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Indian citizens

55TH CONGRESS, 1st Session. } SENATE. { REPORT No. 7.

INDIAN CITIZENS.

MARCH 22, 1897.—Ordered to be printed.

Mr. PETTIGREW, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 374.]

The Committee on Indian Affairs, to whom was referred the bill (S. 374) extending relief to Indian citizens, having had the same under consideration, report it back with a recommendation that it do pass.

The report of the Committee on Indian Affairs of the Fifty-fourth Congress upon Senate bill 265, identical with the bill under consideration, is herewith submitted and made a part of this report, the amendment recommended in the prior report having been made a part of the current bill.

Senate Report No. 235. Fifty-fourth Congress, first session.

Mr. PETTIGREW, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany S. 265.]

The Committee on Indian Affairs report the bill (S. 265) extending relief to Indian citizens, and for other purposes, with an amendment adding a section to the bill as follows:

SEC. 3. That all agreements hereafter made for the purchase of the unallotted land in any Indian reservation shall provide a fund for the payment of taxes upon the inalienable allotments in the manner provided by this act.

And with the recommendation that as amended the bill do pass.

This bill has been twice reported to the Senate from this committee and there is every reason of justice and equity why it should become a law.

The attached papers are made a part of this report, including the report made by this committee to the Senate in 1892.

DEPARTMENT OF THE INTERIOR,
Washington, February 4, 1896.

SIR: Senate bill 265, entitled "A bill extending relief to Indian citizens, and for other purposes," submitted with your letter of the 24th ultimo, with request for a statement of the number of acres allotted in each State, and my opinion as to the expediency of passing the bill, was referred to the Commissioner of Indian Affairs, and a copy of his report with its inclosures is transmitted herewith.

I doubt the expediency of passing this measure. The amount involved can not be estimated with any degree of certainty, but it will surely be large, and will be increased as further allottments shall be made.

The burden of taxation upon settlers contiguous to these Indian lands may seem in some instances heavy, but it is largely offset by the benefits derived from the large annual distribution of funds among the Indians. Furthermore, these settlers acquired the land with a full knowledge that many years must expire before the lands thus held by the Indians would become liable to taxation.

In view of all the facts I do not approve of the passage of the bill in question.

Very respectfully,

HOKE SMITH, *Secretary.*

Hon. R. F. PETTIGREW,
United States Senate.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 30, 1896.

SIR: I have the honor to acknowledge the receipt, by Department reference for report, of a communication from Hon. R. F. Pettigrew, chairman of the Senate Committee on Indian Affairs, dated January 24, 1896, in which he incloses copy of

S. 265 (Fifty-fourth Congress), "extending relief to Indian citizens, and for other purposes," and requests an estimate of the amount of tax, as near as possible, or at least a statement of the number of acres allotted in each State from reservations that have been opened to settlement by the purchase of the surplus lands.

He also requests your opinion as to the expediency of passing the bill.

This bill is to the same effect as H. R. 285, providing for the payment by the United States of taxes upon Indian allotments, upon which report was made January 21, 1896, copy of which is inclosed for the information of the committee as to the views of this office upon the proposed legislation.

I have no basis for forming an estimate of the amount of tax which the Government will be called upon to pay under this bill except the number of acres allotted.

I presume the committee is better informed than this office regarding the valuation of the lands for assessment purposes and the rate of taxation in the several States.

The number of acres "allotted in each State from reservations that have been opened to settlement by the purchase of the surplus lands" is estimated as follows:

	Acres.
California	9,762
Idaho	182,500
Minnesota	31,058
Oregon	124,498
South Dakota	579,278
Total	927,096

There has also been allotted in Oklahoma, from reservations that have been opened to settlement by the purchase of the surplus lands, 1,059,182 acres.

In reporting upon a similar bill under date of June 23, 1894, I recommended that the words "under agreements already made," in lines 4 and 5, be stricken out.

This amendment would make the bill applicable to allotments upon former reservations, such as the Oneida, in Wisconsin, where the lands have all been allotted and patented, there being no surplus lands of which to dispose, and also to reservations which have been partially allotted and are embraced in a county organization, such as the Omaha and Winnebago reservations, in Nebraska.

