

Indian Affairs

July 26, 1946

Judge Vern E. Thompson
714 Joplin Nat'l Bank Building
Joplin, Missouri

Dear Jack:

I have your letter of the 22nd instant and also received your telegram a few days ago, relative to H. R. 2294.

Immediately upon receipt of your wire, I called Senator Thomas' office, but he had not yet arrived, for it was early in the morning. I dictated to his secretary your position on the bill, notwithstanding the fact that you had already talked to him over the telephone, and I requested his secretary to ask him to exempt all Oklahoma Indians from the operations of this bill.

Immediately after talking with Senator Thomas' secretary, I called Senator Moore, and he had not yet arrived at his office. I followed the same procedure that I had in dictating to Senator Thomas' secretary, and told Senator Moore's secretary to give him my message upon his arrival, without fail.

A little later, I saw Senator Moore personally while he was visiting on the floor of the House, and discussed the matter with him. He assured me that he would do everything he could to prevent the passage of the bill with the provisions that were in it. Later, Senator Moore attempted to contact me and I was on the floor and his secretary left word with my secretary that Senator Moore had contacted the Clerk of the Senate Committee on Indian Affairs and he thought there was no doubt that the passage of this bill in its objectionable form would be held up and that it would be reported out, if at all, in a manner not objectionable to you. In other words, as I understand it is that you have no objection to the bill as long as it does not affect our Oklahoma Indians, and that is the way Senator Moore understands the situation.

I think it is extremely unlikely that this bill will pass, for it is not likely that it will be reported out of the Senate Committee

Telephone 907-908

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714-719 Joplin National Bank Building

Joplin, Missouri

July 22, 1946

Hon. George B. Schwabe, M.C.,
House Office Building,
Washington, D. C.

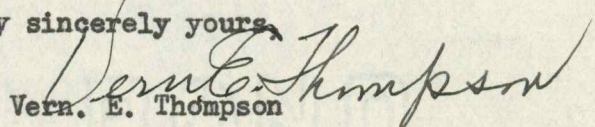
Dear George:

I received your letter with H. R. 2294 enclosed this morning. After reading this bill I immediately contacted Mr. Hoffman and he came to my office here this afternoon. He was very much concerned about this matter, and in view of the fact that when Senator Thomas was Chairman of the Indian Affairs Committee we had several of these Indian bills come up, which attempted to codify Indian law and exclude only the Five Civilized Tribes and Osages, and which failed to exclude other Indians in Oklahoma, and we had previously called his attention to that situation and he had seen that all of the Indians in Oklahoma were exempted from such acts, the principal of which was the Wheeler-Howard Act, referred to in this bill as the Act of June 18, 1934 (48 Stat. 984), he had me call Senator Thomas and I talked with him quite extensively over the telephone about this matter, in view of the fact that this bill had already passed the House and was in the Senate Indian Affairs Committee.

I am sending you herewith a carbon copy of my letter to Senator Thomas which I believe is fully explanatory of our position in the matter. We also sent you a night letter today at Mr. Hoffman's request and asked if you would contact Senator Moore and explain the matter to him. I do not believe that I would exhibit to Senator Moore this copy of letter to Senator Thomas because in view of certain bills which he has sponsored he is not very favorable to continuance of restrictions on land in Oklahoma, but I am inclined to think Senator Moore does not understand the situation in the Quapaw Agency. It might be just as well at this time not to discuss the matter with Senator Moore, although I wish you would use your discretion in the matter.

As soon as you come back to this district I would be pleased indeed to come down to Miami and introduce you to some people you may not know. I still have my contacts there.

Very sincerely yours,


Vern. E. Thompson

VET:C

CC - Mr. Henry E. Hoffman

July 22, 1946

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

Dear Senator Thomas:

In order that you may have a record of the purport of telephone conversation with Henry E. Hoffman, of Miami, Oklahoma, and myself on this date, I beg to state that we called you in reference to H. R. 2294, which purports to be an act providing a uniform code of descent of trust, or restricted Indian estates, and for other purposes.

A reading of this act shows clearly that the general purpose of the act is to provide for a general and universal code of Indian descent, and provide a method for probating Indian estates covering isolated Indian tribes and reservations, and that it was probably not the purpose to cover the Indians of the former Indian Territory and now a part of the State of Oklahoma. But nevertheless the exclusions in this act, as shown by Section 28 thereof, lines 2 to 8 inclusive, state that

"This Act shall not affect any vested rights or interests nor shall this Act apply to the Five Civilized Tribes or the Osage Indians in the State of Oklahoma."

This is upon the evident assumption that the Five Civilized Tribes and Osage Indians were the only Indians in Oklahoma.

You will recall that a bill was pending, I believe in 1934, known as the Wheeler-Howard Act, which purported to adopt a general code controlling Indian affairs, and when that bill was passed you secured a provision in the bill exempting the Indians of Oklahoma, and we believe the same policy should be pursued in connection with this bill.

The Act, among other things, prevents an Indian from willing a white spouse anything more than a life estate in his or her property. It also provides that if an Indian child is adopted by a white person, the child can inherit from the adopted parent, but the adopted parent cannot inherit from the child land that came by descent or devise from an Indian. The law as it now stands and is applicable to the restricted Indians in the Quapaw Agency provides that an Indian will must be approved

Page 2.

by the Secretary of the Interior before it becomes effective. It appears to us that that is the only safeguard that would be necessary as far as the Oklahoma Indians are concerned in excluding some white man who had married an Indian solely for the purpose of securing their property after their death, and had not married in good faith and raised a family in good faith.

