

*Bureau of Ind. Affairs*

*Matter handled*

December 13, 19

MEMORANDUM FOR FILE  
FROM: JOEL

RE: CHICKASAW TRIBE PROBLEMS

This memorandum will record a meeting between Governor Overton James, Chief of the Chickasaw Tribe; Mr. Jack Ellison, Deputy Director for BIA Headquarters in Muskogee; Mr. Lon Kile, Attorney; Mike Reed and myself.

There were four basic problems raised in the meeting.

The first problem concerns the legislation to allow the Chickasaw Tribe to sue the Cherokee Tribe in a land dispute. Legislation was introduced last session by Mr. Steed, but no action was taken before adjournment. Gov. James asked what the procedure would be for next session. Mike informed him that the legislation would have to be re-introduced and we will try to do so early next session. Mike opined that it would be approximately late April or May before the legislation could clear both Houses.

Mr. Kile raised several questions concerning the proposed survey of land riparian to the Arkansas River. Last session an appropriation was made for a one-time survey to be conducted for approximately twelve to fourteen months. However, Mr. Kile indicated that the Washington office of the Bureau of Indian Affairs has delegated the decision of how the money would be spent for the survey to the local tribes on the Arkansas River. This includes all of the "upper stream" tribes as well as the Chickasaws, Cherokees and Choctaws, the "lower stream" tribes. Mr. Kile indicated that the upper stream tribes are

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generally smaller than the Choctaw, Cherokee and Chickasaw tribes but are more numerous. Thus, on questions concerning the expenditure of the survey money, the upper-stream tribes are out-voting the larger lower stream tribes. The Chairman selected<sup>4</sup> for the Committee to decide the expenditure of the survey money is an <sup>toe</sup> Otto, a small tribe on the upper Arkansas River. Secondly, the Finance Committee is made up of four upper-stream tribe members and only one lower-stream tribe member. Mr. Kile indicated that this is totally in opposition to what was intended by the Congress by its Appropriation. He said that the upper-stream tribes had no riparian interests to be protected. Mr. Kile indicated that they were going to meet this afternoon at BIA Headquarters to see if an administrative solution could be reached, and would be back in touch with us later this afternoon.

Mr. Kile also indicated that the Muskogee Area Director of BIA would soon be retiring, in fact, at the end of this week. Mr. Kile said that they need somebody who is familiar with the Oklahoma Indian problems, and did not want an "outsider" Mr. Kile said that the obvious choice would be Jack Ellison, who is No. 2 Man in the Muskogee BIA office. Mr. Kile indicated that they were afraid that a new man would be appointed before the Indian tribes had a chance to submit their input. Thus, he requested that the Speaker contact Secretary Rogers Morton to ask him to postpone filling the vacancy until he received the input from the Oklahoma Indian tribes. Mike indicated that he didn't foresee a problem with this, and would relay the request to the Speaker as soon as he returned.

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Governor James inquired as to what the effect would be on the Oklahoma Indian Tribes of the Revenue Sharing program. Mike indicated that the Treasury Department had not yet determined the exact amount due the Tribe, and because the formula is very complicated, it will take some time for them to do so.

Governor James said that he had heard that the reservation tribes were going to get money, but he was afraid that the other tribes would not. I indicated that the Treasury Department had told me that the test was not whether a tribe was on a reservation, but rather whether a tribe had a sufficient governmental unit to qualify under the Revenue Sharing program. I also indicated that the Treasury Department was having some difficulty in determining the census of tribes due to the tribal rolls, and other factors such as tax effort on the part of the tribe.

Mike said that he would investigate the answers to the questions raised and would be in touch with Mr. Kile shortly. Mr. Kile said he would write the Speaker detailing the problems raised in the meeting.

JJ/ckh



Jack Dep Area BIA In Unkage  
(E NISON)

LON (~~Kyle~~) Kile  
(Overton James)

Bill & 10 Chickasaws can see  
Cherokees.

Cherokees now want to go

Steed introduced it.

Kyle what can needs  
to separate?

Start over de novo.

we will touch base  
w/ OIRA dele.

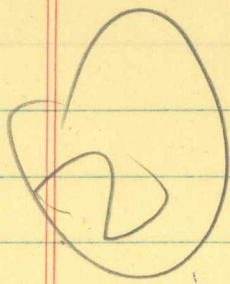
Com (Int) shared to  
Ogan Big Jan.

Kyle Time Estimates?

Mike Bill introduced early  
so replied quickly.  
2 months family - optimistic  
3 months - clear both  
houses.

So April - May





— 0 —

440,000

tribes on River need  
survey — need approp —  
got it — new BIA says  
tribes will be able to  
divide up Appropriation.

northern tribes will  
outvote chuckas-chickasaws —  
Survey is proposed to  
start from north w/ no  
prior determination as to  
who owns what.

tribes w/ 300 equal  
voice w/ tribes w/ 150,000.

5 yr. report — no way

OTH chairman — upper stream  
tribes outvoted larger tribes.

finance com.  
BIA appointed  
4 upstream tribe  
1 Cherokee

was to be adm aut  
J. W. Sh — office in Muskogee  
Theresa



money not being spent  
as was intended - and  
being spent by those  
who have no interest in  
River Bed (upper tribe).

Package figure - Congress  
buy Indians rights.

① Should be 440,000 - one  
shot deal for survey  
for the "lower" tribes.

upper stream  
Indians don't have  
any real rights  
any rights to the  
river

Area  
Director.

③

00  
Vigil is retiring end of wk.  
need someone who is  
familiar w/ OKla scene.  
want #2 man - Jack Olson

want speaker to all Rogers  
Thornton to stay filling position  
until hear from OKla tribes.



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④

how Alta tribes will  
be affected by R.R.  
Shoring.