

SCHWABE COLL

March 28, 1946

Mrs. J. B. Scott  
Claremore  
Oklahoma

Dear Mrs. Scott:

I have your letter of March 26th and have read carefully what you have to say.

No one who opposes the Indian Claims Commission Bill has thus far come forward with a plan that will take its place. At least, no plan has been suggested which is workable and fair to the Indians as well as the Government. You seem to think that the only people who favored this bill are New Dealers or "me too" people, as you refer to them. This is not an accurate statement, and does not conform to the facts. This bill is the result of the best thinking of all who are interested in the welfare of the Indians and want these claims settled once and for all, and as soon as possible.

With reference to H.J. Res. 237 and H. J. Res. 79, they have not come before our Committee for consideration as yet, and I am therefore unable at this time to tell you what disposition the Committee will make of these bills.

Thanking you for your letter, and with all good wishes for Republican success, I beg to remain

Sincerely yours,

George B. Schwabe, M.C.

GS:LW

Claremore, Okla. March 26, 1946.

Hon. George B. Schwabe, M. C.  
House of Representatives  
Washington, D. C.

Dear Congressman Schwabe:

Thank you for your extended letter of March 14, 1946, in reply to mine of March 7th in which I voice opposition to the creation of a claims commission bill creating another government agency for Indian affairs.

I can well understand, as you point out, former Senators Owen and Gore supporting a claims commission; also its support by Governor Kerr and other Oklahoma New Deal Democrats - its their platform pledge to the Indians and why shouldn't they support it? In addition, former Senators Gore and Owen see the possibility of a fee somewhere in the shuffle for them.

You say the bill is the result of much study and a meeting of minds of Republicans and Democrats in the carrying out of the campaign pledges or promises of both parties to the Indians.

"Factual Campaign Information", a government publication, pages 45 and 36, reflects the pledges and promises of the Democrats and Republicans to the Indians. Republicans pledge an "IMMEDIATE and final settlement of all Indian claims" - not the creation of a "new agency." The Democrats pledge the enactment of "legislation creating an Indian claims commission" - a "new agency" - with Indian claims" finally settled at the earliest possible date." As I interpret your letter the platforms of the two parties mean the same; that "immediate and final settlement" and settlement at the "earliest possible date" are identical. We are looking in the same direction but seeing different objects. As I view the two platforms they are as different as day is to night.

Regardless of former Senators Owen and Gore and ~~other and~~ other New Deal Democrats from Oklahoma or elsewhere, as a Republican and an Indian, I am against the creation of ANY "new agency" to go with the useless one we already have as a solution of Indian affairs.

You ask if I have a better plan than a claims commission. I have no suggestion as to the methods or plans of the representatives of my party now in the Congress in the carrying out of our party's platform pledge to the Indians. I did not write the platform nor seek election thereunder. The job of implementing our platform provisions, legislatively, is the task, I take it, of our party's representatives in the Congress at this time.

I have copies of H. J. Res. 237 by Congressman D'Ewert of Montana and S. J. Res. 79 by Senator Bushfield of South Dakota, which appear to be before the Congress at this time. What is the attitude of your Committee as to these resolutions? While I do not subscribe to their extended life they appear to me to be a more direct and final approach to the solution of Indian affairs than a claims commission creating a "new agency" for devouring the substance of the taxpayer and rendering no relief NOW if ever, to the Indian in the settlement of his claims.

As I look into the future we Republicans, in and out of office, will have to rise above "me too" legislation and programs proposed by New Dealers if we ever hope to come out of second place in contests with them before the people - we have repeatedly tried that in the past and second place is the best we have won thus far.

Yours for Republican success and strict economy in the conduct of government.

Sincerely,

*Mrs J. B. Scott*

Mrs. J. B. Scott

March 14, 1946

Mrs. J. B. Scott  
316 North Seminole  
Claremore, Oklahoma

Dear Mrs. Scott:

I have your letter of March 7th voicing your protest against the creation of an Indian Claims Commission, and stating that you do not understand the attitude of the Republican Members of the Committee on Indian Affairs in joining the Democratic Members in reporting out favorably a bill providing for such a Commission.

This bill was reported out several months ago and was the result of months of study and deliberation by the Committee after hearing the evidence offered by former Senators Gore and Owen from Oklahoma, and many others who have long been interested in the welfare of the Indians. We also heard the testimony of many of the leading Indians of our State, heads of various Indian organizations.

It came out at the hearings, that the present system of handling the claims of the Indians is wholly inadequate. We have asked numerous persons to suggest what they considered the best method of handling these claims. Finally, almost all who are vitally interested and who have given the subject serious thought, except a few of those who have made their living off the Indians by organizing and collecting from them with the idea of presenting their claims, were in favor of the bill as reported out by the Committee; and many Indian organizations have commended the Committee for so doing.

I might say further that this bill was originally introduced by a Democrat and another in almost identical language by a Republican, at the opening of Congress in January 1945 when I first became a member of Congress. In other words, the idea was fostered by both Democrats and Republicans.

You remind me of the provisions of the 1944 Republican Party plank on this subject. That provision reads as follows: "We pledge immediate, just and final settlement of all Indian claims between the Government and the Indian citizens of the Nation. We will take politics out of the administration of the Indian affairs."

