

# Sac and Fox Treaty, 1842 (Pg.1)

## TREATY WITH THE SAUK AND FOXES, 1842.

Oct. 11, 1842.  
7 Stat., 506.  
Proclamation, Mar.  
21, 1843.

*Articles of a treaty made and concluded at the agency of the Sac and Fox Indians in the Territory of Iowa, between the United States of America, by John Chambers their commissioner thereto specially authorized by the President, and the confederated tribes of Sac and Fox Indians represented by their chiefs, headmen and braves:*

### ARTICLE I.

Lands ceded to  
United States.

THE confederated tribes of Sacs and Foxes cede to the United States, forever, all the lands west of the Mississippi river, to which they have any claim or title, or in which they have any interest whatever; reserving a right to occupy for the term of three years from the time of signing this treaty, all that part of the land hereby ceded which lies west of a line running due north and south from the painted or red rocks on the White Breast fork of the Des Moines river, which rocks will be found about eight miles, when reduced to a straight line, from the junction of the White Breast with the Des Moines.

### ARTICLE II.

Payment by United  
States for cession.

In consideration of the cession contained in the preceding article, the United States agree to pay annually to the Sacs and Foxes, an interest of five per centum upon the sum of eight hundred thousand dollars, and to pay their debts mentioned in the schedule annexed to and made part of this treaty, amounting to the sum of two hundred and fifty-eight thousand, five hundred and sixty-six dollars and thirty-four cents; and the United States also agree,

Lands to be assigned  
to Indians for perma-  
nent residence.

*First.* That the President will as soon after this treaty is ratified on their part as may be convenient, assign a tract of land suitable and convenient for Indian purposes, to the Sacs and Foxes for a permanent and perpetual residence for them and their descendants, which tract of land shall be upon the Missouri river, or some of its waters.

Blacksmiths' and  
gunsmiths' shops, etc.

*Second.* That the United States will cause the blacksmiths and gunsmiths' tools, with the stock of iron and steel on hand at the present agency of the Sacs and Foxes, to be removed, as soon after their removal as convenient, to some suitable point at or near their residences west of the north and south line mentioned in the first article of this treaty; and will establish and maintain two blacksmiths and two gunsmiths' shops convenient to their agency, and will employ two blacksmiths, with necessary assistance, and two gunsmiths to carry on the said shops for the benefit of the Sacs and Foxes; one blacksmiths and one gunsmiths' shop to be employed exclusively for the Sacs, and one of each to be employed exclusively for the Foxes, and all expenses attending the removal of the tools, iron and steel, and the erection of new shops, and the purchase of iron and steel, and the support and maintenance of the shops, and wages of the smiths and their assistants, are to be paid by the tribe, except such portion thereof as they are now entitled to have paid by the United States, under the 4th article of the treaty made with them on the 4th of August 1824, and the 4th article of the treaty of the 21st of September 1832. And when the said tribes shall remove to the land to be assigned them by the President of the United States, under the provisions of this treaty, the smiths' shops above stipulated for shall be re-established and maintained at their new residence, upon the same terms and conditions as are above provided for their removal and establishment west of the north and south line mentioned in the first article of this treaty.

Boundary to be run  
and marked.

*Third.* That the President of the United States will as soon as convenient after the ratification of this treaty, appoint a commissioner for the purpose, and cause a line to be run north from the painted or red rocks on the White Breast, to the southern boundary of the neutral

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ground, and south from the said rocks to the northern boundary of Missouri; and will have the said lines so marked and designated, that the Indians and white people may know the boundary which is to separate their possessions.

## ARTICLE III.

The Sacs and Foxes agree that they will remove to the west side of the line running north and south from the painted or red rocks on the White Breast, on or before the first of May next, and that so soon after the President shall have assigned them a residence upon the waters of the Missouri, as their chiefs shall consent to do so, the tribe will remove to the land so assigned them; and that if they do not remove before the expiration of the term of three years, they will then remove at their own expense; and the United States agree, that whenever the chiefs shall give notice to the Commissioner of Indian Affairs of the time at which they will commence their removal to the land to be assigned them by the President, a quantity of provisions sufficient for their subsistence while removing, shall be furnished them at their agency, and an additional quantity, not exceeding one years supply shall be delivered to them upon their arrival upon the lands assigned them; the cost and expenses of which supplies shall be retained out of any money payable to them by the United States.

Removal of Indians

Provisions for removal.

## ARTICLE IV.

It is agreed that each of the principal chiefs of the Sacs and Foxes, shall hereafter receive the sum of five hundred dollars annually, out of the annuities payable to the tribe, to be used and expended by them for such purposes as they may think proper, with the approbation of their agent.

Each principal chief to receive \$500 annually.

## ARTICLE V.

It is further agreed that there shall be a fund amounting to thirty thousand dollars retained at each annual payment to the Sacs and Foxes, in the hands of the agent appointed by the President for their tribe, to be expended by the chiefs, with the approbation of the agent, for national and charitable purposes among their people; such as the support of their poor, burying their dead, employing physicians for the sick, procuring provisions for their people in cases of necessity, and such other purposes of general utility as the chiefs may think proper, and the agent approve. And if at any payment of the annuities of the tribe, a balance of the fund so retained from the preceding year shall remain unexpended, only so much shall be retained in addition as will make up the sum of thirty thousand dollars.

\$30,000 to be retained as each annual payment.

How to be expended.

## ARTICLE VI.

It is further agreed that the Sacs and Foxes may, at any time, with the consent of the President of the United States, direct the application of any portion of the annuities payable to them, under this or any former treaty, to the purchase of goods or provisions, or to agricultural purposes, or any other object tending to their improvement, or calculated to increase the comfort and happiness of their people.

Application of any portion of annuities.

## ARTICLE VII.

The United States agree, that the unexpended balance of the fund created by the seventh paragraph of the second article of the treaty of the twenty-first of October, 1837, for agricultural purposes, or so much thereof as may be necessary, shall be used and employed in the cultivation of the pattern farm near the present Sac and Fox agency, in the

Certain funds for agricultural purposes.

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year 1843, for the exclusive use and benefit of the tribe. And they further agree, that such portion of the fund for erecting mills, and supporting millers, specified in the fourth paragraph of the second article of the aforesaid treaty of October 21st, 1837, as may be and remain unexpended on the 1st day of May next, shall be transferred to and made part of the sum designated in the fifth paragraph (as amended) of the article and treaty above named, for breaking up land and other beneficial objects, and become thereafter applicable to the same purposes, as were in the said fifth paragraph, originally intended.

### ARTICLE VIII.

Remains of the late Chief Wa-pel-lo to be buried, &c.

The Sacs and Foxes have caused the remains of their late distinguished chief Wa-pel-lo to be buried at their agency, near the grave of their late friend and agent General Joseph M. Street, and have put into the hands of their agent the sum of one hundred dollars to procure a tombstone to be erected over his grave, similar to that which has been erected over the grave of General Street; and because they wish the graves of their friend and their chief to remain in the possession of the family of General Street, to whom they were indebted in his life-time for many acts of kindness, they wish to give to his widow Mrs. Eliza M. Street one section of land to include the said graves, and the agency-house and enclosures around and near it; and as the agency house was built at the expense of the United States, the Sacs and Foxes agree to pay them the sum of one thousand dollars the value of said building, assessed by gentlemen appointed by them, and Governor Chambers commissioner on the part of the United States, to be deducted from the first annuity payable to them under the provisions of this treaty. And the United States agree to grant to the said Eliza M. Street by one or more patents, six hundred and forty acres of land in such legal subdivisions, as will include the said burial ground, the agency house, and improvements around, and near it, in good and convenient form, to be selected by the said E. M. Street or her duly authorized agent.

Patent to issue to E. M. Street for 640 acres.

### ARTICLE IX.

Treaty binding when ratified.

Proviso.

It is finally agreed that this treaty shall be binding on the two contracting parties, so soon as it shall have been ratified by the President and Senate of the United States: *Provided always*, That should the Senate disagree to and reject, alter or amend any portion or stipulation thereof, the same must be again submitted to the Sacs and Foxes, and assented to by them, before it shall be considered valid and obligatory upon them, and if they disagree to such alteration or amendment, the treaty shall be returned to the Senate for ratification or rejection, in the form in which it was signed.

In witness whereof, the said John Chambers, commissioner on the part of the United States, and the undersigned chiefs, braves, and headmen of the Sac and Fox nation of Indians, have hereunto set their hands, at the Sac and Fox agency, in the Territory of Iowa, this eleventh day of October, Anno Domini one thousand eight hundred and forty-two.

John Chambers.

Sacs:  
Ke o kuk,  
Ke o kuk, Jr.,  
Wa ca cha,  
Che kaw que,  
Ka pon e ka,  
Pa me kow art,  
Ap pe noose,  
Wa pe,  
Wa sa men,  
Wis ko pe,  
As ke po ka ween,

Foxes:  
Pow a shick,  
Wa co sha she,  
An an o wit,  
Ka ka ke,  
Ma wha why,  
Ma che na ka me quast,  
Ka ka ke mo,  
Kish ka naqua hok,  
Pe a tau a quis,  
Ma ne ni sit,  
Mai con ne,

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I o nah,  
Wish e co ma que,  
Pash e pa ho,  
Ka pe ko ma,  
Tuk quos,  
Wis co sa,  
Ka kon we na,  
Na cote e we na,  
Sho wa ke,  
Mean si to wa,  
Muk e ne

Pe she she mone,  
Pe shaw koa,  
Puck aw koa,  
Qua co ho se,  
Wa pa sha kon,  
Kis ke kosh,  
Ale mo ne qua,  
Oha ko kow a,  
Wah ke mo wa ta pa,  
Muk qua gese,  
Ko ko etch.

Signed in presence of—

John Beach, U. S. Indian agent and secretary.  
Antoine Le Claire, U. S. interpreter.  
Josiah Swart, U. S. interpreter.  
J. Allen, captain, First Dragoons.

C. F. Ruff, Lieutenant, First U. S. Dragoons.  
Arthur Bridgman.  
Alfred Hebard.  
Jacob O. Phister.

(To the Indian names are subjoined marks.)

*Schedule of debts due from the confederated tribes of the Sac and Fox Indians to be paid by the United States under the provisions of a treaty made and concluded at the Sac and Fox agency in the Territory of Iowa on the eleventh day of October in the year 1842; to which this schedule is annexed as a part thereof.*

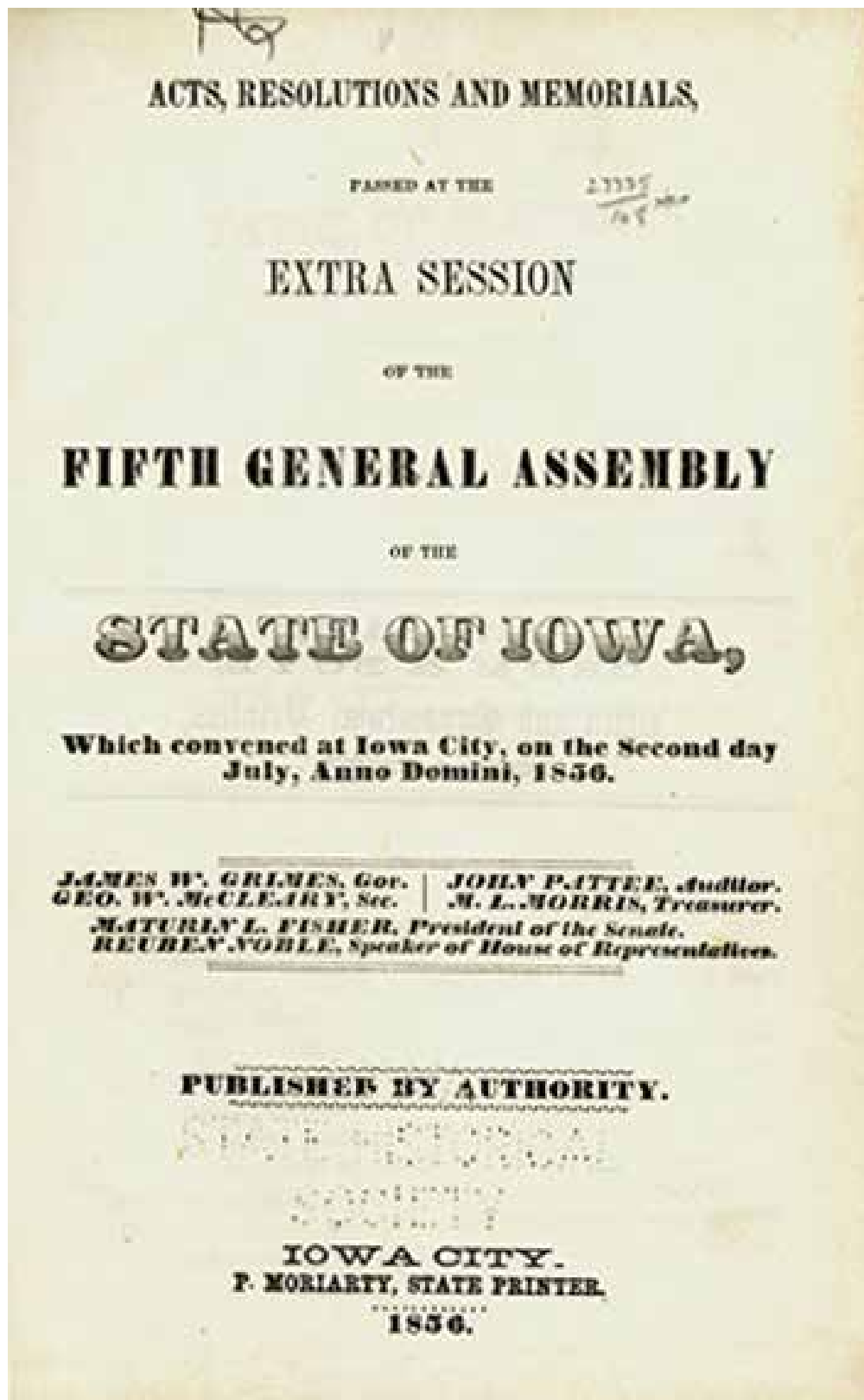
Schedule of debts of Indians to be paid.

Name of claimant.	Place of residence.	Amount.
Pierre Chouteau, Jr. & Co.....	St. Louis, Missouri, licensed traders.....	\$122,500 47
W. G. & G. W. Erving.....	Indiana, do do.....	66,371 82
J. P. Eddy & Co.....	Ioway, do do.....	52,332 78
Thomas Charlton.....	Van Buren c'ty, Ioway.....	76 69
R. R. Willoughby.....	Do do.....	25 00
Francis Wittington.....	Lincoln county, Missouri.....	4,212 54
Jesse B. Webber.....	Burlington, Ioway.....	116 00
J. C. Wear.....	Jefferson county, Ioway.....	50 00
W. C. Cameron, assignee of A. M. Bissel (bankrupt).....	Burlington.....	283 14
David Bailey.....	Lincoln c'ty, Missouri.....	75 00
Thomas W. Bradley.....	Ioway.....	20 00
John J. Grimes.....	Lincoln c'ty, Missouri.....	625 00
William Settles.....	Do do.....	320 00
John S. David.....	Burlington, Ioway.....	20 00
F. Hancock.....	Van Buren, do.....	20 00
C. G. Felton.....	Burlington, do.....	34 00
J. Tolman.....	Van Buren, do.....	115 00
J. L. Burtiss.....	Lee county, do.....	716 00
Isaac A. Lefevre.....	Van Buren, do.....	348 00
Jeremiah Smith, jr.....	Burlington, do.....	4,000 00
William & Sampson Smith.....	Jefferson county, do.....	60 00
John Koons.....	.....	6 50
Robert Moffet.....	New Lexington, Ioway.....	129 43
Antoine Leclair.....	Davenport, do.....	1,375 00
Margaret Price.....	Lee county, do.....	9 00
Jesse Burton.....	Van Buren, do.....	22 00
Jefferson Jordan.....	Do do.....	175 00
Jeremiah Wayland.....	St. Francisville, Missouri.....	15 00
Robert Brown, assignee of Cutting & Gordon.....	Van Buren c'ty, Ioway.....	73 25
William Rowland.....	Do do.....	460 32
Edward Kilsbourne.....	Lee county, do.....	10,411 80
Ferry & Best.....	Do.....	22 75
P. Chouteau, Jr. & Co.....	St. Louis, Missouri.....	26 00
Job Carter.....	Van Buren c'ty.....	28 00
Francis Bossenon.....	St. Louis, Mo.....	26 00
James Jordan.....	Van Buren, Ioway.....	1,775 00
Sampson Smith.....	Do.....	54 00
Louis Lepiant.....	Ioway.....	122 00
William Phelps.....	Clark county, Missouri.....	310 00
William B. Street.....	Ioway.....	360 00
Julia Ann Goodell.....	Do.....	856 00
George L. Davenport.....	Davenport, Ioway.....	320 00
G. C. R. Mitchell.....	Do do.....	100 00
David Noggle.....	Van Buren, do.....	20 00
	Amount.....	\$258,566 54

John Chambers,  
Commissioner on the part of the U. S.

Alfred Hebard,  
Arthur Bridgman,  
Commissioners appointed by the commission  
on the part of the U. S. for examining and adjusting claims.

# Iowa Law to “Allow Meskwaki to Purchase Land and Live in Tama, Iowa,” July 15, 1856 (Pg.1)



# Iowa Law to "Allow Meskwaki to Purchase Land and Live in Tama, Iowa," July 15, 1856 (Pg.2)

## LAWS OF IOWA.

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### CHAPTER 30.

#### INDIANS.

AN ACT permitting certain Indians to reside within the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the consent of the State is hereby given that the Indians now residing in Tama county known as a portion of the Sacs and Foxes, be permitted to remain and reside in said State, and that the Governor be requested to inform the Secretary of war thereof, and urge on said department, the propriety of paying said Indians their proportion of the annuities due or to become due to said Tribe of Sacs and Fox Indians.

*Consent of the State given.*

*For Sacs and Foxes, to reside in the State.*

*Annuities.*

SEC. 2. That the Sheriff of said county, shall as soon as a copy of this law is filed in the office of the County Court proceed to take the census of said Indians now residing there giving their names, and sex, which said list shall be filed and recorded in said office, the persons whose names are included in said list shall have the privileges granted under this act, but none others shall be considered as embraced within the provisions of said act.

*Census.*

*List filed.*

SEC. 3. This act shall take effect from and after its publication in the Iowa Capital Reporter and Iowa City Republican published at Iowa City.

*Take effect.*

Approved July 15th, 1856.

I certify that the foregoing act was published in the Iowa Capital Reporter July 20th and in the Iowa City Republican July 25th 1856.

GEO. W. MCCLEARY,

Secretary of State.

# Meskwaki Proclamation Day Brochure: “Old Indian Town,” July 13, 1857 (Pg.1)

## MESKWAKI PROCLAMATION DAY

A Historical Perspective



July 13, 1857

# Meskwaki Proclamation Day Brochure: "Old Indian Town," July 13, 1857 (Pg.2)

After the passage of the Act, the Mesquaki went out to buy some land. David Butler penned a letter telling how the bargain was made.

## OLD INDIAN TOWN

This was a temporary village or lodgment of the Musquakies in the NE 1/4 of Sec. 17 of what is now Indian Village township. The region is since known as Butlerville, because of its being the location of the several Butler Families from whom these Indians first bought land. The Musquakies had lodged here before the Butlers came in 185-. At the time the Butlers settled here the Musquakies had gone. In the spring of 1857 an Indian came on horseback and talked with Isaac Butler about the purchase of some land. He went away and came again, in all about three times. Finally, a bargain was made for 80 acres in township -- of Sec. 30-83, 15. Isaac Butler and his sons Philip and David went to Toledo and made out the deed on July 13, 1857. The consideration paid was \$1,000 in cash. The money was taken to Iowa City by the Indians and paid to Gov. Jas. W. Grimes. It was brought back to the Butlers by Ebenezer Coffin, a farmer in Tama Co. The money was in the form of gold and Mr. Coffin carried it in a rough sack in his lumber wagon. There were no ponies in the payment, as has been so often reported.

from David Butler  
August 18, 1905

The following is the land deed that the Bulters made at Toledo in 1857:

This Deed of Bargain and Sale made and executed the thirteenth day of July A.D. 1857 by and between Philip Butler, David Butler, and Isaac Buler Guardian for William Butler and Ozias Bulter Minors, all of Tama County and State of Iowa, parties of the first part and James W. Grimes Governor of the State of Iowa and his successors in office in trust for the following named persons Indians and their heirs forever viz. Math a Nuh, Wau ka no, Chalk kal a Mah, Mat au a quah, Pat a ca to of the Second part. Witnesseth that the said parties of the first part for and in consideration of the sum of One Thousand Dollars to them paid by the said party of the Second part the receipt of which is hereby acknowledged has granted and sold and do by these presents Grant Bargain Sell Convey and Confirm unto the said Party of the Second part and to his Successors in office in trust for the said Indians their heirs forever the certain tract or parcel of Real Estate Situated in the County of Tama and State of Iowa, to wit The West half of the South East fourth of Section number thirty (30) Township number Eighty-three (83) North of Range fifteen (15) West of the 5th P.M. containing Eighty Acres according to Government Survey, and the said Isaac Butler sells the interest of his wards the said William Butler and Ozias Butler Infants aforesaid, in and to the said tract or Parcel of Land by virtue and authority of an order of County Court of Tama County, aforesaid made granted and decreed and adjudged to him as guardian of the property of Said Infants upon an application to said Court made by said Isaac Butler as Guardian aforesaid, Notice of the copy of the petition of such sale having first been legally served on all the parties interested, and the said Isaac Butler having given a Bond as required by law conditioned for the faithful performance of his duty and the just and true application of, and accounting for all monies by him received, which said order was made by the County Court at the May term thereof, held on the first Monday in May, 1857 and duly recorded in the Book of Records of Said Court. To have and to hold the premises above described with all the appurtenances thereunto belonging unto him the said party of the Second part and to his successors in office forever. The said Philip Butler, David Butler and Isaac Butler as guardian for said minors hereby covenanting for themselves, their heirs, executors and administrator, that the above described premises are free from all incumbrances that they have full right power and authority to sell the same and they will warrant and defend the title unto the said party of the second part their Successors, Heirs and Assigns against the claims of all persons whomsoever lawfully claiming the same. In witness whereof the said parties of the first part have thereunto set their hands and seals the day and year first above written.

Philip Butler, L.S.  
David Butler, L.S.  
Isaac Butler, L.S

In presence of  
Allen Dingee.

Guardian of William and  
Ozias Butler, minors.



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TREATY WITH THE SAUK AND FOXES, 1867.

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## TREATY WITH THE SAUK AND FOXES, 1867.

*Articles of agreement made and concluded this eighteenth day of February, one thousand eight hundred and sixty-seven, between the United States, represented by Lewis V. Bogy, Commissioner of Indian Affairs; William H. Watson, special commissioner; Thomas Murphy, superintendent of Indian Affairs for Kansas; and Henry W. Martin, United States Indian agent, duly authorized, and the tribes of Sacs and Foxes of the Mississippi, represented by Kookuk, Che-kus-kuk, Uc-quaw-ho-ko, Mut-tet-tah, and Man-ah-to-wah, chiefs of said tribes.*

Feb. 18, 1867.

