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ings and converted them into hospitals and schools for Indians. We have hardly given the Indians any consideration in the days gone by. We have merely utilized every old building possible for the purpose of schools and hospitals for the Indians.

Mr. SMOOT. I want to read to the Senator just what Mr. Meritt said on this question. It was upon this basis that we acted, first in the House and later in the Senate. In speaking of the convenience of the situation Mr. Meritt said:

The item would read "Rapid City, S. Dak., for sanatorium school, $94,600." We want to convert that into a sanatorium school because we have between 500 and 700 children of school age in the State of South Dakota alone who are not in school, but who either have been returned to their homes from schools because they have tuberculosis, or who have not been received in schools because of tuberculosis. I visited that State this summer, and visited every agency and every school in the State of South Dakota. I was somewhat alarmed about the tuberculosis situation in that State. Practically every superintendent told me that tuberculosis was on the increase because of an epidemic they had there a few years ago, and they were not able to control tuberculosis with the present facilities. It is not fair to those tubercular children to keep them in the average Indian home, which is a miserable affair, without sanitary conditions. A child in those homes does not receive proper shelter, proper food, proper clothing, or proper medical attention. In a school of this kind they would receive all those things and more. They would have the opportunity of recovering their health. It is one of the serious needs of South Dakota. I made this recommendation to Commissioner Burke after my return from my trip there this summer, and he approves the recommendation.

Mr. McMASTER. Everything that the Senator has read from the statement made by Mr. Meritt is absolutely correct. There is a pressing need for an institution of that kind. The State of South Dakota for its own people has an institution located in this vicinity because of the ideal location, the mountain location, air, water, and so on. It is conducive to the curing of tubercular troubles. But when the State of South Dakota built its institution it did not take some old school buildings for the purpose. It constructed new buildings that were properly ventilated and properly lighted so the patients could have the benefit of the sunshine and fresh air. What I am objecting to is that to meet a pressing need by taking old buildings for the purpose instead of constructing new buildings is not in the interest of the welfare of the Indians. Instead of taking an old building and attempting to reconstruct it or refit it, such institutions ought to be new construction and modernly equipped in every way.

Mr. SMOOT. For the satisfaction of the Senator I want to read the following from Mr. Meritt's statement so as to show what the department has in mind:

We are starting this sanatorium school in a modest way for the first year and we hope to get materially increased appropriations for the remodeling and enlargement of the plant. As stated in the hearings we hope ultimately to make this an institution of 500 capacity, because we now have between 500 and 700 children in South Dakota of school age who have tuberculosis and who are in their homes, transmitting the disease to other members of their family.

In other words, this is only the beginning. The Bureau of Indian Affairs recognize that this is not enough.

Mr. McMASTER. I realize that, but does not the Senator think that the way to begin anything like that is to begin at the bottom and not to begin by housing tubercular patients in old school buildings?

Mr. SMOOT. This is a decided improvement over what they have had.

Mr. McMASTER. Certainly it is going to be a decided improvement. What objection would the committee have to changing that wording a little in this paragraph and giving the $94,600 for the Indian school alone and $300,000 for the sanatorium and starting them out right?

Mr. SMOOT. That was not considered by the committee.

Mr. McMASTER. But the Senator will agree with me that that is the proper way to begin an institution of that kind. We ought to begin building from the bottom, and we ought not to house these tubercular children in an old building.

Mr. McKELLAR. What amendment would the Senator suggest?

Mr. McMASTER. The provision now creates a new institution at Rapid City by converting an old Indian school into a tubercular institution for the housing of 500 or 600 tubercular Indian children. What I want to do is just to change that wording so that we may give $94,600 to the school and then begin building a real institution for the tubercular children by the appropriation of $300,000.

Mr. McKELLAR. The Senator wants to add $300,000?

Mr. McMASTER. Yes; to start a new program.

Mr. WARREN. But that can not be done under the rule.

Mr. McMASTER. I am not violating any rule. There is so much money appropriated for a school and a sanatorium. I am simply proposing to segregate the two items.

