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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C. 20242

SEP 20 1974
100

MEMORANDUM

To: Brad Patterson

From: Ron Esquerre *Ron*

Subject: Kootenai

Enclosed are the items you requested
from Francis Briscoe, Portland Area
Director.

WHITE HOUSE MAIL
RECEPTION & SECURITY

SEP 20 1974

Processed by.



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

PORTLAND AREA OFFICE

POST OFFICE BOX 3785

PORTLAND, OREGON 97208

SEP 18 1974

Note to Commissioner Thompson:

Brad Patterson, the White House, asked for a copy of the material relating to the Kootenai situation.

Stanley Biscoe
Area Director

Enclosures



DRAFT--9/17/74

On September 4, 1974, the Kootenia Tribe of Idaho passed Resolution #74 reciting in depth the greivances that the Kootenais had as against the United States taking the position that a portion of their aboriginal territory should be restored to them as a reservation along with full recognition of the tribe as a soveriegn nation within a nation and stating that should there be no action on the part of the United States to resolve these problems with the Kootenais within five days the tribe would assume that the United States was relinquishing its power of domain over the aboriginal territory and the tribe would immediately assert their complete sovereignty and take over these lands. This resolution was transmitted by a letter to the Congress and the President of the United States on September 10. Copies of this material were also sent to all tribal chairmen. On September 12 the tribe transmitted the material to the Superintendent, ~~NaxkhexaxxxNaxkhex~~ Northern Idaho Agency and made the information available to the press. When notified by the Superintendent on September 12 arrangements were made for representatives of our x staff and the Superintendent to meet with the Kootenai Tribe on Friday September 13. At that meeting we were presented with a treaty proposed by the Kootenais which in summary provides as follows:

~~xArticle~~ Article I - Kootenais would cede all aboriginal lands.

Article II - Kootenais would receive a Federal reservation of two sections of land to be taken from national forests in Northern Idaho.

Article III - the United States would have the right to build reasonable access roads and utilities through the reservation after purchase of

Article IV - the United States would recognize the right of the Kootenais to hunt, fish, and trap in aboriginal territory under tribal rules with the right to erect temporary buildings or shelters for curing flesh of fish and game, berries and roots and pasture horses and cattle on open and unclaimed lands. The tribe would also retain rights to all waters and minerals surface and subsurface.

Article V - United States would place in a trust account \$1,367,280 as additional compensation to that received in ICC Docket 154.

Article VI - United States would recognize tribal sovereignty and right to establish its own laws, police and courts of law with felony acts to be handled under Federal law. United States would also guarantee no reprisals against Kootenais for acts involved in this situation.

These were the ~~xx~~ primary demands. The tribe was informed that all their requests were beyond the ~~jurisdiction~~ jurisdiction of the Bureau of Indian Affairs or Secretary of the Interior to grant and that meaningful negotiations would necessarily have to include the Congress since all treaties were stopped by Congress in 1871. Even though they felt that President Ford could grant their wishes they were informed that Congressional action would be required. They then ~~demanded~~ demanded that the President or an emissary of the President and/or the Congress come to Bonner's Ferry to meet with them on or before midnight September 12 to begin meaningful negotiations.

While not ~~saying~~ stated in the meeting informal discussions and releases to the press indicated that if no negotiations occur the tribe will exercise its proposed jurisdiction by setting up roadblocks on U.S. 95 and U.S. 2 in Northern Idaho and begin collection of toll fees from all passing vehicles.

Elements within the community hope to work with the tribe and perhaps assist in setting up the roadblocks and manning them if the tribe can be convinced to pass out printed leaflets rather than collect tolls.

FOLLOWING IS VERBATIM TRANSCRIPT OF CONVERSATION VIA TELEPHONE OF LEE WARDLE, LOREN DILLON, AND MESSRS BRISCOE, WALDRIP, WESTON, LITTLE, & ZAKOJI IN THE AREA OFFICE. (September 17, 1974, 1:15 p.m.)

WARDLE: The officials up here called a meeting this morning at which--I won't be able to enumerate everybody present--but there was one from immigration, one from border patrol, U.S. Forest Service, Fish and Wildlife, State Police, County Commissioners, city fathers, County Extension Agent, newspaper, Mayor of the City--must have been 30 people there. Amie, Doug Wheaton, Abraham, Aileen Lowley, and Raymond came into the room. Dennis Coffey--not a Kootenai, a Coeur d'Alene. They asked Amie to explain their position. Amie didn't. She turned it over to Doug except for two short statements--one by Amie and one by Abe.

I took notes--kind of jumbled. I'll go through these notes and try to tell you the gist.

First they asked Wheaton to explain what this was all about--what the tribe intended to do. Wheaton stated as of midnight Thursday if the Government hasn't met their demands they would abolish all city and county governments. They were going to seize a million acres of land from the Canadian border to the entire county and into Montana. They will set up road blocks. They would charge 10¢ per car for anyone going through the road blocks to show they had the authority. They will stop all hunting and fishing; levy tax against non-Indian homes and 50¢ for businesses. They are going to forbid the farmers from working their land, and they are going to forbid the forest people from going into the forest--the loggers and even forest service people.

there is

He further stated they intend to do it peacefully but if/any violence from the non-Indians, they will meet violence with violence, even to shooting. He stated he could get help from AIM, from other Indians. He could get one million Indians in short order within a matter of minutes. He was quite arrogant, and I thought the people there were more patient with him than you could expect.

Amie then spoke up and said her life had been threatened and AIM had promised her if anything happened, they would move in with force and really disrupt things.

He was asked where the road blocks would be set up and he replied north of Sandpoint, one at--near Libby, Montana, on the border and the two ports of entry into the United States from Canada.

A man from the Forest Service asked, what about forest land. He stated they had management practices going on, control burning, fighting forest fires. He said that would have to be stopped. In fact, as of Thursday midnight all non-Kootenais would be in trespass. He then went ahead to say there are 128,000 acres in Forest Service land of the Government and if they don't get it, they will seize the other land we are talking about.

One man asked about the livestock on forest lands and the crops in the fields. He said, "No." As of Friday morning or Thursday midnight the Indians would consider they were in trespass status.

They asked him--someone asked how he was going to enforce the 10¢ on cars. They would not violently try to stop anyone. If they refused to pay the dime, later they would get them and be dragged before the tribal council or court. He also said that when they abolish the county and city governments, they were going to empower the police department to continue to furnish--to maintain peace among the non-Indians. Who would pay for these. The tribe would pay. He said that they probably didn't have enough people to enforce the road block but they would call in other Indians from other road blocks.

. non-Indians lands being farmed if that would apply to them. He was asked if they have a legal lease, could they continue to harvest. He said "no." Even those who had Kootenai lands to lease.

He was asked then if there couldn't be a chance that some negotiations could be done on a local basis to forestall this until action had been taken in Washington. "Yes, if they would get a committee they would meet with them and they would talk to a committee."

Briscoe: It is a possibility.

Wardle: Abe then spoke up. He said they welcomed the committee to negotiate on these problems and suggested that they meet Thursday afternoon with them.

Briscoe: This committee would be local residents or local Federal representatives?

Wardle: He said local people. They did form a committee. I'll get to that later.

The school principal was there and asked if the schools could function and he said, "Yes, as they are now." He further stated that they were not asking the Government for a treaty. They were offering the Government a treaty. We are not asking the Government for a treaty, we are offering then a treaty and they have to meet all the demands.

Doug was asked if they would meet with Federal officials in Boise or Spokane. He said, "No, either here or Washington."

Amie spoke up and said they would not meet anywhere but here. If the Government wanted to negotiate, they would have to come to Bonners Ferry. Doug indicated they would go to Washington to negotiate. There will be no negotiation unless the Government meets all their demands.

He was asked if there could be exceptions to his demand so that the crops could be harvested. He said, "No!" However, he did say this might be negotiated. He further said the white man never "gave-a-damn" about Indians and why should the Indians "give-adamn" about the white man. We would do all the talking.

Then a game warden spoke up and asked about fish and game laws and he said as of Thursday at midnight all fish and game laws in the State and Federal would cease to exist. The Indians at Kootenai would have all those.

"Buddy, you are just out of a job," he told the game warden.

Then I have some other notes--

If the local people want a committee to help the Indians, they may allow them to finish their work.

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Wheaton was asked if they would accept money from the Government in payment of this 128,000 acres that they are asking for and he treated this as a joke. "Absolutely not. We want a land base." He further amplified this by saying, "If the Government agreed to give them 128,000 acres they would choose it section by section, and it would take some time to choose." They wanted to walk over it. The land may not be all in one block, wherever they decided to choose it from.

Dillon: There was a second session after the Kootenai people left. Do you want to go ahead on that (speaking to Wardle).

Wardle: After the Kootenai people left, the committee stayed and Loren and I stayed. I don't know who the man was suggested they had some immediate things they had to do. He suggested we set up a law enforcement committee to handle law enforcement and a negotiating committee to negotiate with the tribe.

The law enforcement was set up with the sheriff, state and city police, county commissioners--I didn't make notes of that--a public relations man. They will have one man give out all the news releases and speak for the entire group. They appointed me liaison officer between the group and the tribe. Then they set up another committee to negotiate with the tribe to get the tribe to forestall taking over the land Thursday night at midnight. This committee is going to go--probably going right now to ask the tribe to meet with them--consists of county commissioner, city council, and the county extension agent representing the farmers and local industries and the head of the Federal Forest Service in this area--Graham. They are going to the tribe this afternoon and ask for a time to set up a meeting to forestall the tribe taking over.

Briscoe: The negotiating they contemplate up there by the committees is to just keep things from blowing until the bigwhigs come and do something?

Wardle: Right. It is to forestall any violent action until negotiating at the Washington level.

Pete Wilson, the attorney, called McClure this morning trying to get some action out of McClure. He is very sympathetic to their fight from what Wilson the city attorney implied. They are mustering their political strength to bring pressure. There was considerable sympathy for the tribe in this meeting to start with but as it went on I saw that dwindle away and people got tight. At the end of the meeting, after it broke up, there was

a strong sentiment, "We are not going to give those so-and-sos anything if we can help." This was brought out by Wheaton's overbearing attitude. He really talked down to them. "You guys come crawling and we will give you a crumb." You had to grit your teeth.

We have been trying to find out if there are any strange Indian people around in town. There are some people who say they have seen strangers. They are not visible if you go walking around town.

There was a carload in town last night, we understand, with an Arizona license plate and one with a Montana license plate.

The people in the Department of Health office have had a couple of strange groups wanting food stamps, who obviously didn't seem to have need of food stamps. These were Indian people. ? and Doug made it pretty plain to this group, "You better shape up or we will have some hard noses in nothing flat."

Wheaton did say they could have people in the area within 20 minutes.

They have been in touch with the AIM people in Seattle.

Wheaton did tell me he met with AIM last night at his house. He had been in contact with AIM all day yesterday. AIM offered their full support. And he asked they not come until he called.

Briscoe: We can assume they

Wardle: I am afraid they will jump without being called. They will sieze this as an opportunity to come in. I am afraid the Kootenais are going to lose control.

Somebody asked how they would maintain control if it is between his group or AIM. He said the enrolled Kootenais would have a red card and the non members would have a white card. All signed by Amie. If he gets an influx of people, there is no way they can keep track of them. If they get a couple hundred outsiders in here, they would get lost in the shuffle.

Incidentally, Wheaton bought a 38 pistol at the hardware store a couple days ago with tribal funds. I presume it was done by voucher. The State investigator told me he bought a 38 pistol. When I was in his house yesterday, this pistol was laying on a table by an outside door.

Dillon: I was standing about one-half block
Sandy Cutback came out loaded with a couple of armsful--paper sacks of booze. We asked him where he was going. He said he was getting ready for Thursday night. Andy is not exactly the kind of guy you want to get ready for Thursday night with booze. He is an epileptic. He loses control of himself and falls down and gets run over. He has a seizure. All we need is somebody like him stumbling around Thursday night or Friday morning. It is getting kind of tense. The tribe is going to have a confrontation. They have forced it. There is no way they can avoid it unless Washington comes through before Thursday night.

Briscoe: Washington has been sitting on their hands and losing the opportunity. In the meantime all this has built up.

Wardle: They have been in contact with AIM in Minneapolis.

These committees formed are going to continue to meet. I am going to meet with the law enforcement that I am a liaison for the tribe. I don't know what they plan to do--what they plan to do is keep things peaceful. John Bender, Director of Law Enforcement from the State will be here tomorrow afternoon from Boise.

Briscoe: We are agreeable for you being a liaison but in view of your lack of jurisdiction, you are doing nothing but carrying messages.

Wardle: That's right.

I don't think that is clear to the State people yet. I told them I had no jurisdiction, that Loren and I were sent up here to keep things peaceful, that we had no jurisdiction. They did ask me to serve on this committee, to serve as a liaison between the tribe and the committee.

Briscoe: You are precluded from doing anything more and make that clear to all concerned that that comes from here. Nothing more than carry the message.

Wardle: Okay.

Briscoe: You have no position or posture in any direction.

Wardle: We have stood on that. We haven't been asked to take a stand. If we are, we are not going to. Okay.

(Residing at Travelers Motel, 236-2111, Room 35 & 36)

Dillon: (Mentioned something about Loraine Misiasek) Helen Brown was in offering her support. She doesn't look Indian. She is a new face on the scene in their office.

Lot of rumors flying around. People are uncertain about what's going to happen.

Briscoe: With the press and TV we are keeping everyone at bay and keeping the attention down. Now with the thing it has surfaced and we have lost the opportunity we seized in the beginning because of the lack of activity from Washington.

Wardle: There was a newspaper man present this morning representing the local paper taking copious notes. Doug said he had a call from the Associated press this morning.

Little: Will you send any clippings directly in?

Wardle: Yes we will. The Spokane paper had an article in it this morning. We will send that in too.