15 Stat., 296.  
Ratified July 25,  
1868.  
Proclaimed Oct. 14,  
1868.

ARTICLE 1. The Sacs and Foxes of the Mississippi cede to the Government of the United States all the lands, with the improvements thereon, contained in their unsold portion of their diminished reserve defined in the first article of their treaty ratified July ninth, one thousand eight hundred and sixty, (the said tract containing about eighty-six thousand and four hundred acres, and being more particularly described by the survey and plats on file in the Department of the Interior,) except as reserved in previous treaties, or in this treaty.

Cession of lands to the United States.

ARTICLE 2. The said Indians also cede to the United States a full and complete title to the land, with the improvements thereon, now remaining unsold in that portion of their old reservation provided by article four of the treaty of July ninth, one thousand eight hundred and sixty, to be sold by the Government for their benefit, the cession herein made being subject to the exceptions defined in this treaty.

Additional cession.

ARTICLE 3. The United States agree to pay to the Sac and Fox Indians, parties to this treaty, at the rate of one dollar an acre for the whole of the land ceded in the two preceding sections, being about one hundred and fifty-seven thousand acres of land, less the amount of land set apart for individuals; and further agree to pay the outstanding indebtedness of the said tribe, now represented by scrip issued under the provisions of previous treaties, and amounting, on the first of November, eighteen hundred and sixty-five, to twenty-six thousand five hundred and seventy-four dollars, besides the interest thereon; out of the proceeds of the sale of lands ceded in this treaty, and the amount herein provided to be paid to said Indians, after deducting such sums as, under the provisions of this treaty, are to be expended for their removal, subsistence, and establishing them in their new country, shall be added to their invested funds, and five per cent. interest paid thereon in the same manner as the interest of their present funds is now paid.

Payments by the United States.

ARTICLE 4. At any time after the ratification of this treaty, the lands ceded in the first article shall be held and considered at the disposal of the United States, except that, until the time for the removal of the Indians is fixed by public notice, under the provisions of this treaty, no interference shall be made with the rights of the Indians as the occupants of the lands, but they shall remain in all respects without molestation, in the same manner as if this treaty had not been made; *And provided further*, That inasmuch as there are valuable improvements upon said reservation, such improvements shall be appraised under the direction of the Secretary of the Interior, and the appraised value of the same shall be paid to the United States, before title is given to any individual or corporation for the lands upon which such improvements are situated.

Lands ceded, when to be at the disposal of the United States.

Proviso.

ARTICLE 5. The lands ceded in the second article of this treaty, being the unsold remainder of the lands provided in the fourth article of the treaty of July ninth, one thousand eight hundred and sixty, to be sold in trust for said Indians, shall, immediately upon the ratification of this treaty, become the property of the United States, and

Same subject.

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shall be open to entry and settlement, and the lands in the second article ceded, as well as those ceded in the first article, shall be subject to all the laws and regulations of the General Land-Office the same as other public lands, except as relates to the provisions in the next preceding article relating to the time when they shall be open for settlement, and the requirement of payment for the improvements; and should there be any improvements upon the land ceded in the second article, they shall be appraised, and payment shall be required therefor: *Provided*, That such lands shall be subject to sale, in tracts of not exceeding one hundred and sixty acres to any one person, and at a price not less than one dollar and fifty cents per acre.

New reservation for the Sacs and Foxes.

How to be selected.

How surveyed.

Proviso.

Buildings to be erected.

Removal of Indians to new reservation.

Certain claims against the tribe, how to be paid.

Manual-labor school, school buildings, etc.

ARTICLE 6. The United States agree, in consideration of the improvements upon the said reservation, to give to the Sacs and Foxes for their future home a tract of land in the Indian country south of Kansas, and south of the Cherokee lands, not exceeding seven hundred and fifty square miles in extent. The selection of such new reservation shall be made under the direction of the Secretary of the Interior, and with his approval, by commissioners appointed by the said Secretary, who shall visit the Indian country, with delegations from all the tribes proposing to remove thereto, as soon as practicable after the ratification of this treaty; and said reservation shall be surveyed as to its exterior lines, at the cost of the United States, under the direction of the Commissioner of Indian Affairs, not to exceed three thousand dollars: *Provided*, That if it shall be found impracticable to select a suitable home for the tribe except by purchase from the Cherokees, the United States will pay toward the said purchase the same amount that would have been payable to the Creeks if the reservation had been selected upon the former Creek lands; and in that case the balance of the money payable to the Cherokees shall be deducted from the amount due the Sacs and Foxes under this treaty.

ARTICLE 7. As soon as practicable after the selection of the new reservation herein provided for, there shall be erected thereon, at the cost of the United States, a dwelling-house for the agent of the tribe, a house and shop for a blacksmith, and dwelling-house for a physician, the aggregate cost of which shall not exceed ten thousand dollars; and also, at the expense of the tribe, five dwelling-houses for the chiefs, to cost in all not more than five thousand dollars.

As soon as practicable after such selection of a reservation as it may, in the discretion of the Secretary of the Interior, be deemed advisable for the Indians to remove thereto, regard being had to the proper season of the year for such removal, notice shall be given to their agent, directing such removal; and whenever such time shall be fixed, public notice thereof shall be given in three leading newspapers of Kansas, and thereafter the land ceded to the United States by the first article of this treaty, shall be open to entry and settlement under the provisions of the fourth article.

ARTICLE 8. No part of the invested funds of the tribe, or of any moneys which may be due to them under the provisions of previous treaties, nor of any moneys provided to be paid to them by this treaty, shall be used in payment of any claims against the tribe accruing previous to the ratification of this treaty unless herein expressly provided for.

ARTICLE 9. In order to promote the civilization of the tribe, one section of land, convenient to the residence of the agent, shall be selected by said agent, with the approval of the Commissioner of Indian Affairs, and set apart for a manual-labor school; and there shall also be set apart, from the money to be paid to the tribe under this treaty, the sum of ten thousand dollars for the erection of the necessary school-buildings and dwelling for teacher, and the annual amount of

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five thousand dollars shall be set apart from the income of their funds after the erection of such school-buildings, for the support of the school; and after settlement of the tribe upon their new reservation, the sum of five thousand dollars of the income of their funds may be annually used, under the direction of the chiefs, in the support of their national government, out of which last-mentioned amount the sum of five hundred dollars shall be annually paid to each of the chiefs.

ARTICLE 10. The United States agree to pay annually, for five years after the removal of the tribe, the sum of fifteen hundred dollars for the support of a physician and purchase of medicines, and also the sum of three hundred and fifty dollars annually for the same time, in order that the tribe may provide itself with tobacco and salt.

Physician, medicine, tobacco and salt.

ARTICLE 11. In consideration of certain improvements made by John Goodell upon the lands of the nation within their present reservation, and of his services as their interpreter, he shall be allowed to select therefrom a half section of land; and it is further provided that of said land, Sarah A. Whistler and Pash-e-ca-cah, or Amelia Mitchell, shall each be allowed to select a half section of land, the latter selection to include the house in which she lives; and Julia A. Goodell one quarter section, besides the land, not exceeding eight acres, upon which her house and improvements are situated; and Mary A. Means, one quarter section, to includ[e] the improvements occupied by her; and there shall also be allowed to Antoine Gokey and William Avery, each one hundred and sixty acres, to Leo Whistler and Gertrude Whistler, each three hundred and twenty acres, and to James Thorpe, Virginia Thorpe, and Cassandra Thorpe, Thomas J. Miles, Hattie Miles, Ema-Ke-O-Kuck, Hannie Ke-O-Kuck, Mo-Co-P-quah, each eighty acres; Man-a-tah, Pah-me-che-kaw-paw, Henry Jones, Wilson McKinney, and Carrie C. Capper, each one hundred and sixty acres, to be selected from unimproved lands: *Provided*, That the parties herein named shall pay to the Secretary of the Interior, within three months after the ratification of this treaty, the sum of one dollar per acre for said lands, the avails of which shall be used for the benefit of the Sacs and Foxes in the same manner as the other funds arising from the sales of their lands: *Provided also*, That George Powers, the present Government interpreter, for valuable services rendered and uniform kindness toward the nation, shall have patented to him, in fee-simple, three hundred and twenty acres of land, to be located by the agent: *Provided also*, That they may select from land upon which improvements exist, by paying the appraised value of such improvements; but no selection shall include the agency, mission, or mill buildings; and upon the approval by the Secretary of the Interior of such selections, and on payment therefor as hereinbefore provided, patents in fee-simple shall be issued to the respective parties, their heirs or assigns.

Grants of land to certain persons.

ARTICLE 12. In consideration of the faithful services of Samuel Black in protecting their houses and timber from trespass and depredation, there shall be patented to him in fee-simple the tract of land upon which he lives, being the west half of the northwest quarter-section four, town[ship] seventeen, range sixteen.

Land to Samuel Black.

ARTICLE 13. John K. Rankin, licensed trader, having erected valuable building at the agency, it is agreed that [he] may have a patent for the land, not exceeding eight acres, upon which such improvements are built, and not to include any other improvements, on the payment of two dollars and fifty cents per acre.

ARTICLE 14. The Sacs and Foxes, parties to this treaty, agree that the Sacs and Foxes of Missouri, if they shall so elect, with the approval of the Secretary of the Interior, may unite with them and become a

The Sacs and Foxes of Missouri may unite with, etc.

# Sac and Fox Treaty, 1867 (Pg.4)

part of their people, upon their contributing to the common fund such a portion of their funds as will place them on an equal footing in regard to annuities.

Certain claims against the United States to be paid.

ARTICLE 15. The claims of the Sacs and Foxes against the United States for stealing of stock, which have heretofore been adjusted, amounting to sixteen thousand four hundred dollars, shall be paid by the United States, and the amount disbursed and expended for the benefit of the tribe in such objects for their improvement and comfort upon the new reservation as the chiefs, through their agent, shall desire; and whereas the Indians claim that one full payment due under previous treaty has never been made to them, it is agreed that a careful examination of the books of the Commissioner of Indian Affairs shall be made, and if any sum is found to be still due and unpaid, the same shall be paid to them per capita in the same manner as their annuities are paid.

Advance to the Indians for subsistence and removal.

ARTICLE 16. The United States will advance to the said tribe of Indians the sum of twenty thousand dollars, or so much thereof as may be necessary, to pay the expenses of their subsistence for the first year after their arrival at their new home in the Indian country, and to pay the necessary expenses of removal, and furnish necessary rations for the journey during such removal; said removal to be made under direction of the superintendent or agent, to be designated by the Secretary of the Interior; the moneys thus expended to be deducted from the whole amount provided to be paid for their lands herein ceded.

Patents for lands heretofore selected and approved.

ARTICLE 17. It is hereby provided that the half-breeds and full-bloods of the tribe, who were entitled to selections of land under the Sac and Fox treaty, ratified July ninth, one thousand eight hundred and sixty, and which selections have been approved by the Secretary of the Interior, shall be entitled to patents in fee-simple for the lands heretofore selected, according to the schedule annexed to this treaty: *Provided*, That where such selections have been made and the allottees have sold their lands for a valuable consideration, not less than one dollar and twenty-five cents per acre, the Secretary of the Interior shall, upon full proof being made, cause patents to issue to the purchasers or their assigns.

Sales of land to be approved, etc.

ARTICLE 18. All sales hereafter made by or on behalf of persons to whom lands are assigned in this treaty shall receive the approval of the Secretary of the Interior before taking effect in conveying titles to lands so sold.

Expenses of treaty.

ARTICLE 19. The United States agree to pay the expenses of negotiating this treaty, not to exceed the sum of fifteen hundred dollars.

Provisions as to cultivated farms.

ARTICLE 20. The chiefs and head-men of the Sacs and Foxes having permitted their employees to cultivate farms, which, together with the farms of Ke-o-kuck and other chiefs, are embraced within an area two miles by four, and the said Sacs and Foxes believing that the lands comprising the said area having been made valuable by reason of said occupancy, and in order that they may receive a fair compensation for said area of land, bounded and described as follows, except as heretofore specially excepted, and the mill and mission building, to wit: commencing at the northwest corner of section thirty-three, township sixteen, range seventeen, thence east two and a quarter ( $2\frac{1}{4}$ ) miles to the reservation line; thence south along said line four miles; thence west two and a fourth ( $2\frac{1}{4}$ ) miles to the southwest corner of section sixteen, township seventeen, range seventeen; thence north along the section line to the place of beginning, are hereby withdrawn from sale, as is provided for the sale of their lands in this treaty, and the said area of land, as above described, shall be sold by the chiefs and agent for the tribe at the best price obtainable; and they are hereby empowered to make warrantee deeds for the same, subject to the approval of the Secretary of the Interior, at not less than two dollars per acre in addition to the appraised value of the improvements. The avails of said

# Sac and Fox Treaty, 1867 (Pg.5)

lands shall be expended by the agent, under the direction of the chiefs, for the benefit of the nation.

ARTICLE 21. The Sacs and Foxes of the Mississippi, parties to this agreement, being anxious that all the members of their tribe shall participate in the advantages to be derived from the investment of their national funds, sales of lands, and so forth, it is therefore agreed that, as soon as practicable, the Commissioner of Indian Affairs shall cause the necessary proceedings to be adopted, to have such members of the tribe as may be absent notified of this agreement and its advantages, and to induce them to come in and permanently unite with their brethren; and that no part of the funds arising from or due the nation under this or previous treaty stipulations shall be paid to any bands or parts of bands who do not permanently reside on the reservation set apart to them by the Government in the Indian Territory, as provided in this treaty, except those residing in the State of Iowa; and it is further agreed that all money accruing from this or former tribes, [treaties,] now due or to become due said nation, shall be paid them on their reservation in Kansas; and after their removal, as provided in this treaty, payments shall be made at their agency, on their lands as then located.

Absent members of the tribe to be notified of this treaty, etc.

*List of Sac and Fox lands selected for individuals referred to in Article XVII of the above treaty, selected by Perry Fuller, agent.*

Schedules annexed.

Names of persons.	Description of land.	Sec[ions.]	Town[ships.]	Range.
Alvira Connolly	S. $\frac{1}{4}$ NW. $\frac{1}{4}$	5	17	18
Alvira Connolly	SW. $\frac{1}{4}$	5	17	18
Alvira Connolly	N. $\frac{1}{4}$ NW. $\frac{1}{4}$	8	17	18
Alexander Connolly	E. $\frac{1}{4}$	4	17	18
Cordelia Connolly	E. $\frac{1}{4}$	35	16	17
Isaac Goodell	W. $\frac{1}{4}$	3	17	18
Kish-Kah-Iwah	S. $\frac{1}{4}$	16	17	18
Mary I. Thorp	E. $\frac{1}{4}$	12	17	17
Hiram P. Thorp	E. $\frac{1}{4}$	1	17	17
Francis A. Thorp	W. $\frac{1}{4}$	6	17	18
Amelia McPherson	W. $\frac{1}{4}$	1	17	17
Sarah A. Whistler	SW. $\frac{1}{4}$	34	16	18
Sarah A. Whistler	SW. $\frac{1}{4}$ SW. $\frac{1}{4}$	35	16	18
Sarah A. Whistler	W. $\frac{1}{4}$ NW. $\frac{1}{4}$	2	17	18
Sarah A. Whistler	NW. $\frac{1}{4}$ SW. $\frac{1}{4}$	2	17	18
Julia A. Goodell	N. $\frac{1}{4}$	21	17	18
Susan J. Goodell	E. $\frac{1}{4}$	3	17	18
John Goodell, jr.	E. $\frac{1}{4}$	17	17	18
Jane Goodell	NE. $\frac{1}{4}$	10	17	18
Jane Goodell	NW. $\frac{1}{4}$ NW. $\frac{1}{4}$	10	17	18
Jane Goodell	E. $\frac{1}{4}$ NW. $\frac{1}{4}$	10	17	18
Jane Goodell	NW. $\frac{1}{4}$ NW. $\frac{1}{4}$	11	17	18
Mary A. Byington	E. $\frac{1}{4}$ NE. $\frac{1}{4}$	9	17	18
Mary A. Byington	E. $\frac{1}{4}$ SE. $\frac{1}{4}$	9	17	18
Mary A. Byington	W. $\frac{1}{4}$ SW. $\frac{1}{4}$	10	17	18
Mary A. Byington	SW. $\frac{1}{4}$ NW. $\frac{1}{4}$	10	17	18
Mary A. Byington	NE. $\frac{1}{4}$ NE. $\frac{1}{4}$	16	17	18
Margaret Miles	W. $\frac{1}{4}$	4	17	18
Thomas J. Connolly	SW. $\frac{1}{4}$ SE. $\frac{1}{4}$	9	17	18
Thomas J. Connolly	SE. $\frac{1}{4}$ NE. $\frac{1}{4}$	16	17	18
Thomas J. Connolly	W. $\frac{1}{4}$ NE. $\frac{1}{4}$	16	17	18
Thomas J. Connolly	NW. $\frac{1}{4}$	16	17	18
Charles T. Connolly	E. $\frac{1}{4}$ NW. $\frac{1}{4}$	9	17	18
Charles T. Connolly	W. $\frac{1}{4}$ NE. $\frac{1}{4}$	9	17	18
Charles T. Connolly	NW. $\frac{1}{4}$ SE. $\frac{1}{4}$	9	17	18
Charles T. Connolly	SE. $\frac{1}{4}$ SW. $\frac{1}{4}$	9	17	18
Charles T. Connolly	S. $\frac{1}{4}$ SW. $\frac{1}{4}$	9	17	18

# Sac and Fox Treaty, 1867 (Pg.6)

*The following were selected by C. C. Hutchinson:*

Names of persons.	Description.	Section.	Township.	Range.
Kaw-Kol-we-nah	E. $\frac{1}{4}$	2	17	17
George Powers	NE. $\frac{1}{4}$	8	17	18
George Powers	S. $\frac{1}{4}$ NW. $\frac{1}{4}$	8	17	18
George Powers	N. $\frac{1}{4}$ SW. $\frac{1}{4}$	8	17	18
Joseph Gokey	W. $\frac{1}{4}$ SE. $\frac{1}{4}$	21	17	18
Joseph Gokey	N. $\frac{1}{4}$ NW. $\frac{1}{4}$	28	17	18
Joseph Gokey	SW. $\frac{1}{4}$ NW. $\frac{1}{4}$	28	17	18
Joseph Gokey	NW. $\frac{1}{4}$ NE. $\frac{1}{4}$	28	17	18
Joseph Gokey	W. $\frac{1}{4}$ SE. $\frac{1}{4}$	29	17	18
Met-tach-ah-pack-o tah	E. $\frac{1}{4}$	7	17	18
Mack-oh-tach-o-quit	W. $\frac{1}{4}$	7	17	18

In testimony whereof, the parties hereinbefore named have hereunto set their hands and seals the day and year first above mentioned.

Lewis V. Bogy, [SEAL]  
 Commissioner of Indian Affairs.  
 W. H. Watson, [SEAL]  
 Special Commissioner.  
 Thos. Murphy, [SEAL]  
 Superintendent of Indian Affairs.  
 Henry W. Martin, [SEAL]  
 United States Indian agent.  
 Keokuk, his x mark. [SEAL]  
 Chekuskuk, his x mark. [SEAL]  
 Ue-quaw-ho-ko, his x mark. [SEAL]  
 Mut-tut-tah, his x mark. [SEAL]  
 Man-ah-to-wah, his x mark. [SEAL]

In presence of—  
 Antoine Gokey, his x mark,  
 United States interpreter.  
 Charles E. Mix.  
 Thos. E. McGraw.  
 Wm. Whistler.  
 C. H. Norris.  
 Vital Jarrot.  
 G. P. Beauvais.  
 H. W. Farnsworth.

## TREATY WITH THE SIOUX—SISSETON AND WAHPETON BANDS, 1867.

Feb. 28, 1867.  
 15 Stat. 505,  
 1867.  
 Reprinted May 2,  
 1867.  
 Preamble.

Whereas it is understood that a portion of the Sisseton and Wahpeton bands of Santee Sioux Indians, numbering from twelve hundred to fifteen hundred persons, not only preserved their obligations to the Government of the United States, during and since the outbreak of the Medewakantons and other bands of Sioux in 1862, but freely perilled their lives during that outbreak to rescue the residents on the Sioux reservation, and to obtain possession of white women and children made captives by the hostile bands; and that another portion of said Sisseton and Wahpeton bands, numbering from one thousand to twelve hundred persons, who did not participate in the massacre of the whites in 1862, fearing the indiscriminate vengeance of the whites, fled to the great prairies of the Northwest, where they still remain; and

# Motion Presented by Iowa Senator J.B. Grinnell, February 5, 1867 (Pg.1)

## MESKWAKI PROCLAMATION DAY

A Historical Perspective



July 13, 1857

# Motion Presented by Iowa Senator J.B. Grinnell, February 5, 1867 (Pg.2)

the 15th ultimo, and at the request of the Honorable J.B. Grinnell, has so far modified his decision of the 17th of November last as to authorize me to instruct you to pay to the Sac and Fox Indians in Tama County, Iowa, that portion of the tribal fund which was placed in your hands for such purpose by my predecessor, amounting to \$5,587.33, but with the distinct understanding that no further annuities will hereafter be paid to them, except on their reservation in Kansas, or at such other place as may be hereafter selected as a home for the tribe.

The instructions contained in my letter of the 27th of November, 1866, directing you to close up all the business of your Special Agency on or before the 31st ultimo, are hereby revoked, and the tenure of your office will be extended for a sufficient time to enable you to comply with the above instructions.

The amount of money deposited by you to the credit of the United States in the National Bank at Dubuque will be remanded for its original purpose, and a requisition for the same amount will immediately be issued in your favor.

Very respectfully,  
Your obedient servant,  
Lewis V. Bogy, Commissioner.

Leander Clark, Esq.,  
Special Indian Agent,  
Toledo, Tama County, Iowa.

The Mesquaki had white friends that spoke for the Tribe. Congresssman Grinnell spoke for them in Congress asking that the Mesquaki should be paid their annuities in Iowa. The following is part of the proceedings of the Congress.

February 5, 1867.

