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M. E. POOL, CLERK

United States Senate

COMMITTEE ON INDIAN AFFAIRS

TO CITIZENS OF CHOCTAW & CHICKASAW NATIONS

After almost fifty years the Congress has finally passed a bill authorizing the sale of your coal and asphalt deposits. It was not passed, however, until it was attached as a rider to the Interior appropriation bill which carries money to support the Indian Department - and which had to pass or the whole Department of the Interior would be without funds after June 30th of this year.

Under the law, the first step will be for the members of your two Nations, acting through your officials, to agree upon the terms of a contract with the Secretary of the Interior as to the amount to be paid for your deposits and the time and form of making payment. Also, such other conditions as may be agreed upon in the contract.

After an agreement has been reached and the contract prepared, it must be referred to the members of your two Nations for approval in an election to be called and held under rules and regulations to be approved by the officials of the two Nations.

If, in such election, the contract is approved by a majority of the members of your two tribes, then such contract must be referred to the Congress where it must likewise be approved. If, and when the contract is prepared, and ratified by your two Nations, and then approved and ratified by the Congress, an appropriation will be made by the Congress to pay the amount of money as approved in the contract. The contract will no doubt provide for the method of payment and when the money is appropriated it will be paid out to the members according to the terms of such contract.

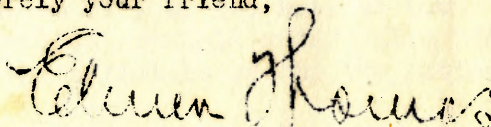
Just as soon as the contract is prepared and approved as provided by the law, then I shall see that it is presented to the Congress for ratification. Then, when the contract is ratified by the Congress I shall see that funds are appropriated to pay for the coal and asphalt deposits as provided and agreed to in the contract.

This has been a long and hard fight and it could not have been won unless the members of your two Nations had reached an agreement in advance to sell your properties. As your Senator, I am glad to be able to make this report to you.

Let me assure you that the sale of these deposits will in no way effect the continued maintenance of your schools, hospitals and agencies. Also let me assure you that the restrictions on your allotments and lands will not be removed until you make application for such removal and are able to convince the Secretary that you are qualified to manage your business affairs successfully.

When I can help you further, please write me, care of Senate Office Building, Washington, D. C.

Sincerely your friend,

A handwritten signature in cursive script, appearing to read "Elmer Thomas".

Elmer Thomas
U. S. S. Oklahoma

ET-J

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United States Senate

COMMITTEE ON INDIAN AFFAIRS

October 20, 1944

TO MEMBERS OF CHICKASAW-CHOCTAW
NATIONS OF INDIANS:

This is a further report to you as to the status of the sale of your coal and asphalt deposits.

The Secretary of the Interior has designated the Superintendent of the Muskogee Indian Agency to represent the Government in drawing up the contract for sale and as soon as the contract is prepared it will be printed and a copy will be placed before you for your consideration.

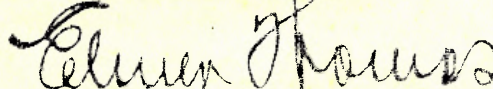
After the contract is drawn an election will be ordered and in such election you will have the opportunity of voting for the contract or against it. If a majority of the Indians vote for the contract, then such contract, as approved by the Indians, will be sent to Washington for the approval of the Congress. If I am re-elected to the Senate I will handle the matter in the Congress and I am sure that I will be able to get the Congress to approve the contract, and after the contract is approved, I will be able to get the money appropriated to pay the members of the Chickasaw-Choctaw Tribes the amounts due them.

The November election will be of great importance to the members not only of your two Tribes, but to all Indians in Oklahoma. The Republican program proposes to remove all restrictions from all Indian lands, which means that such land will be placed on the tax rolls and the Indians will have to pay taxes just as the white people are required to pay taxes. In addition to all Indian land becoming taxable, the Republican program proposes to close all Indian schools, all Indian hospitals and all Indian agencies. The Republican program is contained in two bills introduced by Republican Senator Moore, of Oklahoma. The Democrat program is against the Moore bills and if I am reelected to the Senate I will be able to prevent the Moore bills from passing the Congress.

