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## Speech by Representative Usher Burdick, "What Can Be Done for the American Indian?" April 25, 1944

Usher L. Burdick

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WHAT CAN BE DONE FOR THE  
AMERICAN INDIAN

Speech of  
HON. USHER L. BURDICK  
Of North Dakota  
In The House of Representatives  
Tuesday, April 25, 1944

*Indians*  
*file*

MR. BURDICK. Mr. Speaker, the one question that this Congress has not solved is the Indian question, and unless Congress determines to settle this matter, we may expect to drift along for another 50 years, as we have for the last 75, leaving Father Time to wear out the Indians and thus avoid the just claims which the Indians have against this Government.

There are some fundamental facts in this Indian question that are established beyond all dispute, and these facts are:

First. The Indian tribes were in possession of this country when the white men landed, and the early maps which we ourselves made show the approximate location of these tribes. If there is anything to the principle of the right of occupancy, then the Indians had rights which any civilized country was bound to recognize.

Second. We dispossessed the Indians and occupied the lands we wanted regardless of the wishes of the Indians. To be sure, we made treaties, but the Indians were ignorant of our language and our ways. Those treaties invariably were signed by Indians under a misapprehension of what was in the language of the treaty. In many instances positive advantage was taken of the Indians. When the treaty with the Sioux in Minnesota was made, a clause was slipped in providing that if the Government paid the interest on the claim for land taken from the Indians and kept up those payments for 20 years, the principal of the debt would be extinguished. When this matter was brought to the attention of the courts, the matter was decided against the Indians because the courts held the Indians were presumed to know what they had signed. No more sorrowful poem was ever written than Longfellow's Evangeline. Every liberty-loving American rebels against the driving out of a whole community from their ancestral home, to shift where they would on the earth's surface.

How many times have we repeated the scenes in Evangeline in our handling of the Indians of America? Did not we drive them from their homes in most every State and herd them first in an area west of the Mississippi River and finally in Indian Territory: Not satisfied with this, we changed our minds and opened up Indian Territory to white settlements and finally admitted that area into the Union as Oklahoma.

*north*  
Before these Indians moved to that area west of the Mississippi River, the Government entered into agreements with them to pay them for their lands and find them suitable homes elsewhere. Some of the Indians moved voluntarily, believing in the good faith of the Government; others, who doubted the word of the Government, were ejected by force.

Most every treaty ever made by the Government with Indians was broken by the Government. A few glaring examples will prove this statement. In 1868 the Government made a solemn treaty with the Sioux at Fort Rice, Dakota Territory, agreeing with the Indians that that domain west of the Missouri River extending from Nebraska to the Canadian line and westward to the Rocky Mountains, was henceforth to be Indian country. The Indians gave up their right to lands east of the Missouri, except reservations, and took up their residence in the new Indian country. In 1874 gold was discovered in the Black Hills, a part of this

Indian country, and the white population moved in. Railroads entered the territory and the whole area was appropriated, regardless of the Fort Rice Treaty. The Indians claimed damages for their gold taken and for their land taken, but after years of litigation the courts determined that the Indians had not established their claim. X To this day the Sioux Indians have not received a cent for their gold or for their land.

The worst part of the situation is that the Indians were put under guardianship, and the Government became their guardian. Under all rules of common law and statutory law, a high degree of good faith and a fair dealing is demanded of any guardian, but so far the guardian has escaped all responsibility. X

This situation has been going on for years. X Those Indians who attempt to sue the Government must secure an act of Congress giving them the right to go before the Court of Claims to establish their rights, but everyone knows that the Court of Claims has only such jurisdiction of the matter as is specifically conferred by the wording of the act, called a jurisdictional bill.

Time after time the Indians have been denied relief in the Court of Claims because the jurisdictional act was not broad enough to cover all the facts involved. It takes years to even secure a jurisdictional act, and years more to amend it. When a case is presented it takes years to try it, and if the Indians by accident do establish their claim, their guardian fires at them with another weapon -- the Government sets up set-offs or counterclaims. Usually these set-offs are enough to cover all the Indians have coming and in some cases, like the California case, the set-offs exceed the claim, so that while on paper the Indians win their suit, they have actually lost it and their claim has been extinguished altogether and they still owe the Government.

