

April 24, 1967

Mr. James Benjamin
Route 3
McAlester, Oklahoma 74501

Dear Mr. Benjamin:

Thank you for your letter inquiring about the final disposition of the property of the Choctaw Tribe.

The Act of August 25, 1959 (73 Stat. 420) as amended, provides for such final disposition and for a per capitaldistribution of the funds held by the United States for the benefit of the Choctaw Tribe except the amount necessary for the operation of the Choctaw tribal government until a legal entity is designated and approved or until nine years from the date of the enactment of the Act, whichever is sooner. No decision has been made as of this time to authorize a per capita distribution of the tribal funds. The Bureau of Indian Affairs deems it appropriate to delay such a distribution of the tribal funds until funds are received from all tribal assets which are to be sold.

The formation of a corporate entity under Oklahoma State Law is presently under consideration by the tribe and the Bureau of Indian Affairs. The deadline for forming the entity as well as for complying with the other provisions of the Act is August 25, 1968.

As I am sure you know, if you have an inquiry concerning your personal claim, you may obtain information from the Muskogee Area Office of the Bureau of Indian Affairs.

I was happy to hear from you and hope you will let me know if I can be of further services.

Sincerely,

CARL ALBERT, M. C.
Third District, Oklahoma

CA/Vck

April 18, 1967

Mr. Carl Albert
3rd District of Oklahoma
House of Representatives
Washington, D. C.

Dear Carl:

I have come across one of your letters of which I am enclosing a copy of same.

This bill that you have introduced has been some time in the past, but I would like to know the disposition of this bill.

Is there any possibility of the Indians receiving any Per Capita payments on this bill or any other funds that might be set up for that purpose or appropriated funds for the Choctaw Indians?

This bill to revise the ACT of Congress in 1959, to be voted on by the Indians that are eligible to vote is not quiet clear to me.

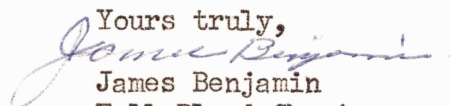
In what way will this bill help the Indians if it should pass? And would it mean a financial help to the individual Indians as to Per-Capita payments.

I think all of the Indians that I have talked to and know personally desire to get any kind of payments that they are entitle to while they are still living, since the youngest enrollee is now past 60 years old.

When a vote is put before them they do not understand the full meaning as to wheather they will benefit from it personally; therefore many of them vote the wrong way as for individual benefits are concerned.

I will appreciate any information on the above that you can give me.

Yours truly,



James Benjamin

Full Blood Choctaw

Rt #3, McAlester, Oklahoma 74501

302 West Willow
Durant, Oklahoma 74701
December 28, 1967

Honorable Ed Edmondson
House of Representatives
Washington, D. C. 20515

Dear Mr. Edmondson:

I enclose copies of a proposed bill which would repeal the Act of August 25, 1959 (73 Stat. 420) which provides for termination of the Choctaw Tribe of Oklahoma.

The thousands of individuals who comprise the membership of the tribe will be forever grateful if you will introduce this bill in the next session of the House of Representatives.

We request repeal of the Act of August 25, 1959 (73 Stat. 420) because it is unworkable and because it will penalize the Choctaw Tribe. The Act is unworkable because a current list of living corporate stockholders cannot be compiled and maintained and the tribal assets are insufficient to produce profits for the payment of periodic dividends. The Act will penalize the Choctaw Tribe because one-half of the Choctaw mineral interests will be forfeited to the surface owners and unclaimed shares of individualized tribal funds will escheat to the U. S. Treasury unless a corporation, trustee or other entity is established under Oklahoma State law by August 25, 1968.

A current list of stockholders cannot be compiled and maintained because the heirs of many deceased enrollees are unknown, and the value of their shares would not exceed the costs of probating their estates. There would be 20,824 shares of stock allotted, one share for each enrollee except Freedmen. Approximately two-thirds of the enrollees are now deceased, based on experience with the 1962-65 Cherokee per capita payment. The last Choctaw per capita payment was in 1952 at which time most of the heirship was brought up to date. The heirs of enrollees or heirs deceased since then are unknown except for those who had estates which were probated in County courts.

