

John K. Dec. 12, 1960

Thank you for the opportunity of making "notes" relative to a circular letter pertaining to inter-tribal affairs of the Yakima Indian Nation, November 30 headed "Violence again erupts! Yakima General Council.

I'm a bit perplexed why I should be listed No. 5 among "The following officials present at the meeting were:"

My explanation for this, and it is purely theory, is that it was used to "pave the way for the stories and statements of the minority group, to lend "body" to assertions in the making.

The "legality" or illegality of all proceedings I believe is debatable in view of the probable lack of any actual set of bylaws or anything a Constitution.

In the first paragraph, page 1, the phraseology "the meeting was tentatively scheduled" generally themes the indefinite approach.

The meeting, is scheduled annually for the November date by custom and by general procedure which is in writing.

It may be wrong, but practice is for the agency to send out meeting notices to all enrolled Yakimas.

It was publicized in the Yakima newspapers and no doubt other newspapers. (I saw it in the Topeka sh Review).

It was posted in large form, poster card type, at the Yakima Agency as prescribed, 30 days in advance.

Consideration of H.R. 1176 had come up at previous General Council meetings but never reached a vote excepting on one occasion and then it was discovered that the 30 days advance publication had not been given.

Time of General Councils, by outlined procedure and custom is 1:30 rather than 1 p.m. in my belief. I would have to check to be sure.

At earlier or previous General Councils, the howl and cry went up from the minority when an earlier quorum was reached, that their side could not get farm work etc. done and there in time. Now it is reverse. (reference to first page, third graph.

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I do not know whether or not the Tribal Council ever brought up a plan for presentation to the tribe as a whole for another election procedure. While admittedly a secret ballot would throw issues "wide open" it would surely be "democratic." It would be to some extent unfair to the "old-timer" on the reservation, but it would give opportunity to anyone to serve on the Tribal Council etc.

With long houses at Tappanish, Wahto, White Swan and Satus, election polls could be set up there on a certain day. Since there is an enrollment list, there would be no danger of "overlapp" or double voting, especially if those appearing to vote signed a precinct roll with a "penalty" attached, that they were voting at no other precinct.

The voting age is 18, by Yakima custom and procedure (a sore spot on the miners' share of Collio money being held till they are 21). It is my estimation that there are 600 to 1,500 Yakims living off the reservation who would receive absentee ballots.

I am sure there is "precedent" for elections by ballot, on other reservations. The Flatheads, Dave in Montana, have one I believe.

Printed ballots could include the pictures of "candidates" where matter of interpretation is required, and in cases where issues are involved, permission could be given for interpretation by some member of a family. I believe there is actual statistics on the number who can read and write.

The constant contention of the minority is that Tribal Councilmen remain in power through the present election system, and I believe there is considerable truth.

On leasing policies those delegated to "explain" the leasing situation presented an impartial review of the situation. '89 They did not, of course, "stick their heads out" by saying what should be done or should not be done. Obviously due credit has not been given to the fundamental, that the leasing practice is regulated by law and the Bureau  
(more)



and others who are compelled to carry out the law. Admittedly there are practices in need of "correction." The accusation they "miserably failed" I believe entirely unjust, although in keeping with the theme of the circular letter.

The powers of attorney issue has been made a "technical" issue.

Regarding page 3: This is true, that "undiscovered" business was not admitted. I was not there at the time, but was told there was the usual strong larasp of the minority moving on with accusations, dynamite etc. This in turn led to the subsequent meeting at White Swan, Dec. 9.

The contention of the minority that the Yakima Tribe is one and the Yakima Indian Nation another would probably not hold. Whether the Yakima Tribe as one of 14 tribes and bands confederated as the Yakima Indian Nation, it has been custom since to refer to the 14 tribes and bands, confederated as the Yakima Tribe. The same at Umatilla Reservation, the Cayuse, Walla Walla and Umatilla were "confederated" as the Umatillas, and 12 or more tribes and bands in the Colville country were confederated as the Colvilles. Wrote sent words of the "Yakimas" referred to them and always have as the Yakima Tribe, although they may be only one 20th Yakima original tribe and sufficient blood in or of other 14 tribes and bands to make up required one-fourth blood of one of the original tribes and bands. Some were of no original Yakima tribe blood, being Alicritat etc. but are listed and have always been called, Yakimas, since the formation of the reservation.

