians learn to economize.

Mr. SCHWABE. Can we not help them a little by cutting down some of these expenditures?

Mr. ZIMMERMAN. I think there are other ways in which they could be helped.

My belief is that the amount which is requested here is not too much. I think it is needed to operate properly the varied activities that are carried on there at Klamath.

Mr. SCHWABE. I was out there at their agency last fall and I happened to be there with the committee at the time when the business committee of the council, I think, was in session. I conferred with them and also in the superintendent's office. Mr. Courtright—was that his name?

Mr. ZIMMERMAN. Yes, sir; Mr. Courtright.

Mr. SCHWABE. He has been supplanted though now, I think; has he not?

Mr. ZIMMERMAN. He is going to move; yes, sir.

Mr. SCHWABE. To be transferred?

Mr. ZIMMERMAN. That is right.

Mr. SCHWABE. And somebody else is to be substituted for him?

Mr. ZIMMERMAN. That is correct. The change will become effective, I believe, on the 1st of April.

Mr. SCHWABE. I think I never saw much more elaborate quarters than the administration building there. They seemed to me to be unnecessarily so, and I suppose all of that was done at the expense of the Klamath Tribe and out of their funds?

Mr. ZIMMERMAN. That work in the administration building was all done by a local Klamath Indian, who is a cabinetmaker and a carpenter.

Mr. SCHWABE. It is a very creditable tribute to whoever did it, I will say that, and now knowing that it was done by a Klamath Indian I am glad to emphasize the wonderful appearance of it, as far as that is concerned, but it did seem to me that it was quite an expensive proposition.

Regardless of the fact that they may have agreed to the budgetary recommendations that you submitted—and, as I understand it, that is the procedure—is there any way to cut down on these agency administration expenditures and save those people some money?

I take it that the Bureau or the Government is their trustee, and you and I and this committee and Congress are acting in a fiduciary capacity, so to speak, and attempt to occupy the relationship we do toward these people in the most conscientious manner by economizing wherever possible, for their best interests, of course, and so I am asking if there is not something we can do to really cut down the expenditure of their money?

Mr. ZIMMERMAN. Of course, this item could be reduced.

Mr. SCHWABE. I mean without seriously crippling or hampering necessary activities, of course.

Mr. ZIMMERMAN. No, sir; I do not think it should be reduced. I think it would reduce the efficiency of the operation. I want to say further, that while it is true that the budget is made up here initially, some of the items were particularly requested by the Indians themselves in the last several years. The Indians themselves have requested increases in the appropriations.

Mr. SCHWABE. And along with that, of course, some of them get the jobs, do they not?

Mr. ZIMMERMAN. Not necessarily.

Mr. SCHWABE. I say some of them do.

Mr. ZIMMERMAN. I recall that the Indians approved the employment of certain special officers and they are not Klamath Indians. I cannot say as to all of the personnel, Mr. Schwabe, as I do not know, but I feel that the business committee and the general council with the superintendent are fully competent to pass on the need for the employment of these people.

DISBURSEMENT OF FUNDS

Mr. SCHWABE. Now, with reference to the actual disbursement of these funds, your Bureau actually makes the disbursements through the agency officials out there; do you not?

Mr. ZIMMERMAN. These funds after appropriation are handled exactly as gratuity funds appropriated by Congress are handled. They go through the same procedures.

Mr. SCHWABE. Do you exercise any latitude of interpretation; that is, to the extent where you can take any part of these funds and apply them to expenditures anywhere else in the Indian Service?

Mr. ZIMMERMAN. Oh, no.

Mr. SCHWABE. Not a penny of this money ever gets into any other service than that of the Klamath Indians; is that right?

Mr. ZIMMERMAN. That is positive.

Mr. SCHWABE. That is the first question. Then the next question is: There seems to be a switching of funds within that agency appropriation, is there not?

Mr. ZIMMERMAN. That might happen.

Mr. SCHWABE. Well, it does happen; does it not?

Mr. ZIMMERMAN. Perhaps it has happened, as you understand switching. Let me call your attention to this situation which arose either last year or the year before. I think it was in the fiscal year 1947. Congress reduced the item substantially below the budget estimate.

Mr. SCHWABE. That is, the over-all item, or the administration item?

Mr. ZIMMERMAN. No; the whole item, Support of the Klamath Agency."

Mr. SCHWABE. I see.

Mr. ZIMMERMAN. There was no indication in the committee's report or in any other document as to which items should be reduced or eliminated. It was the responsibility of the Bureau and the Indians operating through their business committee to decide which items should be cut and how far they should be cut. In the absence of an instruction by the Congress, if this appropriation, for example, were reduced from \$203,900 to \$150,000, I should say that we would be justified in readjusting any of these items which make up the total.

Mr. SCHWABE. If the total item were reduced over-all then you would have to allocate according to your best judgment?

Mr. ZIMMERMAN. That is correct; within that total.

Mr. SCHWABE. But that is the only way in which the funds are juggled, so to speak, and when I use that word I do so without odium.

Mr. ZIMMERMAN. I would rather not use the word, but that is the way in which funds have to be adjusted.

Mr. SCHWABE. All right.

Mr. ZIMMERMAN. For instance, we eliminated entirely last year the payment which was due to the United States on this cattle operation. We left that out altogether and arranged to defer the payment.

HEALTH

Mr. SCHWABE. Well, now, the next item in the break-down is for "Health, \$51,375." Have you any comments to make on that?

Mr. ZIMMERMAN. The Klamath hospital is a good, small structure. It has not been regularly operated in the last several years.

Mr. SCHWABE. It has not been operated at all, has it?

Mr. ZIMMERMAN. When I was there last summer there was a doctor on duty at the hospital, and there were several nurses there.

Mr. SCHWABE. Well, the hospital was not being operated, was it?

Mr. ZIMMERMAN. The hospital beds were not being used.

Mr. SCHWABE. It was just kind of a clinic or place to treat people when they came in.

Mr. ZIMMERMAN. That is correct.

Mr. SCHWABE. It was appropriated for in last year's appropriation, was it not; the same amount, I think?

Mr. ZIMMERMAN. It was included in the estimate last year, as I recall it.

Mr. SCHWABE. And the year before?

Mr. ZIMMERMAN. Yes; and I think the year before.

Mr. SCHWABE. It was not operated perhaps in the fiscal year 1946, not at all in 1947, as I understand, nor is it being operated in the fiscal year 1948. I think that is correct—as I have the information, at any rate.

Mr. ZIMMERMAN. I cannot testify as to the exact dates.

Mr. SCHWABE. Well, now, those funds that are allocated for that purpose have been switched around, have they not; transferred, or whatever term we might use?

Mr. ZIMMERMAN. Insofar as the health funds or what funds were justified for health purposes remained in the appropriation, a part of that money was probably used for other purposes when the hospital was closed and merely a doctor and nurses kept there.

Mr. SCHWABE. Do you not think it would be proper not to include an item of this sort that would look to the committee as being spent for hospital operation when, as a matter of fact, the hospital is not being operated? I have heard a lot of criticism of this item, and that is the reason I am talking to you very frankly about it.

Mr. ZIMMERMAN. Yes; I know. A lot of the comment, in my judgment, is not warranted.

Mr. SCHWABE. It may not be, and that is the reason I am giving you an opportunity to explain it to us.

Mr. ZIMMERMAN. I have tried to point out that when a reduction is made by the Congress, and a substantial reduction below the budget estimate, we may have to make a choice between one operation and another, or we may have to make a choice between full operation on the one hand and only partial operation on the other hand.

Mr. SCHWABE. Or none at all.

Was the item about the same last year? It was \$30,000 or \$35,000, was it not, in the original request, or do you recall?

Mr. ZIMMERMAN. I do not recall, Mr. Chairman.

Mr. SCHWABE. My information is it was about \$30,000. I may be in error, but that is not far out of line.

Do you know what the amount requested of the committee and Congress last year was, and how much was appropriated for this particular item? I mean for the Klamath Reservation all told first.

Mr. ZIMMERMAN. There are two other points I should make in connection with the hospital operation. One is the fact that it was difficult and at times impossible to find a doctor who would take a position there, and the other is the fact that it is possible to provide hospitalization nearby, and that was done. A part of the money that was initially allocated for operation of the hospital was actually used for the payment of hospital charges at Klamath Falls and other towns where Indians were hospitalized.

Mr. SCHWABE. Under a contract provision?

Mr. ZIMMERMAN. Under a contract arrangement; yes, sir.

ALLOCATION OF FUNDS APPROPRIATED FOR 1948

Mr. SCHWABE. Well, now, I did not have them before me a minute ago, but I do have now before me your justifications for the fiscal year 1948, and they show that you requested \$210,000 for the fiscal year 1948, and the statement appears on page 90 of your justifications of appropriations for the fiscal year 1948, and it is indicated that the sum of \$210,000 requested for 1948, if approved, would be expended, approximately, as follows:

Agency administration.....	\$76,027
Hospital and field medical work.....	39,761
Extension work.....	35,852
Law and order.....	25,278
Forest-fire protection.....	8,582
General relief.....	20,000
Attorneys' fees and expenses.....	4,500
Total.....	210,000

Now, my understanding is that the Congress appropriated \$150,000 for those items.

Mr. ZIMMERMAN. That is correct, as I understand it.

Mr. SCHWABE. Do you know from these items—and I hand you the justification so you will have it before you—how much was actually used or allocated for any of those particular functions?

Mr. ZIMMERMAN. No, sir; I cannot answer. I have no personal knowledge as to how much has been expended.

Mr. SCHWABE. Where will we get that information?

Mr. ZIMMERMAN. We can supply that information as of December, can we not, Mr. Williams?

Mr. SCHWABE. No; your allocation, which would be some time last summer, would it not?

Mr. WILLIAMS. You are talking about 1948?

Mr. SCHWABE. Yes.

Mr. WILLIAMS. Yes; we can give it to you.

Mr. ZIMMERMAN. Yes, sir; we can supply that for you.

Mr. SCHWABE. You have that down at your office, have you not?

Mr. WILLIAMS. Yes, sir.

Mr. SCHWABE. I wish you would supply that and insert it at this point in the record. I do not know what it was. I am just asking you.

Mr. ZIMMERMAN. I shall be glad to supply the information requested.

(The matter referred to is as follows:)

Allocation of funds appropriated fiscal year 1948 for support of Klamath Indian Agency (tribal funds)

Agency administration.....	\$57,864
Hospital and field health.....	43,895
Extension.....	17,230
Law and order.....	26,511
Attorneys' fees and expenses.....	4,500
Total.....	150,000

Mr. SCHWABE. Now, then, this year you are requesting for agency administration \$66,885, which is approximately a little over \$9,000 less than you asked for last year, which is commendatory, and I suggest that, if possible, it ought to be reduced still further.

HEALTH

Then for health you are asking for \$51,375. I suppose that corresponds to the hospital and field medical work, \$39,761 in last year's request? It would be a comparable item?

Mr. ZIMMERMAN. It is somewhat larger.

Mr. SCHWABE. This year?

Mr. ZIMMERMAN. That is correct, for 1949. It is expected that the operation of the hospital will require \$35,000 for personal services.

Mr. SCHWABE. Now, as a matter of fact, do you expect to operate that hospital during the 1949 fiscal year? Is it not true that in the situation that prevails out there it is really not contemplated to operate that hospital? That is the information I get. Now, I am just trying to get at the facts.

Mr. ZIMMERMAN. No, sir.

Mr. SCHWABE. At the time this estimate was made you may have contemplated that that would be done, but the conditions may have changed. I am trying to make it easier for you if that is the fact.

Mr. ZIMMERMAN. I would much prefer to consult Dr. Snively again. My understanding is that it was intended that this hospital should operate this year.

Mr. SCHWABE. Well, I wish you would ascertain that and have him come up here and tell us one way or the other, so that we will know what the situation is. It makes a material difference there in this item or in this appropriation. You will do that, will you?

Mr. ZIMMERMAN. I shall be glad to do that; yes, sir.

EXTENSION WORK

Mr. SCHWABE. Extension work in last year's estimate was \$35,852, and extension work in this year's estimate has been increased to \$53,530. Is there any particular reason for that that you know of?

Mr. ZIMMERMAN. The extension work at Klamath has been inadequate in the last several years.

I think it is fair to say that it is one activity that has received almost unanimous support from the Klamath Indians. The extension agent has been highly successful in working with them and in enlarging the livestock program on the reservation.

Mr. SCHWABE. Now, we have heard some ideas expressed, or the committee did when it was out in that field last fall, to the effect that the activities which have been conducted here at the expense of the Klamath Indians were unnecessary, that this work could be handled by the local Extension representative and would be handled by him if this appropriation were not made and as is the case with some Indians in Oklahoma, I have been wondering if that could not be worked out. Why duplicate the efforts, so to speak, or would it be better to have probably a more efficient person or persons in this field of endeavor doing the work for both the white people and Klamath Indians in that immediate location?

Mr. ZIMMERMAN. Of course, this question of duplication of services has arisen before.

Mr. SCHWABE. Oh, it cannot be kept out of these considerations, as I see it.

Mr. ZIMMERMAN. But I point out that of this \$52,000 the largest part is the \$34,000 for the purchase of cattle in this revolving pool, which I have previously mentioned to you.

The personal services contemplated would cost \$14,739.

Actually we have at the present time only one regular Extension employee on the reservation.

Mr. SCHWABE. And this would envision the employment of perhaps three, would it not?

Mr. ZIMMERMAN. Several stockmen, and some irregular labor adding up to about 1 man-year.

Mr. SCHWABE. Well, four stockmen, that would be four for a year, would it not?

Mr. ZIMMERMAN. That is right.

Mr. SCHWABE. And with irregular labor amounting to 1 year, it would be the equivalent of about five all told?

Mr. ZIMMERMAN. That is right.

Mr. SCHWABE. Corresponding to that we had no one at all in 1948, and have not had anybody in those positions, have we?

Mr. WILLIAMS. These are new positions, Mr. Chairman.

Mr. SCHWABE. That is what I am getting at. How are they getting along without them now, and why do we need five additional people if we have previously gotten along without any of them? Have we not gotten along pretty well? Has the county agent, or whoever it might be, through his efforts helped them out there? It is my information that he is willing to do so in an efficient manner.

Mr. ZIMMERMAN. I cannot answer specifically as to the county agent in that county.

Generally the situation with reference to county agents is that they cannot take on the Indian load without increasing their own staff.

I recognize that there are exceptions, and I recognize that in some areas the county extension worker would be glad to take on the extra load, and in some areas that has actually been done. I have pointed out that we have no Extension workers at the moment in Minnesota. Whatever work is provided there is necessarily provided by other services.

Mr. SCHWABE. It is satisfactory, is it not?

Mr. ZIMMERMAN. I cannot say that it is satisfactory.

Mr. SCHWABE. I thought you indicated the other day that there had been no complaint, or something to that effect.

Mr. ZIMMERMAN. We are not doing the job that ought to be done in some of those areas, such as Minnesota, where we have withdrawn these services. If over the course of the years the county agents can take over the burden then that is a satisfactory solution, but that has not yet been fully accomplished.

