

October 31, 1963

✓ AKN Duker Int. Indians
Mr. Amos Hopkins
116 West Texas
Anadarko, Okla. 73005

Dear Mr. Hopkins:

Further reference is made to your letter regarding certification of entitlement to public domain Indian land.

The enclosed letter from the Bureau of Indian Affairs explains that the authority to issue Certificates of Eligibility has been delegated to the Anadarko Area Director, and that applications for certificates are considered on an individual basis. Therefore, the role containing the names of the member-applicants of the Kiowa Land Association cannot be considered as a blanket application for Certificates of Eligibility.

Furthermore, it is pointed out that the Bureau of Land Management does not maintain a list of public domain lands, and that it is the responsibility of the individual applicant to locate suitable available land.

I was pleased to obtain this information for you, and it appears that the enclosed letter satisfactorily answers your questions.

With best regards, I am

Sincerely yours,

Enclosures
jy



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON 25, D. C.

IN REPLY REFER TO:

Real Prop. Mgmt.
Acq. & Disp.
7543-63

OCT 29 1963

Hon. Mike Monroney
United States Senate
Washington 25, D. C.

Dear Senator Monroney:

Your communication of October 14 forwarded a letter dated October 12 with enclosures from Mr. Amos A. Hopkins-Dukes concerning his efforts to obtain public domain allotments for himself, his daughter, and the members of the so-called Kiowa Tribal Land Association of which he is apparently the president. This matter was also discussed in an exchange of prior correspondence between you and this Bureau, as well as with the Office of the Secretary of the Interior.

The authority to issue Certificates of Eligibility has been delegated to the Anadarko Area Director and has not been redelegated. Mr. Robert L. Meshew, Area Field Representative of our Anadarko Indian Agency, therefore, is correct in stating to Mr. Hopkins-Dukes that he is without authority to issue such certificates. Mr. Meshew's role in these matters is to accept and process applications for Certificates of Eligibility. If he determines that an applicant is eligible to be allotted on the public domain, he will recommend to the Area Director that a Certificate of Eligibility be issued to the Indian applicant. Certificates of Eligibility are issued on a form prescribed by the Bureau of Indian Affairs Manual.

Applications for Certificates are considered on an individual basis and each application must contain sufficient information to enable the processing office to establish the applicant's identity and to determine his tribal standing. For this reason the role containing the names of the member-applicants of the Kiowa Land Association cannot be considered as a blanket application for Certificates of Eligibility. Each member is required to file individually.

As to the availability of public domain lands suitable for allotting, we understand that the Bureau of Land Management does not maintain a comprehensive list of such lands. Under that Bureau's regulations, it is the responsibility of the individual applicant to locate suitable available land and to request a classification of the selected public domain land under Section 7 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1296; 43 U.S.C. 315 f), when it is subject to that act.

Our Anadarko Area Office has been advised of the procedure to follow in these matters. You may be assured that each application filed with that Office will be duly considered and, where warranted, Certificates of Eligibility will be issued.

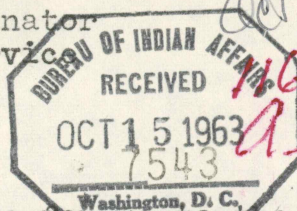
Your enclosures are returned as requested.

Sincerely yours,

(SGD) E. REESEMAN FRYER
ASSISTANT
Commissioner

Enclosure

A. S. Mike Monroney, United States Senator
Committee on Post Office and Civil Service
Washington 25, D. C.



*West Texas
Anadarko, Okla.*

Dear Senator:

This relates to your past inquiry made for me to the office of the United States Secretary of the Interior and the reply to you from the Secretary concerning Indian Land Allotment and procedure for application. (See Section 4, act of February 8, 1887; 24 Stat. 388; 25 USC 334, as amended.

Your letter to me dated I, 5, 1963 contained enclosures of the reply to you from the Secretary of the Interior. (enclosed). This reply reads in part, "he must first obtain a certificate from Mr. Will J. Pitner, Area Director of Indian Affairs, Bureau of Indian Affairs, Federal Building, Anadarko, Oklahoma, showing that he is an Indian AND IS ENTITLED TO AN ALLOTMENT."

