

Excerpt from
Senate Sub-Committee on Indian Affairs
Field Hearing on S1169 & S1442 at
the UNIVERSITY OF WASHINGTON
Seattle, Washington
October 26, 1963

Mr. Chairman: My name is Thomas Edwards. I am, and have been, since shortly after birth an enrolled member of the Tribal entity known today as the Colville Confederated Tribes. I am also, through my own choice, a member of the Colville Indian Association and through popular vote of the Association members, I was elected to be one of their five Trustees.

My present status in the Association is that of being on an educational leave of absence. By educational leave of absence started last week when I informed the Association that I was entering the University of Washington to study for an advanced degree in Engineering.

Through our Association's organizational structure, a Trustee carries out his responsibility to the Association members by being a part of the Association's five-man collective Trusteeship which is responsible for carrying out the wishes of the Association members. From within the five-man Trusteeship, the important positions of President, Vice-President, and Secretary-Treasurer are filled.

I am very proud to have been elected to my position of Trustee and to be working with such fine people as Mr. Frank W. Moore, President; Mrs. Helen Toulou, Vice-President; Mrs. Alyce P. Hallenius, Secretary-Treasurer; and Mrs. Mary Sumerlin, Trustee. My fellow Trustees and Association members are all people of Indian ancestry, a fact of which we are very proud, and we all have one thing in common and that is, we are all striving to wear our Citizenship HAT only. We are all striving to gain full citizenship by doing all that we can to implement legislation that will enable us to throw off the Bureau imposed Tribal HAT which is created through a Federal Policy for people of Indian Ancestry.

Today, in accordance to my responsibility to the Association members, it is my duty to inform the Congressional Committee on Indian Affairs conducting this hearing, that we are in favor of the enactment of S1169, the per capita bill and that we are opposed to the enactment of the bill S1442.

I want to be given an opportunity to either tell the Committee today, or in writing later, why we have taken our stand, as I have indicated, on these two pieces of legislation before us today. Also I want to be given an opportunity to offer an alternate legislative configuration to replace the completely unsatisfactory bill S1442. It is my hope that the Chairman, after listening to all our people at Spokane, Nespelem, and Seattle, that he will have this alternate legislative configuration introduced in the Senate on our behalf.

The bill S1442 is opposed by us, not because we are opposed to Termination, but because S1442 is not Termination Legislation as it is perported to be. S1442 does not meet either the requirements of the mandate of Public Law 772 Section 5, which was enacted on July 24, 1956; or does it meet with the intent of the Congress as it is expressed in their House Concurrent Resolution 108 enacted August 1, 1953, by the 83rd Congress.

S1442 dictates that the Federally created Tribal Entity presently known as the fourteen-man Business Council of the Colville Confederated Tribes supervised by the Bureau of Indian Affairs, will be perpetuated and will be vested with the final and complete authority to control the lives of we people of Indian ancestry,

in such a manner, that we as individuals will have no identity (voice) or way of protecting ourselves.

We are told that we are American Citizens, yet today there still are legislative proposals to Congress, such as, S1442 that would continue to subject American Citizens against their will to conditions where they can not even protect themselves in the courts of the land which are available to all other full citizens. S1442 sets up the machinery to perpetuate the Federally created Tribal entity, a Political Entity, against our will.

I am very mindful and very grateful that we Indian people are gradually being recognized as people and as people who are also American Citizens. I am happy that we have made such progress through recognition so that it is possible for us to speak at this hearing today.

The Committee may not realize it, but there are apparently Congressmen and Senators, today, who do not recognize Indians as Citizens, at least this is how it seems to some of us people who are Indians. For example, we Indian people, wearing our Citizenship hat, have from time to time, set down in the spirit of being a citizens exercising his rights, by writing to his legislator, and to our dismay several months later here comes a letter which is apparently in answer to our letter, but from either, the Office of the Commissioner of Indian Affairs, or from the office of his superior, the Secretary of the Interior. This amounts to a slap to us as an individual since the "message" we are receiving seems to be telling us that there are Congressmen and Senators for Citizens, but if you are an Indian, then you have no legislators, but instead only Bureaucrats in the Bureau of Indian Affairs.