LAW AND ORDER

Mr. SCHWABE. Well, last year you asked for law and order, \$25,278 and this year that is boosted to \$28,610. Do you know whether the work was handled satisfactorily last year or not? Of course you are asking here for an increase in personnel, two special officers and six deputy special officers. I got the impression out there that they were getting along pretty well, and I have also had information that the situation could be handled as it is in other places quite satisfactorily without any special Indian police, may I call them that, for want of a better term.

Mr. ZIMMERMAN. These additional positions I know were particularly requested by the Indians. As to the general situation I believe that the statute should be changed as it applies to Klamath, and I have said so on many occasions.

Mr. SCHWABE. I quite agree with you.

Mr. ZIMMERMAN. But until that is done—

Mr. SCHWABE. Until that is done you have the responsibility, and you have to work it out as best you can.

Mr. ZIMMERMAN. That is correct; and we do have a responsibility even though the county and the county courts have taken some jurisdiction, and as long as the Indians and the white people do not question the jurisdiction the courts perhaps will not be subject to criticism.

Mr. SCHWABE. I have some clippings over at the office—I am sorry I did not bring them with me—from newspapers indicating that within the past few days or weeks some of these Indians got out of line somewhere, drunk perhaps and were driving on the highway, or whatever the offense was, that they were taken care of in the court of the city or the county court—I think it was the county or State court—which seemed to have handled the situation just the same as is done with white people. I simply cite that as an illustration of how the situation has worked out very nicely without any intervention of the Indian police; and I just call that to your attention in support of your statement apparently of how well those people are getting along, and not with any thought of criticism of your views, Mr. Zimmerman.

Mr. ZIMMERMAN. I think the law and order program on Klamath has been very difficult. There have been times when there was considerable disorder. These officers handle liquor violations; and they also protect Indian cattle. There has been considerable cattle stealing and molesting out there.

Mr. SCHWABE. They might organize an anticattle theft association just like the white people have in other sections of the country.

Mr. ZIMMERMAN. They might.

Mr. SCHWABE. To protect their own property without having to hire officers. I have known of that being done very well in other parts of the country.

Mr. WILLIAMS. I believe the record should indicate that the amount requested will include two special officers and six deputy officers.

Mr. SCHWABE. I believe that is what the justifications indicate.

Mr. WILLIAMS. The justifications indicate the amount of money requested for salaries would be for two special officers and six deputy special officers. At the present time there are five law and order special officers on this reservation, and that would make three more positions that are now being requested.

Mr. SCHWABE. I am sorry if I misinterpreted the amount.

FOREST-FIRE PROTECTION

Forest-fire protection, the sum of \$8,582 was included in the request for 1948 fiscal. You have no corresponding item for this year?

Mr. ZIMMERMAN. No, sir.

Mr. SCHWABE. I am glad to see you have eliminated one item, and I want to congratulate you. That was done with the approval of the council, perhaps.

GENERAL RELIEF

The next item is for general relief, \$20,000, for which you do not have a comparable item in here under the 1949 request.

Mr. ZIMMERMAN. No, sir.

Mr. SCHWABE. I am glad to note that; and it looks as if they are getting along very well without the relief funds.

LEGAL SERVICES

For attorney fees, the next item, \$4,500 is requested. I suppose that is a fixed sum arrangement made with the attorney?

Mr. ZIMMERMAN. That is in accordance with a contract approved by the tribe and by the Secretary of Interior.

Mr. SCHWABE. I understand they have an attorney named Wilkin-son who has been there for some time.

Mr. ZIMMERMAN. Yes; he has been their attorney for I do not know just exactly how long, 6, 7, or 8 years.

RELIEF

Mr. SCHWABE. Did you wish to add something about the previous item?

Mr. ZIMMERMAN. One reason why the relief perhaps is not so urgent is that the receipts from the sales of timber have been substantial, and during the past several years each Klamath Indian has received, until this year, \$400 a year, from the sale of timber.

Mr. SCHWABE. How much did they receive in 1948 fiscal?

Mr. ZIMMERMAN. We had to reduce one payment because some of the timber sales were delayed, so that one payment within the past year has been reduced.

Mr. SCHWABE. That will not make much difference in the total amount of the payments, so far as you can foresee now?

Mr. ZIMMERMAN. I think probably that will be made up within the year.

Mr. SCHWABE. Of course that was not on the books last year, and the payments per capita were just as much, and if anything a little more?

Mr. ZIMMERMAN. Congress has passed a bill authorizing per capita payments of \$500 for Klamath tribal funds.

Mr. SCHWABE. I have understood that bill was wending its way through the Congress, but that would not have had any influence on your estimates, since the estimates were made up long before that was introduced in Congress?

Mr. ZIMMERMAN. Well the bill was pending in the last session of the Congress.

Mr. SCHWABE. But I do not think it had gone very far because it has recently been considered by the committee.

SUPPORT OF MENOMINEE AGENCY AND PAY OF TRIBAL OFFICERS, WISCONSIN

STANDARD CLASSIFICATION SCHEDULE

Support of Menominee Agency and pay of tribal officers, Wisconsin (tribal funds)

Funds available for obligation	Estimate, 1948	Estimate, 1949	Increase (+) or decrease (-)
Allotted from "Miscellaneous trust funds of Indian tribes".....	\$147,500	\$174,500	+\$27,000
Total obligations.....	147,500	174,500	+27,000
OBLIGATIONS BY OBJECTS			
01 Personal services.....	61,232	69,347	+8,115
02 Travel.....	5,222	5,222	
03 Transportation of things.....	150	150	
04 Communication services.....	320	320	
07 Other contractual services.....	35,640	43,640	+8,000
08 Supplies and materials.....	12,636	12,521	-115
09 Equipment.....	1,300	1,300	
11 Grants, subsidies, and contributions.....	31,000	42,000	+11,000
Total obligations.....	147,500	174,500	+27,000

RECONCILIATION OF ESTIMATES, 1949 WITH APPROPRIATION, 1948

Support of Menominee agency and pay of tribal officers, Wisconsin (tribal funds)

Appropriation act, 1948.....	\$147,500
Base for 1949.....	147,500
Change for 1949, increases:	
Hospitalization contracts.....	\$8,000
Relief of indigent Indians.....	10,000
Tribal council expenses.....	1,000
Scholarships.....	1,000
New blister rust program.....	7,000
Net change.....	27,000
Budget estimate, 1949.....	174,500

We will take up next the item for the support of the Menominee Agency and pay of tribal officers, Wisconsin (tribal funds).

For the 1947 fiscal year the appropriation was \$134,400, with an unobligated balance of \$3,108, bringing the money obligation for 1947 to \$131,292. For 1948 the amount was increased and the appropriation was \$147,500 for fiscal 1948. You are asking for an increase for 1949 to bring the total to \$174,500. I wonder why you need that increase for 1949? Have they not been getting along all right with the amount allowed for 1948?

Mr. ZIMMERMAN. The increases are justified on page 154 of the justifications, Mr. Chairman.

Mr. SCHWABE. They are explained there. I do not know that they are justified.

Mr. ZIMMERMAN. Well let me explain them and then you decide whether or not they are justified.

HOSPITAL OPERATION

The first item of increase is \$8,000, which is for the operation of the Menominee Hospital. That hospital is operated by an organization of Catholic sisters, through a contract with the bureau of Catholic missions.

The Indians themselves requested that this item be increased because they were aware of the fact that the hospital could not be operated efficiently for the sum that was allowed last year, and they have requested that the payment be increased from \$27,500 to \$35,500.

Mr. SCHWABE. That is perhaps due largely to the increase in subsistence costs?

Mr. ZIMMERMAN. That is correct.

Mr. SCHWABE. And similar costs.

Mr. ZIMMERMAN. It has not been possible for the sisters properly to operate the hospital, and the tribe is very willing to increase the contract payment in that amount.

AGENCY ADMINISTRATION

Mr. SCHWABE. I notice you request only a slight increase in the amount for administration costs, \$50,411 for this year as against \$51,374 for 1949. That is merely to take care of pay increases?

Mr. WILLIAMS. Yes; that is to cover pay increases.

LAW AND ORDER

Mr. SCHWABE. Under the item for law and order this year you are asking for \$14,026, and for the last year it was \$10,989. You want one special officer, two deputy special officers, and a new position of game warden, an Indian judge and a chief of police. And you state the remainder will be used for supplies, automobile service, and board of prisoners.

Do you think that increase is necessary?

Mr. ZIMMERMAN. Yes; I do, particularly for the game warden. This tribe is looking forward. Several years ago it closed the reservation to all outsiders, and put into effect a very strict regulation on fish and game, realizing that fish and game on their reservation provided not only food for them but was one of the greatest attractions for tourists.

They want to do their own policing and they want to hire their own employees in this field. Particularly the position of game warden is very desirable.

Mr. SCHWABE. So far as general law and order is concerned they have been fairly peaceable, have they not?

Mr. ZIMMERMAN. That is correct.

Mr. SCHWABE. That is my understanding, that they have been unusually so among the Indian people.

Mr. ZIMMERMAN. They have, I should say, a very good attitude toward the whole law and order problem. But they do need a judge and they do need police officers. I think those positions are needed.

The laws of the State do not apply on this reservation; it is a closed reservation; it is a block of Indian land on which the State laws do not apply.

HOSPITALIZATION

Mr. SCHWABE. You are also asking for \$35,500, which is an increase of \$8,000 over last year's appropriation.

Mr. ZIMMERMAN. Perhaps I ought to amend the statement that I previously made. Evidently a part of this increase is desired in order to hospitalize Menominee Indians not only in the Catholic Hospital in the reservation, but at the State sanatorium, the State's general hospital at Madison.

A number of special cases have been sent there. I know of one child who was badly burned; and I know of orthopedic cases that could not be treated locally, and were sent to the State institution. The individual was not able to pay the bill, and the tribe wants to provide for that type of service, even with the added cost.

Mr. SCHWABE. I think there is more justification for something of that kind than there is for some of these other things, and I will not argue against that increase.

DENTAL CONTRACTS

The next item is for dental contracts, \$2,400. That is for the same amount as provided last year. Do you have a contract with a dentist there?

Mr. ZIMMERMAN. I believe there is a contract with a dentist to take care of them.

Mr. SCHWABE. Does he do a good job; or do you happen to know?

Mr. ZIMMERMAN. I have no first-hand information.

INDIAN FAIR

Mr. SCHWABE. For the Indian fair, \$2,000, which is in the same amount. What is that for; prizes, and things of that nature?

Mr. ZIMMERMAN. Yes; for expense of holding the fair, and for keeping up the fairgrounds.

Mr. SCHWABE. They have their own grounds?

Mr. ZIMMERMAN. Yes; they have their own fairgrounds at Keshena.

RELIEF OF NEEDY INDIANS

Mr. SCHWABE. For the relief of needy Indians the amount is increased by \$10,000, to \$40,000.

Mr. ZIMMERMAN. This tribe has made it a practice to take care of the old people, and has made grants out of tribal funds, with a committee of the tribal council passing on the requests and making the allowances. They have recognized that the allowances have been meager and have asked that this item be increased by \$10,000.

CONDITION OF TRIBAL FUND

Mr. SCHWABE. What is the condition of the tribal funds at this time, and their financial standing?

Mr. ZIMMERMAN. They have approximately \$2,000,000.

Mr. SCHWABE. And the income is approximately how much?

Mr. ZIMMERMAN. The income is a little difficult to state, because of the way the funds are handled.

Mr. SCHWABE. They have more than one sawmill?

Mr. ZIMMERMAN. No; they have one large sawmill; and those funds are used as income.

Mr. SCHWABE. What is that income?

Mr. ZIMMERMAN. The sawmill sales last year, I think, were in the neighborhood of one and a quarter to one and a half million dollars.

Mr. SCHWABE. What was the net return; roughly about \$50,000?

Mr. ZIMMERMAN. No; I think it would run between \$150,000, and \$200,000. It varies from year to year; but it is in the neighborhood of \$200,000.

Mr. WILLIAMS. It averages around \$150,000.

Mr. SCHWABE. And are these funds distributed to the individual members of the tribe similar to the distributions made to the Klamath Indians?

Mr. ZIMMERMAN. The earnings from the mill are distributed.

Mr. SCHWABE. Only the earnings from the mill?

Mr. ZIMMERMAN. The act of Congress authorizes the distribution, but actually the distribution is for stumpage; that is the way it is calculated.

Mr. SCHWABE. Timber actually cut?

Mr. ZIMMERMAN. Yes. Then, of course, the mill does furnish employment, mostly for Menominee Indians, and they derive a benefit from wages.

Mr. SCHWABE. The amount of the distribution would run in the neighborhood of eight to ten thousand dollars a year, will it?

Mr. ZIMMERMAN. No; it will not run that much.

Mr. SCHWABE. I do not know offhand what the population is.

Mr. ZIMMERMAN. The distribution is not comparable to that made to the Klamath; it is considerably smaller.

TRIBAL COUNCIL

Mr. SCHWABE. For the tribal council, \$9,000 for 1948, and the amount requested for 1949 is \$10,000. Apparently this is to take care of the members of the council, per diem payments?

Mr. ZIMMERMAN. That is correct; for the operation of the council. That seems to be a reasonable request.

Mr. SCHWABE. I do not know how many there are, but it is to their own group that the money will be paid, and I do not think we ought to be quibbling too much about it.

Mr. ZIMMERMAN. They are elected officials of the tribe.

SCHOLARSHIPS

Mr. SCHWABE. The next item is for scholarships, \$2,000, an increase of \$1,000. Does that seem to be a popular item; and is it a program which they are committed to?

Mr. ZIMMERMAN. I think it is a very desirable departure. This is only the second year. The tribe plans to provide scholarships for Menominee boys, particularly for training in the profession of forestry, but not necessarily limited to forestry.

I think this will probably increase each year by \$1,000 until it reaches \$4,000. The plan is to send four boys to college each year.

Mr. SCHWABE. I do not know who originated the idea but it seems to be sound.

Mr. ZIMMERMAN. I think it is a fine idea and I think the tribe ought to be commended for it.

ATTORNEYS

Mr. SCHWABE. Attorneys fee, \$5,200. That is the same as for last year. I suppose that has been a continuing item for some time?

Mr. ZIMMERMAN. Yes; that is correct.

Mr. SCHWABE. \$200 for expenses; is that the expense of the attorney?

Mr. ZIMMERMAN. Yes.

MUSIC PROGRAM

Mr. SCHWABE. Music Program, \$5,000. Apparently that is a new program.

Mr. ZIMMERMAN. It is really an old program that has come back to life. For many years prior to the war the Menominee Band was a famous institution. It came to Washington on several occasions and played at the inaugurations.

Mr. SCHWABE. I have seen it here.

Mr. ZIMMERMAN. They were famous all through the Middle West. The war compelled the dissolution of the band. The Menominees about a year ago came to the conclusion they wanted to start it again and money was requested in last year's bill, I believe, for the purchase of instruments. This money is requested for the continuation of the program, which would also include the salary of the director of the band.