Mr. Gardner and Mr. Robert L. Meshew, Acting Area Director and Area Representative of the Indian Bureau at Anadarko refuse to issue such a certificate. Mr. Meshew states in writing that he does not feel that he has the authority to issue such a certification. I have had application for such a certification at the Area Office, Anadarko, for two months and residing in Craig, Colorado found it necessary to return to Anadarko in order to obtain same. This application is for my child, Miss Grace Kaycee Hopkins, A Pawnee Indian. Mr. Meshew has read me a letter stating that he questions her eligibility and my eligibility for allotment contained in his files. It is noted that Mr. Pitner has issued me a letter in the past along with a certificate degree of Indian blood with I have used in filing for public domain land allotment near Craig, Colorado.

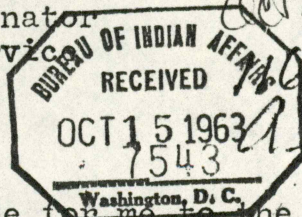
Mike - We have formed an inter-tribal organization - not for profit but the purpose of which is mutual aid among tribal members to help in filing applications and locating public domain lands for our landless orphans and unallotted tribal members. We retain the right to organize as such and do retain all the power of nations except where expressly required to give them up by act of treaty or act of congress (see 1958 supreme court tute "peyote case"). These allotment acts are mentioned in our tribal treaties with the U. S. Government and in part is what is given to us in return for certain land cessions in the Oklahoma Area (See Senate Documents Vol., 38, 58th Congress, 2nd Session 1903 - 1904., Page 710 - ante, p.56. and articles V and VI.

Enclosed are 108 names submitted by our Kiowa Tribal Land Association for Kiowa, Comanche and Apache Indians - all part of our enrolled KTLA members and members of our three affiliated tribes. These were rejected for certification by Meshew and the Acting Area Director and we contend that the Bureau officials are acting contrary to existing Congressional Acts, U. S. - Kiowa, Comanche and Apache treaties and request your help in getting this matter straightened out with the least delay. Our phone calls to the office of the Commissioner of Indian Affairs do not seem to get the job done.

Enclosed is insinuating news release directed at our organization president by Meshew and on an occassion three days ago Mr. Charles Toyabo who presented the acting Area Director with written request for a certificate showing Indian Blood and eligibility for allotment was told by the Director that the organization president had been in prison and asked if "he knew who he was dealing with". While it is true as to the prison sentence this is conduct not at all in the line of duty. Our group wish here and now to request that you make known to the proper place that we want Indian Bureau policies in this area investigated as soon as possible as much in this area needs investigating. We do not receive proper or just treatment by Indian Bureau Officials. Evidences is being compiled as to this matter by our group. This is urgent to us.

KIOWA TRIBAL LAND ASSOCIATION, ANADARKO, OKLA.

A. S. Mike Monroney, United States Senator
Committee on Post Office and Civil Service
Washington 25, D. C.



West Texas
Anadarko, Okla.

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Mike - We have formed an inter-tribal organization - not for profit but the purpose of which is mutual aid among tribal members to help in filing applications and locating public domain lands for our landless orphans and unallotted tribal members. We retain the right to organize as such and do retain all the power of nations except where expressly required to give them up by act of treaty or act of congress (see 1958 supreme court tule "peyote case"). These allotment acts are mentioned in our tribal treaties with the U. S. Government and in part is what is given to us in return for certain land cessions in the Oklahoma Area (See Senate Documents Vol., 38, 58th Congress, 2nd Session 1903 - 1904., Page 710 - ante, p.56. and articles V and VI.

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KIOWA TRIBAL LAND ASSOCIATION, ANADARKO, OKLA.

James P. Hopkins-Dubler, Pres. KIOWA TRIBAL LAND ASSN.

October 14, 1963

Orig. 1
File

Mr. Amos Hopkins
116 West Texas
Anadarko, Okla. 73005

Dear Mr. Hopkins:

This will acknowledge receipt of your letters regarding (1) certification of entitlement to public domain Indian land, and (2) legality of a meeting of the General Council of the Kiowa, Comanche and Apache Tribes on January 19, 1963.

The newspaper clipping which you enclosed indicates that the Anadarko Area Office has asked the Bureau of Indian Affairs for a clarification of what land is available and the requirements for Indians to obtain allotments. I am asking the Bureau to furnish the clarification at the earliest practicable date.