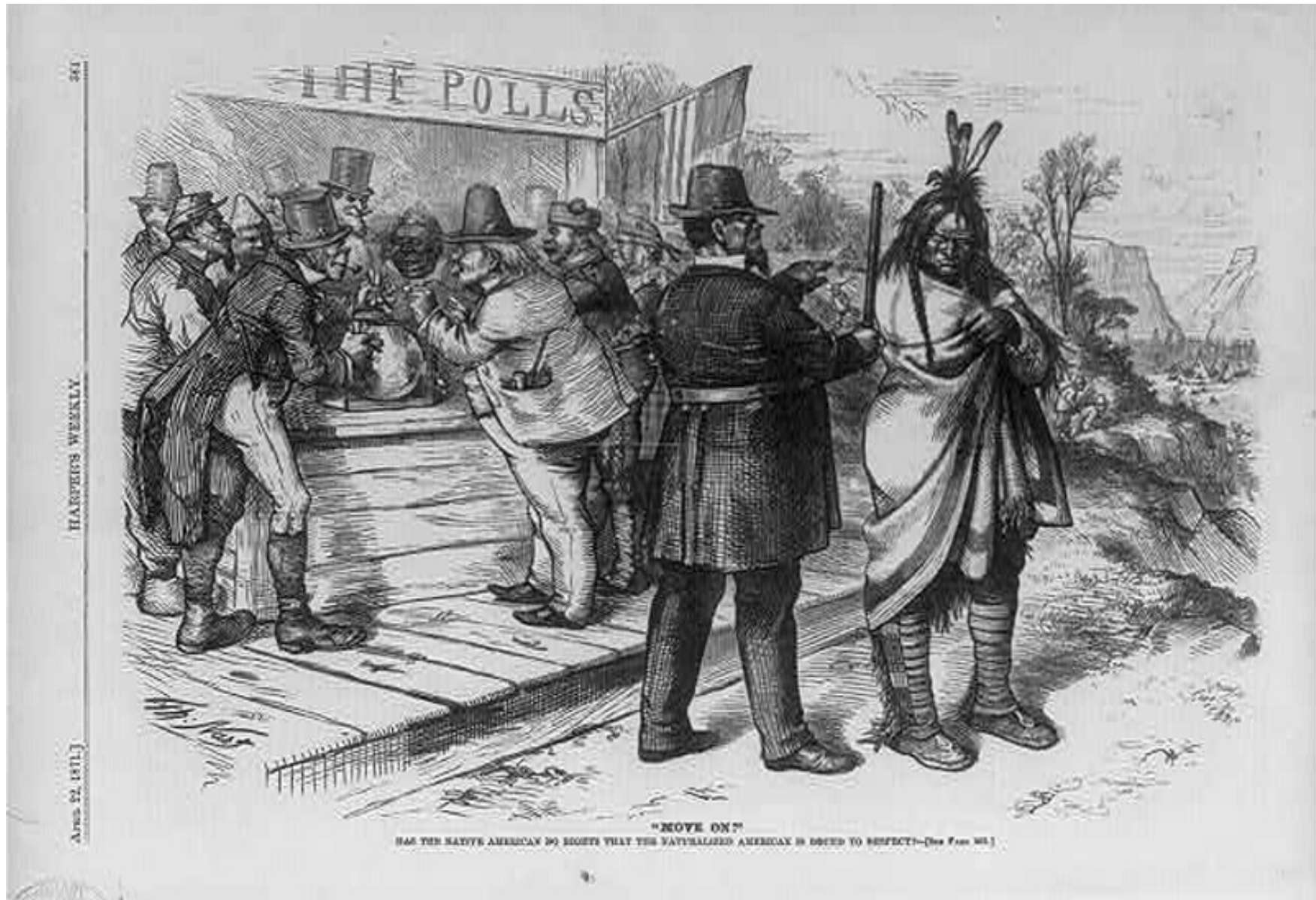
Mr. Grinnell. I move on page 42, after line one thousand and eight, to insert the following:

Provided, That the band of Sacs and Foxes now in Tama county, Iowa, shall be paid pro rata their portion of annuity so long as they are peaceful and have the assent of the governor of Iowa to reside in that State.

Mr. Chairman, this proviso I desire to explain, and trust it will appear so manifestly just as to meet with no opposition. The Indians to whom this will apply are a band called Nussquokas, of the Sacs and Foxes, numbering some two hundred, with their lodges near the Iona river, and about twenty miles from my own residence. On their removal near twenty years ago, to the reservation west of the Missouri river, a powerful band made war on them, and coming back to their old hunts declared that they would all be killed if they remained. Some ten years since, on their peition and that of their white neighbors to the State Legislature, they being in the senatorial distriet which I happened to represent, I took up their cause, and without objection a law was passed permitting them to own land and reside in the State. Their just portion of the annuity of the Sacs and Foxes was denied them until last year, when it was granted by Secretary Harlan, and is only given now as a temporary allowance by the present Commissioner of Indian Affairs. I see no good reason why it should not be permanent. I know of no other band which has not been decimated in numbers and suffered by the vices of the whites. Where they are without money they are objects of our charities. To compel them to go to Kansas is to settle them where they are not wanted or to provoke the murderous spirit of the warriors from whom they once fled. As to their character, of which I am asked, I have never heard that they were thievish or quarrelsome. they may have no Logan among their "braves." but with their pro rata of the annuity which I ask schools may be established, more comfort brought to their wigwams, and it is to be hoped such a christian civilization as will not require the romance of a Jefferson or Seba Smith to find heroes worthy to adorn the sad history of our Indian tribes, which, without achange of policy, will soon be as far beyond our reach as they now seem below our consideration. (THE CONGRESSIONAL GLOBE: CONTAINING THE DEBATES AND PROCEEDINGS OF THE SECOND SESSION OF THE THIRTY- NINTH CONGRESS 1867.)



# “Move On!” Political Cartoon, April 22, 1871



Nast, Thomas, “Move on!” Has the Native American no rights that the naturalized American is bound to respect?” 22 April 1871. [Courtesy of Library of Congress](#)

# Citizenship Act, June 2, 1924

SIXTY-EIGHTH CONGRESS. Sess. I. CHS. 231-234. 1924.

253

patents in fee, or any other disposition authorized by existing law relating to Indian allotments.

Approved, June 2, 1924.

**CHAP. 232.**—An Act To provide for the addition of the names of Chester Calf and Crooked Nose Woman to the final roll of the Cheyenne and Arapaho Indians, Seger jurisdiction, Oklahoma.

June 2, 1924.  
[H. R. 6857.]  
[Public, No. 174.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior be, and he hereby is, authorized to add to the final roll of the Cheyenne and Arapaho Indians of the Seger jurisdiction, Oklahoma, approved May 18, 1921, the names of Chester Calf and Crooked Nose Woman, which names were inadvertently omitted from the said roll, and to pay to each of these persons a sum equal to that heretofore paid per capita to those whose names appear on the approved roll, such payment to be made from any tribal funds to the credit of the Cheyenne and Arapaho Indians.

Cheyenne and Arapaho Indians, Okla. Names added to final roll of.

Per capita payment.

Approved, June 2, 1924.

**CHAP. 233.**—An Act To authorize the Secretary of the Interior to issue certificates of citizenship to Indians.

June 2, 1924.  
[H. R. 6355.]  
[Public, No. 175.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all non-citizen Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States: *Provided,* That the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property.

Indians. Born in United States declared citizens.

Proviso. Tribal rights not affected.

Approved, June 2, 1924.

**CHAP. 234.**—An Act To reduce and equalize taxation, to provide revenue, and for other purposes.

June 2, 1924.  
[H. R. 6715.]  
[Public, No. 176.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Revenue Act of 1924.

## TITLE I.—GENERAL DEFINITIONS.

General definitions.

**SECTION 1.** This Act may be cited as the "Revenue Act of 1924."

**SEC. 2. (a)** When used in this Act—

Title of Act.

Terms construed.

(1) The term "person" means an individual, a trust or estate, a partnership, or a corporation.

"Person."

(2) The term "corporation" includes associations, joint-stock companies, and insurance companies.

"Corporation."

(3) The term "domestic" when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State or Territory.

"Domestic."

(4) The term "foreign" when applied to a corporation or partnership means a corporation or partnership which is not domestic.

"Foreign."

(5) The term "United States" when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

"United States."

(6) The term "Secretary" means the Secretary of the Treasury.

"Secretary."

(7) The term "Commissioner" means the Commissioner of Internal Revenue.

"Commissioner."

# President Calvin Coolidge Posing with Native Americans at White House, February 18, 1925



“[President Calvin Coolidge posed with Natives, possibly from the Plateau area in the Northwestern United States, near the south lawn of the White House],” February 18, 1925. [Courtesy of Library of Congress](#)

# “Political Rights from Citizenship” in The Problem of Indian Administration, February 21, 1928

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to handle but in strengthening the Indian Service so that it can better perform its functions as an educational agency.

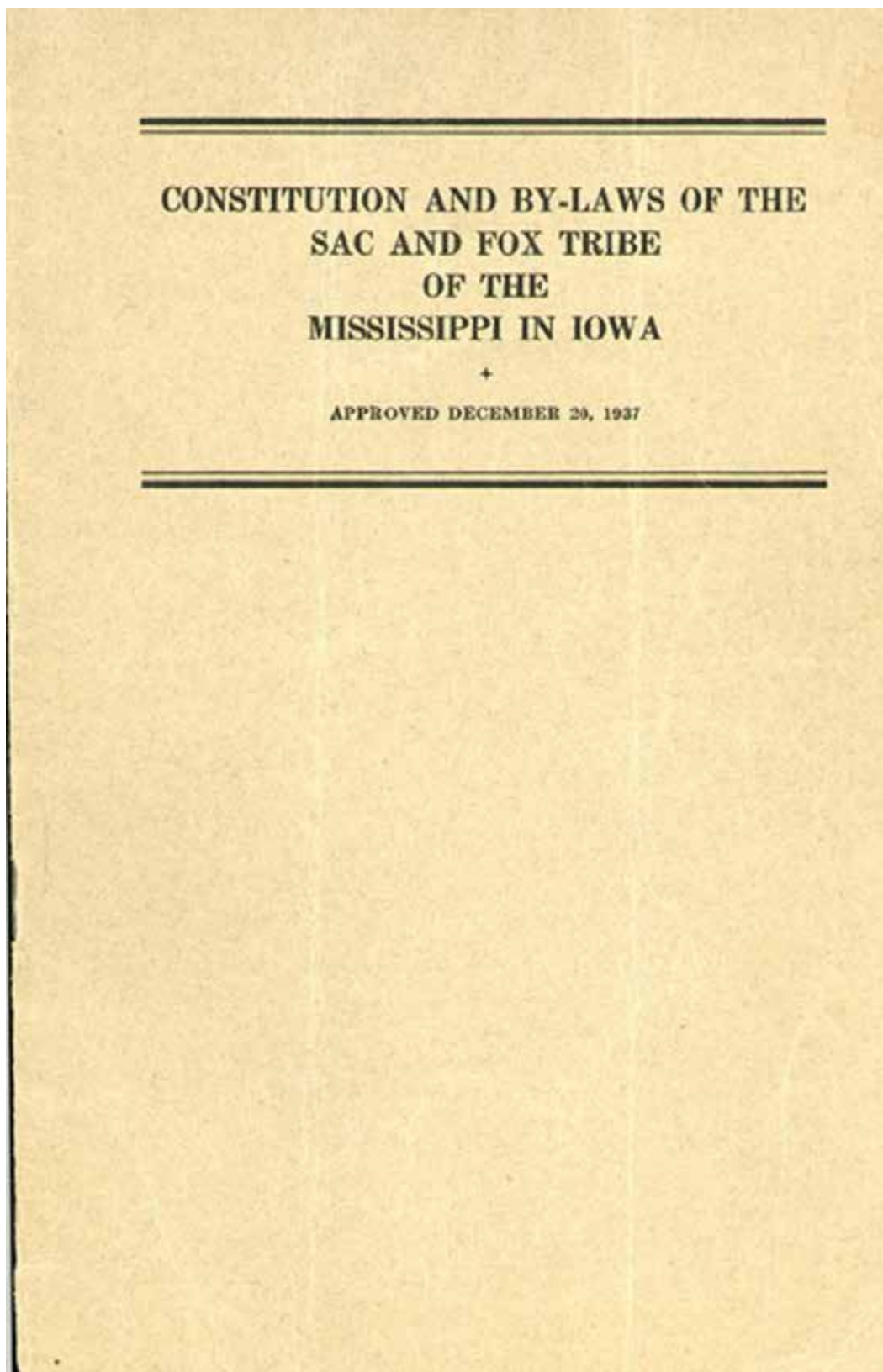
The United States courts only have been mentioned in this discussion. Such experiments as have been tried in conferring jurisdiction over Indian property on the state courts have resulted in an exploitation of individual Indians that has no parallel in the administration of the Indian property by the national government. If evidence be required, let anyone contrast the present excellent federal administration of the property of the restricted Osages with the state courts' work among the Five Civilized Tribes or with conditions among the Osages before the passage of recent acts materially strengthening the power of the national government over guardians appointed by state courts.

*Political Rights from Citizenship.* Citizenship is, as has been said, primarily an individual and political right. It, however, does not carry with it necessarily the right to vote. Prior to the adoption of the Nineteenth Amendment to the Constitution, women in many states were citizens and yet they had no right to vote. The Indian who has been declared a citizen of the United States by statute does not by virtue of that act secure the right to vote in the state in which he resides. With respect to his right to vote he is subject to the state law and must satisfy the requirements of that law before securing the franchise.

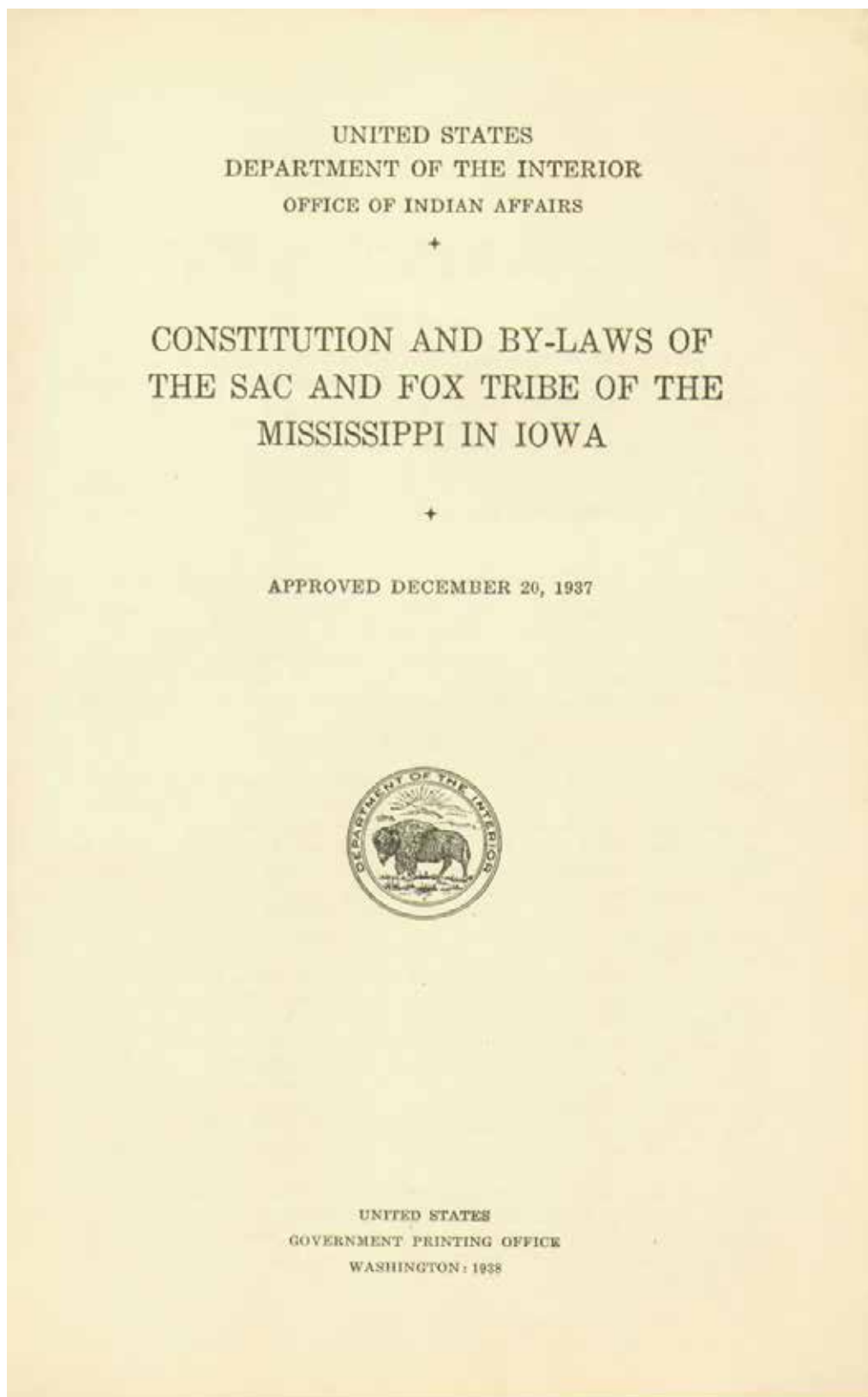
In many states the Indians can and do vote. In some of the more sparsely settled Western states, where the Indians form a considerable proportion of the population, their vote is an important factor in closely contested primaries and general elections, and party leaders organize them. Some evidence tends to show that they are appreciative of their political power and are inclined to consider the attitude toward measures in which they are interested, such as tribal claims and water rights. The survey staff, however, made no effort to collect information as to their political affiliation and activities, merely noting what came to the members incidentally.

In at least one state, New Mexico, the state constitution denies to untaxed Indians the right to vote. The act of Congress declaring the Indians citizens of the United States raises sharply the question of the constitutionality of such a provision in any state constitution. Apparently it denies to a citizen of the United States the

# Constitution and Bylaws of the Sac and Fox Tribes in Iowa, December 29, 1937 (Pg.1)



# Constitution and Bylaws of the Sac and Fox Tribes in Iowa, December 29, 1937 (Pg.2)



# Constitution and Bylaws of the Sac and Fox Tribes in Iowa, December 29, 1937 (Pg.3)

## CONSTITUTION AND BY-LAWS OF THE SAC AND FOX TRIBE OF THE MISSISSIPPI IN IOWA

### PREAMBLE

We, the Mesquakie Indians, enrolled members of the Sac and Fox Tribe of the Mississippi in Iowa, hereinafter referred to as the Sac and Fox Tribe in Iowa, now living on the Sac and Fox Settlement located near Tama, Tama County, Iowa, in order that we may perpetuate our ancient tribal affairs, transact tribal business, and promote our own and our posterity's social, economic, educational, and general welfare, with the guidance of Providence, do hereby organize ourselves into one body and adopt this Constitution as the basis of our community self-government.

### ARTICLE I—TERRITORIAL JURISDICTION

SECTION 1. This Constitution shall apply to the territory embraced in the present holdings of the Sac and Fox Tribe in Iowa, known as the Sac and Fox Settlement, jurisdiction of which was accepted by the United States by the Act of June 10, 1896 (29 Stat. 331), and to such other land as may be added thereto by or for the Tribe.

### ARTICLE II—MEMBERSHIP

SECTION 1. The membership of the Sac and Fox Tribe in Iowa shall consist of the following persons:

(a) All persons whose names appear on the official census roll of January 1, 1937, of the Sac and Fox Tribe in Iowa except those designated in the said roll as not enrolled members of the Tribe, provided that within one year the Tribal Council may correct this roll subject to the approval of the Secretary of the Interior.

(b) All children born since the completion of said roll whose father is a member of the Tribe and whose parents were residing on the reservation at the time of the birth of said children.

(c) All children born since the completion of said roll whose father is a member of the Tribe but whose parents were not residing on the reservation at the time of the birth of said children may be admitted to membership by a majority vote of the Tribal Council.

SEC. 2. Persons who are descendants of members of this Tribe but not entitled to membership under section 1 may be adopted into the Sac and Fox Tribe by a majority vote of the Tribal Council, providing that such persons have resided on the reservation for a period of five years.

(a) The application for membership into the Tribe shall be made by self, parents, or guardians to the Membership Committee of the Tribal Council, and thereupon the said committee shall investigate for the Tribal Council to determine the desirability of adoption.

# Constitution and Bylaws of the Sac and Fox Tribes in Iowa, December 29, 1937 (Pg.4)

(b) Persons adopted under this section shall not be entitled to hold office under this Constitution or participate in the payments resulting from the treaties of the Tribe with the United States, but may enjoy other privileges of tribal members.

SEC. 3. Any member of the Tribe who resides away from the reservation for a period of ten years and who has not within that time signified to the Tribal Council his desire to continue his membership shall lose his membership in the Tribe but may later be adopted into the Tribe under the same membership status as previously enjoyed, by a majority vote of the Tribal Council after residing on the reservation for one year.

SEC. 4. Any person or persons who are intermarried with members of this Tribe shall not be granted membership or adoption into the Tribe under this Constitution.

## ARTICLE III—NAME AND OBJECT OF GOVERNING BODY

SECTION 1. The name of the governing body of this organization shall be the Sac and Fox Tribal Council.

SEC. 2. The object of this Sac and Fox Tribal Council is to have authority to represent the Tribe in all matters pertaining to the business of the Tribe.

## ARTICLE IV—COMPOSITION AND QUALIFICATIONS OF GOVERNING BODY

SECTION 1. The Tribal Council shall consist of seven members elected at large from those members of the Tribe living within the boundaries of the Sac and Fox Settlement who are entitled to vote and hold office.

SEC. 2. All members of the Tribal Council must be recognized as persons of honor, law abiding, and of good character. The voting members of the Tribe shall be the sole judge of these qualifications.

SEC. 3. All members of the Tribal Council must be at least twenty-five years of age, and must be descendants of parents both of whom are enrolled members of the Sac and Fox Tribe in Iowa.

SEC. 4. No person shall be disqualified on account of sex from holding any office created by this Constitution.

## ARTICLE V—ELECTION OF THE GOVERNING BODY

SECTION 1. The first election under this Constitution shall be held within thirty days after the approval of this Constitution by the Secretary of the Interior. At this election seven members of the Tribal Council shall be elected; the three receiving the smallest number of votes shall serve until midnight of the first Monday in November, 1939, and the four receiving the greatest number of votes shall serve until midnight of the first Monday in November, 1941. Thereafter, all members of the Tribal Council shall be elected for a term of four years.

SEC. 2. The general election of the Tribal Council by the Tribe shall be held on the third Tuesday of October of each odd-numbered year, beginning 1939, and the necessary number of candidates receiving the greatest number of votes shall be considered elected.



# Constitution and Bylaws of the Sac and Fox Tribes in Iowa, December 29, 1937 (Pg.5)

SEC. 3. The primary election by all voters of the Tribe shall be held at the usual voting place of the Tribe on the second Tuesday in October in each odd-numbered year.

SEC. 4. All elections shall be conducted by secret ballot.

SEC. 5. Special elections authorized by this Constitution may be held at the time designated by the Tribal Council which is authorized to order such elections.

## ARTICLE VI—TERM OF OFFICE

SECTION 1. Except as otherwise provided in section 1, Article V, the term of office of Tribal Council members, chosen at each general election, shall be four years, commencing on Tuesday, next after the first Monday in November, following each general election and will expire at midnight of the first Monday in November.

