Confederated Salish and Kootenai Tribes

-The Treaty of Hellgate
-The Flathead Allotment Act
-Homesteading on the Flathead Indian Reservation

May 21, 2015
United States Constitution

- Treaty Clause
- Article II, Section 2, Clause 2

- The President may enter into Treaties with the consent of Congress
Treaties made under the authority of the United States shall be the supreme law of the land.
Treaty of Hellgate

- July 16, 1855 (12 Stat. 975)
- The CS&K Tribes ceded over 20 million acres within its aboriginal territory and reserved 1.3 million acres in northwest Montana.
- The Tribes aboriginal territory extended into eastern Montana and parts of Idaho, Wyoming, and British Columbia.
The Hellgate Treaty differs with the treaties signed by other tribes in Montana.

Stevens Treaty

The CS&K Tribes reserved the right to fish throughout its aboriginal territory and the right to hunt and gather on open and unclaimed lands throughout its aboriginal territory.
Flathead Allotment Act

- April 23, 1904 (33 Stat. 302)
- Tribal members assigned 80 or 160 acre allotments
- Purpose to convert Tribal members to an agrarian society
- 245,000 acres set aside for allotments, the rest was open to homesteading
Flathead Allotment Act Amendments and other Acts

- **June 20, 1908** (35 Stat. 444)

- Authorized construction of the Flathead Indian Irrigation Project, roughly 127,000 acres in size (2015)

- Approximately 18,500 acres set aside for the creation of the National Bison Range (Act of May 23, 1908; 35 Stat. 251, 267-8)

- Further Tribal lands set aside for allotments in 1920 (roughly 125,000 acres)
Homesteading

- April 1910, the Flathead Indian Reservation opened to non-Indian settlement
- Homesteaders able to purchase “Surplus” lands
Indian Reorganization Act

- June 18, 1934 (48 Stat. 984)
- Overturned Dawes Act (Allotment Act)
- Reservation could no longer be allotted
- Remaining “Surplus” lands restored to Tribal ownership
- Tribes were able to start reacquiring lands
Indian Claims Commission cases involving the CS&K Tribes

- 17 Ind. Cl. Comm. 297 (1966)
- Commission held Tribes were not compensated for the over 12 million acres it ceded to the United States through the Hellgate Treaty
- Ceded lands had a value of $5.3 million as of March 8, 1859
- After fees taken out, total CS&K Tribes compensation was less than $5 million
United States Court of Claims cases involving the CS&K Tribes

- 437 F.2d 458 (Ct. Cl. 1971)

- Court held the Flathead Allotment Act was a breach of the Hellgate Treaty

- 1912 fair market value was used to determine the award to the Tribes

- Tribes were awarded $7.41 million
CS&K Tribes today

- Approximately 8,000 enrolled Tribal members
- Through an aggressive land buy-back program, the Tribes own over 60% of the lands within the exterior boundaries of the Flathead Indian Reservation
- Water Rights Compact recently passed the Montana legislature, needs U.S. Congress ratification, and final approval by the Tribal Council
For More Information

- CSKT: http://www.cskt.org