Mr. SMOOT. The only question involved is that it has not been estimated for and it has not been reported by the committee. If the Senator had come before the committee, perhaps we would have been able to do what he asks and at least let it go to conference. That at least would give notice of the sentiment of the Congress on the question.

Mr. McMASTER. Could not that be inserted now?

Mr. SMOOT. We could change the $94,600 to $394,600, and then we can discuss it and have it before us in conference.

Mr. McMASTER. Will not the Senator do that?

Mr. SMOOT. I shall be glad to accept that amendment and let it go to conference.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 54, line 5, strike out "$94,600" and insert "$394,600."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. ASHURST. Mr. President, I ask permission to have printed in the RECORD an address by Hon. Edgar B. Meritt, Assistant Commissioner of Indian Affairs, before the Navajo Council at the Leupp Indian School, Arizona, November 12, 1928.

The PRESIDING OFFICER. Without objection, it is so ordered.

The speech referred to is as follows:

ADDRESS BY EDGAR B. MERITT, ASSISTANT COMMISSIONER OF INDIAN AFFAIRS, BEFORE THE NAVAJO COUNCIL HELD AT THE LEUPP INDIAN SCHOOL, ARIZONA, NOVEMBER 12, 1928

Members of the Navajo Council, ladies and gentlemen, it is a pleasure to call to order the sixth annual session of the Navajo Tribal Council. I bring you greetings from Washington and the best wishes of high officials of the Interior Department, including Hon. Charles H. Burke, Commissioner of Indian Affairs, for a successful meeting of this council.

I am sure that I speak the views of all members of this council and the superintendents of the other Navajo jurisdictions in expressing thanks to Superintendent Hunter and the employees of the Leupp Indian school and agency for their kind invitation to hold the Navajo Council at this place and for the splendid arrangements that have been made for our convenience and comfort while here.

We are holding this council for the purpose of meeting you personally and learning direct from you your views on various matters and problems affecting the Navajo jurisdictions and the Navajo people. It is our hope that this will be a constructive and informative meeting so that we may take back to Washington a better conception of the problems of your several jurisdictions and be in a position to render greater service and assistance to the Navajo Indians. We also want this council to be a medium through which you may know what the Government is trying to do for the Navajos and what is possible to be done by the Federal Government. It is also quite desirable for the Navajo Indians to learn what they can do to help themselves.

Since the ratification of the Fort Sumner Treaty of 1868 the Navajo Indians have made remarkable progress along educational and industrial lines and along other lines of human endeavor. At that time there were estimated to be 9,000 Navajo Indians, and there are now approximately 40,000, a gain of 400 per cent. At that time the Navajos owned approximately 25,000 sheep and goats. To-day they are in possession of approximately 1,100,000 sheep and goats, and are recognized as the greatest and most successful sheep raisers of any Indians in the United States.

In 1868 the Navajo Indians owned but a few head of cattle; to-day they own 65,000 head of cattle and about 45,000 horses. Then there were practically no Navajo Indian children in school; to-day there are 4,923 of your children attending school, 3,220 of whom are in schools on the several Navajo reservations, and 1,696 are attending schools off the reservations, principally nonreservation boarding schools supported by the Federal Government. Practically no money was being appropriated at that time for the education of the Navajos; during the fiscal year 1928 the Government expended $768,599.24 for the education of Navajo children, exclusive of additional expenditures for the education of Navajo children enrolled in Government nonreservation schools. Then only a few thousand dollars was being expended in behalf of the Navajo Indians, but to-day we are expending considerably in excess of $1,000,000 annually for the benefit of the Indians within the six Navajo jurisdictions, the amount expended during the fiscal year 1928 being $1,312,678.98.