I respectfully request that you not only register and vote yourself, but that you see to it that all the members of your family and all of your friends likewise register and that they vote on November 7th.

At any time I can be helpful to you or your friends, please feel free to call on me, and with all good wishes, I am,

Sincerely your friend,



Elmer Thomas
United States Senator from Oklahoma



STATE OF OKLAHOMA
OFFICE OF THE GOVERNOR
STATE CAPITOL

ROBT S. KERR
GOVERNOR

May 18, 1943

Honorable Elmer Thomas
United States Senator
Senate Building
Washington, D. C.

Dear Senator Thomas:

Enclosed are copies of House Concurrent Resolutions
Number 16 and 20.

I expect to be in Washington within the next ten days
and will discuss the subject matter of these resolutions with
you.

You will note that the resolutions themselves instruct
the Chief Clerk to forward copies of each of them to each member
of the United States Senate. The Chief Clerk has informed me
that approximately one-hundred copies have been forwarded to your
office with the request that a copy of each be gotten to each one
of the Senators.

The purpose of this letter is merely to thank your office
for getting these copies so distributed.

Very sincerely yours,

A handwritten signature in cursive script that reads "Ben Dwight".

Ben Dwight

BD/bm

Enclosures

E N R O L L E D

HOUSE CONCURRENT RESOLUTION NO. 20.

BY: PARRISH, HUSSEY, WATERS,
MADRANO, PLUMMER, DOR-
SETT, HUNT, MASSEY,
HELM, WOLF, UNDERWOOD,
KNAPP, GOOLDY, ARMS
AND BAILEY OF THE HOUSE,
AND NEILL OF THE SENATE.

A RESOLUTION MEMORIALIZING THE FEDERAL
GOVERNMENT TO EFFECT A READJUSTMENT OF
INDIAN AFFAIRS IN THE STATE OF OKLAHOMA.

WHEREAS, In order to maintain the continuous and progressive development of the State of Oklahoma, it is essential that timely attention be given to the special and public problems of groups or segments of its citizens; and

WHEREAS, The Oklahoma Indians, comprising approximately one-fifteenth of the total population of the State, are confronted with certain special problems, which have emanated from the negotiations and agreements between Oklahoma Indian tribes and the Federal Government and which have been amplified by subsequent legislation; and

WHEREAS, Oklahoma Indian tribes, for many years, have been asserting claims against the Federal Government for alleged violations or nonfulfillment of treaties and agreements without settlement, adjustment or foreclosure against subsequent and repeated revival thereof; and

WHEREAS, Unless settled, adjusted or foreclosed, these claims will continue to cause a continuous, enormous and futile expense on the part of both the Indians and the Federal Government as well as contribute to the continuation of certain expensive and unnecessary phases of Federal guardianship over Oklahoma Indians; and

WHEREAS, General cognizance of such claims indicating that some of them may lack either a legal or moral basis of redress and that others are meritorious and should not be overreached by any means, it appears that all of them should be disposed of as of this day on a basis of equity, reason and good business; and

WHEREAS, It appears that several different bases for the prescription of Indian wardship exist within tribes, among tribes and vary in Federal Indian Agency jurisdictions of the State with respect to the administration of services to the Indians; and

WHEREAS, Certain special and general Federal laws affect the Indians in one section of the State and do not so affect them in another section thereof; and

WHEREAS, Overlapping and duplicated facilities and expenditures in education, health, agriculture and other services cause the growth of an inequitable basis of financial outlay on the part of the State and Federal Government without contributing to the development of an appropriate and efficient Indian service policy and program; and

WHEREAS, It appears that complications, duplications, inequities, dislocated financial outlays and responsibilities, which have developed over the last half-century, can and should well be made in the interest of efficiency and economy as well as in keeping with the intendment of the negotiations and legislation leading to statehood and proposing full and responsible citizenship to the Indians of Oklahoma.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF OKLAHOMA, THE SENATE CONCURRING HEREIN;

That the Federal Government be and is hereby memorialized to create a special Tribunal or Commission for the purpose of hearing, settling or adjusting, once and for all time, Indian claims against the Federal Government; and that it cause, in cooperation with the proper authorities of the State of Oklahoma, a survey to be made of Indian Affairs in Oklahoma for the purpose of revamping the administration of Indian Affairs in the State upon a basis of present conditions and needs as well as in the interest of efficiency, economy and future prospects.