BRIEFING MATERIAL RE KOOTENAI INDIAN RESERVATION

PREPARED SEPTEMBER 1974

Prepared by:

Reservation Programs
Northern Idaho Agency

I N D E X

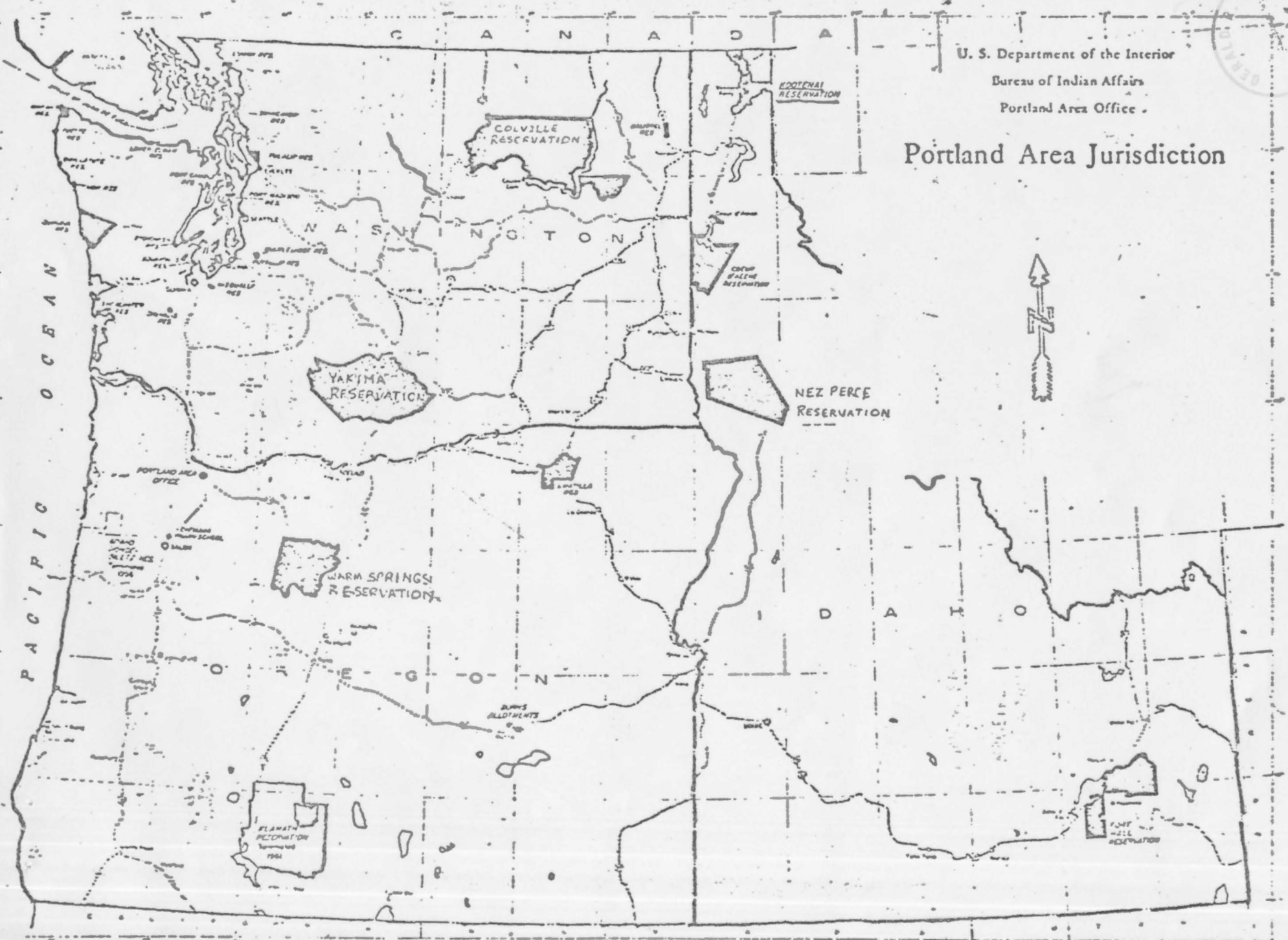
1. Map - Indian Areas of the Northwest
2. Map - Kootenai Allotments
3. Reservation and Tribal Statistics
4. Tribal Government
5. General Program Discussion
6. Known Significant Items
7. Appendix

U. S. Department of the Interior

Bureau of Indian Affairs

Portland Area Office

Portland Area Jurisdiction



KOOTENAI INDIAN ALLOTMENTS

Boundary County, Idaho

KANIKSU

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NAT

- Alotted Land
- Population Center
- Main Road
- Secondary Road
- Railroad
- Hospital
- Gravel Pit
- Sawmill
- Campground
- Tourist Camp
- Cemetery
- Prominent Elevation
- FS Lookout
- Triangulation Station
- Small River or Creek
- Large River
- Lake
- National Boundary
- County Boundary
- USFS Boundary

SCALE: 1 INCH = 1 MILE

BONNERS FERRY

INTERNATIONAL

OREST

K A I

RIW.

RIE

Kootenai

RESERVATION AND TRIBAL STATISTICS

<u>Acreage</u>	Total (trust)	2,312
	Tribal	0,000
	Allotted	2,300
	Government Owned	0,012

<u>Population:</u>	Total Tribal Membership - (1974)	69
	Indian Resident Population - (1974)	101
	Non-Indian Resident Population - (1970) (Boundry County)	6,371

Estimated Indian Income - 1974 (Fiscal Year)

Agriculture -	3,500
Forestry -	0,000
Fisheries -	0,000
Mining -	0,000
Wages - BIA -	0,000
Wages - Other Federal -	4,000
Wages - Tribal Government -	8,000
Wages - Other Government -	8,000

TRIBAL GOVERNMENT

The governing body of the Kootenai Tribe of Idaho is the Kootenai Tribal Council (Article III, Section 1 of the Kootenai Constitution and Bylaws). The Kootenai Tribe voted not to accept the Indian Reorganization Act. The Tribal Council consists of five (5) members of which four (4) are elected for three year terms and one, the Permanent Chief, is a permanent member. The Tribal Council is constitutionally required to meet only when necessary but it generally meets once a month in conjunction with a general meeting of the Tribal membership.

The Kootenai Tribal Council members are as follows:

Amelia C. Trice	- Chairman
Matt David	- Vice-Chairman
Eileen Lowley	- Secretary-Treasurer
Mary David	- Member
Chief Moses Joseph	- Member

GENERAL PROGRAM DISCUSSION

FORESTRY

The Kootenai Trust allotments contain only scattered stands of commercial timber and, as a result, no sustained yield cutting program exists.

During the years 1969-1974, members of the Agency Forestry Staff periodically visited the Kootenai allotments to prepare timber cutting permits, check for timber trespass, and to check for fire and/or insect damage. In 1974, a fire salvage sale was prepared, advertised, and sold. A total volume of 12,631 Board Feet with a value of \$12,831 was sold. The Forestry Branch is now preparing a timber sale on Allotment U (Andrew unnumbered allotment).

During the period of 1969-1974, the Forestry Staff spent approximately 4% of its time and 7% of its budget on Kootenai Tribal matters.

EDUCATION

FY 1970 - No program funds at Kootenai

FY 1971 - The Adult Education Specialist made approximately 20 trips to Bonners Ferry to discuss Education matters with the Kootenai Council and with individual Tribal members.

FY 1972 -

Adult Education (Mainly culture and enrichment activities) - \$600

FY 1973 -

Adult Education (Mainly culture and enrichment activities) - \$600

Community Development Contract - \$6,000

Funds for Community Service Contract - \$5,500

Higher Education - \$1,000

Mini Learning Lab (Purchase of Lab materials and equipment) - \$3,300

FY 1974 -

Adult Education (Operation of Learning Lab) - \$1,000

Funds for Community Service Contract - \$5,500

Summer Program - \$500

Higher Education - \$3,739

FY 1975 -	
Community Service Contract -	\$5,500
Higher Education -	\$3,187
Summer Programs -	\$500
GRAND TOTAL -----	\$37,126

In addition to the above funds that were spent directly for the Kootenai Tribe, the Tribe has also received benefits from funds that were used for all three Tribes. Several Kootenai students have been enrolled in Bureau boarding schools. The cost per student in these schools is between \$3,000 and \$4,000. In addition, we have paid transportation in the amount of over \$1,000.

Another benefit that the young people of the Kootenai Tribe receive is their attendance at the Bureau sponsored summer camp. Every summer approximately ten young people attend camp. Our total camp expenditure has been as high as \$18,000.

In Fiscal Year 1971, an Adult Educator was stationed in Spokane. He was instructed to visit the Kootenai Reservation at least every other week. This was done until he was transferred to Lapwai. Since that time visits have averaged once a month.

RESERVATION PROGRAMS

In FY 1970 the Programs Officer had no duties on the Kootenai Reservation.

FY 1971, the Program Officer made six (6) trips to the Kootenai Reservation, the total cost of \$400.

FY 1972, the Program Officer made eight (8) trips to the Kootenai Reservation (totaling 23 days), for a total cost of \$657.

FY 1973, The Program Officer made fourteen (14) trips to the Kootenai Reservation (totaling 23 days), at a total cost of \$1,515.

FY 1974, the Program Staff made fourteen (14) trips to the Kootenai Reservation (totaling 26 days), for a total cost of \$1,018.

FY 1975, it is estimated that the Program Staff will make approximately fifteen (15) trips to the Kootenai Reservation with an estimated cost of \$1,000.

NOTE: All the above costs exclude salary and office overhead costs.

In FY 1973 the Programs Office negotiated and supervised a \$6,000 Community Development Grant to the Kootenai Tribe.

The Programs Staff contacts the Kootenai Tribe on matters relating to the Tribal Constitution, Tribal Government, Tribal Budgets, as well as serving as general liaison between the Agency Branches headquartered in Lapwai, and the Kootenai Tribe at Bonners Ferry.

CREDIT

The Kootenai Tribe does not operate a Tribal Loan Program, therefore, the Branch of Credit has little actual contact with the Kootenai Tribe.

In 1970, the Credit Officer visited the Kootenai Reservation to discuss Community Development and various credit programs.

In 1973, the Credit Officer visited Bonners Ferry to meet with the Kootenai Council and to discuss various Credit and Financing Programs that might be available to the Kootenai Tribe.

During Fiscal Years 1973 and 1974, the Credit Officer discussed by telephone the possibilities of the Indian Financing Act, the Indian Business Development Funds, the FHA Loan Program for land purchases, as well as various other credit matters.

LAND OPERATIONS SERVICES

The Kootenai lands consist of approximately 2,399 acres. Soil and Moisture activity functions are normally handled through the Coeur d'Alene Office under the supervision and guidance of the Northern Idaho Agency Land Operations Officer at Lapwai. The cropland is under a drainage district with the local district cleaning and maintaining the drains.

Attached is a breakdown of expenditures and services for Fiscal Years 1970 through 1974.

HOUSING DEVELOPMENT PROGRAM

During Fiscal Years 1972, 1973, and 1974, the Housing Staff averaged eight (8) trips a year to the Kootenai Reservation. It is estimated that the Housing Officer will make ten (10) to fifteen (15) trips to Bonners Ferry during Fiscal Year 1975.

<u>FISCAL YEAR</u>	<u>BRANCH OF LAND OPERATIONS EXPENDITURES</u>	<u>GOV'T. COST SHARING FOR CONSERVATION PRACTICES</u>	<u>MAN DAYS OF SERVICE AND ASSISTANCE</u>	<u>TYPE OF ASSISTANCE</u>
1970	\$ 1,800.00	\$ 300.00	Eight (8)	Lease Compliance Checks and Council Meetings
1971	1,000.00	300.00	Six (6)	Lease Compliance Checks and Council Meetings
1972	1,000.00	300.00	Six (6)	Lease Compliance Checks and Council Meetings
1973	2,725.00	NONE	Nine (9)	Lease Compliance Checks and Council Meetings
1974	2,600.00	NONE	Nine (9)	Lease Compliance Checks and Council Meetings

NOTE: During July of Fiscal Year 1975, five man days were spent in lease compliance, field surveys and Tribal Council Meetings.

Program expenditures from Fiscal Year 1972 through Fiscal Year 1975 are as follows:

1972	\$ 5,000
1973	5,000
1974	10,500
1975	15,000 (estimated)

ENFORCEMENT SERVICES

On April 4, 1969, the Kootenai Tribal Council passed Resolution No. 69-1 asking the State of Idaho to exercise criminal and civil jurisdiction over all Kootenai lands within the counties of Bonner and Boundary, within the State of Idaho.

The Agency Special Officer was present at the meeting when this Resolution was passed and all of the Kootenai people present were in favor of State jurisdiction. Attached is a copy of that Resolution.

Because of State jurisdiction, the Branch of Enforcement Services has no jurisdiction and, therefore, has very little contact with them. However, the Agency Special Officer does make occasional trips to Bonners Ferry for public relation purposes.

SOCIAL SERVICES

During the period FY 1970-1974, the Branch of Social Services spent no Child Welfare Program Funds on the Kootenai Reservation.

During the same period, the Social Services Branch spent the following sums on General Assistance for Kootenai Tribal members:

FY 1970 - No General Assistance Funds
FY 1971 - \$10
FY 1972 - \$525
FY 1973 - \$100
FY 1974 - \$90

During this same period, the Social Services Staff made the following trips to the Kootenai Tribal area:

FY 1970, 10 trips (20 days) at a total cost of \$790.
FY 1971, 17 trips (30 days) at a total cost of \$1,270.
FY 1972, 26 trips (37 days) at a total cost of \$1,897.
FY 1973, 17 trips (27 days) at a total cost of \$1,316.
FY 1974, 22 trips (30 days) at a total cost of \$1,382.

ADMINISTRATION

This report, as well as covering General Administration, also covers Property & Supply, IIM, and Plant Management.

During FY 1974, the Branch of Administration devoted approximately 325 hours at an estimated \$2,163 to Kootenai Tribal matters. It is estimated that the annual cost of the Fiscal Years 1970-1973 were similar to the Fiscal Year 1974 figures.

AGRICULTURE EXTENSION

No program on the Kootenai Reservation.

ROADS PROGRAM

No program on the Kootenai Reservation.

REAL PROPERTY MANAGEMENT PROGRAM

Attached is a Special Report prepared by the Agency Realty Officer on September 12, 1974.

Refer to the appendix for the Fiscal Year 1974 Real Property Management Report.

Refer to the appendix for Senate Bill S-634 which would provide for the transfer of 12 1/2 acres of Government land to the Kootenai Tribe of Idaho.

EMPLOYMENT ASSISTANCE

Visitation Procedure: Prior to June 1973 Employment Assistance Services were provided to Kootenai Tribal members through the Spokane District Office Branch of Employment Assistance. Visitations were on a once a month basis until the middle of 1970 (approximately) when they were reduced to an on-demand basis because of little use of program services by Tribal members. In June 1973 the Branch of Employment Assistance was relocated from Spokane to Northern Idaho Agency headquarters at Lapwai. Since that time, visits to Bonners Ferry have numbered approximately six or one every two months on an average.

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Northern Idaho Agency
Lapwai, Idaho 83740

September 12, 1974

MEMORANDUM

To: Superintendent

From: Realty Officer

Subject: Special Report - Kootenai Reservation - Realty Activity

Pursuant to your verbal request, there follows the subject report. It is to be first noted that there is no Kootenai Reservation, per se. The Kootenai Indian people were allotted 75 tracts on the public domain, most in 1908 and 1909, with three in following years. Allotments averaged roughly 80 acres, more or less. Several allotments in drainage District No. 12 were sold and the funds reinvested pursuant to the Act of 3/19/06 (See Exhibit A) and the compact tract allotted into small allotments. There are now lettered tracts, A through U. The Kootenai Tribe voted down the Act of 1974 (S.A.); see Exhibit B. The Kootenai land base decreased over the years due to:

1. Inheritance by Canadians related to the Kootenai heirs.
2. Sale through application of trust owners.

Present land base is 2,386.85 acres. There is no tribal land to date, however the following acquisitions are pending:

1. S.64 which if passed, we place 12.50 acres of government land in tribal ownership. This Bill is awaiting final vote in the House.
2. Gift conveyance of 5.67 acres to Tribe by Catholic Church. The conveyance action is complete except for final acceptance by the Tribe. Transaction now is in the Solicitor's Office and is dated 7/2/74.
3. Purchase of small interests in Canadian estates of Kootenai Indians, 46, and 48. Title doubted; awaiting title report from the Tribe.
4. Purchase of interest in Kootenai No. 49. This is a recent purchase and we are awaiting completion of the appraisal report.

The present land base is partially leased with 25 leases which amount to 2,114.00 acres as of 7/1/74. During the next 5 years, the following four items will be for the Kootenai people, to wit: 1. Land 2. Land purchases, 3. Land leases, and 4. Rights of way easements, 5. Prohibit activity, communication and contracts. We have set out to get support for S.64 and preceding legislation, including approval of a booklet on the Tribe. (See Exhibit C). This was circulated to interested parties, including the local Congressional delegation. As before, S.64 is only waiting Congressional final action. (See Exhibit

(Con't.)



Special Report - Kootenai "Reservation" - Realty Activity (cont.)

During FY 1974 Realty personnel performed the following work for the Kootenai people and Tribe:

Made 12 new leases, collected rentals on 25 leases, and distributed the income to the heirs, involving most complex heirship patterns.

Serviced visitations, telephone calls, and letters from landowners and Kootenai lessees.

Traveled to Bonners Ferry and vicinity on three occasions, met with council and members thereof. On one occasion, took Council member and Mr. Wheaton afield to inspect land appraisals.

As special service, surveyed church land for Tribe. It is noted that this is not a skill or service required of the Realty Officer, but performed to do everything within our power to assist the Tribe in acquiring lands.

BUDGET: Approximately 7% to 10% of our FY 1974 budget was expended on Kootenai activity. In my opinion, no physical benefit would accrue to the Kootenai people with increased visitations by the Realty Staff, other than public relations. Additional staff and travel budget would (and will) be required.