You know as well as I do that intermarriage among Indians and Whites in Oklahoma is exceedingly common and is not in any way frowned upon by social standards in that state. On adoption of the constitution in Oklahoma the Indians were admitted to full citizenship on the same basis as the white residents, only reserving to the United States Government the right of the Government to regulate by rule or otherwise the Indian affairs in that state. I know the Indians in what is known as the old Quapaw Agency, which comprised not only the Quapaws but also the Ottawas, Shawnees, Wyandottes, Senecas, Modocs, Peorias, Miamis, Pinkeshaws and Kaskaskias, and perhaps other small tribes whose names I have forgotten.

To refresh your recollection will state that the Quapaw Agency now comprises about one-half or two-thirds of what is now Ottawa County. The South part of the county runs into the Cherokee Indian country which of course is one of the five civilized tribes. All of these Indians have intermarried with Whites to such an extent that I expect in a majority of cases one spouse or the other is White. All as you know are highly civilized and educated and participate intelligently in elections. Many of these Indians are holding positions of prominence and responsibility, and many hold official positions in the county. Among them might be named Hon. Ray McNaughton, whose mother was a Peoria Indian and whose father was a white man. Mr. McNaughton has held many official positions and is at present President of the N. E. O. Railroad.

I could name many other prominent Indians, one of whose parents was white and who would resent the classification and restrictions contained in this bill, which is aimed to deal primarily with reservation or ~~more~~ restricted Indians. I have in mind a man who died a few years ago in Baxter Springs, Kansas, who was a member of the Quapaw tribe, Mr. Louis Cardin. His mother was Quapaw and his father was a white man, as I recall. He was President of the American National Bank at Baxter Springs, Kansas, and a very prominent citizen there. His wife was a white woman. Under such a bill as this she could not have inherited his estate which was derived from royalties from Indian lands, although at the time of his death the land was not restricted. As you know a great deal of this land which is restricted is owned by educated and enlightened Indians but they have preferred that their property be protected by restrictions. This would include Mrs. Hoffman and her daughters. Mrs. Hoffman is an educated Indian, a full blood Quapaw. Her daughters are highly educated, and they are full blood. Mr. Hoffman was

7-22-46

Page 3.

married to Mrs. Hoffman probably twenty years ago. He has adopted both of Mrs. Hoffman's full blood Indian daughters. He is a successful businessman himself, as you know, and under the provisions of this bill the daughters would inherit from him, but he could not inherit from them as their property came from Indian ancestors. Mr. Hoffman has not only conserved the estates of his wife and adopted daughters but has greatly increased their value by his supervision and management.

As far as Mr. Hoffman is concerned personally he is only asking that his wife be given the right to make such disposition of her property as she shall see fit, subject to approval by the Secretary of the Interior and the laws of the State of Oklahoma relative to disposition of property by will. I know personally that Mrs. Hoffman would feel greatly humiliated by being put in the classification that this bill would put her. Time and again it has been suggested by officials from the Indian office that restrictions would be removed from her land but Mr. Hoffman has always advised against that because he felt that in case anything happened to him his estate would be much better protected by being restricted and handled by the Federal government than it would be if left to her. While Mrs. Hoffman is educated and intelligent she, like many other women, has not had extensive business experience and he feels that Government supervision would protect her more adequately than if she were released from restrictions. He has consistently advised the Quapaws who have valuable estates, growing out of the mining of lead and zinc on their lands, to keep their lands restricted. But I do know that in the event this bill should go through and they were put in the classification that this bill would put them, they would feel a great injustice had been done to them. I am not telling you anything that you do not know personally from your experience with these people in that district.

We greatly appreciate your interest in this matter and your assurance that you will, as a member of the Indian Affairs Committee, see that these Indians are excluded from the effect of this act, the same as the Five Civilized Tribes and the Osages are. Again in conclusion we suggest that if lines 2 to 8 of Section 28 of this act are changed to read as follows, we would not be interested in the rest of the act any more than we were in the Wheeler-Howard act.

We suggest that the exclusion provision read as follows:

"This Act shall not affect any vested rights or interests nor shall this Act apply to Indians in the State of Oklahoma."

Thanking you for your interest in this matter on behalf of Mr. Hoffman and his associates, and on my own behalf, I am

Very sincerely yours,

Vern E. Thompson
Vern. E. Thompson

VET:C

CC - Mr. Henry E. Hoffman



Northeast Oklahoma Railroad Company

Miami, Oklahoma

July 23, 1946

RAY McNAUGHTON,
President and General CounselFILE
108

Hon. George B. Schwabe, M.C.
House Office Building
Washington, D. C.

Dear Mr. Schwabe:

Your letter of July 20, 1946, inclosing
copy of H.R. 2294, to Mr. A. Scott Thompson
and myself, came yesterday.

Mr. Thompson is in Colorado for a short
vacation and will not have an opportunity to
consider this matter.

I appreciate your thoughtfulness in getting
this information to me and in the brief time avail-
able, I have not discovered anything objectionable
in the bill.

Yours truly,

RM:EL