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MEMORANDUM ON FLATHEAD INDIAN RESERVATION RELATIONS

The Confederated Salish and Kootenai Tribes have been residents of western Montana since the 1850s and, in 1890, the Tribes firmly settled in the Flathead Valley. This tribal community has become more integrated with other segments of our society than most Indian Tribes in the state. One of the major reasons was the 1910 decision to open homesteading on non-allotted lands on the Flathead Reservation. This action created a scattered land ownership pattern between Indians and non-Indians resulting in a large inter-racial community.

The homesteading process was reversed in 1934 and, since that time, there has been a gradual effort on the part of the Confederated Salish and Kootenai Tribes to reassert their rights. This, the Tribe, is now doing through the Nation's court system. The Flathead Reservation is not public domain and title to the land is divided up generally in three categories --tribal, individual Indian patents, and non-Indian.

From time to time issues have developed through misinformation. All parties concerned must work together in order to avoid unnecessary confrontation.

One of the perennial questions that arises concerns the tax responsibility of Indians on Reservations. Indians pay all Federal taxes just like any other United States citizen with the exception of income from lands held in trust. Income from fee patent lands is taxable and all Federal taxes such as income and excise are collected

from these enrolled members the same as any other citizen. The courts have determined that states do not have jurisdiction over Federal Indian Reservations; therefore, enrolled members are not responsible to pay state taxes on the Reservation or comply with state civil laws except by prior agreement. To date, the courts have supported tribal authority.

Outside of the Reservation, all Indian residents are subject to the same state laws as anyone else living in Montana. All Federal criminal and civil laws do apply on the Reservation.

The policy of the Federal Government in recent years has been firmly against termination of Federal control over Reservations without local consent. They have, however, supported programs of Indian self-determination and, when achieved, the enrolled members will have an opportunity to decide future relationships with the Federal Government. A point in case is the recent restoration of the Menominee Tribe from termination back to Federal jurisdiction.

Questions pertaining to tribal authority for hunting and fishing, access to the south half of Flathead Lake, and water rights are all matters which will have to be resolved by the U. S. Courts. This is a process which has been supported by both the Tribal Council and the local county commissioners.

The Tribe has in its efforts to protect their legal rights engaged the services of competent legal counsel. This counsel is financed by Tribal funds derived from timber sales, Kerr Dam, and leasing of lands. The tribe does have a substantial income which is not provided by the Federal Government.

The current problems in the Flathead Valley can best be resolved, in my opinion, by all working together to develop a true understanding of what is intended.