Attachment: The Kootenai Indian Village
(prepared by the Branch of Realty -- 1972-1973)



THE
KOOTENAI INDIAN
VILLAGE

BUREAU OF INDIAN AFFAIRS
NORTHERN IDAHO AGENCY

Compiled by:
Charles P. Mathes, Realty Officer



EXHIBIT "C"

FORWARD

THIS SHORT DOCUMENTARY INVOLVING THE KOOTENAI INDIAN VILLAGE, NEAR BONNERS FERRY, IDAHO, WAS PREPARED AT THE REQUEST OF THE KOOTENAI TRIBAL COUNCIL AT THE MEETING HELD ON SEPTEMBER 14, 1972. MUCH INFORMATION WAS OBTAINED FROM THE LETTERS OF SIMON FRANKS, DECEASED, A MEMBER OF THE KOOTENAI TRIBE, WHO WORKED FOR MANY YEARS TO HELP HIS TRIBE SECURE TITLE TO THE VILLAGE AREA. OTHER SOURCES OF MATERIAL INCLUDED THE RECORDS OF THE NORTHERN IDAHO AGENCY, LAPWAI, IDAHO.



LIST OF EXHIBITS

- A. Area map showing village location
- B. Layout of village housing, 1931
- C. Land plat indicating dimensions of village, day school site, and St. Michael's Mission land
- D. Kootenai Indian Village prior to new housing
- E. Typical house constructed in the 1931 project
- F. Kootenai Indian Village after completion of 1931 housing project



THE KOOTENAI INDIAN VILLAGE

Many centuries before white trappers and traders entered the area, an identifiable group of American Indians lived in the Kootenai Valley near what was to become Bonners Ferry, Idaho. This was the ancestral home of the Lower Kootenais, later known as the Idaho Kootenais, and now the Kootenai Tribe of Idaho. The Indian people of the Kootenai Valley were affiliated with the Kootenai Tribe, the Upper Pend d'Oreilles, and the Flathead Tribe prior to the Treaty of July 16, 1855, maintaining a separate organization with their own chiefs and headmen. By the terms of the Treaty of 1855, these Indian Tribes ceded to the United States all of the country occupied or claimed by them, however it is noted that the Lower Kootenais were not represented when the treaty was signed. The other tribes involved in the treaty secured reservations upon which to live, but the Lower Kootenais were left landless.

The Kootenai people were accustomed to live in villages chosen by the current chief. Upon the death of the chief, or due to some natural phenomenon, the village was moved to a new location. Before the turn of the century, homesteaders were rapidly claiming lands in the Kootenai Valley, and these lands often were used as village sites by the Indian people. Consistent with the Government's policy to induce Indian people to engage in farming as a means of livelihood, and to resolve the land use conflict in the area, members of the tribe were given land allotments on the public domain. No reservation was established. The allotments were granted under the provisions of Section 4, of the Act of February 8, 1887 (24 Stat. 33), as amended by the Act of

February 28, 1891 (26 Stat. 794). The Kootenai people were not inclined to be farmers and they lacked both training and funds with which to engage in this activity. This became apparent when the homesteading farmers attempted to form a diking and drainage district to alleviate a serious flooding problem along the Kootenai River. The Indian allottees lacked funds and even though Congress subsequently passed an Act which permitted the Indian landowners to take part in the diking and drainage district, many of the allotments along the river were sold. The Government reinvested the sales proceeds for the Indian people by purchasing benchland tracts ranging in size from ten to one hundred and sixty acres, however much of the purchased land was not suitable for agriculture at the time. The matter of finances, training, and occupational preference precluded farming as a means for the Kootenai Indian people to better their lot, aside from the occasional seasonal work on farms managed by the non-Indians of the valley. The allotments that remained gradually became of less consequence as a source of rental income due to fractionation of ownership by inheritance and the loss of lands and interests in same by sales out of a trust status. The foregoing is mentioned to give some background into the reasons why it became apparent at an early date that the Kootenai Indian people required a permanent village which would be their home.

During the period that Chief Thomas Blind led the Kootenais, the Indian people lived in tipis the year round. The village site chosen by the Chief was located on the south side of the Kootenai River, about three miles below Bonners Ferry. Upon the death of Chief Thomas Blind in 1869, his son Abraham

Blind became Chief. In accordance with tribal custom, the new chief selected a different village site; this one being located on the north side of Bonners Ferry and a quarter of a mile west of the first trading post in the area. Chief Abraham Blind built the first cabin and convinced Isaac Adams, Morrisse Chicquet, Archie Chicquet, and Camille Two Shelter to follow his example. These five cabins were the first permanent houses which the Kootenai Indian people built and lived in during their history. Chief Abraham Blind died in 1887 and again following tribal custom, Assistant Chief Isaac Adams moved his people about one and one half miles westerly of the old camping ground. Morrissee Chicquet was then appointed chief.

The Kootenai Indian people were visited each year by Jesuit Missionaries from DeSmet, Idaho. On one such visit in 1888 the matter of a permanent church building was discussed, and it was decided to build a church building on the south end of Long Arm Island. In the Summer of 1890 the Chiefs supervised the building of the new church which was known as St. Michael's Mission. The first church was built of tamarack logs and the roof was made of cedar bark and earth. This log church building went down after but a few years and a second church was constructed about 200 yards west of where the first church building stood. That church building was smaller than the original building. It was constructed of lumber donated by the people of Bonners Ferry. In 1907 a new church building was constructed southeast of the second building, facing in the same direction as the two previous buildings. This building, which is still standing, is located on land deeded by James Dupras on March 11, 1897 to A. J. Glorieux, and by the latter, subsequently to the Roman Catholic

Diocese of Boise. The church land is adjacent to the village site on the east side.

By deed dated June 24, 1914, the United States purchased a two and one-half acre portion of Kootenai allotment No. 11 from the heirs of Tania Abraham, the original allottee, for the sum of \$125.00. a day school was constructed on the site and remained in operation until 1926, when closure was forced due to attendance which dropped below permissible levels. The parents then sent their children to school in Bonners Ferry. The school building has been removed. The land of the former school site is located adjacent to the ten acre village site.

The Kootenai Indian village was located on a portion of Kootenai allotment No. 11 which, as stated above, was allotted to Tania Abraham. Previously referred to as Long Arm Island, the area became known as Mission Hill after the surrounding flats were drained. By 1910 the village consisted of about 16 rough cabins and several tepees. Conditions in the village were unfavorable health-wise. In 1920, a local physician by the name of Doctor E. R. Fry attempted to enlist public support to improve conditions for the Kootenai Indian people. Help was very slow in coming. Finally, by the Act of May 14, 1930, Public Law 217, Congress appropriated the sum of \$27,000 for the purchase of the ten acre village site for the Kootenai Indian people and for the construction of homes, sewer and water systems, and for the purchase of supplies and items for the homes. On July 2, 1931 the Superintendent asked the people to move from the old cabins so that they could be torn down to make way for the new construction. Some of the people did not wish to move;

possibly fearing that they would be left homeless. Work on the new housing commenced during the Summer of 1931. The assignment of the 18 new homes to the various families was managed by Chief Isadore. The homes were assigned to Justina Chiqui, Polly Pierre Neo, Theresa David, Louis Adams, Simon Francis, Mary Little Sam, Encas Abraham, Joseph Kesholl Temo, Chief David, Stanislaus Bighead, Alexander Kannaka, Saul Chiqui, Osay Joseph, Lucy Pierre Stanish, David Luke Sam, Francis Adams, and Harciass Isadore. The first cottage next to the school was left unoccupied at the request of Agency Superintendent Wilson. A housing committee consisting of three tribal members was appointed to see to the maintenance of the buildings. However, as the committee members died, they were not replaced and the housing committee soon ceased to exist. It should be mentioned that no funds were available for maintenance work. As a result, the buildings gradually reached advanced states of disrepair. In recent years, all but two of the homes have been torn down and destroyed by the Kootenai Tribal Council as they became vacant and judged unsafe for further use. Nevertheless, the Kootenai Indian people have a strong attachment to the village area. They feel that as a Tribe, they should be permitted to enjoy the ownership of this land which is still held by the United States. They wish the title to pass to the United States in trust for the Kootenai Tribe of Idaho.

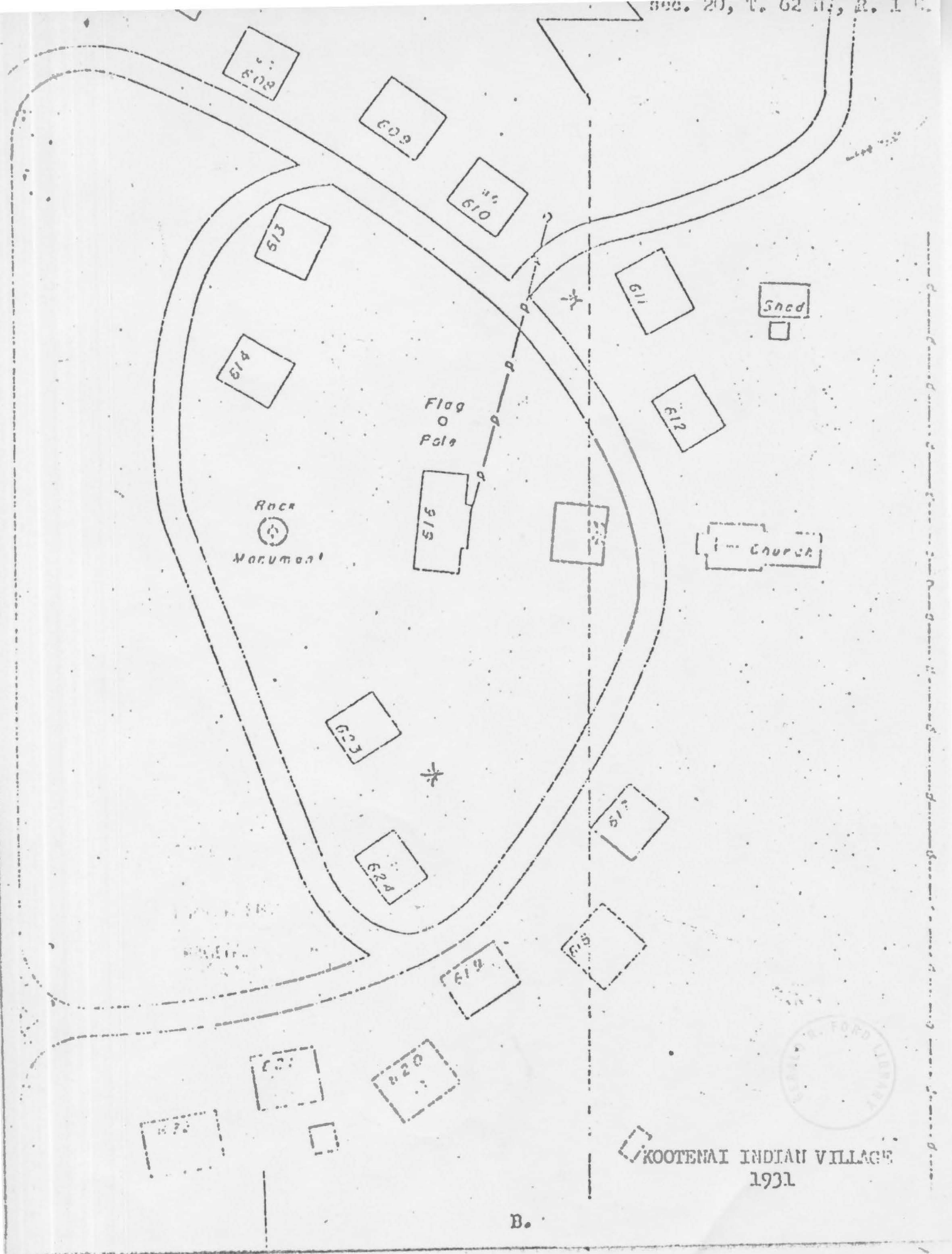
The Kootenai Indian people have sought ownership of the twelve and one-half acres of land upon which their village and school stood for many years. The original allottee, Tamia Abraham, is said to have donated the ten acre portion of his allotment to his tribe for their village. The transfer was legalized

by the deed executed in 1931 by his heirs. These heirs stated that they always considered the land to be owned by the Kootenai Tribe as this was Tania Abraham's intent. They conveyed title, stipulating in the deed that the area described in the deed was for use as a site for the Kootenai Indian Village. The Kootenai Tribal Council passed several resolutions over the years pertaining to their desire to acquire legal title to the twelve and one-half acres of land involved. On behalf of the Tribe, Simon Francis wrote many letters to officials seeking help. The Council has presented various proposals over the years to facilitate a transfer of the title to the land to the Tribe, but at this writing, the Government still holds exclusive title to the lands.

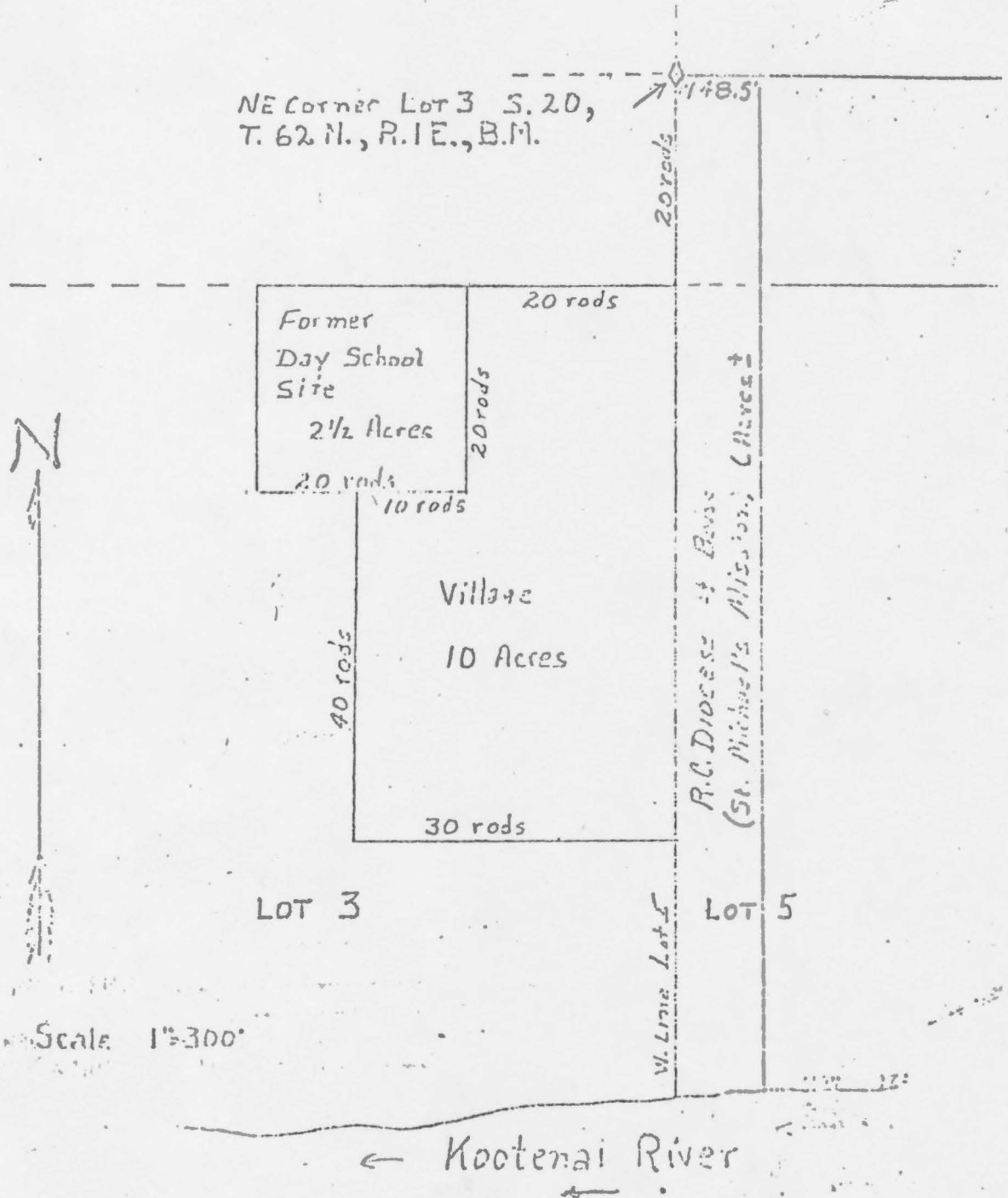




890. 20, 1. 62 H., R. 1.