## ARTICLE VII—NOMINATIONS FOR COUNCIL MEMBERS

SECTION 1. Nominations for members of the Tribal Council shall be made at a general meeting of the Tribe to be held on the first Tuesday in October. Each voter present shall be entitled to write down the names of his candidates for all positions to be filled. The candidates named shall be eliminated according to those who receive the least number of votes, in as many ballotings as are necessary, until there remain not more than three times as many candidates as there are positions to be filled. The names of these remaining candidates shall be posted in public places on the reservation, and a primary election shall be held at which time the eligible voters of the Tribe shall vote on the remaining candidates selected at the first general meeting. The two-thirds receiving the greatest number of votes shall be considered candidates for the general election.

SEC. 2. If the attendance is less than thirty per cent of the eligible voters of the Tribe at the general meeting for nominations, a special general meeting shall be called not later than Friday of the same week and eligible voters of any number who attend shall be authorized by this Constitution to make the required number of nominations.

SEC. 3. The present Tribal Council, with the assistance of the Constitution Committee, shall call and supervise the election of the first Tribal Council under this Constitution. Thereafter, the elected Tribal Council shall conduct and supervise tribal elections and make and post necessary regulations for its procedure.

SEC. 4. Any tie votes resulting from any election shall be decided by eligible voters by special election as provided in Article V, section 5, of this Constitution.

## ARTICLE VIII—OFFICERS

SECTION 1. The officers of the Tribe shall consist of a Chief of the Council, an Assistant Chief of the Council, a Secretary of the Council, and a Treasurer of the Council, all of whom shall be elected by a majority vote of the Tribal Council from its own members, except that the Secretary may be elected by the Council from outside its membership if none of the members of the Council has sufficient training for that position, in which case the Secretary shall have no vote.

# Constitution and Bylaws of the Sac and Fox Tribes in Iowa, December 29, 1937 (Pg.6)

SEC. 2. Any member of the Tribal Council who wilfully fails to attend four consecutive meetings of the Tribal Council may be removed from office by a majority vote of the Tribal Council only after such accused member has been given an opportunity to appear before the Tribal Council in his own defense.

## ARTICLE IX—VACANCIES

SECTION 1. Should a vacancy occur in the Tribal Council from any cause before the expiration of the term for which the member was elected, such a vacancy shall be filled for the remainder of the term by a special election called by the Tribal Council, unless the vacancy occurs within thirty days of a general election, and the person elected shall commence to serve as soon as he has qualified.

## ARTICLE X—POWERS OF THE TRIBAL COUNCIL

SECTION 1. *Enumerated Powers.*—The Tribal Council shall exercise the following rights and powers, subject to any limitations imposed by the constitution or statutes of the United States and to all express limitations upon such rights and powers contained in this Constitution and By-laws.

(a) To negotiate with the Federal, State and local Governments on behalf of the Tribe and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Sac and Fox Reservation.

(b) To employ counsel for the protection and advancement of the rights of the Tribe and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or veto any sale, disposition, lease, or encumbrance of tribal lands, interest in lands or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs or any other qualified official or agency of government.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Tribe prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To protect and preserve the property and natural resources of the Tribe.

(f) To encourage the agriculture and trade of the community, and to foster the arts, crafts, tradition and culture of the Sac and Fox tribe.

(g) To lease tribal land in accordance with law and to make assignments of tribal land to members of the Tribe in accordance with Article XI of this Constitution.

(h) To impose license fees on nonmembers of the Tribe or associations of nonmembers coming upon the reservation to do business or to reside, subject to review by the Secretary of the Interior.

(i) To levy and collect funds for the payment of state taxes.

(j) To receive, appropriate and expend for public purposes funds coming within the control of the Tribal Council, but no salaries shall be paid to Council members or other tribal officers without the approval of the Tribe.

# Constitution and Bylaws of the Sac and Fox Tribes in Iowa, December 29, 1937 (Pg.7)

(k) To regulate the use and disposition of property of members or associations of members of the Tribe in so far as necessary to protect the peace, safety, and general welfare of the Tribe. Any such regulation which directly affects nonmembers of the Tribe shall be subject to review by the Secretary of the Interior.

(l) To charter associations of members of the Tribe which may request such charter.

(m) To settle disputes among members of the Tribe which are not submitted to any State or Federal Court and which are brought before the Tribal Council by any member of the Tribe, after notice and an opportunity to be heard has been given to all parties concerned, and to impose fines to enforce its decisions which may be executed by attachment.

(n) To take action to preserve order among members of the Tribe which action shall be supplementary to and not in conflict with the activities of the federal and state authorities.

(o) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution subject to review by the Secretary of the Interior.

(p) To regulate the procedure of the Tribal Council, tribal officers and tribal meetings.

(q) To appoint tribal committees and agencies and to delegate to them the execution of any of the foregoing powers, reserving the right to review any action taken.

SEC. 2. Any resolution or ordinance, which, by the terms of this constitution, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the reservation, who shall, within ten days thereafter, approve or disapprove the same. If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same bearing his endorsement, to the Secretary of the Interior, who may, within ninety days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Tribal Council of such decision.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten days of its enactment, he shall advise the Tribal Council of his reasons therefor. If these reasons appear to the Tribal Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety days from the date of its enactment, approve the same in writing, whereupon the said ordinance shall become effective.

SEC. 3. *Future Powers.*—The Tribal Council may exercise such further powers as may in the future be delegated to the Tribe by the Secretary of the Interior, or by any duly authorized official or agency of the State or Federal Government or by members of the Tribe.

SEC. 4. *Reserved Powers.*—Any rights and powers heretofore vested in the Sac and Fox Tribe in Iowa, but not expressly referred to in this Constitution, shall not be abridged by this article, but may be exercised by the people of the Sac and Fox Tribe in Iowa, through the adoption of appropriate by-laws and constitutional amendments.

# Constitution and Bylaws of the Sac and Fox Tribes in Iowa, December 29, 1937 (Pg.8)

## ARTICLE XI—LAND ASSIGNMENTS

SECTION 1. It is hereby recognized that all the land within the Sac and Fox Reservation is tribal land, having been bought by the Tribe with its common funds, and is now held in trust for the Sac and Fox Tribe in Iowa by the Secretary of the Interior.

SEC. 2. The present assignments of tribal agricultural land now recognized by the Tribe are hereby confirmed, subject to the following conditions:

(a) Any disputes as to extent or possession of assignments of agricultural land shall be settled by the Tribal Council.

(b) If the present assignee fails to use the land for a period of two years, or leases, rents, or grants the use of the land in any way, or fails to make proper use of the land, the Tribal Council may cancel the assignment or so much thereof as is not used or is improperly used, after giving notice to the assignee and an opportunity to present his defense.

(c) When the present assignee dies, the Tribal Council shall reassign the land, subject to the same conditions, to an heir or person designated by the assignee in writing, provided that such heir or devisee needs the land for his own use and is able and willing to use it.

(d) No person not a member of the Tribe may hold or inherit an assignment of tribal land. Any male member of the Tribe, who marries some other person than a member of the Sac and Fox Tribe in Iowa may hold, inherit, and use an assignment of the tribal land; but any female member of the Tribe, who marries some other person than a member of the Sac and Fox Tribe in Iowa, shall not hold, inherit, nor use any assignment of tribal land, however the children of such female members, when adopted into the Sac and Fox Tribe in Iowa, may hold, inherit, and use an assignment of the tribal land.

(e) Improvements made upon assigned land by the assignee shall belong to him and if the land containing such improvements is reassigned by the Tribal Council during the life of the assignee to any person, or after the death of the assignee to a person who is not a relative nor heir nor devisee of the assignee, the assignee or his heirs may sell or remove such improvements under the supervision of the Tribal Council.

SEC. 3. The present homesites of members of the Tribe not situated on assignments of agricultural land are hereby confirmed, subject to the following conditions:

(a) Any disputes as to extent or possession of the homesites shall be settled by the Tribal Council.

(b) If a homesite is vacated by the occupants, the Tribal Council may reassign it to a member of the Tribe, or if any of the garden or timber land recognized as part of a homesite is not used for a period of two years or is improperly used, the Tribal Council may reassign the part not used or misused.

(c) Homesites may be transferred among, inherited by, and willed to members of the Tribe under the supervision of the Tribal Council.

(d) Improvements made upon a homesite by the assignee shall belong to him and if the land containing such improvements is reassigned by the Tribal Council during the life of the assignee to any

# Constitution and Bylaws of the Sac and Fox Tribes in Iowa, December 29, 1937 (Pg.9)

person, or after the death of the assignee to a person who is not a relative nor heir nor devisee of the assignee, the assignee, or his heirs may sell or remove such improvements under the supervision of the Tribal Council.

SEC. 4. The Tribal Council may make new agricultural or homesite assignments on any unassigned tribal land subject to the conditions set forth in sections 2 and 3 and to such other conditions as the Tribal Council and assignee may agree upon.

SEC. 5. The Tribal Council shall manage all unassigned tribal land for the benefit of the Tribe.

SEC. 6. No person or association may use assigned or unassigned tribal land for agricultural or business purposes unless he or it has an assignment confirmed or granted under this Constitution, or a lease, permit or license from the Tribal Council.

SEC. 7. The Tribal Council may make all necessary regulations and forms to carry out the provisions of this article.

## ARTICLE XII—REFERENDUM AND RECALL

SECTION 1. Upon a petition signed by not less than thirty per cent of the eligible voters of the Tribe, enumerated at the last general election, the Tribal Council shall call a special election to ratify or reject any action by the Tribal Council or to recall any member of the Tribal Council.

## BY-LAWS OF THE SAC AND FOX TRIBE OF THE MISSISSIPPI IN IOWA

### ARTICLE I—DUTIES OF OFFICERS

SECTION 1. The Chief of the Council shall conduct all meetings of the Tribal Council and of the Tribe and perform the usual duties of a Chairman. In his absence the Assistant Chief shall act in his stead.

SEC. 2. The Secretary shall keep permanent records of all meetings of the Tribal Council and of the Tribe, copies of which shall be provided the Superintendent of the reservation and the Commissioner of Indian Affairs. He shall also keep records of all transactions of the Tribal Council and handle the correspondence and notices of the Tribe. In his absence, his post shall be filled pro tem.

SEC. 3. The Treasurer of the Tribal Council shall receive, receipt for, deposit, and account for all funds handled through the Tribal Council. No money shall be disbursed without the consent of the Tribal Council and without the signature of the Chief and the Treasurer. The books of the Treasurer shall be open to inspection by members of the Tribe and by the Commissioner of Indian Affairs at all reasonable hours. An audit of accounts shall be made once a year and at such other times as the Tribal Council or Commissioner may require.

When sufficient funds have accumulated in the tribal treasury in the opinion of the Tribal Council or of the Commissioner of Indian Affairs to warrant it, the Treasurer shall give a bond satisfactory to the Tribal Council and the said Commissioner.

# Constitution and Bylaws of the Sac and Fox Tribes in Iowa, December 29, 1937 (Pg.10)

SEC. 4. The Tribal Council shall select and qualify an official interpreter, from the Tribe who shall perform the usual duties of an interpreter.

SEC. 5. Each member of the Tribal Council except the Chief shall constitute a special committee on the following matters of interest to the Tribe: (a) agriculture, (b) employment, (c) local, State and Federal projects, (d) education, (e) homes and health, (f) membership and taxation.

Service on these committees shall be assigned by the Tribal Council which may redesignate the committees and reassign the duties thereof and assign such other duties as may require committee attention.

SEC. 6. Each member of the Tribal Council shall be required to take an oath of office on the day he enters his office, pledging faithful performance of his duty and support of this Constitution. The oath shall be administered by the Superintendent of the reservation or by the Chief of the Tribal Council in office.

SEC. 7. The Tribal Council is hereby required to make complete reports of its business transactions at least once a year to the members of the Tribe, one copy of the report to be filed with the agency office and the original copy of the report to be kept by the Secretary of the Tribal Council.

## ARTICLE II—MEETINGS OF TRIBAL COUNCIL

SECTION 1. The Tribal Council shall meet any time before the fifteenth of each month, and at such other times as the Tribal Council may designate or the Chief appoint.

SEC. 2. Five members of the Tribal Council shall constitute a quorum at any meeting.

SEC. 3. The order of business shall be as follows:

- Call to order.
- Roll call.
- Ascertainment of quorum.
- Reports.
- Unfinished business.
- New business.

## ARTICLE III—MEETINGS OF THE TRIBE

SECTION 1. In addition to meetings in connection with tribal elections, the Tribal Council shall have the authority to call the Tribe for general meetings. Upon a petition signed by at least 30 per cent of the eligible voters of the Tribe it shall be the duty of the Tribal Council to call a meeting of the Tribe.

SEC. 2. Thirty per cent of the total number of the eligible voters, enumerated at the last general election of the Tribe shall constitute a tribal quorum.

SEC. 3. Written notice of all meetings shall be posted in public places at least five days in advance.

## ARTICLE IV—QUALIFICATIONS FOR VOTING

SECTION 1. Every member of the Tribe who is twenty-one years of age or over and who has been residing on the reservation for at least

# Constitution and Bylaws of the Sac and Fox Tribes in Iowa, December 29, 1937 (Pg.11)

six months preceding any election, shall be entitled to vote in all tribal elections except that in any election on an amendment to this Constitution and By-laws all adult members of the Tribe shall be entitled to vote.

SEC. 2. Qualified members who are temporarily living away from the reservation may vote by absentee ballot upon request to the Tribal Council fifteen days prior to any election; provided, that no ballot received after the polls have closed shall be counted; provided, further, that said ballot must be cast before a Notary Public, or other qualified official authorized to administer oaths.

## ARTICLE V—AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the adult members of the Sac and Fox Tribe in Iowa voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty per cent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, upon receipt of a written resolution of the Tribal Council and signed by at least five members of the Tribal Council.

## ARTICLE VI—ADOPTION

This Constitution and By-laws, when ratified by a majority of the adult members of the Sac and Fox Tribe in Iowa, voting at a special election called for the purpose by the Secretary of the Interior, provided that at least thirty per cent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and if approved, shall be effective from the date of approval.

## CERTIFICATION OF ADOPTION

Pursuant to an order, approved October 15, 1937 by the Acting Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the members of the Sac and Fox Tribe of Mississippi in Iowa, and was on November 13, 1937 duly ratified by a vote of 80 for, and 78 against, in an election in which over 30 per cent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935, (49 Stat. 378).

YOUNG BEAR,

*Chief, Sac and Fox Tribal Council.*

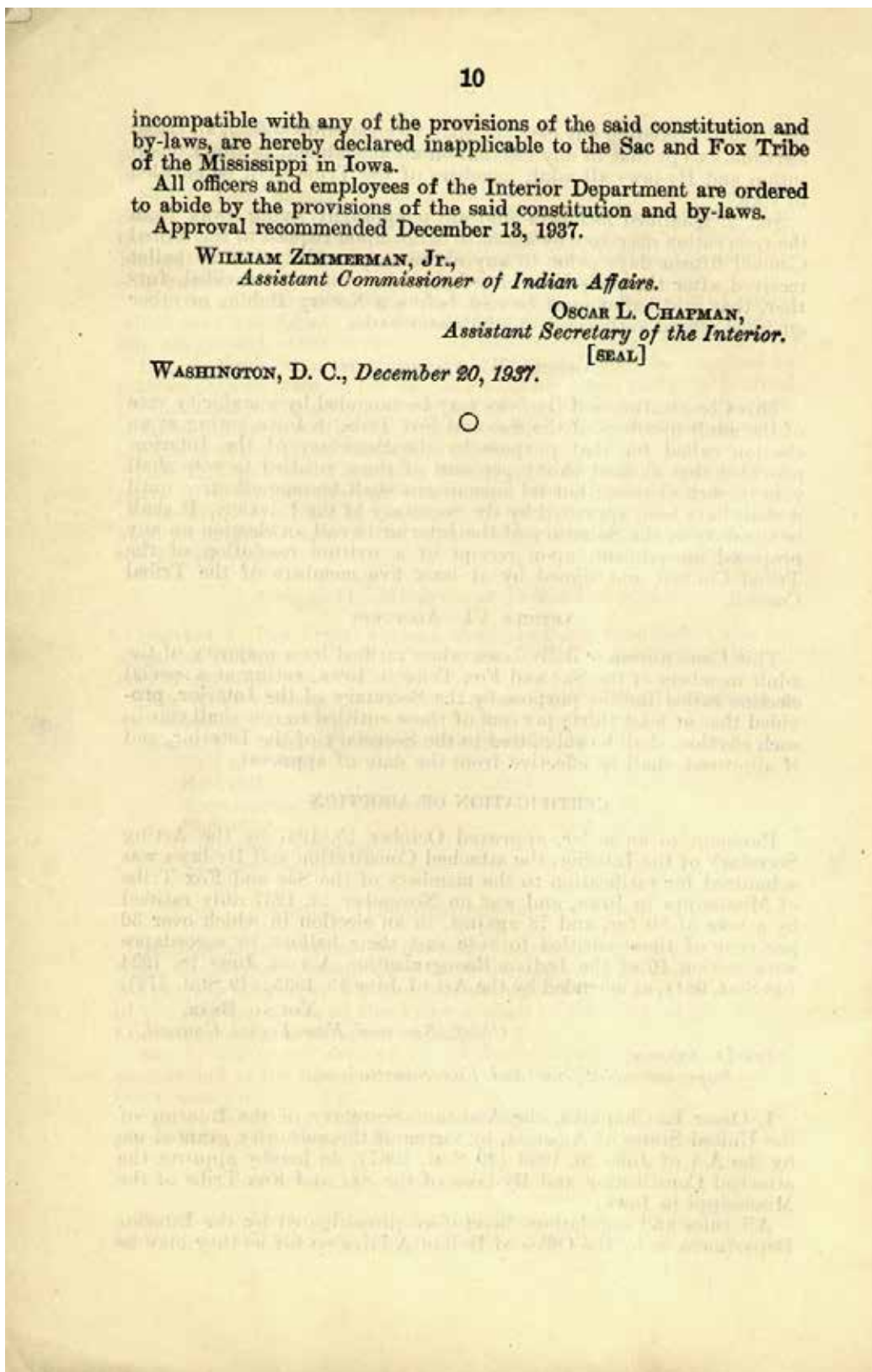
IRA D. NELSON,

*Superintendent, Sac and Fox Sanatorium.*

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 26, 1936 (49 Stat. 1967), do hereby approve the attached Constitution and By-laws of the Sac and Fox Tribe of the Mississippi in Iowa.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be

# Constitution and Bylaws of the Sac and Fox Tribes in Iowa, December 29, 1937 (Pg.12)





# Oral History Interview with Henry Mitchell, an American Indian Canoe Maker, 1938 (Pg.1)

Maine  
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*Maine*  
*1938-9*

(The Life of Henry Mitchell, Indian Canoe Maker)

(As usual, Henry was finishing up his work for the day at the island school where he is the janitor when I got over there.)

Mrs. Mitchell: "I think the Indians nowadays eat about the same foods that the whites do, and prepare them in about the same way, but of course in olden times they didn't. There's a process of hulling corn, though, that was used by Indians long ago that we use even now. I prepare some every year and we like it very much here. You put some hardwood ashes in water on the stove to boil, and when the ashes (it may have been the water, but I think she said the ashes) turn yellowish, the water can be drained off into another kettle and the corn is put into that and boiled until the kernels come out of the hulls. Then after the kernels are washed many times they can be heated up for the table. They're especially good cooked with beans that have been soaked and parboiled. I think the hulled corn they sell in the stores is prepared with soda.

"They used to have a way of cooking bread in hot ashes, too. They would mix some flour and water together and let it ferment in the sun, and they'd use some of that mixture with salt, soda, and more flour in making loaves. They used to put these loaves in hot ashes and they'd rise and bake to make a very nice bread. I've eaten bread cooked in that way and it tastes very nice.

"They used to use bone marrow in place of butter, and Ivy leaves to make tea. They would cut moose meat with the grain and hang it up in the hot sun over a fire to dry and smoke. Fish was dried in the same way. Berries were preserved by putting a layer of them on a piece of birch bark, and then making alternate layers of bark and berries."

# Oral History Interview with Henry Mitchell, an American Indian Canoe Maker, 1938 (Pg.2)

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(While Mrs. Mitchell talked she was working on a small birch bark trinket used to carry a tiny papoose and placed on the back of an Indian woman doll. She afterward gave it to my boy. Henry, who seemed to be in a very happy frame of mind, came in just then and explained to the boy that what his wife was making was used by Indian women in place of baby carriages. He said the Indian women had no trouble getting about the forest with those things on their backs, whereas it might not have been so easy with a baby carriage. "They could hang that right up on a tree," he said, "out of the way of snakes, and the baby would go to sleep standin' up." Mrs. Mitchell was having trouble with the bark which had a tendency to split when she punched holes in it for a lacing. I suggested that perhaps if the bark were wet it wouldn't split so easily, but she said wetting it didn't seem to help any although heating it up did. The trouble, she said was due to the type of bark which was silver birch. The bark from gray birch trees was much easier to work with, she said.

"This bark, sonny," she said to the boy, "has to be gathered at a certain time of the year - when the raspberries are ripe. It peels off then easily, but after that it seems to tighten up on the trees. My brothers were out once gathering some bark, and they took half an hour off for lunch. When they went back to work they found the bark had tightened up just in that short time, and they had to stop work."

Henry: "Well, I see our Redkins (former basketball champions of Maine) got a raw deal in Portland. Some of the boys from here went over to see the game, and they said the referee ought to be the champion instead of Tom's Lunch. Those officials were doin' a good job, too, they said, right up to the time Applebee shot that basket that should have won the game. Probably they saw that the time was runnin' out, and if they didn't do something the home town boys would be on the short end. I'd like to see those teams play on a neutral floor with officials that wouldn't favor either side.

# Oral History Interview with Henry Mitchell, an American Indian Canoe Maker, 1938 (Pg.3)

Maine  
Living Lore  
Old Town-34

"That trip'll cost the Redskins quite a lot if they go to Atlanta. If ten of them go it's gain' to cost them \$1000.00 for the trip. What Sam Gray ought to do is to buy that team and call them the Old Town Canoeists, and give them a check for \$1000,00 to go to Atlanta. The only hard part for Sam would be parting with the check." (Gray, who runs the Old Town Canoe Shop, isn't highly regarded by Henry.)

"I can't remember anything unusual that happened when I went to school here, but I remember something about the school. It was only half as large as it is now, and they had red benches four feet long instead of the desks they have now. They had an old fashioned box stove, that took a stick two feet long, instead of the furnace they have now. We used to take turns as janitor: one boy would work for one week, and another boy the next. Some of the bigger boys cut holes in the floor when they had the janitor job, so they could spit tobacco juice through the floor.

"When I was thirteen years old my brother and I drove a pair of horses for my father. We were so small that we had to stand on boxes to harness the horses. My brother was lame so the hardest part of the work fell on me. One of those horses was named Gingerbread, and the other Dandy, and they weighed about 1600 pounds apiece. We hauled wood in the winter time, and sometimes it was hard work for the snow was four feet deep in places. That was government wood that was supplied to members of the tribe. We got it on the upper end of the island and sometimes on Orsan Island.

"We were haulin' some wood once for John Nelson and when we were comin' up the hill here our sled slipped off the road and got bogged down in the snow. Dandy fell over and we couldn't get him up. We saw Peter Susep up at the top of the hill with his team of oxen, and we hollered to him to come and help us out. He unhooked his oxen and drove them down, and he managed to get Dandy up.

