

Questions And Answers On Public Law 587

PARTITION OF INHERITED LANDS

1. Question: What essential problem in Klamath affairs is involved in the provisions of Section 8(C), P. L. 587?

Answer: This section refers to the division of allotments owned by more than one Klamath member. According to the Bureau of Indian Affairs, there are several hundred such allotments on the Reservation with as many as 15 or 20 heirs involved in a few cases.

2. Question: What are the pertinent portions of Section 8 (c) which are designed to meet this problem?

Answer: *******(c) Prior to the time provided ******* for the removal of restrictions on land owned by more than one member of a tribe, the Secretary may—

(1) Upon request of any of the owners, partition the land and issue to each owner a patent or deed for his individual share that shall become unrestricted four years from the date of this Act; (August 13, 1958).

(2) Upon request of any of the owners, and a finding by the Secretary that partition of all or any part of the land is not practicable, cause all or any part of the land to be sold at not less than the appraised value thereof and distribute the proceeds of sale to the owners; provided, that any one or more of the owners may elect before a sale to purchase the other interests in the land at not less than the appraised value thereof, and the purchaser shall receive an unrestricted patent or deed to the land; and

(3) If the whereabouts of none of the owners can be ascertained, cause such lands to be sold and deposit the proceeds of sale in the treasury of the United States for safekeeping. *******

3. Question: Have many Klamath members taken advantage of the provisions of this section?

Answer: According to our information from the Bureau of Indian Affairs, to date, few if any, tribal members have made use of Section 8 (c). The procedure for doing so, according to the B.I.A., is a relatively simple and inexpensive means of putting Klamath land ownership records in the best possible order before federal trust restrictions are removed as provided by Public Law 587. No amendments have been proposed by any member of Congress that would suspend operation of Section 8 (c) and it appears to be very unlikely that

this section will be repealed. If multiple owners wait until after termination the State of Oregon would have jurisdiction and according to the B.I.A., State procedure is much more complicated and would involve considerable expense.

4. Question: If a Klamath member decides he wants to sell his share or buy the shares of others who own allotted land jointly with him, what procedure must he follow under Section 8 (c).

Answer: According to the Bureau of Indian Affairs, the first step is to secure and complete a petition form from the Klamath Agency. After the petition is completed and turned in, the property must next be appraised or valued by Agency personnel. After appraisal, it will be divided as provided in Section 8 (c) (1), or, if a sale and division of the cash is necessary, under Section 8 (c) (2).

If the allotment is divided among the owners, the new portions of land are the same as separate restricted allotments. If one or more owners purchase the land as provided in Section 8 (c) (2), the result is merely the change of ownership. The new owners would be required to meet laws and regulations relating to disposition of restricted land if they wished at some later date prior to termination to dispose of their land.

GENERAL

The following are questions asked by Klamath members of our staff in the field.

1. Question: Has Oregon passed an amendment of statute accepting criminal and civil jurisdiction on the Klamath Reservation as directed in Public Law 280, 83rd Congress, Section 6?

Answer: No. It is the opinion of a member of the Attorney General's staff, among others, that no special legislation is necessary. O R S 131.210 states that every person is liable to punishment for a crime committed within this state "except where such crime is by law cognizable exclusively in the courts of the United States." Since Public Law 280 removes the exclusive federal jurisdiction on the reservation, crimes committed there automatically fall under state jurisdiction.

A plutocrat is a guy who can get a haircut the day before payday.

MANAGEMENT SPECIALISTS REPORT

(Continued from page 1)

assets, we made public statements that it was our opinion that if this law was carried out as written, it would not work to the best interest of the members of the tribe or their resources. As a result of this thinking, when our contract was presented to us for signature we asked the question: "If we sign this contract, does that mean that we must carry out this law as written?" The answer was, "Yes, it does". We then stated that we would not sign the contract unless it included a clause giving us the privilege of submitting an amendment to the Secretary of the Interior if further study of the law confirmed our original thinking, and providing we were able to work out an amendment which we and the majority of the tribe thought would do a better job for the tribe than the present law would do.

Had professional liquidators been hired to carry out the provisions of Section 5 of Public Law 587 they probably would have done so without regard to the possible harmful effects. This we could not do and still maintain good faith with the Klamath Tribe.

EDUCATION OFFICE SPONSORS POTLUCK

Sponsored by the Klamath Information and Education program, about seventy persons enjoyed a pot luck dinner meeting on November 9th in the Beatty Community Hall.

Elnathan Davis, Beatty resident and O.T.I. student, was chairman for the evening. After brief remarks by the Education staff, the Management Specialists who were invited to participate in the meeting, presented a discussion on Section 5 of Public Law 587. Tom Watters gave a brief history of the events leading up to the enactment of Public Law 587. Earl Wilcox reported on the progress of the appraisal and on problems created by P. L. 587, after which Eugene Favell presented the Management Specialists proposals to meet these problems. The texts of these talks are being presented in this and future issues of the Klamath Tribune.

The Beatty meeting was one of many planned by the Education office. Similar meetings will be held regularly each month at the Beatty Community Hall, the Williamson River Church and in Klamath Falls. Exact dates and program will be announced.

Specialists given Four Major Duties

I want to point out once again that our four major duties under the terms of our contract are:

1. To cause an appraisal to be made of all tribal property.
2. After the appraisal has been made to give each Klamath adult the right to choose for himself and his minor children whether to stay in the tribe or withdraw from the tribe.
3. To set aside and sell for cash to the highest bidder a part of the tribal assets whose appraised value equals the total appraised value of the shares of all withdrawing members and distribute the proceeds from such sales among the withdrawing members.
4. To devise a plan of management for the property of those members who either choose, or are required by the terms of the law, to remain in the tribe.

The next issue of the Klamath Tribune will bring you up to date on the progress the Specialists have made in regard to these duties and to point out the major problems created by the provisions of Public Law 587.

Executive Committee Attends Conferences

The executive committee of the tribal council meets regularly twice a month to discuss and take action on important tribal matters.

During the past two months, executive committee representatives attended several important meetings and aired their views on the termination problems. These meetings included the Salem conference sponsored by the Oregon Council of Churches, the Senate Interior and Insular Affairs committee hearing on Oct. 18, and the special meeting with the commissioner of Indian affairs on Oct. 28. The committee, through its official representatives at the Senate hearing and the special meeting with the commissioner, voiced its concern over the carrying out of P.L. 587 as written, and in general endorsed the proposals of the Management Specialists.

Among other matters, the committee unanimously passed a resolution on Nov. 13 recommending the establishment of a special medical fund of \$75,000 "to provide for the payment of necessary hospital and medical care for individual tribal members and their families," and recommending that this "fund shall be reimbursed from eventual established equities provided under P.L. 587."