The proceeding is only one example of our problem of striving to be a citizen. We also seem to be victimized both by crack pots and by our over eager fellow citizens, who seem always on the look out for an Indian who fits the historic image of feathers and buck skins. For example we have a man who has gone out and bought himself a buck skin costume and a feather headdress so that he can fit the image of what many of our fellow citizens thinks an Indian looks like. This individual has been going around proclaiming himself to be amongst other things to be my representative by trying to adopt the title of chief. To all of us who know him, we all think he is a little irrational. This silly thing he is doing should not concern us in the least, except now I am amazed to read in the Congressional Record where one our Congressmen has referred to this irrational person as being my chief. The only reason I mention this today is that I want to make it clear to the Committee for the record, that this individual who claims to be Chief in no way represents me or any other Indian, infact, I resent the nerve of this person to self appoint himself as my representative. Further more I challenge him to produce a list of Indians who have given him their consent for him to be their representative. I wonder why if he wants to be chief why he does not move back to the reservation.

For people who are not Indians, they may find it difficult to understand how an Indian feels especially since people do not understand about our situation of being both an Indian as a member of a race and an Indian as a legally created Indian who is under the jurisdiction of the Bureau of Indian Affairs.

In order to try to bring about a better understanding to how we Indians under the jurisdiction of the Bureau of Indian Affairs feel and react to what has happened to us, I will offer a brief description of how this feeling, for instance, manifests itself in me.

In my profession of Engineering when ever I get a new job, my first job is to analyze the job in order to find out just what the job is, and what are the different ways of doing the job. In looking at the issue of termination, I have approached it in the same way I do any other job in Engineering.

In expressing my personal feelings as an individual in regard to my reaction to my situation under the Bureau of Indian Affairs, I first of all, do not look upon the Bureau's supervised fourteen-man Tribal entity as being anything that belongs to me either as an Indian or an American Citizens.

In order to show that "tribal entities" were not the design of people of Indian ancestry, but were brought about by the Federal government, I offer the following analysis and arguments.

We all know that our Indian ancestors did not possess a national feeling that united them throughout the North American Continent, nor were they of sufficient power to bring the United States to its knees thereby forcing the United States to make treaties. Neither were our Indian ancestors capable of defending an Indian sovereignty separate and apart from the United States. In fact, they were incapable, as we know, of defending their American Citizenship rights against a Federal policy imposed upon them because of their Indian ancestry. The Federal government alone, then, is responsible for the Federally-created "tribal entities" brought about through its implemented policy.

I feel, the Federal government's policy, even though honorably conceived for the purpose of protecting our land base, should be recognized today for what it in reality amounts to: a policy to create "tribal entities" and force people of Indian ancestry to be classified as members of Federally-created "tribal entities" and thus be forced to play a "game of TRIBALISM" separate and apart from the United States while at the same time being supervised by the Federal government.

In short, the Federal governments's policy imposed on people of Indian ancestry, as I see it, was first implemented through "treaties", which amount to nothing more than farces, since these "treaties" are purportedly between sovereign nations of equals. Later on, the policy was implemented through Executive Orders and still later on and up to this date it is implemented through rules and regulations formulated by the Secretary of the Interior. A good example of the rules and regulations would be the Secretary of the Interior's new Part 52 to Title 25 of the Code of Federal Regulation which he had published on Page 6545 of the Wednesday, June 26, 1963 issue of the Federal Register, Volume 28, Number 124.

In this latest regulation formulated and added to the CFR's by the Secretary of the Interior for the purpose of regulating People of Indian ancestry in what I call the "game of TRIBALISM", the Secretary of the Interior has, as I see it, set up the machinery that will point toward the evolving of the now still separate Bureau supervised entities into one overall entity

national in scope. If this were to happen, groups of people like us Colvilles would find it much more difficult to break away and terminate Bureau control. I do not believe people simply because of their ancestry who are suppose to be American Citizens should be legally segregated and regulated by the Secretary of the Interior as if we are something separate and apart from the United States.

In order to make it clear what I mean when I say "game of TRIBALISM", I will define the word "TRIBALISM" and the phrase "game of TRIBALISM", as I see it.

