

RELATING TO CERTAIN LANDS AND OTHER PROPERTY OF THE SEMINOLE
INDIANS OF OKLAHOMA.

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THURSDAY JANUARY 28, 1932.

HOUSE OF REPRESENTATIVES,

Sub-Committee of the Committee on

Indian Affairs,

Washington, D. C.

The sub-committee met, pursuant to adjournment at 10:30 o'clock a.m. Honorable Hubert Peavey (Chairman of the Sub-Committee) presiding.

Mr. Peavey: The committee will be in order. Have any of the other members of the committee any preference as to whom we call on first this morning??

Mr. Loofbourow: I suggest we hear from the gentlemen from the Department. We have talked at considerable length with the witnesses from the Seminole Nation, and I suggest these people from the Department be heard the first thing this morning.

STATEMENT OF HONORABLE TOM D. MCKEOWN

Representative in Congress, from the State of Oklahoma.

Mr. McKewown: Mr. Chairman, if you please, I have been sent for to come down to the Department at 11 o'clock this morning, and I wanted to make a brief statement, so that my Indian friends will not think I am running off from them. I unfortunately could not stay with them, and I wanted to state to you that they are reliable men, representatives of their tribe. There is no question about their reliability. I will now ask to be excused, with the understanding that my Indians understand that I represent them here.

Mr. Loofbourow: We understand that. They understand also, Mr. McKeown, that it is a rule of this committee not to permit members who are directly involved in things to be investigated to sit in this Committee, and that is one reason why you could not take an active part.

Mr. Peavey: Do these gentlemen represent the Department??

STATEMENT OF MR. SAMUEL M. DODD, JR.

Chief Finance Officer, Bureau of Indian Affairs,

Department of the Interior.

Mr. Peavey: What branch of the Department do you represent??

Mr. Dodd: Dr. Ryan is director of Education Division; Dr. Marschalk is Chief of the Land Division; and I am Chief Finance Officer of all the Bureau of Indian Affairs: The Commissioner and Assistant Commissioner are both engaged this morning and could not on short notice make arrangements to be here. We do not know just what the Committee desires. We are here to give you such information as you may want to develop in the course of the hearing. I might say that your request came yesterday afternoon late that you would like to have a report on H. R. 8169.

Mr. Peavey: Yes, the bill was only introduced on the 21 st. and had not been submitted to the Department for a report.

Mr. Loofbourow: That is correct; a request was made on yesterday for a report, for the purpose of getting the Bureau's position in the matter.

Mr. Dodd: We could possibly get up a report expressing the views of the Secretary and of the Commissioner in such a short time

Mr. Peavey: You understand the reason for that was not that we wanted the Commissioner to appear in person, but the Indians were here, and wanted to be heard, and we had a desire to secure information from both sides. Does either of the members desire to say which gentleman we shall hear first; Mr. Dodd, you are Chief Finance Officer that is your position??

Mr. Dodd: Yes, sir.

Mr. Peavey: Mr. Dodd you are familiar with the transactions covered by the bill before this committee, with relations to the leasing and possible sale of this 320 acres of land on the Seminole reservation and belonging to the Seminole Tribe?? I understand that 4 years ago there was a lease made on this land, and that since that time some of the surface rights have been sold. Are you familiar with those transactions??

Mr. Dodd: Yes, sir. The surface rights have not been sold.

Mr. Peavey: No part of them??

Mr. Dodd: No part of them. They have been advertised for sale based upon authority contained in an Act of 1908. The School was constructed from Seminole Tribal Funds, and was operated from Seminole Tribal funds until about two years ago. The condition of the buildings was such that it was not considered safe. After a thorough investigation in the field and the determination that the pupils in that school could be taken care of elsewhere, and because of unsafe conditions of the building, it was closed. It has been determined not to open the school, and the next step was to dispose of the buildings and surface rights of the land. It is in the midst of the Seminole oil fields and there are nine oil wells on the property. The location is not suitable for an institution of any kind.