For the further information of the committee I append a list showing the total number of acres allotted in each State and Territory, where the lands are held in trust for a period of years or are exempt from taxation:

	Acres.
California	15,399
Idaho	182,500
Kansas	73,841
Michigan	60,186
Minnesota	31,058
Nebraska	233,076
North Dakota	101,407
Oregon	157,798
South Dakota	750,174
Washington	66,859
Wisconsin	159,331
	1,831,629
Arizona	41,623
Oklahoma	1,134,225
	1,175,848

I inclose copy of this report and return Senator Pettigrew's letter and inclosure.

Very respectfully, your obedient servant,

D. M. BROWNING, *Commissioner.*

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 21, 1896.

SIR: I have the honor to acknowledge the receipt, by Department reference for report, of House bill 285 (Fifty-fourth Congress, first session), "extending relief to Indian citizens, and for other purposes."

The first section of the bill provides "that the lands now allotted to or which may be hereafter allotted to any Indians in severalty, under agreements already made,

when such Indians, under the provisions of any existing law, have become or shall become entitled to the benefits of and subject to the laws of the State, and when such lands shall be embraced in and as a part of any county or town organization, so as to enjoy full and equal participation in the benefits of such local government, and when the Indians enjoy their equal privileges as citizens, shall be subject to state and local assessment and taxation, the same as any other lands similarly located in such State: *Provided*, That nothing contained in the bill shall authorize the sale or incumbrance of any such land on account of such assessment and taxation, or in any manner interfere with the trust in which such lands are held by the United States while such trust continues, the taxes so assessed and levied to be paid from the Treasury of the United States to the proper local officer: *Provided*, That such taxes shall only be paid on the receipt of the sworn statement of the county treasurer or other legally authorized officer of the county or municipality to which such taxes are payable, showing that such tax has been legally assessed and levied, and that is then due and payable, accompanied by the certificate of the Secretary of the Interior that said lands are within the State and county described in said statement and have been allotted in severalty or belong to Indian citizens of the United States, and is satisfied, after sufficient inquiry, that the assessment of the lands for taxation is a fair and reasonable one, and the taxes levied just and equitable, both independently and in proportion to the valuation and taxation of lands in the same county, town, or other municipal corporation: *Provided further*, That no moneys shall be so paid for road or highway taxes which by the laws of the State may be discharged by work, but the Indians so owning such lands shall be required to so discharge such taxes: *And provided further*, That the Secretary of the Interior shall be satisfied, and shall so certify, that the public expenditure of such taxes is fairly made to give the lands of such Indians their just share of benefit."

Section 2 provides that from the passage of the act there shall be paid annually, from any moneys in the Treasury not otherwise appropriated, such sums as shall be necessary to pay said taxes so certified under section 1.

This bill is substantially the same as H. R. 262, Fifty-third Congress, modified as suggested in office report thereon, dated June 23, 1894, and also as the bill upon the same subject prepared by Commissioner Morgan and submitted with office report of March 10, 1892. (See Senate Report No. 1003, Fifty-third Congress, first session, and Senate Report No. 57, Fifty-third Congress, first session.)

In reporting on H. R. 262, Fifty-third Congress, I remarked as follows:

"So far as the interests of the Indians are concerned, there can be no possible objection to the enactment of the proposed legislation. On the contrary, I believe it would result in more cordial relations between the Indians and their white neighbors.

"Whether the burden which now has to be borne by the people in the immediate vicinity of allotted lands should be shifted to all the people of the United States, is a question which it would seem may be safely left to the wise discretion of Congress."

I see no reason to modify the views heretofore expressed by this office upon this question.

It is suggested that the words, "or belong to Indian citizens of the United States," in lines 32 and 33, might bring within the provisions of the bill lands allotted to Indians in fee simple or held by purchase. There are probably but few such cases, but I presume it is not intended to relieve the owners of any such lands of the payment of taxes to which they are now subject.

In lieu of these words I would recommend the insertion of the following: "To, and are held in trust by the United States for the benefit of, Indian citizens thereof.

In considering this matter heretofore no remark has been made regarding the fact that the legislation proposed is confined to Indian lands within a "State." I do not know whether or not it was the intention of the authors of this and previous bills to include the Territories, but I see no reason why they should not be included.

The insertion of the words "or Territory" after the word "State," in lines 7, 13, 30, and 39, and of the words "or Territorial" after the word "State," in line 12, would extend the provisions of the bill to allotments within Territories beyond controversy.

The bill is herewith returned.

