

March 2, 1946

Mrs. Rebecca Foust
Rural Route 2
Bluejacket, Oklahoma

Dear Mrs. Foust:

I have your letter of February 28th asking for a copy of the Indian Claims Commission Bill and the House Committee Report on the bill. I am glad to furnish you these, and enclose a copy of each herewith.

In reference to the Republican Party national platform on this subject, I might say that I am quite familiar with our party pledge as well as that of the Democratic Party. They are practically the same, and have been for the last few years so far as this subject is concerned.

The question naturally arises with reference to these many Indian claims, many of which have been presented to Congress, and many of which have never been presented to Congress and never will be. What is the proper method of handling these claims, passing upon them and obtaining a determination for or against the claim?

Under the present law which has been in existence for many years, it is necessary for someone in Congress to introduce what is known as a jurisdictional bill. Such bill would normally be referred to the Committee on Indian Affairs or to the Judiciary Committee. These committees are very busy committees, and ordinarily don't have time to investigate all the merits and demerits of each particular claim. It necessitates the inspection of records, examination of witnesses and the hearing of arguments. If the bill should be fortunate enough to pass the House, then it must go to the Senate, where the same procedure has to be followed. This would take many months, and very few jurisdictional bills have ever been passed. If a jurisdictional bill is passed by Congress, it becomes a law merely authorizing the claimants to present their claims to the U. S. Court of Claims, and after hearing the evidence and the arguments of counsel, usually the Court of Claims would pass upon the claim a few years after it has been filed with them. Then, if the Court of Claims acts favorably, someone must introduce another bill in Congress appropriating the money to pay the claim, and this second bill must pass both Houses and be signed by the President. Hence, you can begin to see why the present law has not worked satisfactorily.

Under the present arrangement, very few claims have been adjudicated, and only a very few out of those few have ever resulted in the allowance and payment of any money to the Indians. Furthermore, the Court of Claims has allowed gratuity offsets which in some instances amounted to more than the claims.

Another method which has been suggested by a few, was to vest the federal courts with jurisdiction to hear and try all these claims. Most of the federal courts are busy with other matters, and this would necessitate the appointment of a referee or a special master to hear the testimony and make a report, which takes a lot of time and involves a lot of expense. That is not practical.

As the third and most feasible plan, both Democrats and Republicans, before I came here, advocated and at the opening of Congress in January 1945, introduced a bill on behalf of the Democrats and one on behalf of the Republicans in language almost identical, authorizing the creation of an Indian Claims Commission. Hence, the measure is not a partisan measure, but is thoroughly nonpartisan.

Nearly all of the most intelligent Indians and organizations which they represented appeared before the Committee and endorsed this as the most feasible plan that has been conceived thus far. Several have written me objecting to the plan, but in some instances these people have been engaged in raising funds for the purpose of presenting claims and have been making their living that way for years. In fact, it has become a racket, and so far as I know, no Indian has ever benefited from their efforts except those who raised the money and lived upon it all these years. No one is more bitterly opposed to the creation of new boards, bureaus or commissions than I am; but I say frankly to you that I don't know how these claims can be handled in any better manner. I have written and asked hundreds of people to offer or suggest a plan, if this one is wrong; but thus far nobody has submitted one. If you have a plan I would like for you to submit it to me at your early convenience and I assure you it will be given every consideration by me and my colleagues in Congress, Democrats and Republicans alike; for I am a Member of the House Committee on Indian Affairs and shall not hesitate to present any feasible plan that is offered.

This bill is simple in form and should enable everyone who has a legitimate claim to present the same within five years, and the Commission should be able within the ten-year life of the Commission to pass upon all these claims. This will put an end to the age-long racket of organizing and bleeding Indians merely to make a living out of solicitations for money to support claims which ordinarily are never presented. Hence, you will find nearly all of the racketeers along this line against this bill; but so far as I know most of those who think for themselves, are not trying to live off the other fellow, have said that this is the best plan that they can think of. I would be

happy to hear from you after you have read the bill and the Committee's Report on the same.

With all good wishes, I am

Sincerely yours,

George B. Schwabe, M. C.

2 enclosures

GS:LW

4497

Blue Jacket Okla. Feb. 28-1946
Hon George B. Schwabe
Member of Congress.

Washington, D.C.

Dear Congressman Schwabe
Wish you would mail
me a copy of the Claims
Commission bill about
Indian affairs and copy
of your Committee report
on the bill.

There is considerable talk
about this bill and the
Report and I would like
to satisfy my own mind.

I am a Republican and
know positively what
our party pledged the
Indians in our last two

National Campaigns.

It was not a claim
Commission.

We Republicans criticised
Roosevelt and I think
justly, for not keeping
his Campaign promises;
we should remember
this criticism and keep
our own pledges and
promises.

Please let me hear
from you right away.

I thank you in advance
for this favor.

Yours Truly,

Mrs. Rebecca Foust

R.R. #2.

Blue Jacket,
Okla.