Mr. Peavey: How did you come to make the lease under which this property is being developed for oil??

Mr. Dodd: To protect the interests of the Seminole Indians. There were leases all around the property.

Mr. Peavey: Was it done at their request??

Mr. Dodd: My understanding is that it was not.

Mr. Peavey: What was the nature of the transaction by which the leases were made: was it sold at auction??

Mr. Dodd: Yes, sir.

Mr. Peavey: The Department receiving bids, or how was it done??

Mr. Dodd: It was sold at auction. There is a requirement of the law of April 17, 1926, (44 Stat. page 300) It provides that "The Secretary of the Interior be, and he is hereby, authorized, under such rules and regulation as he may prescribe, to lease at public auction upon not less than 30 days notice for mining purposes, land on any Indian reservation reserved for an Indian agency or school purposees, in accordance with existing law applicable to other lands in such reservation, and the proceeds arising therefrom shall be deposited in the Treasury of the United States to the credit of the Indians for whose benifit the lands are reserved subject to appropriation by Congress for educational work, among the Indians, or paying expenses of administration of agencies: Provided, That a royalty of at least one-eighth shall be reserved in all leases".

Mr. Peavey: That statute you have just read is the legal authority by which the Department held this option??

Mr. Dodd: Yes, sir.

Mr. Peavey: The auction~~xxx~~ however, I suppose, was itself brought about by a demand of oil concerns down there to lease??

Mr. Dodd: My understanding of the transaction is that the lease was made to protect the interests of the Seminole tribe in this 320 acre tract, because there were wells being drilled all around it, and this was to sink wells and obtain for them the oil on that tract before it was drained out of these wells surrounding the property.

Mr. Peavey: That conclusion was reached by someone of the Department acting for the Indians, or representing the interests of the Indians?

Mr. Dodd: Yes, by the Commissioner of Indian Affairs, approved by the Secretary of the Interior.

Mr. Peavey:

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Mr. Peavey: And on arriving at that conclusion you, in the regular manner prescribed by your regulations, advertised for bids, and so on??

Mr. Dodd: Yes, sir.

Mr. Peavey: In the lease made, how does the price compare with leases made around there; and, if there was any particular difference, will you explain why.

Mr. Dodd: The lease provides for one-eighth of the royalty to the Indians, and, as I understand it, that is the usual amount paid in all leases of that kind.

Mr. Peavey: What about the bonus?? Were they not in that territory in the habit of paying a bonus per acre for these oil land leases??

Mr. Dodd: I believe they were.O I dont have the figures to indicate just what the bonus was.

STATEMENT OF MR. W. A. MARSCHALK

Chief of the Land division, Bureau of Indian Affairs,

Department of the Interior.

Dr. Marschalk: If I may be permitted, I do not know whether the bonus was paid, but that in many sales , so far as I know, in the Osage country, in past years, of course, a very large bonus was paid.

Mr. Loofbourow: Was not \$ 101 paid in this case? That is our information.

Dr. Marschalk: I beg pardon.

Mr. Loofbourow: Was not \$ 101 bonus per acre paid in this instance??

Dr. Marschalk: Maybe so; I dont know. The records will show that someplace.

Mr. Peavey: If you will permit me for just a moment, the Committee has no desire to take advantage of the representatives of the department. Here is what we seeking to do; There is some feeling in the community down there of opposition to this lease,

on the ground that there is a great disparity between the \$ 101 per acre bonus paid for this lease, and approximately \$ 800 and \$ 1000 an acre paid for leases on land immediately adjoining.

Mr. Gilchrist: And were Bonuses paid as high as \$ 5000?

Mr. Peavey: I am wondering if any of you gentlemen could explain to the Committee just why that disparity occurred and what was the reason for it??

Dr. Marschalk: No sir, I could not. Not at present.

Mr. Peavey: Who is there in the Department who would be familiar with that?

Dr. Marschalk: I would be, after looking up the records on it but just at present I could not say why some other leases were sold for quite a large bonus, and this was sold as he stated for only \$ 101.