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION be forwarded to his Excellency the President of the United States, each member of the House of Representatives and Senate of the United States, the Secretary of the Interior and the United States Commissioner of Indian Affairs.

Adopted by the House of Representatives the 23rd day of March, 1943.

Adopted by the Senate the 30th day of March, 1943.

Harold Freeman

Speaker of the House of Representatives,

James E. Berry,

President of the Senate.

CORRECTLY ENROLLED

J D McCARTY

CHAIRMAN OF THE COMMITTEE ON ENROLLED AND ENGROSSED BILLS.

RECEIVED

4-1-43 at 12:45 P.M.

F.C. Carter, Secretary of State

By B R

E N R O L L E D

HOUSE CONCURRENT RESOLUTION NO. 16.

BY: PARRISH, IRBY, WALLACE
(OKLAHOMA), MASSEY, BLACK,
HUSSEY, AND WORTHINGTON, OF
THE HOUSE, AND NEILL, OF
THE SENATE.

A CONCURRENT RESOLUTION MEMORIALIZING THE CONGRESS TO ENACT AND THE PRESIDENT TO APPROVE LEGISLATION AUTHORIZING THE SECRETARY OF THE INTERIOR TO ENTER INTO A CONTRACT WITH THE CHOCTAW AND CHICKASAW TRIBES OF INDIANS IN OKLAHOMA FOR THE PURCHASE BY THE FEDERAL GOVERNMENT OF THE SEGREGATED COAL AND ASPHALT LANDS AND DEPOSITS OF THE SAID TRIBES.

WHEREAS, In order that Oklahoma statehood might obtain and that the members of the Choctaw and Chickasaw Tribes of Indians in Oklahoma, numbering approximately twenty-seven thousand (27,000) persons, might enjoy the privileges and assume the responsibilities of citizens of the State and Nation, the said Tribes entered into solemn agreements with the Federal Government, providing, in substance, for the liquidation of the tribal governments and the common estate of the two tribes; and

WHEREAS, Those agreements (known as the Atoka and Supplemental Agreements) expressly provided, among other things, that the coal and asphalt lands and deposits of the said tribes would be reserved from allotment in severalty and sold by the Federal Government within three (3) years after the final ratification of the Supplemental Agreement, on July 1, 1902; and that the proceeds of such sale would be distributed among the members of said tribes upon a per capita basis; and

WHEREAS, Contrary to the intendment and express provisions of said Agreement and through legislative action of the United States Congress and administrative action of the Executive Department of the Federal Government, the greater portion (approximately three hundred and sixty-eight thousand (368,000) acres) of said coal and asphalt lands and deposits have been withheld from sale over a period of forty (40) years, at times when this estate could have been capitalized to a considerable advantage to the members of the said tribes; and

WHEREAS, Because the common estate of the two tribes has not been so liquidated, the said tribes have been compelled to maintain a modified form of tribal government at a continuous and sizable expense; and

WHEREAS, At this time it does not appear that aforesaid coal and asphalt lands and deposits can be sold to private interests at anything like a fair consideration; and

WHEREAS, The Federal Government has urgent need of coal and asphalt in its prosecution of the war; and

WHEREAS, The conservation of natural resources for future generations can better be accomplished by the Federal Government than by the Choctaw and Chickasaw Tribes who have been caused to accept a process of winding up their political autonomy; and