BLISTER-RUST PROGRAM

Mr. SCHWABE. The last item is for the blister-rust program, \$7,000, which is a new item.

I am familiar with the blister-rust fight that is being made, although I do not know how much good they are going to do. I am not scientist enough to know. However, I think that this is one item which perhaps should not be handled by your Bureau. I am inclined to think it belongs under the Department of Agriculture; that they should take care of these things. I may be wrong, and you may be able to convince me otherwise, but I do not know to what extent the disease is manifesting itself up there.

Mr. ZIMMERMAN. I have been there; it is serious, and I know that the blister rust is a serious problem.

Mr. SCHWABE. It is a problem wherever it exists.

Mr. ZIMMERMAN. But as a general proposition—and I think some reference was made to this item during the course of the hearings—the money is appropriated to the Department of Agriculture for the blister-rust program and from there is transferred to the Indian Service.

Mr. SCHWABE. But here you are asking that this direct appropriation be used in selecting your own employees.

Mr. ZIMMERMAN. That would be done by the Indians locally on the reservation.

Mr. SCHWABE. None of that money would go to anybody who is off the reservation?

Mr. ZIMMERMAN. I doubt if that would be necessary.

Mr. SCHWABE. It is a comparatively simple operation?

Mr. ZIMMERMAN. It is very simple.

Mr. SCHWABE. Boys and young men who can stoop.

Mr. ZIMMERMAN. Even some women do this work.

Mr. SCHWABE. I presume so.

SUPPLEMENTAL REQUEST FOR RECREATIONAL PROGRAM

Mr. ZIMMERMAN. Mr. Chairman, I am sorry, but I omitted one new item which I will ask Mr. Williams to present.

Mr. WILLIAMS. Mr. Chairman, this is a supplemental request, from the Menominee Tribal Council. This item has not been submitted formally to the Bureau of the Budget, although they have been advised of the item and we have their informal consent to present it to you.

This item totals \$38,500 and includes funds for a recreational program in the amount of \$7,500; an athletic field, \$15,000, and a Diesel power unit, \$16,000.

The members of the Menominee Tribal Council visited the central office a short time ago and discussed this item. They are very enthusiastic about the program.

The justification which is being submitted was written by the council. It is their justification of the item.

They feel that the need for the recreational program on the Menominee Reservation is necessary to take care of the free time of their young people.

The athletic field is tied in rather directly with the recreational program. The council feels that there is need for considerable recreational development at Neopit. The tribal sawmill is located at Neopit, and for that reason we have a village there and the children have no place to play, no place to go except the street, and the members of the council feel that it is highly desirable and that they are under obligation to furnish some place for these people to go and spend their free time.

PURCHASE OF DIESEL POWER UNIT

The other item included in this request is for the purchase of a Diesel power unit.

On November 10, 1947, the Menominee Indian Advisory Council adopted a resolution requesting authorization to expend \$16,000 for a power unit. Sufficient power has always been a problem on the Menominee Reservation. The small water-power plant at Neopit

is very inadequate and is seriously overloaded during the peak demands of each workday. During the week ends, when the large hydroelectric plant at the mill is in operation, it is impossible to operate the dry kilns, which causes considerable financial loss.

The overloading of the Neopit plant reduces the voltage to such an extent it interferes seriously with operation and causes damage to electrical equipment in the homes.

For this reason, they propose to replace this power plant and make it available for the Keshena community.

Mr. ZIMMERMAN. As Mr. Williams points out, both of these requests were initiated by the tribe. I think they are both very desirable. They serve wholly different purposes. The recreational program and the athletic field is very desirable socially. The Indians have already selected one of their own members to act as athletic director.

Mr. SCHWABE. They do not need a director before they get the equipment, I am afraid. I think maybe they had better get lined up and ready for a director first.

Mr. ZIMMERMAN. They have an Indian who has had proper training. I have met him, and he is a very pleasant, capable person.

Mr. SCHWABE. I have never heard of the item until today, but it will be presented to the committee along with the other items as supplemental requests.

Mr. ZIMMERMAN. Thank you.

SUPPORT OF OSAGE AGENCY AND PAY OF TRIBAL OFFICERS, OKLAHOMA

STANDARD CLASSIFICATION SCHEDULE

Support of Osage Agency and pay of tribal officers, Oklahoma (tribal funds)

Funds available for obligation	Estimate, 1948	Estimate, 1949	Increase (+) or decrease (-)
Allotted from "Miscellaneous trust funds of Indian tribes".....	\$202,000	\$197,000	-\$5,000
Total obligations.....	202,000	197,000	-5,000
OBLIGATIONS BY OBJECTS			
01 Personal services.....	167,389	163,154	-4,235
02 Travel.....	4,600	8,700	+4,100
03 Transportation of things.....	800	500	-300
04 Communication services.....	1,300	1,300
05 Rents and utility services.....	5,700	5,500	-200
06 Printing and binding.....	700	500	-200
07 Other contractual services.....	4,100	4,021	-79
08 Supplies and materials.....	9,586	7,500	-2,086
09 Equipment.....	5,000	3,000	-2,000
11 Grants, subsidies, and contributions.....	1,200	1,200
12 Pensions, annuities, and insurance losses.....	1,625	1,625
Total obligations.....	202,000	197,000	-5,000

Mr. SCHWABE. Let us pass on, if we may, to the support of the Osage Agency and the pay of tribal officers out of tribal funds of the Osage Agency in Oklahoma.

It is apparent that the appropriation for 1947 fiscal was \$223,600, of which \$8,803 was unobligated.

The appropriation for 1948 fiscal was \$202,000.
The requested amount for 1949 fiscal is \$197,000.

I might say that I live very close to the Osage Indian Agency in Oklahoma, some 62 or 63 miles, and I am a little bit familiar with the situation down there. My residence is in the city of Tulsa, only about 450 or 500 feet from the Osage County line, and I have had frequent occasion to observe the situation. I think that this is one of the agencies where the expenditures should be reduced almost each year as compared with the year before, and there has been a slight reduction here in 1948 as compared with 1947, and another slight reduction for the 1949 request as compared with the 1948, which is commendable, but in my judgment it is not enough.

In this instance, these are all tribal funds, as I understand it, Mr. Zimmerman.

Mr. ZIMMERMAN. Yes, sir; these are all tribal funds.

Mr. SCHWABE. Again, the employees are selected by you or your office, and are on a civil-service status. The budget, as here presented, has been submitted to them for approval by the Osage Tribal Council?

Mr. ZIMMERMAN. That is correct. I have a copy of their resolution.

RESOLUTION OF TRIBAL COUNCIL

Mr. SCHWABE. I merely wanted to get that in the record. I would be glad to insert a copy of their resolution at this point, if you have it with you there.

(The resolution is as follows:)

RESOLUTION OF THE OSAGE TRIBAL COUNCIL

Resolved by the Osage Tribal Council in special session assembled at Pawhuska, Okla., That we hereby approve the following budget estimate for fiscal year ending June 30, 1949, for the support of Osage Agency and pay of tribal officers from funds deposited to the credit of the Osage Tribe in the Treasury of the United States:

Code	Title	Estimate
0110	Net total permanent	\$152,014
0120	Irregular labor	4,500
0120A	Tribal council salary	6,450
0190	Night work differential	190
0200	Travel, agency	1,200
0200A	Travel, tribal council	7,500
0300	Transportation of things	500
0400	Communication service	1,300
0500	Rents and utility services	5,500
0600	Printing and binding	500
0700	Other contractual services	4,021
0800	Supplies and materials	7,500
0900	Equipment	3,000
1100	Grants, subsidies, and contributions	1,200
1200	Pensions, annuities, and insurance losses	1,625
1800	Grand total obligations	197,000

and be it further

Resolved, That we respectfully recommend to the Congress of the United States that the total amount outlined in the foregoing be appropriated from Osage tribal funds for the support of Osage Agency and the pay of tribal officers for the fiscal year ending June 30, 1949.

The foregoing resolution was enacted by the Osage Tribal Council in special session assembled at Pawhuska, Okla., this 22d day of September 1947, by a vote of 7 for, and none against.

FRED LOOKOUT, *Principal Chief.*

Attest:

CAMILLE PANGBURN, *Acting Secretary.*

BREAK-DOWN OF ESTIMATE

Mr. SCHWABE. Mr. Zimmerman, there seems to be no break-down here of the items in your justification commencing on page 157.

You show the Administrative Division, Legal Division, Land and Realty Division, Oil and Gas Division, Welfare Division, but no funds are allocated to any of those items.

I am wondering what the explanation for that is.

I might say, before you attempt to answer it, that the 1948 justifications had some break-down.

The Legal Division was shown at \$7,044; the Administrative Division was \$94,614; the Construction Division was \$9,439; the Land and Realty Division was \$24,425; the Oil and Gas Division was \$53,895; the Welfare Division was \$27,533; and the tribal council was \$21,050.

I wonder why we do not have a break-down before us this time? Can you tell me; you or Mr. Williams?

Mr. ZIMMERMAN. I cannot answer that, Mr. Schwabe. I just do not know.

Mr. SCHWABE. Do you know, Mr. Williams?

Mr. WILLIAMS. No, sir; except that this estimate is based entirely on action of the tribe and the break-down on that was not received in our office. I think we can get it for you at this time for the 1949 estimate.

Mr. SCHWABE. You do not think you can get it?

Mr. WILLIAMS. I think we can get it.

Mr. SCHWABE. All right. Will you see if you can get it and have it here in the morning?

Mr. WILLIAMS. I am not so sure that I can get it without requesting Osage Agency to furnish it.

Mr. SCHWABE. Please get it as soon as you can.

Mr. ZIMMERMAN. All right.

Mr. SCHWABE. I am not willing to pass on this item in the dark this way. It just does not occur to me that we can do anything except to say, if we want to, that we can let them have any amount they ask for, which means we are not functioning at all.

Mr. ZIMMERMAN. We have a break-down by object classes, but we do not have it broken down by these divisions or units.

Mr. SCHWABE. I do not believe that that covers the situation. It is not covered, as is the case with the other tribes.

I think we had better defer consideration of this until we get that information here.

THURSDAY, MARCH 11, 1948.

Mr. SCHWABE. We will continue consideration of the appropriation for the support of the Osage Indian Agency in Oklahoma.

The justifications which have been submitted do not show a break-down of the expenditures in the items of money particularly as to functions, but the Bureau has submitted to me this morning the break-down in functions and items in money, respectively, and I shall at this time insert in the record at this point the break-down that has been submitted, which shows in the first column the budget request for appropriation for the fiscal year 1948; in the second column the subtractions from the first column in order to meet the actual appropria-

tions reflected in the third column for the respective items; and in the fourth column the budget request for 1949 fiscal year.
(The statement referred to is as follows:)

Support of Osage Agency (tribal funds)

Activity	Budget request, 1948	Adjustments to appropriations	Appropriated, 1948	Budget request, 1949	Change
Legal.....	\$7,044	-----	\$7,044	\$7,044	
Land and realty.....	24,425	-\$4,192	20,233	20,233	
Oil and gas.....	53,895	-10,569	43,326	43,326	
Welfare.....	27,533	-10,085	17,448	17,448	
Construction.....	9,439	-2,168	7,271	7,271	
Tribal council.....	21,050	-4,500	16,550	16,550	
Administration.....	94,614	-4,486	90,128	95,128	-\$5,000
Total.....	238,000	-\$36,000	202,000	197,000	-\$41,000

Mr. SCHWABE. The total as indicated for the budget request for 1948 fiscal was \$238,000; the actual appropriation was \$202,000, or a reduction of \$36,000 below the budget request.

In 1949 the budget request is for \$197,000, which is \$5,000 under the amount appropriated for 1948 fiscal.

The break-down indicates that you are asking for identical amounts as to each and every function in 1949 as compared with the items in 1948 allocated under the appropriation for fiscal 1948 with the exception of the last item of administration which is \$5,000 less than the amount appropriated for 1948.

Is that a correct statement?

Mr. ZIMMERMAN. Yes, that is a correct statement.

Mr. SCHWABE. With reference to the 1949 items are those the amounts, identical in dollars and cents except the administration item, that have been submitted by your bureau to the Osage Indian Council and approved by them?

PROCEDURE OF THE OSAGE COUNCIL

Mr. ZIMMERMAN. May I just make a brief statement as to the procedure of the Osage Council?

Mr. SCHWABE. I will be glad to have you do so.

Mr. ZIMMERMAN. I am familiar with the procedure. I have been present, not this year, but last year, at that council, and sat in with the council when the budget was discussed. I know that the council goes over the budget items, one by one, and also considers the actual people employed in every instance.

Mr. SCHWABE. And their salaries?

Mr. ZIMMERMAN. And the salaries paid, yes.

Mr. SCHWABE. And the other expenses in detail.

Mr. ZIMMERMAN. They also consider the functions of the various people, and they have in past years recommended to us and recommended to the Congress that some of the positions and some of the functions be eliminated.

In view of the procedure I have no hesitation in saying that the budget as submitted and as approved by the tribal council is fully understood by them and represents their wishes in the matter as well as their opinion as to the needed positions in other expenses.

STATUS OF OBLIGATIONS

Mr. SCHWABE. May I ask if you can tell us, please, what is the present money obligation status there as of January 1, or as of any subsequent date that you may have?

Mr. WILLIAMS. I do not have that information with me.

Mr. SCHWABE. Can you place that information in the record?

Mr. WILLIAMS. Yes, sir; we do have the information in the office.

Mr. SCHWABE. I will be glad to have you do that as of the latest date for which you have the information available.

Mr. WILLIAMS. We can give you the figures to February 29.

Mr. SCHWABE. That will be fine. That will cover the first 8 months of this fiscal year.

Mr. WILLIAMS. Yes, sir.

Mr. SCHWABE. You can do that within the next few days?

Mr. WILLIAMS. Yes, sir.

(The information requested follows:)

The obligations incurred for the period ending February 29, are \$126,684.71 in the total appropriation of \$202,000 for the fiscal year 1948.

Mr. SCHWABE. Let me ask you whether or not these funds as allocated for the fiscal year 1948 are being spent as allocated, or has there been a transfer of these funds in any appreciable amount whatsoever?

Mr. WILLIAMS. No transfers to my knowledge, Mr. Chairman.

Mr. SCHWABE. Do you know of any, Mr. Zimmerman?

Mr. ZIMMERMAN. No; I do not. None has been called to my attention.

Mr. SCHWABE. These allocations have apparently been handled to the satisfaction of the Osage Agency?

Mr. ZIMMERMAN. So far as I know.

Mr. SCHWABE. You have no complaints?

Mr. ZIMMERMAN. I have had no complaints during the present fiscal year.

Mr. SCHWABE. And are the funds ample, so far as you know?

Mr. ZIMMERMAN. That is my opinion.

Mr. SCHWABE. Is there any place where you think you might economize for these people, since we are spending money out of their own fund and it is not gratuity money?