NE Corner Lot 3 S. 20,
T. 62 N., R. 1 E., B.M.



Scale 1"=300'

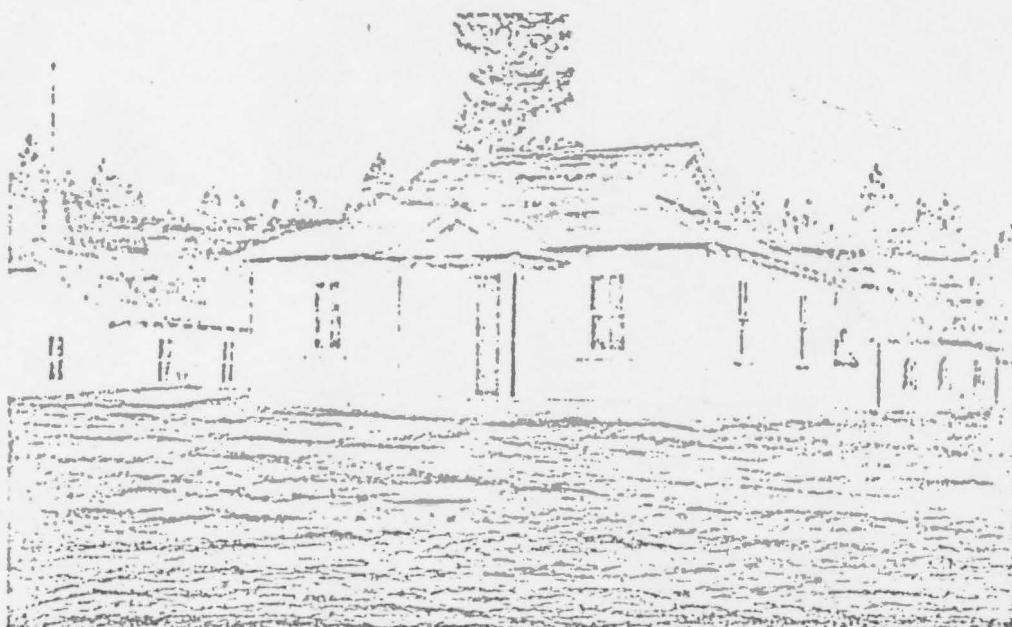
← Kootenai River





Kootenai Indian Village at St. Michael's Mission





Typical house constructed in 1931. St. Michael's Mission Church appears in the right background.

*All new almost exact Bld. #61, 614, 622, 623
and Water System*





Kootenai Indian Village after new housing completed.

All new removed Map # 601
 614
 622
 623

Water System remains



Service Provided: Employment Assistance Services to Kootenai have been limited during the past five years, primarily because of limited interest in vocational training and direct employment - both of which in view of the Kootenai location normally necessitated a physical move.

Following is year by year funded service:

<u>F.Y.</u>	<u>AVT</u>	<u>DE</u>
70	1	0
71	0	0
72	0	0
73	1	0
74	0	5*

*Includes 4 tribal council members funded for management training, but from employment funds.

Funded service does not represent the extent of service provided. Personal counseling and referral to other programs are services provided when appropriate. For example, in F.Y. '74 an extensive number of man hours were devoted to one member of the Kootenai Tribe in working out a plan for him to leave Boundary County jail, receive alcoholism treatment at Orofino, Idaho, and be placed in a State funded, privately administered career vocational program in Spokane, Washington.

Like services are provided whenever the need arises.

Funding: Funding under the Employment Assistance Program is based on individual applicant need and use. However, for purposes of program planning, the Kootenai Tribe is apportioned a percentage of program funds based on the comparison of their population with the total population served by Northern Idaho Agency. This percentage for F.Y. 1975 was approximately 3%.

FUNDS EXPENDED ON KOOTENAI MEMBERS

F.Y. 1973	\$ 360.00
F.Y. 1974	1,030.00
F.Y. 1975	None to date

APPORTIONED FUNDS FOR KOOTENAI MEMBERS

F.Y. 1974	\$1,371.00
F.Y. 1975	1,437.00

KNOWN SIGNIFICANT ITEMS

1. Tribal Trust Lands:

The Kootenai Tribe of Idaho owns no Trust land and has no area officially designated as the Kootenai Reservation, although, in general parlance the series of Kootenai Public Domain Trust Allotments scattered up and down the Kootenai River are referred to as the Kootenai Reservation.

For at least the last several years, the Kootenai Tribe has been very anxious to obtain lands in Trust to provide the Tribe with a permanent land base. In order to achieve this, the Tribe has requested the return of 12 1/2 acres of Government land to the Tribe (SEE Senate Bill S-634 in the appendix).

The Tribe is also desirous of purchasing certain heirship interests in various Kootenai Trust Allotments but because of extremely limited Tribal funds, this is not a satisfactory solution to the problem.

The Kootenai Tribal Council has been investigating the possibility of obtaining Federal lands to form a Tribal land base. Because of the apparent impossibility of this goal, the Kootenai Tribe passed a Resolution on September 4, 1974, demanding that the United States Government either properly compensate them for aboriginal lands seized after the Helgate Treaty of 1855 or give them an equivalent land base (SEE Resolution in the appendix). A rough draft of a possible "Treaty" implementing this goal is also included in the appendix.

2. Hunting and Fishing Rights:

The Tribe has requested that their aboriginal hunting and fishing rights be acknowledged. In a memorandum dated March 26, 1973, the Portland Office of the Regional Solicitor indicated that at this time the Kootenai Tribe does not retain any aboriginal hunting and fishing rights.

This is also a matter that the Kootenai Council hopes can be taken care of by the proposed "Treaty".

3. Water Rights:

The Tribe has also requested that the inherent water rights of the Tribe be investigated and determined. The Bureau of Indian Affairs

has proposed carrying out such a water resources analysis in Fiscal Years 1976-1977.

4. Law and Order:

The Tribe has expressed some dissatisfaction with the current status of Law and Order. Because of the extremely small size of the Tribe's entity, it has seemed impractical for the Tribe or for the Bureau to maintain a separate Law and Order Program.

A P P E N D I X

1. 1974 Band Analysis (1976 PPB Cycle)
 - a. Narrative Statement
 - b. Kootenai Resolution
 - c. Agency Band Analysis
2. 1974 Agency Budget (with Reservation Breakdown)
3. 1975 Agency Budget (with Reservation Breakdown)
4. Proposed 1976 Agency Budget (with Reservation Breakdown)
6. Kootenai Resolution demanding a Reservation
7. Draft of Proposed Treaty
8. Newspaper Items from September 13th through September 16th
9. 1974 - Real Property Management - Annual Report
10. Senate Bill S. 634



NORTHERN IDAHO AGENCY

Narrative Statement
(Band Analysis-1976 Cycle)

On February 27, 1974, representatives of the Coeur d'Alene, Kootenai, and Nez Perce governing bodies including the three Chairmen met to discuss the 1976 Constrained levels of the Band Analysis. The following consensus was approved by the Tribal representatives:

(1) The Tribes continue to oppose any Bureau policy that implies pressure on the Tribes to accept contracting of programs.

(2) The Tribes approved the "1976 Need" figures and recommended that the Bureau make every effort to implement a Budget at that level.

(3) The Tribes agreed that they did not wish to indicate any "priority" of programs by approving cuts in certain programs in the course of completing the "95% Constrained Level" and furthermore they requested that the Bureau refrain from filling in the 95% column.

The Tribal representatives also stated that they would provide a resolution incorporating the above points.

I) In accord with the Tribes "request" the Agency has left the "95% level" blank.

II) The major impact of proposed program increases can be found in those activities that show an increase of 15% or more from the 1975 Base to the 1976 Need and which also show the same funding for the 110% and the 120% columns as is shown in the 1976 Need. The major activities affected are:

Social Services Operations (09-1770); This activity shows a \$67,200 increase (111%) over the 1975 Base. This increase consists of \$25,000 to take over the operation of the current contract position on the Kootenai Reservation. The funding for the present position is split by the Bureau and the IHS with the Bureau funds coming from a half dozen assorted Area Office programs. As a result the funding of this position is a year by year problem as it is not "programmed" in any activity's area of responsibility. This situation leads to excessive instability in a position where continuity is more than ordinarily important. Another \$18,000 is programmed to impliment a long needed alcoholism program. In addition \$12,600 is programmed to convert the current secretarial position to a Social Aid position with the concomitant addition of a new clerical position. It should be noted that this is basically the same program that the Social Services Branch asked for in their last year's PPB.

Credit Operations (16-1822); This activity shows an increase of \$12,900 (70%) over the 1975 Base and this increase consists of an additional position required by the increased work level brought about by the increased Tribal Credit Programs as well by Credit's position as advisor-consultant to the several developing Tribal Enterprizes. It should be noted that this increase was previously programmed for FY 1975 with Band Analysis priority.

Law Enforcement (10-1790); This activity shows an increase of \$24,300 (37%) over the 1975 Base which consists mostly of a new policeman,

plus assorted supporting costs for the Coeur d'Alene Reservation. The Coeur d'Alene Tribal Council has long urged the need of several positions at their Reservation and this will partially satisfy this Tribal requirement.

General Trustee Services (30-1865); A 25% increase (\$7,100) is shown for this activity over the 1975 Base. This increase consists of one new staff position. This position has been requested and justified for at least the last six years (PPB Years). Last year it was the only increase prioritized under the Band Analysis that was not a Resource Development Activity. But this activity, one of the most important Trust functions of the BIA, continues to be extremely understaffed.

Housing Improvement (13-1775); A 25% increase (\$22,500) in funding is programmed in order to increase the number of HIP units that can be processed in FY 1976.

Housing Development (12-1826); A 20% (\$6,300) increase in funding is programmed for Housing Development in FY 1976. This increase is to pay for a temporary employee to help with the expected increase in the HIP (13-1775) workload.

Reservation Programs (31-1823); A 17% (\$6,100) increase is programmed to provide funds for temporary clerical support to be utilized in preparing Agency reports.

General Support (33-1799); This activity is programmed for an increase of \$16,400 (15%) which includes the transfer of a position, currently paid out of IMPL, to General Support.

Direct Employment (20-1780); A 15% (\$5,600) increase is programmed for this activity in FY 1976 to provide additional grant funds for the program.

Tribal Operations (06-1825); This activity shows a programming increase of \$1,500 (15%). This increase will provide extra travel funds to allow the enrollment clerk to devote extra Time to the Coeur d'Alene Reservation.

Adult Vocational Training (05-1785); A 15% (\$7,900) increase is called for by this activity. This increase is all located in the AVT Grant funds and is necessitated by the continued expansion of the training program.

Agricultural Extension (07-1821); This activity is scheduled for an increase of \$10,200 (92%). This proposed increase is to fund this activity completely under the Bureau's contract with the State. At the present the State is operating a \$17,000 program with only \$11,100 reimbursed by the Bureau Contract.

III) An additional impact can be found in those programs that show increases on the 120% level, but not on the 110% level. These programs consist of the following:

School Operations (01-1740); An additional \$30,200 (32% increase over the 1975 Base) is programmed including \$21,200 for the Coeur d'Alene Reservation where it will be used in support of the proposed school at Desmet.

Forestry (26-1800); An additional \$34,600 (26% increase over the 1975 Base) is requested. This figure includes \$21,300 to be used to contract with the Tribe for survey work at Grassy Mountain on the Coeur d'Alene Reservation.

Outdoor Recreation (14-1806); An addition of \$20,200 is programmed for the Nez Perce Reservation. These funds are scheduled to be contracted to the Nez Perce Tribe who plan to use them in the development of Outdoor Recreation facilities.

Commercial and Industrial Development (15-1824); Twenty thousand (\$20,000) is programmed for the Nez Perce Reservation. These funds also would be contracted to the Tribe to utilize in a Commercial and Industrial Development program.

IV) There is no significant difference between the 120% level and the 1976 Need level and therefore no major impact, beyond that already discussed in paragraph II occurs in the 1976 Need level.

NOTED: Several times in the above narrative an increase of staff is listed despite Paragraph 5 of the "Band Analysis Instructions for Agencies --- February 1974." Alternatively, of course, these "staff" funds could be used to contract for Tribal services or programs.

RECEIVED

MAR 8 1974

NORTHERN IDAHO AGENCY

KOOTENAI RESOLUTION 74-12

WHEREAS, the Bureau of Indian Affairs is currently developing their proposed budget for Fiscal Year 1976, and

WHEREAS, the Bureau of Indian Affairs has requested each Tribe to express its priorities and its views on the Fiscal Year 1976 Program, and

WHEREAS, pursuant to this objective representatives of the Kootenai Tribal Council met on February 27 with representatives of the Coeur d'Alene Tribal Council and the Nez Perce Tribal Executive Committee, and

WHEREAS, all three Tribes agreed on the following points,


NOW, THEREFORE, BE IT RESOLVED, that the Kootenai Tribe through the Kootenai Tribal Council hereby requests the Bureau to base their Fiscal Year 1976 Programming on the Fiscal Year 1976 Need column of the band analysis, and in addition, requests the Bureau not to fill in the 1976 "95% constrained level" column since it is the consensus of the three Tribes that all on-going Agency programs are needed and none can afford a cut in spending or staff levels, and

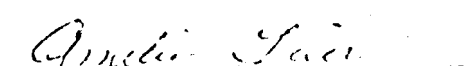
MOREOVER, the Kootenai Tribal Council wishes to express at this time its continued opposition to any forced or semi-forced contracting of on-going Bureau programs.


C E R T I F I C A T I O N

The foregoing resolution was adopted by the Kootenai Tribal Council at a meeting held 1 March 1974, at Bonners Ferry, Idaho, with the required quorum present, by a vote of 7 for and 0 against.

NOTED:


Acting Superintendent
Northern Idaho Agency
April 17, 1974


Amelia Trice, Chairman
Kootenai Tribal Council


Eileen R. Lowley, Secretary
KOOTENAI Tribal Council

BAND ANALYSIS (LOCAL FUNDING PRIORITIES) FISCAL YEAR 1976
(Dollars in thousands and tenths)

February
1974

NORTHERN IDAHO INDIAN AGENCY

Location name	Location code
Lapwai, Idaho	P05-01

SECTION I. Agency and Area Office form.

	Line & Code	1975 Base	1976 Constrained Levels			1976 Need
			95%	110%	120%	
EDUCATION & CAREER DEVELOPMENT						
School operations (including program direction)	01-1740	96.4		97.6	127.2	127.2
Ass't. to public schools (JOM)	02-1740	247.6		251.6	272.3	272.3
Career development:						
Scholarships	03-1740	247.6		251.6	272.4	272.4
Adult education	04-1768	30.4		30.9	33.4	33.4
AVR (exclude OJT)	05-1785	54.7		62.6	62.6	62.6
INDIAN SERVICES						
Aid to tribal government:						
Tribal operations(excl.TQDP)	06-1825	10.0		11.5	11.5	11.5
Agricultural extension	07-1821	11.1		21.3	21.3	21.3
Reservation cleanup	08-1875	N.F.		-----	-----	-----
Social services operations (exclude grants)	09-1770	60.4		127.6	127.6	127.6
Law & order:						
Law enforcement	10-1790	76.4		100.7	100.7	100.7
Prevention, rehabilitation, & judicial	11-1790	27.7		28.2	30.5	30.5
Housing:						
Development	12-1826	31.5		37.8	37.8	37.8
Improvement	13-1775	90.0		112.5	112.5	112.5
TRIBAL RESOURCES DEVELOPMENT						
Business:						
Outdoor recreation	14-1806	N.F.		0.0	20.2	21.2
C&I development	15-1824	N.F.		0.0	20.0	21.3
Credit operations	16-1822	18.6		31.5	31.5	31.5
Roads maintenance	17-1840	62.3		63.2	65.4	65.4
Roads construction:						
Excluding Indian Action Teams	18-1250	325.0		329.5	350.0	350.0
Indian Action Teams	19-1252	N.F.		-----	-----	-----
Direct employment:						
Excluding Indian Action Teams	20-1780	37.3		42.9	42.9	42.9
Indian Action Teams	21-1702	N.F.		-----	-----	-----

NORTHERN IDAHO INDIAN AGENCY

Location name

Lapwai, Idaho

Location code

P05-01

SECTION I. Agency and Area Office form--continued.