Mr. Peavey: Is it not the practise of the Department where a property like this is to be leased or sold for some one in the Department in authority to familiarize himself with values so as to know whether or not any bids made to conform to conditions and to values there?

Dr. Marschalk: That is true, but we have to depend largely on what our Superintendents say, the field men. In the case of the large sum we had of the Osage land, we did send some one in each case, as far as I recall, from the Geological survey: and no bids were accepted at less than the appraisement, the bonus price, that he put up on them, whether that was done in this case, I do not recall.

Mr. Peavey: It is your impression then, that the Department relied entirely upon the Superintendent down there for information as to whether or not this \$ 101 bonus was a fair price at that time??

Dr. Marschalk: I could not say. I would have to examine our records in order to tell.

Mr. Peavey: Does the lease itself show who acted for the Department in granting of the lease, et cetera??

Dr. Marschalk: The record would have a letter of transmittal from the Superintendent of the Five Civilized Tribes, and that record will contain all the related papers in connection with the transaction.

Mr. Peavey: Including the appraisal made by the people that you depend upon for data??

Dr. Marschalk: I think that would be in the record.

Mr. Peavey: Could you turn to that??

Dr. Marshcalk: I will have to send to the office for that file.

Mr. Peavey: Do the committee think we should have that??

Mr. Gilchrist: I think the Department representatives should have equal opportunity to present all data, even if it is necessary to continue the hearing, because we want to give them a full chance.

Mr. Peavey: If it is agreeable with all concerned, the Chairman suggests we hear Dr. Ryan, on the educational feature of this bill while you are getting that information.

STATEMENT BY DR. W. CARSON RYAN?

Director, Educational Division, Bureau of Indian Affairs,
Department of the Interior.

Dr. Ryan: I do not think there is anything I can say about it, except that every report made with regard to the building indicated it ought not be used, but much more important than that, we have tried to explain to the men here from the tribe, that we are trying hard to give them every assistance and to help them get a somewhat better education than in the past; and the problem is difficult, because the public school attendance varies largely, especially these in Oklahoma, and when the school was abandoned we started to give them as good a follow up education in the public schools as we could. We recognize perfectly that we are not doing a one-hundred per cent job, and we have asked these men to give us actual cases of children not attending schools, and while we think we do maintain a considerably larger number now attending than were attending when the school was opened, we never-the-less are glad to get these individual cases of non-attendance: and we have this morning sent to our State Supervisor in Oklahoma, giving him the exact cases and telling him about the whole problem. So far as the

Indians are concerned, depend upon our giving them the best education we can.

Mr. Peavey: Let me ask you there, Dr. Ryan, Is not the change that is being promulgated by the Department in this particular shcool a part of your plan of establinking a general policy of putting these Indian schilden, as far as possible in public schools and taking them out of boarding schools??

Dr. Ryan: Very deninately. I think the Indians themselves ^{ought} to be reassured on that point, that is, that we would like not to have to do it so rapidly. Usually instead of saying we are trying to put them in the public schools, we say we are trying to localize the education of the Indian children just exactly as the education of our white children is localized, using boarding schools for the older pupils, for pupils who cannot get facilities elsewhere, and gradually we are getting the Indians education back to his own community. In full blood communities of the Southwest we use day schools, because they are not quite ready for the public schools. I think it not only fair to the seminole group to say that some of them feel that they are in part at least not quite ready for the public schools. Some of their ablest representatives are the products of the public schools; but they themselves say that a few of their families still find it difficult to make the adjustment. If it is a case of need, we would rather see that the family is helped than to send the child off.

Mr. Loofbourow: Dr. Ryan, are you personally familiar with the building in which this Mekasukey school was operated??

Dr. Ryan: I have not exactly seen the building. I thought I had, but I went back in my records and find that I have not myself visited these schools.

Mr. Loofbourow: What complaint is there about the building??

Dr. Ryan: Every inspector and supervisor from the Division of Education and other staffs who have ever visited it stated it is a building wholly unsafe for occupancy. It is a brick building.

