

SCHWABE COLL

Ok. Chandler - 3/18/46

File - Indian

23
79th

BRIEFLY:

(1) Proposed bill settles for all time every claim of every Indian tribe in Oklahoma, without expense of making additional rolls of Indians. (2) Requires all Oklahoma Indians before enjoying any of the benefits of proposed act, to forever renounce tribal allegiance and Federal benefits on account thereof. 3-Gives every Oklahoma Indian possession of his lands and moneys now under government control, individual and tribal, with interest thereon if any be due; included is his or her share of all tribal money, with interest, in the hands of the Federal Government. (4) All tribal lands is delivered into the hands of every Oklahoma Indian tribe, excepting Choctaws and Chickasaws whose coal lands are now in course of sale to the Government. 5-Places all properties, real and personal, tribal and individual, upon the tax rolls. (6) Safeguards the interests of all minors and mentally incompetent adult Indians by blood. (7) Provides for payment of any money due the Federal Government, with accrued interest, under the provisions of the Thomas-Rogers and subsequent acts of the Congress. (8) Transfers all buildings and grounds now federally owned within the State of Oklahoma at the time of approval of this act, to the Veteran's Administration for use of soldiers of World Wars I and II, as hospitals or otherwise. (9) Gives the residue of such Federal property to the State of Oklahoma for its use and benefit. (10) Repeals all conflicting acts and parts of acts.

NB: It is said there is "pork" in this proposed legislation. I say there "aint." Facts are available fully justifying every provision of the proposed legislation.

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Providing for the final settlement of the claims of all Oklahoma Indian tribes against the Federal Government, final discharge of Federal Supervision, individual and tribal, over all Oklahoma Indians both as to person and property, determination of heirs and for other purposes.

That

3 there is authorized to be appropriated, out of any money not other-
4 wise appropriated, such sum or sums as may be necessary to pay each
5 and every enrolled Indian by blood of every Indian tribe within the
6 State of Oklahoma whose name appears upon the finally approved roll
7 of any Oklahoma Indian tribe made pursuant to tribal law, treaties,
8 or acts of the Congress, special or otherwise, establishing tribal
9 membership therein for the purpose of individualizing the Oklahoma
10 tribal property of such tribe, in whole or in part, the sum of \$3,000,
11 in full, final, and complete settlement of all of his or her rights,
12 equities, or interests, in and to all past, present, or future claims
13 against the Government of the United States growing out of violated
14 treaties, land seizures by the Federal Government without treaty
15 stipulation or agreement, and wrongs and mistreatments of the past
16 by the United States government and its citizens against said Indians,
17 of every kind and character. PROVIDED, That in event of the death
18 of any tribal Indian member by blood of any Oklahoma Indian tribe as
19 hereinbefore described, payment of the said \$3,000 shall be made to
20 his or her heirs in keeping with the laws of descents and distribution
21 of the state wherein said claimant or his or her heirs shall have
22 died, if such heirship determination shall not have been made by the

23 United States Secretary of the Interior or state court of proper
24 jurisdiction prior to the date of approval of this act. PROVIDED
25 FURTHER, That said claimant or his or her heirs shall thenceforth
26 assume every right, privilege and RESPONSIBILITY of a citizen of the
27 United States and the State and community wherein he may thereafter
28 reside.

29 Sec. 1. Before payment of said \$3,000 or any part thereof to any
30 claimant as determined herein, or his or her heirs, said claimant or
31 his or her heirs shall execute a receipt or release, which receipt or
32 release shall be approved by the Commissioner of Indian Affairs, forever
33 renouncing claimant's allegiance or the allegiance of his or her heirs to
34 any Indian tribe, nation, band or group of Indians and all Federal Govern-
35 ment rights, privileges or exemptions growing out of his or her membership,
36 or the membership of his or her heirs, in any Indian tribe, nation, band
37 or group of Indians, and his or her right title and interest, or the right,
38 title and interest of his or her heirs, in and to any claim, equity, or
39 suit in any court or elsewhere, now pending or which may hereafter be
40 brought against the United States in behalf of any Indian tribe, nation,
41 band or group of Indians of which said claimant or his or her heirs may
42 may be or may heretofore have been a member.

43 Sec. 2. In order that settlement between the Indians of Oklahoma
44 as hereinbefore named or designated, or their heirs, may be made final
45 as between them and the Federal Government, all restrictions on the alien-
46 ation and encumbrance of their lands, interests in lands, or other
47 property, real and personal, individual and tribal, excepting the lands
48 and mineral deposits of the Choctaw and Chickasaw tribes now in course
49 of sale to the Federal Government under Federal Act approved June 25, 1944
50 (Public Law 369, 78th Congress) are hereby removed, and the Secretary
51 of the Interior is authorized and directed, within _____ from and