	Line & Code	1975 Base	1976 Constrained Levels			1976 Need
			95%	110%	120%	
TRUST RESPONSIBILITIES						
Indian rights protection (water & hunting & fishing)	22-1835	36.7		37.2	53.5	53.5
Real estate: Management	23-1861	70.9		71.9	78.0	78.0
Appraisal	24-1863	N.A.		-----	-----	N.A.
Minerals & mining	25-0000	N.F.		-----	-----	-----
Forestry	26-1800	132.5		134.0	167.1	167.1
Agricultural Range	27-1800	N.F.		-----	-----	-----
SMCO	28-1830	160.9		161.9	168.9	168.9
Environmental protection studies	29-1886	N.F.		-----	-----	-----
Financial trust services (General trustee)	30-1865	25.2		32.3	32.3	32.3
GENERAL MANAGEMENT & FACILITIES OPERATIONS						
Reservation programs	31-1823	36.0		42.1	42.1	42.1
Safety	32-0000	N.F.		-----	-----	-----
General support (1799 except Safety)	33-1799	109.0		125.4	125.4	125.4
Plant operations	34-1898	47.6		48.4	52.4	52.4
Repair & maintenance B&U	35-1870	45.2		45.9	49.7	49.7
TOTAL, ABOVE	36-0000	2,091.0	1,986.4	2,300.1	2,509.2	2,511.5

N.A. = Not applicable

N.F. = Not funded

In Fiscal Year 1977, if total Agency-funding for all programs equalled the 120% amount shown on line 36-0000 above, how much would you identify for Roads Construction (line 18-1250) in 1977

350.0

(thousands & tenths)

Signature of Agency superintendent

Vincent Little
Vincent Little, Superintendent

Date

March 8, 1974

Date

MAR 18 1974

Amelia Trice, Chairman

Kootenai Tribal Council

BAND ANALYSIS

1974 BASE

ACTIVITY	Prel. Alloc.	REVISED ALLOCATIONS						Total
		Coeur d'Alene		Kootenai		Nez Perce		
		Op.Ex.	Prg.Ex.	Op.Ex.	Prg.Ex.	Op.Ex.	Prg.Ex.	
Education.....01-1740	61.0	9.5	9.5	1.0	1.0	20.0	20.0	61.
Education (JOM).....02-1740	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Education (Scholarships)..03-1740	120.0	0.0	48.0	0.0	2.0	0.0	110.0	160.
Adult Education.....04-1768	25.8	8.0	3.0	2.1	1.0	10.0	1.5	25.
AVT.....05-1785	(see 1780)	0.0	15.0	0.0	5.0	0.0	30.0	50.
Tribal Operations.....06-1825	7.7	(3.3)*	0.0	(1.1)*	0.0	(3.3)*	0.0	*(7.7)
Agriculture Extension.....07-1821	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Social Services (Oper.)...09-1770	89.1	14.8	0.0	7.2	0.0	29.1	31.0	82.
Law & Order.....10-1790	99.5	13.8	3.0	0.0	0.0	56.6	12.5	85.
Housing Development.....12-1826	31.0	12.2	0.0	1.4	0.0	15.4	0.0	29.
Housing Improvement.....13-1775	100.0	0.8	39.0	0.0	5.0	1.2	44.0	90.
Credit.....16-1822	16.5	8.6	0.0	0.5	0.0	8.9	0.0	18.
Roads Maintenance.....17-1840	60.0	32.0	22.0	0.0	0.0	3.6	2.4	60.
Roads Construction.....18-1250	331.0	0.0	0.0	0.0	0.0	0.0	302.0	302.
Direct Employment.....20-1780	137.4	9.5	2.2	3.1	0.7	19.0	4.4	38.
Indian Water Rights.....22-1835	20.0	0.0	20.0	0.0	0.0	0.0	0.0	20.
Real Property Management..23-1861	65.2	31.4	0.0	3.2	0.0	27.4	0.0	62.
Forestry.....26-1800	116.7	41.5	3.4	41.5	14.2	1.2	14.2	116.
SMCO.....28-1830	98.9	49.0	0.0	3.0	0.0	49.0	0.0	101.
Financial Trust Services..30-1865	15.9	9.2	0.0	1.1	0.0	10.3	0.0	20.
Reservation Programs.....31-1823	30.1	12.5	0.0	7.0	0.0	11.5	0.0	31.
Reservation Management....33-1799	87.0	47.8	0.0	5.5	0.0	38.6	0.0	91.
Plant Operations.....34-1898	43.0	0.0	0.0	0.0	0.0	30.2	13.8	44.
Repair & Maintenance B&U..35-1870	36.0	1.9	1.7	0.0	0.0	17.0	15.4	38.
TOTAL	1591.8	302.5	166.8	76.6	28.9	349.0	601.2	1525.
		469.3		105.5		950.2		

*Funds were held in 1974 and spent elsewhere.

BAND ANALYSIS

1975 BASE

ACTIVITY	NEZ PERCE RESERVATION	COLORADO RESERVATION	FOOTMOUNTAIN RESERVATION
Education.....01-1740	58.0	36.0	2.4
Education (JOM).....02-1740	178.4	61.1	8.1
Education (Scholarships).....03-1740	171.0	70.6	6.0
Adult Education.....04-1768	14.0	12.4	4.0
WT.....05-1785	38.3	14.8	1.6
Tribe Operations.....06-1825	3.0	6.5	0.5
Agriculture Extension.....07-1821	11.1	0.0	0.0
Social Services (Operations)....09-1770	34.4	17.5	8.5
Law & Order.....10-1790	47.9	28.5	0.0
Law & Order.....11-1790	18.5	9.2	0.0
Housing Development.....12-1826	15.7	12.6	3.2
Housing Improvement.....13-1775	45.0	36.0	9.0
Credit.....16-1822	9.3	8.4	0.9
Roads Maintenance.....17-1840	3.1	59.2	0.0
Roads Construction.....18-1250	0.0	325.0	0.0
Direct Employment.....20-1780	26.1	10.1	1.1
Indian Water Rights.....22-1835	36.7	0.0	0.0
Real Property Management.....23-1861	29.0	35.5	6.4
Forestry.....26-1800	63.6	60.9	8.0
SMCO.....28-1830	80.9	76.0	4.0
Financial Trust Services.....30-1865	12.6	10.1	2.5
Reservation Programs.....31-1823	13.5	14.5	8.0
Reservation Management.....33-1799	43.6	54.5	10.9
Plant Operations.....34-1898	45.2	2.4	0.0
Repair & Maintenance B&U.....35-1870	42.9	2.3	0.0
TOTAL	1,041.8	964.1	85.1



1974 PROGRAM NEEDS (By Reservations)

February
1974

BAND ANALYSIS (LOCAL FUNDING PRIORITIES) FISCAL YEAR 1976 (Dollars in thousands and tenths)

Location name	Location code
Northern Idaho Agency	

SECTION I. Agency and Area Office form.

	Line & Code	1975 Base	Cd'A	Koot.	N.P.	1976 Need
EDUCATION & CAREER DEVELOPMENT						
School operations (including program direction)	01-1740		60.8	2.6	63.8	127.2
Ass't. to public schools (JOM)	02-1740		67.2	8.9	196.2	272.3
Career development:						
Scholarships	03-1740		77.7	6.6	188.1	272.4
Adult education	04-1768		13.6	4.4	15.4	33.4
AVT (exclude OTF)	05-1785		16.9	1.9	43.8	62.6
INDIAN SLEEVING						
Aid to tribal government:						
Tribal operations(excl.TGDP)	06-1825		8.0	0.5	3.0	11.5
Agricultural extension	07-1821		0.0	0.0	21.3	21.3
Reservation cleanup	08-1875		0.0	0.0	0.0	0.0
Social services operations (exclude grants)	09-1770		28.9	41.6	57.1	127.6
Law & order:						
Law enforcement	10-1790		48.0	0.0	52.7	100.7
Prevention, rehabilitation, & judicial	11-1790		10.1	0.0	20.4	30.5
Housing:						
Development	12-1826		15.1	3.8	18.9	37.8
Improvement	13-1775		45.0	11.2	56.3	112.5
TRIBAL RESOURCES DEVELOPMENT						
Business:						
Outdoor recreation	14-1806		0.0	0.0	21.2	21.2
C&I development	15-1824		0.0	0.0	21.3	21.3
Credit operations	16-1822		14.2	1.5	15.8	31.5
Roads maintenance	17-1840		62.1	0.0	3.3	65.4
Roads construction:						
Excluding Indian Action Teams	18-1250		350.0	0.0	0.0	350.0
- Indian Action Teams	19-1252		0.0	0.0	0.0	0.0
Direct employment:						
Excluding Indian Action Teams	20-1780		11.6	1.3	30.0	42.9
Indian Action Teams	21-1782		0.0	0.0	0.0	0.0



Location name	Location code
Northern Idaho Agency	

SECTION I. Agency and Area Office form--continued.

	Line & Code	1975 Base	Cd'A	Koot.	N.P.	1976 Need
TRUST RESPONSIBILITIES						
Indian rights protection (water & hunting & fishing)	22-1835		0.0	15.0	38.5	53.5
Real estate: Management	23-1861		39.1	7.0	31.9	78.0
Appraisal	24-1863		0.0	0.0	0.0	0.0
Minerals & mining	25-0000		0.0	0.0	0.0	0.0
Forestry	26-1800		88.3	8.8	70.0	167.1
Agriculture: Range	27-1805		0.0	0.0	0.0	0.0
SMCO	28-1830		79.8	4.2	84.9	168.9
Environmental protection studies	29-1886		0.0	0.0	0.0	0.0
Financial trust services (General trustee)	30-1865		12.9	3.2	16.2	32.3
GENERAL MANAGEMENT & FACILITIES OPERATIONS						
Reservation programs	31-1823		17.1	9.0	16.0	42.1
Safety	32-0000		0.0	0.0	0.0	0.0
General support (1799 except Safety)	33-1799		56.4	12.6	56.4	125.4
Plant operations	34-1898		2.6	0.0	49.8	52.4
Repair & maintenance B&U	35-1870		2.5	0.0	47.2	49.7
TOTAL, ABOVE	36-0000		1127.9	144.1	1239.5	2511.5

In Fiscal Year 1977, if total Agency funding for all programs equalled the 120% amount shown on line 36-0000 above, how much would you identify for Roads Construction (line 18-1250) in 1977?
(thousands & tenths)

Signature of Agency superintendent	Date
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R E S O L U T I O N

THE KOOTENAI NATION OF INDIANS, KNOWN NOW AS THE KOOTENAI TRIBE OF IDAHO, SITTING IN QUORUM AT BONNERS FERRY, IDAHO, ON SEPTEMBER 4, AT 7:00 P.M., 1974 DOES HEREBY PASS THIS RESOLUTION:

WHEREAS, THE KOOTENAI NATION OF INDIANS HAVE RESIDED WITHIN THEIR ABORIGINAL AREA SINCE TIME EMEMORIAL, AND;

WHEREAS, THESE ABORIGINAL LANDS, AS RECOGNIZED BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA, DID ENCOMPASS AN AREA IN WHAT IS NOW EASTERN IDAHO, WESTERN MONTANA, AND INTO CANADA, TO AN EQUIVALENT OF ONE MILLION, THREE HUNDRED AND SIXTY-EIGHT THOUSAND TWO HUNDRED EIGHTY ACRES OF LAND, AND;

WHEREAS, THE GOVERNMENT OF THE UNITED STATES DID ABSORB THESE LANDS AT A MEETING HELD IN HELLGATE, MONTANA, KNOWN AS THE HELLGATE TREATY, IN THE YEAR OF OUR LORD, 1855, WITHOUT THE REPRESENTATION, CONSENT, OR KNOWLEDGE, OF THE KOOTENAI NATION OF IDAHO, DUE TO THE FAILURE, BY THEN, GOVERNOR ISAAC STEVENS, OF THE THEN TERRITORY OF WASHINGTON, WHETHER INTENTIONAL, OR NOT, AS HIS DIRECTIVE BY THE PRESIDENT OF THE UNITED STATES AND COMMISSIONER OF INDIAN AFFAIRS, WAS TO CONTACT ALL TRIBES AND BANDS LIVING IN THE AREA TO BE AFFECTED BY THIS TREATY, AND THIS TREATY DID NOT INCLUDE THE ABORIGINAL LANDS OF THE IDAHO KOOTENAI,S AND;

WHEREAS, BETWEEN 1855 AND 1894, AND AS A RESULT OF THE HELLGATE TREATY, THE KOOTENAI NATION WAS IN EFFECT WITHOUT ANY RIGHTS, PRIVILEGES, OR LAND TO CALL THEIR OWN, ACCORDING TO THE HISTORY AND IN EFFECT BECAME NOTHING, AND;

WHEREAS, AS A RESULT OF THESE MISDEEDS BY THE GOVERNMENT OF THE UNITED STATES, NO TREATY OR OTHER DOCUMENT WAS EVER ENTERED INTO BETWEEN THE KOOTENAI NATION AND THE GOVERNMENT OF THE UNITED STATES, AND;

WHEREAS, WITHOUT THE KNOWLEDGE AND CONSENT OF THE KOOTENAI NATION, THE GOVERNMENT OF THE UNITED STATES DID "ASSUME" TRUSTEESHIP OVER THIS NATION AND ITS PEOPLE, AND;

WHEREAS, THE KOOTENAI NATION, AS A RECOGNIZED SOVEREIGN NATION WITHIN A NATION, DOES OPERATE UNDER A CONSTITUTION AND BY-LAWS ADOPTED BY THE KOOTENAI NATION AT BONNERS FERRY, IDAHO ON APRIL 10, 1947 AND APPROVED BY ACTING COMMISSIONER OF INDIAN AFFAIRS, WILLIAM ZIMMERMAN IN CHICAGO, ILLINOIS ON JUNE 16, 1947, AND;

WHEREAS, IN THE YEAR 1894, THE GOVERNMENT OF THE UNITED STATES, AFTER A TIME LAPSE AFTER 40 YEARS, SINCE THE ABSORPTION OF THE KOOTENAI NATION'S LANDS AND APPARENTLY REALIZING, IN A SMALL DEGREE, THE HUMILITY OF THESE MISDEEDS AND COLONIALISM, DID, "OUT OF THE GOODNESS OF THEIR HEARTS" MAKE INDIVIDUAL ALLOTMENTS, TO WHAT WAS LEFT OF THE KOOTENAI NATIONS OWN LANDS OF APPROXIMATELY 80 ACRES PER FAMILY, WHICH, PER SAE, IS ONLY ONE HALF OF AN ALLOTMENT UNDER THE HOMESTEAD ACT IN REGARD TO THE NON-INDIAN COMMUNITY, AND;

WHEREAS, THESE ALLOTMENTS HAVE BECOME SO FRACTIONATED ON AN INTERNATIONAL BASIS THAT IT HAS BECOME A REALTORS NIGHTMARE. TO WIT: EXAMPLES:

21150 / 262,440,000 1 / 1800 1 / 6300 30 / 648,000 3 / 3249 AND;

WHEREAS, THROUGH THE ENTHUSIASTIC YEARS THE GOVERNMENT OF THE UNITED STATES "TRUSTEESHIP", WAS LAX WHEREIN THE AMOUNT OF ALLOTTED LANDS HAS DEPLETED FROM AN ORIGINAL 7,000 ACRES TO A PRESENT 1,400 ACRES, AND;