It is located as Mr. Dodd will tell you, right in this gas and oil country. So that it is dangerous from fire hazard.

Mr. Loofbourow: Are the public schools in the same situation with respect to oil and gas operations down there??

Dr. Ryan: Except they have been built more recently and, if you know these buildings you know the public schools buildings are usually a lower type of building. They are very strong, and one floor, or at most, two floors.

Mr. Loofbourow: But there is just the same proximity in the case of those public schools to oil and gas operations??

Dr. Ryan: That is true. But this is an old building, the pictures I have seen, and notwithstanding people who have seen the building disagree on everything else, they agree that the building is not safe.

Mr. Loofbourow: It has a lead roof, has it not??

Dr. Ryan: That I do not recall.

Mr. Loofbourow: And it is a brick building??

Dr. Ryan: Yes, but the walls bulge very badly, I am told.

Mr. Dodd: On the front of the building--- I went through ~~through~~ it all last year. There is a large crack down one side of one of the towers. The towers have large iron bands surrounding them. The main front of the building is covered with steel rods, nuts and bolts, holding the walls in place, and many of those protrude through the front of the building.

Mr. Loofbourow: Are the dormitories and class rooms in this building??

Mr. Dodd: Yes, with the exception of the laundry the power house or heating plant; and two or three cottages for employees are in the one building. The school room is in the building. The principals office and some of the quarters for the teaching personnel are all within the building; also the dining room, kitchen, the boys toilet and everything.

Mr. Loofbourow: How many students did this building accomodate when it was used??

Mr. Dodd: About 100.

Dr. Ryan: They had 125 at one time.

Mr. Loofbourow: And was that about the attendance for the last two years the school was operated??

Mr. Dodd: The attendance dropped down to around 85.

Mr. Loofbourow: They are all housed in dormatories, in this same building??

Mr. Dodd: Yes, sir.

Mr. Loofbourow: The building was constructed from funds of the Seminole Indians??

Mr. Dodd: Yes, sir.

Mr. Loofbourow: And the school was maintained by funds of the Seminole Indians??

Mr. ~~X~~ Yes, sir. (Dodd)

Mr. Loofbourow: Have the other Nations of the Five Civilized Tribes their own tribal funds with which their schools are maintained??

Mr. Dodd: Not now. It did up intil the appropriation for this year. The two Choctaw schools were maintained from private funds. In 1932 we are to bring them into Treasury appropriations because of the deficiency in private funds, and the Seminole tribe schools, I might say, have been continued, except for the income from the oil leases, that likewise continued under the appropriation.

Mr. Loofbourow: At the same time the treaty of agreement was made with the Seminoles \$ 500,000.00 was set aside for purposes of education, was there not??

Mr. Dodd: That is my understanding; yes, sir.

Mr. Loofbourow: Then afterwards, I am informed, that \$ 300,000.00 of that amount was distributed in a per capita distribution.

Mr. Dodd: I think the record indicates that fact.

Mr. Loofbourow: And that left \$ 200,000.00. Was that fund used for support and maintenance of this school??

Mr. Dodd: Yes, sir.

Mr. Loofbourow: I am speaking now of the Mekasukeey school-- did the income from that oil lease go into this school fund??

Mr. Dodd: I think not. The income from these oil leases is in a separate fund.

Mr. Loofbourow: Do you know how much money there is now in that school fund???

Mr. Dodd: I do not have the exact figures on the amount in that school fund, but there is at this time a total amount to the credit of the Seminoles, \$ 202,595.39.

Mr. Loofbourow: That is in both funds??

Mr. Dodd: In both funds: the large bulk of it is from the oil and gas leases. There is very little of that that could be chargeable to the school fund.

Mr. Loofbourow: Does the Department distinguish between the two funds, as to its power to use this money for education??

Mr. Dodd: We would not, no; because the Secretary has authority to use that money, under the Act that I read to you awhile ago, based upon estimates submitted to the Congress for Educational purposes.

