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## **National Congress of American Indians (NCAI) records – Phoenix, AZ: Speeches, 1953**

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their political weapon to help elect public officials to the Congress and State legislatures, and other deciding state officers exercising any influence in Indian Affairs administration. The time for such action is here now. And it is hoped that this simple presentation of the facts as they exist and with relation to the Indian rights under the law, may help clear the procedure necessary for effective action by the Indian.

Authority of state to tax Indian property. Many of the states by virtue of their enabling acts prevent themselves from taxing Indian property. In Montana, the enabling act by Section IV, providing for the admission of Montana into the Union, Act of February 22, 1889, declares through its ordinance: 1. In the Montana Constitution. This Ordinance that I want to read from a Montana Constitution exists in many states west of the Mississippi and Missouri Rivers, so that it may apply to your own states. "That the people inhabiting such states, inhabiting such supposed states, do agree and declare that they forever disclaim all rights of title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian tribes; and that they will until the title thereto shall have been extinguished by the United States. That the same shall be and remain subject to the disposition of the United States and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States."

Also by Ordinance No. 1 of Montana's Constitution, power is withheld from the taxing officials of the State to tax the lands of an Indian allottee. Also, by the trust patents issued to Indians, and you all have it, the United States promises to hold such lands thus allotted free of any form of taxation for a period of 25 years or longer as the President may determine. The legal effect on such a trust patent was given consideration by the United States Supreme Court in the case of the United States vs. Ricketts, 188 U. S., which in effect decided that the United States disclaimed its hold on the land allotted for the period of 25 years after allotment or longer as determined by the President, and also, that the taxing of the same while the United States held the title in trust should be null and void.

Now, in Kagama, the same thing was repeated. United States vs. Alex Kagama, 118 U.S. See also the Santa Rita Oil Company in Montana came out in the Supreme Court decision and said there that Indian tribal property up there and the oil produced therefrom, the Indians equity, the Indians oil royalty up here cannot be taxed by the taxing authorities of the states.

Now then, they go on. Now I want to come to this taxing business that stated in Oklahoma and is sweeping the country and I'll be through. All of these cases have been under the complete control and authority of the United States, and in the absence of Congressional consent, the states are without authority to the imposition of state taxes. Now then, to overcome these existing legal handicaps, there now appears before Congress, Senate Bills 331, 335, 332 by Senator Malone, Senator Butler; Senate 2515 to abolish the Bureau of Indian Affairs, which was produced as a result by Senator Malone of Nevada to remove the guardianship over Indians, the trusteeship over lands and to repeal the Wheeler-Howard Act, the Act of June 18, 1934, etc. House current resolution 108, by Mr. Harrison of Wyoming. The sense of this resolution which proclaimed to the word and sent to the

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