WHEREAS, IN THE YEAR 1927, SOME 4,000 ACRES OF THE INDIVIDUAL INDIAN ALLOTMENTS BORDERING THE KOOTENAI RIVER WERE SOLD, AGAINST THE WILL OF THE KOOTENAI NATION WITHOUT THEIR CONSENT, BY SUPERINTENDENT OF THE COEUR D'ALENE AGENCY, BYRON A. SHARP AND THE DISTRICT SUPERINTENDENT, MR. LIPPS OR TIPPS, FOR PAYMENT IN DIKING THE RIVER BANS TO FACILITATE THE AGRICULTURAL DEVELOPMENT OF THE RICH BOTTOM LANDS IN NON-INDIAN OWNERSHIP, AND;

WHEREAS, THESE ALLOTMENTS WERE ULTIMATELY AND NATURALLY SOLD TO THE NON-INDIAN COMMUNITY, AND;

WHEREAS, WITHOUT A TREATY, VALID BILL OF SALE, OR DOCUMENT OF TITLE TRANSFER FROM THE KOOTENAI NATION TO THE GOVERNMENT OF THE UNITED STATES, THE GOVERNMENT OF THE UNITED STATES, THE GOVERNMENT OF THE UNITED STATES AND ITS CITIZENRY ARE, IN REALITY, AND ALWAYS HAVE BEEN, TRESPASSERS ON THE LANDS OF THE KOOTENAI NATION WITHOUT JUST CAUSE, PERMISSION, OR COMPENSATION THEREOF, AND;

WHEREAS, THROUGH THE INDIAN CLAIM COMMISSION, DOCKET NO. 152 OF 1962, A SO CALLED SETTLEMENT WAS MADE TO THE KOOTENAI NATION IN THE AMOUNT OF THIRTY-SIX CENTS (\$.36) PER ACRE, AND;

WHEREAS, THE KOOTENAI NATION FEELS THAT, IN LIEU OF THE MILLIONS OF DOLLARS IN RESOURCES TAKEN FROM THE LAND, A SETTLEMENT, MORE EQUIABLE TO THE REAL VALUE OF THE LAND SHOULD HAVE BEEN MADE AT THAT TIME, AND;

WHEREAS, THE KOOTENAI NATION FEELS THAT A TREATY AND A LAND BASE SHOULD HAVE BEEN NEGOTIATED AND ESTABLISHED AT THAT TIME TO FORMALIZE RELINQUISHMENT OF THE ABSORBED LAND OF THE KOOTENAI NATION, AND;

WHEREAS, THE KOOTENAI NATION HAS NEVER RELINQUISHED THEIR HUNTING, FISHING, OR TRAPPING RIGHTS, EITHER BY EXPRESSED DESIRE, OR CONSENT, WRITTEN OR VERBALLY, AND;

WHEREAS, THE AREA SOLICITOR'S OPINION, BEING NEGATIVE, IN REGARDS TO THE KOOTENAI NATION'S RIGHT TO FISH, HUNT, AND TRAP ON THEIR ABORIGINAL GROUNDS, DELETES THEIR LIFE STYLE AND AVAILABILITY OF NATURAL NATIVE FOODS, AND;

WHEREAS, SOME OF OUR KOOTENAI INDIAN PEOPLE HAVE BEEN ARRESTED, TRIED AND CONVICTED IN THE LOCAL INTERIOR COURTS FOR EXERCISING THEIR ABORIGINAL RIGHTS IN THIS REGARD, AND;

WHEREAS, THE GOVERNMENT OF THE UNITED STATES MAINTAINS THAT THE KOOTENAI NATION HAS NO WATER RIGHTS, MINERAL RIGHTS, OR IN EFFECT, ENTIRELY NO RIGHTS WHATSOEVER OTHER THAN THOSE IMPOSED UPON THEM BY THE GOVERNMENT, AND;

WHEREAS, IT IS A KNOWN FACT THAT A SIGNIFICANT REDUCTION OF REGENERATE BIRTHS WERE RECORDED FOR A COMPLETE GENERATION, CONTRARY TO ALL THE LAWS OF NATURE, AND ALL OTHER POPULATIONS WITHIN THE CIVILIZED WORLD, AND THAT THROUGH GROSS NEGLIGENCE OF THE TRUSTEESHIP OF THE UNITED STATES OF AMERICA, NO INVESTIGATION WAS MADE AS TO THE REASONS WHY, AND;

WHEREAS, THROUGH GROSS NEGLIGENCE OF THE TRUSTEESHIP RESPONSIBILITY BY THE GOVERNMENT OF THE UNITED STATES TOWARD THE KOOTENAI NATION, OUR PEOPLE WERE FORCED INTO COALITION AND LEGAL OVERPOWERMENT BY THE STATE OF IDAHO, AND;

WHEREAS, THROUGH GROSS NEGLECT BY THE GOVERNMENT OF THE UNITED STATES, THE PREVIOUS SUPERINTENDENT HAD VISITED OUR PEOPLE ONLY TWICE, DURING HIS EIGHT YEAR TENURE OF OFFICE, FOR A TOTAL OF 30 MINUTES, AND;

WHEREAS, THROUGH THE GROSS NEGLECT BY THE UNITED STATES OF AMERICA TOWARD THE KOOTENAI NATION, OUR PEOPLE HAVE NO BASE FOR SELF-SECURITY, NO HOPE, NO CIVIC PRIDE, AND NO TOOLS OR RESOURCES TO IMPLEMENT THE IDEALS OF SELF-DETERMINATION AS PRESCRIBED BY THE GOVERNMENT OF THE UNITED STATES AS THE ULTIMATE CURE OF THE ILLS OF THE INDIAN COMMUNITY, AND;

WHEREAS, IT BEING NOW CLEAR THROUGH THE EXPANSE OF THE PAST 120 YEARS, VERY LITTLE EVIDENCE HAS COME TO LIGHT, WHERE ANYONE IN THE GOVERNMENT CARED MUCH, FOR OR ABOUT OUR PEOPLE, OR WHERE THE ROLE OF THE TRUSTEESHIP ASSUMED BY THE GOVERNMENT OF THE UNITED STATES HAS BEEN BENEFICIAL TO THE PEOPLE OF THE KOOTENAI NATION TO ANY DEGREE IOF SUCCESS, BUT ONLY PROMOTED DEGRADATION, AND;

WHEREAS, SINGLE DOMINANCE BY THE GOVERNMENT OF THE UNITED STATES, WITHOUT THEIR CONSENT THROUGH ANY FORM OF DOCUMENTS WHATSOEVER ENTERED INTO WITH THE UNITED STATES, HAVE BEEN ASSESSED TAXATION WITHOUT REPRESENTATION, AND; WHEREAS, ABLE YOUNG MEN OF THE KOOTENAI NATION DID, AND HAVE ANSWERED THE CALL OF WAR ON BEHALF OF THE UNITED STATES, WHICH HAS WHICLLY TAKEN FOR GRANTED AND DID CAUSE ADDITIONAL CONDITIONS OF SUFFERING OUR PEOPLE OF THE KOOTENAI NATION, AND;

WHEREAS, THROUGH PERMITTED ENCROACHMENT BY WHITE PEOPLE, FROM THE WHITE COMMUNITY AREAS, RESIDING WITHIN OUR TRIBAL LANDS, SIGNIFICANT PORTIONS OF OUR TRADITIONAL AND RELIGIOUSLY REGARDED GROUNDS, SUCH AS BURIAL AND WHERE CEREMONIAL RITES ARE PERFORMED, WERE UPROOTED, DESECRATED AND DESTROYED, AND;

WHEREAS, SINCE 1775, THE NON-INDIAN COMMUNITY HAS ENJOYED THE CONSTITUTIONAL RIGHTS OF LIFE, LIBERTY, AND THE PURSUIT OF HAPPINESS, AND THAT THEY HAD PRIOR KNOWLEDGE, AND FULL UNDERSTANDING OF FACTS, THAT THE KOOTENAI NATION DID ENJOY SIMILARILY ESTABLISHED RIGHTS SINCE TIME IMMEMORIAL, THROUGHOUT INNUMERABLE GENERATIONS, UNTIL THE TIME OF OVERPOWERING DOMINATION OF WHITE SOCIETY IN GENERAL, IT IS CLEAR NOW, THAT OUR PEOPLE SINCE 1855, HAVE SUFFERED CONTINUOUSLY THROUGHOUT TO THIS DATE AND TIME, THESE ABOVE AFOREMENTIONED RIGHTS, WHICH ARE SO CONSIDERED IMPORTANT AND INALIENABLE BY ALL RACIAL COMMUNITIES THROUGHOUT THESE UNITED STATES, UNDER THE CONSTITUTION OF THE UNITED STATES.

NOW THEREFORE, BE IT RESOLVED THAT, THAT KOOTENAI NATION, IN FIRM REALIZATION AND BECAUSE OF ITS UNIQUE PAST HISTORY, EMPHASIZED IN THIS RESOLUTION, THE MANY INEQUITIES SUFFERED, THE USURPTION OF THE POWERS OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA AS THE CONQUERING NATION. THE LACK OF RECOGNITION OF THE KOOTENAI NATIONS RIGHTS AS A SOVEREIGN NATION WITHIN A NATION, THE EXTREME LAXITY ON THE PART OF THE UNITED STATES OF AMERICA IN TAKING NOTICE OF, OR DISSOLVING THE 120 YEAR PLIGHT OF OUR PEOPLE, THE PATIENCE, TRUST, AND PEACE SHOWN BY THE KOOTENAI NATION, TO THE GOVERNMENT OF THE UNITED STATES AND ITS PEOPLE FOR THE PAST 200 YEARS. THE DISTINCT AND PROFOUND LACK OF INTEREST AND TRUSTEESHIP SHOWN BY THE GOVERNMENT OF THE UNITED STATES, TOWARD THE KOOTENAI NATION, BEFORE, NOW, AND FOREVER RESIDING WITHIN THE BOUNDARIES OF THE UNITED STATES OF AMERICA FOR THE PAST CENTURIES, DOES HEREBY, BY THIS RESOLUTION, AUTHORIZES ITS DULY ELECTED CHIEF, CHAIRMAN, AND TRIBAL COUNCIL, TO ACT IN THE BEHALF OF AND IN THE INTEREST OF THE KOOTENAI NATION, BY POSTING, TO THE PRESIDENT OF THE UNITED STATES OF AMERICA, A LETTER OF INTENT, THAT IN THE EVENT, THAT NEGOTIATIONS FOR RESTORATION OF A PORTION OF THE KOOTENAI NATION'S ABORIGINAL LANDS ARE NOT RETURNED TO THEM, AND THAT RESTITUTION FOR THE DEPLETION OF ITS NATURAL RESOURCES AND OTHER HIGH CRIMES, TAKEN FROM AND COMMITTED ON, THESE LANDS, IS NOT EQUITABLE IN A NEGOTIATED RESOLVEMENT BETWEEN THE KOOTENAI NATION AND THE PRESIDENT OF THE UNITED STATES OF AMERICA OR HIGH LEGAL EMMISARIES, WITHIN FIVE (5) DAYS OF THE POSTED TIME, BE IT FURTHER RESOLVED THAT, THE DULY ELECTED TRIBAL COUNCIL OF THE KOOTENAI NATION, IF, AFTER THE ALLOTTED FIVE (5) DAYS AND NO POSITIVE ACTION IS INITIATED IN BEHALF OF THE KOOTENAI NATION BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA, WILL DEEM IT NECESSARY AND PROPER IN INITIATE ACTION, AS IT WILL BE

THE ASSUMPTION OF THE KOOTENAI NATION THAT THE UNITED STATES OF AMERICA THEN RELINQUISHES ITS POWER OF DOMAIN OVER THESE LANDS, IN THE FORM OF A DECLARATION OF WAR, WHICH WILL THEN EXIST BETWEEN THE KOOTENAI NATION OF INDIANS, AND THE UNITED STATES OF AMERICA AND ITS POSSESSIONS.

AND BE IT FURTHER RESOLVED THAT, AT THE COMMENCEMENT OF HOSTILITIES AS A SOVEREIGN NATION, THE KOOTENAI TRIBE WILL THEREBY ASSERT THEIR COMPLETE SOVEREIGNTY BY: TO WIT:

LEVY TAXES.

REGULATE INTERNATIONAL COMMERCE.

PRINT MONIES.

FORM A MILITIA FOR PROTECTION OF ITS PEOPLE AND THE ENFORCEMENT OF ITS LAWS.

DISSOLVE NON-INDIAN PROPRIETORSHIP OF LANDS/PROPERTY.

AND RESUME COMPLETE AUTHORITY OVER THE ENTIRE SCOPE OF THEIR ABORIGINAL HOLDINGS.

SIGNED: September 4, 1974

<u>(SIGNED) MOSES JOSEPH</u>	MOSES JOSEPH, TRIBAL CHIEF
<u>(SIGNED) AMELIA CUTSACK TRICE</u>	AMELIA CUTSACK TRICE, CHAIRWOMAN
<u>(SIGNED) MATHIAS DAVID</u>	MATHIAS DAVID, VICE-CHAIRMAN
<u>(SIGNED) EILEEN LOWLEY</u>	EILEEN LOWLEY, SECRETARY
<u>(SIGNED) MARY DAVID</u>	MARY DAVID, TRIBAL COUNCIL MEMBER

T R E A T Y

ARTICLES OF AGREEMENT AND CONVENTION NOTICE

THAT AT BONNERS FERRY, IDAHO, ON THIS _____ DAY OF _____
IN THE YEAR OF OUR LORD, ONE THOUSAND NINE HUNDRED AND SEVENTY-FOUR, A
TREATY, BY AND BETWEEN, _____ THE OFFICIAL DELEGATE
OF THE PRESIDENT OF THE UNITED STATES OF AMERICA, ON BEHALF OF THE UNITED
STATES OF AMERICA, AND THE UNDERSIGNED HEADMAN OR CHIEF, AND THE DULY
ELECTED MEMBERS OF THE TRIBAL COUNCIL OF THE KOOTENAI NATION OF INDIANS OF
THE NOW STATE OF IDAHO, AND BEING UNDERSTOOD AND AGREED UPON THAT THESE
DELEGATES ARE RECOGNIZED BY AND FOR THE INTEREST OF EACH OF THE PARTIES
CONCERNED, IS NOW FORMULATED.

ARTICLE I

THE SAID KOOTENAI NATION, HEREBY CEDES, RELINQUISHES, AND CONVEYS, TO THE
UNITED STATES OF AMERICA, TITLE AND INTEREST IN AND TO THE COUNTRY OCCUPIED
AND CLAIMED BY THEM, WITH EXCEPTIONS AS STATES IN ARTICLE II OF THIS DOCU-
MENT, BOUNDED AND DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING ON THE NORTHWEST ON THE INTERNATIONAL
BOUNDARY AT THE CREST OF THE SELKIRK MOUNTAINS
AND RUNNING ALONG THE CREST OF SAID MOUNTAINS IN
A SOUTHEASTERLY DIRECTION TO THE HEADWATERS OF
ROSS CREEK, THENCE IN A NORTHEASTERLY DIRECTION
ALONG THE CREST OF THE MOUNTAINS BETWEEN ROSS
CREEK AND BULL RIVER TO THE CREST BETWEEN BULL
RIVER AND LIBBY CREEK, THENCE, ALONG SAID CREST
TO KOOTENAI FALLS, THENCE IN A DIRECT NORTHERLY
DIRECTION TO THE INTERNATIONAL BOUNDARY, THENCE,
WESTERLY ALONG SAID BOUNDARY TO THE POINT OF
BEGINNING.

ARTICLE II

THERE IS HOWEVER, RESERVED FROM THE LANDS AFORT CEDED, FOR USE AND OC-
CUPATION OF THIS SAID NATION, AS A GENERAL RESERVATION, THE LANDS NOW HELD
IN TRUST IN INDIVIDUAL ALLOTMENTS, AND THE LANDS NOW HELD IN TRUST BY THE
TRIBE AND THE LANDS INCLUDED WITHIN THE FOLLOWING BOUNDARIES, TO WIT:

200 SECTIONS OF LAND, TO BE MARKED OUT BY THE
KOOTENAI TRIBE ON A SECTION BY SECTION BASIS,
ALL WHICH TRACTS SET APART NOW WITHIN THESE
BOUNDARIES, AND ALL OTHER LANDS PURCHASED OR AC-
QUIRED IN THE FUTURE SHALL BE SURVEYED, MARKED
OUT AND PUT INTO TRUST FOR THE EXCLUSIVE USE
AND BENEFIT OF THE INTENDED NATION OR TRIBE AS
PART OF THE RESERVATION.

