

MINUTES OF THE CITIZEN POTAWATOMI TRIBAL COUNCIL HELD
AT THE AGENCY COMMUNITY HOUSE ON OCTOBER 31, 1940

A tribal council of the Citizen Band of Potawatomi Indians was held at the Community House at the Indian Agency on October 31, 1940. About twenty-five members of the Tribe and three members of the Business Committee were present.

Due to a heavy rain early that morning, it was impossible for tribal members living in the Sacred Heart and Wanette districts to attend, and two members of the business committee were ill and could not attend.

This meeting was attended by Mr. Ewendine, The Organization Field Agent from the Oklahoma City office, who explained organization under the Oklahoma Welfare Act and discussed with us the benefits of procuring a corrected roll of our people for the purpose of deciding who is eligible to secure benefits through tribal cooperative groups and other forms of assistance available only to Indians of one-quarter Indian blood or more.

The following resolutions were read and unanimously approved by the group and it is believed they represent the view of the entire tribe.

RESOLUTION #1

WHEREAS, The Citizen Band of Potawatomi Indians of Oklahoma became a Federal Organization by organizing under the rules and regulations provided for organization under the Thomas-Rogers Oklahoma Indian Welfare Act of June 26, 1936, and;

WHEREAS, The Tribe cannot ascertain the membership of its organization as of that date or of this date because of certain inaccuracies of the Tribal rolls at the Shawnee Agency;

THEREFORE, BE IT RESOLVED, by the Business Committee of said Tribe, that the Commissioner of Indian Affairs is hereby requested to cause a new and corrected roll to be furnished this Tribe:

BE IT ALSO RESOLVED, That said corrected roll contain the degree of Indian blood of each member as certain benefits of the Oklahoma Indian Welfare Act are available only to Indians of one-quarter degree Indian blood, and;

WHEREAS, by Treaty made between the United States and the Potawatomi Nation of Indians November 15, 1861, Article 1-2-3, whereby the United States agreed to take an accurate census of all members of the Potawatomi tribe and classify them in separate lists, showing the name, ages, and numbers of those desiring land in severalty and who had for three years shown themselves competent persons should become Citizens of the United States. Such a roll was made and approved May 6, 1865. (United States Indian Agent, M. H. Newlin, Potawatomi Agency, Kansas, ninth month 1, 1874, photostat at agency) Mr. Newlin's report shows the Potawatomi Indians in Wisconsin and the Mexican Potawatomi's retained their land in common and were listed on the Prairie Band roll at his agency. It is the desire of our people to have all names removed from our rolls which were not on the approved roll of 1865, or who are not descended from a person whose name did appear on the approved Citizen Band roll of 1865.

We believe the Gardner roll, approved by Act of Congress June 23, 1891 (26 Stat. 989-1021) to contain names of people who were not members of the Citizen Band and request our Honorable Secretary of the Interior to furnish us with a copy of this roll and assist us in deciding the membership of our tribe as provided in Article 2, Section 2, of our constitution and by-laws (ratified December 12, 1938) relative to loss of membership.

WHEREAS, We believe the roll of 1865 to show all members listed at that time to be of one-half or more Indian blood.

RESOLUTION #2

We, the Business Committee of the Citizen Band of Potawatomi Indians of Oklahoma in legal council assembled this 31st day of October, 1940, do hereby request of the Honorable Secretary of the Interior permission to lease for oil, gas and other mineral purposes, through this agency, all lands reserved from our reservation after allotments were made. We refer the Honorable Secretary of the Interior to the approval of selection of said reservation by The Hon. Columbus Delano, Secretary of the Interior, November 9, 1870. (Vol. 2, P. 86).

By the provisions of the 1st. article of the treaty concluded with the Potawatomi tribe of Indians February 27, 1867, this reservation, containing 575,869 acres WAS selected by our representatives and set apart for the exclusive use and occupancy of the tribe, and the treaty further set forth that this tract "shall be patented to the Potawatomi Nation."

