

820 *March 29/08 to Carlisle*

FILE FILE



DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,

Subject: Expiration of enrollment period of Philimena Badger. Indian Industrial School, Carlisle, Pa., March 7, 1908.

The Commissioner of Indian Affairs,
Washington, D. C.

Sir:

I am in receipt of your Office letter (Education 14996/08, File 820), dated the 3d instant, in regard to the expiration of the term of enrollment of Philomena Badger, one of our pupils from the Standing Rock Reservation, North Dakota. I deem it proper to advise you in connection with this case that as stated in your letter Philomena Badger was entitled to her discharge last summer, having enrolled October 20, 1902, for five years. She did not, however, want to go home, but voluntarily expressed a desire to re-enroll for the period of three years. We took her signature giving her consent accordingly. The records show that she is now about 20 years of age and under the rule printed on the back of the application blank prepared by your Office she was competent to sign for such re-enrollment.

Standing Soldier who wanted the girl discharged is not her father but has acted as her guardian. Philomena's parents are not living and she did not care to go home, and in this we think her decision was the right one. I inclose herewith copy of a letter from the clerk in charge of the Standing Rock Agency, dated September 9th last in regard to sending this girl home, and a

[Handwritten initials]

copy of Major Mercer's reply thereto, dated September 16th.

In view of all the facts I feel that this girl should be permitted to continue at Carlisle until she completes her course, and I so recommend.

Very respectfully,



Supervisor in Charge.

JRW-S

Copy

16
File
16535

Standing Rock Agency,
Fort Yates, N.D. Sep. 9, 1907

Major W.A. Mercer, Superintendent,
Carlisle Indian School,
Carlisle, Pa.

Sir:-

Standing Soldier, an Indian of this agency, wishes me to write you in regard to his daughter, Philomene Badger, whom he claims was enrolled at your school for five years, and has completed the course. He says that she is now required to stay two years longer, although a sister who went there at the same time has returned home.

Please advise at your early convenience.

Very respectfully,

W. C. Randolph
Clerk in charge.

Received

Referred to

Answered SEP 16 1907

Referred to Files

DEPARTMENT OF THE INTERIOR,

INDIAN INDUSTRIAL SCHOOL,

Sept. 16, 1907.

OFFICE OF SUPERINTENDENT.

CARLISLE, PA

U. S. Indian Agent,
Standing Rock Agency,
Fort Yates, N. D.



Sir:

I am in receipt of letter by Clerk in Charge, W. G. Randolph, dated the 9th instant, asking for information in regard to Philomena Badger, one of our pupils, which is desired by Standing Soldier, one of the Indians of your reservation. In connection with the matter you are advised that this girl has decided to remain at Carlisle three years longer in order that she may complete her course. We think from what she reports that this is a very sensible decision on her part, and being over 18 years of age she is competent to act for herself. She states that Standing Soldier is not her father but has in the past acted as her guardian.

Louise Standing Soldier, to whom the aforesaid letter refers and who went home recently, is not, it seems a sister of Philomena. Philomena's time had expired as stated and she was entitled to go home in July.

We think this arrangement is by all means the best for the girl and trust it will meet with the approval of Standing Soldier.

Very respectfully,

Major 11th Cavalry,

FILE

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Education
16535 - 1908
File 820
P.I.P.

SUBJECT:

March 20, 1908.

Re-enrolment of
Philomena Badger,
Sioux, for three
years.

Mr. Charles H. Dickson,
Supervisor in charge,
Indian Industrial School,
Carlisle, Pennsylvania.

Sir :

Your letter of the 7th instant has been received, in which you say that Philomena Badger, who was entitled to return to her home last summer by reason of expiration of time, voluntarily expressed a desire to re-enrol for a period of three years ; that her parents are not living and she did not care to go home, and that, as she is now about 20 years old and the rule printed on the back of the application blank authorizes such action, she was permitted to re-enrol, her signature indicating consent being taken accordingly.

It is apparent that the action taken was due to a misconception of the intent of the provision referred to. A question of ethics is involved which seems to me an important consideration if good faith is to be preserved with Indian parents, and one which renders the provision inapplicable to cases of this sort, as will be seen when the matter is viewed from the standpoint of both parties to the matter.

Under the rules governing transfers and enrolments, pupils in a nonreservation school are enrolled for a stated period -- three to five years, the parents or guardians giving their written consent and agreeing to abide by the rules and regulations. Without such a written agreement on the part of the parent or guardian no Indian under 18 years is properly enrolled. In return, the Government agrees through its representative, the Superintendent, to care for and educate the children thus committed to it during the stated period, and, if not graduated or otherwise discharged before that time, to return them to their homes on the expiration of the enrolment term. It is well understood by both parties to the agreement that the Indians cannot demand the return of the children before the end of that period, although, for what are considered sufficient reasons, the Office may authorize return before that time.