WHEREAS, The confusion and contentions that have developed and now exist because of various phases of guardianship of the Federal Government over the Choctaw and Chickasaw Indians and their property, cause continuing and enormous expenditures on the part of both the Federal Government and the said tribes, a large part of which could be eliminated by a readjustment of the status of the common estate of the two tribes; and

WHEREAS, There is now pending before the Congress of the United States legislation which would authorize the Secretary of the Interior to negotiate with the Choctaw and Chickasaw Tribes of Indians in Oklahoma for the purchase by the Federal Government of the coal and asphalt lands and deposits of the said tribes.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETEENTH LEGISLATURE OF THE STATE OF OKLAHOMA, THE SENATE CONCURRING THEREIN:

That the Congress of the United States be memorialized to enact such legislation and that his Excellency, The President of the United States, is petitioned to sign and approve said legislation.

AND BE IT FURTHER RESOLVED That the Chief Clerk of the House of Representatives, upon the passage of this Resolution, shall forward an enrolled copy thereof to each member of the House of Representatives and of the Senate in the United States Congress, to his Excellency the President of the United States and a copy to the Secretary of the Department of Interior.

Adopted by the House of Representatives the 15th day of March, 1943.

Adopted by the Senate the 18th day of March, 1943.

Harold Freeman
Speaker of the House of Representatives.

Jack Neill
Acting President of the Senate.

CORRECTLY ENROLLED
J D McCARTY
CHAIRMAN OF THE COMMITTEE ON ENROLLED AND ENGROSSED BILLS.

RECEIVED 3-20-43 at 9:25 A M
F. C. Carter, Secretary of State
By B R

September 9, 1942.

My dear Senator Thomas:

Reference is made to your request for a report on S. 2534, a bill "To authorize the purchase of certain interests in lands and mineral deposits by the United States from the Choctaw and Chickasaw Nations of Indians."

I have no objections to the acquisition by the United States of the segregated mineral deposits of the Choctaw and Chickasaw Nations, but I believe certain amendments to S. 2534 are needed.

There is authority under existing law to permit the sale of these coal and asphalt deposits and to lease undeveloped tracts and undeveloped tracts adjoining and needed in connection with mining on developed tracts; but adverse market conditions resulting from the discovery of large quantities of natural gas and oil in Oklahoma and nearby states have rendered it practically impossible in recent years to dispose of the deposits to the advantage of the Indians. It may be many years before the Tribes will benefit to any great extent from the sale or leasing of these deposits. In the meantime, the Tribes, and the Government as well, must bear the expense of administering and protecting the property and supervising the few sales and leases that may be consummated. For these reasons, it might be advisable for the Government to buy these deposits and hold them in reserve until a better market develops, but provision should be made for their future disposal under conditions similar to those provided in the general leasing act of February 25, 1920 (41 Stat. 437; 30 U.S.C., 1961, et seq.) and it also should be provided that all proceeds derived therefrom shall be deposited in the general fund of the Treasury of the United States. A memorandum giving further information concerning the segregated coal and asphalt deposits is attached.

Section 1 of the bill authorizes the negotiation of a contract by the Secretary of the Interior for the purchase of the coal and asphalt deposits and the execution of the contract by the Principal Chief of the Choctaw Nation and the Governor of the Chickasaw Nation. It then provides that the contract shall be submitted to Congress for approval. No time limit is fixed for approval by Congress and therefore an executed contract might remain pending before Congress an unlimited time without receiving the necessary approval to make it effective. In order to avoid this, it is suggested that the last two sentences of Section 1 beginning at line 3, page 2, be stricken and that the following be substituted:

"The contract shall be executed on behalf of the Indians by the Principal Chief of the Choctaw Nation and the Governor of the Chickasaw Nation and shall be submitted to Congress. The Contract shall become effective upon the expiration of 60 calendar days after the date on which it is transmitted to Congress, but only if during such 60-day period there has not been passed by the two houses of Congress a concurrent resolution stating in substance that Congress does not favor the contract. If Congress adjourns sine die before the expiration of the 60-day period, a new 60-day period shall begin on the opening day of the next succeeding regular or special session. A similar rule shall be applicable in the case of subsequent adjournments sine die before the expiration of 60 days."

