

Minutes, in part of Dec. 9 afternoon, 11th annual Conference of Indians of Washington, in Chinook Tower. Part, especially relating to "communications," and roads.

William R. Carmack, assistant commissioner, Bureau of Indian Affairs, community services,—"Communication is the most important single quality human beings have. None of our assets is as important. This is the way we organize. We can share experiences through communication.

"When I get a task too large for me, I go out and get others. We sit around a table, communicating, to solve our problem... 'two heads are better than one...'

"I believe in group activity. All of our accumulated knowledge has and progress has developed through cooperation---through communication. There is no single thing as appealing to everyone of us as communication.

"...In communication, as far as I know, nothing new has been added to communication from the very old components. One of these is credibility. A statement that a person makes has to be accepted as credible, as possible.

"And the second, more important, is our belief in the honesty of the person making the statement.

"(experiences cited...ojo..."I remember one example. A man came to sell me insurance. He was a perfect salesman. He had all the immediate answers to my many questions on his tongue's point. He was well-dressed, courteous and presented convincing arguments. But I didn't buy any insurance

"I asked myself, 'why?' What was wrong with his approach?

"Then a friend, who was in the insurance business came along. He had to fumble through his folders to come up with the answers to my simple questions. He was just dressed ordinarily and he wasn't too courteous well mannered. But I had known him a long time. I bought insurance from him.

"I asked myself, 'why?' And I know. I trusted him. I had known him a long time.

in what he said. 'here was my answer. 'here was the answer to good communications."

(Relander-Communications. Case of Territorial Gov. Isaac I. Stevens, Indians' lack of confidence. Poor Indian and non-Indian communications cause immediately for the war, more importantly the cause for all the later-year and present-day difficulties over fisheries, treaties, etc. Lack of communication.) Examples of poor communication, myths: 'hat no Indian can hold his liquor; that government sends checks to Indians like pensions when checks sent out are tribal revenue checks. 'hat the government pays for taking care of Indian timber (when 10 per cent of timber sales is deducted for timber management. That Indians pay no taxes. 'hat Indians are responsible for depletion of salmon and other fish, when the Indian portion of the annual "harvest" is 5 to 6 per cent of the total catch. That Indians control their assets such as land, etc. when the U.S. government is the guardian of Indian affairs etc.

Summation

Robert J. Trier, chief branch of roads, U.S. Bureau of Indian Affairs, introduced by Antoine Skahan, chairman of Yakima Tribal Council. Trier on panel of communication but not called on till conclusion.

"I am called on to talk occasionally on the subject of roads , etc. This meeting is a new experience. I may have to tread lightly.

"I feel like a country dog in the city...

"The most important road matter in the state of Washi gton at this time is that of an Interstate through the Yakima Reservation.

"You are probably aware that the state has decided to plow right through the reservation, and that the interstate is like the Great Wall of China only a great deal longer.

"Things to me seem to be getting topsy turvy. In all of our times we have had peace or war. We have had a war on poverty. In a sense the highway program is a war, involving thousands of casualties.

(more)

"Every year 50,000 men, women and children are horribly killed on our highways.

"If you saved up the bodies and put them in hearses after one year, it would make a New Year's day procession extending from Washington D.C. to Chicago Illinois. If one half of the persons in Yakima were killed by mid-year, it would be only half the number, and if everyone in Yakima were killed in one year it would be the same number killed throughout the nation on our highways. And this is just one year. The highway slaughter goes on, year after year.

"Do you think working to fight a war to stop this is worth it? You damn right it is.

"When highways like this are built everyone enjoys driving over it and benefits the the safety. No one wants a highway in his backyard, not only in Yakima but all over.

"When your government gets into war, we don't like to have to go, but we have to go to war, by getting drafted.

"War is like this. There are two choices. We can volunteer and talk it over or we can sit back and get drafted

"I have been in close touch with this situation, I have talked with the Yakimes and the highway commission and highway department. I have found out that the highway people are good people. They would like to negotiate etc. They want to hear you. But these people are working under certain laws. These laws tell what they can do and cannot do.

"Normally they go to a person whose property is involved. They explain the taking value and make him an offer. When all things fail then they can go to courts. Courts are set up to protect the people, and to protect the government..

"In the matter of eminent domain a government agency can make a taking. This is done by going into courts and the courts will carefully appraise the property.

"Two types of Indian lands are involved.

"The area under discussion extends about 25 miles and covers approximately 800 acres. All except 240 acres are allotments (later corrected)

"Now when ~~the~~ matters like this get to a hearing. ~~Now will explain~~ The reason for the taking will be explained, etc. Every owner will be approached and then he will be made an offer. If this is not acceptable, then all probability it will go to court.

"From my ~~experience~~, Indian allotted lands can go into state courts.

"As I understand it there are 240 acres of tribal land.

(Hovis injection that state cannot condemn Indian land according to court decisions).