Mr. Gilchrist: What is that Act, please. I want to read it. You gave it to us before I think.

Mr. Dodd: The Act of April 17, 1926, (44 Stat. page 300) It provides that the "proceeds arising therefrom"-- that is from the sale of the lease-- shall be deposited in the Treasury of the United States to the credit of the Indians for whose benefit the lands are reserved subject to appropriation by Congress for educational work among the Indians or in paying expenses of administration of agencies".

Mr. Loofbourow: Among the Cherokees do you have any schools??

Mr. Dodd: We have a school at Tellequah, Oklahoma., which is known as the Cherokee-Orphan Training School.

Mr. Loofbourow: How is that supported??

Mr. Dodd: It is supported from Treasury appropriations at this time and is used for the education principally of Orphan Indian children not only of the Cherokee but of other tribes of the Five Civilized Tribes.

Mr. Loofbourow: Do you have quite a large attendance there??

Mr. Dodd: The capacity of the school is about 325 and that attendance is maintained.

Mr. Loofbourow: Is that a boarding school or a day school??

Mr. Dodd: A day school.

Mr. Leefbourow: And that is still in operation??

Mr. Dodd: Yes, sir.

Mr. Loofbourow: And that is supported by appropriations from Congress??

Mr. Dodd: From the federal treasury, yes, sir.

Mr. Loofbourow: What school do you have among the Greeks??

Mr. Dodd: We have two schools maintained for the benifit of the Greeks. The Euchee school, on the outskirts of Sapula, Okla. with a capacity of about 100; and the Eufala school. located at Eufala, Okla. for girls, with a capacity of 120.

Mr. Loofbourow: How are these schools maintained??

Mr. Dodd: From treasury appropriations. The Greeks have no tribal funds.

Mr. Loofbourow: What is the attendance of those schools?

Mr. Dodd: 125 is approximately the capacity of the Eufala school and about 115 at the Euchee school. The Euchee school is a school for boys.

Mr. Loefbeurow: What about the Chickasaws and Choctaws?

Mr. Dodd: The only Chickasaw school is at Ardmore, Okla.

the Carter Seminary, which has a capacity of about 130, and that has been supported from treasury appropriations for a considerable period of time. That was the first of the so-called tribal schools. That came over in the gratuity appropriation, and these appropriations have not become depleted.

Mr. Loofbourow: Is that a boarding school or a day school??

Mr. Dodd: a boarding school.

Mr. Loofbourow: How many students does that school accomodate??

Mr. Dodd: About 130.

Mr. Loofbourow: What about the Choctaws:

Mr. Dodd: We have two schools for the Choctaws; one the Willow Academy, for girls, located at Millerton, with a capacity of 120; and the Jones Academy for boys at Hartshorn, with a capacity of about 175.

Mr. Loofbourow: How are those schools supported??

Mr. Dodd: They are supported at this time by Federal Treasury appropriation. Up until two years ago they were supported from tribal funds of the Choctaw Indians.

Mr. Loofbourow: Are they still operating??

Mr. Dodd: They are still operating.

Mr. Loofbourow: What is the difference as to the Seminole Nation as compared to those others of the Five Civilized Tribes. The Seminoles have their tribal funds from which they are willing to have the school operate; these other nations have schools, and their schools are supported by Federal appropriation. What is the difference??

Mr. Dodd: The principal difference--- I will get this statement to you, and possibly Dr. Ryan will want to separate it; The condition of any one of those other plants is far superior to the condition of the Mekasukkey.

Mr. Loofbourow: You refer to the physical condition of the buildings??

Mr. Dodd: ~~Xxxxxxx~~ The physical condition of the building?? I was in every one of them, last spring.

Mr. Loofbourow: Why has not this building been kept in physical condition? The funds are those of the Nations, that is, the Seminole Nation. Why could not the buildings be kept in the same physical condition as the rest??

Mr. Dodd: I would say there are certain structural difficulties there to overcome in keeping it in a good state of repairs. As explained to you, the necessary re-enforcement of the walls and the support of the towers, keeping the heavy stile bands around them to prevent further separation.