The matter of the General Council's meeting on January 19, 1963, has been thoroughly investigated, and the Commissioner of Indian Affairs, in his letter to the Anadarko Area Director dated March 21, 1963, held that the meeting was legal. Therefore, no useful purpose would be served by further pursuing the matter.

Just as soon as information on public domain Indian land is received, it will be forwarded to you.

With best regards, I am

Sincerely yours,

A. S. Mike Monroney, United States Senator
Committee on Post Office and Civil Service
Washington 25, D. C.

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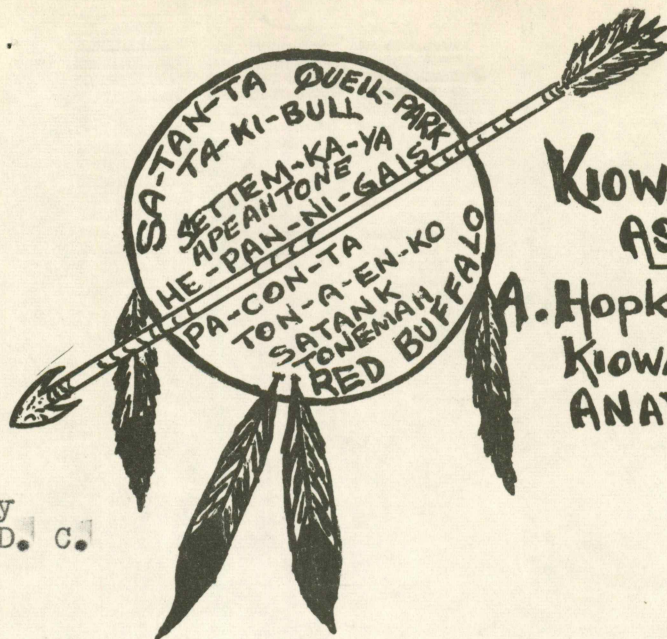
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KIOWA TRIBAL LAND ASSOCIATION, ANADARKO, OKLA.

Amos P. Hopkins-Duker, Pres. KIOWA TRIBAL LAND ASSN.



KIOWA TRIBAL LAND ASSOCIATION

A. Hopkins-Dukes (EN. No. 3063)
KIOWA INDIAN AGENCY
ANADARKO, OKLAHOMA

Senator Monroney
Washington 25, D. C.

In regards to our request we would appreciate the return to us of the letter signed by Mr. Mesheu and we enclose petition signed by our Kiowa Tribal Land Association Members who are available for signing at this time, we expect to send you many more names as additional signers as soon as our members can be contacted.

We wish to limit the commissioner of Indian Affairs from holding that any political meeting in the tribe has the authority to declare laws and usages for our people until each tribal member has a chance to cast his or her vote.

It will be noted that the Indian commissioner acted upon a "general counsel" ruling where the biggest part of the tribes were not present or even heard of such a meeting which was only advertised locally. This denies some of our tribal members the right to vote. The first I had heard of this was when the Area Director notified me by mail AFTER the ruling which I contend is not right in any sense. I understand that only 91 people were present at the meeting where our tribal bylaws were dissolved etc. I feel this deserves a senate investigation and so do each member of this organization.

One more question that we would like to present to the United States President through you in all sincerity is;

Do any offices of the United States Government operate under espionage acts or similiar acts where governmental policy can be directed towards the pauperization of us Indians.

Respectfully yours,

Amos Abe Hopkins-Dukes

Amos Abe Hopkins (Dukes)
Enrolled Kiowa Indian,
Kiowa Indian Agency, Anadarko, Oklahoma

Memorandum

To: Members of the Kiowa, Comanche and Apache Tribes

From: Will J. Pitner, Area Director

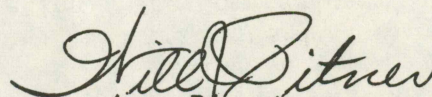
Subject: Letter from Commissioner of Indian Affairs regarding status of Kiowa, Comanche and Apache Tribal Government.

There is attached for your information, a copy of a letter, addressed to me, from the Commissioner of Indian Affairs in which he states that the General Council of your tribes, which was held at Apache on January 19, 1963 was a valid meeting. The Commissioner further concluded that actions taken at that meeting, which rescinded your Constitution and By-Laws and dissolved the business committee as of January 19, 1963, were effective. This means, that as of January 19, 1963 your tribes have no Constitution and By-Laws. This action, however, will in no way affect the existing relationship between the Bureau and individual tribal members or the services performed by the Bureau on their behalf.