The Act does not provide for determination of heirs of stockholders by the Secretary of the Interior or by the corporation. The County courts or probate courts would have authority to do this at the request of an heir or a creditor. The court costs would, in most instances, exceed the \$72.00 estimated book value of a share, thus there would be no incentive to initiate a probate case to determine the ownership of a share. The book value of a share was computed by estimating the value of 9,000 acres of land at \$675,000, adding \$835,000 tribal funds in the U. S. Treasury and dividing the total by the number of shares. In many instances one share would be owned in undivided interests by several heirs. Eventually, there would not be enough stockholders known to constitute a quorum (1/10) at a stockholders meeting.

The annual income on tribal property for fiscal year 1966 and 1967 was as follows:

F. Y. 1966	-	\$ 49,053.27
(Includes \$26,776.57		
Interest earned on		
Treasury deposits;		
excludes \$17,298.50		
proceeds of land sales)		
 F. Y. 1967	 -	 \$ 57,300.54
(Includes \$10,801.28		
interest earned on		
Treasury deposits;		
excludes \$28,557.60		
proceeds of land sales)		

The expenses of the proposed corporation would include salaries and expenses of five officers, per diem and expenses of at least seven board members, taxes, expenses of compiling and maintaining a voting list of stockholders, notifying and holding meetings of stockholders, utility expenses and miscellaneous expenses. It is conceivable that the expenses would exceed the income and periodic dividends could not be paid to stockholders.

Although it would not be feasible to organize a corporation, the 1959 Act requires that action in order to avoid loss to the tribe. Section 1(a) of the Act requires the Secretary to convey one-half of the tribe's mineral interests to the surface owners unless a legal entity is formed

by August 25, 1968. Section 12(b) requires escheat to the United States of unclaimed shares of individualized tribal funds unless a legal entity is formed by August 25, 1968.

There are some 90 tracts of tribal land or interests therein to which there are adverse claimants. Titles to 125 tracts have been resolved but additional time will be needed to complete action on the remaining 90 tracts. I believe that according to the Act the Secretary could not make a conveyance of any tracts not having clear title. Under these circumstances, the tribe might lose whatever interest it had in such tracts after August 25, 1968.

Another area in which the tribe and its members might lose unless the Act is repealed is the housing program. There is a great demand for improved housing in the Choctaw country. Applications are in process for 246 mutual help houses and 229 low rent units. So far, applications have been approved for 45 mutual help houses and 30 low rent units. I believe that after August 25, 1968, unless the 1959 Act is repealed, the tribe would not be eligible to sponsor additional housing through its housing authority. This situation would leave a great need unfulfilled.

Appointment of a trustee on or before August 25, 1968, would avoid the loss to the tribe of mineral interests and unclaimed funds. Such action would not make the Choctaws eligible for revolving credit or further housing and would not provide authority to determine heirs.

It would be more feasible to repeal the 1959 Act and to dispose of tribal lands and mineral interests the tribe does not wish to keep under authority of the Act of April 26, 1906 (34 Stat. 137). Authority is not needed to dispose of lands acquired since 1906 as such lands which have not heretofore been conveyed would be retained by the tribe.

The Tribe wishes to preserve the historic Old Choctaw Capitol and grounds not only for the benefit of Choctaw members and descendants but for all persons who are interested in American history. Possibly, the Capitol could at some time be designated as a national monument.

The tribe also wishes to reserve other property sufficient to provide an income to maintain its property and to pay the expenses of tribal meetings and tribal officials.

Repeal of the Act would be in accord with the majority opinions expressed in the 1966 and 1967 opinion polls. Repeal would also restore the privilege of the tribe and its members in obtaining loans out of the Federal revolving credit fund administered by the Bureau of Indian Affairs.

I am requesting Senator Monroney to introduce a companion bill in the next session of the Senate.

Sincerely yours,

Harry J. W. Belvin
Principal Chief
Choctaw Tribe

A BILL

To repeal the Act of August 25, 1959 (73 Stat. 420), as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the Act of August 25, 1959 (73 Stat. 420) and its amendments, the Act of August 24, 1962 (76 Stat. 405) and the Act of August 4, 1965 (79 Stat. 432), are hereby repealed.