# Oral History Interview with Henry Mitchell, an American Indian Canoe Maker, 1938 (Pg.4)

Maine  
Living Lore  
Old Town - 35

He hooked his oxen on in front of our horses and gave them a lick with a long stick he had. They started up that hill at a great rate, but our whiffletrees stuck out at each side beyond our sled, and one of them hooked into a leg of old Susep's overalls and the oxen dragged him to the top of the hill before he could stop them. I never heard such swearin' before or since. Old Susep was swearin' in Indian and English. It was funny, but we didn't dare to laugh or Susep would probably have scalped us he was so mad. We had hollered to him to look out for the whiffletree, but he was so deaf he didn't hear us.

"We used those horse, too, to plow for the Indians. We were always pretty tired at night after that work because we did it after school hours. We snared rabbits when we were kids, with picture wire, but that wouldn't be allowed now on account of the law. What I liked to do most when I was a kid was to play football and baseball. Sometimes I got a lickin' from my mother when I got home late from playin' ball after school if I had my clothes torn.

"Several times during the vacation seasons I worked on the boom raftin' logs for fifty cents a day. We had a chance to save wood there besides. There was always a lot of drift wood, stumps, and short pieces of logs that were no good to the mills that came down with the drives and got mixed up in the jam at the boom. On long drives there were places where the logs got hung up in a jam, and they had to blow them with dynamite. Those blasts always spoiled some waste stuff into rafts, and on Sundays we'd float it down home to the island.

"I was up there once when a circus came to Old Town, and my chum asked me to go with him. He said he intended to take his own girl, and he promised to get one for me. A fellow named Alfred was the paymaster, and we borrowed some of our pay from him, and got permission from Gene Mann to go down to for the day. I'd been wearin' calked shoes all week, of course, at my work, and when I came to look for my regular ones, I found that some one had stolen them. My chum says, 'Never mind, I'll let you take a pair of mine.' He let me take a pair

# Oral History Interview with Henry Mitchell, an American Indian Canoe Maker, 1938 (Pg.5)

Maine  
Living Lore  
Old Town - 36

of his shoes, but they were two sizes too small for me and I could just about get them on. Nobody was goin' down in a boat that morning, and we walked all the way from Nebraska to Old Town. (For some reason one of the booms was named "Nebraska"). That was eleven miles, but it seemed more like 111 to me with those tight shoes. We left at seven in the morning and we got down around noon.

"My chum couldn't find his girl, but after he got settin' down in that circus tent he saw her with some one else. I told him he was a nice one to get a girl for me when he couldn't even keep his own. We had to get along without girls, but we ate a lot of peanuts that day.

"That was an awful walk back. I had to carry my shoes in my hand most of the way, and we didn't get back to Nebraska until four the next morning. While we were waitin' for a boat to take us over (Nebraska boom was on an island) we fell through the rafted logs we were standin' on and got soakin' wet. (Sometimes the "swings" of rafted logs were tied up at the opposite shore to wait a time when the mills could handle them.)

"We had just an hour's rest in our bunks before it was time to turn out for breakfast, and we were so sleepy that day that we had to take turns raftin' each others logs while of us laid down back in the bushes to rest. Gene Mann came along once when I was comin' out of the bushes to take my turn and he says, 'The circus don't seem to agree with you, Henry.'

"The only bad accident I can remember didn't take place when I was working anywhere, but it happened when I was out for a good time. There were some U.S. war vessels down at Bar Harbor, and a friend of mine, Frank Loren, and I went down on an excursion train to see them. There were a lot of people on that train, and I told Frank that we'd better get up ahead so that we'd be among the first to get on the ferry boat. Frank and I were right in front on the slip when the boat pulled in, and we two and a girl I didn't know jumped for it. Just as we jumped I heard a crash behind me and the end of the slip went

# Oral History Interview with Henry Mitchell, an American Indian Canoe Maker, 1938 (Pg.6)

Maine  
Living Lore  
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up so that we all slipped and fell on the deck of the boat. That old wooden slip had broken and all of a hundred or more people went down into the water. There was no chance of any of those people swimmin' back under the pier because it was all boarded up where the slip was. There were a hundred people - men, women, and children - down in that hole, fightin' and screamin' and cryin'. I always thought that Robbins that used to be the publisher of the Enterprise (Old Town Weekly newspaper) was just a big blowhard, but he certainly played the hero that day. He got a rope around his waist and got people to lower him into that hole so he could help people to get out. He saved a lot of them. There were a lot of them down underneath, though, that nobdoy could reach and they were drowned. Some of those people when they got them out were naked - even their shoes were gone. There must have some awful fightin' down there. They have to make those ferry slips of iron now so an accident like that couldn't happen. I saw sixty wooden boxes, with dead people in them, stacked up on the wharf like cordwood. Before that the dead had been laid out in rows, and people went around among them to see if they could indentify any of them. That happend at Bar Harbor about thirty years ago.

"I never cared much about reading when I was a young fellow. My amusements were playin' ball, fishin', swimmin', and skatin'. About all I read now is the Portland Press. That's a better paper than the News. (Bangor) I used to read a few books and magazines like the Saturday Evening Post, about nothing worth mentionin'.

"My mother killed a deer once with an ax. It was about this time of the year (late in February), and she saw a young buck over by a fence, near her home, in some deep crusty snow. She went over with an ax from the shed and killed it. Just us young people were home and we helped her to drag it over to the house and dress it. A little while after we got through three Indian fellows came along, Frank Newell, Charlie Damien, and Charles Toman. They told us that they

# Oral History Interview with Henry Mitchell, an American Indian Canoe Maker, 1938 (Pg.7)

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had wounded that deer and that they had been chasin' it all day. They asked my mother if she wanted the skin and she said all we wanted was the meat. They told her then if she'd let them take the deer home so they could get the skin to make snowshoes - they used to make a lot of snowshoes around here - they'd bring back the meat. That was quite a while ago, but I haven't seen any of that meat yet."

Mrs. Mitchell: "Henry or I aren't superstitious, but the old Indians were. I remember a story my mother told me about an old woman they saw in the street - wasn't that before the cholera epidemic, ma?" (I forgot to mention that Mrs. Mitchell's mother had dropped in for a visit while we were talking.)

Mother: "Yes, but it was at Eastport they saw the old woman."

Mrs. Mitchell: "Oh yes. That old woman was seen walking up and down the street, they said, crying to herself. She wouldn't let any one come near her, and nobody knew who she was. The next day the cholera struck and a great many of the people died. I remember forewarnings coming as sounds in the sky. I can't give you the Indian word for that, but it means, Something Coming from Nowhere."

(Mrs. Mitchell's brother, Howard, who is something of an authority on local Indian folklore told me a lot of Indian folklore tales last summer when I was getting material for the Maine Guide. Some of those could be used in this study, I suppose. Henry and his wife don't seem to know any of them.) R.G.

Henry had always disclaimed the idea of any personal ambition, but with the idea of discovering one I discussed with him the radio program known as "If I Had The Chance." "Henry," I said, "If you were on that program and the gentleman in charge asked you the question he asks every one, 'What would you do if you had the chance?' What would you say?"

# Oral History Interview with Henry Mitchell, an American Indian Canoe Maker, 1938 (Pg.8)

Maine  
Living Lore  
Old Town - 39

Henry: "Well, 'If I had the chance,' and plenty of money, I'd like to start a basket factory right here on the island and employ only Indians. I'd like to help my people in that way."

R.G.: "What about a furniture factory? Some one that Henry Buxton interviewed told him that a furniture factory would do well in Hancock County because there is plenty of hardwood there. Furniture is sold all over the country."

Henry: "Well, baskets are too. A lot of baskets are sold in this country. They even bring them in here from Canada. I don't think we'd have the experience to make furniture, but we do understand basket making. There are factories run by whites where they make baskets: we could do just as well if we had the money to get goin'. It's hard to get the right kind of wood here, though. We use brown ash in our baskets, and sometimes we have to send seventy miles to get it.

"If my wife had been feelin' well and the walkin' wasn't so bad, we would have gone over to see that picture at the Strand today. What was the name of that picture, Eva?"

Mrs. Mitchell: "It was 'Idiot's Delight,' with Norma Shearer and Clark Gable."

Henry: "Oh yes, Say that must have been an awful walk for you across that ice tonight. (The ice was covered with water and half frozen slush. I told Henry that if I'd known what it was like I would have stayed home.) There was a fine picture there last week - Jesse James. You should have seen it. Some people wanted to run a railroad across James land, and when James wouldn't sell or get out of the way, those people threw a bomb into his home and killed his mother. That's what started him as an outlaw. All the folks around there, though, liked him because he helped them out with the money he stole from people who could afford to lose it.

"We heard Bette Davis sing on the radio the other night. She's a fine actress and she won an award for givin' the best performance in the pictures last year. She and - Who was that?"



# Oral History Interview with Henry Mitchell, an American Indian Canoe Maker, 1938 (Pg.9)

Maine  
Living Lore  
Old Town - 40

R.G.: "Spencer Tracy?"

Henry: "That's the fellow: Spencer Tracy. This Bette Davis was on the Kate Smith hour - we call her Aunt Kate. She wouldn't sing at all, but she told Kate that she always wanted to song on her hour. She sang a few verses and Kate says, 'That's fine, Bette.'

"They used to have parties over here, but they don't seem to now. They usually played forfeit games. If you lost you had to kiss some girl, stand on your head, 'measure ten yards of ribbon,' or something like that. 'Spin the Pan' was one of those forfeit games. Some one would spin a dishpan or a big metal cover on the floor, and then they'd call a number. If your number was called you had to jump out of the crowd and grab that pan or cover before it went flat. If you didn't you had to pay a forfeit. If the forfeit was measuring ten yards of ribbon, the boy and the girl had to put their hands together and go through the motions of measuring ribbon. That always caused a lot of fun because every time they measured a yard their heads would be drawn together.

"The old Indians used to have a game something like 'Pick Up Sticks,' but they used sticks six inches long make in the shape of paddles, oars, guns, arrows, and so forth. The game was to pick out one at a time without disturbin' the pile. They took turns, and whoever got out the most sticks, won. There was another game I don't knw the name of, but they played it with a large dish, or bowl. That bowl had a lot of things like buttons in it that were flat on one side. On the other side each of them had a design representin' a bird, animal, a snake, or a fish. There would be crows, chipmunks, beavers, bear, deer, and so on. To play the game they put a pillow on the floor and they all sat around it. Each one of them would take the bowl in turn and lift it up and bring it down hard on the pillow. Those buttons all had different values and only the ones with the design showin' counted. They had no pencil or paper then, but they kept score with peboles of different sizes.

# Oral History Interview with Henry Mitchell, an American Indian Canoe Maker, 1938 (Pg.10)

Maine  
Living Lore  
Old Town - 41

"Games like those wouldn't be fast enough for the young felks nowadays; they want something with more speed to it. Fifteen or twenty years ago they made a lot of canoes in the canoe shop and very few motor boats. Now they make a lot of motor boats, and most of the canoes they sell can be fitted with out-board motors."

Mrs. Mitchell: "They're up to date enough over here to play contract bridge, and sometimes the young people play postoffice, but they seem to have forgotten all about the old fashioned party games."

Henry: "Bridge is something I can't talk with you about. I never played it and I don't know the first thing about it. (I told him that I didn't, either)

"Father used to have a camp up above Olamon on Sebois Stream. We used to paddle up there incanoes and it took us all day. It's about thirty miles from here to Sebois. They can go up there now in a car in less than an hour."

Mrs. Mitchell: "On one trip we started from here in the afternoon and slept overnight on a beach near Howland. The next morning we carried the canoe around the dam at Howland and went on to Sebois."

Henry: "I remember once we came back down past Passadumkeag where there's a long stretch of rips. The women got out and walked down along the shore. I was polin' down the rips and when I got down a ways I looked back to see how my chum was makin' it. He was up to his waist in water and walkin' along those slippery rocks with his canoe on his back. He carried his canoe nearly all the length of those rips. When we got by I asked him why he didn't use his pole and he said he broke it when it got caught between two rocks."

Mrs. Mitchell: "We took my grandmother up to Sebois once and she had a codfish that she wanted to keep fresh so she tied it the a thwart of the canoe and let it trail in the water."

# Oral History Interview with Henry Mitchell, an American Indian Canoe Maker, 1938 (Pg.11)

Maine  
Living Lore  
Old Town - 42

Henry: "That was about the worst canoe trip I ever was on. We had a tent near my father's camp, and a day or two after we got there I was standin' near the tent flap and a red fox run out of the woods and came pretty near up to the tent. He just stood there a few minutes lookin' me over, and then he turned and ran back into the woods. I guess he knew I didn't have any gun. They told me a fox comin' around the camp was a sure sign of bad luck. That night the tent blew over and the next day the old lady was taken down with appendicitis and we had to bring her back to Old Town. We made the trip down in the canoe in twelve hours. They say if you hear a fox howl in the woods it's a bad sign.

"We never go berry pickin' here. Some of the Indians do, and they even come over here from the other side to pick berries, but I wouldn't know where to look for them."

Mrs. Mitchell: "I always get mine from the stores or from the children that sell them."

Henry: "You see in the summer and early fall we're pretty busy over here. That's our busiest time. Tourists come over then and we sell a lot of baskets. No time for berry pickin' then.

"I thought of two old Indian traditions the other day. Two Indians were out huntin' and one night when they were asleep in their camp one of them woke up feelin' something wrong. He looked over to where his companion was lyin' and he saw something leanin' over him and suckin' his blood. That figure was transparent and when the Indian woke up it started for the door. The Indian picked up his bow and arrow and shot at the thing when it was goin' out the door, but the arrow passed right through it. They said that was a forewarning of the cholera epidemic that came to this reservation. It was somethin' like the forewarning of the old lady cryin' in the street up on that reservation near Eastport.

# Oral History Interview with Henry Mitchell, an American Indian Canoe Maker, 1938 (Pg.12)

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Maine  
Living Lore  
Old Town - 43

"Another of those old stories was about a well up here in the woods near Lover's Leap that they call the 'Medicine Well.' When they had the cholera here an old man was walkin' up the street with a bucket to get some water from a well. He saw ahead of him another old man who beckoned to him to follow. This old man led the old Indian to the well we're talkin' about and pointed to the well and the bucket. The water was kind of milky lookin' but the old Indian filled his bucket and brought it back to the village. They said that every one who drank that water got over the cholera. Sonny (to the boy), come over here next summer with your brother, and we'll paddle up there and you can see that well and Lover's Leap."

# Oral History Interview with Henry Mitchell, an American Indian Canoe Maker, 1938 (Pg.13)

Maine  
Living Lore  
Old Town - 44

(The Life of Henry Mitchell, Indian Canoe Maker)

(Friday evening when I called at the Mitchell house only their young daughter was at home. Mr. and Mrs. Mitchell had gone over to the Strand Theater to see Gunga Din. They had left early so as to be sure of a seat. Saturday evening when I got over to the island I met Henry coming down the street. He told me, however, that he was merely going to get a bottle of milk and that his wife and daughter were at home. He said to go right over and he would be back in ten minutes.)

Mrs. Mitchell: "I guess you'll have to excuse me. I said I'd have the Indian names of those two games for you the next time you came over, but I didn't get them. \_\_\_\_\_ (I've forgotten the name of her daughter) go over to your grandmothers, will you, and ask her to write on this paper the names of that 'Toss the Ball' game and that one played with a bowl and cushion? (I advised against that, saying it was very icy on the streets, but the girl said she didn't mind that.)

"Did you see in the papers where the Indian representatives to the state legislature were trying to get an increased salary. The other representatives get \$600.00, but the Indians get only \$200.00. They say it's because they don't serve on committees, and so don't have to do so much work, but they're there all the time and they have to pay their expenses back and forth. Leo Shay says he doesn't have much left when he get through, and that while he's out there he can't do anything else. Leo could do that committee work just as well as any one, but the Indians aren't allowed to have a voice in state affairs because they aren't voters. All they have to do out there is to look out for the interests of the Indians. Just why the Indians shouldn't vote is something I can't understand. One of the Indians went over to Old Town once to see some official in the city hall about voting. I don't know just what position that official had over there, but he said to the Indian, 'We don't want you people over here. You have your own elections over on the island, and if you want to vote, go over there.

# Oral History Interview with Henry Mitchell, an American Indian Canoe Maker, 1938 (Pg.14)

Maine  
Living Lore  
Old Town - 45

"The Bangor News had something about the Indian legislators the other day. I don't know whether you saw that or not. (She went into another room to get two clippings from the News. One of these told about the efforts of the Indian representatives to get increased pay. The Indians, the clipping said, were likely to get an increase of \$200.00 rather than the \$400.00 asked for. The other clipping from the G. and S column, said that the solons at Augusta had said that the Indian legislators didn't do as much work as the others and consequently didn't deserve as much pay. G and S, however, said that considering the sort of work the other lawmakers were doing, the Indians ought to get a salary of \$10,000.00 a year, and vacations in Florida thrown in.)

"Leo (Shay) said there were only four people out there that were against that increase. All the others were in favor of it, and rather than vote against him, some of them walked out."

(The girl returned here with the two following Indian names:

Ol-la-day-hum-a-gan, Su-buck-ta-he-gun. The first of these, Mrs. Mitchell said, was the name of the Indian Dish Game, described in a previous interview; and the second, Subucktahegun, was the name of the game in which a ball, attached by a cord to a pointed stick, was tossed in the air. Each player had eight tries, and the winner was the one who could impale the ball on the stick the greatest number of times.)

"I remember an old Canadian folk lore tale my father told us when we were small.

"There was a girl up there who lived in a small village, and she was always dissatisfied with things. One night there was a dance in the village hall and she had no one to take her and no way of getting there. She stamped her foot on the floor and said to her mother, 'Oh I wish there was some one to take me to that dance tonight: I'd be willing to go with the devil himself.'

# Oral History Interview with Henry Mitchell, an American Indian Canoe Maker, 1938 (Pg.15)

Maine  
Living Lore  
Old Town - 46

"Then they heard the sound of sleigh bells outside and a sleigh stopped at the door. There was an awfully handsome man in that sleigh - oh he was a handsome man. He knocked at the door and asked the girl if she would go with him to the dance.

"There was a good crowd there and very good music. That man danced with nobody but the girl, although a lot of the other girls tried to get his attention. By and by she noticed that people were looking down at her feet as she danced. The other couples began to draw away and avoided them. They kept on dancing, though, and by and by all the couples except themselves had left the hall. Then the girl looking down discovered that her partner's shoes had changed to cloven hoofs, and when she tried to get away from him she saw that he had changed into a horrible looking person with horns growing from his forehead. Then, according to the old legend, the building sank down through the earth leaving a big hole where it had been."

(Henry returned here with the bottle of milk and told us about three drunken Indians he had seen while he was out. They were the same ones I had seen, earlier in the evening, in Old Town.)

Henry: "I saw three young fellows, pretty well soused down at the landing."

R.G.: "They must have been the three I saw over in front of Lunt's store. They had their arms around each other's shoulders. One of them had curly hair."

Henry: "That curly haired fellow seemed to be more sober than the rest. He was tryin' to get the other two home. If they don't get out of sight pretty soon, that new cop'll get a hold of them. I don't know how they ever got across that ice."

# Oral History Interview with Henry Mitchell, an American Indian Canoe Maker, 1938 (Pg.16)

Maine  
Living Lore  
Old Town - 47

Mrs. Mitchell: "Do you know? I think we'd be better off without that PWA over here. I don't like to speak against my own people but I don't think we need that. The ones that ought to have the work aren't getting it, and a lot of young, unmarried fellows are working on there. There are six young fellows over here that are getting that work and two of them are Canadians. When they get they pay they go and spend it all for drink. They aren't supposed to sell that stuff to the Indians, but they get all they want just the same.

"Howard Ranco over here has a job as welfare agent for the island that he get \$20.00 a week for. Then he's the superintendent or whatever they call it - on the project, and he gets \$25.00 a week for that. They might give one of those jobs to some one else. Jimmie Lewis - he used to be governor here - has a job taking sick people down to the hospital, and he has two other jobs besides."

Henry: "I'd like to have a couple of more jobs to go with this little one of mine. There are three or four people workin' on WPA jobs over here that have cars. They aren't supposed to have cars on that job. My boy, Edwin, tried to get on there but they wouldn't look at him just because I have this little job as janitor. I see Roosevelt is tryin' to get a billion and a half more for WPA and if Congress wont give him that, they may lay off all the white collar workers. That means fellows like you, I suppose. I see Harry King (overseer of the poor, in Old Town) has a new car that he rides around in. (The car is really an old model, second hand car.) I wonder if the taxpayers have to pay for that. I'll bet that fellow has a cellar full of federal food: him and some more people over there. They got rid of him once and put Hurd in there, but when Hurd died they put Harry right back on the job. They tell me he's lookin' ahead to the time when they get a new mayor there and they finally kick him off the job. He's tryin' to get that job of Indian agent. I hope he doesn't: he might be as crooked on that as he is on the one he has now."



# Oral History Interview with Henry Mitchell, an American Indian Canoe Maker, 1938 (Pg.17)

Maine  
Living Lore  
Old Town - 48

Mrs. Mitchell: "Did you see in the paper where they said there was scurvy up in the Saint John Valley? Do you think that really was scurvy?"

R.G.: "The medical examiner seemed to think it was."

Mrs. Mitchell: "Yes, that old doctor that resigned has had a lot of experience, and I think he knew what he was talking about."

Henry: "Barrows didn't like that very well: it gave his administration a black eye. There's a lot of people up there not gettin' enough to eat. Those republicans up there would rather see the people starve than to have it said that federal food was coming in there. That Barrows would like to cover that stuff up if he could. Every time I pick up a paper I see a picture of him somewhere in it. He crowns a new potato queen every day, and when he's not doin' that, he's addressin' some old ladies' club."

Mrs. Mitchell: "Every one hates him out in Augusta."

Henry: "He's always sure of enough votes to elect him, though, from the potato queens he's crowned. The Republicans are knockin' Roosevelt, but I can't see where Barrows is anything to brag about. He's gettin' a good salary, but he'd hate to see the Indian representatives get \$600.00 a year."

"There are people right now that aren't gettin' enough to eat over in Old Town. They threw a lot of hams away once over there. I saw those hams myself on the city dump on Main Street. Old Horace Burnham was takin' care of it then. They might have given those hams away to people, but they kept them until they spoiled. They had some sheepskin jackets, about big enough for this little fellow here, a few years ago and they got burned up in that fire that destroyed Keith's shoe store."

(While Henry was talking Mrs. Mitchell had got a strip of wood, such as is used to make baskets, from another room. She cut and bent this wood into a number of trinkets for the boys: horses, figures to ride them, dogs, tables, and chairs. She made them, I think, at the rate of about one a minute.)

# Oral History Interview with Henry Mitchell, an American Indian Canoe Maker, 1938 (Pg.18)

Maine  
Living Lore  
Old Town - 49

R.G.: "I saw some Indian dolls over in a store window in Old Town. Were they made over here?"

