

UNITED STATES  
DEPARTMENT OF THE INTERIOR

OFFICE OF THE COMMISSIONER OF INDIAN AFFAIRS

WASHINGTON 25

JUN -5 1945

Hon. George B. Schwabe,  
House of Representatives.

My dear Mr. Schwabe:

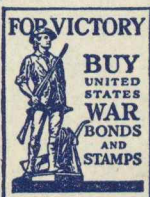
This will refer to our conversation on Saturday concerning the Federal Attorney position at the Osage Agency. Report No. 316 of the Senate Committee on Appropriations, covering H. R. 3024, a bill making appropriations for this Department for the fiscal year ending June 30, 1946, recommended (P. 11) that the amount to be available from the tribal funds of the Osage Tribe of Indians in Oklahoma be increased by \$4,500, for the "compensation of an attorney for the Osage Tribe."

The Committee also recommended that the item be amended by adding thereto the following words: "and no other funds appropriated or otherwise available to the Interior Department shall be expended for the compensation or expenses of an attorney for the Osage Tribe of Indians in Oklahoma."

The Committee further recommended (P. 33) a decrease of \$4,800 in the amount to be appropriated for "Administration of Indian Property" and explained in its report that the purpose of the decrease is to "disallow the payment of an attorney out of the gratuity fund for the Osage Indians inasmuch as provision is made under the Osage tribal fund for an attorney for the tribe to be appointed with the approval of the Osage Tribal Council."

On June 1, the Senate adopted the amendments recommended by its Appropriations Committee. These recommendations, if adopted by the Congress, would eliminate the Federal Attorney position at the Osage Agency, but would authorize the employment of a Tribal Attorney. I also invite your attention to a seeming ambiguity in the language in the item providing for such an attorney, appearing in lines 18 to 21, page 49, of H. R. 3024, as adopted by the Senate. The language used provides for "the employment of a Tribal Attorney at the rate of \$4,500 per annum to be appointed with the approval of the Osage Tribal Council." Presumably the appointing officer would be the Secretary of the Interior but this is left to implication.

As you know, under the statutes, many complex business activities must be conducted by the Secretary of the Interior, the Commissioner of Indian Affairs, and the Superintendent of the Osage Agency, and in the performance of these statutory duties it is necessary to have independent legal advice. That advice should come from a federal employee who has all of the responsibilities and duties of a public servant. It is



SCHWABE



firm belief that if the Federal Attorney position now existing in the Osage Agency--and this position has been payable out of Federal funds--is discontinued, the business of the Osage Agency cannot be conducted with efficiency and expedition. I bring this matter to your attention at this time because I know that if the position is not restored, there will be numerous criticisms of the agency because of its inability to do the job expeditiously.

With kind regards, I am

Sincerely yours,

*William A. Brophy*

Commissioner.

SCHWABE COLL



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The Committee also recommended that the item be amended by adding thereto the following words: "and no other funds appropriated or otherwise available to the Interior Department shall be expended for the compensation or expenses of an attorney for the Osage Tribe of Indians in Oklahoma."

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(Sgd.) William A. Brophy

Commissioner.

SCHWABE COLL



Washington, D.C.  
June 4, 1945.

Senator Elmer Thomas  
Senate Office Building,  
Washington, D.C.

Dear Senator Thomas:

It has been called to the attention of the members of the Osage Tribal Council assembled here in Washington, D.C. this 4th day of June, 1945, that the wording in H.R. 3024 will terminate and eliminate the position of special attorney for the Osage Tribe of Indians of the Osage Indian Agency at Pawmusha, Oklahoma. After careful consideration by the Council we are agreed that the wording of the Bill should remain as is. We are indeed very grateful to you for your splendid cooperation in this piece of legislation.

Yours very truly,

ATTEST

John W. Collins  
Council Secretary

Osage Tribal Council

John E. Whitehorn  
Asst. Principal Chief

Joseph Shunkahurich  
Councilman

Harry Red Eagle  
Councilman

Paul Pitts  
Councilman

CC.  
Senator E.H. Moore, Okla.  
Senator Chavez, N. Mexico  
Mr. William Brophy

Joseph Sales  
Councilman

Frank Quinton  
Councilman

SCHWABE COLL