Very respectfully, your obedient servant,

D. M. BROWNING, *Commissioner.*

The SECRETARY OF THE INTERIOR.

[Senate Report No. 1003, Fifty-second Congress, first session.]

The Committee on Indian Affairs report back (S. 2068) "a bill extending relief to Indian citizens, and for other purposes," with the recommendation that it pass with an amendment in the nature of a substitute, which strikes out all of the bill after the enacting clause, and insert the words reported in an amended bill herewith reported, reading as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the lands now allotted to or which may hereafter be allotted to any Indians in severalty, or which may be the property of any Indian citizens of the United States, when such Indians under the provisions of any existing law have become or shall become entitled to the benefits of and subject to the laws of any State, and when such lands shall be embraced in and as a part of any county or town organization, so as to enjoy full and equal participation in the benefits of such local government, and when the Indians enjoy their equal privileges as citizens, shall be subject to State and local assessment and taxation the same as any other lands similarly located in such State: *Provided, however,* That nothing herein contained shall authorize the sale or imcumbrance of any such land on account of such assessment and taxation, or in any manner interfere with the trust in which such lands are held by the United States while such trust continues: *And provided further,* That during the continuance of said trust said taxes so assessed and levied shall be paid from the Treasury of the United States to the county treasurer, or other legally authorized officer of the county or municipality to which said taxes are payable, at such times as said taxes shall become due and payable: *And also provided further,* That said taxes shall only be paid on the receipt of the sworn statement of the county treasurer, or other legally authorized officer of the county or municipality to which said taxes are payable, showing that such tax has been legally assessed and levied, and that said tax is then due and payable, accompanied by the certificate of the Secretary of the Interior that said lands are within the State and county described in said statement, and that the lands therein described have been allotted in severalty or belong to Indian citizens of the United States, and that he is satisfied, after such sufficient inquiry, that the assessment of the lands for taxation is a fair and reasonable one, and the taxes levied just and equitable, both independently and in proportion to the valuation and taxation of lands in the same county, town, or other municipal corporation: *And provided further,* That no moneys shall be so paid for road or highway taxes which by the laws of the State may be discharged by work, but the Indians owning such lands shall be required to so discharge such taxes: *And provided further,* That the Secretary of the Interior shall be satisfied, and so certify, that the public expenditure of such taxes is fairly made to give the lands of such Indians their just share of benefit.

"SEC. 2. That from and after the passage of this act there shall be paid annually, from any moneys in the Treasury not otherwise appropriated, such sum as shall be necessary to pay said taxes so certified under section one of this act."

This bill is designed to remedy existing evils that are extremely hard to bear. Many Indians who have dissolved their tribal relations and have taken lands in severalty under the law have assumed the rights and privileges of citizenship. They exercise the right of suffrage at all Federal, State, and municipal elections. They are a part of the shaping political power, producing by their acts results fraught with evil or good to the communities in which they live. In some of these municipalities they outnumber their white neighbors. In others, while in the minority, they hold and own more lands than the whites.

As a general thing the Indians require the expenditure for court, police, and other purposes of far more than the whites. Nothwithstanding these facts they do not pay a penny of the taxes necessarily raised for the maintenance of the local government. Thurston County, Nebr., is a fair instance of the condition in many sections of the country. It has 260,000 acres of land, of which 20,000 acres are owned by the whites and 240,000 acres by the Indians of the Omaha and Winnebago tribes, who are far advanced in civilization. The 20,000 acres pay all the taxes; the 240,000 acres pay nothing.

Courts are maintained; judges, county officers, constables, and others are paid; schoolhouses are built and teachers employed; roads are constructed and bridges built; and the handful of white people pay everything and the Indians nothing. Over three-fourths of the money raised by taxation is annually expended for the care, protection, and bettering of the Indian, yet he does not pay a dollar of taxes because of the unfair provisions of Federal law. The entire burden of civilizing "the wards of the nation" is thrown upon the few unfortunates whites who have made their homes in their vicinity.

The following letter from the Commissioner of Indian Affairs gives his views upon the bill:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington March 10, 1892.

SIR: I have the honor to acknowledge the receipt by Department reference for report of a communication from Hon. Charles F. Manderson, dated February 18, 1892, in which, as a member of the Committee on Indian Affairs, and by the direction of that committee, he transmits a copy of S. 2068, entitled "A bill extending relief to Indian citizens, and for other purposes," and asks that you will give your views upon the bill and make any suggestions or amendments concerning it that you deem for the best.

