

March 26, 1963

AIRMAIL

Hon. Carl Albert  
Third District, Oklahoma  
House Office Building  
Washington, D. C.

*Int.  
Indians*

In re: Status of Choctaw Tribal Estate

Dear Carl:

I would like to take a little more of your valuable time and direct your attention to the importance of having some one as legal representative for the Choctaw and Chickasaw Tribes of Indians. I fully appreciate your interest in our affairs, but I don't believe there is anyone in the Interior Department, in Washington, who has any idea about the actual work and responsibility of the Tribal Attorney for these tribes.

Actually, there are four (4) tracts of unallotted lands involved in litigation right at this time and over a dozen suits ready to file for lands held adversely to the tribes on which suits should be filed at once. These cases can only be filed in the federal courts in Oklahoma. I have had that question litigated and settled by a ruling of the Circuit Court of Appeals. Few people realize that these tribes have remaining properties of large values at stake, yet undisposed of and subject to distribution, as and when the tribal estate is finally ready to be distributed to a successor legal entity.

To give you an idea of what is involved right at this moment I will cite a case that illustrates my point.

In the Eufaula Dam Condemnation Proceedings a Choctaw-Chickasaw tract of 240 acres of unallotted land was and is involved. It was leased to the Pure Oil Company for oil and gas mining purposes in 1958 and there was drilled and completed, as a producer, what is regarded as a real good gas well. The valuation as placed by the U. S. Engineers, is over \$56,000.00 and the Departmental officials in charge of appraisements regard that figure as being about one-half the real value. Judge Rice set the issue of values for specific hearing. I filed an answer for the tribes in the Condemnation case filed by the United States of America, and Mr. Walter J. Arnote, a prominent attorney of McAlester and, recently, a President of the Oklahoma Bar Association, appeared as attorney for the Bauman Trust of Dallas and claimed the land for the Bauman Trust, contending that the tribes were extinct; that all Indian lands had been allotted out and that, in any event, the Trust had title by adverse possession, estoppel, and limitations. We actually took only 2 days instead of 3, to try it. Judge Rice, on account of the size of the case and the



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amount of testimony likely to be introduced, had set the case, specially, for three days at Ada, beginning December 3rd, 1962. The surface alone was appraised at over \$6,000.00. Before the trial Mr. Arnote offered me a settlement on the basis of conceding the tribes a 1/4 mineral interest, nothing else. I refused to even consider it and I did not go so far as to advise the Area Director of his offer of settlement. On trial, Judge Rice decided the case in my favor. A motion for new trial was argued for all afternoon on last Friday (March 22nd) and Judge Rice has the motion under consideration. I feel confident he will overrule it and that he will stand by his decision for the tribes, as rendered.

I told you in one of my former letters that I spent almost 90 percent of my time in trying these cases and to substantiate that statement I will tell you that my total cash income for 1962, as shown by my books, amounted to exactly \$3,622.20, accruing from private clients. So you will see I am giving my time almost entirely to these tribes.

Along in the summer, before the deadline for winding up tribal affairs (which was August 24, 1962), I did not take in a single dime in cash for the months of April, July and August. My current office expenses amount to over \$7,200.00 per year and I may be fighting a losing game by being banker and lawyer for the Choctaw and Chickasaw tribes.

In the trial of the case at Ada, taking two days (December 3rd and 4th), I had to pay all of the costs of witnesses, hotel bills and stenographic help, and in writing my brief I took about two weeks, meeting the time limit set by Judge Rice. The Court Reporter's bill alone is \$145.00 for transcript of the record.

Several months ago, probably more than a year ago, the Muskogee Office advised that the Regulations regarding the payment of fees of tribal attorneys would be modified and that fees would be approved and paid at Muskogee; but I was later advised that the Regulations did not so provide and they have not, to this day, so provided.

I do not think it is fair to me to be advancing my personal money to finance litigation for the Choctaw Nation and then wait months, or a year, for my fees. I pay my secretary, office rent, stamps, stationery, but I do get court costs paid on monthly statements through the Muskogee Office. I have to advance the money to start the cases. I have no quarrel about that procedure so far as it is concerned, but if the situation does not change I am going to give serious consideration to the proposition of turning back my job to the Choctaw and Chickasaw Nations. I gave up title work for Sinclair, Marathon and other companies that was paying me over \$6,000.00 per year, thinking I could earn some fees and, also, render a real service to the Choctaw and Chickasaw Tribes; but I have been blue and dis-



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couraged for some time and it might be necessary for those interested to look around for another Tribal Attorney. I function as lawyer and banker and pay out my money in expenses, of the Choctaw and Chickasaw Tribes. All the pending statements for fees have been recommended by Muskogee.

I send you copy of my reply brief in the Bauman case just tried at Ada and this is only the reply brief, the original briefs were much larger. I am proud of the victory in this case.

I spent three full days last week in Muskogee on tribal matters; three full days at Ada in lining up testimony and in trying the Bauman case. I spend on an average, as a fixed program, one day each week (and sometimes two days) in Muskogee on tribal matters. Last week it was 3 days. I have turned in over \$30,000.00 on cases within the last year.

I cannot understand why the Department in Washington will permit the Area Director at Muskogee to approve attorney's fees in private litigation for several thousands of dollars and yet, at the same time, require my claim for current small fees to be sent to Washington.

I talked with Mr. Marrs, the Chief Assistant in the Area Director's Office at Muskogee about these matters and the fact that the Area Director's Office is permitted to approve fees in private, without sending them to Washington and yet, in these current small fees that I earn, they have to go to Washington. The Regulations were supposed to be changed, with nothing yet done.

I have three cases, involving oil wells, on the docket right now; one for an oil well in McClain County, where the California Company has completed a well; one against the Texaco for a well in Love County, and one pending on pre-trial docket, involving another well in the Eufaula Dam Area, where the Blackwell Zinc Company, Inc. took a lease from the Choctaw-Chickasaw Tribes. These cases require constant attention and involve large sums and lots of work in the Department at Muskogee, in arranging for witnesses and records.

This has been a long letter and I am sorry to take up so much of your valuable time but I thought, since it is your Congressional District and your constituents directly concerned I might after all, be excused.

I have an escheat case ready to file that will involve over \$200,000.00. It has been a tedious problem in getting it ready. I have spent days and days in assembling data. I want to go on if I can, rough though it be.

Yours very truly,

WFS-t  
cc - Senator Mike Monroney ✓  
Senator J. Howard Edmondson

*W. F. Semple*  
W. F. Semple

*Atlas Life Bldg.*  
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