

CHIPPWEAS DEMAND THEIR RIGHTS

Suit Filed in the Supreme Court of the District of Columbia for the Protection of the Rights of the Chippewa People.

This is the Answer of the Chippewa People to the Arrogant Action of the Present Commissioner of Indian Affairs
The Success of This Suit Means the Ultimate Recovery for the Chippewa People of the Millions of Dollars of Property Unlawfully Taken From Them by the Officers and Agents of the United States.

The Commissioner of Indian Affairs has definitely taken his stand in favor of the continued repudiation of the agreement of the United States with the Chippewa Indians of Minnesota. This means that the Chippewa people will lose the greater portion of their estate, and that the little pittance now and hereafter to be paid into the trust fund is to be consumed in defraying the regular expenses of the Indian Bureau in Minnesota if it is carried into effect. If there had been an honest administration of the Chippewa estate under the agreement of 1889 the Chippewa people would today have in the Treasury of the United States approximately fifty million dollars and an annual distribution of \$2,500,000 in interest alone, or more than \$200 per capita. As the result of the repudiations of the agreement of 1889 we have less than \$5,000,000 in the Treasury of the United States, with only a small amount, possibly two or three million dollars additional yet to be received under the plan of administration adopted by the present Commissioner of Indian Affairs.

The Chippewa Indians will not meekly submit to the further plundering of their estate by the officers of the Indian Bureau. We call upon every Chippewa Indian irrespective of faction, upon every Indian throughout the United States, and upon every citizen of the United States who believes in a square deal to come to our aid in the fight we are now making for the preservation of our homes, our property and our future. Through John G. Morrison we have appealed to the courts for redress and the Senate of the United States. We are ably represented by a man who has given us his time, energy and effort without any adequate consideration but who will stand by us until our wrongs have been righted. A part of the crimes committed by the officers of the United States are set out in the bill filed by our attorney, Webster Ballinger, in the Supreme Court of the District of Columbia.

In the Supreme Court of the District of Columbia:

John G. Morrison, Jr. et al.,
Plaintiffs,
vs.
Albert Bacon Fall,
Secretary of the Interior,
Charles H. Burke,
Commissioner of Indian Affairs,
Equity,
William Spry,
Commissioner of the General Land Office,
and
Andrew W. Mellon,
Secretary of the Treasury,
Defendants.

Bill of Complaint.

1. That he is a citizen of the United States, a citizen and resident of the State of Minnesota, and was duly enrolled as a member of the former White Earth Band then existing and was duly allotted land on the White Earth Reservation as such, and is a member of that class of persons described as "all the Chippewa Indians in the State of Minnesota" in an agreement or agreements duly entered into with the United States and hereinafter more particularly described, and therein declared to be the sole owners and beneficiaries of the net funds received from the sale and disposition of certain lands and timber thereon ceded to the United States in trust under said agreement or agreements, as hereinafter set out, and brings this suit in his own right as well as for and on behalf of all other persons included within said class named in said agreement or agreements and similarly situated.

2. That the defendant, Albert Bacon Fall, is a citizen of the United States, a resident of the State of New Mexico, cormorant of the District of Columbia, and Secretary of the Interior, and is sued herein in his official capacity; that the defendant, Charles H. Burke, is a citizen of the United States, a resident of the State of South Dakota, cormorant of the District of Columbia, and Commissioner of Indian Affairs, and is sued herein in his official capacity; that the defendant, William Spry, is a citizen of the United States, a resident of the State of Utah, cormorant of the District of Columbia, and Commissioner of the General Land Office, and is sued herein in his official capacity; that the defendant, Andrew W. Mellon, is a citizen of the United States, a resident of the State of Pennsylvania, cormorant of the District of Columbia, and Secretary of the Treasury, and is sued herein in his official capacity.

