

F. M. GOODWIN  
ATTORNEY AND COUNSELLOR AT LAW  
MILLS BUILDING  
WASHINGTON, D. C.

January 17, 1939.

Hon. W. E. Disney,  
House of Representatives,  
Washington, D. C.

Dear Mr. Disney:

I am in receipt of a copy of a resolution passed by the Osage Tribe of Indians, under date of 19th of December, 1939, in which they adopted the proposed measure submitted to you a few days ago. The measure suggested by them, based on a copy forwarded some months ago, is practically the same as that forwarded you for introduction. The only difference in substance is that no rate of interest is proposed in the Osage Council suggestion while the measure I forwarded directs that interest be computed at 4% per annum. This last item, it strikes me is essential, to avoid uncertainty.

The Osages forwarded their resolution to the Commissioner and the Secretary and it will without doubt be covered in any report which may be submitted on the measure introduced. I see no reason, therefore, why the measure sent you cannot be introduced, if it has not already been put in the hopper, as meeting the wishes of these Indians.

Very truly yours,

*F. M. Goodwin*

*"Dear Mr. Disney"  
Jan 1939*

*Osage Council  
has the power*

F. M. GOODWIN  
ATTORNEY AND COUNSELLOR AT LAW  
MILLS BUILDING  
WASHINGTON, D. C.

January 23, 1939.

Hon. W. E. Disney,  
House of Representatives,  
Washington, D. C.

Dear Mr. Disney:

Senator Thomas thought that the Old Civilization Bill for the Osages might be passed more quickly, possibly without waiting for Departmental report. I enclose copy of my reply for your information.

Have been unable to get up to see you since Congress convened but will do so as soon as I return from Denver about Feb. 1st. I should be glad to have you and Senator Thomas agree upon what is to be done and if you can find time you might phone him about the matter.

Thanking you and with best wishes.

Sincerely yours,

*F. M. Goodwin*



COPY for Congressman Disney.

January 23, 1939.

Hon. Elmer Thomas,  
U. S. Senate,  
Washington, D. C.

Dear Senator Thomas:

Responding to your letter of the 21st inst., with respect to the Osage Civilization bill, I have to advise:

The Osages have always wanted interest on the sum due them but have heretofore consented to waive it to obtain prompt action. Since their last waiver the U. S. Supreme Court has handed down the opinion in the Shoshone Indian Case, holding, in effect, that Indians are entitled to interest as against the United States for all delayed settlements, and the Osages now want interest. Basing their claim on the court's holding, no reasonable objections now exist.

In the House last session, however, the question of counterclaims prevented action. The Osages have, therefore, now agreed to do what Congressman Cochran wanted done, namely, permit the Comptroller General to decide that issue, provided they get interest on the balance.

The Osage Council action has been submitted to the Interior Department. There is some doubt about whether that Department will recommend interest or not; otherwise, by personal interviews, I find that the proposed bill will probably be favored. Of course this is not official.

The delay in obtaining a report will occur so far as the House is concerned in any event, and it would seem to be good policy to introduce the bill and accept the delay in the Senate. The passage by the Senate of the old bill will not hasten matters in the House, judging by the last session.

I am leaving today for Denver or I should call to see you about the matter. Will get in touch with your office on my return, about Feb. 1st.

Thanking you, I am

Very truly yours,

*F M Godwin*



MACDONALD, FILES & BARNEY

ATTORNEYS AT LAW

PAWHUSKA, OKLAHOMA

C. S. MACDONALD  
F. W. FILES  
R. A. BARNEY  
G. V. LABADIE

January 12th, 1939

Hon. Wesley E. Disney, Member of Congress  
Washington, D.C.

Friend Disney:

I notice by the papers that you have introduced the Civilization Fund Bill for the Osages. The bill and rider which Cochran got through provided for off-sets and counter-claims against these Indian claims. I assume the Bill will have to provide for counter-claims and off-sets.

*John*  
The Council on the 9th of January, 1939, passed a Resolution recommending such a Bill. The Bill which they recommended has been forwarded to the Commissioner of Indian Affairs, together with the original Resolution. If you have not seen the Resolution and the Bill suggested by the Council, I have forwarded a copy of the same to Mr. F. M. Goodwin, 614 Mills Bldg, Washington, D.C., and I have not another copy. If you will call him, he will gladly bring copies over to you.

With best wishes, I remain,

Very truly yours,

*C S Macdonald* ✓

CSM:J



F. M. GOODWIN  
ATTORNEY AND COUNSELLOR AT LAW  
MILLS BUILDING  
WASHINGTON, D. C.

January 10, 1939.