As in the case of the writer of the letter, Al (Alphonse Cowdy) he is not to be confused with Lawrence Cowdy (Cowdy sometimes called) who as chairman of the reservation Betterment League and a member of the recently organized Citizens Committee, called the Dec. 9 White Swan meeting. They are "related," but I have noticed that for the past year they have, while both working for the minority interests, have worked independently.

(over)

Al Cowdy, as I recollect, was one responsible for bringing or helping bring, and possibly financing, the visit of General Holdridge to a General Council meeting last year (a year ago.)

He was shown the courtesy of making a presentation and blasted away at the Bureau. I treated it for what it was worth as news, very little. It was obviously far off base on most points.

Lawrence Cowdy will also probably send in demands for recognition of the provisional government. This meeting was handled expertly. In fact Lawrence Cowdy came close to landing on the General Tribal Council at last year's election, so close that it gave some of the old-timers rock back on their heels a bit.

It is also noted that one, two or three letter writers to Congressmen, Senators etc. on matters like this can cause a lot of confusion. To get them at the office, use what we can but stand by our limit on 300 words in "letters to the editor."

As editors, N. S. are for themselves. To do a little for the Cubans. The war in Cuba in '55-56 was not only a matter of states and nations but others. They accepted the challenge of war and lost. One of the officers, in the field too, in answer to a defiant attitude etc. and after the war was over told the fact a war of resistance against the effort they as a consequence are as follows: "My advice to you is to forget you were ever a Yankee ... the same etc. ... have wiped away etc."

And who if the world has any subject should receive the treatment of the ... realizing that in claims alone, not in negotiation and the right of claim being granted by a benevolent ... it will cost something around (very broad and never figured by ... from 3 to 50 billion dollars.) ... the ... will be left with the ... of resources etc.









There is a growing tendency to "disfranchise" those away from the reservation, etc.

Assuming this is all wrong, remembering that no "localized" legislation can deprive a person of Indian blood of his rightful inheritance (used broadly, not specifically for land), guaranteed him by treaty. And here it should be remembered there were three kinds of treaties, then negotiated, ~~rock~~ ratified by the Senate and proclaimed by the President, being the one under which the Yakima Indian Nation was created.

I know of persons for instance from the Flathead reservation in Montana, heavily French as to blood, whose ancestors were originally on the reservation and live there, in common with their Indian wives etc. until comparatively recent years. Now, sometimes they receive per capita payments and sometimes ~~now~~ not, depending which "group" is in power as tribal councilmen etc. But what will be the result when it comes to splitting the tribal part of the reservation, 500 perhaps a million more. Surely they are too entitled to their ~~pro~~ proportionate share, although perhaps not a full share as a fullblooded Montanai or Salish on the reservation would be entitled to. And surely they should not be deprived by a "localized" interpretation or legislation over their fundamental guarantee under a valid treaty. I mention this as to how some 600 to 1,500 ~~valid~~ enrolled Yakimas, living away from this state must feel.

Referring back to the use of Yakima as a tribe, ethnologists and anthropologists might argue for weeks as to whether any such "so called" Yakima tribe ever existed.

Before the Yakima war there was no ~~as such~~ "tribal" recognition. Kamsikin, a war chief, rose to leadership at a time of crisis and was accorded recognition. But he was more ~~valuable~~ <sup>valuable</sup> than so called

from there, as with other reservations, you get a pretty complicated as to autonomy, villages, chieftainship etc. This is a somewhat wide broad field and one could ramble on for hours and pages and come up with nothing but theory, like is acceptable before the claims commission because there is no written record of the long ago.

I am appending some clippings of stories pertaining to the current meetings, for file or reference.

I do so because I wonder what will be the reaction to the minority bloc's demand for recognition of its provisional government?

State jurisdiction, land leasing, irrigation charges, inability to obtain control of miners' shares of the Mollie or Dallas "am" settlement, inability to obtain larger per capita payments because the money is not there, inability to obtain "jobs" while others get them (Indian service employment) inability to obtain loans from the tribal funds for pressing debts, etc. all add up to individual "ambitions" seeking to break down the present administration.