ARTICLE III

THE KOOTENAI NATION SHALL RESPECT THE RIGHT OF THE UNITED STATES GOVERNMENT FOR PUBLIC CONVEYANCE AND PUBLIC UTILITY THEREOF, TO BUILD REASONABLE ACCESS ROADS AND UTILITIES THROUGH SAID RESERVATION, AFTER EASEMENT HAS BEEN PURCHASED ON AN EQUITABLE BASIS FROM THEM.

ARTICLE IV

THE UNITED STATES GOVERNMENT SHALL RECOGNIZE THE INHERENT, ABORIGINAL, AND INALIENABLE, RIGHT OF THE KOOTENAI NATION, TO HUNT, FISH AND TRAP WITHIN THEIR ABORIGINAL BOUNDARIES, NOR SHALL THESE RIGHTS BE CONTROLLED NOR CURTAILED IN ANY MANNER BY THE GOVERNMENT OR THE STATES IN WHICH THESE ABORIGINAL LANDS EXTENDED, AND FURTHER EXTENDED AND SECURED, BY SAID INDIANS, IN THE RIGHT TO ERECT TEMPORARY BUILDINGS OR SHELTERS FOR CURING THE FLESH OF SUCH FISH AND GAMES, BERRIES AND ROOTS, AS MAY BE GATHERED IN THAT LOCALITY, AND PASTURE THEIR HORSES AND CATTLE UPON OPEN AND UNCLAIMED LANDS.

FURTHER SHALL IT BE RECOGNIZED THAT THE KOOTENAI NATION SHALL RETAIN TRIBE RIGHTS OF ALL WATERS BOTH SURFACE AND SUB-SURFACES IN CONJUNCTION WITH THE WINTERS DOCTRINE AND OTHER LAWS PERTAINING TO ITS USE, QUALITY, QUANTITY, AND ABORIGINAL RIGHT.

AND FURTHER SHALL IT BE RECOGNIZED THAT THE KOOTENAI NATION SHALL RETAIN THEIR RIGHTS OF ALL MINERALS BOTH SURFACE AND SUB-SURFACE AND SHALL, IN THE DISCOVERY OF SUCH MINERALS EXERCISE THEIR RIGHT TO CONTRACT EXPLOITATION OF SAID MINERALS AT THEIR DISCRETION.

ARTICLE V

AT THE RATIFICATION OF THIS TREATY, THE GOVERNMENT OF THE UNITED STATES AGREES TO PLACE IN THE TRUST ACCOUNT OF THE KOOTENAI TRIBE, FUNDS IN ADDITION TO THE REMAINDER OF THE SUM RECEIVED UNDER THE INDIAN CLAIMS COMMISSION DOCKET NO. 154, TO THE AMOUNT OF \$1.00 ADDITIONAL PER ACRE TO TOTAL \$1,367,280.00. THIS DEEMED BY THE KOOTENAI NATION AS AN QUIT-ABLE AND FINAL MONETARY SETTLEMENT FOR THESE CEDED LANDS. THESE FUNDS TO BE USED FOR THE BENEFIT OF THE TRIBE FOR FUTURE ENTERPRISES, OR AS THE GENERAL COUNCIL SHALL DIRECT, HOWEVER, NO AMOUNT OF THESE FUNDS BE USED TO PAY THE DEBT OF INDIVIDUALS.

ARTICLE VI

THE UNITED STATES AGREES FURTHER, THAT THERE SHALL BE NO GENOCIDE, RETALIATION OF REPRISALS FOR THE DEEDS OF THE KOOTENAI PEOPLE IN THE NECESSARY ACTION TAKEN TO INSTRUMENTATE THESE PROCEEDINGS, AND AS RECOGNITION OF THIS TRIBE'S SOVEREIGNTY AS A NATION WITHIN A NATION, THE

TRIBE SHALL HAVE THE RIGHT TO ESTABLISH ITS OWN LAWS, POLICE, AND COURT OF LAW, IN TRYING OFFENDERS OF THE TRIBE'S LAWS BENEATH THE LEVEL OF A FELONY, AND DOES RELINQUISH JURISDICTION TO THE UNITED STATES GOVERNMENT TO ARREST AND TRY OFFENDERS OF CRIMES CLASSSED AS FELONIES, HEINOUS, WHETHER COMMITTED AGAINST AN INDIAN OR NON-INDIAN.

ARTICLE VII

UPON RATIFICATION OF THIS DOCUMENT, KNOWN AS THE BONNERS FERRY TREATY, THE KOOTENAI NATION, ITS PEOPLE, HEREBY PLEDGE TO THE UNITED STATES AND TO ITS CITIZENS, AND TO ITS POSSESSIONS, NEVER TO MAKE WAR WITH THEM OR OTHER TRIBES, OR HARBOUR KNOWN CRIMINALS, EXCEPT IN SELF-DEFENSE OR THE WILLFUL VIOLATION OF THIS TREATY AND THEN ONLY IN THE EVENT THAT NEGOTIATED DIFFERENCES CANNOT BE RESOLVED IN A PEACEFUL MANNER. THIS SHALL BE AN APPLICABLE FORM OF RECIPROCITY WITH THE UNITED STATES GOVERNMENT.

ARTICLE VIII

THE UNITED STATES FURTHER AGREES THAT THE KOOTENAI NATION IN NO WAY RELINQUISHES ITS RIGHTS UNDER THE CONSTITUTION AND BILL OF RIGHTS, AS CITIZENS OF THE UNITED STATES, NOR SHALL THE GOVERNMENT DELETE ITS TRUST RESPONSIBILITIES IN ANY WAY THROUGH THE GOVERNMENTAL AGENCIES NOW IN FORCE IN COMMON WITH AND INVOLVING OTHER TRIBES AND BANDS IN THE INDIAN COMMUNITY.

ARTICLE IX

IN CONCLUSION IT IS HEREBY AGREED THAT NO PART OF THIS TREATY SHALL BE DELETED NOR ABROGATED IN ANY FORM WITHOUT FULL CONSENT OF THE GOVERNING BODY OF THE KOOTENAI NATION.

ARTICLE X

THIS TREATY SHALL BE OBLIGATORY UPON THE CONTRACTING PARTIES UPON RATIFICATION BY THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES.

IN TESTIMONY WHEREOF, I _____ AND THE UNDERSIGNED CHIEF, AND THE TRIBAL COUNCIL MEMBERS DO HEREBY SET THEIR HAND AND SEAL.

Moses Joseph, Chief

Amelia Cutsack Trice, Chairwoman

Mathias David, Vice-Chairman

Eileen Lowley, Secretary

Mary David, Tribal Council Member

Treaty Talks Eyed

Threatened Indian War May Be Averted

BONNER FERRY, Idaho (AP) — High-level treaty negotiations promised by Bureau of Indian Affairs officials may avert a modern-day Indian war.

Vincent Little, BIA regional chief from Lapwai, said Friday he will send to Washington, D.C., a list of

demands from Northern Idaho's Kootenai Indians who have promised a war declaration against the United States unless the demands are met.

"It appears the group here is quite sincere and that the things they are asking for are not too unrealistic," Little said after a three-hour meeting with tribal officials.

"They put their heart into it, hoping that someone at a higher level will respond. All we can do here is give it everything we've got."

Douglas Wheaton, tribal community field representative, said the Kootenais were impressed with the federal agency's willingness to cooperate.

"They are quite receptive to our cause," he said. "Hopefully they can arrange a meeting so we can resolve this in a peaceful fashion. The ball is in the hands of the government now."

The Kootenais, in a resolution passed unanimously by the tribal council, gave President Ford until midnight Thursday to respond to their demands.

Unless there is a response by then the resolution said, the tribe will assume the government has relinquished its "power of domain" over 1.6 million acres of land in Idaho and Montana, and "a state of war will exist between the Kootenai Nation of Indians and the United States."



Andrus Sympathetic Toward Kootenai Tribe Demands

SPOKANE, Wash. (AP) — Idaho Gov. Cecil Andrus said Saturday that the tiny Kootenai Indian tribe has legitimate grievances and is interested in waging "verbal warfare" rather than violent confrontations.

Andrus told a press conference that the tribe, which numbers but 67 persons in the Bonners Ferry area, has lived in "substandard conditions and is entitled to recognition."

"I'm sympathetic with their problems," Andrus said. "They are trying to draw attention to them. This kind of verbal warfare is justified because of the conditions they are living in."

Tribal members told President Ford last week that they would declare war on the United States at midnight Thursday unless

treaty negotiations begin.

Spokesmen said the tribe seeks new compensation for loss of 1.6 million acres in Idaho and Montana, a 128,000-acre reservation and mineral, water, hunting and fishing rights.

Bureau of Indian Affairs officials have said they will make every effort to obtain high-level officials for treaty negotiations. The tribe says if those efforts fail, it will begin asserting ownership rights to the claimed land.

Andrus said at the most, the tribe could muster about 20 men to wage a "war." He said he anticipated no difficulty with the tribe, and supported their efforts to gain recognition.

LEWISTON, IDAHO—CLARKSTON, WASH., SATURDAY, SEPTEMBER 14, 1974

Treaty

Kootenai Indians Threaten War

BONNERS FERRY, Idaho (AP) — Bureau of Indian Affairs officials pledged Friday to seek high-level treaty negotiations with northern Idaho's Kootenai Indians, who have promised to go to war against the United States unless demands are met.

Vincent Little, BIA agency head from Lapwai, said he will immediately forward to Washington, D.C., a list of tribal demands.

"It appears the group here is quite sincere and that the thing they are asking for are not too unrealistic," Little said following a three-hour meeting with tribal officials.

"They put their heart into it, hoping that someone at a higher level will respond. All we can do here is give it everything we've got."

Douglas Wheaton, tribal community

field representative, said the Kootenais were impressed by the BIA's willingness to cooperate.

"They are quite receptive to our cause," he said. "Hopefully they can arrange a meeting so we can resolve this in a peaceful fashion. The ball is in the hands of the government now."

In a resolution passed unanimously by the tribal council, the Kootenais gave President Ford until midnight Thursday to respond to their demands. Unless there is a response, the resolution said, the tribe will assume the government has relinquished "its power of domain" over 1.6 million acres in Idaho and Montana.

If there is no response, it said, "a state of war will exist between the Kootenai Nation of Indians and the United States."

Among other things, Wheaton said, the tribe seeks a reservation, new payments for its lost aboriginal land, a pledge that no reprisals will be taken against tribal members and water, mineral, hunting and fishing rights.

He said that the tribe includes but 65 members, perhaps 50 in the Bonner's Ferry area.

In Portland, Ore., Bureau of Indian Affairs Area Director Francis Briscoe said his agency was researching the tribal claim.

"We're not ignoring this," he said. "We'll endeavor to see that there's appropriate treatment given the situation."

He said the BIA has provided services to the tribe commensurate with its size.

TRIBE VS. U.S.

Kootenais Issue
New Ultimatum

BONNERS FERRY, Idaho

— The Kootenai Nation, the small Indian tribe which has said it will declare war on the United States Friday if its tribal land is not returned, announced Saturday that if the government does not comply, it will erect roadblocks at the international border and the eastern boundaries of its aboriginal land near Sandpoint, Idaho.

A toll of 10 cents per car will be assessed all those entering, said tribal spokesman Douglas Wheaton.

The Canadian border is about 30 miles north of here.

Genocide Cited

The tribe of only 67 members issued a statement of grievances last Thursday among which was the claim of genocide of one entire generation. The majority of the tribe, Wheaton said, is either over 40 or under 20 years old.

The Kootenai Nation is a nontreaty tribe which never signed an agreement with the U.S. government for disposition of its land. Wheaton said the land was taken in 1885 at the Hellgate conference in Montana at which the tribe was not represented. Consequently the million and a half acres on which the Kootenais originally lived was taken without their knowledge or consent. And, thus, the statement also claims "taxation without representation," Wheaton said.

In Saturday's proclamation, the Kootenais say they will levy a tax of 50 cents a day on all businesses within the original boundaries of the tribe's land and 10 cents on dwellings. The Boundary County Board of Commissioners and the Bonners Ferry city council will be considered defunct, and will be notified to cease operations. Farmers, ranchers and lumbering interests will be notified to cease operations or to continue at their own risk.

Harassment Issue

"It is our belief we can live in peace with each other," Wheaton said. "All residents on tribal lands will be allowed free access to travel the highways to the towns and cities without fear of harassment from the Kootenai people or their advocates. It must be understood, however, that in the event any of our people are harassed or threatened, retaliation can be expected on an equal basis."

The proclamation ordered that hunting and fishing by non-Indians cease immediately unless a permit is obtained from the tribal office in Bon-

ners Ferry. Violators will be fined by the tribal council.

"We realize how little the non-Indian community knows of the Indian in general, and how little is known of the Kootenai people and their past, even by the local residents," Wheaton said. The tribe hopes to set up a meeting with Bonners Ferry residents to explain their position and ask for support.

A message calling for restitution of or compensation for the tribal lands has been sent to President Gerald Ford and the government has been given until Thursday to act, Wheaton said. After that, a state of war will exist between the Kootenai Nation and the United States.

Wheaton said Saturday the tribe would be willing to send a delegation to Washington, but would not "deal with underlings."

"This tribe has been down for so long it can't try for a halfway measure. It's got to try for the whole thing," he said. "We want a treaty that means something, signed by someone who means something — or we want our land back. It's as simple as that. Either the government wants to compensate us or it does not. If it does not, we will take our lands back."

Wheaton said that he has received the support of the Coeur d'Alene tribe.

Originally the Kootenais' land encompassed eastern Idaho, western Montana and a section in Canada, but now the tribe lives on 12 and a half acres at Mission, two miles from here.

ANDRUS SYMPATHIZES

Idaho's Gov. Cecil Andrus said Saturday that the tiny Kootenai Indian tribe has legitimate grievances and is interested in waging "verbal warfare" rather than violent confrontations.

Andrus told a Spokane press conference that the tribe, which number but 67 persons near Bonners Ferry, has lived in "substandard conditions and is entitled to recognition."

"I'm sympathetic with their problems," Andrus said. "They are trying to draw attention to them. This kind of verbal warfare is justified because of the conditions they are living in."

Bureau of Indian Affairs officials have said they will make every effort to obtain high-level officials for treaty negotiations, the Associated Press reported. The tribe says if those efforts fail, it will begin asserting ownership right to the claimed land.

Andrus said at the most, the tribe could muster about 20 men to wage a "war." He said he expected no difficulty with the tribe, and supported their efforts to gain recognition.

He said that if the matter ever came to confrontation, the state is prepared to enforce its laws.



in Kootenai Indian Dispute

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"It appears the group here is quite sincere and that the things they are asking for are not too unrealistic," Little said following a three-hour meeting with tribal officials.

"They put their heart into it, hoping that someone at a higher level will respond. All we can do here is give it everything we've got."

BIA Cooperating

Douglas Wheaton, tribal community field representative, said the Kootenais were impressed by the BIA's willingness to cooperate.

"They are quite receptive to our cause," he said. "Hopefully they can arrange a meeting so we can resolve this in a peaceful fashion. The ball is in the hands of the government now."

In a resolution passed unanimously by the tribal council, the Kootenais gave President

Ford until midnight Thursday to respond to their demands. Unless there is a response, the resolution said, the tribe will assume the government has relinquished "its power of domain" over 1.6 million acres in Idaho and Montana.

If there is no response, it said, "a state of war will exist between the Kootenai Nation of Indians and the United States."

Reservation Sought

Among other things, Wheaton said, the tribe seeks a reservation, new payments for its lost aboriginal land, a pledge that no reprisals will be taken against tribal members and water, mineral, hunting and fishing rights.

He said that the tribe includes but 65 members, perhaps 50 in the Bonner's Ferry area.