The action taken by the General Council on January 19 climaxes many years of Kiowa, Comanche and Apache tribal governmental uncertainties, brought on by the lack of stability in the tribal Constitution and By-Laws under which your tribes were trying to operate. You now have an opportunity to take a "new look" at your tribal governmental needs and if we all work together there is no reason why a suitable tribal Constitution and By-Laws can't be developed so that the best interests of the tribes as a whole and the best interests of tribal members as individuals, will be safeguarded. We, in the Bureau, are prepared to consult with you immediately to assist in any way we can in determining what course of action should now be pursued.

The Area and Field Office staffs join the Commissioner in sincerely hoping that every effort will be made by the tribes to achieve the political stability which your membership deserves. We are most anxious that your tribes have a stable and representative governing body so that working together, programs can be developed which will bring about social and economic improvement for the tribal members.

Let us all look ahead now, and work together on those matters which are of importance to members of the Kiowa, Comanche and Apache Tribes.


Area Director

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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
Washington 25, D. C.

We c ho no delay
to work under
U.S. relocation acts
etc. are in the group
Tribal Operations
who no nothing of
what goes on
Locally.

MAR. 21, 1963

Mr. Will J. Pitner

Area Director, Anadarko

Dear Mr. Pitner:

We have carefully studied your letter of January 24, and the enclosures, as they pertain to the General Council meeting of the Kiowa, Comanche and Apache Tribes held on January 19.

There are several questions that have been raised concerning this meeting and the circumstances surrounding it. First, can the Business Committee cancel a duly called General Council meeting less than 24 hours before that meeting is to be held? The constitution of the three tribes is silent on the subject of cancellation. It might be said that if the Business Committee had the authority to convene a General Council it also had the authority to cancel it. However, this authority must be exercised reasonably, and carries with it the responsibility and duty of giving adequate and sufficient notice of its exercise. This requires that notice of cancellation be given openly and widely, sufficient to come to the attention of at least a majority of those eligible to respond to the call. By admission of all the tribal representatives recently in Washington, such was not done when the Business Committee attempted to cancel the meeting which had been called for January 19. The announcement of the meeting was given widespread circulation through the radio and newspapers, whereas the cancellation notice was circulated only by word of mouth with less than 24 hours remaining. The insufficiency of the notice of the attempted cancellation, and, therefore, its ineffectiveness, is clearly evidenced by the fact that 125 members of the tribes, many of whom traveled long distances in bitterly cold weather, came to attend the meeting in response to the call, and very apparently had no prior notice that it was not to be held at the appointed hour. Inasmuch as Article VI, Section 3 of the constitution requires that at least 10 days' notice of a General Council meeting must be given to the tribal membership, we are of the opinion that the tribal membership has a right to a cancellation notice given reasonably, timely, and effectively. Such was not the case here.

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The second question is whether the General Council was properly convened. Insofar as the procedure for commencing and conducting the meeting is concerned, we see nothing wrong. In the absence of the Business Committee, the members elected a chairman and proceeded in accordance with the agenda set up by the Business Committee.

A third question is whether the General Council had the authority to rescind the constitution and bylaws and to dissolve the Business Committee. We believe that it did. The General Council adopted the constitution and, therefore, has the authority to revoke it. The action to revoke was, in effect, an amending action consistent with item two of the agenda. The revocation of the constitution automatically dissolves the Business Committee, which derives its authority from that document.

In conjunction with rescinding the constitution and bylaws, the General Council requested the Secretary of the Interior or his representative to select a constitutional committee to consider and draft a new constitution. We believe that an important prerequisite for the success of such a committee is that its membership have, insofar as possible, the support of the tribes which can best be assured by having its members selected by the tribes. You should advise the tribes that the Bureau is prepared to consult with them immediately to assist in determining what course of action should now be pursued.

It remains our sincere hope that every effort be made by the tribes to achieve the political stability which the membership deserves. We are willing to assist them achieve this goal and are eager to cooperate with a stable and representative governing body to formulate plans for social and economic development among the tribal members. Many opportunities exist, but the prime requisite for taking advantage of them is sound tribal government which can aid in initiating programs and give reasonable assurances that programs which are developed will not be revoked or rescinded for purely political reasons.