In 1868 there were no doctors, nurses, or hospitals for the benefit of the Navajo people; to-day we have 13 doctors, 16 nurses, and 10 hospitals and sanatoria, with a total bed capacity of 345, available for the benefit of the Navajos. During the recent past we have constructed new hospitals at Western Navajo, Leupp, Chin Lee, Tohatchi; a 100-bed sanatorium is now being constructed at Fort Defiance; a small hospital

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has been remodeled and enlarged at the Toadlena School; the Marsh Pass School has been converted into a tuberculosis sanatorium; and we hope to obtain at the next session of Congress an appropriation for a sanatorium for the benefit of the Hopi and Leupp jurisdictions.

Article 3 of the treaty of 1868 reads as follows:

"The United States agrees to cause to be built, at some point within said reservation, where timber and water may be convenient, the following buildings: A warehouse, to cost not exceeding $2,500; an agency building for the residence of the agent, not to cost exceeding $3,000; a carpenter shop and blacksmith shop, not to cost exceeding $1,000 each; and a schoolhouse and chapel, so soon as a sufficient number of children can be induced to attend school, which shall not cost to exceed $3,000."

I think you will agree that this program of construction for the Navajo Indians seems insignificant indeed when compared with the many hundreds of thousands of dollars that have been expended in the construction of school buildings, hospitals, and agency quarters within the six jurisdictions covering the Navajo country.

In 1868 there was set aside for the use of the 9,000 Navajos approximately 3,000,000 acres of land in what is now the States of Arizona and New Mexico. Through the persistent efforts of the Indian Bureau this acreage has been gradually increased until to-day the Navajo Indians have in their possession approximately 13,000,000 acres of land. A tribe of 9,000 uneducated and frequently waring Navajos miserably existing in 1868 has increased in number to more than 35,000, a large number of whom are educated and speak the English language. This tribe is now industrious and self-supporting and is occupying in peaceful possession an area of approximately 13,000,000 acres of land, title to which can not be questioned under the law. These same Navajos are now voluntarily sending their children to school, accepting modern medical and hospital facilities, are wearing citizens' clothes, are driving their own automobiles, are able to conduct business on equal terms with their white neighbors, are improving their home conditions, and have secured for themselves a definite place in the social and economic life in the States of Arizona and New Mexico, of which they are full-fledged citizens and are a credit and a distinct asset to their communities, their States, and to their Federal Government.

I have endeavored to make a comparison between conditions existing in 1868 and conditions as they exist to-day with the Navajo Indians, and it is believed that you will all agree that there has been a most remarkable progress. However proud we may be of past splendid accomplishments and growth in population, wealth, improved home conditions, and social status in general, yet we recognize that there are vast opportunities for still further improvement.

Speaking generally of Indians throughout the United States, in 1868 there were 208,528 Indians; seven years ago, at the beginning of Commissioner Burke's administration of Indian affairs, there were 340,838 Indians; to-day, this number has been increased to 355,901.

In 1868 there were 4,713 Indian children attending schools, many of which were conducted by various church organizations; seven years ago this number had been increased to 62,764, and to-day we have an attendance of Indian pupils in schools of 66,958.

Seven years ago the total Indian property was valued at $716,705,501, and to-day this property is estimated to be worth $1,648,075,274.

In 1868 there was approximately no money being expended for health work among Indians, and there were no hospitals or sanatoria. At the beginning of the administration of Commissioner Burke seven years ago there was appropriated specifically for health work $375,000, and there were 81 hospitals and sanatoria. This year the direct appropriation for health work is $1,440,000 and the number of hospitals and sanatoria have been increased to 92 in actual operation and several more are under construction at the present time.

No record of the death rate among Indians was kept in 1868. According to the census of 1920, the death rate was 29.3 per thousand and to-day it has been reduced to 21.8 per thousand.

In 1868 there were practically no doctors or nurses working among Indians. Seven years ago there were 181 doctors and 106 nurses. This force of employees has been increased over a 7-year period so that we now have 195 doctors and 204 nurses.

In 1868 there was appropriated for the Indian Service $2,837,007.09; seven years ago the annual appropriations for the Indian Service totaled $10,042,554.67. For the current fiscal year the annual appropriations amount to $14,284,509.