Mr. ZIMMERMAN. I know of no position or service that ought to be eliminated at this time, and I feel that in view of the review which the tribal council has made that we should be guided by their decisions. I know that the tribal council is most anxious to keep expenses to a minimum. Representatives of the tribe have appeared before the Congress in past years and have indicated their attitude.

Mr. SCHWABE. And of course you are willing to cooperate with them along that line?

Mr. ZIMMERMAN. Certainly.

WELFARE

Mr. SCHWABE. Now with reference to the welfare item I would like to ask you one or two questions: Have you any knowledge as to whether that should remain static as compared with the 1948 fiscal or whether demands for these funds are tending to increase or decrease?

Mr. ZIMMERMAN. As the statement before you indicates, Mr. Chairman, the welfare item was reduced in 1948 to permit the expenditures to come within the appropriation. The tribe decided that several positions in that field could be abolished.

Mr. SCHWABE. And they were abolished?

Mr. ZIMMERMAN. That was done in accordance with the council's wishes.

Mr. SCHWABE. What does that cover at this time; do you know?

Mr. ZIMMERMAN. I do not know what it was.

Mr. SCHWABE. There is no direct welfare money, I take it?

Mr. ZIMMERMAN. I think none of that is paid out for relief.

Mr. SCHWABE. They come to the State down there pretty generally, do they not?

Mr. ZIMMERMAN. I think they do. They are eligible for social security benefits.

Mr. SCHWABE. And for general welfare the same as white people in Oklahoma.

Mr. ZIMMERMAN. I think there are very few of them actually drawing assistance.

Mr. SCHWABE. I think that is true.

Mr. ZIMMERMAN. Their social problems, problems of adjustment, delinquency; and matters of that kind are handled by a division of the office.

CONSTRUCTION

Mr. SCHWABE. We pass on to the item construction, the next item. Can anyone tell us what is comprehended under that item this year, for 1949 fiscal?

Mr. ZIMMERMAN. It is my understanding, Mr. Chairman, that the construction division at the agency exists primarily to render service to individual Indians who want to build houses or make improvements on their property, and it has been the practice when the Indians have used funds for building houses and repairing houses, or repairs to existing houses, to have that work done.

Mr. SCHWABE. You mean at the agency or for individual homes?

Mr. ZIMMERMAN. For individual homes. It has been the practice to have employees at the agency make the plans and supervise the handling of awards of contracts and supervise the construction, and this item involves the personnel that has been engaged in that work. It does not mean construction in the sense we have been talking about in building Federal structures.

Mr. SCHWABE. With perhaps some incidental expenses in connection with the operation.

Mr. ZIMMERMAN. That may be.

TRIBAL COUNCIL

Mr. SCHWABE. Tribal council, the next item is only an estimate at best.

Mr. ZIMMERMAN. That is an estimate but a fairly close one.

Mr. SCHWABE. That is to meet per diem when they attend sessions of the council?

Mr. ZIMMERMAN. That is correct.

Mr. SCHWABE. Or when they are away on official business representing the council, such as trips to Washington, their expenses on those trips, if approved by your office, are allowed; is that correct?

Mr. ZIMMERMAN. That is correct. It is a close estimate because the council meets at stated intervals.

Mr. SCHWABE. Of course, any of these items remaining unexpended remain in the fund of the tribe?

Mr. ZIMMERMAN. That is correct.

ADMINISTRATION EXPENSES

Mr. SCHWABE. The administration expenses is the next item: Do you know where that \$5,000 came off this time in the budget request for 1949 as compared with the actual appropriation and allocation for 1948 fiscal?

Mr. WILLIAMS. The tribal council recommended the abolishment of two clerical positions. One of them was the mails and files clerk, and the other clerk was in the Accounts Section, both of those were in the Administrative Division. Those positions have been abolished and the reduction is reflected in this estimate.

Mr. SCHWABE. That would envision approximately \$5,000 savings on the 1948 fiscal, would it not?

Mr. WILLIAMS. For those two positions?

Mr. SCHWABE. Or are they just being abolished effective on July 1, is that what you mean?

Mr. WILLIAMS. That is correct, they affect the 1949 estimate.

Mr. SCHWABE. But they are still on the job.

Mr. WILLIAMS. Yes; I will have to correct my statement, they are to be abolished.

Mr. SCHWABE. Of course, gentlemen, it is strange that we have the exact amount down to the very penny next year in each of these items as compared with the 1948 fiscal. Of course, this particular item, in my judgment, is not as bad as it would be in ordinary Treasury fund appropriations, and yet I am not particularly fond of appropriating identical amounts for the future year as compared with the current year's appropriation, because experience would tell us that they will not come out to the penny. So, I believe that it is just an indication that it is a lump figure, as you can see from the items being the same, with the exception of the \$5,000 under "Administration." That is about what it is.

Mr. WILLIAMS. That is exactly correct, Mr. Chairman. This estimate was prepared immediately after the reduction was applied and the tribe requested the same amounts except for this one item.

Mr. SCHWABE. Generally speaking that is satisfactory to them?

Mr. WILLIAMS. Yes, sir.

EXPENSES OF TRIBAL OFFICERS, FIVE CIVILIZED TRIBES, OKLAHOMA

STANDARD CLASSIFICATION SCHEDULE

Expenses of tribal officers, Five Civilized Tribes, Oklahoma (tribal funds)

Funds available for obligation	Estimate, 1948	Estimate, 1949	Increase (+) or decrease (-)
Allotted from "Miscellaneous trust funds of Indian tribes".....	\$34,600	\$37,600	+3,000
Total obligations.....	34,600	37,600	3,000
OBLIGATIONS BY OBJECTS			
01 Personal services (w. a. e. employment).....	20,200	22,700	+2,500
02 Travel.....	14,400	14,900	+500
Total obligations.....	34,600	37,600	+3,000

RECONCILIATION OF ESTIMATES, 1949, WITH APPROPRIATIONS, 1948	
<i>Expenses of tribal officers, Five Civilized Tribes, Oklahoma (tribal funds)</i>	
Appropriation act, 1948.....	\$34,600
Base for 1949.....	34,600
Change for 1949: Increase attorney contract for Creek Nation.....	3,000
Budget estimate, 1949.....	37,600

Mr. SCHWABE. For "Expenses of Tribal Officers, Five Civilized Tribes." Under this item it appears that the amount we appropriated for 1947 fiscal was \$36,200, less an unobligated balance of \$6,352, which made a net appropriation of \$29,848 for 1947 fiscal.

The amount appropriated for 1948 fiscal was \$34,600.

The amount requested by the Bureau of the Budget for 1948 fiscal is \$37,600.

Those statements are correct, are they, gentlemen?

Mr. ZIMMERMAN. Yes, those are correct statements.

GENERAL STATEMENT

Mr. SCHWABE. Do you care to make any general statement on this item, Mr. Zimmerman?

Mr. ZIMMERMAN. With respect to the Five Tribes, four of the five tribes have tribal officials who have been paid heretofore out of this appropriation.

The only change between 1948 and 1949 is the item of \$3,000 for the payment of an attorney under a contract with the Creek Nation. The other tribes, Choctaws, Chickasaw, and Seminole already have attorneys under contracts previously approved.

The Creeks have now employed an attorney at an annual cost of \$3,000, and this budget request is increased by the amount needed to compensate that attorney.

CREEK TRIBAL ATTORNEY

Mr. SCHWABE. It is apparent that the salaries and expenses of attorneys are covered in each item. The salary is \$2,500 for the Creek Tribe with \$500 for expenses, making \$3,000.

Mr. ZIMMERMAN. That is correct.

Mr. SCHWABE. Did you say that was a treaty obligation?

Mr. ZIMMERMAN. No; that is not a treaty obligation.

Mr. SCHWABE. I misunderstood you.

Mr. ZIMMERMAN. The Creeks have some business to transact; they have some claims which they want to present, and they have employed an attorney who has previously represented them in other matters.

Mr. SCHWABE. Who is the attorney?

Mr. ZIMMERMAN. Paul Niebell.

Mr. SCHWABE. Of what city?

Mr. ZIMMERMAN. Of Washington, D. C.

Mr. SCHWABE. Is he employed as a tribal attorney for any other of the Five Civilized Tribes, or do you happen to know?

Mr. ZIMMERMAN. I am not certain, I think not, Mr. Chairman.

CHICKASAW TRIBAL ATTORNEY

Mr. SCHWABE. The Chickasaw tribal attorney, \$5,000, with expenses, \$2,500.

Mr. ZIMMERMAN. I ought to correct that previous statement, Mr. Chairman. Mr. Niebell has an interest in a contract to represent the Chickasaw Nation. He was successor in interest, I believe, to Melvin Cornish, now deceased, and he does have a contract in which he represents the Chickasaw Tribe in certain claims against the United States.

Mr. SCHWABE. But that is on a contingent basis.

Mr. ZIMMERMAN. That is only on a contingent basis, yes.

Mr. SCHWABE. So far as salary is concerned and retainer this is the only thing that he now has?

Mr. ZIMMERMAN. I think that is the only thing that he has.

Mr. SCHWABE. Who is the attorney for the Chickasaw Tribe at this time, if you remember?

Mr. ZIMMERMAN. Yes, it is Lynn Adams, of Oklahoma City.

Mr. SCHWABE. And is this \$5,000 payable to him?

Mr. ZIMMERMAN. He draws a salary—I cannot recall definitely, but I think he gets \$2,000 a year and \$500 for expenses. This item would seem to cover expenses for 2 years.

Mr. SCHWABE. How much are his expenses?

Mr. ZIMMERMAN. \$500.

Mr. SCHWABE. Do you know, Mr. Williams, why this request was set up this way for Chickasaw Tribal attorney, \$5,000, and attorney expenses, \$2,500?

Mr. WILLIAMS. This is an indefinite appropriation and there is a difference between the actual obligations and that specified in the budget.

Mr. SCHWABE. Is he engaged as the attorney to present any claims before the Indian Claims Commission that you know of?

Mr. ZIMMERMAN. He is engaged on an annual retainer, as general counsel.

Mr. SCHWABE. In which he gets \$2,500 a year?

Mr. ZIMMERMAN. That is what my records show. I would like to check that.

Mr. SCHWABE. Is there anybody else being employed that would take up the \$2,500?

Mr. ZIMMERMAN. Not that I know of.

CHOCTAW TRIBAL ATTORNEY

Mr. SCHWABE. Then I would like to ask you the same question with reference to the Choctaw tribal attorney, who that is; you are asking for \$5,000 and \$2,500 expenses.

Mr. ZIMMERMAN. The Choctaw attorney is Ben Dwight of Oklahoma City. He has a contract which expires on July 1, 1948.

Mr. SCHWABE. What is his present salary?

Mr. ZIMMERMAN. His present salary is \$5,000 and his expenses cannot exceed \$2,500.

Mr. SCHWABE. Has it been your experience that they generally spend most of the maximum allowed?

Mr. ZIMMERMAN. Of the expense money?

Mr. SCHWABE. Yes.

Mr. ZIMMERMAN. That varies. We check all the expense accounts and we do not approve any of the expenditures that seem to be unjustified. None of these expense accounts are collectible until they have been approved by the Commissioner.

Mr. SCHWABE. And they are based upon the usual per diem expense?

Mr. ZIMMERMAN. The contract usually provides a per diem charge.

Mr. SCHWABE. And generally the same rate as that provided for Government officials?

Mr. ZIMMERMAN. As provided for Government officials, yes.

Mr. SCHWABE. You use that as a formula; that is what I am getting at.

Mr. ZIMMERMAN. That is the usual formula followed, but they must submit vouchers just as Government officials submit them, with supporting receipts.

Mr. SCHWABE. And you have to approve the mission, the purpose for which the travel is made, for instance, when they come to Washington for the tribe?

Mr. ZIMMERMAN. Yes.

Mr. SCHWABE. Do you know why they came?

Mr. ZIMMERMAN. Oh, certainly.

MINING TRUSTEE FOR CHOCTAW-CHICKASAW NATIONS

Mr. SCHWABE. "Mining trustee, Choctaw-Chickasaw Nation"; salary \$3,000 and \$2,500 expense.

Mr. ZIMMERMAN. The mining trustee is an employee of the tribe. The present trustee has held that position for many years. His principal function is to supervise the sale and lease of tribal coal lands.

Mr. SCHWABE. And he has been more or less in that capacity for a long time?

Mr. ZIMMERMAN. Yes, for a long time he has had that position.

Mr. SCHWABE. You can scarcely conceive that he needs \$2,500 a year expense money.

Mr. ZIMMERMAN. I doubt that he uses that much.

Mr. SCHWABE. That is what I mean.

Mr. ZIMMERMAN. I doubt if he ever has.

CHIEF OF CREEK NATION

Mr. SCHWABE. "Chief, Creek Nation." Is the salary fixed by treaty?

Mr. ZIMMERMAN. No; that is fixed by this appropriation.

Mr. SCHWABE. \$1,200 salary and \$1,900 expenses. Likewise that is probably more than normally is expended for that purpose?

Mr. ZIMMERMAN. I do not know how much he has spent.

CHIEF OF CHOCTAW NATION

Mr. SCHWABE. "Choctaw Nation chief", \$3,000 salary and \$2,500 a year expense. It is not a treaty obligation there either?

Mr. ZIMMERMAN. It is not a treaty obligation. There is statutory authorization for that position and the position is filled by appointment of the President upon recommendation of the Secretary of

Interior. The statute authorizes the position and limits the salary, I believe.

Mr. SCHWABE. That covers the positions that we are here referring to, the chief, Choctaw Nation, and Governor, Chickasaw Nation?

Mr. ZIMMERMAN. That is correct. It has been a long time since I have looked at the statute, but I think the statute sets a limitation of \$5,000 a year for the salary of those two.

Mr. SCHWABE. I think that is about right, Mr. Zimmerman; that is my recollection.

Mr. ZIMMERMAN. So that this appropriation was well within the statutory limit.

Mr. SCHWABE. These other items, receipts and balance on hand, merely show the status of the account of these tribal funds; is that correct?

Mr. ZIMMERMAN. That is correct.

Mr. SCHWABE. I believe that was included in the statement that was already submitted.

Mr. ZIMMERMAN. I think those balances are indicated in that compilation.

Mr. SCHWABE. The compilation that was submitted the other day?

Mr. ZIMMERMAN. Yes, sir.

Mr. SCHWABE. Is there anything further on that item?

Mr. ZIMMERMAN. No, sir.

EXPENSES OF TRIBAL COUNCILS OR COMMITTEES THEREOF

STANDARD CLASSIFICATION SCHEDULE

Expenses of tribal councils or committees thereof (tribal funds)

Funds available for obligation	Estimate, 1948	Estimate, 1949	Increase (+) or decrease (-)
Allotted from "Miscellaneous trust funds of Indian tribes".....	\$73,000	\$73,000	-----
OBLIGATION BY OBJECTS			
02 Travel.....	63,750	65,000	+\$1,250
04 Communication services.....	1,350	1,350	-----
07 Contractual services.....	4,500	4,500	+100
08 Supplies and materials.....	1,550	950	-600
09 Equipment.....	1,850	1,100	-750
Total obligations.....	73,000	73,000	-----

Mr. SCHWABE. We will pass over to the next item, "Expenses of tribal councils or committees thereof (tribal funds)."