In Portland, Ore., Bureau of Indian Affairs Area Director Francis Briscoe said his agency was researching the tribal claim.

"We're not ignoring this," he said. "We'll endeavor to see that there's appropriate treatment given the situation."

He said the BIA has provided services to the tribe commensurate with its size.

Wheaton said the tribe did not intend violent acts. But he

said it would defend itself if resisted in efforts to assert ownership over the disputed land.

"The tribe is fighting for survival," he said. "Some think it may be extinct in a few generations. We seek the tool to implement self-determination. It's not going to be an Indian that shoots the first arrow — it will be a white man."

Treaty Prepared

Wheaton said a draft treaty has been prepared for negotiations. It formally relinquishes tribal claim to most of the land, but sets aside 128,000 acres for a reservation.

Copies of the tribal resolution were sent to 300 Indian tribes, and Wheaton said the Kootenais intended to seek assistance from the American Indian Movement to back their claims.

He said the tribal council considered going to court with its claims, but rejected that because "it couldn't see five or 10 years in the courts to get something that would be gingerly meted out like a lollipop to a child."

Tribal members did not participate in the 1855 negotiations at Hellgate, Mont., that resulted in the treaty that took the Kootenai lands, he said. He said an early 1960s settlement paid the tribe 36 cents an acre for the land, "but that settlement was accepted by the old people, the ones who never had anything and who thought 36 cents was fair."

Treaty Talks With Indians

BONNER FERRY, Idaho (AP) — High-level treaty negotiations promised by Bureau of Indian Affairs officials may avert a modern-day Indian war.

Vincent Little, BIA regional chief from Lapwai, said yesterday he will send to Washington, D.C., a list of demands from Northern Idaho's Kootenai Indians who have promised a war declaration against the United States unless the demands are met.

"It appears the group here is quite sincere and that the things they are asking for are not too unrealistic," Little said after a three-hour meeting with tribal officials.

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Among other things, the tribe's 65 members seek a reservation, new payments for its lost aboriginal land, a pledge that no reprisals will be taken against tribal members, and water, mineral, hunting and fishing rights.

Review 9/14/74

9/15/74



Kootenais Threaten War on U.S.

BONNERS FERRY, Idaho — The Kootenai Nation, one of this country's smallest and most forgotten Indian tribes, will go on the warpath next Friday unless it hears from President Gerald R. Ford.

The 67-member tribe has approved a plan to declare war on the United States of America unless its aboriginal lands are returned or it receives compensation for them and a certain amount is set aside for a reservation.

The Kootenais are one of the few Indian tribes without their own reservation. They contend their lands were taken away from them following the signing of the Hellgate Treaty, near what is now Missoula, Mont., in 1855. Douglas Whea-

ton, the tribe's community field representative, said today the tribe did not have a representative at the conference when the 1855 treaty was signed and that, in fact, copies of the treaty show that the Kootenai lands aren't even described in the treaty.

The tribe sent a resolution and letter Wednesday to President Ford stating its demands and giving the President five days to respond before a state of war is declared. In view of the weekend, Wheaton said, the very latest the tribe will wait is next Friday morning.

He and Mrs. Amy Trice, tribal chairman, said they expect a reply and do not expect to have to declare war. However, preparations are going

ahead at the tribal office here for such an eventuality.

"We realize our activity is an embarrassment to the government, but think of the embarrassment it has been to the Kootenai people all these years not to have their lands," said Wheaton. He added that unless the President assigns someone with the authority to negotiate a treaty with the tribe "a peaceful war will begin at the outset. The tribe will not instigate bloodshed, but if the tribe is threatened, we will return the threats. We will form our own government, secede from the United States, tax the lands which are ours and become an independent nation."

The tribe considers 1,368,280

acres of land, generally centered on Bonners Ferry, bounded on the west just inside the Idaho boundary, south to Lake Pend Oreille, east to about 20 miles from the Montana boundary and north to the Canadian line, belongs to the Kootenais. Most of the land now is controlled by whites, Wheaton said, though tribal members own 1,400 acres.

"Always in the past the government had had treaties for the Indians and the Indians always lost.

"Now, we have a treaty ready for the government and we are willing to negotiate. But the President must send someone who has the authority to negotiate with us. Our treaty will formalize the relinquishment of most of the lands," Wheaton said, "but it would set aside 128,000 acres for a reservation."

He added that lands purchased in the future would be placed in trust for the tribe and that the tribe which "received a token payment of 30 cents an acre in 1902" for the land would receive another \$1 per acre for the 1,368,280 acres. Wheaton said "that would be a bargain for the government."

Mrs. Trice said her tribe is "prepared to fight it out even if it takes violence — but we hope to negotiate." She said government representatives she has talked to so far "want to hush us up; they want to give us a lollipop and have us go sit in the corner. This is the old, old story. This time it won't work."

The Kootenai Tribe at Bonners Ferry never has been large, but it was not the decimated little band it is today. At one time, prior to the coming of whites, the tribe is estimated to have had 1,200 members throughout northern Idaho. About a fourth to a half of the tribe was wiped out in an influenza epidemic in the early 1900s.

Its members are among the poorest Indians and for years the tribe generally was ignored by the federal government. For 20 years, no births were recorded for the tribe. One of the few books written about the tribe is "The Forgotten Kootenais."



Mar 1965

Branch of Real Property Management

ANNUAL REPORT OF CASELOADS, ACREAGES UNDER BIA AND SURFACE LEASING

Area PortlandReservation KootenaiReporting Office Northern Idaho Agency

JUNE 30, 1974

State Idaho

CASELOADS - (SHOWING ACREAGES AFFECTED BY, AND MONIES DERIVED FROM, THESE ACTIONS)

Types of Cases	Previous Pending	New Cases	Approved	Disapproved	Total Completed	Current Pending	Acreage Affected	Income, Proceeds, Annual Rental Rate
Sale Transactions	0	1	0	0	0	1	0	0
Acquisitions	0	5	0	0	0	5	0	0
Patents-In-Fee	0	0	0	0	0	0	0	0
Rights-Of-Way	0	0	0	0	0	0	0	0
Surface Leases	0	12	6	6	12	0	397.67	11,446.46
1. Agriculture	0	0	0	0	0	0	0	0
2. Business	0	0	0	0	0	0	0	0
3. Other	0	0	0	0	0	0	0	0
TOTAL SURFACE LEASES	0	12	6	6	12	0	397.67	11,446.46
Mineral Leases	0	0	0	0	0	0	0	0
1. Oil and Gas	0	0	0	0	0	0	0	0
2. Other than Oil and Gas	0	0	0	0	0	0	0	0
TOTAL MINERAL LEASES	0	0	0	0	0	0	0	0

Sale transactions includes exchanges, partitions, gifts, and all other such actions.
An exchange should be counted as two cases.

Patents-In-Fee includes orders removing restrictions and certificates of competency.

Surface leases given at nominal rental rates should be shown under "3. Other" rather than under "2. Business". Permits should also be included.

ACREAGES					COUNTIES IN WHICH LANDS ARE LOCATED				
Ownership	Previous Balance (Acres)	Acquisitions (Acres)	Disposals (Acres)	Present Balance (Acres)	County	Type of Ownership			
						Tribal	Individual	Government	Total
Tribal */	0	0	0	* 0	Boundary	0	2,386.85	12.50	2,399.35
Individual **/	2,386.85	0	0	2,386.85					
Government ***/	12.50	0	0	12.50					
TOTAL ACRES	2,399.35	0	0	2,399.35					

*/ Tribal Land: Includes 0 acres of ceded tribal lands not restored.

*Tribal Land: Includes (interests) 0 acres of tribal fee land.

**/ Government-Owned Land: Includes 0 acres submarginal land.

***/ Total Column: Includes 0 acres land subject to taxation.

REMARKS: * Tribe holds small undivided interests only in 4 allotments - title in trust not as yet accepted by Secretary.

SUMMARY OF SURFACE LEASES AND PERMITS IN FORCE AND EFFECT

Ownership	Previous Total		Added During Period		Cancelled & Terminated During Period		Present Total		Annual Rental Rate
	Number	Acres	Number	Acres	Number	Acres	Number	Acres	
<u>Tribal</u>									
Agricultural	0	0	0	0	0	0	0	0	0
Business	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0
<u>Individual</u>									
Agricultural	30	3,357.07	6	397.67	11	907.24	25	2,847.50	27,114.97
Business	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0
TOTAL	30	3,357.07	6	397.67	11	907.24	25	2,847.50	27,114.97

Permits should also be included.

Form 5-118
Mar 1965

BUREAU OF INDIAN AFFAIRS
Branch of Real Property Management

ANNUAL REPORT OF MINERAL LEASING ACTIVITIES

Area Portland

Reservation Kootenai

Reporting Office Northern Idaho Agency

JUNE 30, 1974

State Idaho

OIL AND GAS - SUMMARY OF LEASES AND PERMITS

Ownership	Previous Total		Added During Year		Canc'd. & Term'd. During Year		Present Total		Previous Total	Added Dur-	Released	Present
	Leases	Permits	Leases	Permits	Leases	Permits	Leases	Permits	(Acres)	ing Year	During Yr	Total
Tribal	0	0	0	0	0	0	0	0	0	0	0	0
Individual	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS	0	0	0	0	0	0	0	0	0	0	0	0

SUMMARY OF INCOME SINCE DISCOVERY

Source	Previous Gross Total	Income During Year							Present Gross Total
		Permit Fees	Bonuses	Royalties on Production	Comp. Roys. in Lieu of Drilling	Rental	Other	Total	
<u>Tribal</u> Oil	0	0	0	0	0	0	0	0	0
Gas	0	0	0	0	0	0	0	0	0
<u>Individual</u> Oil									
Gas	0	0	0	0	0	0	0	0	0
TOTALS	0	0	0	0	0	0	0	0	0

SUMMARY OF PRODUCTION

	Previous Total Since Discovery	Total During Year	Present Total Since Discovery
<u>Tribal</u> Oil (Barrels)	0	0	0
Gas (Cubic Feet)	0	0	0
<u>Individual</u> Oil (Barrels)	0	0	0
Gas (Cubic Feet)	0	0	0

SUMMARY OF PRODUCING WELLS, AND DRY HOLES COMPLETED

	Previous Total	Drilled During Year	Present Total
<u>Tribal</u> Oil	0	0	0
Gas	0	0	0
Dry Holes	0	0	0
<u>Individual</u> Oil	0	0	0
Gas	0	0	0
Dry Holes	0	0	0
TOTALS	0	0	0

OTHER THAN OIL AND GAS - SUMMARY OF LEASES AND MINING PERMITS

Ownership	Previous Total		Added During Year		Canc'd. & Term'd. During Year		Present Total		Previous Total	Added During Year	Released During Year	Present Total
	Leases	Permits	Leases	Permits	Leases	Permits	Leases	Permits	(Acres)	(Acres)	(Acres)	(Acres)
Tribal	0	0	0	0	0	0	0	0	0	0	0	0
Individual	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0

SUMMARY OF PRODUCTION AND INCOME DURING FISCAL YEAR (BY TYPES OF MINERALS)

Type of Mineral	Leases and Mining Permits (Including Sand, Gravel, Etc.)					Prospecting Permits	
	Leases & Mining Permits		Production During Year (Tons)(Cu.Yds)	Total Income During Year	Acreage of Leases & Permits Reported In First Column	Number of Permits	Income During Year
	Number on Which Production and/or Income Received During Year	Number in Force And Effect At End of Year					
	0	0	0	0	0	0	0
	0	0	0	0	0	0	0
	0	0	0	0	0	0	0
	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0

ANALYSIS OF INCOME DURING FISCAL YEAR

Source	Fees	Bonuses	Royalties On Production	Advance Royalties	Rental	Other	Total
Tribal							
1. Leases and Mining Permits*/		0	0	0	0	0	0
2. Prospecting Permits	0	0			0	0	0
Individual							
1. Leases and Mining Permits*/		0	0	0	0	0	0
2. Prospecting Permits	0	0			0	0	0

*/ Includes sand, gravel, etc.

Signature and Title _____

1 ship 62 north, range 1 east, Boise meridian, Boundary
2 County, Idaho, described as follows: Beginning at a point
3 20 rods south and 20 rods west of the northeast corner of
4 lot 3, section 20, thence west 20 rods, thence south 20 rods,
5 thence east 20 rods, thence north 20 rods to place of begin-
6 ning, containing 2.50 acres, more or less.

7 TRACT NUMBERED 2. That part of lot numbered 3 in
8 section 20, township 62 north, range 1 east, Boise meridian,
9 Boundary County, Idaho, described as follows: Beginning at
10 a point 20 rods south of the northeast corner of lot 3, thence
11 west 20 rods, thence south 20 rods, thence west 10 rods,
12 thence south 40 rods, thence east 30 rods, thence north 60
13 rods, to place of beginning, containing 10.00 acres, more or
14 less.

15 SEC. 2. The above-described property shall be adminis-
16 tered in accordance with the laws and regulations applicable
17 to Indian tribal trust property.

18 SEC. 3. *The Indian Claims Commission is directed to*
19 *determine in accordance with the provisions of the Act of*
20 *August 13, 1946 (60 Stat. 1050), the extent to which value*
21 *of the title conveyed should or should not be set off against*
22 *any claim against the United States determined by the*
23 *Commission.*

Calendar No. 808

93^d CONGRESS
2^d SESSION

S. 634

[Report No. 93-837]

A BILL

To declare that certain federally owned lands shall be held by the United States in trust for the Kootenai Tribe of Idaho, and for other purposes.

By Mr. CHURCH and Mr. McCLURE

JANUARY 31, 1973

Read twice and referred to the Committee on Interior
and Insular Affairs

MAY 9, 1974

Reported with amendments

Bruce's rejected

MT & BHP

privately

Dampart Hotel

9/22

NW Aff Tr

Issue now:

Never was a treaty with

" " " land session

they were left out

" " consolidated with others

All they got was non-Recognition
fractiousness

1.25 aboriginal rights still held

NF land - more land and

of NF - 4500 Acres Kibeyo

Willmar Farm
Claim filed & settled
ICC \$450,000

FS transfers -- Congress
could.

Real issue: who comes
to talk w them.

Negats in Wash?
Oval office

Deferred for 3 days

MS is an interim rep.
MT has not been to any HWO
meetings.

→ Vince Little - Soprano
Lapman acceptable

Lee Wardell

509-624-4291

Care & Alvin ~~FO~~ 2:30 PST

& 208-274-2962
3962



MEMORANDUM
OF CALL

TO:

BRAO

☒ YOU WERE CALLED BY—

☐ YOU WERE VISITED BY—

MEL TONASKET

OF (Organization)

☒ PLEASE CALL →

PHONE NO. (509) 826-4528
CODE/EXT.

☐ WILL CALL AGAIN

☐ IS WAITING TO SEE YOU

☐ RETURNED YOUR CALL

☐ WISHES AN APPOINTMENT

MESSAGE

RECEIVED BY

L

DATE

9-23

TIME

STANDARD FORM 63

REVISED AUGUST 1967

GSA FPMR (41 CFR) 101-11.6

☆ U. S. GPO: 1972 - 472-749

63-108

September 26, 1974

MEMORANDUM FOR:

MORRIS THOMPSON
STAN POTTINGER
JOHN CARLSON
KENT FRIZZELL
WALLACE JOHNSON
FRANK ZARB
BEN HOLMAN

SUBJECT:

Declaration of War from
the Kootenais

The attached communication was received in my office at 3:30 p.m. today.

As some of you know, I had a long and, I would say, generally friendly talk with Ms. Trice Monday or Tuesday night of this week and tried very hard to persuade her to take up Commissioner Thompson's offer of a breakfast meeting with her and her colleagues in Spokane next Monday morning (he will be there anyway for another meeting). She seemed quite reluctant -- trying to get Morrie or me to come to Bonner's Ferry instead. So far, that is where things stand. Morrie and I both continue to be opposed to the idea of either his or my running out on the scene of every such threatened or actual confrontation.

Bradley H. Patterson, Jr.



September 26, 1974

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Bradley H. Patterson, Jr.

CF