Fundamentally, too, is the attitude of many to feel they are a separate nation and "untouchable." These, in some cases are indeed individuals who have contracted for tools, cars, radios etc. and then back down on their contracts or do not have the money to pay. In this respect I think the greed of white merchants to get the business is responsible. Perhaps too the general idea got around the Indians would have a lot to say when the Mollie payments were made encouraged laxity in giving credit.

Menlie Saluskin, Totus, etc. are invaluable because of their long experience. Lawrence Gandy is very capable. He was a top law officer. Ted Water Tettler, belittled by many, knows more about Indian law etc. than most attorneys. He learned it the hard way. There was a time he rose up on site the Bill of Rights, the Constitution etc.



But now he can do it and cite a case that would be used by an attorney (and in a case) in a local issue.

Hovis is more valuable to the tribe the longer he works for them, as I've told the Indians, both sides. I tell them to share, but they certainly can't even see his contract with the tribe (which is wrong of course, but he's hired by the tribe or at least paid with tribal funds). And I wonder what he is doing if the minority bloc would send a delegation of two or three, regularly, as monitors to all the tribal council sessions. It would be argued whether they had a right to attend or not. What do you think? And I don't think even I could attend the General Council and other meetings if they challenged me. They are really nothing more than a corporation and I'm not a stockholder. But if they had to put it to a vote, they'd admit me because I've always given both sides the opportunity of "freedom of speech," and tried to be fair in reporting their differences. I am constantly amazed by the stupidity of most of them, even Utah, and find out later that the best legislator couldn't have advised them to take the stand they did, at the time. This has been "libre" in them as self-reservation. For, if any times in which they have trusted a white man have they benefitted and that they should remember through succeeding generations.

I feel that "public sentiment", with them for so long, has changed or is changing. Without this, they are lost. With it, the fairness of the American people, as displayed in the West, would never tolerate the abuses which many years ago put a stigma upon the government that is brought up now in defense of present actions and attitude.

I'm "loaded" at home with some 60000 boxes of material which, if referred to or researched into, would provide a tremendous background. As it is, I've relied upon memory only in this jumble of a combination "speech" and explanatory.

Specifically as to the Al Cowdy letter we get quite a few of them, and few are good throughout. I'm skeptical as to this "household" area of which he says he is originator. It sounds like something "General Dodge" got his hands on and turned over to the Indians for an all-Indian approach, I don't know. I know that Al Cowdy resigned from the Settlement "as he to take on this job which, I think, is a paid job.

The important thing is what will happen on the Lawrence Cowdy provisional government deal?

I think one who is working toward a congressional investigation, of what?

The current proceedings failed and change of the Termination Act of 1948 has thus far failed. Yet the act, desired changed by a minority group, is admittedly "unconstitutional," and should not hold under a court test.

I should think the Tribal Council, for its own protection of staying in business, would come up with an agreement if (the council) could recommend. But the whole matter, like court jurisdiction, is played another way....a kind of waiting game. Have off the inevitable as long as possible.

Yours attached.



Re

Tribal Council

Wb/A

TOPPENISH-The first alternate was sworn in as a member of the 14-body Yakima Tribal Council of the Yakima Indian Nation Tuesday to fill a vacancy created by death.

Supt. Charles S. Spencer conducted the traditional swearing in ceremony which was witnessed by Dale Baldwin, area director from the Portland area offices and others.

The newly invested ~~tribal~~ tribal councilman is Woodrow Bill. He succeeds the late Joe Teo. Also participating in the ceremony were Robert Jim chairman of the Tribal Council; Kelly Tennewash, vice chairman of the General Council or tribal wide executive body and Joe J. Pinkham, secretary of the General Council.

~~Bill~~ Bill is beginning duties for the first time as a tribal councilman. He was elected first alternate last November at the annual General Council meeting. Martin Hannigan was named second alternate and now becomes first alternate tribal councilman.

(more)

first ad

tribal council

The 14 tribal councilmen are elected by the General Council as the business administering body of the Yakimas.