Henry: "No, those are machine made. They make them in Japan, I guess, for a lot less than we could afford to make them for. I tell you what, though, fatty, (to the boy): when you come over here next week you can see a doll my wife is making for a lady. That Indian will have a big hat made of feathers; a buckskin coat, with a belt; some chaps, something like you ski pants; and moccasins on his feet. (Henry had a lot of fun explaining to the boy how to use the little figures Mrs. Mitchell had made.)

R.G.: "Do you folks know how Sunkhase Stream got its name?"

Henry: "No, I don't. Oak Hill, on the island here, has been called that a long time. When I was a boy I used to get a lot of acorns up there. They must have named that on account of the oak trees. Right across from here, on the Milford side, there's a big grove they used to call Hawthorn's Grove. I don't know why it was called that. (It was named for the man who owned it.)

R.G.: "What about the 'Cook' up here? Mike Pelletier said that was named for a fellow who used to tote wangan stuff up that way to the drives."

Mrs. Mitchell: "I don't think that is right. I think 'Cook' comes from an Indian word 'Ta Cook,' but I don't know what that means. Then there is the Jo Pease Rips. I used to ask my mother how that happened to be called 'Jo Pease,' but I forgot what she told me. I'll look those names up, and the next time you come over I can tell you."

Henry: "There's a lot of Indian names in Maine. 'Penebscot' means 'Long River.' Up near Passadumkeag there's a gravel bank that runs nearly across the river. That's what Passadumkeag means - 'shallow water, gravel bottom.' This Olamon up here: they call that 'Olemon, but the Indian word is 'Olamon.' That was named for the vein of 'olamon' that the Indians found in the earth there. The olamon was a kind of red ochre that the Indians used for war paint and to make themselves more attractive to the women. The women used it on their foreheads

# Oral History Interview with Henry Mitchell, an American Indian Canoe Maker, 1938 (Pg.19)

Maine  
Living Lore  
Old Town - 50

after a mourning period was over. If a woman's husband died she remained in mourning for nine months. At the end of that time she put a little spot of this clamon on her forehead so people would know the mourning period was over."

Mrs. Mitchell: "How did your name get changed to 'Mitchell,' Henry: your family name used to be 'Swassin.'"

Henry: "It used to be a long time ago, but I don't know how they came to change it. Old grandfather Sockalexis used to go around here doctoring, and he had a boy that worked over in a drug store in Old Town. Right where the bank is now there used to be a drug store run by a fellow named Folsom, and across the street, where the First National store is now, next to Parlin's, there used to be a drug store run by a fellow named Marsh. Old Sockalexis left the recipe for a cold remedy at Marsh's, where his boy worked, so when he gave any one a prescription for it, they could get it filled there. When Marsh died the stock was sold and old Ballard up here got a hold of all the books and papers. That Ballard's Golden Oil that he puts out now is really the old Sockalexis Indian Cold Remedy."

R.G.: "Ballard made some money out of that."

Henry: "Well I guess he did. You remember that fellow they used to call 'Charlie Daylight' that used to run the ferry boat? He was an uncle of mine and his right name was 'Mitchell.' He had a brother named John Mitchell who worked up in the woods some. They called him 'Daylight,' too. The first year he worked up there he said he used to go around to the wangan to see if there was any mail for him, but they always said there were no letters. Just before he came down they found out his name was 'John Mitchell' and they handed him a whole batch of mail. He had been askin' for letters for 'John Daylight.'

# Oral History Interview with Henry Mitchell, an American Indian Canoe Maker, 1938 (Pg.20)

Maine  
Living Lore  
Old Town - 51

"That 'Daylight' wasn't a nickname: it was the English translation of John's Indian name - 'Chawahdis.' The Indians used to get names like that on account of a custom they had of naming children for the first thing the mother saw when she left the wigwam. It might be a flower, a deer, a bear, a cloud, or almost anything. That is how Indians got such names as 'Red Cloud,' 'Laughing Water,' 'Yellow Flower,' etc. There was a fellow out at Carlisle named 'Jesse Youngdeer.' I used to know a fellow from out west named 'Arthur Cornsilk.' Some of the Indians get some funny names out of that. Take that fellow out in Oklahoma. He's got a lot of money: they found oil on his land. His name is John Cucumber."

R.G.: "Well, I suppose we'll have to be getting home. You people will probably want to listen to the basketball game tonight."

Mrs. Mitchell: "No, we don't care about that: we've grown up."

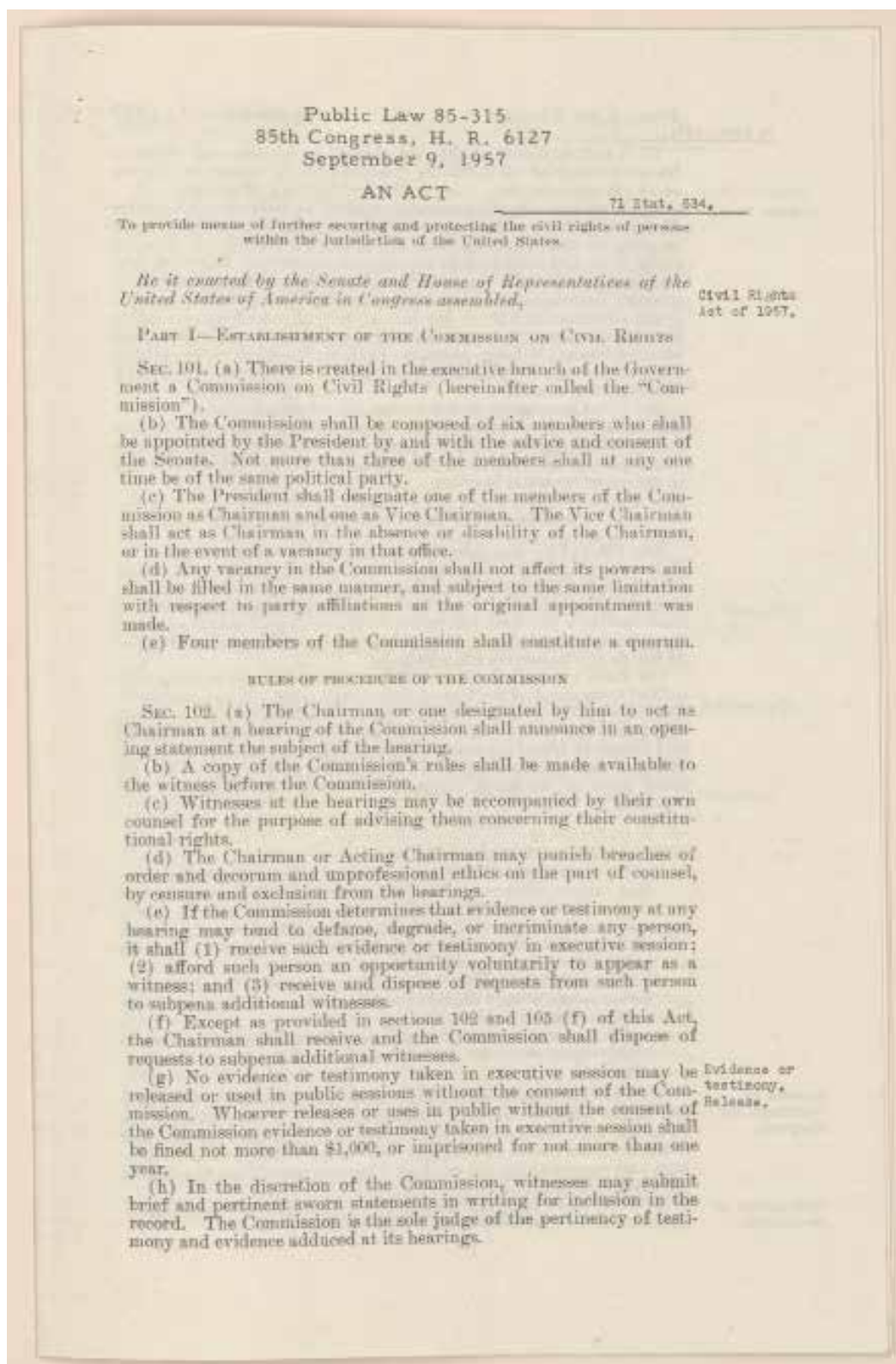
Henry: "Oh I might listen to it a little while later on: it's Winslow and Cheverus, isn't it?"

Mrs. Mitchell: "The next time you come over I'll have those names for you."

R.G.: "I thought last week I was about done coming here, for a while anyway, on account of that ice."

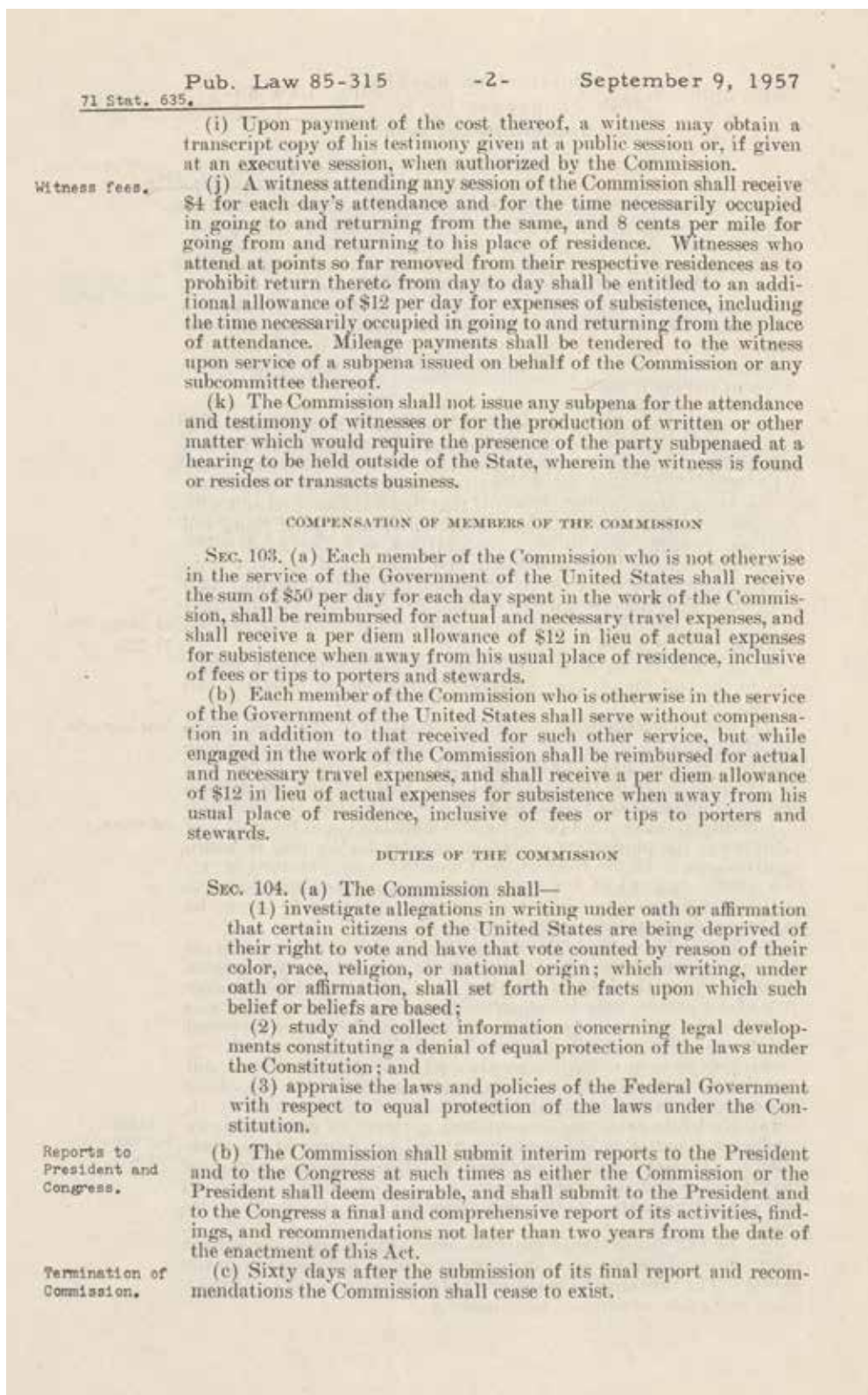
Mrs. Mitchell: "I guess if this weather keeps up you wont have to worry about that ice. When my girl was born - that was seventeen years ago - a lot of anchor ice had backed up above the dam, and they had to cut a channel through it so the doctor could get across. And that was in May!"

# Civil Rights Act of 1957, September 9, 1957 (Pg.1)



“An Act to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States,” 9 September 1957. [Courtesy of University of Maryland Law Library](#)

# Civil Rights Act of 1957, September 9, 1957 (Pg.2)



“An Act to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States,” 9 September 1957. [Courtesy of University of Maryland Law Library](#)

# Civil Rights Act of 1957, September 9, 1957 (Pg.3)

September 9, 1957

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Pub. Law 85-315

71 Stat. 636.

## POWERS OF THE COMMISSION

SEC. 105. (a) There shall be a full-time staff director for the Com- Staff director.  
mission who shall be appointed by the President by and with the  
advice and consent of the Senate and who shall receive compensation  
at a rate, to be fixed by the President, not in excess of \$22,500 a year.  
The President shall consult with the Commission before submitting  
the nomination of any person for appointment to the position of staff  
director. Within the limitations of its appropriations, the Commis-  
sion may appoint such other personnel as it deems advisable, in  
accordance with the civil service and classification laws, and may  
procure services as authorized by section 15 of the Act of August 2,  
1946 (60 Stat. 810; 5 U. S. C. 55a), but at rates for individuals not in  
excess of \$50 per diem.

(b) The Commission shall not accept or utilize services of volun-  
tary or uncompensated personnel, and the term "whoever" as used in  
paragraph (g) of section 102 hereof shall be construed to mean a  
person whose services are compensated by the United States.

(c) The Commission may constitute such advisory committees  
within States composed of citizens of that State and may consult with  
governors, attorneys general, and other representatives of State and  
local governments, and private organizations, as it deems advisable.

(d) Members of the Commission, and members of advisory com-  
mittees constituted pursuant to subsection (c) of this section, shall  
be exempt from the operation of sections 281, 283, 284, 434, and 1914  
of title 18 of the United States Code, and section 190 of the Revised  
Statutes (5 U. S. C. 99). 62 Stat. 697  
et seq.

(e) All Federal agencies shall cooperate fully with the Commis-  
sion to the end that it may effectively carry out its functions and  
duties.

(f) The Commission, or on the authorization of the Commission Hearings, etc.  
any subcommittee of two or more members, at least one of whom  
shall be of each major political party, may, for the purpose of carrying  
out the provisions of this Act, hold such hearings and act at such  
times and places as the Commission or such authorized subcommittee  
may deem advisable. Subpenas for the attendance and testimony of Subpenas.  
witnesses or the production of written or other matter may be issued  
in accordance with the rules of the Commission as contained in sec-  
tion 102 (j) and (k) of this Act, over the signature of the Chairman  
of the Commission or of such subcommittee, and may be served by  
any person designated by such Chairman.

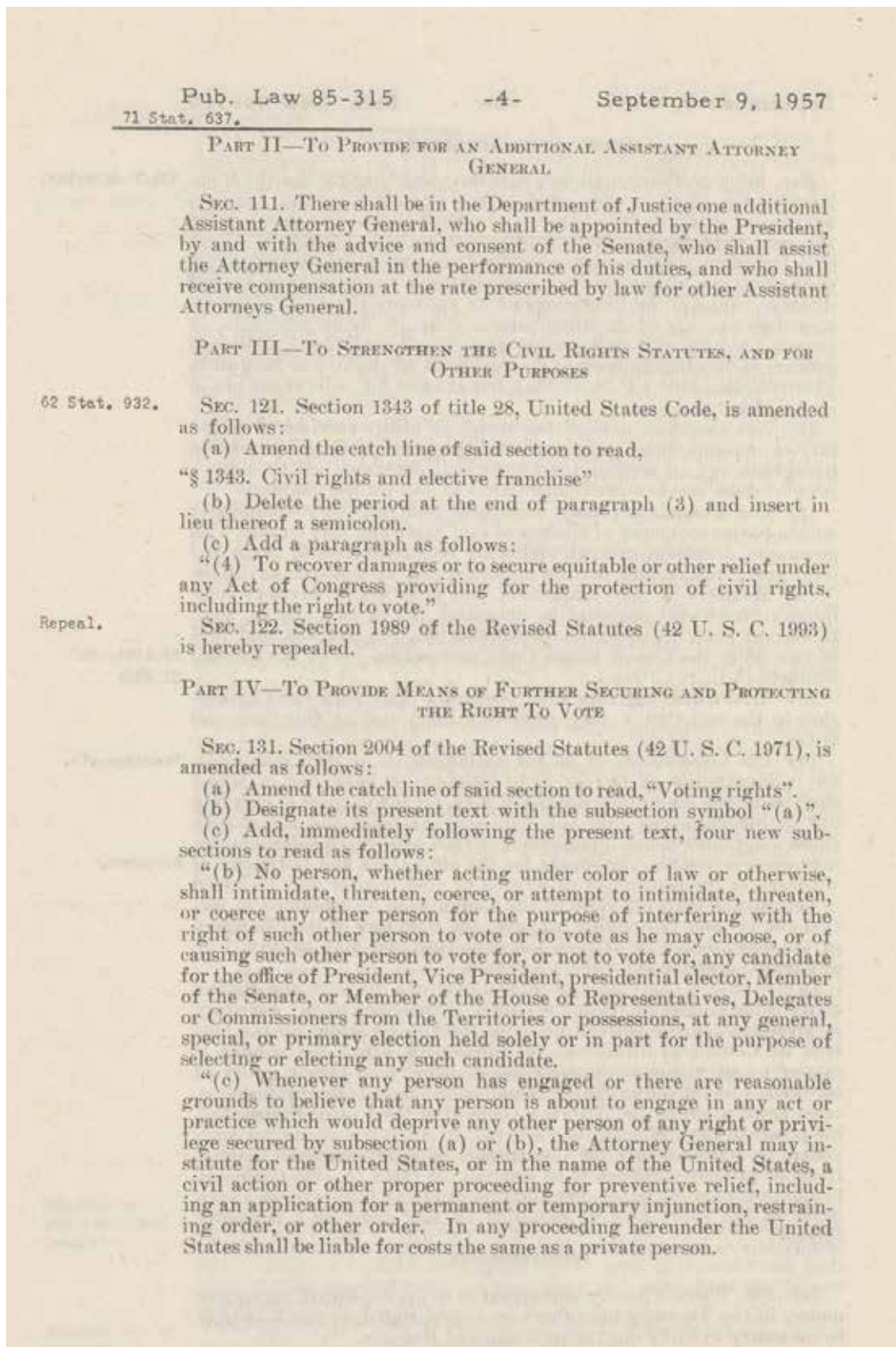
(g) In case of contumacy or refusal to obey a subpoena, any district  
court of the United States or the United States court of any Territory  
or possession, or the District Court of the United States for the Dis-  
trict of Columbia, within the jurisdiction of which the inquiry is  
carried on or within the jurisdiction of which said person guilty of  
contumacy or refusal to obey is found or resides or transacts business,  
upon application by the Attorney General of the United States shall  
have jurisdiction to issue to such person an order requiring such  
person to appear before the Commission or a subcommittee thereof,  
there to produce evidence if so ordered, or there to give testimony  
touching the matter under investigation; and any failure to obey such  
order of the court may be punished by said court as a contempt  
thereof.

## APPROPRIATIONS

SEC. 106. There is hereby authorized to be appropriated, out of any  
money in the Treasury not otherwise appropriated, so much as may  
be necessary to carry out the provisions of this Act.

"An Act to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States," 9 September 1957. [Courtesy of University of Maryland Law Library](#)

# Civil Rights Act of 1957, September 9, 1957 (Pg.4)



“An Act to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States,” 9 September 1957. [Courtesy of University of Maryland Law Library](#)



# Civil Rights Act of 1957, September 9, 1957 (Pg.5)

September 9, 1957

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Pub. Law 85-315

"(d) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

71 Stat. 637.

"(e) Any person cited for an alleged contempt under this Act shall be allowed to make his full defense by counsel learned in the law; and the court before which he is cited or tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, who shall have free access to him at all reasonable hours. He shall be allowed, in his defense to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear at his trial or hearing, as is usually granted to compel witnesses to appear on behalf of the prosecution. If such person shall be found by the court to be financially unable to provide for such counsel, it shall be the duty of the court to provide such counsel."

71 Stat. 636.

## PART V—TO PROVIDE TRIAL BY JURY FOR PROCEEDINGS TO PUNISH CRIMINAL CONTEMPTS OF COURT GROWING OUT OF CIVIL RIGHTS CASES AND TO AMEND THE JUDICIAL CODE RELATING TO FEDERAL JURY QUALIFICATIONS

SEC. 151. In all cases of criminal contempt arising under the provisions of this Act, the accused, upon conviction, shall be punished by fine or imprisonment or both: *Provided however*, That in case the accused is a natural person the fine to be paid shall not exceed the sum of \$1,000, nor shall imprisonment exceed the term of six months: *Provided further*, That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *Provided further, however*, That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of \$300 or imprisonment in excess of forty-five days, the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases.

Criminal contempt.  
Penalties.

This section shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience, of any officer of the court in respect to the writs, orders, or process of the court.

Nonapplicability.

Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention.

SEC. 152. Section 1861, title 28, of the United States Code is hereby amended to read as follows:

62 Stat. 951.

"§ 1861. Qualifications of Federal jurors

"Any citizen of the United States who has attained the age of twenty-one years and who has resided for a period of one year within

# Civil Rights Act of 1957, September 9, 1957 (Pg.6)

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September 9, 1957

71 Stat. 638.

the judicial district, is competent to serve as a grand or petit juror unless—

“(1) He has been convicted in a State or Federal court of record of a crime punishable by imprisonment for more than one year and his civil rights have not been restored by pardon or amnesty.

“(2) He is unable to read, write, speak, and understand the English language.

“(3) He is incapable, by reason of mental or physical infirmities to render efficient jury service.”

Short title.

SEC. 161. This Act may be cited as the “Civil Rights Act of 1957”.  
Approved September 9, 1957.

“An Act to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States,” 9 September 1957. [Courtesy of University of Maryland Law Library](#)

# Voting Rights Act, 1965 (Pg.1)

**Public Law 89-110**  
**Voting Rights Act of 1965**  
**Eighty-ninth Congress of the United States of America**

**AT THE FIRST SESSION**

Begun and held at the City of Washington on Monday, the fourth day of January,  
One thousand nine hundred and sixty-five

*An Act* to enforce the fifteenth amendment to the Constitution of the United States, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act shall be known as the “Voting Rights Act of 1965.”