It is recommended that Section 2 of the bill be amended to read as follows:

"SEC. 2. Upon such contract becoming effective--

(a) The amount of the purchase price fixed in the contract shall be placed to the credit of the Choctaw and Chickasaw Nations of Indians on the books of the Treasury of the United States and shall be expended only as may be authorized by the Congress.

(b) The Secretary shall cause a proper conveyance to be executed by the Principal Chief of the Choctaw Nation and the Governor of the Chickasaw Nation conveying to the United States all right, title and interest of said Indians in such lands and mineral deposits as may be covered by the contract and thereupon all right, title and interest of the Chickasaw and Choctaw Nations shall vest in the United States. The payment provided for herein shall be deemed a full satisfaction of all claims the Choctaw and Chickasaw Nations may have against the United States on account of any withholding from sale, failure to sell or delay in selling any of the coal and asphalt deposits of said nations."

There should be added to Section 3 the following authorization:

"There is also authorized to be appropriated the sum of \$20,000 to be expended under the direction of the Secretary of the Interior, to defray the expenses of negotiating the contract authorized by Section 1 hereof, including the making of such appraisal or appraisals as may be deemed necessary."

There should be added to the bill a section to authorize the disposal of any coal and asphalt deposits which may be purchased by the United States. A draft of a section to accomplish this designated Section 4 is attached.

The purpose of the changes suggested is obvious and it is believed they would make the bill more practicable and facilitate its administration.

The Bureau of the Budget has advised me "that the enactment of the proposed legislation, either in its present form or if amended as suggested in your proposed report, would not be in accord with the program of the President."

Sincerely yours,

(Signed) HAROLD L. ICKES
Secretary of the Interior.

Hon. Elmer Thomas,
Chairman, Committee on Indian Affairs,
United States Senate.

MEMORANDUM OF INFORMATION

Relating to a bill to authorize the purchase by the United States of the segregated coal and asphalt deposits of the Choctaw and Chickasaw Tribes.

Originally there were 445,052 acres within the segregated coal and asphalt area. According to the report of the Superintendent of the Five Civilized Tribes Agency for the fiscal year ended June 30, 1933, there are about 379,657.03 acres of the coal and asphalt minerals unsold, valued at \$10,041,029.67.

A suit was filed in the Court of Claims (J 620) by the Choctaw and Chickasaw Nations against the United States claiming more than eight million dollars as damages arising out of the delay or failure on the part of the Government to dispose promptly of these coal and asphalt deposits in accordance with earlier agreements with these tribes. The suit has been dismissed for lack of prosecution.

Sections 56 and 53 inclusive of the act of July 1, 1902, ratifying the supplemental agreement with the Choctaw and Chickasaw Indians (32 Stat. 641), provided that such lands of the Choctaw and Chickasaw Nations as were chiefly valuable for coal and asphalt should be segregated from allotment and sold. Section 59 of the supplemental agreement provided that the lands leased, and unleased, should be sold at public auction for cash within three years from the date of final ratification of the agreement and before the dissolution of the tribal government.

Before the expiration of the three year period on the offering of the lands for sale as provided by said section 59, a provision was passed, contained in the appropriation act of April 21, 1904 (33 Stat. 189-209), that all leased lands should be withheld from sale until the further direction of Congress. The act further authorized the sale of the unleased lands and deposits "upon sealed proposals" under regulations to be prescribed by the Secretary of the Interior. The unleased lands and coal and asphalt deposits were duly advertised and offered under sealed bids pursuant to the provisions of the last mentioned act. The bids were opened at various dates from October 3, 1904 to August 7, 1908. All bids were rejected by the Department as being too low.

On December 7, 1905, the Department recommended a draft of legislation to provide for the final disposition of the affairs of the Five Civilized Tribes, section 13 of which provided that all coal and asphalt lands and deposits in the Choctaw and Chickasaw Nations, whether leased or unleased, segregated under, or the sale of which had been authorized by any act of Congress, should be sold at public auction under the direction of the Secretary of the Interior, in bulk or in such parcels as he might determine to be the for the best interests of the tribes and under regulations prescribed by him.