Jim, the chairman, welcomed Bill to the council with remarks that the Yakima Tribe ~~isx~~ has been engaged in its greatest development and advancement along industrial, resources development, educational ~~and~~ and other lines in the history of the ~~Yakima Indian Nation, Oodoodadd~~ 113-year-old Yakima Indian Nation.

The other 12 members of the council are Watson Totus, Louis Schappy, Eagle Seelatsee, Antoine Skahan, Joe Meninick, Tom Albert, Louis Cloud, ~~MosedD10H,~~ Stanley Smartlowit, ~~MosedD10H,~~ ~~Oodoodadd~~ Harvey Adams, Clifford Tulee ~~and Oodoodadd~~, Baptist Lumley and Mose Dick.

~~Oodoodadd~~ Skahan and Seelatsee ~~have~~ are former tribal council chairman.

Jim also discussed, briefly, some of the various activities and developments, now under way, which characterize the Yakimas as a progressive tribe contrasted with early years of the people. He emphasized the great resource on the Yakima Reservation, which ~~only now~~ are now being utilized for the ~~used of the Oodoodadd~~ security and advancement of a @ tribe of 5,600 enrolled members. ~~He Oodoodadd Oodoodadd~~



Re

Indian welcome

12-6

Wo/A

SATUS. When Clarence Umtuch went into military service four years ago, his father, George Umtuch sponsored a going away dinner and Iddddd war dance in Yakima custom.

The father looked forward to his son's return and000dd upon completion of service and plans were being made last summer for a "welcome home "

Then the father, ~~xxxxx~~ who was chairman of the Yakima General Council died.

So the family and friends have arranged a welcome ceremony for this Saturday in the Satus Long House.

Clarence Umtuch served in Germany, ~~and000dd~~ Germany after he completed training. Then he was sent to Vietnam and after that to Korea.

Last spring he married a Korean girl, Pok Sun and the ceremony was in the Korean language.

"I didn't understand a word of it," said Umtuch, who ~~was discharged~~ became a specialist 4, and was discharged just before Thanksgiving.

The ceremony will open at 10 a.m., with Watson Totus, a tribal councilman and head of the Satus Long House in charge. (more)



first ad

Indian welcome

Totus will designate ~~thedeer~~ ~~thedeer~~ drummers and speakers for the first deer kill ceremony of Da ny Jim, 15 year old son of Mrs. Alice Jim of Alfalfa. ~~thedeer~~ The youth is a cousin of the war veteran.

There will be an Indian service dinner, led by Totus, honoring the youth who has killed his first deer, and Mr. and Mrs. Clarence Umtuch. Mrs. Vern Wilkie of Mattawa has baked a three tiered wedding cake for the ex-soldier and his wife. Friends and relatives from Warm Springs, Pendleton, Ore. and elsewhere throughout the Northwest will be there to ~~wedding~~ pay honor.

The ex-soldier was going to school in Oregon when he became an Eagle Scout.

After a supper there will be war dancing to ~~welcome~~ welcome the veteran home and to welcome ~~his~~ his wife into the community.

And because there are so many Yakima ~~Yakimas~~ Yakimas who have served in the Vietnam war-- over 100 at last count--some of the war dances will be dedicated to Pearl Harbor Day.



## Indian Notes for CFM

### State Jurisdiction:

Why continue, at this time, to fight it at local level (state) when the only legal and valid solution can be achieved through national legislation?

Events of the future will prove that it would be a remarkable state law that would be upheld by high courts. One of these will be the verging on state jurisdiction so called "Steelhead Law." This was passed at the 1961 legislature. When it becomes effective, arrests are brought under it and taken into court, the result will be one proof of this contention.

This law would not have been passed, nor would other upheavals have resulted, had state legislators who interested themselves in Indian matters been well informed on them. There is a big need for well informed legislators, men as competent in Indian affairs as they are in other fields in which they deal in legislation.

State jurisdiction would be acceptable to the Indians and a slow solution to the problem would be achieved providing it is entered into piecemeal. But this was not the attitude during the 1961 legislature. It was no compromise, all or nothing. The Indians were willing to compromise.

A bill in the 87th Congress, HR ~~475~~ 4756, would find acceptance with Indian leadership. It proposes the assumption by the various states of civil or criminal jurisdiction over cases arising on Indian reservations with the consent of the tribe involved.