From time to time we have appointed committees to visit the Indians and find out their condition. Sometimes the Senate and sometimes the House make such a demonstration. A few years ago the Senate appointed such a committee headed by Senator Lynn J. Frazier, of North Dakota. This committee visited every Indian reservation in the United States and took testimony. When the report was reduced to print there were 29 volumes. This report was filed and nothing further was done. We have had an endless number of these investigations, and nothing was accomplished after voluminous reports were prepared and filed. Another fact to remember is that should Indians ever recover on their claim, the expense of these investigation committees will be charged to the Indians. X

In 1934 Congress passed the Wheeler-Howard Act, supported ably by the senior Senator from Montana. Now the senior Senator wants the bill repealed. What was the reason for the bill in the first place? If there was any reason for it, what is the reason, why is a repeal now asked?

There are some Indians who are in favor of the work now being done under this act, and there are perhaps an equal number who do not want anything to do with the work done under the act. It does not require any investigation to establish this fact.

Those who oppose the act say they have no objection to other Indians embracing the act and collectively acting for themselves, but they do not want the Government to use any part of their tribal funds in any such venture. These Indians are strictly individual Indians who want their own home and want to carry on as ordinary citizens in their own businesses.

This should settle the matter, and the Government should not use any fund belonging to all of the Indians in a venture which other Indians do not want.

Let those who want the act come in with their own money, and let those who do not want the act stay out with their own money. The attempt to force this act on all Indians has created bad blood and ill-feeling and generally has disrupted the peace and quiet of more than one reservation.

All outstanding claims of Indians against the Government should be rounded up and finally settled. If properly handled this business could be completed in 5 years, and then the final guardianship of the American Indians could be released.

I caused a plank of this kind to be presented to the Republican National Convention 4 years ago, and it was accepted in this language:

"We pledge an immediate and final settlement of all Indian claims between the Government and Indian citizenship of the Nation."

Others caused the same thing to be submitted to the Democratic Convention, and it was accepted in this language:

"We favor and pledge the enactment of legislation creating an Indian Claims Commission for the special purpose of entertaining and investigating claims presented by Indian groups, bands, and tribes, in order that our Indian citizens may have their claims against the Government considered, adjusted, and finally settled at the earliest possible date."

After these two great conventions had acted I was hopeful that we would finally solve the Indian question and be able to abolish the Indian Bureau and free the American Indians in the next 5 years. But, lo and behold, 4 years have passed, and neither the Republicans nor the Democrats have made any attempt to carry out those pledges. A Claims Commission bill has been prepared by the gentleman from Montana, Congressman O'Connor, but he has been unable to secure the support of his own party to carry this measure through. The Republicans, being in the minority, have less blame resting with them for the failure to carry out the platform pledge.

I see no other way to finally settle this Indian question than to establish a Claims Commission and finally dispose of all claims against the Government, without requiring any jurisdictional bill. When the claims are settled, dissolve the Indian Bureau, and permit the Indians to take their proper place among other citizens of their State with all the rights, privileges, responsibilities, and duties of any other citizen. If there are sections of the United States where it is necessary to maintain a guardianship over Indians, make that the exception, but do not hold all Indians down to the condition of a helpless ward.

The following cases should be examined if there is any member in this Congress who believes that the Indians have been fairly and justly treated:

The Turtle Mountain Band of Chippewas, pending jurisdictional bill.  
 The Gros Ventres, Mandan, and Aricara, pending jurisdictional bill.  
 The Sioux case concerning the Black Hills, claim pending.  
 The Wahpeton, Sisseton Sioux, pending jurisdictional bill.  
 The California Indians, recovery for land, claim pending.  
 The Mississippi Band of Choctaw Indians, pending jurisdictional bill.  
 The Oregon Band of Ute Indians, pending jurisdictional bill.