

Durant Olla

June 30 1946

Dear Alice and Leva, -

I know you will be shocked and grieved to know that Ben passed away June 27 at Claremore Indian Hospital with cancer of the liver - He had not been feeling well since Jan - just gradually went down - We brought him to Claremore from Runi New Mex. where we spent the past year with Doris - just 7 weeks ago - He wouldn't give up but thought all the time he could take xray treatment + get well - Doris + I were both there with him when he died, peacefully + quietly, as he had lived - Randolph came as

soon as he could get here and
we buried him at Durant last
Tuesday morning at 10 o'clock -

I am going back to Albuquerque
with Doris to spend the month of
July. Randolph and his family
will also be there and we would
be glad to hear from you -

Sincerely -

Clara

308 N. Quincy -

Albuquerque -

New Mex. -

Oklahoma City, Oklahoma
February 11, 1946

My Fellow Indians:

Last week, the House Rules Committee of the United States Congress held a hearing on the Indian Claims Commission bill. This Committee decided to grant a rule which would bring the bill, HR 4497, out on the House floor for debate and action thereon.

This is a most important and favorable step for the Claims Commission bill. The chances of securing passage of the bill by the House are good, provided that everyone interested in the enactment of this legislation will get active between now and the time that the bill is voted on by the House.

In all likelihood, the Claims Commission bill will be taken up on the floor of the House some time during the week of February 18 - or soon thereafter.

The specific purpose of this communication is to respectfully request that you and all others interested in this legislation immediately do what you can to get the support of members of Congress for this bill. More specifically, let me suggest that you communicate, as soon as possible, with your Congressman. If it is possible, it would help even more to have various groups in your area express their wish to their Congressmen and urge them to be active in support of the legislation.

It is realized that time is short and that we must do everything that we can within the next few days. We probably have never had a better chance to get an Indian Claims Commission bill enacted into law - and it is important that we do all that we can now.

Herewith, I am also enclosing a copy of a statement that Governor Kerr of Oklahoma filed with the Rules Committee in support of the Claims Commission bill, HR 4497.

Sincerely yours,

Ben Dwight, Acting Executive Secretary
The National Congress of American Indians
c/o Governor's Office, Oklahoma City,
Oklahoma

P.S. Will you kindly get the additional enclosures to others you think may be interested and helpful with this legislation.

BD

Statement of Robert S. Kerr, Governor of Oklahoma in re Indian Claims Commission bill before House Rules Committee, Washington, D. C. February 5, 1946.

Mr. Chairman and Members of the Committee:

I understand that you are being petitioned to grant a rule on HR 4497, - that is, to bring that bill out on the floor of the House of Representatives for consideration of that body. This bill proposes to set up a special Commission for hearing and settling Indian Claims.

At the outset, I think it might be appropriate for me to tell you that I would not participate personally in the proceeds that might be derived from any Indian claim. I am, however, very much interested in the creation of a special tribunal that will permit the Indians to have their day in Court with reference to the claims which they have been asserting over a great number of years.

I was born in the Indian Territory, which is now Oklahoma, and all of my life, I have been hearing of the claims that the Indians have against the Federal government and of the lack of adequate opportunity to present their side of this long-pending and, in their opinion, unfair situation.

I am not aware of the merits or demerits of any particular Indian claim and, if I were, I do not believe that this would be the place for me or anyone else to comment upon that particular phase of Indian claims. However, on behalf of the Indian citizens of Oklahoma - which constitute approximately one fifteenth of the entire population of my State, and which comprises approximately one-third of the Indians in the United States - I should like to make some observations in the hopes that it will be of some help to you in making your decision upon the question before you. And, incidentally, I should also like to observe that, in my opinion, doing the things that will settle this question that is coming before the Congress year after year will be a help not only to the Indians but also to all citizens in general - from the standpoint of fair treatment, as well as from the standpoint of economy over a period of years.

Most of the claims that have been asserted by the Indians arise out of treaties or agreements that were made by the Indians and our great government. Those treaties - I think we should assume - were solemn ones, meant to be carried out. We like to believe that this Nation, today, in taking an all important part in the establishment of peace over the World has, - during all its history, predicated its actions upon such high-minded purposes as carrying out its own commitments. We believe that no Nation has a right to enslave the people of a weaker Nation - either because of discovery or through aggression - nor does a stronger Nation have a right to over-reach a weaker Nation because of the religion or lack of it on the part of the people of a weaker Nation. We believe that strongness, of itself, grants no one the right to take away the land or liberty of a weaker people. The vitality of these principles has been, in my judgment, the sinew of our American way over the years of our momentous history - and they are the source of our power and influence today.

