

Indian Affairs

March 6, 1945

Mr. F. W. Files
Attorney at Law
Pawhuska, Oklahoma

Dear Frank:

I am just in receipt of your letter of the 1st instant, referring to an article you say you saw in the Press, stating that I had purpose to introduce a bill in Congress to create a commission to investigate the individual competency of Indians and the removal of their restrictions. You seem to be in favor of such a movement, generally. You request a copy of the proposed bill and an expression of my ideas along this line.

As a result of much consideration of the subject and as a further result of information I have gleaned from hearings before the Senate Committee on Indian Affairs in connection with the confirmation of the appointment of Mr. Brophy, whom the President has nominated for Commissioner of Indian Affairs, I have thought that it would be proper to have a commission to determine the competency of many of our Indians throughout the United States who are now classed as restricted Indians. I have thought of this as a competency commission. I have not yet prepared the bill for the reason that my thoughts are not entirely crystallized and it has always been one of my habits of life to wait until I knew just what I wanted to say before I attempted to draft a contract, a pleading, or a proposed legislative measure. I have discussed this with several people and it happened that an Associated Press reporter was present the other day and heard me express my views. At that time he said he believed he would say that I was preparing a bill along this line. I anticipate that he wrote the article to which you refer in your letter, although I have not seen it.

Generally speaking, I have been of the opinion that many many of our most intelligent Indian citizens, of many tribes, are sufficiently intelligent and qualified to handle their own business affairs and that they should no longer be considered as restricted Indians and wards of the Government. I think the continuation of such restrictions

SCHWABE COLL

Mr. F. W. Files
Page 2
March 6, 1945

and guardianship have tended to stifle and retard the progress and development of our Indians who have ambitions and incentives to advance along with the white man. This seems to be the sentiment of many of our more intelligent and leading Indian citizens.

On the other hand, I am convinced that a bill would operate as a blanket removal of restrictions, removing the restrictions from all Indians regardless of their intellectual attainments and business acumen, and would result disastrously to many full blood Indians who are now restricted.

Hence, it has been running through my mind that a competency board or commission should be created which would pass upon the competency and qualifications of individual restricted Indians and that such a tribunal would have jurisdiction to find and determine with reference to each individual Indian his qualifications for full citizenship, and removal of restrictions or retention of restrictions as the case might be and thus encourage our Indian population to work toward an advancement in their civilization. I think such a commission should be composed of persons who desire to see the Indian emancipated as soon as his advancement will enable him to protect himself and his property and interests as well as the average white citizen and that the members of such a commission should not be selected among those who seem bent upon keeping the Indian down or back and retarding his progress. It has become very evident to me that the policy of the Indian Bureau has for a long time been and now is to exercise a paternalistic control over our Indians as well as dispose rather than to advance them to full citizenship. In order to effectuate the most desirable results, I have thought that when considering the members of a given tribe, at least one member of the commission should be selected from among the most intelligent members of that tribe by the tribe itself without Governmental interference. For instance, if the commission was considering individuals of the Osage tribe, I should think one or more of the commissioners considering the Osages should be from the best qualified Osage Indians, for he or they would know the individual Indian perhaps or at least know how to determine whether or not such Osages were competent. The same would be true with reference to any other tribe. In this way the personnel of the commission would be a constantly varying personnel.

SCHWABE COLL

Mr. F. W. Files
Page 3
March 6, 1945

It has been suggested and I think could be incorporated into a workable scheme that the Representatives in Congress in whose districts the particular tribe of Indians are located, should select such commission for those tribes in his district. For example, if such a law were effective now, I would select at least the members of the Osage tribe who were to pass upon the competency of the Osage Indians. As to the Creeks, Representative Stigler and I and any other Congressman having a part of the old Creek nation in his district, would select the competency commission for the Creeks, and Mr. Stigler and I would select the competency commission for the Cherokees for all the old Cherokee nation is within our districts.

I think the act should provide in the absence of fraud, the findings and determinations of such commissions should be final and passed thereon to the Secretary of the Interior who would automatically issue orders removing restrictions and declaring competency.

This will give you an idea of what I have in mind. You have been working among the Indians and particularly the Osages for many years, and your valuable experience will enable you to give me suggestions which will be very helpful. I wish you would let me have your reactions to such a proposal at as an early a date as possible, telling me just what you think should be incorporated in the bill. I shall appreciate more than you know a free expression from you on this subject.

With kindest personal regards and best wishes, I am

Your friend,

George B. Schwabe, M. C.

GBS:CMG

SCHWABE COLL