In 1868 most of the Indians of the United States were living in tents, hogans, or wikiups, with few permanent homes. To-day there are over 40,000 Indian families living in permanent homes, and during the last year more than 1,000 new permanent homes have been erected, and repairs and improvements have been made to an approximate similar number.

During the administration of Commissioner Burke there have been obtained from the War Department two Army posts which have been converted into Indian boarding schools and are now being used almost exclusively for the education of Navajo Indian children. I refer to the Theodore Roosevelt School, in Arizona, with an enrollment of 400, and the Charles H. Burke School, in New Mexico, formerly Fort Wingate, with an enrollment of 609.

We plan in the near future, and as soon as appropriations can be obtained from Congress, to increase the capacity of the Western Navajo boarding school from 300 to about 500; we have recently completed the construction of a new day-school plant at Nava, and we hope as soon as funds can be obtained to construct other day-school plants in the Navajo country.

In recent years we have drilled 304 wells in the Navajo country, and 147 of these wells are now in operation furnishing water for domestic and stock purposes for the Navajo Indians. We have also spent considerable money and have been quite successful in increasing the water supply for the Navajo Indians through the development of springs. This work has resulted in increasing the grazing area in the Navajo country. We believe it is also possible, in some communities, to provide additional water through the building of earthen dams. We are spending this year more money than ever before in the development of water for your use, approximately $100,000 having been authorized for this purpose.

Two years ago the first exclusive trachoma school for Indians in the United States was established at Fort Defiance, and another school has been converted into a trachoma school this fall at the Northern Navajo agency. The trachoma problem in the Navajo country has been given special and vigorous attention in recent years, and many Navajo Indians have been cured of this disease.

We recognize the need for additional land for the 5,000 Navajos now living off the reservation on the public domain, and at the last session of Congress we were successful in procuring an appropriation of $200,000 for the purchase of lands for those Indians out of tribal funds, with an authorization for the expenditure of an additional million dollars for this same purpose. The item in the second deficiency appropriation act of May 29, 1928, reads as follows:

"For purchase of additional land and water rights for the use and benefit of Indians of the Navajo Tribe (at a total cost not to exceed $1,200,000, which is hereby authorized), title to which shall be taken in the name of the United States in trust for the Navajo Tribe, fiscal years 1928 and 1929, $200,000, payable from funds on deposit in the Treasury of the United States to the credit of the Navajo Tribe: *Provided*, That in purchasing such lands title may be taken, in the discretion of the Secretary of the Interior, for the surface only."

We are now engaged in negotiating for the purchase of certain lands for the benefit of the Navajo Indians out of the available appropriation.

Under the administration of Commissioner Burke oil leases were approved on the Navajo Reservation, and the first well was brought in on October 1, 1922. Since then there has been produced within the borders of the Navajo Reservation approximately 1,773,203 barrels of oil, with an income to the tribe of approximately $656,426.71. Last year the income from this source for the benefit of the Navajo Tribe amounted to $71,511.77. Oil production has been reduced because of overproduction throughout the country and the low price of oil.

We wish to congratulate the Navajo Indians on their cooperation with our local superintendents in partly ridding the range of practically worthless horses that have heretofore been using the grass and water that should be made available for cattle and sheep, thus yielding a larger income to the Indians.

The Navajo Indians have also cooperated closely in helping us to eradicate dourine among your stock.

It is my desire to make this council meeting a constructive and helpful one, and I am taking the liberty of suggesting the following as some of the subjects that should be discussed by members of the council as well as by the representatives of the Government, including your superintendents, who are here to give you information and assistance:

1. Overgrazing in the Navajo country and steps necessary for proper conservation of the range.

2. The question of eventually limiting the number of sheep, horses, goats, and cattle for any one Indian, so that benefits of the range may be more equitably distributed among all Navajos.