Payment to the United States for the reservation under treaty was to be made from the sale of land in Kansas or any funds held in the treasury at that time. We refer the Hon. Secretary of the Interior to a letter received from the Comptroller General of the United States on November 29, 1935 (A-19, 362, A 51740), in which he shows amounts credited and disbursed for benefits of our tribe under the above mentioned treaty.

There was \$1,403,470.49 credited to our tribe and \$1,120,795.32 disbursed, leaving a remainder of \$282,655.17. Further reference is made to the Commissioner's report of 1873 (photostat in agency) acknowledging receipt of \$252,321.84 as the Citizen Band's share of sale of Kansas land.

Further reference is made to a letter from the General Accounting Office dated February 10, 1937, Record division, R-013632 (10) - VRD-M, in which they advise us that money received from the sale of lands in Kansas was not used for the purpose agreed upon under the treaty. All the above mentioned funds have been expended without the knowledge or consent of our tribe and without any benefit being derived for the Citizen Band of Potawatomi Indians in Oklahoma.

Further reference is made to the "proposition" offered by the Cherokee Commission in 1891, which our council never accepted but which was nevertheless ratified by means of a circulated petition signed by people who did not legally represent the tribe and many of them had to sign by mark because they could neither read nor write. (Photostat at agency).

RESOLUTION #3

WHEREAS, We, the Business Committee of the Potawatomi Indians of Oklahoma organized under the Oklahoma Welfare Act of June 26, 1936 and assembled at Shawnee, Oklahoma this October 31, 1940, do submit this resolution in protest against the modified part of Section 15 of the above stated Act as approved by Act of Congress August 12, 1936 (Public 260-74th Congress, 1st Session);

WHEREAS, our tribe did accept the Thomas-Rogers Act as presented in original form, but we herewith submit this resolution of protest against this Act of Congress written purposely to confiscate our legal claims against the United States of America and place any funds we may hope to recover in the name of the United States;

WHEREAS, We became citizens with all the constitutional rights of the United States. Under treaty of November 15, 1861 (12 Stat. 1192) it is made the duty of the agent of the United States for said tribe to take an accurate census of all the members of said tribe and to classify them in separate lists; showing the names, ages, and number of those desiring lands in severalty, and those desiring lands in common, etc., and by the 3rd article of said treaty it is provided that, "At any time hereafter when the President of the United States shall have become satisfied that any adults, being males and heads of families, who may be allottees under the provisions of the foregoing article, are sufficiently intelligent and prudent to control their affairs and interest, he may, at the request of such persons, cause the lands severally held by them to be conveyed to them in fee simple with power of alienation, and may at the same time cause to be paid to them in cash or in bonds of the United States their proportion of the cash value of the credits of the tribe, principal and interest, then held in trust by the United States; and also as the same may be received, their proportion of the proceeds of the sale of lands under the provisions of this treaty, etc."

WHEREAS, Our reservation in Kansas was sold, our money did go into the hands of the Secretary of the Interior, a part of the funds derived from the sale of land was to be paid to the Creek and Seminole Indians for the reservation in Oklahoma, such reservation to be the absolute property of the tribe who was to be known as the Potawatomi Nation of Indians.

WHEREAS, We did have \$282,655.17 (Comptroller General report November 29, 1935) in the United States Treasury at the time of the approval of the selection and Congress did rob us of our reservations under the Act of May 23, 1872, and our citizenship under the Act of 1887, and

WHEREAS, The United States has not complied with sacred treaties and given us absolute occupancy of the approved reservation, and did deny our right of occupancy under the proposition of Cherokee Commission and has not paid cash held in the United States Treasury, and other large sums appropriated in the name of our tribe since then, which we have not received any benefit therefrom.

We cannot charter under the Oklahoma Welfare Act, or any other Act that would place our funds in the name of the United States and deprive us our absolute property rights and control of tribal property.

THEREFORE, We offer the above explanation for our protest against the modified 15th Section of the Oklahoma Welfare Act and request our Honorable Secretary of the Interior to bring this resolution to the attention of the Honorable Franklin D. Roosevelt and solicit his assistance in compliance with the above mentioned treaty.