This proposed legislation was modified and section 13 of the act of April 26, 1906, was passed reading as follows:

"That all coal and asphalt lands whether leased or unleased, shall be reserved from sale under this act until the existing leases for coal and asphalt lands shall have expired or until such time as may be otherwise provided by law."

By the act of February 19, 1912 (37 Stat. 87), Congress provided for the sale of the surface of the lands within the segregated coal and asphalt area. There was no authority of law for offering the coal and asphalt deposits after the passage of section 13 of the act of April 26, 1906, supra, until the passage of the act of February 8, 1913 (40 Stat. 433). Under the later act three public auction sales have been extensively advertised and held; and a fourth such sale was had subsequently to the passage of the act of February 23, 1921 (41 Stat. 1107), which act provided for the re-appraisal and re-offering of the deposits for sale. Under these acts 114 tracts, aggregating 58,592.17 acres, of the coal and asphalt deposits, were sold; the aggregate price being approximately \$2,455,382.70. Subsequently the sale of a number of tracts involving approximately 27,000 acres were cancelled.

Section 3 of the act of June 19, 1930 (46 Stat. 733), provides as follows:

"That where any tract of said coal and asphalt deposits has been heretofore or may be offered hereafter for sale at two or more public auctions after due advertisement and no sale thereof was made, the Secretary of the Interior may, in his discretion and under such rules and regulations and on such terms and conditions as he may prescribe, sell such tract at either public auction or by private sale at not less than the appraised value: Provided, however, That the Secretary of the Interior, may, in cases where the tracts remain unsold and the facts are found to justify, cause reappraisments to be made of such tracts and reoffer and sell such tracts either at public auction or private sale at not less than the reappraised value."

All of the unsold tracts have been advertised and offered for sale a number of times. Since the passage of the act of June 19, 1930, Supra, a few tracts have been sold in particular instances where it appeared to be for the best interests of the Indians to make the sales.

SEC. 4. The land and mineral deposits when acquired hereunder shall become a part of the public domain subject to the applicable public land mining and mineral leasing laws. The coal deposits acquired hereunder may be leased in accordance with the provisions relating to coal of the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended. The asphalt deposits acquired hereunder may be leased by the Secretary of the Interior through advertisement, competitive bidding, or such other methods as he may by general regulations prescribe, and in areas not exceeding 640 acres each. Lessees for such asphalt deposits shall be conditioned upon the payment by the lessee of such royalty as may be fixed in the lease, not less than 25 per cent of the thousand pounds of marketable production, and upon the payment in advance of a rental of 25 cents per acre for the second, third, fourth and fifth years, respectively; and \$1 per acre per annum thereafter during the continuance of the lease, such rental for any lease year to be credited against royalties accruing for that year. Lessees for such asphalt deposits shall be for a period of 20 years, with preferential right in the lease to renew the same for successive periods of 10 years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the expiration of such periods. All asphalt leases issued hereunder shall be subject to such further terms and conditions, not inconsistent herewith, as may be incorporated in each lease or prescribed by general regulations adopted by the Secretary of the Interior prior to the issuance of the lease, including covenants relative to mining methods, waste, grade, period of preliminary development, initial investment, and minimum production. The Secretary of the Interior is authorized to modify or amend as to area any asphalt lease issued hereunder upon application of the lessee if he finds such modification or amendment to be to the best interests of the United States and the lessee. The general provisions of sections 1, 27, 29 to 34, inclusive, 37 and 38 of the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended, shall apply to asphalt leases issued under the provisions of this act, sections 1, 34 and 37 thereof being amended to include deposits of asphalt acquired hereunder, and section 27 thereof being amended to provide that no person, association or corporation shall take or hold more than 2,560 acres under asphalt lease at any one time. The entire net income from coal and asphalt leases issued under this act shall be deposited in the General Fund of the Treasury of the United States.