The bill provides that the land now allotted to or which may be hereafter allotted to any Indians in severalty, or which may be the property of any Indian citizens, when such Indians, under the provisions of any existing law have become or shall become entitled to the benefits and subject to the laws of any State, shall be subject to State and local assessment and taxation the same as any other lands similarly located in such State, provided that nothing contained in the bill shall authorize the sale or incumbrance of any such land on account of such assessment or taxation, or in any manner interfere with the trust in which such lands are held by the United States while such trust continues. It provides that the tax so assessed and levied shall be paid from the Treasury of the United States to the county treasurer or other legally authorized officer of the county or municipality to which such taxes are payable at such time as the said taxes shall become due and payable. Such taxes are only to be paid upon receipt of the sworn statement of the county treasurer or other legally authorized officer of the county or municipality to which such taxes are payable, showing that such tax has been legally assessed and levied and that said tax is then due and payable, accompanied by the certificate of the Secretary of the Interior that said lands are within the State and county described in said statement, and that the lands therein described have been allotted in severalty or belong to Indian citizens of the United States.

The second section provides that from and after the passage of the act there shall be paid annually from any moneys in the Treasury such sum as shall be necessary to pay said tax so certified under section 1 of the act.

Senator Manderson states that the bill is designed to remove existing evils, of which he gives the following as a fair sample:

"Thurston County, Nebr., has within it 260,000 acres of land; 20,000 acres are occupied by white citizens, and the county seat, Pender, is situate on their lands; 240,000 acres are occupied by the Omaha and Winnebago Indians, who have taken their lands in severalty and are living upon them. Besides the lands owned in severalty they have ownership in common of a large body composing a part of their possessions in Thurston County. The county government is maintained by the taxation of the property of the whites alone. The Indian lands are, of course, exempt from taxation under the law, and the result is that while the Indians require the expenditure of most of the money that is spent for municipal purposes they do not pay a penny for that which they enjoy. Roads are maintained, bridges built, school expenditures are had, and all are paid for by the whites. Last year the cost of maintaining the county organization was about $10,000 or $12,000, and between $8,000 and $9,000 of it was required for the needs of the Indians. I have not the data by me to give you the figures exactly, but the above figures approximate the fact. It seems to me that it is no more than fair that, if the Indians, who are voting citizens, are to be cared for in this fashion and be taught the advantages of civilization, that the bill should not be paid by the handful of white neighbors who live within the same municipal organization.

The matter to which Senator Manderson refers is unquestionably an evil attendant upon the allotment of lands in severalty to the Indians with a title inalienable for a specified number of years, during which the lands can not be taxed. I have given this subject some consideration, but have been unable to find any more practicable remedy than that suggested by the Senator, that is, that the United States pay the taxes on such property, so far, at least, as concerns lands which have been allotted, or which may be allotted under the provisions of agreements which have already been concluded.

The vast landed estate, an empire in extent, still comprising more than a hundred million acres (see P. XXXVII, Report Commissioner Indian Affairs, 1890), is necessarily free from taxation, while the ultimate title vests in the United States. So long as the Indian reservations were remote from civilization the matter of taxation of these lands was not a pressing practical question. Now, however, when civilization is crowding these reservations more and more closely, it is becoming a very serious subject.

The policy of the Government, rendered fixed and definite by the passage of the severalty law in 1887, had for its object the two-fold purpose of allotting lands in severalty, with the view of stimulating the individuality of the Indians and promoting their personal prosperity, and also of rendering available for white settlement vast areas of surplus lands not needed by the Indians. Indian lands restored to the public domain and thrown open to white settlement under the homestead law become taxable on the completion of the title in a period varying from two to seven years, and from that time are assessed for their proportionate share of the public taxes for the maintenance of the Government.

The Government, in order to encourage the Indians to change their whole method of property holding by abandoning the communal and tribal system and adopting the individual or severalty system, and in order to protect them during their political nonage and until they shall have learned the value of land and be prepared to

resist the temptation to part with their heritage without proper compensation, has wisely exempted Indian allotments from taxation for a period of twenty-five years, or longer, at the discretion of the President. So far as I am able to form an opinion on the subject, it seems to me that this nontaxable provision, coupled with the proviso that the land shall be inalienable for twenty-five years, is absolutely essential for the success of the scheme of individualizing ownership in Indian lands.