The above is all the platform contained on this subject. The 1940 Democratic platform contained a similar plank. It is obvious that there is nothing in this plank which opposes in spirit or otherwise the provisions written into this Indian Claims Commission Bill.

All who are familiar with present conditions and the history of Indian claims, know that the present method does not work to the advantage of the Indians. It is now necessary for those who have claims, to present them to the Committee of one House of Congress dealing with Indian Affairs, and after that Committee reports favorably they must again submit the same to the similar Committee in the other House of Congress. If both Houses agree that the claim appears to have merit, the bill is passed conferring jurisdiction upon the U.S. Court of Claims, and if the President signs the bill, the Court of Claims assumes jurisdiction and after so long a time the claimants are permitted to introduce their evidence and have their lawyers present the case to the Court. Then, if the Court rules favorably, the judgment of the Court is passed back to Congress and each House must again act favorably upon an appropriation to pay and discharge the claim.

Experience has shown that perhaps less than one hundred claims throughout the history of this country have been handled successfully under this method to the point where the Court of Claims assumed jurisdiction, let alone the rest of the way. In that Court legal technicalities creep in, and the Indian generally loses. There are only a few cases in which Indian claims have been sustained by the Court of Claims, and in most of those cases the gratuities which were used as offsets have more than equalled the amount of the claim, resulting in the Indians getting nothing. Hence, you can see that the present system certainly has not worked to the interest of the Indians.

Another alternative suggested was that the Federal Courts be given jurisdiction. Here again, legal technicalities would result in the Indians getting little or nothing from the claims. In addition to that fact, the Federal Courts do not have time to go into all the ramifications involved in these claims, and they usually appoint Special Masters or Referees, which is expensive and in most instances the Indian would not be able to put up the money required to pay for such reference. Hence, that is not a feasible plan.

Where, then, is a feasible plan to have an immediate, just and final settlement of all Indian claims?

The best and most logical plans have centered around the idea of the bill that is now before Congress. Under this arrangement, the claimant can present his claim to a Commission of three competent individuals, and the bill provides that it does not have to be a legal claim, but may be based upon what is fair in the ordinary transactions of life between man and man. Technicalities are thus almost entirely eliminated.

The claim must be presented within five years after the enactment of the bill, and the Commission must rule upon it, allowing or disallowing the claim in toto or in part, within five years, for the Commission is set up for only a period of ten years. These hearings can be conducted anywhere in the United States and the claimants do not have to go to the expense of coming to Washington. It has been made as flexible and adaptable to the situation as possible.

I want you to know that I am just as bitterly opposed to the creation of additional boards and commissions as anyone. I am fighting for the elimination of many that now exist. But frankly, what plan have you to suggest better than this one? If you have a better plan, or if anyone else will suggest one, I am open to conviction and will be happy to consider it thoroughly and without delay, and I shall also be happy to present it to the Committees of the Congress. So please do not hesitate to let me know what your plans are. No one has yet submitted another plan since this bill was approved by the Committee, so far as I know.

I thank you for writing me, and trust that with this additional information you will see that we have been working on a plan that is calculated best to serve the interests and conditions of the Indians and those who are potential claimants.

With all good wishes, I am

Sincerely yours,

George B. Schwabe, M. C.

GS:lw

Claremont, N.H.  
3/7/1946.

Hon. George B. Schwabe, M.C.,  
House of Representatives  
Washington, D.C.

Dear Mr Schwabe.

Have been reading in the press about the creation of a claims Commission as a means of settling Indian claims and getting rid of this Indian Bureau farce; have also read or glanced through your Committee report on this subject. I notice your Committee is unanimous in support of a Claims Commission; you quote the platform of the Democrats and the Republicans for the year 1940 and show we Republicans restate our pledge to the Indians in our 1944 platform.

In view of the fact that the campaign pledges, written into the national platforms of the two major parties for the year 1940 on the subject of the Indian claims is as opposite as night and day, it is rather difficult for me to measure the mind of the Republican members of your Committee when you join the Democrats in their new ideal legislation — the idea of a claims Commission. It is back to the never happening of the Roosevelt

regime. It seems we Republicans struck dead-center twelve or thirteen years ago and are determined to remain at that point forever - we lack constructive ideas and the backbone to assert them when even a blind dog can see as a Nation we are headed in the wrong direction.

I will remember our pledge to the Indians in 1940 - was vice State Committee woman for Rogers County. He made a special appeal to the Indian on our pledge of final settlement of his affairs; Millkie carried Rogers County by a substantial majority and we lost the county to every county and State candidate. In 1944 we again directed an ~~appeal~~ to the Indian voter; Dewey carried Rogers County by a substantial majority and the Dennis Bushyhead vote was reduced below what it would have been had it not been for our party's pledge on the subject of payment of Indian Claims.

I have no way of knowing what your stand is, has been or will be on this subject - that will develop later. Frankly, I would not support - my own Grandmother for any office if ~~she~~ advocated or voted for the creation of another bureau or agency in Indian affairs; nor would I support her for any office.

if she ignored her party's pledge on any subject. True, I'm strongly wedded in my Republicanism and know it is difficult to teach an old dog new tricks — I don't feel, however, that I am too old to learn if necessity requires.

Kind personal regards,  
Very respectfully,

Mrs J. B. Scott  
316 N. Seminole,  
Claremore, Okla.