**SEC. 2. No voting qualifications or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.**

**SEC. 3.** (a) Whenever the Attorney General institutes a proceeding under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court shall authorize the appointment of Federal examiners by the United States Civil Service Commission in accordance with section 6 to serve for such period of time and for such political subdivisions as the court shall determine is appropriate to enforce the guarantees of the fifteenth amendment (1) as part of any interlocutory order if the court determines that the appointment of such examiners is necessary to enforce such guarantees or (2) as part of any final judgment if the court finds that violations of the fifteenth amendment justifying equitable relief have occurred in such State or subdivision: *Provided*, That the court need not authorize the appointment of examiners if any incidents of denial or abridgement of the right to vote on account of race or color (1) have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

(b) If in a proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that a test or device has been used for the purpose or with the effect of denying or abridging the right of any citizen of the United States to vote on account of race or color, it shall suspend the use of tests and devices in such State or political subdivisions as the court shall determine is appropriate and for such period as it deems necessary.

(c) If in any proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that violations of the fifteenth amendment justifying equitable relief have

# Voting Rights Act, 1965 (Pg.2)

occurred within the territory of such State or political subdivisions, the court in addition to such relief as it may grant, shall retain jurisdiction for such period as it may deem appropriate and during such period no voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect at the time the proceeding was commenced shall be enforced unless and until the court finds that such qualifications, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color: *Provided*, That such qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that neither the court's findings nor the Attorney General's failure to object shall bar a subsequent action to enjoin enforcement of such qualifications, prerequisite, standard, practice, or procedure.

**SEC. 4. (a)** To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color, no citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under subsection (b) or in any political subdivision with respect to which such determination have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color: *Provided*, That no such declaratory judgment shall issue with respect to any plaintiff for a period of five years after the entry of a final judgment of any court of the United States, other than the denial of a declaratory judgment under this section, whether entered prior to or after the enactment of this Act, determining that denials or abridgments of the right to vote on account of race or color through the use of such tests or devices have occurred anywhere in the territory of such plaintiff.

An action pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. The court shall retain jurisdiction of any action pursuant to this subsection for five years after judgment and shall reopen the action upon motion of the Attorney General alleging that a test or device has been used for the purpose or with the effect of denying or abridging the right to vote on account of race or color.

If the Attorney General determines that he has no reason to believe that any such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color, he shall consent to the entry of such judgment.

(b) The provisions of subsection (a) shall apply in any State or in any political subdivision of a state which (1) the Attorney General determines maintained on November 1, 1964, any test or device, and with respect to when (2) the Director of the Census determines that less than 50 per centum of the persons of voting age residing

# Voting Rights Act, 1965 (Pg.3)

therein were registered on November 1, 1964, or that less than 50 per centum of such persons voted in the presidential election of November 1964.

A determination or certification of the Attorney General or of the Director of the Census under this section or under section 6 or section 13 shall not be reviewable in any court and shall be effective upon publication in the Federal Register.

(c) The phrase "test or device" shall mean any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrates the ability to read, write, understand, or interpret any matter, (2) demonstrates any educational achievement of his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualification by the voucher of registered voters or members of any other class.

(d) For purposes of this section no State or political subdivision shall be determined to have engaged in the use of tests or devices for the purpose or with the effect of denying or abridging the right to vote on account of race or color if (1) incidents of such use have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

(e) (1) Congress hereby declares that to secure the rights under the fourteenth amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it is necessary to prohibit the States from conditioning the right to vote of such persons on ability to read, write, understand, or interpret any matter in the English language.

(2) No person who demonstrates that he has successfully completed the sixth primary grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English, shall be denied the right to vote in any Federal, State, or local election because of his inability to read, write, understand, or interpret any matter in the English language, except that in States in which State law provides that a different level of education is presumptive of literacy, he shall demonstrate that he has successfully completed an equivalent level of education in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English.

**SEC. 5. Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) are in effect shall enact or seek to administer any voting qualifications or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure: *Provided*, That such qualification, prerequisite, standard, practice, or procedure may be enforced without such proceeding if the qualification, prerequisite, standard, practice, or procedure has**

# Voting Rights Act, 1965 (Pg.4)

been submitted by the chief legal officer or the appropriated official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that neither the Attorney General's failure to object nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure. Any action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court.

**SEC. 6.** Whenever (a) a court has authorized the appointment of examiners pursuant to the provisions of section 3(a), or (b) unless a declaratory judgment has been rendered under section 4(a), the Attorney General certifies with respect to any political subdivision named in, or included within the scope of, determinations made under section 4(b) that (1) he has received complaints in writing from twenty or more residents of such political subdivisions alleging that they have been denied the right to vote under color of law on account of race or color, and that he believes such complaints to be meritorious, or (2) that in his judgment (considering, among other factors, whether the ratio of nonwhite persons to white persons registered to vote within such subdivisions appears to him to be reasonably attributable to violations of the fifteenth amendment or whether substantial evidence exists that bona fide efforts are being made within such subdivision to comply with the fifteenth amendment), the appointment of examiners is otherwise necessary to enforce the guarantees of the fifteenth amendment, Civil Service Commission shall appoint as many examiners for such subdivisions as it may deem appropriate to prepare and maintain lists of persons eligible to vote in Federal, State, and local elections. Such examiners, hearing officers provided for in section 9(a), and other persons deemed necessary by the Commission to carry out the provisions and purposes of this Act shall be appointed, compensated, and separated without regard to the provision of any statute administered by the Civil Service Commission, and service under this Act shall not be considered employment for the purpose of any statute administered by the Civil Service Commission, except the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i), prohibiting partisan political activity: *Provided*, That the Commission is authorized, after consulting the head of the appropriate department or agency, to designate suitable persons in the official service of the United States, with their consent, to serve in these positions. Examiners and hearing officers shall have the power to administer oaths.

**SEC. 7.** (a) The examiners for each political subdivision shall, at such places as the Civil Service Commission shall by regulation designate, examine applicants concerning their qualification for voting. An application to an examiner shall be in such form as the Commission may require and shall contain allegations that the application is not otherwise registered to vote.

(b) Any person whom the examiner finds, in accordance with instructions received under section 9(b), to have the qualifications prescribed by State law not inconsistent with the Constitution and laws of the United States shall promptly be placed on a list of eligible voters. A challenge to such listings may be made in accordance with

# Voting Rights Act, 1965 (Pg.5)

section 9(a) and shall not be the basis for a prosecution under section 12 of this Act. The examiner shall certify and transmit such list, and any supplements as appropriate, at least once a month, to the offices of the appropriate election officials, with copies to the Attorney General and the attorney general of the State, and any such list and supplements thereto transmitted during the month shall be available for public inspection on the last business day of the month and in any event not later than the forty-fifth day prior to any election. The appropriate State or local election official shall place such names on the official voting list. Any person whose name appears on the examiner's list shall be entitled and allowed to vote in the election district of his residence unless and until the appropriate election officials shall have notified that such person has been removed from such list in accordance with subsection (d) : *Provided*, That no person shall be entitled to vote in any election by virtue of the Act unless his name shall have been certified and transmitted on such a list to the offices of the appropriate election officials at least forty-five days prior to such election.

(c) The examiner shall issue to each person whose name appears on such a list a certificate evidencing his eligibility to vote.

(d) A person whose name appears on such a list shall be removed therefrom by an examiner if (1) such person has been successfully challenged in accordance with the procedure prescribed in Section 9, or (2) he has been determined by an examiner to have lost his eligibility to vote under State law not inconsistent with the Constitution and the laws of the United States.

**SEC. 8.** Whenever an examiner is serving under this Act in any political subdivision, the Civil Service Commission may assign, at the request of the Attorney General, one or more persons, who may be officers of the United States, (1) to enter and attend at any place for holding an election in such subdivision for the purpose of observing whether persons who are entitled to vote are being permitted to vote, and (2) to enter and attend at any place for tabulating the votes cast at any election held in such subdivision for the purpose of observing whether votes cast by persons entitled to vote are being properly tabulated. Such persons so assigned shall report to an examiner appointed for such political subdivision, to the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

**SEC. 9.** (a) Any challenge to a listing on an eligibility list prepared by an examiner shall be heard and determined by a hearing officer appointed by and responsible to the Civil Service Commission and under such rules as the Commission shall be regulation prescribe. Such challenge shall be entertained only if filed at such office within the State as the Civil Service Commission shall by regulation designate, and within ten days after the listing of the challenged person is made available for public inspection, and if supported by (1) the affidavits of at least two persons having personal knowledge of the facts constituting grounds for the challenge, and (2) a certification that a copy of the challenge and affidavits have been served by mail or in person upon the person challenged at his place of residence set out in the application. Such challenge shall be determined within fifteen days after it has been filed. A petition for review of the decision of the hearing officer may be filed in the United States court of appeals for the circuit in which the person challenged resides within fifteen days after service of such

# Voting Rights Act, 1965 (Pg.6)

decision by mail on the person petitioning for review but no decision of a hearing officer shall be reversed unless clearly erroneous. Any person listed shall be entitled and allowed to vote pending final determination by the hearing officer and by the court.

(b) The times, places, procedures, and form for application and listing pursuant to this Act and removals from the eligibility lists shall be prescribed by regulations promulgated by the Civil Service Commission and the Commission shall, after consultation with the Attorney General, instruct examiners concerning applicable State law not inconsistent with the Constitution and laws of the United States with respect to (1) the qualifications required for listing, and (2) loss of eligibility to vote.

(c) Upon the request of the applicant or the challenger or on its own motion the Civil Service Commission shall have the power to require by subpoena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter pending before it under the authority of this section. In case of contumacy or refusal to obey a subpoena, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a hearing officer, there to produce pertinent, relevant, and nonprivileged documentary evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

**SEC. 10.** (a) The Congress finds that the requirement of the payment of a poll tax as a precondition to voting (i) precludes persons of limited means from voting or imposes unreasonable financial hardship upon such person as a precondition to their exercise of the franchise, (ii) does not bear a reasonable relationship to any legitimate State interest in the conduct of elections, and (iii) in some areas has the purpose or effect of denying persons the right to vote because of race or color. Upon the basis of these findings, Congress declares that the constitutional right of citizens to vote is denied or abridged in some area by the requirement of the payment of a poll tax as a precondition to voting.

(b) In the exercise of the powers of Congress under section 5 of the fourteenth amendment and section 2 of the fifteenth amendment, the Attorney General is authorized and directed to institute forthwith in the name of the United States such actions, including actions against State or political subdivisions, for declaratory judgment or injunctive relief against the enforcement of any requirement of the payment of a poll tax as a precondition to voting, or substitute therefor enacted after November 1, 1964, as will be necessary to implement the declaration of subsection (a) and the purposes of this section.

(c) The district courts of the United States shall have jurisdiction of such actions which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.



# Voting Rights Act, 1965 (Pg.7)

(d) During the pendency of such actions, and thereafter if the courts, notwithstanding this action by the Congress, should declare the requirement of the payment of a poll tax to be constitutional, no citizen of the United States who is a resident of a State or political subdivision with respect to which determinations have been made under subsection 4(b) and a declaratory judgment has not been entered under subsection 4(a), during the first year he becomes otherwise entitled to vote by reason of registration by State or local officials or listings by an examiner, shall be denied the right to vote for failure to pay a poll tax if he tenders payment of such tax for the current year to an examiner or to the appropriate State or local official at least forty-five days prior to election, whether or not such tender would be timely or adequate under State law. An examiner shall have authority to accept such payment from any person authorized by this Act to make an application for listing, and shall issue a receipt for such payment. The examiner shall transmit promptly any such poll tax payment to the office of the State or local official authorized to receive such payment under State law, together with the name and address of the applicant.

**SEC. 11.** (a) No person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote under any provision of this Act or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person's vote.

(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote, or intimidate, threaten, or coerce any person for exercising any powers or duties under section 3(a), 6,8,9,10, or 12(e).

(c) Whoever knowingly or willing gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years, or both: *Provided, however,* That this provision shall be applicable only to general, special, or primary elections held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, or Delegates or Commissioner from the territories or possessions, or Resident Commissioner of the Commonwealth of Puerto Rico.

(d) Whoever, in any matter within the jurisdiction of an examiner or hearing officer knowingly and willfully falsifies or conceals a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

# Voting Rights Act, 1965 (Pg.8)

**SEC. 12.** (a) Whoever shall deprive or attempt to deprive any person of any right secured by section 2, 3, 4, 5, 7, or 10 or shall violate section 11(a) or (b), shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

(b) Whoever, within a year following an election in a political subdivision in which an examiner has been appointed (1) destroys, defaces, mutilates, or otherwise alters the marking of a paper ballot which has been cast in such election, or (2) alters any official record of voting in such election tabulated from a voting machine or otherwise, shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

(c) Whoever conspires to violate the provisions of subsection (a) or (b) of this section, or interferes with any right secured by section 2, 3, 4, 5, 7, 10, or 11(a) or (b) shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

(d) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 2, 3, 4, 5, 7, 10, 11, or subsection (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order, and including an order directed to the State and State or local election officials to require them (1) to permit persons listed under this Act to vote and (2) to count such votes.

(e) Whenever in any political subdivision in which there are examiners appointed pursuant to this Act any persons allege to such an examiner within forty-eight hours after the closing of the polls that notwithstanding (1) their listing under this Act or registration by an appropriate election official and (2) their eligibility to vote, they have not been permitted to vote in such election, the examiner shall forthwith notify the Attorney General if such allegations in his opinion appear to be well founded. Upon receipt of such notification, the Attorney General may forthwith file with the district court an application for an order providing for the marking, casting, and counting of the ballots of such persons and requiring the inclusion of their votes in the total before the results of such election shall be deemed final and any force or effect given thereto. The district court shall hear and determine such matters immediately after the filing of such application. The remedy provided in this subsection shall not preclude any remedy available under State or Federal law.

(f) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether a person asserting rights under the provision of this Act shall have exhausted any administrative or other remedies that may be provided by law.

**SEC. 13.** Listing procedures shall be terminated in any political subdivision of any State (a) with respect to examiners appointed pursuant to clause (b) of section 6 whenever the Attorney General notifies the Civil Service Commission, or whenever the District Court for the District of Columbia determines in an action for declaratory judgment brought by any political subdivision with respect to which the Director of the Census has determined that more than 50 per centum of the nonwhite persons of voting age residing therein are registered to vote, (1) that all persons listed by an examiner for such subdivision have been placed on the appropriate voting registration roll, and (2) that there is no longer reasonable cause to believe that persons will be deprived of or denied the right to vote on account of race or color in such subdivision, and (b), with respect to examiners appointed

# Voting Rights Act, 1965 (Pg.9)

pursuant to section 3(a), upon order of the authorizing court. A political subdivision may petition the Attorney General for the termination of listing procedures under clauses (a) of this section, and may petition the Attorney General to request the Director of the Census to take such survey or census as may be appropriate for making of the determination provided for in this section. The District Court for the District of Columbia shall have jurisdiction to require such survey or census to be made by the Director of the Census and it shall require him to do so if it deems the Attorney General's refusal to request such survey or census to be arbitrary or unreasonable.

**SEC. 14.** (a) All cases of criminal contempt arising under the provisions of this Act shall be governed by section 151 of the Civil Rights Act of 1957 (42 U.S.C. 1995).

(b) No court other than the District Court for the District of Columbia or a court of appeals in any proceeding under section 9 shall have jurisdiction to issue any declaratory judgment pursuant to section 4 or section 5 or any restraining order or temporary or permanent injunction against the execution or enforcement of any provision of this Act or any action of any Federal officer or employee pursuant hereto.

(c) (1) The terms "vote" or "voting" shall include all action necessary to make a vote effective in any primary, special, or general election, including, but not limited to, registration, listing pursuant to this Act, or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election.

(2) The term "political subdivision" shall mean any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall not include any other subdivision of a State which conducts registration for voting.

(d) In any action for a declaratory judgment brought pursuant to section 4 or section 5 of this Act, subpoenas for witnesses who are required to attend the District Court for the District of Columbia may be served in any judicial district of the United States: *Provided*, That no writ of subpoena shall issue for witnesses without the District of Columbia at a greater distance than one hundred miles from the place of holding court without the permission of the District Court for the District of Columbia being first had upon proper application and cause shown.

**SEC. 15.** Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), and amended by section 601 of the Civil Rights Act of 1960 (74 Stat. 90), and as further amended by section 101 of the Civil Rights Act of 1964 (78 Stat. 241), is further amended as follows:

- (a) Delete the word "Federal" wherever it appears in subsections (a) and (c);
- (b) Repeal subsection (f) and designate the present subsections (g) and (h) as (f) and (g), respectively.

**SEC. 16.** The Attorney General and the Secretary of Defense, jointly, shall make a full and complete study to determine whether, under the laws or practices of any State or States, there are preconditions to voting, which might tend to result in discrimination against citizens serving in the Armed Forces of the United States seeking to vote. Such

# Voting Rights Act, 1965 (Pg.10)

officials shall jointly, make a report to the Congress not later than June 30, 1966, containing the results of such study, together with a list of any States in which such preconditions exist, and shall include in such report such recommendations for legislation as they deem advisable to prevent discrimination in voting against citizens serving in the Armed Forces of the United States.

**SEC. 17.** Nothing in this Act shall be construed to deny, impair, or otherwise adversely affect the right to vote of any person registered to vote under the law of any State or political subdivision.

**SEC. 18.** There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

**SEC. 19.** If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

# Voting Rights Act, 1965 (Pg.11)

## Public Law 91-285

### AN ACT

To extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Voting Rights Act Amendments of 1970".

**Sec. 2.** The Voting Rights Act of 1965 (79 Stat. 437; 42 U.S.C. 1973 et seq.) is amended by inserting therein, immediately after the first section thereof, the following title caption:

### **"TITLE I—VOTING RIGHTS".**

**Sec. 3.** Section 4(a) of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973b) is amended by striking out the words "five years" wherever they appear in the first and third paragraphs thereof, and inserting in lieu thereof the words "ten years".

**Sec. 4.** Section 4(b) of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973b) is amended by adding at the end of the first paragraph thereof the following new sentence: "On and after August 6, 1970, in addition to any State or political subdivision of a State determined to be subject to subsection (a) pursuant to the previous sentence, the provisions of subsection (a) shall apply in any State or any political subdivision of a State which (i) the Attorney General determines maintained on November 1, 1968, any test or device, and with respect to which (ii) the Director of the Census determines that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1968, or that less than 50 per centum of such persons voted in the presidential election of November 1968."

**Sec 5.** Section 5 of the Voting Rights Act of 1965 (79 Stat. 439; 42 U.S.C. 1973c) is amended by (1) inserting after "section 4(a)" the following: "based upon determinations made under the first sentence of section 4 (b)", and (2) inserting after "1964," the following: "or whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) based upon determinations made under the second sentence of section 4(b) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1968,".

**Sec. 6.** The Voting Rights Act of 1965 (79 Stat. 437; 42 U.S.C. 1973 et seq.) is amended by adding at the end thereof the following new titles:

### **"TITLE II--SUPPLEMENTAL PROVISIONS".**

# Voting Rights Act, 1965 (Pg.12)

## “APPLICATION OF PROHIBITION TO OTHER STATES

“**Sec. 201.** (a) Prior to August 6, 1975, no citizen shall be denied because of his failure to comply with any test or device, the right to vote in any Federal, State, or local election conducted in any State or political subdivision of a State as to which the provisions of section 4 (a) of this Act are not in effect by reason of determinations made under section 4(b) of this Act.

“(b) As used in this section, the term ‘test or device’ means any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

## “RESIDENCE REQUIREMENTS FOR VOTING

“**Sec. 202.** (a) The Congress hereby finds that the imprisonment and application of the durational residency requirement as a precondition to voting for the offices of President and Vice President, and the lack of sufficient opportunities for absentee registration and absentee balloting in presidential elections—

“(1) denies or abridges the inherent constitutional right of citizens to vote for their president and Vice President;

“(2) denies or abridges the inherent constitutional right of citizens to enjoy their free movement across State lines;

“(3) denies or abridges the privileges and immunities guaranteed to the citizens of each State under article IV, section 2, clause 1, of the Constitution;

“(4) in some instances has the impermissible purpose or effect of denying citizens the right to vote for such officers because of the way they may vote;

“(5) has the effect of denying to citizens the equality of civil rights, and due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment; and

“(6) does not bear a reasonable relationship to any compelling State interest in the conduct of presidential elections.

“(b) Upon the basis of these findings, Congress declares that in order to secure and protect the above-stated rights of citizens under the Constitution, to enable citizens to better obtain the enjoyment of such rights, and to enforce the guarantees of the fourteenth amendment, it is necessary (1) to completely abolish the durational residency requirement as a precondition to voting for President and Vice President, and (2) to establish nationwide, uniform standards relative to absentee registration and absentee balloting in presidential elections.

“(c) No citizen of the United States who is otherwise qualified to vote in any election for President and Vice President shall be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to comply with any durational residency requirement of such State or political subdivision; nor shall any citizen of the United States be denied the right to vote for electors for President and Vice President, or for

# Voting Rights Act, 1965 (Pg.13)

President and Vice President, in such elections because of failure of such citizen to be physically present in such State or political subdivision at the time of such election, if such citizen shall have complied with the requirements prescribed by the law of such State or political subdivision providing for the casting of absentee ballots in such election.

“(d) For the purpose of this section, each State shall provide by law for the registration of other means of qualifications of a duly qualified residents of such State who apply, not later than thirty days immediately prior to any presidential election, for registration or qualification to vote for the choice of electors for President and Vice President or for President and Vice President in such election; and each State shall provide by law for the casting of absentee ballots for the choice of electors for President and Vice President, or for President and Vice President, by all duly qualifies residents of such State who may be absent from their election district or unit in such State on the day such election is held and who have applied therefor not later than seven days immediately prior to such election and have returned such ballots to the appropriate election official of such State not later than the time of closing of the polls in such State on the day of such election.

“(e) If any citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President has begun residence in such State or political subdivision after the thirtieth day next preceding such election and, for that reason, does not satisfy the registration requirements of such State or political subdivision he shall be allowed to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election, (1) in person in the State or political subdivision in which he resided immediately prior to his removal if he had satisfied, as of the date of his change of residence, the requirements to vote in that State or political subdivision, or (2) by absentee ballot in the State or political subdivision in which he resides immediately prior to his removal if he satisfies, but for his nonresident status and the reason for his absence, the requirements for absentee voting in that State or political subdivision.

“(f) No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for President and Vice President shall be denied the right to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election because of any requirement of registration that does not include a provision for absentee registration.

“(g) Nothing in this section shall prevent any State or political subdivision from adopting less restrictive voting practices than those that are prescribed herein.

“(h) The term ‘State’ as used in this section includes each of the several States and the District of Columbia.

“(i) The provisions of section 11 (c) shall apply to false registration, and other fraudulent acts and conspiracies, committed under this section.

## “JUDICIAL RELIEF

“**Sec. 203.** Whenever the Attorney General has reason to believe that a State or political subdivision (a) has enacted or is seeking to administer any test or device as a prerequisite to voting in violation of the prohibition contained in section 201, or (b) undertakes to

# Voting Rights Act, 1965 (Pg.14)

deny the right to vote in any election in violation of section 202, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate. An action under this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2282 of title 28 of the United States Code and any appeal shall be to the Supreme Court.