(further discussion between two, one admitting he was not an engineer, the other he was not an attorney)

Trier--However the law about Interstates prepared by Congress contains a ~~provision~~ for the possibility. It stipulates that they can call on the federal government through the Bureau of Federal Roads and Department of Commerce and federal government and go to court under state awareness etc. Cited case of Pima reservation in Arizona where the state reached similiar affairs, and after a time the state called in the federal govt. He prepared letters for Commissioner of Indian Affairs and he acting through the Secretary of Commerce told him in his opinion the highway should be delayed. After s veral delays the Pima Council and Arizona arrived at an agreement.

"I have ~~likked~~ advised the Yakimas that if negotiations break down the sate would condemn. I have also advised them that a better settlement can be reached now than if it goes to condemnation.

"I have talked with the state and they are very interested, and they have gone to a reasonable degree to see to it every consideration is shown

"Careful records have been kept of highway deaths. there is a further connection between in erstates and injuries..."

Louis Cloud, Yakima ~~Trixt~~ Tribal Councilman asked...

"~~Xax~~ Can you give more clarification. You say the federal government can condemn federal land held under trust by the government?"

Trier-This is a question a lawyer should answer.

... there is a law which permits states to go to federal government to ask the federal government to take a property etc. I have seen and talked of to lawyers and been advised ~~Onatxas~~ federal condemnation of Indian lands for highways etc. There are two cases of Indian land taki g. The chief counsel of the Bureau of Public Roads is of pretty clear opinion ~~tsx~~ that the federal government could take this land under regulations but this is the opinion of an engineer .

Cloud, how this would be possible under Article III of Yakima "reaty"(and provided . That, if necessary for the public convenience (953) roads may be run through the said reservation; and on the other hand, the right of way, with free access from the same to the nearest public highway is secured to them; as also the right in common with citizens of the United States to travel upon all public highways)" (Cloud 's question, why was the route necessary through the reservation)

Trier==This location was eected in depth by the engineers who have rules under which they operate when Congress appropriated money. And Congress provides watch dogs to see that the government gets full value.

Cloud-"I think if you go to any court it can be proven this is not necessary. There are already three roads serving the area, including Highway 3Z, running parallel to this route."

Trier-That is a good question. Wish I had a good answer. But the Interstate is a new type of highway, built with a special purpose to save

..forced to take, may be beneficial but this resentment may not be of the best. I feel the way you do, Mr. Bennett does and Mr. Udall does too. But, building a new highway like this may involve even your own life."

James Jackson, president, Quinault Tribe

Asked if abandoned road on Quinault reservation system can be returned to the tribe. County abandoned the road.

Trier's answer-You have to deal with the people, ~~from~~ from whom the land was acquired. It cannot be returned directly to the tribe. We got it as an easement. Any of the land taken is an easement and when that expires, it goes back to the people who ~~ex~~ originally owned it, individuals or the tribe. ~~Now~~ I have been trying to get the Indian Bureau out of the land business.

Question of Cape Elizabeth road. Yes. The allottees have the ownership interest.

Mrs. Della Frailey, Wapato, Indian Progressive Association, not delegate

"I wonder if during the process of condemnation could say we are breaking our treaty by not allowing a road to go through."

Trier -"I think I understand your question. But I don't know the answer. (Then afterthought) This may be possible."

Claud Hiher, observer, a government program ~~employee~~ worker, raised point about ~~land~~ improvement. Old road case, many times brought up. Gradually being reclaimed by the ocean. "Engineers have determined it is not economically feasible. It will gradually be ~~reclaimed~~ reclaimed from shore protection."

Hovis, Yakima Tribal attorney. I think it very appropriate if the highway commission knows, do you know of any cases filed where tribal allotted lands were condemned."

Trier-No, I do not and am quite sure none has, only case if that in Arizona.

Skahan-Mr. Trier, where did the federal highway get authority to condemn Indian land or land on the reservations?

Answer-U.S. Congress, Title 23. It has been found in courts the federal government can condemn and usually does ~~condemn~~ condemn about what it wants."

Skahan The reason, citing letter from Solicitor and Seneca Tribe. In each case Congress was asked to go through a specific procedure. When highways came in, each case was separate.

Hovis interceded to explain Section 107, not in detail but to refer to it. Highway condemnation, sub section D, provides negotiation, directed to c(?) with secretary, etc.

Trier-I want to make it clear these are my opinions and I am an engineer.

Hovis--We are asking the Yakimas to make a decision, whether the road is good or bad etc. We are not asking them to make a decision on whether the ~~desired~~ state can or can not condemn, and go from there."

Explanation: 240 acres tribal land, tribal land approximately 84 of which is cultivated...correction (unexplained difference) 83 1/2 acres or 10 per cent tribal land (I think that is the correct figure).

Tom Albert, Tribal Councilman--this road matter was recessed, on the table. Believe the chairman will act and put it up to a vote. It's up to the land owners. I can't speak for them. The Tribal Council was instructed by resolution to fight against this route (indicated but not made clear, the original route).

Hovis-If we look forward to the year 2,000 we will see future highways bigger with bigger problems than we have today. We should give a real hard look into the future when things will be in greater magnitude