The future prosperity of the Indians, as a class, while not wholly depending upon this policy, is largely conditioned upon it. If the Indians, as a body, are to become self-supporting, prosperous citizens there needs to be at the basis of their economic life ownership in lands and the industrial habits connected therewith. If the lands, which are now rapidly being allotted to them in large quantities, remain in their possession sufficiently long, these Indians will become a body of yeomanry who will compare favorably with any similar number in any country.

If, however, after all their surplus lands have been restored to the public domain and occupied by white people, the individual allotments made to them for homes are permitted to pass out of their hands, leaving them without reservations, without individual holdings, and without homes, they will either be destroyed or, what is more likely, become a public charge, to remain so indefinitely.

It is important, therefore, for the public welfare, as well as for the prosperity of the Indians themselves, that the scheme of allotments now in progress shall be protected.

This policy is certainly endangered by the present condition of things which has already been outlined above. While Indian allottees are made citizens of the United States and become entitled to the protection of the law and the enjoyment of the privileges of our local civil government, and can claim the protection of the courts, and yet bear no part of the public burden of taxation, which is essential for the maintenance of local government, and while these burdens are thrown entirely upon their white neighbors, there must of necessity grow up antagonism between the Indian and the white citizens, and a feeling of restlessness and sense of injustice on the part of the white people which may result in the abolition of the feature of inalienation and nontaxation, which would subject the Indians to the temptation of parting with their land without proper consideration and to the danger of allowing them to be sold for taxes.

Of course the Government at present maintains schools at public expense for the benefit of the Indians, and wherever their children enter the public white schools the Government stands ready to pay a liberal tuition for them out of the public treasury, so that the maintenance of schools for them is not thrown upon the white citizens.

It is also practicable to require Indian allottees to work the roads passing through their own lands without any interference with their rights. Nevertheless, so long as Indian lands are not assessable and taxable, as other lands are, there will remain a cause of unrest which will necessarily work detriment both to the whites and to the Indians. Inasmuch as taxes can not be assessed and collected from their lands there seems, so far as I can see, no other way except the payment of these taxes out of the public treasury in order that the burden incident to a system of allotment, instead of being allowed to rest upon the small local communities in the immediate vicinity of Indian allottees, shall be distributed widely over the whole United States, when by its distribution it loses its weight.

It is estimated that the quantity of lands allotted and to be allotted under existing agreements, within the States, is about 1,000,000 acres. Estimating the average value of these lands for appraisement purposes at $2.50 per acre and the rate of taxation at 2 per cent, would make the amount of taxes $50,000 per annum. The quantity of land thus allotted within the Territories is estimated at some 1,200,000 acres, the taxes on which, on the same basis, after the admission of the Territories as States, would be $60,000 per annum, a total of $110,000. This sum would be reduced and extended over a longer period if the law provided that the lands should not be assessable nor subject to taxation until the end of five years after allotments had been approved. This would bring them in the same category as homesteaded lands, which are exempt from taxation until the settler has made his final proof and perfected his title.

This sum, also, while considerable in the aggregate, is so small as not to be any perceptible burden to the people of the United States as a whole, and as it will promote the success of the allotment system, and thus hasten the day when the Indians will become citizens in fact, able and willing to bear all the burdens of citizenship, this expenditure seems to me a wise one, and its amount ought not to be a hindrance to the passage of this bill.

I would, however, limit the operations of the law to the lands already allotted or in process of allotment under existing agreements. This is necessary as a matter of good faith to the Indians who have ceded their lands to the Government on the condition that their allotments should be inalienable for twenty-five years and exempt from taxation.

So far as I can see, however, there is no reason why in the future it should not be insisted upon by the Government that in all cases where lands are allotted in severalty to Indians and there is a surplus remaining available to be sold there should be inserted in the agreement between the Government and the Indians for the cession of this land a provision that the proceeds received from its sale shall constitute a permanent fund, a portion of the income of which shall be devoted to the payment of the taxes upon the allotted lands during the period wherein they are exempt from individual taxation. This will work no hardship to the Indians and will subject their lands to their proportionate share of the public burdens and will solve the difficulty that now confronts us in the present situation.