Hon. W. E. Disney,  
House of Representatives,  
Washington, D. C.

Dear Mr. Congressman:

I telephoned your office the day Congress convened about the Osage Civilization bill, and promised to send up a new measure. My keeping of this promise has been delayed in the expectation that I would hear from the Osage country as to the proposed new measure or that a report of an expected visit of members of the Tribal Council might be confirmed. Neither has resulted and I ~~have~~ <sup>have</sup> enclosed the new measure herewith so that it may be introduced first and the views of the Osages, if any, obtained later.

You will recall that the objection of Mr. Cochran to the measure in the last session was the question of offsets and counterclaims by the United States and that we pointed out the situation to him under the policy laid down by Congress in that respect, being a measure either introduced or else sponsored by Mr. Cochran himself. He wanted the Comptroller General to pass on these offsets under that policy. 29961, 476

You will also recall under under the recent decision of the U. S. Supreme Court in the Shoshone Indian case, it was held that Indians in recovering against the United States for the value of their lands were entitled to interest on the delayed settlement. On this basis the Osages are entitled to interest on whatever sum is due them from some time about 1873 or 1874.

Accordingly, I have drawn up a new measure, which is enclosed, permitted to the Comptroller General to do exactly what Mr. Cochran wants done, and provided interest for the Osages on the delayed payment at 4% per annum. As the U. S. Supreme Court is the basis of this claim as a right the Indians possess, Mr. Cochran should not object to it.

The net result of the new measure is this: If by any chance the Comptroller General should allow all items of offsets claimed by the United States in the Court of Claims, which he can hardly do under the act mentioned, the net sum left with interest will give the Osages more than was claimed under past bills by a good margin; in fact, will net a substantial sum in addition.

What will happen to such a bill of course remains to be seen, but it should bring the issue to a head and in my judgment should be introduced. Will you please examine the measure, and if you concur, introduce it for the Osages. If you wish a conference, I am at your call at any time.

Very truly yours,

F. M. Goodwin



A BILL

Authorizing an appropriation for payment to the Osage Tribe of Indians on account of lands sold by the United States.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, that there is hereby authorized to be appropriated the sum of \$776,742.03, and interest as hereinafter provided, less any offsets or counterclaims which may be found due the United States by the Comptroller General of the United States as shown by the records of the United States, being the net amount the United States received from the sale of lands of the Osage Tribe of Indians in the State of Kansas under Article I of the Treaty of September 29, 1865 ( 14 Stat. 687), credited to the " Civilization Fund " on the books of the Treasury of the United States and used for the benefit of Indian Tribes other than the Osage Tribe of Indians, as found by the Court of Claims in its opinion of May 28, 1928 ( 66 Ct. Cl. 64) in a case entitled " Osage Nation of Indians v. The United States of America," and docketed in said court as No. B-38, instituted under the Act of February 6, 1930 (41 Stat. 1097)

Sec. 2. That the Comptroller General of the United States is hereby authorized and empowered to determine whether any offsets or counterclaims asserted by the United States, in the said ~~case~~ case in the Court of Claims hereinbefore cited and set out in the said opinion of the said court, are proper offsets and counterclaims for tribal and not individual purposes or otherwise valid offsets or counterclaims under the provisions of Section 2 of the Act of August 12, 1935 (49 Stat. 506), enacted since the said opinion of the said court, and the amount herein authorized to be appropriated shall be reduced by the amount so found and determined by the Comptroller General of the United States as offsets or counterclaims thereunder; and the Comptroller General is further authorized and empowered to compute interest on the net sum found to be due said Osage Tribe of Indians, at the rate of 4% per annum from the date or dates of the sales of such lands belonging to the said Osage Tribe of Indians under the said Article I of the Treaty of 1865, ~~on the net sum found due such Indians.~~

Sec. 3. That the net sum so found by the Comptroller General of the United States, with interest thereon as herein provided, shall be placed to the credit of said Osage Tribe of Indians when appropriated and shall be distributed in accordance with the rules and regulations governing the payment of moneys accruing to members of the Osage Tribe of Indians.

Sec. 4. That the said amount when so appropriated and credited to the said Osage ~~Nation~~ Tribe of Indians on the books of the Treasury of the United States shall be in full, complete and final settlement of all claims of the said Indians against the United States arising under the said Treaty of 1865 hereinbefore cited.

Sec. 5. That the Secretary of the Interior is hereby authorized and directed to pay out of such sum when so appropriated and credited to the said Osage Tribe of Indians, the fees and expenses of the attorneys for the said Indians, in accordance with the provisions and percentages of their contract as approved by the Secretary of the Interior May 5, 1931.