TRIBALISM (or game of TRIBALISM), as I see it, is a Federally imposed policy of the Federal Government, that when it is implemented, has the affect of forcing American Citizens of Indian ancestry to play a game which I call "a game of TRIBALISM". This game causes the persons, so segregated, to be stripped of their American Citizenship to varying degrees, depending on the degree of the implementation of TRIBALISM. The degree of the implementation of TRIBALISM is dependent on the wording of the Bureau's supervised entity's constitution which always ends with the Secretary of the Interior having the veto power. TRIBALISM, as I see it, was first implemented through the instrument of "treaties" and later on through the instrument of "Executive Orders". TRIBALISM today, as I have indicated before, is under the absolute authority of the Secretary of the Interior, who formulates the Rules and Regulations for American Citizens of Indian Ancestry to play the Federally-created "game of TRIBALISM".

As I see it, TRIBALISM, as a Federal Government Policy, as far as the people known as Colville Confederated Tribal members are concerned, was first implemented by the Executive Order of 1872. Under the Policy of TRIBALISM, its history as traced by its highlights in regard to the Colville Indian Reservation would be as follows:

1) Shortly before 1872, although our ancestors, it was felt owned the land they occupied, our American Ancestors did not have an identity under law separate and apart from their fellow American Citizens, therefore, they were equal under the law.

2) With the generation of the EXECUTIVE Order of 1872 which was to preserve our American ancestors diminishing land base, the stage was set for the implementation of TRIBALISM.

3) The EXECUTIVE Order of 1872, in affect, stipulated that nine Federally created Tribes be brought into being which to this day have never materialized.

4) The implementation of TRIBALISM under the EXECUTIVE Order had the affect of stripping our American forefathers with Indian Ancestry of their American Citizenship which was replaced by the Federal Government's brand of TRIBALISM. To this day, it is a known fact that the descendants of these American citizens who lost their full citizenship rights in 1872 are not yet entitled to full citizenship rights.

5) The people segregated by the implementation of TRIBALISM under the EXECUTIVE Order of 1872 were subjected to voting under the 1934 Indian Reorganization Act which was calculated to further formalize TRIBALISM; but our ancestors of just one generation ago, in 1934, voted it down when they recognized the Indian Reorganization Act as being a move to further implement the Federal Government's policy of TRIBALISM which for them would further jeopardize their already fading American Citizenship Rights.

6) When the Federal Government (Bureau of Indian Affairs) saw that their originally intended Federally Created Tribes had not yet come into being and that their attempts at Formalizing a Tribal Entity under the Indian Reorganization Act of 1934 had failed, they set about and further implemented TRIBALISM, any way, by imposing on the segregated people, a Tribal Entity, now known as the Colville Confederated Tribes. To me, the preceding numbered list of historical events shows how a people who were American Citizens, have been segregated through the implementation of the policy of TRIBALISM. An important fact to note is that when they were given an opportunity to vote to formalize TRIBALISM, they voted it down.

We know that we must depend on Congress for our only chance of gaining back our full citizenship status and for the opportunity of receiving our reservation assets in a negotiable form.

Even though as an Indian people today, I realize that we do not constitute a potent political force which can demand that anything be done either one way or another, I wish to ask the Senate Committee when they are considering the form of the legislation to be brought out onto the floor of the Senate that they consider the Criterion which I will offer next.

Being an Indian who is under the jurisdiction of the Bureau of Indian Affairs, I want to come forth with the Criteria which I believe will help you to come up with an Ideal Termination of the Federally-created Tribal Entity known as the Colville Confederated Tribes.

Honorable Senators, I being an Indian who believes in the dignity of the human being, respectfully offer the Criteria which have been my guidelines in trying to provide a just solution for unwinding this complicated special legal status that we find ourselves in as Indians. Each of the Numbered Criteria should be considered concurrently.

CRITERION for IDEAL TERMINATION LEGISLATION

Criterion Number 1- The proposed legislation should provide full citizenship rights by completely extinguishing the Federally-created "tribal entity".

Criterion Number 2- The legislation should provide the machinery for individuals to either receive cash shares or to pledge their vested, fair market, shares towards bids on "tribal assets" being let for bid, in such a manner that theoretically one business entity or many could emerge.

Criterion Number 3- At the same time the legislation should not dictate that only one business entity ("tribal entity") would be perpetuated thus making it necessary for persons to be forced to withdraw from a "tribal entity" under conditions stipulated by the perpetuated entity.