On January 18, 1963, the Area Office of the Bureau of Indian Affairs in Anadarko notified the Business Committee of the Kiowa, Comanche and Apache Tribes that it was not approving an attorney contract submitted by the Business Committee. This action became the subject of an appeal directed to the Central Office on February 4, 1963, by the Chairman of the Business Committee on behalf of attorney Houston

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Bus Hill. 25 CFR 71.1 (c) states "Any action of the authorized representative of the Secretary of the Interior which approves, disapproves or conditionally approves a contract pursuant to paragraph (a) or (b) of this section shall be final." Therefore, we regard the action taken by the Area Office as final. We note that on January 19 the General Council acted to overrule and veto the previous action of the Business Committee in negotiating an attorney contract with Mr. Hill.

In that we are recognizing as valid the action taken by the General Council on January 19, 1963, no tribal funds held in trust by the United States will be released for any purposes designated subsequent to January 19 by that Business Committee which was dissolved by the General Council of that date.

You are requested to distribute as widely as possible copies of this letter to the members of the Kiowa, Comanche and Apache Tribes. In making our position known, it should be emphasized that the action taken on January 19 and our recognition of it will in no way affect the existing relationship between the Bureau and individual tribal members or the services performed by the Bureau on their behalf.

Sincerely yours,

(Signed) JOHN O. CROW
Acting Commissioner

P E T I T I O N

OCTOBER
12/1963

THE UNITED STATES SECRETARY OF THE INTERIOR AND THE
PRESIDENT OF THE UNITED STATES OF AMERICA.

PETITION FOR THE PURPOSE OF ESTABLISHING BETTER
RELATIONS BETWEEN THE KIOWA, COMANCHE, AND APACHE
TRIBES OF INDIANS AND BETWEEN THE ABOVE NAMED TRIBES
OF INDIANS AND THE UNITED STATES DEPARTMENT OF INDIAN
AFFAIRS, A DEPARTMENT OF THE UNITED STATES DEPARTMENT
OF THE INTERIOR.

OCTOBER 6, 1963 ANADARKO, OKLAHOMA.

(I) .,

WE, THE PETITIONERS, AS INDIVIDUAL MEMBERS
OF THE KIOWA, COMANCHE, AND APACHE INDIAN TRIBES
WISH TO INSURE OUR RIGHT OF VOICE IN TRIBAL MATTERS.

WE WISH TO INSURE OUR RIGHT TO VOTE UPON ANY ISSUE
AS SET FORTH BY ANY AND ALL INDIVIDUALS OR GROUPS
OF INDIVIDUALS BELONGING TO OUR TRIBES THAT HAS TO
DO WITH TRIBAL POLICY AND TRIBAL LAWS AND USUAGES.
WE WISH TO INSURE AGAINST OUTSIDE INTERVENTION BY
ANY OUTSIDE ORGANIZATION AND TO LIMIT THE COMMISSIONER
OF INDIAN AFFAIRS FROM FURTHER INTERVENTION IN TRIBAL
AFFAIRS AND EXCEPT WHERE EACH INDIVIDUAL TRIBAL
MEMBER HAS BEEN INFORMED OF EACH AND EVERY PROPOSED
TRIBAL LAW OR SETS OF LAWS AND BEING FURNISHED A
BALLOT FOR VOTE, EITHER FOR OR AGAINST THE ISSUE, SUCH
BALLOT MADE AVAILABLE TO EACH INDIVIDUAL MEMBER OF THE
TRIBES FIFTEEN YEARS OF AGE OR OLDER, WHICH CONTAINS
IN ITS MAKEUP, TOTAL INFORMATION OF WHAT IS BEING
BROUGHT FORTH AS AN ISSUE TO BE VOTED UPON, AND SUCH
BALLOT CONTAINING SPACE FOR THE VOTERS FINGER PRINT,
AND ALL ISSUES BEING DECIDED UPON MAILED IN BALLOT
ONLY AFTER SUCH BALLOT HAS BEEN MADE AVAILABLE TO
EACH AND EVERY INDIVIDUAL MEMBER, FIFTEEN YEARS OF
AGE OR OLDER WITH EACH MEMBER GIVEN A MINIMUM OF
THIRTY DAYS IN WHICH TO REPLY BY VOTE ON ANY AND ALL
TRIBAL MATTERS WHICH HAS TO DO WITH TRIBAL POLICIES,
TRIBAL LAWS AND USUAGES, AND THE SETTING UP OF SAME,
AND ESPECIALLY WHERE THE ISSUE INVOLVES ELECTING
TO TRIBAL OFFICES THE INDIVIDUALS OF THE TRIBES.