52 after date of approval of this act, to execute and issue certificates,
53 patents in fee, deeds or other instrument necessary to vest in the
54 owner or owners of said lands, interests in lands, or other property,
55 real and personal, and tribal, unrestricted control thereof, with full
56 power in the said Oklahoma Indian tribes to use any and all undivided
57 tribal assets, lands, buildings, money or mineral rights in keeping
58 with the corporation laws of Oklahoma or to dispose of same under ex-
59 isting Federal law, without the approval of the Secretary of the
60 Interior and make distribution of the proceeds under the State laws of
61 Oklahoma. All such lands, interests in lands, or other property, real
62 and personal, individual and tribal, shall become taxable in keeping
63 with the laws of the State wherever located, within _____ from and
64 after execution of deeds, patents in fee, certificates or other instru-
65 ments by the Secretary of the Interior vesting unrestricted title there-
66 to in said owner or owners. PROVIDED, That the United States Secretary of
67 the Treasury is directed, upon approved identification by the Commissioner
68 of Indian Affairs from his official records, which identification shall
69 be furnished within _____ from date of approval of this act, to pay
70 every individual Indian or his or her heirs, of every Indian tribe
71 within the State of Oklahoma, his or her individual money then in the
72 hands of the Federal Government, with interest if any be due, together
73 with his or her share of all tribal money, with interest if any be due,
74 of every kind and character then in the hands of the Federal Government
75 to the credit of his or her tribe. PROVIDED FURTHER, That every other
76 tribal member, or his or her heirs, as hereinbefore described, of every
77 Oklahoma Indian tribe, upon proper identification by the Commissioner
78 of Indian Affairs from his official records, which identification shall
79 be furnished within _____ from and after date of approval of this act,
80 shall immediately be paid his or her share of all tribal money of every
81 kind and character then in the hands of the Federal Government to the
82 credit of his or her tribe, with interest thereon if any be due.

83 Sec. 3. Payment of any sum or sums under the provisions of
84 this act in excess of \$300, due any Indian by blood who is a minor,
85 shall be through a legal guardian appointed by a court of proper
86 jurisdiction within the state where said minor legally resides when
87 when payment is due or to be made. Any sum or sums of \$300 or less
88 in total, shall be paid to the natural guardian having the care and
89 custody of such minor or minors when payment is due or to be made. If
90 no natural guardian then exists, having the care and custody of said
91 minor or minors, payment shall be made through a legal guardian ap-
92 pointed by a court of proper jurisdiction of the state wherein said
93 minor or minors shall reside when payment is due or to be made. All
94 moneys due mentally or otherwise incompetent adult Indians by blood
95 under this act, shall be paid through a legally appointed guardian
96 by a court of proper jurisdiction of the state wherein said mentally
97 or otherwise incompetent adult Indian by blood may reside at time pay-
98 ment is due or to be made. Every conveyance of land of whatever value,
99 under the provisions of this act, to minors or mentally or otherwise
100 incompetent adult Indians by blood, shall be through a legal guardian
101 appointed by a court of proper jurisdiction of the state wherein said
102 minor, minors or mentally or otherwise incompetent adult Indian by
103 shall reside at time transfer is made. PROVIDED, That every guardian
104 or administrator of a minor or mentally or otherwise incompetent adult
105 Indian by blood, or estate, as described herein, shall be required to
106 furnish surety bond, with court approval, in double the amount of the
107 value of such estate or estates, as determined by the court, before
108 release to such guardian or administrator of any lands or moneys due
109 any minor or mentally or otherwise incompetent adult Indian by blood
110 under this act. PROVIDED FURTHER, That all minor Indian by blood
111 over fourteen years of age, and mentally or otherwise incompetent
112 adult Indians by blood through next of kind or friend, shall have first
113 and second choice in the selection of their guardians or administrators
114 under the provisions of this act.

115 Sec. 4. Before payment of any sum or sums, as provided
116 herein, to any member of any Oklahoma Indian tribe as hereinbefore de-
117 scribed, or his or her heirs, all money, together with accrued interest,
118 due the Federal Government through any loan or advancement made to
119 said claimant or his or her heirs under the provisions of the Act of
120 June 26, 1936 (49 Stat. 1967), or subsequent acts of the Congress,
121 shall first be subtracted therefrom. PROVIDED, That where loans or
122 or advancements under the provisions of the congressional act above
123 cited or subsequent acts of the Congress have been made to any tribe,
124 nation, band or group of Indians, said loans or advancements, with
125 accrued interest, shall first be subtracted, before payment of any
126 sum or sums due said tribe, nation, band or group of Indians under this
127 act.

128 Sec. 5. All property, buildings or grounds, of the Federal
129 Government, located within the State of Oklahoma and used in the
130- administration of Indian Affairs at the time of the approval of this
131 act, which may be made servicable to soldiers of World War I and II
132 as hospitals or otherwise, shall be transferred to the United States
133 Veterans Administration for such use within _____ from and after
134 approval of this act. PROVIDED, That the residue of such Government
135 property, buildings and grounds, shall be transferred to the State of
136 Oklahoma for its use and benefit.

137 Sec. 6. All Acts and parts of Acts of the Congress of the
138 United States in conflict herewith, are hereby repealed.

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