RESOLUTION #4

WHEREAS, The Citizen Band of Potawatomi Indians of Oklahoma do submit this resolution of protest against the passage of Bill S. 3083, introduced in the Senate of the United States and referred to the Committee on the Judiciary;

WHEREAS, Our Committee has discussed Bill S. 3083 and cannot approve it. We are now taking legal action against Bills S. 2164 and S. 3083 but wish to express our appreciation to the Interior Department for the opposition they have registered against the passage of legislation designed to deny us and other Indians the constitutional right to have the value of our claims against the government determined by the Supreme Court;

We became Citizens under treaty of 1861, whereby if we supported ourselves three years without assistance from the Government we were to receive our prorata share of all funds held in trust by the Government and become citizens of the United States. Our Government failed to comply with the article of this agreement;

WHEREAS, The Government only paid a part of the funds held in trust and by the Allotment Act of 1887 robbed us of our Citizenship and the Government did not give us the protection of our property guaranteed under the treaty;

WHEREAS, Our funds have been appropriated without our knowledge, expended without our consent, and entered in the records as per capita payments, which we never received, and our tribal representatives have continuously requested information in regard to the funds and were told by government representatives they did not exist;

WHEREAS, The United States of America broke faith with out people and if bills now pending before the Committee do become law it will be the continuation of broken agreements and continuation of complaints against the Government;

WHEREAS, Foreigners coming to America, making application for citizenship, do not have their funds confiscated or offset for benefits they receive. They attend public schools supported by the people of America and receive any aid granted any other American Citizen;

We further protest lavish offsets for education that has not prepared the Indian to compete with his white brother or for tribes such as ourselves with a guarantee under treaty of (February 27, 1827 Stat. 7, 295 and January 7, 1829 Stat. 7 317 and January 21, 1833 Stat. 7 399) \$5000 a year for education and a trust fund of \$148,532.33 drawing interest which was left in the treasury for that purpose and we have never received any part of since 1872 (Comptroller General Report);

WHEREAS, We believe we we should have the right to vote on any legislature written to govern our people and it should be made to stand as approved and not modified without our further approval;

WHEREAS, We, the Citizen Band of Potawatomi Indians of Oklahoma, do protest and will continue to protest any legislature written for the purpose of confiscating our legal claims against the Government, who under treaty agreed to pay to our members certain funds and interest we have not received, opened our reservation for settlement without the approval of our councils, and has not delivered the funds received for sale of lands in Kansas, of which went into the hands of the Secretary of the Interior as agreed, a part of which was to be used to pay for the reservation in Oklahoma;

WHEREAS, Our Civil War Claim was appropriated by Congress March 2, 1917 (39 Stat. 983) and aggregating \$414,371.16 has not been paid to our people;

WHEREAS, We offer the above information of which we can furnish proofs as evidence of the broken trust and sacred treaties scrapped by our Government for this our protest against the above mentioned legislature.

OTHER BUSINESS BROUGHT BEFORE THE MEETING.

Mr. Trousdale, Chairman, asked Mrs. Sadie Hardin, Vice Chairman of the Business Committee, to read Bill S. 4349, introduced in the United States Senate September 14, 1940. It was discussed and decided to request the Committee on Indian Affairs to recommend some alteration of Section 14 of the above mentioned bill, or to omit the following, "But the head of any department may refuse and omit to comply with any call for information or papers when, in his opinion, such compliance would be injurious to the public interest."

We do not think that justice can be reached if any person who is head of a department can refuse to comply with any call for information which might bring to light any evidence of benefit to us in the prosecution of our claims against the government. Such department heads may deem it injurious to public interest to furnish certified evidence in behalf of the Indian.

Members present were: Wm. Trousdale, Chairman
Mrs. Sadie Hardin, Vice-Chairman
Mr. Frank Wano, Member

Other members read and approved:

Mrs. Alice Wardchow, Secretary-Treas.
Mr. Dan Bourassa, Member