Criterion Number 4- The legislation should through its language reflect the Federal government's responsibility for all unjust situations arising out of the existence of their Federally-created "tribal entity".

For example,

a person should be considered to have been dealt with unjustly if he was not on the rolls of the "tribal entity" when it was extinguished, provided of course, he can show through parallel situations that he should have been an enrolled tribal member. All of these people, I feel, should receive a settlement equal to the fair market value share that the enrolled members were vested with.

Criterion Number 5- The legislation should not put the Federal Government in the position of dealing with, or imposing an action that can be interpreted as a retroactive act against their Federally-created "tribal entity".

For example

I feel, that the Termination Act, in order to be just, should not have the affect of going back in time and adding on unenrolled persons to be counted along with the enrolled persons, but at the same time I do not believe these qualified unenrolled persons should be left out of our Termination Act without a settlement. In the last analysis if the Federal government will not share its responsibility towards its unenrolled members, I feel, even though I am not responsible for the unenrolled persons that I would be willing to share my share of the assets with them so that they are not completely left out.

Criterion Number 6- The proposed legislation should, if there are those persons who are incompetant, provided an individual trust fund, administered by a bank, not by the Bureau of Indian Affairs or any other agency set up for this purpose such as a corporate entity made up of other incompetant individual's trust monies, for them.

Criterion Number 7- In order to be completely fair, the proposed legislation should provide a section whereby the individuals affected and already classified as Indians under the jurisdiction of the Bureau of Indian Affairs should be given an opportunity to vote in a referendum to either enable or disable (extinguish) the Act as enacted by the Congress.

Earlier I stated I had an alternate legislative configuration to offer to the Committee in place of the unsatisfactory bill S1442. I want to tell the committee a little about how this alternate legislative configuration was drafted.

Over a year ago we conducted meetings all over the State of Washington and even in Portland, Oregon, which were among the people classified as Tribal members. We received their opinions regarding termination. After all these meetings, we then had a meeting on January 5, 1963, on the Reservation which consisted of representatives from all the areas we had conducted our earlier meetings. Our January meeting lasted for over fifteen hours. The purpose and result of our January meeting was a ruff draft of our proposed Citizenship legislation, H.R. 4918 which Congressman, Thor C. Tollefson introduced on March 14, 1963.

It is this Bill H.R. 4918 that I offer to you today as the alternate legislative configuration that should be used to replace the completely unsatisfactory bill S1442 which is not termination legislation anyway. It is my conviction that a bill such as our Bill H.R. 4918 in the House is the only realistic approach to solving our entangled and complicated legal status as Indians.

I would like to point out, that if a sister bill to H.R. 4918 were introduced in the Senate for this committee's consideration, that this bill would be the most Democratic way of settling the issue of Termination. This legislation that would be provided by a sister bill in the Senate to the House Bill H.R. 4918 does not make any decisions for the people involved, but instead makes it possible for them to make all the decisions for themselves.

Let us suppose that the Bureau of Indian Affairs and other outsiders who say Indians do not want termination are right, then this legislation would not impose termination on them because all they would have to do is disable the Act by voting it down in their referendum provided by Section 7 of the Act.

Now suppose we along with many other people are right when we say that the Indians want termination, then this would be proven out by the referendum wherein we Indian people would vote to enable the Act.

Now suppose we Indian people wanted only one business entity, then we could under section 12 bind ourselves into one business entity and ledge our shares so that one business entity could obtain the Reservation asset intact; or if individuals wanted to, they could form their own business entities consisting only of those persons they wished to be in business with.

In regard to our Citizenship Bill, H.R. 4918 in the House, I want to point out that according to the Criterion I have offered, "Section Three", as it is written, represents a compromise by its language configuration. In "Section Three" the Federally created "tribal entity" is to be responsible for unenrolled persons who are of Indian ancestry and are related to, and descendants of, the people who are enrolled.

To the question of Federal responsibility, I as an Indian, do not demand either one alternative or another, but instead I leave it to the Congress to decide if our Termination Act will reflect a Federal Responsibility to individuals who have been dealt with unjustly at the hands of the Federally-created "tribal entity" supervised by the Bureau of Indian Affairs.

In closing my statement, I want to at this time ask that a copy of the bill H.R. 4918 be included after my statement in the record of this hearing.



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