FURTHER, WE WISH TO INSURE OUR RIGHTS TO ORGANIZE
BUT TO LIMIT THE ACTIONS OF ANY GROUP OR INDIVIDUAL
WITHIN THE TRIBE WHO WISH TO ORGANIZE AND MAKE TRIBAL
LAWS AND POLICY BY REQUIRING THAT EACH INDIVIDUAL
TRIBAL MEMBER BE PRESENTED THE CHANCE AND OPPORTUNITY
TO CAST HIS VOTE EITHER FOR OR AGAINST AND TO BE DECIDED
UPON BY MAJORITY VOTE AND NOT BY RULE OF THE U. S. ~~INDIAN~~
INDIAN BUREAU COMMISSIONER WHERE TRIBAL POLICY, LAWS,
OR USUAGES DOES NOT DIRECTLY COME INTO DIRECT CONFLICT
WITH OR INVOLVE THE UNITED STATES GOVERNMENT.
THIS PETITION RESPECTFULLY SUBMITTED AND MENTION
MADE THAT WE RETAIN ALL THE POWER OF NATIONS EXCEPT
WHERE WE HAVE BEEN EXPRESSLY REQUIRED TO GIVE THEM
UP BY ACT OF TREATY OR ACT OF CONGRESS AND AS SUCH
ARE ENTITLED TO A FREE VOTE IN ALL TRIBAL MATTERS.
WE ASK THE PRESIDENT OF THE UNITED STATES AND THE
UNITED STATES SECRETARY OF THE INTERIOR TO SEE THAT
EACH INDIVIDUAL ABOVE THE MINIMUM AGE OF FIFTEEN
YEARS OF AGE WITHIN THE TRIBE BE AFFORDED HIS OR HER
RIGHT TO VOTE, FOR OR AGAINST, BEFORE ANY POLICIES
OR LAWS ARE HELD IN THE FUTURE, FROM THIS DATE FOR-
WARD TO BE LEGAL AND JUST BY ANY OFFICE OR AGENT
OF THE UNITED STATES OF AMERICA.

SIGNED:

Amos Abe Hopkins (Kiowa)
John Washington Hopkins (Kiowa)
Lizzie Asah Hopkins (Kiowa)
John Bates (Kiowa)

Egatha Bates	(Kiowa)
Evelyn Saunkosh (Valliere)	Kiowa
Jaquelyn Valliere	Kiowa
Victor Padilly	Kiowa
Mary Alice Sakmaenty	Kiowa
Lulus O'hairly	Kiowa
Nettie Ake	Kiowa
X Rosana Stare X	Kiowa
X Rachel Haungkahoodle X	Kiowa
X Claude Haungkahoodle X	Kiowa
John Ahkeahbo	Kiowa
Lillie Ahkeahbo	Kiowa
Mollie Boyd	Kiowa
Randy R. Whiteshield	APACHE
Gertrude White X	
Carter Komardley	Apache
Delbert Komardley	Apache
Harold Hummingbird	Kiowa
Iona Hummingbird	Kiowa
Hinds Lee.	Kiowa
Joseph Hinds Lee.	Kiowa
Charles W. Augkatoye -	Kiowa
Pearl V. Campbell -	Kiowa
Rhoda Swinquelle -	Kiowa
Ladie Swinquelle -	Kiowa
Alice Jones -	Kiowa
Charles Toyabo -	Kiowa
Alice R. Sator -	Kiowa
Mrs. R. Sator -	Kiowa
Ival Sator -	Kiowa
Florence Whitehorse -	Kiowa
Joseph Palmer Thomas -	Kiowa
Barbara V. Sator -	Kiowa
Mary Akonets Horse Chief -	Kiowa
Gladys Guy	Kiowa Apache

OCTOBER 12TH 1963