

Exec. Comm. Members Issue Joint Statement At Wash. Hearings

Four Executive Committee members, Dibbon Cook, Boyd Jackson, Jessie L. Kirk, and Seldon E. Kirk, presented a joint statement before the Senate Indian Sub-Committee on the morning of February 6, prefacing their remarks by stating:

"We appear before your Subcommittee on what may be the last crucial testimony affecting the future destiny of the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians (hereinafter referred to as the Klamath Tribe) enrolled at the Klamath Indian Agency in Oregon. What we have to say represents our combined conclusions reached only after serious and considered deliberations among ourselves."

Their report pointed out that Public Law 587 "as it presently exists has created serious confusion and disturbances among members of the Klamath Indian Tribe. Much of the confusion and uncertainty arises directly from the fact that recent thinking with respect to the Klamath problem has been based on the estimate that 70 per cent or more of the Klamath Tribe will choose to withdraw from tribal membership under the provisions of P. L. 587."

These members felt that the Federal Government should provide for the purchase of the entire reservation if as many as 70 percent of the members are serious about withdrawing, an estimate they felt to be "grossly erroneous."

These committee members, who had an opportunity to speak individually later in the hearings, jointly testified that they were dissatisfied with the appraisal of tribal property released by the Indian Bureau on January 31.

As they stated: "On the afternoon of January 31, the Indian Bureau released to us a general summary of tribal assets, a document which we understand to set forth the total "realization value" of Klamath tribal assets arrived at by the appraisers retained by the Management Specialists pursuant to Section 5 of P. L. 587. The total value, after deductions for "net budgeted expenditures for fiscal year 1957" comes to \$121,643,918.10. As you will note, the total value is arrived at by appraisal of timber units, grazing units, marsh units, farm units, agency buildings, miscellaneous economic units, and "net tribal assets other than economic units."

"We believe that the total figures arrived at by the appraisers are wholly inadequate as

reflecting the true market value of Klamath assets. This seems apparent on the face of the general summary furnished to us. P. L. 587 provides that all tribal property should be appraised. We doubt this has been done."

The report states that the appraisal obviously fails to attribute any value to subsurface rights, including pumice, titanium, diatomaceous earth, water rights and power resources.

"As an example, a 1950 survey under the auspices of the Geological Survey of the Department of the Interior indicates a "minimum total volume of pumice (of) about 6,000,000,000 yards" is present on about 1,100 square miles of the Klamath Reservation. Taken in conjunction with the fact that production of pumice within the State of Oregon has been centered in the Bend-Chemult area north of the Reservation, it is startling to us to believe that any independent appraiser could arrive at a valuation of the Klamath Reservation without taking this valuable resource into consideration. Likewise, we believe that there are valuable titanium deposits on the Reservation; and there are considerable deposits of diatomaceous earth, which is used for production of cosmetics and other by-products."

The report also takes up the matter of water rights and hunting-fishing rights: "In addition to the subsurface items just mentioned, valuable water rights guaranteed to the Klamath Tribe by the United States are tied to the land included within the Reservation. Also, exclusive hunting and fishing rights guaranteed by the United States and confirmed by its courts are not considered, not even mentioned, in the summary of the appraisal. Furthermore, it is known that the Army Engineers have made studies looking toward development of power facilities, utilizing Williamson and Sprague Rivers within the Reservation."

The Secretary was requested to "be certain that such values as are properly attributable to this resource be included in the appraisal and that the subcommittee perform a watch-dog function seeing that proper values are included for all these resources."

"But first and foremost," the report stated, "recent figures furnished by the Klamath Agency indicate that the Klamath Reservation contains approximately

5,500,000,000 board feet of cut-over and virgin merchantable timber. Assuming, on the basis of recent sales, and utilizing a minimum figure of \$38.00 per thousand, indicated by recent sales, this timber alone would indicate a value of \$209,000,000.00 as compared with the \$118,000,000.00 set forth in the general summary of the appraisal. Even assuming that approximately 1,885,000,000 board feet is lodgepole pine pulp, and that its minimum value is \$8.00 per thousand board feet, we get a figure approximating \$150,000,000.00. We believe that the wide disparity between \$118,000,000.00 and \$209,000,000.00, or even \$150,000,000.00 is unconscionable."

"Accordingly, we protest before this Subcommittee and the public that the appraisal carried out pursuant to P. L. 587 as represented by the general summary of tribal assets, is deficient in giving due consideration to potential and specific values of the Reservation. The appraisal report certainly should not be approved by the Secretary of the Interior until it includes full and fair values for all resources. Assuming an extreme situation where 10 per cent of the members choose to withdraw, the returns received would be less than

just compensation if the sales do not bring at least appraised prices. Aside from material values, we cannot ignore other values which mean much to us—the fact that the Reservation represents our heritage and homeland, and provides us with a measure of freedom which it has been our custom to enjoy."

Their report concluded with the following recommendation:

"If the United States Government is willing to pay a price which is fair and equitable, we would favor federal purchase. We think there should be negotiations between tribal representatives and representatives of the United States to reach a price satisfactory to the Tribe. In order that there may be time for this, we ask that this Committee request that the Secretary defer approval of the appraisal. If agreement cannot be reached, we ask that the property be transferred to a legal entity to be formed by the Tribe."

Respectfully submitted,

Seldon E. Kirk

Jesse L. Kirk, Sr.

Dibbon Cook

Boyd J. Jackson

Appraisal Summary Value-Units Given

Item	No. of units	Realization Value or other amount
Klamath Timber Units	95	\$118,407,530.00
Klamath Grazing Units	22	468,990.00
Marsh Units	2	407,056.00
Farm Units	3	331,530.00
Agency Buildings	4	143,000.00
Economic Units other than listed above	10	923.00
Net Tribal assets other than economic units		<u>3,982,719.10</u>
Appraised tribal net worth		123,740,748.10
Net budgeted expenditures		<u>2,081,100.00</u>
Estimated Assets available for distribution		121,659,648.10

The figures above represent a general summary of all the value-unit listed in the appraisal of tribal assets. They are given according to type of unit.