five equal annual payments before patent issued. Section 7 provided in part as follows: "That all money accruing from the disposal of said lands in conformity with the provisions of this act shall, after deducting all the expenses of making the census, of obtaining the cession and relinquishment, of making the removal and allotments, and of completing the surveys and appraisals, in this act provided, be placed in the Treasury of the United States to the credit of all the Chippewa Indians in the State of Minnesota as a permanent fund, which shall draw interest at the rate of five per centum per annum, payable annually for the period of fifty years, after the allotments provided for in the act have been made, and which interest and permanent fund shall be expended for the benefit of said Indians in the manner following: One-half of said interest, during the said period of fifty years, except in the cases hereinafter otherwise provided, be annually paid in cash in equal shares to the heads of families and guardians of orphan minors for their use; and one-fourth of said interest shall, during the same period and with the like exception, be annually paid in cash in equal shares per capita to all other classes of said Indians, and the remaining one-fourth of said interest shall, during the said period of fifty years, under the direction of the Secretary of the Interior, be devoted exclusively to the establishment and maintenance of a system of free schools among said Indians, in their midst and for their benefit; and at the expiration of the said fifty years, the said permanent fund shall be divided and paid to all of said Chippewa Indians and their issue then living, in cash, in equal shares."

Reference is here made to said Act of January 14, 1889, in its entirety to the same extent as though it were herein set out in full.

3. That by an Act approved January 14, 1889 (25 Stats., 322), the President of the United States was authorized to appoint three commissioners "to negotiate with all the different bands or tribes of Chippewa Indians in the State of Minnesota for the complete cession and relinquishment in writing of all their title and interest in and to all the reservations of said Indians in the State of Minnesota, except the White Earth and Red Lake Reservations, and to all and so much of these two reservations as in the judgment of the commission is not required to make and fill the allotments required by this and existing acts, and shall not have been reserved by the Commissioners for said purposes, for the purposes and upon the terms hereinafter stated, and such cession and relinquishment shall be deemed sufficient as to each of said several reservations, except as to the Red Lake Reservation, if made and assented to in writing by two-thirds of the male adults over eighteen years of age of the band or tribe of Indians occupying and belonging to such reservations; and as to the Red Lake Reservation the cession and relinquishment shall be deemed sufficient if made and assented to in like manner by two-thirds of the male adults of all the Chippewa Indians in Minnesota; and provided that all agreements therefor shall be approved by the President of the United States before taking effect: "which approval should operate as a complete extinguishment of the Indian title without any other or further act or ceremony whatsoever for the purpose and upon the terms stated in this Act."

4. That the Secretary of the Interior shall proceed as speedily as possible to complete the allotments to the Indians" (meaning the allotments to the members of said Red Lake Band) "which allotments shall be completed before opening the agricultural lands to settlement."

Plaintiff further represents that the agricultural lands were opened to settlement prior to 1908 and that the members of the former Red Lake Band have been endeavoring for the past 30 years to obtain their allotments in severalty which they have been entitled to at all times since the agreement of 1889; that many of those who were parties to said agreement and entitled to allotments of land thereunder have since died without receiving their allotments and that their allotment rights have been extinguished by the failure to obtain same during their lives, thus depriving them and their children of property intended to be secured to them by said agreement; that said reservation has been held for the past 33 years as a closed reservation excluding all forms of development and improvement and thereby denying to the former members of said band citizenship in the State and Nation, free public schools, churches, highways, association with white settlers and owners and all those essential elements of civilization necessary to their proper development and progress; that said refusal to permit the members of said band to take their allotments, and to allot those who failed to do so do have prevented the 50-year trust period from commencing to run and has been arbitrary and capricious by the said Secretary of the Interior and the Commissioner of Indian Affairs and has prevented the disposition of the lands reserved, as provided by said agreement of 1889, and has caused the maintenance and continuation of an agency, the expense of maintaining which are now being illegally paid out of the trust funds belonging to all the Chippewa Indians of Minnesota amounting annually to approximately \$50,000, and has in addition thereto resulted in the unnecessary and illegal expenditure of more than \$2,500,000 of the money belonging to the trust funds of all the Chippewa Indians of Minnesota for the care and support of said Red Lake Indians who would have been at all times self-sustaining had allotments been made to them as provided by said agreement, thus reducing the principal trust fund of all the Chippewa Indians of Minnesota and into which the net proceeds of all property sold was and is to be deposited, thereby reducing the amount to which plaintiff and all other members of said class similarly situated are annually entitled under said agreement and in which they have a vested interest, and likewise reducing the school fund for the education of the Chippewa Indian children and in which plaintiff and all other members of said class similarly situated have an interest for the benefit of their children; and that the said Secretary of the Interior and the Commissioner of Indian Affairs will, arbitrarily and capriciously and without authority of law, unless commanded by proper order of this Court, continue to refuse to permit the said Red Lake Indians to take their allotments in severalty, and that the great and irreparable injury to plaintiff and all other members of said class similarly situated.