The bill appears to cover lands conveyed to Indians in fee simple, acquired under the homestead laws before the trust title for such lands was adopted, and surplus lands to which citizen Indians have any common right of property. The words "or which may be the property of any Indian citizens of the United States" are doubtless intended to apply to the lands owned in common, as in the case of the Omahas. They will include, however, all lands remaining in any reservation after allotments shall have been made and which the Indians may refuse to cede.

So far as the interests of the Indians are concerned, I see no objection to this, but the amount involved is so indefinite and so difficult of estimation that I fear it would endanger the passage of the bill. If this feature be retained, however, it should not include lands owned by citizen Indians which are now subject to State and local taxation.

I am also of the opinion that the bill should be amended so as to require the sworn statement of the Indian agent in charge of the tribe whose members own the lands, or, in case there be no agent, of some officer of the United States, that the lands in question have not been appraised for purposes of taxation at any higher rate than other lands in the vicinity similarly situated and improved.

The title of the bill does not seem to clearly express its object. The effect of the bill will not be to extend relief to Indian citizens, except indirectly, as their lands are already exempt from taxation. Its effect is rather to afford relief to States and political subdivisions thereof, in which nontaxable Indian lands are located.

I have prepared a bill, amended in accordance with the suggestions hereinbefore made, and herewith transmit the same with the recommendation that it receive favorable consideration.

Very respectfully, your obedient servant,

T. J. MORGAN, *Commissioner.*

The SECRETARY OF THE INTERIOR.

Bill proposed by the Commissioner of Indian Affairs, extending relief to States and political subdivisions thereof in which nontaxable Indian lands are located.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the lands which have been allotted to any Indians in severalty under the provisions of any law or treaty by which said lands are to be held in trust by the United States, or are to be exempt from taxation, or which may hereafter be allotted to any Indian in pursuance of an agreement with the tribe of which he is a member, heretofore concluded, when such Indians under the provisions of any law have become or shall become entitled to the benefits of and subject to the laws of any State, shall be subject to State and local assessment and taxation the same as any other lands similarly located in such State: *Provided, however,* That nothing herein contained shall authorize the sale or incumbrance of any such land on account of such assessment and taxation, or in any manner interfere with the trust in which such lands are held by the United States while such trust continues: *Provided further,* That no lands shall be assessed or taxed under the provisions of this act for a period of five years from the date of the approval of the allotments: *And provided further,* That during the continuance of said trust or exemption said taxes so assessed and levied shall be paid from the Treasury of the United States to the county treasurer, or other legally authorized officer of the county or municipality to which such taxes are payable, at such time as said taxes shall become due and payable: *And also provided further,* That said taxes shall only be paid on the receipt of the sworn statement of the county treasurer or other legally authorized officer of the county or municipality to which such taxes are payable, showing that such tax has been legally assessed and levied, and that said tax is then due and payable, and the sworn statement of the United States Indian agent, or if there be no agent, of some officer of the United States designated by the Secretary of the Interior, that the lands upon which such taxes have been levied have not been assessed at a higher rate than other lands in the vicinity similarly located and improved, accom-

panied by the certificate of the Secretary of the Interior that said lands are within the State and county described in said statement, and that the lands therein described have been allotted in severalty.

SEC. 2. That from and after the passage of this act there shall be paid, annually, from any moneys in the Treasury not otherwise appropriated, such sum as shall be necessary to pay said taxes so certified under section one of this act.

The following letter gives the views of Hon. George Chandler, the First Assistant Secretary of the Interior, upon the bill. They are so forcibly and well stated that the letter is given in full, and many of the suggestions of Secretary Chandler are adopted in the amended bill:

DEPARTMENT OF THE INTERIOR,
Washington, March 17, 1892.

Mr. SECRETARY: As directed by this reference, I have examined this bill, the purpose of which seems to be to lighten the burdens of real estate owners, other than Indians, in communities where Indian allotments are made and whose realty is exempt from taxation. There can be no question that in many counties in the Northwest, where the Indians reside, the greater portion of the land consists of Indian reservations and allotments, which are exempt from taxation, and where the Indians are made citizens of the United States and entitled to all the rights, privileges, and immunities guaranteed by the Constitution and laws, both of the State and the General Government, and that the entire expense of running the governmental machinery, State, county, township, municipal, and school, is borne by white property owners, and so great and grievous is the burden as to compel the bearers thereof to cry for relief.

