Midian Clamino Bo SCHWABE COLL 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 Jamuary 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.

Mearly 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. 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 repsed 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 recket 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 f ar 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

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4497 Dhue Jacket ONla. Feb. 28-1946 Hon Lorge B. Schwabe member of congress. Washington, D.C. hlear congressman Schwabe Wish you rould mail me a copy of the claime Comission vill about Indian affairs and copy of your comillee report on the bill. There is considerable talk about this bill and the Report and I Erould like to salisfy my our mind. I am a Republican and Throw positively what Judians in our last two

national campaigns. It was not a claim Comission. Due Republicans criticised Hoosevilt and I think his campain promises; Eve should remember This Criticism and Keep promises. Please let me hear from you right away. I think you in advance for this favor. Ejour bruly, Mrs. Rebecca Froust RR,#,2, Blue gaeret.