It provides an amendment to the controversial Public Law 280, which Indians regard as imperialistic. And a prime reason for acceptance by Indian leadership is a provision stating:

"The extent of such jurisdiction, either civil or criminal, shall be as agreed upon from time to time by the state and the tribe concerned

first ad

and may be extended or retracted by agreement of both the state and the particular tribe as experience proves practicable and planning may indicate to them advisable."

The provision of revocation is a fair and just one from the Indians' standpoint.

During the 1961 session the Yavimas opposed state jurisdiction in the imperialistic form it was presented. They knew from tribes on the West Coast, who had voluntarily gone under state jurisdiction, that it was inoperative. The Western Tribes themselves have ~~xxx @@@@~~ testified to President Kennedy's Task Force of the <sup>farciatbe</sup> ~~farciatbe~~ aspects of state jurisdiction and how in a matter of months the Indians were ignored, discriminated against etc. These instances are not "rumors" but are documented instances involving county law enforcement officers and agencies and the prosecutors' offices in various areas west of the Cascades.



## Indian notes

Recommendations (embodied in those of the Commission on Rights, Liberties, and Responsibilities of the American Indian (The Fund for the Republic) of which Charles A. Sprague is a member . Includes my own convictions.

Continuation of Bureau of Indian Affairs, with supplementation of an Advisory Board of citizens appointed outside of government.

When a function can be carried on more effectively by an agency than the Bureau the function should be delegated to that agency, whether federal, state, tribal or private, and with consent of Indians.

Indians should be permitted to utilize skilled personnel of government and agencies , universities, private professional, etc.

The Bureau of Indian Affairs should counsel and assist, not regiment.

Outdated legislations should be repealed.

Indians should be allowed to conduct their own affairs as soon as possible without supervision. They should be encouraged to assume responsibility for various functions on piecemeal basis.

The Secretary of the Interior should inform the tribe of requests for appropriations he is making before submitting estimates to the Bureau of the Budget.

The broadening of the Johnson -O'Malley Act of 1934 would permit the Secretary of the Interior to make contracts for performance by outsiders of more services than now permitted, for instances, law enforcement.

On education: Adequate scholarships, grants and loans should be provided by the government to Indian youths.

Education for adults should be strengthened. Where necessary, community schools should be reestablished; mission schools should be aided to care for the juveniles , victims of non-responsible parents . Families in the low income brackets could be assisted with economic improvement to permit children to attend schools, regularly.



first ad.

Tribal governments should not be abandoned at the insistence of a few greedy half-breeds. action should not be curtailed through unilateral action of the U.S. except that tribal actions safeguard basic civil rights and provide for appeal of civil rights to federal and state courts. In other words, by governing themselves, Indians will gain knowledge of an experience in the laws and procedures of the greater community

Economic functions of a tribe should be kept separate and distinct from its political activities, invested in federally licensed corporations. Indians should be trained, as possible, to become executors of their own undertakings.

Public Law 280 should be amended to require consent of a tribe before ~~and~~ a state assumes responsibility for civil and criminal causes specified in the act of 1953. It should be amended to provide in express terms that with tribal consent, a state may take over jurisdiction piecemeal as to subject matter and area; and ~~xxx~~ it should require any state to meet minimum ~~xxxxx~~ standards in rendering services to Indians which standards should not fall below the highest maintained within the state.

Judgements of tribal courts should be made enforceable through the state political system.

Multiple ownership of allotted holdings should be solved. Tribes should have preferential rights to acquire allotments. If money for consolidating land for development of resources and utilization is not available, the United States should advance the funds.

Termination legislation should conflict with no existing treaty. And before the U.S. surrenders its responsibilities, the ability and willingness of state and local governments to furnish services to Indians equal to those previously furnished by Washington should be guaranteed.



second ad.

When trust is extinguished, land should continue to be tax-exempt until it is determined that the land , properly used, can support taxation.

Relationship between state and local governments on one hand and the United States and Indians on the other should be set out clearly. State and local governments should provide for commitments to Indians which the government has previously met and if this cannot be done, termination should be "called off."