Apparently the 1947 appropriation for this item was \$35,000, less \$11,479 unobligated balances, leaving net money appropriated for 1947 fiscal year \$23,521.

The appropriation for fiscal 1948 was \$73,000, and the budget requested for 1949 the same amount, \$73,000. Is that a correct statement?

Mr. ZIMMERMAN. That is correct, Mr. Chairman.

Mr. SCHWABE. It is stated in your justification that these funds were allotted to miscellaneous trust funds of Indian tribes. It is not a Treasury appropriation item, then; is that right?

Mr. ZIMMERMAN. That is correct. This is an authorization for the use of tribal funds in the United States Treasury for the purposes stated; namely, the expenses of the tribal councils or other tribal organizations.

Mr. SCHWABE. Only for their internal organizations and groups; is that right?

Mr. ZIMMERMAN. That is right, but also including the expenses of delegates who may come to Washington to represent them.

Mr. SCHWABE. Their expenses for such trip?

Mr. ZIMMERMAN. Their expenses; that is correct. I would like to point out certain factors affecting this item.

Mr. SCHWABE. Yes, sir.

Mr. ZIMMERMAN. During the war and during the period when our office was in Chicago, we tried and were successful in keeping down the visits of delegations to a minimum. Last year and this year there has been pending in Washington a large volume of legislation which is highly important to the Indian tribes. Many of the tribes have insisted that they be permitted to come to Washington to appear before the congressional committees and appear before the Department to express their views on this legislation.

At this moment, this week, there are five delegations here in Washington.

It has been my view that within the limits of this appropriation we should allow the tribes to use the funds as they see fit, either for expenses of their local councils, or for expenses of delegations to Washington, as the case may be.

Mr. SCHWABE. In other words, you have been liberal in allowing them to send representatives or committees here to Washington?

Mr. ZIMMERMAN. I think that is the proper attitude to take when they have legitimate business. As I say, there is now pending both general legislation and legislation affecting specific tribes which is highly important to the Indians.

Mr. SCHWABE. This is all taken out of their respective trust funds?

Mr. ZIMMERMAN. This money is on deposit to the credit of the respective tribes.

Mr. SCHWABE. The expenses of the respective representatives in the tribal council and so forth are taken out of their own individual respective funds?

Mr. ZIMMERMAN. That is correct.

Mr. SCHWABE. There is no shifting of funds?

Mr. ZIMMERMAN. No shifting of any funds.

Mr. SCHWABE. There could not be, very well, could there?

Mr. ZIMMERMAN. No; there could not.

Mr. SCHWABE. This item has increased considerably, I notice, last year as compared with the preceding year. The amount requested for 1949 is the same as for 1948 fiscal. How do you account for more than three times the amount in 1948 that there was in 1947?

Mr. ZIMMERMAN. This item has actually fluctuated over the years. As I remember it, in some years, it was as high as \$75,000, and then it was as low as \$25,000.

I wish to call attention to the elimination of special language here which refers to the Shoshone and Arapahoe Tribes, and there is the elimination of the words "or Chicago, Illinois".

As to the Shoshone Indians, after the appropriation act was passed last year, Congress passed a special act referring to the funds of the Shoshone and Arapahoe Tribes, so that this language in the appropriation act is no longer needed.

As to "Chicago, Illinois," that elimination results from the fact that the office has been moved back to Washington. Chicago is not needed in the text here.

Mr. SCHWABE. As a matter of fact, then, you consider all that language that is deleted or proposed to be deleted from this 1949 appropriation bill surplusage now?

Mr. ZIMMERMAN. That is right. It is not necessary.

RELIEF OF NEEDEY INDIANS

STANDARD CLASSIFICATION SCHEDULE

Relief of Needy Indians (tribal funds)

Funds available for obligation	Estimate, 1948	Estimate, 1949	Increase (+) or decrease (-)
Allotted from "Miscellaneous trust funds of Indian tribes".....	\$112,000	\$112,000	-----
Total obligations.....	112,000	112,000	-----
OBLIGATIONS BY OBJECTS			
03 Transportation of things.....	200	200	-----
07 Other contractual services.....	10,000	10,000	-----
08 Supplies and materials.....	20,000	20,000	-----
11 Grants, subsidies, and contributions.....	79,000	79,000	-----
12 Pensions, annuities, and insurance losses.....	2,800	2,800	-----
Total obligations.....	112,000	112,000	-----

Mr. SCHWABE. The next item for consideration is "Relief of needy Indians (tribal funds)."

Apparently there was appropriated for this item in 1947 \$125,000, less an unobligated balance of \$64,017, resulting in a net appropriation of \$60,983.

The appropriation for 1948 was \$112,000; and the Bureau of the Budget has approved and you are requesting an appropriation of \$112,000 for 1949 fiscal year. Is that a correct statement?

Mr. ZIMMERMAN. That is correct.

Mr. SCHWABE. Is there anything you care to discuss on this subject, Mr. Zimmerman?

Mr. ZIMMERMAN. This again is an authorization for the use of tribal funds for the purpose of relief of needy Indians.

Mr. SCHWABE. And are these funds used from tribal moneys for any purpose except for the relief of the Indians of the particular tribe whose funds are used, respectively?

Mr. ZIMMERMAN. No, sir.

Mr. SCHWABE. For instance, the Navajo funds would not be tapped for the Menominee Indians?

Mr. ZIMMERMAN. That is correct.

Mr. SCHWABE. And there is no shift at all?

Mr. ZIMMERMAN. There is no possible shift.

Mr. SCHWABE. And all of these funds come from trust funds belonging to the Indians?

Mr. ZIMMERMAN. And held in the United States Treasury.
Mr. SCHWABE. Yes. And this appropriation item is merely the maximum that you are authorized to withdraw for this purpose, is that correct?

Mr. ZIMMERMAN. That is correct, and as the record for 1947 shows, if the need does not arise the funds will not be expended.

COMPENSATION AND EXPENSE OF ATTORNEYS

STANDARD CLASSIFICATION SCHEDULE

Compensation and expenses of attorneys (tribal funds)

Funds available for obligation	Estimate, 1948	Estimate, 1949	Increase (-) or decrease (-)
Allotted from "Miscellaneous trust funds of Indian tribes".....	\$33,580	\$260,820	+\$227,240
Total obligations.....	33,580	260,820	+227,240
OBLIGATIONS BY OBJECTS			
02 Travel.....	6,080	59,520	+53,440
05 Rents and utility services.....		11,600	+11,600
07 Other contractual services.....	27,500	189,700	+162,200
Total obligations.....	33,580	260,820	+227,240

RECONCILIATION OF ESTIMATES, 1949 WITH APPROPRIATION, 1948

Compensation and expenses of attorneys (tribal funds)

Appropriation Act, 1948.....		\$33,580
Base for 1949.....		33,580
Change for 1949:		
Decreases:		
Arapaho Tribe, Wyoming.....	\$11,000	
Colorado River Tribe, Arizona.....	1,500	
Quilicute Tribe, Washington.....	1,000	
Total decreases.....		13,500
Increases:		
Colville Tribe, Washington.....	\$16,000	
Fort Berthold Tribes, North Dakota.....	25,240	
Hualapai Tribe, Arizona.....	2,000	
Lac Courte Orielles, Wisconsin.....	2,000	
Lac du Flambeau Tribe, Wisconsin.....	2,000	
Navajo Tribe, Arizona.....	100,000	
Nez Perce Tribe, Idaho.....	21,000	
Shoshone-Bannock Tribe, Idaho.....	5,000	
Spokane Tribe, Washington.....	6,000	
Ute Tribe, Utah.....	28,500	
Yakima Tribe, Washington.....	18,000	
Miscellaneous Tribes.....	15,000	
Total increases.....		240,740
Net change.....		227,240
Budget estimate, 1949.....		260,820

Mr. SCHWABE. The next item, "Compensation and expenses of attorneys (tribal funds)." Apparently in 1947 there was appro-

riated under this head \$22,980. In 1948 there was appropriated \$33,580; and the Bureau of the Budget has approved and you are requesting now \$260,820, which is a very substantial increase.

And all of these funds are from trust funds belonging to the Indian tribes for which the expenditures are made in payment of attorneys?

Mr. ZIMMERMAN. That is correct, Mr. Chairman.

Each of the tribes listed on page 167 of the bill has employed an attorney. In most cases the increase results from the employment of attorneys to prosecute claims against the United States.

Mr. SCHWABE. Before the Indian Claims Commission?

Mr. ZIMMERMAN. Yes.

Mr. SCHWABE. And have the contracts been approved to the extent of almost all of the requests here made?

Mr. ZIMMERMAN. Yes; these contracts have all been approved.

NAVAJO TRIBE, ARIZONA

Mr. SCHWABE. Now I observe here is one contract for the Navajo Tribe, Arizona calling for \$100,000. Who has that contract?

Mr. ZIMMERMAN. That contract is held by Norman Littell of Washington. It is a contract for 10 years, provides for an annual salary of \$7,500, and authorizes an expenditure for general expenses, up to \$2,500 a year. The total involved for the term of the contract is \$100,000.

Mr. SCHWABE. Has the claim of the Navajo, or claims as the case might be, for which he is employed to represent the Navajo Tribe, been filed with the Indian Claims Commission?

Mr. ZIMMERMAN. No; it has not been filed. Mr. Littell's contract is in a different form from the others. It obligates him to render services as general counsel as well as to prosecute the claims. He has been rendering services as general counsel.

Mr. SCHWABE. In what way has he served them as general counsel, by which I mean in addition to interviewing and presenting the claims they wish to present before the Indian Claims Commission?

Mr. ZIMMERMAN. He has had a number of conferences with the tribal officials; he has appeared before the tribal general council in the consideration and preparation of council resolutions and orders; he has been responsible for the introduction of at least one bill affecting Navajos.

He has had numerous conferences with the officials in the Department of the Interior on matters relating to the Navajo Tribe. He may have had—I know he has had conferences with other Government officials outside the Interior Department but I do not know just to what extent such conferences have been held.

Mr. SCHWABE. Have the Navajos ever had taken out of their funds any substantial amount, so far as you can recall, for the payment of attorneys' fees?

Mr. ZIMMERMAN. Not that I know of, and certainly not since I have been in the Indian Office.

Mr. SCHWABE. With the condition which we all know these people to be in, deplorable as it may be, is it not rather unusual to find that tribe asking for an appropriation out of tribal funds of such a large amount for attorney fees and your Department, as their guardian, in the way in which we frequently speak of it, approving it and passing it along?

Mr. ZIMMERMAN. Well, it is difficult, it seems to me, to answer that question, Mr. Chairman—

Mr. SCHWABE. Are not most of these cases that are based upon substantial claims which are more or less considered on tenable grounds being prosecuted on a contingency-fee basis?

Mr. ZIMMERMAN. Not all of them.

Mr. SCHWABE. Are not most of them?

Mr. ZIMMERMAN. Well, I cannot say as to most of them; I would rather review the list first. Some are wholly contingent.

Mr. SCHWABE. I happen to know that many of them are. I do not know the relative proportion and probably you could not recall the percentage.

Mr. ZIMMERMAN. But more recently the attorneys who have been willing to take these cases have insisted upon some compensation regularly.

Mr. SCHWABE. Does this attorney have any contingency arrangement over and above the fixed fee?

Mr. ZIMMERMAN. I believe he does, yes.

Mr. SCHWABE. Of course, I do not know anything about the basis of the claim; I do not know anything about the potential amount that may be involved, but it was just a little shocking to me the first time I noticed this item, to think that these people in their condition would be required to put up \$10,000 a year in cash to an attorney, and I know that a great deal of that probably is not necessary, on consultation fees or retainer, since they have been doing without it for all these years, and it seems to me that in addition he has to take a contingency fee, dependent upon whether he is successful or unsuccessful in the presentation of the claim.

Mr. ZIMMERMAN. It is very difficult for an administrative official to say to a tribe "You may not hire an attorney whom you have selected; you may not use your own money to pay him."

The statute does require the Department to give its approval. And, my personal opinion is that the time will come when Congress should relieve the Department of that obligation.

Mr. SCHWABE. Why?

Mr. ZIMMERMAN. Because there is often a conflict of interest which we must resolve.

Mr. SCHWABE. If you can turn the Indians loose to spend their own money any way they see fit that is one thing.

Mr. NORRELL. Yes.

Mr. SCHWABE. But if you are going to pinch nickels with them and exercise a paternalistic control such as has been done in the past and then make contracts or approve contracts with people whose condition has challenged the sympathy of the world, why, I just tell you that it kind of shocks my intelligence to think that we should sit here and let such an item go over. I am frank to say that, and I think it needs a full explanation.

Mr. NORRELL. I am so shocked at this item being eight times what it was last year that I cannot pass the thing up without saying something and asking a few questions about it.

First of all I assume that the Indian Service and probably the Indians want some supervision of this fund otherwise they would not have required congressional approval. Therefore, we stand, and the director, I think, stands somewhat in the relationship of a guardian.

This money has been paid to the Indian tribes and ought to be properly expended. I visited the Navajo Indians and I have a very high regard for these Indians. I think they are pioneer American citizens.

Frankly I would like to have you explain, just taking the case of the Navajo Indians as an illustration, Mr. Zimmerman, what this attorney is going to do to earn the money that he collects. I do not know who the attorney is, but I want to know what he is going to do in order to earn that money, if you know.

Mr. ZIMMERMAN. Well, I stated a few moments ago what I knew he had been doing.

Mr. NORRELL. And do you want to stand on that explanation?

Mr. ZIMMERMAN. I do not know that I can add much more, except that he advises the tribal officials on many matters, in fact, on many matters of policy.

Mr. NORRELL. That is a very fine statement for you to make and I do not want to challenge your statement at all.

Mr. ZIMMERMAN. I should like to point out this element in the situation which is to me an awkward one, that in many cases, as here, the primary purpose of the employment of an attorney is the prosecution of a claim against the United States. We have a dual responsibility, as I see it. We are officials of the United States, and at the same time we owe it to the Indians to see that their case is properly heard and determined.

Mr. NORRELL. If I have my way about it there is not going to be an appropriation of \$100,000 on a contingency basis, if the contingency fee is to be paid—

Mr. SCHWABE. That is a retainer fee here.

Mr. NORRELL. I should have said a retainer, a retainer fee to institute suits against the United States. I am assuming that the Indian Service is fair to the Indians, in fact, I know they are, that you folks will lean over backward, and I am not criticizing you when I say you are fair to the Indians; I think you ought to be.

Mr. SCHWABE. That is correct.

Mr. NORRELL. And Uncle Sam is not going to cheat the Indians out of anything.

I think I can safely say that the American Government is not going to do that. Therefore, claims must have been denied or it would not have been necessary to hire these attorneys to sue the Government for money?