What we, in America, are trying to do in world affairs has a contemporary relevance in how we have handled and are handling our domestic affairs.

Now, I am fully mindful of the fact that, in making the treaties and agreements with Indian tribes, that they were made for the purpose of placing the lands of this great American continent in a status that would permit progress and advance the development of a great Nation.

I am also mindful of the fact that these transactions could not have been carried out without misunderstandings and without wrongs. I am not saying that all of the mistakes or all of the wrongs were either on the side of the Indians or the United States. But the fact is that, out of these agreements and treaties, there have arisen claims for redress on the part of the Indians against the United States. The further fact remains that there is no forum existing today whereby the Indian claims may be heard and settled without permission of the Congress. The nearest approach is the Court of Claims - from which the Indians have been denied the right to prosecute their claims without specific permission from the Congress to do so. We know that Indian tribes over the United States have gone to, and are still going to, an enormous expense in trying to get through the Congress jurisdictional bills which would permit them to go before the Court of Claims. We know further that, during the last few years, an enormous expense has been placed upon not only the

Indians but also upon the Congress, The Department of the Interior and The Department of Justice in dealing with this proposition that is getting practically nowhere.

In those cases where the Indians have been able to get jurisdictional bills, in too many instances, the cost of investigation upon the part of Congress, The Department of the Interior and The Department of Justice - plus the cost of Court procedure - has resulted in a vast expenditure without substantial results of fair redress or compensation to the claimants; and, in instances, without preventing the reassertion of the claims.

Then, in cases that have gotten as far as the Courts, the records will show in many of these cases that the Court has acknowledged that the Indians were over-reached but judgment in favor of the claimants was denied for various reasons - some of which may in substance be stated as follows:

That the Indian is a vanishing race and, consequently descendants of those wronged - are not entitled to the compensation that might well have gone to their forefathers; that when treaties were made with the Indians, they were nomadic and consequently had no established right to lands involved in the transaction; and that the moral progress of the people of a Nation entitles a conqueror to overlook past questionable administrative action.

In answer to these points of view, one might well say that the Indian is not a vanishing race but that it is a race which is steadily growing in numbers; one might say that while the Indians, in their earlier days, moved with the seasons from one part of their vast domain to another part, they were doing nothing more nor less than some of us do today when we move from winter homes to summer homes - and vice versa; and, further, we must say that the moral progress of a Nation is far more healthy if it is based upon the proposition of helping as we go along and of righting past misdeeds if it is at all a possible or practical thing to do.

We cannot afford to be caught in the back-wash of theories of government that permit the strong to oppress the weak - unless we see our reflection in the mirror of ideologies which we are seeking to level.

I think it is not far-fetched to say that it is a mandate of our National dignity to set up some sort of forum to hear and settle these Indian claims. It is not too late to recognize the Indian property concepts insofar as they were agreed upon by and between them and our government in their dealings through treaties and agreements.

This is not a partisan political question. As a matter of fact, that is one matter upon which both major political parties have agreed - that is, insofar as their public pronouncements go. In 1940, both political parties inserted in their respective platforms a provision which, in substance, pledged the parties to the proposition of settling these Indian claims.

Now, we come to the point of the best method of carrying out this commitment. Frankly, I think that that method lies within the intentment of the bill that is before you for consideration today. This bill, as I understand it, provides for a Commission of three to hear these Indian claims. It provides further that such claims shall be presented to the Court within five years - or thereafter be barred. It provides for a thorough investigation of the claims and deliberation thereon by the members of the Commission - with provision for appropriate reference of various points of law to the Court of Claims and to the Supreme Court. In other words, the Commission as is proposed by this bill, sets up machinery for full and careful consideration of these claims, adjudication thereof - and final determination of the right of both the Indians and the federal government.

I might close with this additional thought, that the Bureau of Indian Affairs, under existing circumstances, is a necessary but very expensive administrative agency of our government. Unquestionably, for several years to come, we must safeguard and protect the property of many Indians - and render certain special services to them. However, there are many enrolled Indians of a number of Indian tribes who want to get completely out from under any phase of guardianship on the