## “PENALTY

“**Sec. 204.** Whoever shall deprive or attempt to deprive any person of any right secured by section 201 or 202 of this title shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

## “SEPARABILITY

“**Sec. 205.** If any provision of this Act or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of this Act or the application of such provision to other persons or circumstances shall not be affected by such determination

## “TITLE III—REDUCING VOTING AGE TO EIGHTEEN IN FEDERAL, STATE AND LOCAL ELECTION

### “DECLARATION AND FINDINGS

“**Sec. 301.** (a) The Congress finds and declares that the imposition and application of the requirement that a citizen be twenty-one years of age as a precondition to voting in any primary or in any election—

“(1) denies and abridges the inherent constitutional rights of citizens eighteen years of age but not yet twenty-one years of age to vote—a particularly unfair treatment of such citizens in view of the national defense responsibility imposed upon such citizens;

“(2) has the effect of denying to citizens eighteen years of age but not yet twenty-one years of age the due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment of the Constitution; and

“(3) does not bear a reasonable relationship to any compelling State interest.

“(b) In order to secure the constitutional right set forth in subsection (a), the Congress declares that it is necessary to prohibit the denial of the right to vote to citizens of the United States eighteen years of age or over.



# Voting Rights Act, 1965 (Pg.15)

## “PROHIBITION

“**Sec. 302.** Except as required by the Constitution, no citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any primary or in any election shall be denied the right to vote in any such primary or election on account of age if such citizen is eighteen years of age or older.

## “ENFORCEMENT

“**Sec. 303.** (a) (1) In the exercise of the powers of the Congress under the necessary and proper clause of section 8, article I of the Constitution, and section 5 of the fourteenth amendment of the Constitution, the Attorney General is authorized and directed to institute in the name of the United States such actions against states or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the purposes of this title.

“(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this title, which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

“(b) Whoever shall deny or attempt to deny any person of any right secured by this title shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

## “DEFINITION

“**Sec. 304.** As used in this title the term ‘State’ includes the District of Columbia.

## “EFFECTIVE DATE

“**Sec. 305.** The provisions of title III shall take effect with respect to any primary or election held on or after January 1, 1971.”

**Approved June 22, 1970**

# Voting Rights Act, 1965 (Pg.16)

## Public Law 94-73

### An Act

To amend the Voting Rights Act of 1965 to extend certain provisions for an additional seven years, to make permanent the ban against certain prerequisites to voting, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### TITLE I

**Sec. 101.** Section 4(a) of the Voting Rights Act of 1965 is amended by striking out “ten” each time it appears and inserting in lieu thereof “seventeen”.

**Sec. 102.** Section 201(a) of the Voting Rights Act of 1965 is amended by—

- (1) striking out “Prior to August 6, 1975, no” and inserting “No” in lieu thereof; and
- (2) striking out “as to which the provisions of section 4(a) of this Act are not in effect by reason of determinations made under section 4(b) of this Act.” and inserting in lieu thereof a period.

### TITLE II

**Sec. 201.** Section 4(a) of the Voting Rights Act of 1965 is amended by—

- (1) inserting immediately after “determinations have been made under” the following: “the first two sentences of”;
- (2) adding at the end of the first paragraph thereof the following new sentence: “No citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under the third sentence of subsection (b) of this section or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no such test or device has been used during the ten years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f) (2): *Provided*, That no such declaratory judgment shall issue with respect to any plaintiff for a period of ten years after the entry of a final judgment of any court of the United States other than the denial of a declaratory judgment under this section, whether entered prior to or after the enactment of this paragraph, determining that denials or abridgments of the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f) (2) through the use of tests or devices have occurred anywhere in the territory of such plaintiff.”;

# Voting Rights Act, 1965 (Pg.17)

(3) striking out “the action” in the third paragraph thereof, and by inserting in lieu thereof “an action under the first sentence of this subsection”; and

(4) inserting immediately after the third paragraph thereof the following new paragraph:

“If the Attorney General determines that he has no reason to believe that any such test or device has been used during the ten years preceding the filing of an action under the second sentence of this subsection for the purpose of with the effect of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f) (2), he shall consent to the entry of such judgment.”.

**Sec. 202.** Section 4 (b) of the Voting Rights Act of 1965 is amended by adding at the end of the first paragraph thereof the following: “On and after August 6, 1975, in addition to any State or political subdivision of a State determined to be subject to subsection (a) pursuant to the previous two sentences, the provisions of subsection (a) shall apply in any State or any political subdivision of a State which (i) the Attorney General determines maintained on November 1, 1972, any test or device, and with respect to which (ii) the Director of the Census determines that less than 50 per centum of the citizens of voting age were registered on November 1, 1972, or that less than 50 per centum of such persons voted in the presidential election of November 1972.”.

**Sec. 203.** Section 4 of the Voting Rights Act of 1965 is amended by adding the following new subsection:

“(f) (1) The Congress finds that voting discrimination against citizens of language minorities is pervasive and national in scope. Such minority citizens are from environments in which the dominant language is other than English. In addition they have been denied equal educational opportunities by State and local governments, resulting in severe disabilities and continuing illiteracy in the English language. The Congress further finds that, where State and local officials conduct elections only in English, language minority citizens are excluded from participating in the electoral process. In many areas of the country, this exclusion is aggravated by acts of physical, economic, and political intimidation. The Congress declares that, in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting English-only elections, and by prescribing other remedial devices.

“(2) No voting qualifications or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote because he is a member of a language minority group.

“(3) In addition to the meaning given the term under section 4(c), the term ‘test or device’ shall also mean any practice or requirement by which any State or political subdivision provided any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language, where the Director of the Census determines that more than five per centum of the citizens of voting age residing in such State or political subdivision are members of a single language minority. With respect to section 4(b), the term ‘test or

# Voting Rights Act, 1965 (Pg.18)

device', as defined in this subsection, shall be employed only in making the determinations under the third sentence of that subsection.

“(4) Whenever any State or political subdivision subject to the prohibitions of the second sentence of section 4(a) provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable language minority group as well as in the English language: *Provided*, That where the language of the applicable minority group is oral or unwritten, the State or political subdivision is only required to furnish oral instructions, assistance, or other information relating to registration and voting.”.

**Sec. 204.** Section 5 of the Voting Rights Act of 1965 is amended by inserting after November 1, 1968,” the following: “or whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) based upon determination made under the third sentence of section 4(b) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1972.”.

**Sec. 205.** Sections 3 and 6 of the Voting Rights Act of 1965 are each amended by striking out “fifteenth amendment” each time it appears and inserting in lieu thereof “fourteenth or fifteenth amendment”.

**Sec. 206.** Sections 2, 3, the second paragraph of section 4(a), and sections 4(d), 5, 6, and 13 of the Voting Rights Act of 1965 are each amended by adding immediately after “on account of race or color” each time it appears the following: “, or in contravention of the guarantees set forth in section 4(f) (2)”.

**Sec. 207.** Section 14(c) is amended by adding at the end the following new paragraph:  
“(3) The term ‘language minorities’ or ‘language minority group’ means persons who are American Indian, Asian American, Alaskan Natives or of Spanish heritage.”.

**Sec. 208.** If any amendments made by this Act or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of the Voting Rights Act of 1965, or the application of such provision to other persons or circumstances shall not be affected by such determination.

## TITLE III

**Sec. 301.** The Voting Rights Act of 1965 is amended by inserting the following new section immediately after section 202:

### “BILINGUAL ELECTION REQUIREMENTS

“**Sec. 203.** (a) The Congress finds that, through the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process. Among other factors, the denial of the right to vote

# Voting Rights Act, 1965 (Pg.19)

of such minority group citizens is ordinarily directly related to the unequal educational opportunities afforded them, resulting in high illiteracy and low voting participation. The Congress declares that, in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting these practices, and by prescribing other remedial devices.

“(b) Prior to August 6, 1985, no State or political subdivision shall provide registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language if the Director of the Census determines (i) that more than 5 percent of the citizens of voting age of such State or political subdivision are members of a single language minority and (ii) that the illiteracy rate of such persons as a group is higher than the national illiteracy rate: *Provided*, That the prohibitions of this subsection shall not apply in any political subdivision which has less than five percent voting age citizens of each language minority which comprises over five percent of the statewide population of voting age citizens. For purposes of this subsection, illiteracy means the failure to complete the fifth primary grade. The determinations of the Director of the Census under this subsection shall be effective upon publication in the Federal Register and shall not be subject to review in any court.

“(c) Whenever any State or political subdivision subject to the prohibition of subsection (b) of this section provides any registration or voting notices, forms, instruction, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language: *Provided*, That where the language of the applicable minority group is oral or unwritten or in the case of Alaskan natives, if the predominant language is historically unwritten, the State or political subdivision is only required to furnish oral instructions, assistance, or other information relating to registration and voting.

“(d) Any State or political subdivision subject to the prohibition of subsection (b) of this section, which seeks to provided English-only registration or voting materials or information, including ballots, may file an action against the United States in the United States District Court for a declaratory judgment permitting such provision. The court shall grant the requested relief if it determines that the illiteracy rate of the applicable language minority group within the State or political subdivision is equal to or less than the national illiteracy rate.

“(e) For purposes of this section, the term ‘language minorities’ or ‘language minority group’ means persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage.”

**Sec. 302.** Sections 203, 204, and 205 of the Voting Rights Act of 1965, are redesignated as 204, 205, and 206, respectively.

**Sec. 303.** Section 203 of the Voting Rights Act of 1965, as redesignated section 204 by section 302 of this Act, is amended by inserting immediately after “in violation of section 202,” the following: “or 203,”.

# Voting Rights Act, 1965 (Pg.20)

**Sec. 304.** Section 204 of the Voting Rights Act of 1965, as redesignated section 205 by section 302 of this Act, is amended by striking out “or 202” and inserting in lieu thereof “, 202, or 203”.

## TITLE IV

**Sec. 401.** Section 3 of the Voting Rights Act of 1965 is amended by striking out “Attorney General” the first three times it appears and inserting in lieu thereof the following “Attorney General or an aggrieved person”.

**Sec. 402.** Section 14 of the Voting Rights Act of 1965 is amended by adding at the end thereof the following new subsection:

“(e) In any action or proceeding to enforce the voting guarantees of the fourteenth or fifteenth amendment, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney’s fee as part of the cost.”.

**Sec. 403.** Title II of the Voting Rights Act of 1965 is amended by adding at the end thereof the following new section:

“Sec. 207. (a) Congress hereby directs the Director of the Census forthwith to conduct a survey to compile registration and voting statistics: (i) in every State or political subdivision with respect to which the prohibitions of section 4(a) of the Voting Rights Act of 1965 are in effect, for every statewide general election for Members of the United States House of Representative after January 1, 1974; and (ii) in every State or political subdivision for any election designated by the United States Commission on Civil Rights. Such survey shall only include a count of citizens of voting age, race or color, and national origin, and a determination of the extent to which such persons are registered to vote and have in the elections surveyed.

“(b) In any survey under subsection (a) of this section no person shall be compelled to disclose his race, color national origin, political party affiliation, or how he voted (or the reasons therefor), nor shall any penalty be imposed for his failure or refusal to make such disclosures. Every person interrogated orally, by written survey or questionnaire, or by any other mean with respect to such information shall be fully advised of his right to fail or refuse to furnish such information.

“(c) The Director of the Census shall, at the earliest practicable time, report to the Congress the results of every survey conducted pursuant to the provisions of subsection (a) of this section.”

“(d) The provisions of section 9 and chapter 7 of title 13 of the United States Code shall apply to any survey, collection, or compilation of registration and voting statistics carried out under subsection (a) of this section,”

**Sec. 404.** Section 11(c) of the Voting Rights Act of 1965 is amended by inserting after “Columbia,” the following words: “Guam, or the Virgin Islands,”.

**Sec. 405.** Section 5 of the Voting Rights Act of 1965 is amended—

(1) by striking out “except that neither” and inserting in lieu thereof the following: “or upon good cause shown, to facilitate an expedited approval within sixty

# Voting Rights Act, 1965 (Pg.21)

days after such submission, the Attorney General has affirmatively indicated that such objection will not be made. Neither an affirmative indication by the Attorney General that no objection will be made, not”;

(2) by placing after the word “failure to object” a comma; and

(3) by inserting immediately before the final sentence thereof the following: “In the event the Attorney General affirmatively indicates that no objection will be made within the sixty-day period following receipt of a submission if additional information comes to his attention during the remainder of the sixty-day period which would otherwise require objection in accordance with this section.”.

**Sec. 406.** Section 203 of the Voting Rights Act of 1965, as redesignated 204 by section 302 of this Act, is amended by striking out “section 2282 of title 28” and inserting “section 2284 of title 28” in lieu thereof.

**Sec. 407.** Title III of the Voting Rights Act of 1965 is amended to read as follows:

## “TITLE III—EIGHTEEN-YEAR-OLD VOTING AGE

### “ENFORCEMENT OF TWENTY-SIXTH AMENDMENT

“**Sec. 301.** (a) (1) The Attorney General is directed to institute, in the name of the United States, such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the twenty-six article of amendment to the Constitution of the United States.

“(2) The district courts of the United States shall have jurisdiction of proceedings instituted under this title, which shall be heard and determined by a court of three judges in accordance with section 2284 of title 28 of the United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determinations thereof, and to cause the case to be in every way expedited.

“(b) Whoever shall deny or attempt to deny any person of any right secured by the twenty-sixth article of amendment to the Constitution of the United States shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

### “DEFINITION

“**Sec. 302.** As used in this title, the term ‘State’ includes the District of Columbia.”.

**Sec. 408.** Section 10 of the Voting Rights Act of 1965 is amended—

(1) by striking out subsection (d);

(2) in subsection (b), by inserting “and section 2 of the twenty-fourth amendment” immediately after “fifteenth amendment”; and

(3) by striking out “and” the first time it appears in subsection (b), and inserting in lieu thereof a comma.

# Voting Rights Act, 1965 (Pg.22)

**Sec. 409.** Section 11 of the Voting Rights Act of 1965 is amended by adding at the end the following new subsection:

“(e) (1) Whoever votes more than once in an election referred to in paragraph (2) shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

“(2) The prohibition of this subsection applies with respect to any general, special, or primary election held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, Guam, or the Virgin Islands, or Resident Commissioner of the Commonwealth of Puerto Rico.

“(3) As used in this subsection, the term ‘votes more than once’ does not include the casting of an additional ballot if all prior ballots of that voter were invalidated, not does it include the voting in two jurisdictions under section 202 of this Act, to extent two ballots are not cast for an election to the same candidacy or office.”

**Sec. 410.** Section 3 of the Voting Rights Act of 1965 is amended by inserting immediately before “guarantees” each time it appears the following “voting”.

**Approved August 6, 1975.**



# Voting Rights Act, 1965 (Pg.23)

## Public Law 97-205 97<sup>th</sup> Congress

### An Act

To amend the Voting Rights Act of 1965 to extend the effect of certain provisions, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Voting Rights Act Amendments of 1982".*

**Sec. 2.** (a) Subsection (a) of section 4 of the Voting Rights Act of 1965 is amended by striking out "seventeen years" each place it appears and inserting in lieu thereof "nineteen years".

(b) Effective on and after August 5, 1984, subsection (a) of section 4 of the Voting Rights Act of 1965 is amended—

(1) by inserting "(1)" after "(a)";

(2) by inserting "or in any political subdivision of such State (as such subdivision existed on the date such determinations were made with respect to such State), though such determinations were not made with respect to such subdivision as a separate unit," before "or in any political subdivision with respect to which" each place it appears'

(3) by striking out "in an action for a declaratory judgement" the first place it appears and all that follows through "color through the use of such tests or devices have occurred anywhere in the territory of such plaintiff.", and inserting in lieu thereof "issues a declaratory judgement under this section.";

(4) by striking out "in an action for a declaratory judgment" the second place it appears and all that follow through "section 4(f)(2) through the use of tests or devices have occurred anywhere in the territory of such plaintiff.", and inserting in lieu thereof the following:

"issues a declaratory judgment under this section. A declaratory judgment under this section shall issue only if such court determines that during the ten years preceding the filing of the action, and during the pendency of such action—

"(A) no such test or device has been used within such State or political subdivision for the purpose or with the effect of denying or abridging the right to vote on account of race or color or (in the case of a State or subdivision seeking a declaratory judgement under the second sentence of this subsection) in contravention of the guarantees of subsection (f)(2);

"(B) no final judgment of any court of the United States, other than the denial of declaratory judgment under this section, has determined that denial or abridgements of the right to vote on account of race or color have occurred anywhere in the territory of such State or political subdivision or (in the case of a State or subdivision seeking a declaratory judgment under the second sentence of this subsection) that denials or abridgments of the right to vote in contravention of the guarantees of subsection (f)(2) have occurred anywhere in the territory of such or subdivision and no consent decree,

# Voting Rights Act, 1965 (Pg.24)

settlement, or agreement has been entered into resulting in any abandonment of a voting practice challenged on such grounds; and no declaratory judgment under this section shall be entered during the pendency of an action commenced before the filing of an action under this section and alleging such denial or abridgments of the right to vote;

“(C) no Federal examiners under this Act have been assigned to such State or political subdivision;

“(D) such State or political subdivision and all governmental units within its territory have complied with section 5 of this Act, including compliance with the requirement that no change covered by section 5 has been enforced without preclearance under section 5, and have repealed all changes covered by section 5 to which the Attorney General has successfully objected or as to which the United States District Court for the District of Columbia has denied a declaratory judgment;

“(E) the Attorney General has not interposed any objection (that has not been overturned by a final judgment of a court) and no declaratory judgment has been denied under section 5, with respect to any submission by or on behalf of the plaintiff or any governmental unit within its territory under section 5, and no such submissions or declaratory judgment actions are pending; and

“(F) such State or political subdivision and all governmental units within its territory—

“(i) have eliminated voting procedures and methods of election which inhibit or dilute equal access to the electoral process;

“(ii) have engaged in constructive efforts to eliminate intimidation and harassment of persons exercising rights protected under this Act; and

“(iii) have engaged in other constructive efforts, such as expanded opportunity for convenient registration and voting for every person of voting age and the appointment of minority persons as election officials throughout the jurisdiction and at all stages of the election and registration process.

“(2) To assist the court in determining whether to issue a declaratory judgment under this subsection, the plaintiff shall present evidence of minority participation, including evidence of the levels of minority group registration and voting, changes in such levels over time, and disparities between minority-groups and non-minority-group participation.

“(3) No declaratory judgment shall issue under this subsection with respect to such State or political subdivision is such plaintiff and governmental units within its territory have, during the period beginning ten years before the date the judgment is issued, engaged in violations of any provision of the Constitution or laws of the United States or any State or political subdivision with respect to discrimination in voting on account of race or color or (in the case of a State or subdivision seeking a declaratory judgment under the second sentence of this subsection) in contravention of the guarantees of subsection (f)(2) unless the plaintiff establishes that any such violations were trivial, were promptly corrected, and were not repeated.

“(4) The State or political subdivision bringing such action shall publicize the intended commencement and any proposed settlement of such action in the media serving such State or political subdivision and in appropriate United States post offices. Any aggrieved party may as of right intervene at any stage in such action.”;

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(5) in the second paragraph—

(A) by inserting “(5)” before “An action”; and

(B) by striking out “five” and all that follows through “section 4(f)(2).”, and inserting in lieu thereof “ten years after judgment and shall reopen the action upon motion of the Attorney General or any aggrieved person alleging that conduct has occurred which, had that conduct occurred which, had that conduct occurred during the ten-year periods referred to in this subsection, would have precluded the issuance of a declaratory judgment under this subsection. The court, upon such reopening, shall vacate the declaratory judgment issued under this section if, after the issuance of such declaratory judgment was issued, a final judgment against the State of subdivision with respect to which such declaratory judgment was issued, or against any governmental unit within that State or subdivision, determines that denials or abridgments of the right to vote on account of race or color have occurred anywhere in the territory of such State or political subdivision or (in the case of a State or subdivision which sought a declaratory judgment under the second sentence of this subsection) that denials or abridgments of the right to vote in contravention of the guarantees of subsection (f)(2) have occurred anywhere in the territory of such State or subdivision, or if, after the issuance of such declaratory judgment, a consent decree, settlement, or agreement has been entered into resulting in any abandonment of a voting practice challenged on such grounds.”; and

(6) by striking out “If the Attorney General” the first place it appears and all that follows through the end of such subsection and inserting in lieu thereof the following:

“(6) If, after two years from the date of the filing of a declaratory judgment under this subsection, no date has been set for a hearing in such action, and that delay has not been the result of an avoidable delay on the part of counsel for any party, the chief judge of the United States District Court for the District of Columbia may request the Judicial Council for the Circuit Court of the District of Columbia to provide the necessary judicial resources to expedite any action filed under this section. If such resources are unavailable within the circuit, the chief judge shall file a certificate of necessity in accordance with section 292(d) of title 28 of the United States Code.

“(7) The Congress shall reconsider the provisions of this section at the end of the fifteen-year period following the effective date of the amendments made by the Voting Rights Act Amendments of 1982.

“(8) The provisions of this section shall expire at the end of the twenty-five-year period following the effective date of the amendments made by the Voting Rights Act Amendments of 1982.

“(9) Nothing in this section shall prohibit the Attorney General from consenting to an entry of judgment if based upon a showing of objective and compelling evidence by the plaintiff, and upon investigation, he is satisfied that the State or political subdivision has complied with the requirements of section 4(a)(1). Any aggrieved party may as of right intervene at any stage in such action.”.

(c) Section 4(f)(4) of the Voting Rights Act of 1965 is amended by inserting after “unwritten” in the proviso the following: “or in the case of Alaskan Natives and American Indians, if the predominate language is historically unwritten”.

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(d) Section 203 (c) of such Act is amended by inserting after “Natives” in the proviso the following: “and American Indians”.

**Sec. 3.** Section 2 of the Voting Rights Act of 1965 is amended to read as follows:

“Sec. 2. (a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgment of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2), as provided in subsection (b).

(b) A violation of subsection (a) is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered: *Provided*, That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.”.

**Sec. 4.** Section 203(b) of the Voting Rights Act of 1965 is amended by striking out “August 6, 1985” and inserting in lieu thereof “August 6, 1992”, and the extension made by this section shall apply only to determinations made by the Director of the Census under clause (i) of section 203(b) for members of a single language minority who do not speak or understand English adequately enough to participate in the electoral process when such a determination can be made by the Director of the Census based on the 1980 and subsequent census data.

**Sec. 5.** Effective January 1, 1984, title II of the Voting Rights Act of 1965 is amended by adding at the end the following section:

## “VOTING ASSISTANCE

“**Sec. 208.** Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter’s choice, other than the voter’s employer or agent of the employer or office or agent of the voter’s union.”.

**Sec. 6.** Except as otherwise provided in this Act, the amendments made by this Act shall take effect on the date of the enactment of this Act.

**Approved June 29, 1982.**

# Meskwaki Land Purchases, 2004