3. Further ridding the range of surplus horses so as to provide more range for sheep and cattle.

4. Purchase of additional lands to provide for Navajo Indians now on the public domain.

5. Further water development by reclaiming springs, impounding water by means of earthen dams, and drilling additional wells where other means of developing water are impossible.

6. Best means of providing additional school facilities in the Navajo country, so that young children may be educated near their homes and so that there may be school facilities for every Navajo child of school age.

7. What additional hospitals, sanatoria, physicians, and nurses, and health centers are needed to provide adequate medical facilities for all Navajo Indians.

8. Present status of oil development and suggestions for future development work.

9. Improvement of roads in the Navajo country, what roads are most needed by Indians at this time, and what are most practical methods of building same.

10. Trachoma schools and best methods of handling the trachoma problem in the Navajo country.

11. Tuberculosis among Navajo Indians, facilities needed for meeting situation, and where sanatoria are most needed.

12. Improving home conditions among Navajo Indians and best methods of getting more and better sanitary Indian homes.

13. Best means of improving grade of cattle and sheep owned by Navajo Indians.

14. Sale of Navajo timber and best use of proceeds for benefit of Navajo Indians.

15. The liquor problem in the Navajo country and the best means of controlling same.

16. The dourine problem on the Navajo Reservation and what further steps are necessary to be taken.

17. The returned-student problem on the Navajo Reservation and the best way of finding employment for returned students both on and off the reservation.

This is your council and we want you to discuss frankly not only these questions but any other matters that you may wish to bring up and we want you to make the best possible use of this opportunity.

During the past two years it has been my pleasure to make two visits to the Navajo country, and I have submitted to the Commissioner of Indian Affairs a number of recommendations which have been approved by him, and which we are carrying out as funds become available. I want you to know of the personal interest of Commissioner Burke and myself in the welfare of the Navajo Indians. We in Washington are interested in your problems, sympathetic to your needs, and will cooperate to the limit of our ability and with the funds available to assist you in every way possible.

In conclusion, permit me to say that while the foregoing statements are convincing proof of the progress that has been made in Indian affairs among the Navajo Indians in particular, and among the Indians of the entire country generally, yet I wish to make it perfectly clear that many things need to be done that can not now be done with the limited appropriations available. Instead of the annual appropriations of between twelve and fifteen million dollars now authorized by Congress we need approximately $25,000,000 per year for several years to come if we are to meet the actual requirements of the situation. We need more doctors, more nurses, more hospitals and sanatoria, more sanatorium schools, better school facilities, and at least $300 per capita to operate our schools. We need a large reimbursable appropriation to improve bad home conditions among Indians, more money to provide trained women field demonstration agents with social service ideals, to improve home and living conditions. We need more trained agricultural and industrial leaders to teach Indians to make better use of their industrial opportunities. We need more funds to provide a larger variety and better balanced food for our Indian school children, and we need a trained force of well-paid employees to bring the Indians generally to a better realization that, after all, the Indian problem is their problem, and that it is the duty of the Indians of this country to become, by their own efforts, industrious, progressive, self-supporting, and law-abiding citizens of this great Republic.

Mr. FRAZIER. Mr. President, I want to make a very brief statement at this point. During the last session of Congress I introduced a bill which was passed by the Senate, authorizing an appropriation to build an Indian school on the Turtle Mountain Reservation at Belle Fourche. On that reservation are some 250 Indian children of school age who are not in school and never have been, because there is no school available for them, either on the reservation or off the reservation. There is an urgent need for such a school. The understanding was that instead of the House passing the bill which had been passed by the Senate, the item would be included in the present appropriation bill, but for some reason it was not reached and was left out. I have been assured, however, that an authorization for the appropriation will be made in the deficiency appropriation bill which is to come along later.

Mr. SMOOT. That question was brought to our attention and I understand that is the program to be carried out.

Mr. FRAZIER. For that reason I did not go before the committee to make any protest in regard to putting the item in the present bill, but I shall expect it to be put in the deficiency bill.

Mr. NORRIS. Mr. President, I have an amendment that I desire to submit.