Mr. ZIMMERMAN. No. Mr. Norrell, I would like to take issue with you on that point, and with all deference to your point of view. This particular Navajo claim has not been presented to the courts.

Secondly, with regard to the attitude of the United States, it is fair to say, and it is a matter of record, that the representatives of the Department of Justice have repeatedly made the statement that they will exercise every possible resource and device to reduce these claims to the minimum, without regard to equity, without regard to the merits of the claims. In those circumstances I believe that the Indians are entitled to the best legal counsel they can obtain.

Mr. NORRELL. Well you can get an Indian claim up here on the House floor and everyone of the Congressmen will resolve any benefit of doubt in favor of the Indian. I cannot understand why it is necessary to hire lawyers, under those circumstances. What is the ultimate fee going to be; do you have any idea?

Mr. ZIMMERMAN. The ultimate fee would be based on whatever is recovered.

Mr. NORRELL. What percentage of the recovery?

Mr. ZIMMERMAN. Ten percent.

Mr. NORRELL. May I ask you what the \$189,700 is for, under the title, "other contractual services"; what is that for?

Mr. ZIMMERMAN. That is broken down by objects, and by tribes and for other services rendered.

Mr. SCHWABE. That is for fees primarily.

Mr. NORRELL. I have no more questions to ask, Mr. Chairman, only it is going to take more information than I have received so far.

Mr. ZIMMERMAN. Let me say that I am not defending Mr. Little or any other attorney.

Mr. NORRELL. I know you are not.

Mr. ZIMMERMAN. I merely point out that although you say, and properly so, that the Congress is sympathetic and would give fair consideration, yet as the situation now stands these cases must be heard either in court or before the Commission.

Mr. NORRELL. As a practicing lawyer of some years, I took a lot of cases on a contingency basis, and I collected my fee when I collected the judgment, and if they want to take a chance on that, that is all right, but they are not doing that; they say a fee, win or lose.

Mr. SCHWABE. With a contingent fee added.

Mr. NORRELL. Yes. That means \$100,000, win or lose. And, of course, if they lose they would get nothing more; but if they win they get 10 percent. I have no further questions to ask, Mr. Chairman.

COLVILLE TRIBE, WASHINGTON

Mr. SCHWABE. I cannot refrain from calling attention to some of the other items. Of course, they are not as large as that for the Navajo. For the Colville Tribe, Washington, \$2,500 for fiscal years 1947 and 1948, to pay the attorney; is that right?

Mr. ZIMMERMAN. That is correct.

Mr. SCHWABE. And that is increased to \$18,500, for 1949.

Mr. NORRELL. Is he going to charge \$11,600 for rendering contractual services?

Mr. SCHWABE. I was referring to the third item from the top, Mr. Norrell.

Mr. NORRELL. I see.

Mr. SCHWABE. Can you explain, Mr. Zimmerman. We do not know anything, and we are simply trying to develop the facts for the record.

Mr. ZIMMERMAN. I will do my best to explain it.

The \$18,000 is the total required for the life of the contract. The Budget practice has been this year to send up the estimate in the full amount of the contract, not merely the amount needed for the current fiscal year.

Mr. SCHWABE. Does this mean that you have a contract with this gentleman, whoever he may be, for a long term of years?

Mr. ZIMMERMAN. He has a contract for 6 years from June 19, 1947.

Mr. SCHWABE. That would not make \$18,500.

Mr. ZIMMERMAN. No, but \$2,500 was authorized in the fiscal year 1948 to cover the first year of the contract. And the balance that is

provided for in this bill would cover the remainder of the fee and expenses for the life of the contract. In addition to the \$2,500 salary he has an allowance of not to exceed \$1,000 a year for expenses.

Mr. SCHWABE. The employments of these attorneys we were considering this morning did not involve contracts or appropriations for more than a year's time, did they?

Mr. ZIMMERMAN. Some of these are for 1 year and some are for longer terms.

Mr. SCHWABE. I see those we were considering this morning. We had the Five Civilized Tribes and the Osage and the others. Those are a year at a time?

Mr. ZIMMERMAN. Those are limited by statute, Mr. Chairman.

Mr. SCHWABE. I think we had better limit this by statute.

Mr. ZIMMERMAN. That is an old statute that applies to the Five Civilized Tribes. The contract requires the approval of the President, and the life of the contract is 1 year.

Mr. SCHWABE. Last year you did not ask for the full life of the contract. You apparently asked for 1 year.

Mr. WILLIAMS. Mr. Chairman, this is a change in the budget procedure which was approved by the Bureau of the Budget. This represents a request for funds to cover the entire obligation, and it was deemed proper to request the full amount.

Mr. SCHWABE. Maybe you can make that show, but I do not see it, appropriationwise, regardless of the Bureau of the Budget.

CONSOLIDATED CHIPPEWA TRIBES, MINNESOTA

Mr. SCHWABE. The next is the Consolidated Chippewa Tribes, Minnesota. Apparently you are not going to have an attorney this time. Is that right?

Mr. ZIMMERMAN. Yes, sir; they are going to have an attorney, but the new contract is pending at the moment in my office.

Mr. SCHWABE. You have not approved one?

Mr. ZIMMERMAN. There is nothing approved, and there was no request for money on this item.

FORT BERTHOLD TRIBES, NORTH DAKOTA

Mr. SCHWABE. The next is the Fort Berthold Tribes, North Dakota. It was \$5,080 in 1947, and the same amount for 1948 fiscal and you are asking for \$30,320 for 1949 fiscal. Is that another case of where you have a long-term contract?

Mr. ZIMMERMAN. This contract runs for 5 years, from January 25, 1946.

Mr. SCHWABE. For how much money?

Mr. ZIMMERMAN. The salary is \$4,000 a year.

Mr. SCHWABE. Expenses?

Mr. ZIMMERMAN. Plus expenses. This is an unusual situation, Mr. Chairman. This is the tribe which is being removed from its lands by the construction of Garrison Dam. This tribe has a very large sum at stake, as well as the existence of its reservation.

I think I made a statement on the record about it several days ago. The tribal council has been in Washington and has negotiated a contract with the Army.

Mr. SCHWABE. They probably need a lawyer.

Mr. ZIMMERMAN. They need a lawyer.

Mr. SCHWABE. Why do they need six times the appropriation, or virtually that, for the hiring of a lawyer? Is this carrying out your budgetary practice again?

Mr. WILLIAMS. This is a request for funds to cover the entire contract period.

Mr. NORRELL. I am very familiar with the Garrison Dam. My subcommittee supplies funds for its construction. Under the law the Federal court condemns the property. The Federal court fixes the value of it.

Mr. ZIMMERMAN. That is true as to the white land.

Mr. NORRELL. Do you mean to tell me that the people out there discriminate against the Indians?

Mr. ZIMMERMAN. If there was discrimination, it was done by Congress, Mr. Norrell.

Mr. NORRELL. I will have to get back on my civil rights program, if you talk that way.

Mr. ZIMMERMAN. At the last session of Congress in the Army civil functions bill, there was a provision which directed the Secretary of War to negotiate a contract with the Indians.

Mr. NORRELL. Yes; we propose to buy his land and pay him for it.

Mr. ZIMMERMAN. That is correct.

Mr. NORRELL. He does not have to have an attorney to help him collect it.

Mr. ZIMMERMAN. That was not by condemnation.

Mr. NORRELL. I do not see any reason why he should have an attorney. The Army engineers are not going to ask those Indians for their lands without offering them fair and equitable and just compensation. They do not have to sue the Government to get the Army engineers to give them what they are entitled to.

Mr. ZIMMERMAN. Well, I am willing to pay and glad to pay high tribute to General Wheeler and General Crawford, but I do want to say this: That the first contract which they submitted for the consideration of the Indians and our office was a vastly different contract from the one which resulted or will result, in all probability, after weeks of negotiations with them by the attorney and by the Indians. The negotiations have resulted in the difference to the Indians, in my judgment, of not less than \$2,000,000.

Mr. NORRELL. The Indians are not concerned, as I understand it, about getting a fair value for their land. It is the sentimental value that is attached there to that colony. The Federal Government cannot compensate for sentimental rights.

Mr. ZIMMERMAN. I agree to that, that ordinarily the Federal Government cannot do that. It certainly cannot do it in ordinary condemnation proceedings.

Mr. NORRELL. I just do not believe that General Wheeler, the Chief of the Army engineers, or any of his assistants, would be inclined to undervalue the land. They cannot offer anything for their sentimental rights.

Mr. ZIMMERMAN. I agree. I think General Wheeler and his associates have been eminently fair.

Mr. NORRELL. We discussed this in the civil functions bill this year, and those Indians are going to get the full value for their land,

and that is all, if our committee can have any say-so about it. We cannot afford to pay them anything else. They do not need to hire an attorney to help collect something else.

Mr. ZIMMERMAN. Well, with all respect, Mr. Norrell, I think that the attorney has been helpful in resolving certain doubts that arose from the initial contract submitted by the War Department.

The amount of money involved was fixed in the civil functions bill and the \$5,000,000 in round figures was appropriated last year.

Mr. NORRELL. We are going to pay the Indians what they are entitled to receive for the land, and they do not have to have a lawsuit to collect. They ought to get all the money without paying an attorney a contingent fee out of it. We are certainly insisting on paying them for what the land is worth, and probably a little more.

Mr. ZIMMERMAN. There again it seems to me you place the administrative officers in a difficult position. The Department of the Interior could not represent the Indians officially in their negotiations. The dam had been authorized by Congress and we were not in a position to help them oppose the construction, or in any way interfere.

Mr. NORRELL. I might say for the record, Mr. Chairman, in conclusion, that I do not blame the attorneys for getting what money the traffic will bear. Being a brother lawyer, I believe in doing the best I can for myself, but I think this Congress has the supervision of the matter and ought to exercise a very cautious decision.

NEZ PERCE TRIBE, IDAHO

Mr. SCHWABE. The next item is the Nez Perce Tribe in Idaho.

Mr. ZIMMERMAN. That is right.

Mr. SCHWABE. You are asking an appropriation of \$21,000 for 1949 fiscal, and apparently there was no attorney employed in fiscal 1947 or 1948.

Mr. ZIMMERMAN. I think that is correct. The contract for this attorney was approved on June 3, 1947. It runs for 6 years.

Mr. SCHWABE. At how much?

Mr. ZIMMERMAN. At \$3,000 a year plus expenses not to exceed \$500 a year.

Mr. SCHWABE. Is that your budget program again, which you were talking about?

Mr. WILLIAMS. Yes, sir; all these items are submitted on the same basis.

UTE TRIBE, UTAH

Mr. SCHWABE. The next item is the Ute Tribe in Utah. It was \$4,500, and the request is for \$33,000. What is the length of the term of that contract?

Mr. ZIMMERMAN. I will have to supply that, Mr. Schwabe.

Mr. SCHWABE. I wish you would, please.

Mr. ZIMMERMAN. I think that is a 5-year contract, but I am not sure.

Mr. SCHWABE. You do not know how much it is, or who the attorney is?

Mr. ZIMMERMAN. Yes; I know who the attorney is.

Mr. SCHWABE. You do not know what the rate per year is?

Mr. ZIMMERMAN. No, sir; I do not. I think it is \$5,000 a year, but I am not certain.

Mr. SCHWABE. You will supply that?

Mr. ZIMMERMAN. Yes.

(The information is as follows:)

The Ute Tribe has contracted with John S. Boyden for a period of 5 years from July 1, 1947. The compensation is \$6,000 per annum plus expenses limited to \$1,500 per annum.

SHOSHONE-BANNOCK TRIBES, IDAHO

Mr. SCHWABE. The next item is the Shoshone-Bannock Tribes, Idaho. It is \$5,000 appearing for the first time, apparently.

Mr. ZIMMERMAN. That is a contingent contract with expenses to be paid in advance, limited to \$5,000.

Mr. SCHWABE. Do you mean the expenses are limited to \$5,000?

Mr. ZIMMERMAN. That is correct. Otherwise, it is wholly contingent.

Mr. SCHWABE. Otherwise it is wholly contingent?

Mr. ZIMMERMAN. That is correct. This item for \$5,000 would be for expenses. The contract runs for 10 years from January 10, 1947.

SPOKANE TRIBE, WASHINGTON

Mr. SCHWABE. The next item is the Spokane Tribe in Washington. There was nothing in 1947. There was \$2,000 in 1948 fiscal, and \$8,000 is requested for 1949 fiscal. What do you wish to say about that?

Mr. ZIMMERMAN. This is a contingent contract except that it provides for the payment of \$2,000 for expenses.

Mr. SCHWABE. All of this \$8,000 is expenses?

Mr. ZIMMERMAN. For 4 years. The contract is a 5-year contract dating from July 8, 1946.

YAKIMA TRIBE, WASHINGTON

Mr. SCHWABE. The next item is the Yakima Tribe in Washington. There was nothing in 1947. There was \$6,000 in 1948 fiscal, and the request is \$24,000 in 1949 fiscal.

Mr. ZIMMERMAN. Originally, this contract was approved in January 1946 for 5 years. It is to remain in effect until 1951. The request includes \$1,000 each year from tribal funds for expenses.

MISCELLANEOUS TRIBES

Mr. SCHWABE. The last item is "Miscellaneous tribes, \$15,000." Apparently that is the amount you are requesting for 1949, and there is no comparable item for 1947 or 1948 fiscal. What is your explanation of that? Is that some of these contracts that are pending?

Mr. ZIMMERMAN. Some that are pending, and others that we expect will be received. The authorization here would permit those contracts to become effective and the payment to be made under them.

Mr. SCHWABE. There are a number of these that you have showing up this year for the first time. Most of that is due to the fact that they want to file claims before the Indian Claims Commission, I assume.

Mr. ZIMMERMAN. That is correct, Mr. Chairman.

Mr. SCHWABE. Then there are some of them that disappear altogether. I think that is true in four instances, perhaps. That is where no contract has yet been approved; is that correct?

Mr. ZIMMERMAN. Well, in one or two cases, the previous contracts have lapsed and the new contracts have not been approved.

Mr. SCHWABE. In some of the others you do not anticipate a contract; is that it?

Mr. ZIMMERMAN. I am not sure.

Mr. SCHWABE. I see.

Mr. ZIMMERMAN. I should say generally that within the next 2 years all of the tribes which have claims against the United States will submit contracts.

Mr. SCHWABE. That would be natural, I think, to assume.

Mr. ZIMMERMAN. There is a time limit within which those claims may be filed.

Mr. SCHWABE. Five years from the date of the approval of the act, I think it is.

Mr. ZIMMERMAN. That is right.

Mr. SCHWABE. However, there is another 5-year period within which they may be prosecuted. In other words, unless Congress extends the time, the adjudication must be completed within 10 years from the date of the approval.

Mr. ZIMMERMAN. That is correct.

Mr. SCHWABE. All right.

