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The Department of the Interior has asked Congress for legislation to authorize disposition of funds arising from a $567,000 judgment in favor of the Snake or Paiute Indians (in this case, the names are synonymous) of the former Malheur Reservation in Oregon.

A proposed bill submitted by the Department brings to light an obscure and interesting bit of American history and focuses attention on the complexities, hat often arose as a result of the settlement of Indian tribes on reservations. The requested legislation would authorize and direct the Secretary of the Interior to prepare a roll of persons of Snake or Paiute Indian blood living on the date the bill becomes law, who were members or who are lineal descendants of members of the bands as they existed in 1879 and whose chiefs or headmen were parties to an unratified treaty of December 10, 1868.

The problem is that records of membership and of descendancy establishing membership are vague and unreliable.

The Snake Indians are a group of the Shoshonean stock which inhabited the great plateau lands of western Utah, northern Arizona, southern Idaho, eastern Oregon, Nevada, and southern and eastern California. The name of Northern Paiute was given to, and has been retained by, the tribes or bands of the Paviotso of Nevada and the Snakes of eastern Oregon.

Tribes of the Shoshoni were affected along with other Indian tribes, by the great western migration of settlers; the hysteria occasioned by the discovery of gold and other ores; and the introduction of livestock to lands used by the Indians as a source of food plants and animals. Completion of the first trans-continental railroad in 1869 brought the native period in that area virtually to an end.

The Federal Government, three years earlier, had extended its authority without formal purchase over the territory of the "Western Shoshoni" and included within it the northern part of the lands occupied by the Northern Paiute tribes, assuming "the right of satisfying their claims by assigning them such reservations as might seem essential for their occupancy and supplying them in such degree as might seem proper with necessaries of life."

From 1864 to 1874 the President, by Executive Order, created several reservations to accommodate the Northern Paiute, including, in 1872, the Malheur Reservation for the Snake Indians. The lands were taken into possession by the Government "without formal relinquishment by the Indians," who did not, by any means, confine themselves to the reservations established for them.

In December 1868, the chiefs and headmen of the Snake--We-you-wa-wa, Caha-nee, E-hi-gast, Po-nee, Chaw-wat-na-nee, Ow-its, and Yash-a-go--signed a treaty with the Federal Government. The treaty was never ratified by the United States Senate. Thereafter, and for diverse reasons, the Snake or Paiute Indians became increasingly hostile to the changes that were taking place around them and reluctant to accept the reservation environment that was eventual thrust upon them. The Bannock, a detached branch of the Northern Paiute, enlisted the sympathy and support of the Snake in an uprising in 1878 occasioned by the loss of Bannock lands, failure of the buffalo herds, and the lack of prompt relief on

the part of the Government.

The uprising was suppressed in 1879 by Gen. O. O. Howard and the Snake were removed by the military to the Yakima Reservation in the State of Washington. Soon after their arrival on the Yakima Reservation, the Snake or Paiute began drifting away. Many went back to their old home country in Harney Valley and settled in what is now the town of Burns, Oregon, where some still reside. Some affiliated with other bands of Paiute. Others settled on the Warm Springs Reservation in Oregon. The Malheur Reservation, upon which they were originally settled, was abandoned and later restored to the public domain without compensation to the Indians.

As a result of the scattering of the Snake following settlement on the Yakima Reservation, and their continued affiliation with the Bannock, efforts to locate a record of the members of the respective bands of Snake or Paiute Indians whose chiefs were parties to the unratified treaty of December 10, 1868, have been unsuccessful. An 1877 census roll and an 1875 subsistence list appear to be the best records available to establish eligibility of living Snake or Paiute Indians to share in the distribution of the judgment funds. However, these records not on list the names of Indians who were members of the seven bands whose chiefs signed the unratified treaty, but they include names of all individual Indians who were living on the Malheur Reservation and who were eligible to receive subsistence at that agency. Some of these Indians were Bannocks, who have no legal claim to compensation for the lands comprising the former Malheur Reservation, the Department said.

The proposed bill, recognizing the lack of adequate official records of membership, includes language which will permit persons who were members of the seven Snake or Paiute bands who are still living, and descendants of the original members of the bands, to apply for enrollment, using whatever records are available to establish the validity of their claim to benefit in the judgment funds, regardless of their present tribal affiliation.

Under the proposed bill, the Secretary of the Interior would be authorized to prorate the funds and distribute the shares of the living enrollees directly to such enrollees, or in such manner as he decides is in the best interest of the enrollees. This will permit pooling the shares of those who are enrolled or are eligible for enrollment and who elect to spend their shares for reservation development. It also permits payment directly to adults having no present affiliation with other enrollees, and provides for Secretarial responsibility for disposition of shares of minors or persons under legal disability.

The judgment fund constitutes payment for the lands which were set aside by Executive Order in 1872 for use and occupancy of the individual bands of Snake or Paiute Indians and were, by Executive Orders issued in 1882 and 1883, restored to the public domain without payment of any compensation to the Indians. Legal fees and other expenses reduced the amount of $468,395.50, but this, drawing interest at 4 percent per year, had grown to the substantial sum of $519,827.49 by June 5, 1963.