The promise of the Superintendent as an officer of the Government to carry out his part of the agreement is not required to be in writing. The inducement held out by the Government makes that unnecessary. The fact that the children are accepted and enrolled as pupils completes the agreement. The parent consents to part with his children for the stated period (not indefinitely), and in consideration of the Superintendent's implied promise. Fulfilment of that promise to the parent or guardian involves the carrying out of all the things which the authorized inducement covered.

In the majority of cases the enrolment period extends beyond the time when the child has reached the age of 18 years. The agreement

holds good, however, and neither parent or Superintendent can declare it cancelled or performed before expiration of time, on account of the 18-year provision, which is as follows :

An Indian boy or girl 18 years old and over may, without the consent of parents or others, personally sign the application form on its being changed to suit the case ; but in all cases where the parents are living they should first be consulted.

This applies particularly to young Indians living on or off a reservation who desire nonreservation school advantages, but who are withheld from them by parents or guardians. As is inferred from the wording, it is preferred that ^{the} parents' consent be obtained, if possible - at any rate, that they be consulted. If consent is not given, the question may be decided by the young people themselves. In such cases, however, there is no obligation to the parents to be performed by the Government prior to entering into an agreement with the pupil personally.

It has often been contended by Indians, in opposition to education away from the reservation, that children are not returned when their enrolment period has expired, but are retained from year to year, arbitrarily, as they think ; that when they are returned they have forgotten the language of the tribe and are out of place among their kindred ; that their children are "lost " to them. These contentions doubtless exaggerate the facts in most instances ; but an absence of five years without a break seems to me long enough for the purpose intended. I would not check the worthy aspirations of any reservation Indian who craves outside opportunities, nor would I drive

back to the reservation any who find themselves in surroundings favorable to further advancement. But in the interests of good faith, the privilege of returning to the school and continuing the school course after the obligation to the parents or guardians is fulfilled will not be withdrawn from those pupils whose abilities warrant further expenditure by the Government. Where pupils expect to finish the course in another year, correspondence with the parents might result in their willingly foregoing the home-coming of the pupil until graduation. In the case of Philmena Badger, the quarterly report shows that in the five years she has passed from the third grade to the fifth. Probably her industrial record is better than this; if not, there is no strong indication that another enrolment period would benefit her appreciably, although she expressed a preference for remaining at school. Having so expressed herself, and having been permitted to remain in accordance with the 18-year provision as its intent was then understood, there is no reason for haste in sending her home; but my notion is that she should be in the home party which will be made up next summer, unless, in the meantime, conditions arise which put her retention on a more tenable foundation.

The construction placed upon the paragraph referred to was probably suggested by the girl's request, and no censure is implied by the Office, the special reason for its insertion and its limited range not having been explained. It is readily seen, however, that too liberal an application of it may result in considerable friction

and unpleasant comment. These it is wise to avoid, but the principal objection is the conflict with the obligation to the parents or guardians.

As the home-going season is approaching, when these questions will doubtless be brought up, I have set out my views at some length feeling that the suggestion is all that is necessary to cause a full consideration of both sides of the subject at the appropriate time.

Very respectfully, (Signed) F. E. Loupp.

Commissioner.

Compared.

P.

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FILE

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APR 1908
DND

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,

Subject:-
Re-enrollment of
Philomena Badger.

Indian Industrial School,

Carlisle, Pa., March 25, 1908.

The Commissioner
of Indian Affairs,
Washington.

Sir:-

I am in receipt of your letter, Education 16535/1908, File 820, dated the 20th instant, relative to the re-enrollment of Philomena Badger at this school for a period of three years, and while no reply seemed to be necessary, yet I wish to say that I am in full and hearty accord with your views relative to such matters and which are so plainly and clearly expressed in your letter.

If there is one thing above another that the Government, or agents acting for the Government, should do, it is to keep sacred, and inviolate the promises that are made to Indian parents respecting the return of their children at the expiration of their period of enrollment, and for this reason, I have always contended, every pupil should be returned promptly and at the time stipulated. In scores of instances, in my own experience, Indian parents have complained, and justly so, that their children were kept away from them and not returned when their enrollment period had expired; often having been kept in different schools for one, two or three years.

At one time these instances were not rare, but very common, but I am glad to say that there has been a very marked change for the better in this respect within the last three or four years. If we

-2- Commissioner of Indian Affairs.

expect the Indian parents to have faith in our word, we must keep faith with them, and the only way we can do this is by carrying out faithfully and sacredly those promises that are made to them with respect to the return of their children.

My experience has been that if we keep faith with the Indians they will keep faith with us, and promises that have been broken in this respect has been to me a source of deep regret and shame, and I have always thought that every officer, agent, or superintendent who would be guilty of violating a promise in this respect, was unworthy to hold a position of trust or responsibility under the Government.

Very respectfully,



Supervisor in Charge.

CHD/EPW