PAYMENT OF ATTORNEYS' FEES FOR CALIFORNIA INDIANS

Mr. SCHWABE. We were talking this morning about items for expenditure out of the trust funds for compensation and expense of attorneys. A day or two ago you submitted, for the information of the committee, a list of receipts and available balances of these trust funds, as of September 1, 1947. Mr. Tom-pee-saw, in his testimony has referred, among other things, to an item in this list under California Indians 4 percent judgment fund. I take it from what he said that an appropriation item of \$10,000 has been made available for the payment of attorneys' fees to represent the California Indians although your list is not clear as to deductions of this character. Would that be correct or not?

Mr. ZIMMERMAN. Yes; Mr. Chairman, that is correct.

Mr. SCHWABE. I have looked over this statement that you submitted of receipts deposited and of available balances to the trust fund account, and it seems to me that there are many instances similar to that where the statement is not intelligible.

For instance, there is no explanation of why that \$10,000 was deducted, and no explanation that it is deducted, as a matter of fact, as you will observe. And the list sometimes just shows the balance of the fund, but does not show how the balance has been determined, as would be true in this instance except for the fact that our attention was called to the item of \$10,000 appropriation.

Do you think as a matter of having a statement, as far as it is of any benefit to the Congress, we should have some explanation of the deductions? You see what I am getting at?

Mr. ZIMMERMAN. I see your point. Of course, this statement which was prepared primarily for own convenience in the office, is not intended to be a justification—

Mr. SCHWABE. I realize that.

Mr. ZIMMERMAN. For expenditures that had been made, and it does not purport even to explain where the receipts originated. It is merely a statement of the cash position.

Mr. SCHWABE. Well in most instances it does indicate the source from which the receipt originates in a general way.

Mr. ZIMMERMAN. Yes; it does in this way—

Mr. SCHWABE. But it does not show in all of these items what deductions, if any, similar to the one that we have referred to here. That was confusing to the committee and, frankly, we could not answer the question put to us when he presented this and referred to this item under this appropriation act over here, then we thought that naturally that was why the difference of \$10,000 arose. So the committee is a little disappointed in that.

Now I would like to know about the appropriation of \$10,000, while we are on this subject: Has it ever been paid?

Mr. ZIMMERMAN. No; it has not.

Mr. SCHWABE. It has not been paid?

Mr. ZIMMERMAN. No.

Mr. SCHWABE. Any part of it?

Mr. ZIMMERMAN. No part of it.

Mr. SCHWABE. Has any contract been approved for the payment for which any of that \$10,000 item might later be expended?

Mr. ZIMMERMAN. Up to the present time no contract has been approved. There are a number of contracts under consideration by the Department—at least three and perhaps four; I am not sure about that.

Mr. SCHWABE. Which have been submitted?

Mr. ZIMMERMAN. Which have been submitted.

Mr. SCHWABE. For consideration?

Mr. ZIMMERMAN. For consideration, but none of them as yet has been approved. Incidentally the \$10,000, as I remember it, is available until expended.

Mr. SCHWABE. That is right.

Mr. ZIMMERMAN. I might say also that the request for that appropriation was not made by the Indian Service or by the Department.

Mr. SCHWABE. Am I to infer that possibly it is not needed?

Mr. ZIMMERMAN. No, sir; I would not say that.

Mr. SCHWABE. Maybe it should be rescinded.

Mr. ZIMMERMAN. Not if the contract is approved by the Department; if on the other hand the Department concludes that it need not approve or has no authority to approve the contracts that have been submitted, then it would seem there would be a question whether or not any of the Indian funds should be used for the legal expenses still remaining to be considered.

Mr. SCHWABE. And you will present that to the Congress if such an exigency arises?

Mr. ZIMMERMAN. Either we or some representatives of the Indians should present the matter.

Mr. SCHWABE. They may not be aware of it like you are. Do you not think that possibly it would be your job to present it?

Mr. ZIMMERMAN. I think they are all aware of it.

Mr. SCHWABE. Are there other funds that have been appropriated similar to this, out of trust funds which have never actually been expended, withheld on a similar basis to this?

Mr. ZIMMERMAN. You mean for other tribes?

Mr. SCHWABE. Yes; or maybe for this same tribe; I do not know.

Mr. ZIMMERMAN. I do not know of any others, Mr. Chairman. Ordinarily these appropriations are not made until the contract with the attorney has been approved.

Mr. SCHWABE. The witness was under the impression that a contract had been approved, and that the money had been paid out in full. He seemed to be under the impression that some of the Indians claimed that, although he did not testify positively about the names.

My recollection is that there has been considerable confusion as to the existence of authority among the California Indians to execute a contract. Is that true? I have understood there has been some disturbance on that question.

Mr. ZIMMERMAN. There has been considerable discussion and the matter is actually now before the Department on certain legal questions.

The contract that had been submitted to us purports to be signed by various officials of organizations, not tribes. One of the organizations is the Indians of California, Inc., another is the Mission Indians Federation.

The president of the Mission Indians Federation testified before the Senate committee that there had been no meeting of the federation for the purpose of an election since he was elected about 20 years ago.

There is serious doubt whether these organizations, which are volunteer organizations and not tribal organizations, come within the meaning of the statute which has to do with the prosecution of claims against the United States. In other words, whether or not the Secretary is required to approve a contract between the attorney and these people.

Mr. SCHWABE. Or should recognize them.

Mr. ZIMMERMAN. Or should recognize these units as coming within the law, and that question has not been finally answered in the Department. Up to this time no contracts have been approved.

Mr. SCHWABE. I thought it was well to have that explanation in the record here to show just what the situation is.

DISTRIBUTION OF INDIAN TRUST FUNDS

Now may I ask you why it is that that large balance is being carried and not distributed?

Mr. ZIMMERMAN. Under the Jurisdictional Act of 1928, which authorized the Indians of California to proceed against the United States—

Mr. SCHWABE. Before the Court of Claims?

Mr. ZIMMERMAN. Before the Court of Claims, there is a prohibition against a per capita distribution of this fund.

There have been before the Congress a number of bills, both in the House and in the Senate, and there are now bills pending, which would modify the act of 1928 and permit the distribution of at least a portion of this fund.

This fund is not subject to distribution except by appropriation at the present time. The legislative committees have had this matter before them, but I think the record will show that they have not arrived at a decision.

Mr. SCHWABE. They have not arrived at a conclusion?

Mr. ZIMMERMAN. No.

Mr. NORRELL. I have in my own mind, in speaking of the Indians out in California, that they are about ready to be set free, so to speak, that is, to turn them over to the State of California for educational purposes?

Mr. ZIMMERMAN. May I answer that question in a round-about way?

Mr. NORRELL. Yes; any way you want to.

Mr. ZIMMERMAN. First, as to education: With the exception of one boarding school which is attended by Indians from outside of California as well as the California Indians—

Mr. SCHWABE. And more from the outside than from California?

Mr. ZIMMERMAN. I should think more than half are from the outside—we maintain no school in California.

Mr. NORRELL. You do not?

Mr. ZIMMERMAN. The Indians in California attend public schools. We have a contract—

Mr. NORRELL (interposing). You only maintain this one institution?

Mr. ZIMMERMAN. This one school.

Mr. SCHWABE. That is a high school?

Mr. ZIMMERMAN. A high school and a vocational school.

As to the over-all policy, we have been negotiating with the State and with Governor Warren directly for several years with a view to withdrawing such services as are still being rendered by the Federal Government.

Mr. NORRELL. That is a very marvelous conclusion to reach and I want to compliment the Service and the State of California for the negotiation, and I hope it will work out to where they will take charge of the full program and relieve the Federal Government.

Mr. ZIMMERMAN. The California situation is peculiar. It is not like the situation in any other State. The Indians are scattered throughout the State. There are only three reservations of any size. There are several hundred small rancherias or holdings of tribal lands, and there are many scattered allotments in the public domain in the eastern part of the State. But the population is so scattered that we cannot adequately render the services that are needed.

Mr. NORRELL. I have confidence in the school administration authorities, including those who are here today to handle this matter, not only to the interest of the Federal Government but to the Indians' advantage as well.

Mr. ZIMMERMAN. I am very hopeful that we can report to your committee in the near future that something has been accomplished.

Mr. NORRELL. In the foreseeable future.

Mr. ZIMMERMAN. We took the first step within this present year. We consolidated all our activities in California under one agency; we abolished two of the agency offices and we have appointed a new superintendent with authority for the whole State, because that will facilitate negotiations with the State officials.

Mr. NORRELL. I hope also that the Indians in other sections can enjoy a certain degree of rehabilitation and mixture with the other races by association and that we may be able to see that our rehabilitation program for them has ended. That is certainly a beginning of the realization of what we hope to do when we undertook this job in the beginning.

That is all, Mr. Chairman.

PURCHASE AND LEASE OF LANDS

STANDARD CLASSIFICATION SCHEDULES

Purchase and lease of lands (tribal funds)

Funds available for obligation	Estimate, 1948	Estimate, 1949	Increase (+) or decrease (-)
Allocated from "Miscellaneous trust funds of Indian tribes".....	\$124,000	\$130,000	+\$6,000
Prior-year balance available.....	156,932		-156,932
Total obligations.....	280,932	130,000	-150,932
OBLIGATIONS BY OBJECTS			
05 Rents and utility services.....	27,000	9,000	-18,000
10 Lands and structures.....	253,932	121,000	-132,932
Total obligations.....	280,932	130,000	-150,932

RECONCILIATION OF ESTIMATE, 1949 WITH APPROPRIATION, 1948

Purchase and lease of lands (tribal funds)

Appropriation Act, 1948.....	\$124,000
Base for 1949.....	124,000
Change for 1949:	
Decreases:	
Leasing of lands, Navajo, Arizona, and New Mexico.....	\$9,000
Purchase of lands:	
Hoopa Valley, Calif.....	3,000
Uintah and Ouray, Utah.....	75,000
Miscellaneous tribes.....	37,000
Total decreases.....	124,000
Increases:	
Leasing of lands, Navajo.....	9,000
Purchase of lands:	
Blackfeet, Montana.....	50,000
Carson (Summit Lake), Nev.....	9,000
Northern Idaho (Nez Perce), Idaho.....	25,000
Taholah (Makah), Washington.....	12,000
Miscellaneous tribes.....	25,000
Total increases.....	130,000
Net change.....	6,000

Budget estimate, 1949..... 130,000

The next item is for the purchase and lease of lands, tribal funds. In 1947 fiscal there was appropriated \$304,000, and it says here that there is a balance available "in subsequent years." What does that mean? How could it be a balance "in subsequent years"?

Mr. WILLIAMS. That was the amount carried forward.

Mr. SCHWABE. That would be a prior year or a former year. That is the way it usually reads.

Mr. WILLIAMS. I think, Mr. Chairman, that is the amount which was unobligated in 1947, and it was added and became available in 1948.

Mr. ZIMMERMAN. An unexpended balance.

Mr. SCHWABE. I see. There was obligated in 1947 \$147,068. Contractual obligations, apparently, were for another \$156,932, which is carried over to the 1948 fiscal; is that right?

Mr. WILLIAMS. Yes, sir.

Mr. SCHWABE. Appropriations in 1948 amounted to \$124,000, making a total of \$280,932 for 1948 fiscal.

Apparently you are asking for \$130,000 for 1949 fiscal. What do you have to say about that, to justify that item?

Mr. ZIMMERMAN. This is a request for the use, or authorization for the use, of tribal funds for the purchase of lands for the Indian tribes. The justifications begin at page 174, and the break-down is also given on page 168 of the bill. The break-down gives the names of the tribes and the States in which they are located.

NAVAJO INDIANS

The first of the items is for the Navajo Indians, a request that they be permitted to use \$9,000 of their money to lease land outside the reservation.

Mr. SCHWABE. All these funds are tribal funds which we are talking about under this item?

Mr. ZIMMERMAN. These are all tribal funds. As I stated before, these funds are in the Treasury.

Mr. SCHWABE. Nontransferable?

Mr. ZIMMERMAN. Nontransferable between tribes; that is correct. These requests arise with the tribal councils, or with some other appropriate tribal official.

Mr. SCHWABE. Is there anything further on that?

Mr. ZIMMERMAN. I wish to point out, as I pointed out previously on the item for gratuity funds for the purchase of land, that in the main it is intended that these funds shall be used for the purchase of lands already owned by Indians. They are presently nontaxable, and most of the land that will be purchased will be heirship land. The desire of these Indians is to clarify the status of those lands, get rid of the heirship complication, and make those lands available for use by other Indians.

So long as the lands are in a complicated heirship status, it is almost certain that they will not be used by the Indians.

Mr. SCHWABE. As far as that is concerned, a lot of individual Indians who have money, under the supervision of the Department, want to do the same thing; do they not?

Mr. ZIMMERMAN. They may use their funds to buy land; yes, sir.

Mr. SCHWABE. Subject to the approval of your Department or the Secretary of the Interior.

Mr. ZIMMERMAN. If the funds are so-called restricted funds; yes, sir.

Mr. SCHWABE. That is what I mean.

Mr. ZIMMERMAN. If they are unrestricted funds, they are at liberty to buy, as any citizen would be.

Mr. SCHWABE. Of course; they can do as they please.

CHANGE OF LANGUAGE

You will note that a change in the language has been requested here. It is sought to strike out the proviso:

Provided further, That no part of this appropriation shall be used for the acquisition of land or water rights within the states of Montana, Nevada, Oregon, South Dakota, and Washington either inside or outside the boundaries of existing Indian reservations.

Why is it that you want that language eliminated at this time?

Mr. ZIMMERMAN. There are two reasons, Mr. Chairman. First, it seems to me that the language is not needed inasmuch as the bill shows exactly where the funds will be spent.

Mr. SCHWABE. I do not think the bill does. Your justifications do, but you have talked a little too loosely about the latitude of interpretations sometimes, for me, so I am inclined to think we want to tie you down here now. We may follow the policy of my predecessor here, if there is any danger of your jumping over the line.

Mr. ZIMMERMAN. Bear in mind, again, we are talking here about tribal funds. When the bill shows, as it does under item No. 2, "Purchase of land, Blackfeet Reservation, Mont., \$50,000," that money is Blackfeet tribal money that can be used only for purchase of land on the Blackfeet Reservation. We could not use that in Wyoming.

Mr. SCHWABE. You mean the act of Congress restricts it to that extent; is that it?

Mr. ZIMMERMAN. As I see it; yes, sir.

Mr. SCHWABE. I am not familiar with the act and I cannot discuss that with you, but I just want to see if I understand correctly.

SUMMIT LAKE INDIANS, NEVADA

What about the next one, the Summit Lake Indians in Nevada?

Mr. ZIMMERMAN. It is exactly the same.

Mr. SCHWABE. Is it?

Mr. ZIMMERMAN. Those Indians have a small sum on deposit in the Treasury, and they have requested, by resolution—

Mr. SCHWABE. I know; but is there a statutory inhibition enforced there the same as you say there is in Montana?

Mr. ZIMMERMAN. There is the inhibition that exists in the language we propose to strike.