No doubt in many localities much of this expense is for the benefit of the Indians themselves; their quarrels and broils must be settled in the courts; their grievances litigated there; their children educated in the public schools; their rights, liberties, and property guarded and protected by officers of the law, etc., the expense of all these burdens being carried and borne without being contributed to by the Indian citizen; hence there can be no question, it strikes me, that some relief should be extended to the people encompassed by such surroundings. This bill proposes the assessing and taxing of lands allotted to Indians "the same as any other lands similarly located," etc. It seems to me that that expression is not calculated to reach the end desired. The object, I suppose, is to tax the lands held and owned by Indians the same as other lands are taxed, without reference to their location.

The bill is also very general in its character and applies only to the States, leaving the people in the Territories who are subject to like burdens without a remedy. I know of no reason why they should not be protected equally with those in the States. It seems to me that the act should provide that the amount of land held or owned by an Indian should be subjected to the same burdens, so far as State, county, township, school, district, and other taxation is concerned, as a like quantity held by the white settler, taking into consideration the relative value of each.

Now, the bill commonly known as the Dawes Act, under which most of these allotments are made (act of February 24, 1887, 24 Stat. L., 388) makes the General Government trustee for the Indians and holding the legal title for the period of twenty-five years, under the allotment, on the expiration of which, unless the President in his discretion extends the period, the General Government conveys the land to the Indian, or his heirs, in fee, discharged of the trust, and free from all charges or incumbrances of whatever kind or nature, so that, technically speaking, the land during that time can not be assessed or a tax levied thereon, but it may be used as a measure for determining the amount of tax which the Indian should pay in common with other citizens who are taxed for the general welfare. It should be a part of the education of the Indian that he should bear his just and fair proportion of the burdens of taxation; hence I do not believe that the General Government should, without reference to the wealth of the Indian, pay his taxes, for to do so only makes him dependent, encourages him in the paths of shiftlessness, and to rely and count upon the General Government to bear his burdens.

To make a good citizen of him it is necessary that he shall be taught to struggle and hustle for an existence; to be frugal, economical, and saving of his means, that he may meet not only the demands of his natural wants and necessities, but of the local and State government upon him. I am not impressed with the idea that the lands held in common by the Indians, such as reservation or other tracts which they may have the possessory right, use, and ownership of, should be subject to taxation unless they derive a revenue therefrom by leasing the same. Government land is not taxed under such circumstances, and if the Government is not required to pay taxes upon its lands within these municipal and State divisions to lighten the burdens of the citizens within the States in which they are located, I do not believe that the Indians should be put in any different position with reference to their reservations than the General Government occupies with reference to its public lands.

Under the provisions of the act of February 28, 1891 (26 Stat. L., 794), which amends the Dawes bill, you are authorized, in certain cases, to lease the allotment of an Indian for a term not exceeding three years for farming and grazing purposes and ten years for mining purposes; and the Indians themselves, where they have bought and paid for their lands, are authorized to lease such portion thereof as is not needed for farming or agricultural purposes, nor for individual allotment, for a period not exceeding five years for grazing or ten years for mining purposes, in such quantities and upon such terms and conditions as the agent in charge of the reservation and the Secretary of the Interior may approve. So that it seems to me that where the Indian derives a revenue from the tract which is assigned to him, that the taxes should come out of the rental of the land and that the General Government ought not to bear the burdens of taxation thereof under such circumstances.

Unless the Indian is made to feel that there is some responsibility attached to his citizenship and the rights and privileges he enjoys thereunder, it will only tend to make him shiftless and dependent, and to rely upon the Government to meet his increased duty rather than striving to maintain and support himself. I do not believe that he should be encouraged in the idea that he is in a dependent condition, or that he may live in thrift at the expense of the General Government, and that there is no necessity for his attempting to accumulate anything for himself, harboring the idea that the General Government will provide for his wants and necessities, of whatever kind or nature they may be.

If I had charge of this bill I would amend it so as to apply to citizen Indians only, and provide—

(1) That the quantity of land held by an individual or tribe of Indians should bear its just and fair proportion of State, county, township, municipal, school-district, and road-district taxation, as its value compared with that owned by his white neighbor.

(2) That the sum to be paid on the valuation of the land as aforesaid should be paid by the Indian or Indians in possession of or holding the tract where he or they are able to meet the obligations, or where the lands are leased under the provisions of law heretofore cited, that the amount required should be deducted from the lease money and paid over to the State authority entitled to collect taxes from citizens under State legislation.