I want to say frankly that the amendment is subject to a point of order and, therefore, I desire briefly to explain it before I offer it, because I think when it is understood there will be no possible objection.

In the northwestern part of Nebraska, in an irrigated portion of the State, there is a reclamation project getting its water from the Pathfinder Dam in Wyoming. Under this ditch is an older ditch known as the Farmers' ditch, put in before the Pathfinder Dam was built. Several years ago the owners of the private ditch made an agreement with the Department of the Interior by which they were to be supplied with storage water which the Government reclamation ditch stored at the Pathfinder Dam. That agreement has been carried out. It means that the Farmers' ditch is to pay to the Government of the United States the stipulated amount provided for in the contract.

There was a piece of the ditch, as I understand it, 9 miles long that was under sort of joint supervision between the Government reclamation ditch and the Farmers' ditch. It needed considerable work on it. It was a sort of connecting ditch, as I understand it. The Farmers' Irrigation Co., the owners of the private ditch, had the necessary machinery and so forth to do the work. The contract between the Government and the Farmers' ditch provided that this kind of work, in this particular place, was to be a 50-50 proposition. Each ditch paid half of the cost of the repairs.

Since the Farmers' ditch had the machinery the Government officials entered into a contract with the privately owned ditch and employed them to do this work, agreeing to pay them one half of the contract price. They had to stand the other half. The work was completed and everything was satisfactory on both sides and there was no question about the facts, as I understand it, but the private ditch owed the Government, of course, for water, and what they undertook to do was to give the Government credit for one-half of the cost of the improvement and pay the Government the balance, assuming that if the Government paid what they owed, then the Farmers' ditch would owe nothing to the Government. In other words, one-half of the cost of the construction was to be borne by one ditch and one-half by the other ditch, but the one ditch that did the work paid what they owed to the Government and kept out one-half of the cost of the improvement.

Mr. SMOOT. Under an agreement?

Mr. NORRIS. Yes; under an agreement. The Comptroller General refused to allow that to be done, however.

Mr. McKELLAR. There is no question between the two States of Wyoming and Nebraska?

Mr. NORRIS. Oh, no; there is no such question involved. I had my secretary telephone to Doctor Mead, head of the Reclamation Bureau, telling him what I had in the shape of an amendment prepared and asked him if it was true that it was satisfactory to the Reclamation Bureau. He said that it was and that he hoped we would be able to have the item included in this bill. It simply directs the Reclamation Service to give to the Farmers' ditch credit for one-half of the construction.

Mr. SMOOT. If that be the case, we can let it go in.

Mr. WARREN. Mr. President, I should like to say a word on this matter, as it is one in which I am very much interested.

Mr. SMOOT. Very well.

Mr. WARREN. For a great many years water has been provided for that ditch under what was called the Warren law. I disown it, except that I did, on account of a request from the Interior Department, present a bill providing that in the case of farmers' ditches on land which they owned or which they had taken up under claims, when the irrigation project had a surplus it would furnish water at certain figures. So the farmers had no right at all originally to the water of the irrigation system. According to the last information I had, they refused to pay the amount and they were behind to a considerable extent in their payments.

Mr. NORRIS. Let me read to the Senator the summary of facts which I am told are undisputed. If the conferees find that the statements are not correct, of course, they will reject the amendment. I will read the summary, as it is short:

No. 1. The United States—

By the way, I ought to correct what I said a few moments ago. I said then it was a ditch; it was a drain. It was necessary to put in a draining system in order to drain the land under both of these ditches. The Government ditch is here and the private ditch here, and further down is the draining system which drains both of them.

SUMMARY

No. 1. The United States could not successfully have reclaimed interstate division Government lands without the construction, operation, and maintenance of the Nine Mile Drain.

No. 2. The operation and maintenance of this drain by the farmers' irrigation district is under the close supervision and approval of Government representatives and engineers.

No. 3. The Farmers' Irrigation District is not now delinquent in any of its payments to the United States except $2,376.45—

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