

duplex character was permitted to overflow into its title. The act, as it appears to-day on the statute-book, is simply one "To Ratify an Agreement with the Indians of the Fort Hall Reservation in Idaho, and Making Appropriations to Carry the Same into Effect." For five sections you will find no mention of any other Indians than these in Idaho; then you come to Section 6, which, without so much as a break or separate introduction, leaps a thousand miles across the country into the Territory of Oklahoma, and proceeds to dispose of the property of three tribes there! I dare say that the bulk of the members of Congress who voted for that bill took for granted that its title told the whole story. Any bill whereby the government undertakes to "ratify an agreement" it has made with a band of Indians is presumptively a virtuous measure, so why not vote for it?

Well, the Oklahoma end of the act was also, on its surface, the ratification of an agreement. The trouble was that the agreement reached with the Indians proposed one plan, whereas the so-called ratification enacted into law was a very different plan, not nearly so favorable from the Indian point of view. The sequel of the incident was dramatic and memorable. Lone Wolf, a deposed chief of one of the tribes affected, saw his opportunity to win back some of his lost popularity by heading a movement to prevent the government from cutting up the reservation. The Indian Rights Association took up his cause, and supplied him with money and counsel to bring a test suit. The Supreme Court's decision was against them, substantially sweeping away the last remnant of an illusion that the Indians on an ordinary reservation owned it, or had any rights in it save by the grace of Congress.

#### A FRAUD THAT WAS CHECKED

By an unwritten rule of courtesy, Congress, before acting on a measure affecting Indians, usually submits it to the Secretary of the Interior for his opinion, and the Secretary calls the Commissioner into consultation about it. But if the interested members fear opposition from the Secretary they sometimes dispense with this formality. While I was Commissioner a bill was passed to open and sell to settlers about a half-million acres of Indian land in Oklahoma. The upset price was fixed at \$1.50 an acre. The bill was never submitted to the Secre-

tary, and President Roosevelt—who gave my administration a support such as no Commissioner before or since has enjoyed from a President—refused to sign it till he had heard from me; and I withheld my assent till it had been changed in a few particulars for the welfare of the Indians and the minimum price raised to \$5.

#### A SQUARE DEAL FROM ROOSEVELT

The act was called back, amended satisfactorily, and repassed. We sold that land under sealed bids, and realized for the Kiowa, Comanche, and Apache Indians more than \$4,000,000. If it had been sold for \$1.50 an acre it would have brought only \$750,000.

A case illustrating another phase of the same danger was that of the Sac and Fox Indians, whom the government had provided with a reservation in Oklahoma, whence a minority, after some factional quarreling, presently seceded and removed to Iowa. Controversies arose about the division of the tribal funds, and the Iowa delegation in Congress, without consulting our department, had a bill passed awarding a disputed sum of about \$450,000 to the Iowa seceders. President Roosevelt withstood the pressure from all these gentlemen, and even from two Iowans who were members of his own cabinet, and vetoed the bill at my instance.

Then a substitute bill was passed, on lines laid down by our department, referring the whole controversy to the courts. It took five years to carry the litigation through, but in the end the Supreme Court decided against the Iowa seceders, and awarded the \$450,000 to the Oklahoma stay-at-homes as legally entitled to it!

A more subtle device is to avoid the perils of an independent bill by putting any dubious legislation into the form of a "rider" attached to a big appropriation bill containing items which the Indian Bureau is known to regard as of high importance. Then comes a crisis. Shall the President veto the entire bill in order to get rid of this paragraph? Usually the annual Indian appropriation act is held over on some pretext till the closing days of a session, when all business has to be done in a hurry and everybody is tired out. This makes doubly difficult the decision of the President's duty unless the paragraph is inherently vicious enough to justify the most drastic course.