(3) Where the lands are not leased and the Indians are in such indigent circumstances that they are unable to pay the taxes, then the Treasurer of the United States, upon an affidavit furnished by the Indian or the chief of the tribe, where the lands are held in common, against whom the same is charged, are unable to pay the same, accompanied by a certificate of the county clerk in the county where the land is situated, that the facts set forth in the affidavit are true, be authorized to pay the tax from any unappropriated moneys in the Treasury of the United States which might be used for that purpose.

(4) That a reservation of the lands of any tribe which is occupied by the Indians in common, and from which they derive no revenue from leasing, should be exempt from the provisions of this act.

It seems to me that a bill of this character would be fair both to the Indian and the Government. If Congress, without reference to the ability of the Indian to pay his own taxes, appropriates money for that purpose, it strikes me as being unfair to the general public, and is doing the Indian himself a positive wrong by encouraging him in relying upon the General Government for the payment of his taxes and debts instead of becoming self-reliant and accumulating, looking ahead to a providing for contingencies of this character, and there is no reason why an Indian, if he is able to and can, ought not to pay his taxes the same as his white neighbor. He must meet the issue sooner or later, and the earlier that he is taught that when he becomes a citizen he is not to have any greater rights or immunities than his white brother, the better, in my judgment, it will be for him; hence he should early be taught to feel the yoke of taxation.

Very respectfully,

GEO. CHANDLER, *First Assistant Secretary.*

The views of the Secretary of the Interior, who, recognizing the magnitude of the evil, objects to the passage of the bill as written originally, are expressed in the following letter. The Secretary offers no remedy for the wrong that he admits exists, and your committee knows of no better one than that proposed in the amended bill.

DEPARTMENT OF THE INTERIOR,
Washington, March 22, 1892.

DEAR SIR: In further reply to yours of the 18th ultimo, transmitting copy of Senate bill 2068, being a bill "extending relief to Indian citizens, and for other purposes," introduced by you on the 4th ultimo, and asking for my views on the bill, and any suggestions or amendments that I deemed best, I beg to say that this bill has been

submitted both to the Commissioner of Indian Affairs and the First Assistant Secretary of the Department.

I herewith inclose you copy of a bill prepared in accordance with the views of the Commissioner of Indian Affairs, and copies of the written views of both these officers.

The question is new and difficult. In my judgment it would be illegal to tax any of the allotments already made under agreement providing for their exemption.

Secondly, to provide that future allotments should be taxed will greatly hinder, if it does not entirely prevent, agreements for the reduction of reservations in the future.

Thirdly. The cessions of these lands, according to ordinary experience, will not be as fairly conducted as if the people occupying them were capable of protecting themselves, and it must be admitted the Indians are not. This inability of self-defense in civil matters is the very basis of the exemption now existing, and it can not be ignored, in my judgment, without imposing heavier burdens upon these people than they should bear. I am, indeed, convinced of the burden that has to be borne by the white neighbors of the same county in which there are Indians dwelling, whether on reservations or as allottees. But I am rather convinced by the experience and work of the past that this is a less evil than will be incurred by the departure such as your bill suggests. I do not think the burden should be thrown upon the people in general of the United States and paid from the public Treasury. This is an easy way of disposing of the matter, to be sure, but I think would lead to the expenditure of far greater sums than should be paid for this purpose. The time to run is comparatively short before the Indians become the owners in fee of the land. In all such cases I see no reason why he should not be compelled to pay his tax as other persons. We must either abandon the idea of guardianship for the Indian, or we must protect him against unjust taxation where we know it is difficult for even the white man to protect himself.

Yours, respectfully,

JOHN W. NOBLE, *Secretary.*

Hon. CHARLES F. MANDERSON,
United States Senate.

The following letter was received from Mr. E. Whittlesey, secretary of the Board of Indian Commissioners, who warmly approves the bill:

BOARD OF INDIAN COMMISSIONERS,
Washington, D. C., February 20, 1892.

DEAR SIR: The bill introduced by you (S. 2068) for the relief of Indian citizens, seems to me of great importance and greatly needed. The Board of Indian Commissioners and many others have recommended such a measure for two or three years, and I hope the Senate, and House as well, will see the wisdom of passing your bill at an early date. I will send you an extract from the report of this Board on the subject as soon as I can get it from the printer.

Yours, truly,

E. WHITTLESEY, *Secretary.*

Senator MANDERSON.