Mr. SCHWABE. I know; but I understood you to say there is another law of Congress for Montana with reference to the funds that these Blackfeet Indians have which could not be spent differently if this language were not in the bill here.

Mr. ZIMMERMAN. I hope I did not say that.

Mr. SCHWABE. Well, if you did not, I want to clear my impression, then.

Mr. ZIMMERMAN. The only prohibition against the use of these tribal funds is right here in the appropriation language.

Mr. SCHWABE. All right. You want to spend them somewhere else, then, off these reservations?

Mr. ZIMMERMAN. No, sir; we would like to spend \$50,000 in Montana, and \$9,000 in Nevada, as indicated by the break-down here.

Mr. SCHWABE. I cannot see, if that break-down in your justification confines you to the same thing that the restrictive language in the bill does, why you would object to its being included in the bill.

Mr. ZIMMERMAN. The two are inconsistent. The proviso would forbid us to spend the money in Montana, whereas the appropriation

would permit it. If this item is approved, with the justification we have given, the \$50,000 for Montana would be in that situation.

Mr. SCHWABE. I see. What you mean to say is that as long as that language is included in the bill as it was last year, you could not spend any of the money for the acquisition of the Blackfeet Reservation land.

Mr. ZIMMERMAN. That is correct.

Mr. SCHWABE. And the Summit Lake Indians' lands in Nevada.

Mr. ZIMMERMAN. That is correct.

Mr. SCHWABE. Whereas, you expressly want to do that.

Mr. ZIMMERMAN. That is right.

MAKAH RESERVATION, WASH.

Mr. SCHWABE. Are there other States included there which should be considered?

Mr. ZIMMERMAN. The State of Washington is included. We are requesting \$12,000 for the Makah Reservation in the northwest corner of the State of Washington.

Mr. SCHWABE. These States, as I understand it, in the past have objected to the purchase of further Indian lands within their domain; is that not generally true?

Mr. ZIMMERMAN. Some of them have, Mr. Chairman. I have tried to point out before that it seems to me that the Indian land problem ought to be considered not as it has been considered heretofore by the Appropriations Committee. That is, we have not been heard—I say this with all due respect to the Members of Congress who are responsible for the insertion of these provisos—we have not been heard on the merits.

My objection to the proviso stems from several reasons. First, it seems rather an arbitrary action on the part of the Congress to say to an Indian tribe that it may not use its own funds for the purchase of Indian land that is now nontaxable, which does not affect the tax structure of the counties or the State—land within the reservation; land which is essential to the restoration of their economic base.

Now, if Congress wants to say that, of course, that is a prerogative that it enjoys.

Mr. SCHWABE. All of these lands sought to be purchased with proceeds of the requested appropriation, as I understood you, then, in these three States of Montana, Nevada, and Washington, are heirship lands, lands of deceased Indians, members of the tribes in question, and within the reservation boundaries; is that correct?

Mr. ZIMMERMAN. That is the essential purpose. I believe the justification indicates that at Summit Lake in Nevada, there are one or two tracts of white-owned land within the reservation.

Mr. SCHWABE. However, within the boundary line of the reservation?

Mr. ZIMMERMAN. That is right. I could see no objection, if the committee thinks proper, to having language which could limit the purchase to the reservation boundary—those lands within the boundary.

Mr. SCHWABE. May I suggest that you submit language along that line. That might be a solution to the situation.

Mr. ZIMMERMAN. I would be glad to do that.

Mr. SCHWABE. Before we mark up the bill.

Mr. ZIMMERMAN. Yes, sir. I suggest that you change the second proviso on page 168 of the bill to read as follows:

Provided further, That no part of this appropriation shall be used for the acquisition of land or water rights outside the boundaries of existing Indian reservations.

INDUSTRIAL ASSISTANCE

STANDARD CLASSIFICATION SCHEDULE

Industrial assistance (tribal funds)

Funds available for obligation	Estimate, 1948	Estimate, 1949	Increase (+) or decrease (-)
Allotted from "Miscellaneous trust funds of Indian tribes".....	\$250,000	\$422,500	+ \$172,500
Prior year funds and accruals thereto available in 1947, 1948, and 1949.....	416,932	360,000	-86,932
Total available for obligation.....	666,932	782,500	+85,568
Balance available in subsequent year.....	-296,932	-360,000	-63,068
Total obligations.....	400,000	422,500	+22,500
OBLIGATIONS BY OBJECTS			
16 Investments and loans.....	400,000	422,500	+22,500
Total obligations.....	400,000	422,500	+22,500

RECONCILIATION OF ESTIMATE 1949 WITH APPROPRIATION 1948

Industrial Assistance (tribal funds)

Appropriation act, 1948.....	\$250,000
Base for 1949.....	250,000
Change for 1949:	
Decreases:	
Colville, Washington.....	\$150,000
Menominee, Wisconsin.....	100,000
Total decreases.....	250,000
Increases:	
Blackfeet, Montana.....	\$100,000
Colorado River, Fort Mohave, Ariz.....	15,000
Menominee, Wisconsin.....	200,000
Northern Idaho, Nez Perce, Idaho.....	25,000
Standing Rock, North Dakota.....	60,000
Taholah, Makah, Wash.....	20,000
Tulalip, Lummi, Wash.....	2,500
Total increases.....	422,500
Net change.....	172,500
Budget estimate, 1949.....	422,500

Mr. SCHWABE. The next item is, "Industrial assistance (tribal funds)." In 1947 the appropriation, apparently, was \$326,375 plus prior-year funds and accruals thereto of \$398,625, which makes a total of \$725,000, less the balance available in subsequent year of \$306,932, leaving an amount of \$418,068 for obligation. In 1948 the comparable obligation item is \$400,000, and you are asking \$422,500 in 1949.

What is your comment and justification on this item?

Mr. ZIMMERMAN. This item again authorizes the use of tribal funds in the United States Treasury by each tribe and only for the members of each tribe. The bill shows the amounts requested by each of the tribes to be made available for these various purposes.

The funds are used primarily for individual rehabilitation. They are used either as loans or grants for the purchase or construction of homes, farming equipment, machinery, tools, and they may also be used for advances or grants to aged or indigent Indians for support. In each case, the tribes have ample funds in the Treasury to meet these proposed expenditures.

Mr. SCHWABE. Will you make a very brief statement on each one of those items of the break-down there in the justifications?

Mr. ZIMMERMAN. Yes; I would be glad to.

BLACKFEET, MONTANA

The item of \$100,000 for the Blackfeet Indians of Montana for the purchase of cattle: The tribe passed the authorizing resolution in 1945 but has held off for several years because of the high price of cattle. They now believe that the time may come, within the next year, when they should proceed with this program and enlarge their cattle operations on the reservation.

Mr. SCHWABE. With cattle having gone higher and higher until within the last few weeks they thought maybe there was not a limit, is that it?

Mr. ZIMMERMAN. I do not know. We have consulted them regularly about it, and we may have given them bad advice, but we told them to be cautious.

Mr. SCHWABE. Well, I imagine you did not have the inside information that the price would soar like it did, and probably your advice should be subject to compliment, as a matter of fact, and commendation.

Mr. ZIMMERMAN. I doubt if our advice was persuasive. I think they made up their own minds. The Blackfeet Council is carrying on many operations under its own direction and without any supervision from us.

Mr. SCHWABE. Are they doing fairly well?

Mr. ZIMMERMAN. They are doing fairly well.

Mr. SCHWABE. Will you proceed, briefly, with this matter.

COLORADO RIVER, ARIZ.

Mr. ZIMMERMAN. The next item is for \$15,000, Colorado River, Ariz., requested by the Fort Mojave Business Committee for use in connection with the removal of certain Indians belonging to the tribe whose homes are in the right-of-way of a drainage ditch being constructed by the Reclamation Service. The tribe has agreed to pay the cost of removal and reestablishment of these Indians on a new site.

MENOMINEE, WIS.

The next item of \$200,000 is requested by the Menominee tribe of Wisconsin to be used in setting up new enterprises on the reservation. This tribe has financed and is operating a sawmill, and

included in the plans that the tribe has are projects for better utilization of that timber.

Mr. SCHWABE. Expansion of their sawmill is one of the main things.

Mr. ZIMMERMAN. That is right. They want to add a second band saw. They want to expand the dry kiln and otherwise improve the plant.

NORTHERN IDAHO

The next item is "Northern Idaho, the Nez Perce Tribe," \$25,000, which is desired to add to the tribal loan fund out of which loans are made to members of the tribe.

STANDING ROCK, N. DAK.

The next item is "Standing Rock, North Dakota," \$60,000, requested by the Standing Rock Sioux Tribal Business Council. This money will be used for loans and grants for two individual Indians.

TAHOLAH, WASH.

The Makah Tribal Council has requested by a resolution, which shows here \$20,000 for the construction of a small sawmill, a tribal enterprise to be operated by the Indians. They have a large stand of timber on that reservation and part of it under contract, but they want to use the sawmill to cut lumber for houses and to build boats and bridges and other local structures.

TULALIP, WASH.

The next item is \$2,500 for the Lummi Indian Tribe. This is desired to make small short-time loans to individual members of the tribe. They already have a loan fund, and this is a request for an additional amount.

PIMA CROPPING OPERATIONS

STANDARD CLASSIFICATION SCHEDULE

Pima cropping operations (tribal funds)

Funds available for obligation	Estimate, 1948	Estimate, 1949	Increase (+) or decrease (-)
Allotted from "Miscellaneous trust funds of Indian tribes".....	\$200,000	\$200,000	-----
OBLIGATIONS BY OBJECTS			
01 Personal services.....	55,655	55,874	+219
02 Travel.....	320	320	-----
04 Communication services.....	25	25	-----
05 Rents and utility services.....	1,500	1,500	-----
07 Other contractual services.....	124,825	125,000	+175
08 Supplies and materials.....	15,175	14,781	-394
09 Equipment.....	2,500	2,500	-----
Total obligations.....	200,000	200,000	-----

Mr. SCHWABE. The next item is, "Pima cropping operations (tribal funds)." The 1947 appropriation was for \$200,000, less an unobligated balance of \$107,777, or a total obligation figure of \$92,223. The

1948 appropriation is \$200,000. The 1949 request is for \$200,000. Is there any comment on this item, Mr. Zimmerman?

Mr. ZIMMERMAN. I think there has been ample discussion of it in previous years, but, briefly, this is a situation in which a farming operation, really, is carried on on tribal lands belonging to the Pima Indians, and the revenue from that operation is used to pay operation and maintenance costs for the irrigation project.

Mr. SCHWABE. This is out of their own funds?

Mr. ZIMMERMAN. This is an authorization to use the proceeds from that tribal enterprise for the payment of their own operating expenses on the irrigation project.

Mr. SCHWABE. The Government does not make any money out of it?

Mr. ZIMMERMAN. No, sir.

Mr. SCHWABE. It does not lose any?

Mr. ZIMMERMAN. That is right.

Mr. SCHWABE. Does it seem to be working out satisfactorily?

Mr. ZIMMERMAN. I think so, on the whole; yes, sir. This does relieve the individual Indians of the charge.

SUPPRESSING FOREST AND RANGE FIRES

STANDARD CLASSIFICATION SCHEDULE

Suppressing forest and range fires (tribal funds)

Funds available for obligation	Estimate, 1948	Estimate, 1949	Increase (+) or decrease (-)
Allotted from "Miscellaneous trust funds of Indian tribes".....	\$25,000	\$25,000	-----
OBLIGATIONS BY OBJECTS			
01 Personal services (W. A. E. employment).....	15,000	15,000	-----
04 Communication services.....	100	100	-----
07 Other contractual services.....	4,400	4,400	-----
08 Supplies and materials.....	5,000	5,000	-----
09 Equipment.....	500	500	-----
Total obligations.....	25,000	25,000	-----

Mr. SCHWABE. The next item is "Suppressing forest and range fires." Apparently in 1947 you had \$25,000 less unobligated balance of \$6,774, leaving an obligation figure of \$18,226.

In 1948 the appropriation was for \$25,000, and you are asking for the same amount for 1949 fiscal. Would you care to comment on that, Mr. Zimmerman?

These are all tribal funds?

Mr. ZIMMERMAN. Yes, sir.

Mr. SCHWABE. To be used without any switch or exchange from one tribe to another?

Mr. ZIMMERMAN. That is correct. This is merely an authorization to withdraw those funds.

Mr. SCHWABE. As, if, and when needed?

Mr. ZIMMERMAN. Yes. And when requested by the tribes or approved by the tribes.

Mr. SCHWABE. Is it considered a salutary need?

Mr. ZIMMERMAN. Yes, it is.

Mr. SCHWABE. That they have these funds available?

Mr. ZIMMERMAN. It is very desirable and I think it is commendable of the tribes to indicate their willingness to use their own funds for this purpose.

Mr. SCHWABE. Yes. I wish they all would, or could.

SUPPORT OF INDIAN SCHOOLS

STANDARD CLASSIFICATION SCHEDULE

Support of Indian schools (tribal funds)

Funds available for obligation	Estimate, 1948	Estimate, 1949	Increase (+) or decrease (-)
Appropriation or estimate.....	\$512,000	\$712,000	+\$200,000
OBLIGATIONS BY OBJECTS			
01 Personal services.....	175,000	178,173	+3,173
02 Travel.....	2,000	2,000	-----
03 Transportation of things.....	7,500	7,500	-----
04 Communication services.....	2,200	2,200	-----
05 Rents and utilities.....	2,800	2,800	-----
06 Printing and binding.....	250	250	-----
07 Other contractual services.....	72,000	72,000	-----
08 Supplies and materials.....	201,850	298,677	+96,827
09 Equipment.....	48,000	148,000	+100,000
11 Grants, subsidies, and contributions.....	400	400	-----
Total obligations.....	512,000	712,000	+200,000

RECONCILIATION OF ESTIMATE, 1949, WITH APPROPRIATION, 1948

Support of Indian schools (tribal funds)

Appropriation act, 1948.....	\$512,000
Base for 1949.....	512,000
Increase, Indian moneys, proceeds of labor.....	200,000
Budget estimate, 1949.....	712,000

The next item is "Support of Indian schools (tribal funds)." Apparently in the 1947 fiscal year there was appropriated \$610,000 for this item less an unobligated balance from the former year of \$152,292, or an amount for obligation of \$457,708. In 1948 the appropriation was \$512,000, and you are asking for \$712,000 for the 1949 fiscal year.

Dr. BEATTY, are you going to talk on this?

Dr. BEATTY. Yes, sir.

Mr. SCHWABE. All right, we will be glad to have you do so.

Dr. BEATTY. I have asked to be permitted to discuss this briefly, because questions frequently arise with regard to the item after it has been passed over in the hearings, as of minor importance. I would like the opportunity to explain to the committee what is involved in the appropriation.

There are two types of money dealt with in this appropriation. The first and the smaller amount is the authorization to expend certain tribal funds for the education of the children of these tribes.

This year there are two tribes concerned; the Menominees who pay for the education of a majority of their children at two Catholic mission schools operated on the Menominee Reservation with tribal funds; and the Colville—