

Office of Indian Affairs

Washington, D. C., March 31, 1920.

MRS. F. W. HAMAN,

President San Diego Women's Civic Center,
San Diego, California.

MY DEAR MRS. HAMAN:

I have received a copy of the resolutions adopted on January 9, 1920, by the Women's Civic Center of San Diego, California, relative to the status of the American Indian, and, from inaccurate statements therein, I cannot feel that your organization gave the matter careful consideration.

Confusion as to the legal status of the Indian rests largely with those who have not studied the subject. The general allotment act of 1887, providing for the allotment of lands in severalty, with the amending provisions of the Burke act of 1906, made the issuance of a fee-simple patent the primary legal requirement for citizenship of Indians, but also provided for the citizenship of any Indian by his voluntary separation from tribal relations and the adoption of the habits of civilized life. The later act of June 25, 1910, also provides for the allotment of lands to Indians from the public domain with the issuance of a fee patent as provided for in the case of reservation allotments.

Under my administration the Indian Bureau has made special effort to extend citizenship to the Indians and prepare them for its duties and responsibilities. In the declaration of policy issued April 17, 1917, I announced that every Indian as soon as found to be competent to transact his own business affairs would be given full control of his property and have all his land and money turned over to him, after which he would no longer be a ward of the Government. In furtherance of this movement, on March 7, 1919, I instructed the Superintendents of the various reservations as follows:

"You are requested to submit to this Office, at the earliest practicable date, a list of all Indians of one-half or less Indian blood, who are able-bodied and mentally competent, 21 years of age or over, together with a description of the land allotted to said Indians and the number of the allotment. It is intended to issue patents in fee-simple to such Indians."

Under this broadened policy Indians, both mixed and full bloods, are being released from Government supervision as rapidly as their condition warrants. Whenever an Indian is found to be as competent as the average white man to transact the usual vocations of life, he is given a patent in fee, full control of his lands and moneys, and made a citizen of the United States. About 225,000 allotments of land have been made to Indians and during the last three years 10,956 fee-simple patents have been issued, or 1,062 more than in the ten years preceding.

I have, however, gone further and taken the position

that the citizenship of Indians should not be based upon their ownership of lands, tribal or in severalty, in trust or in fee, but upon the fact that they are real Americans, and favorable report has been made on a bill introduced in Congress having for its purpose the conferring of citizenship on all Indians but retaining control of the estates of incompetents.

I am fully convinced of the wisdom of this restriction and that competency must precede the control of property, otherwise great injustice would follow to thousands of Indians. In this connection I said in my last annual report:

"Of the large number of Indians still under the supervision of this Bureau it should be understood that more than 75,000 are situated practically the same as the reservation Navajo, Hualapai, Hopi and Apache, whose property cannot now, nor for many years to come, be wisely allotted. There are thousands of full-bloods and near full-bloods whose landed interests and whose personal possessions and prospects are suggestive of a capacity for independent self-support, but who are not qualified to withstand the competitive tests that would follow a withdrawal of federal guidance. To abandon these at the point in their progress where elementary requirements are shaping into self-reliance and a comprehension of practical methods, would be to leave them a prey to every kind of unscrupulous trickery that masks itself in the conventions of civilization.

"I shall not be outdone by anyone who would hasten Indian progress by the extension of release and obligation to those who are ready for this status, nor shall I be swerved from what I believe to be a course of just aid and protection to the less fortunate and less progressive Indian."

It is not necessary in establishing the patriotic and heroic part of the Indians in the world war to make such unwarrantable statements as that they purchased over sixty million dollars worth of Liberty Bonds. I feel that their actual investment of \$25,000,000 in this way is a magnificent showing. No one questions the war-time evidence of the Indian's Americanism or that it carries great weight in the plea for his citizenship, and you are advised that a bill approved by this bureau, which became a law in October, 1919, provides that Indians who served in the military or naval establishment of the United States during the war against Germany and who have been honorably discharged may be granted full citizenship by courts of competent jurisdiction.

Few things have been more obstructive to Indian welfare than the professional agitator who claims the abolishment of governmental supervision as the salvation of the Indian. There would be no wisdom in the withdrawal of federal supervision over all Indians at this time. The result would be that a large number of old or incompetent Indians would soon be fleeced of their property and thrown upon the states as paupers and mendicants and public protest against neglected conditions would surely and shortly follow. Such procedure would be unwise, unjust and indefensible.

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