Dr. Ryan: It should be further said that the policy with regard to the other tribes would be practically the same-- I mean we are certainly not trying to do anything for the Seminoles any different and unfair. We think of these existing tribal schools of other tribes as being sufficiently tribal schools.

Mr. Loofbourow: You have started the policy of closing these schools with the smallest tribe numerically in the list of the Five Tribes and with the only tribe that has its own funds to carry on the school.

Dr. Ryan: The record seems to show, though not very clearly, that at the time the question was first discussed, the tribe itself refused to take the responsibility of maintaining the school.

Mr. Dodd: I was going to bring that very matter up, After the oil lease was made--- I think they obtained close to \$ 150,000.00 in round figures-- following a visit to the institution by the then Assistant Commissioner, and estimate was submitted for the rebuilding of Mekasukey school. That estimate was denied at that time, and almost immediately the tribe protested, or certain representatives of the Tribe protested, against the use of any part of that money for the restoration or for the replacement of the Mekasukey school.

Mr. Loofbourew: When was that protest made??

Mr. Dodd: It was around 4 years ago.

Mr. Loofbourow: Had they a tribal council and organization through which to make such a protest??

Mr. Dodd: Those protests were made by certain people who represented themselves as being spokesmen for the tribe.

Mr. Loofbourow: Do you recognize their tribal council?

Mr. Dodd: We have not understood that there was any recognized tribal council, as I understand it, existing among the Seminoles. The protest came to us----

Mr. Loofbourow: And was there any organization to protest four years ago that you recognized??

Mr. Dodd: Under date of Nov. 14, 1928, there was a letter addressed to the then acting Superintendent of the Five Tribes signed by George Jones, the Chairman of the meeting of the Seminoles and attested to by Ninah Tanyan, Secretary, who says: "The members of the Seminole Tribe held its meeting October 16, 1928, for the purpose of answering the question whether the Seminoles were willing to let the proceeds of oil and gas go to educational purposes. The members of the Seminole Tribe decided that as it is the property of the Seminole Tribe, so let it remain as it has been". That was the basis of the protest and the withdrawal of efforts at that time to use the tribal funds for the replacement of the school.

Mr. Loofbourow: Read that again.

Mr. Dodd: Read the above again.

Mr. Gilchrist: You are reading from some hearing there. What is it??

Mr. Dodd: I am reading from a statement made before the Appropriations Committee last year, giving the facts in connection with the closing of the school. That is the hearing before the Appropriations Committee on the Interior Appropriations bill, for the fiscal year 1932. Page 974.

Mr. Dodd: That is the only thing I have before me at this time. I do not know whether there are any other records or not.

Mr. Loofbourow: At the time this Mekasukee school was being operated, -a very large percentage of the children of the Seminole school were in the public schools, ~~where~~ were they not??

Mr. Dodd: Yes.

Mr. Loofbourow: And only the children who were orphans or the children of indigent parents were in this school???

Dr. Ryan: No, the survey did not show that. A very careful survey was made to find out where these children belonged. There may have been a mistake made in that, but a man in whom we have a good deal of confidence, and I think his record is good, made this careful study. Some of the men told me of individual cases he missed, and I am confident he missed some, but apparently the children in that school did not come in very large measure from orphan homes. They were children living in reach of the public schools. One evidence of that, I think, is that the year after the school closed the number of days attendance by Seminole children was three times as great as the year the school was running-- not the number of children enrolled in public schools, but the total number of Seminole children actually attending school was three times as great as in 1931.

Mr. Loofbourow: Here is a tribe of about 3000 members, and only about 80 children were in attendance at this school.

Dr. Ryan: True, but you have put your finger on what is the purpose of any of these schools. If we maintain any boarding schools it should be largely for the purpose of taking care of children who cannot be taken care of elsewhere. But the record did not indicate they were orphan children.

Mr. Loofbourow: Indigent children does not indicate an orphan condition at all. Did you investigate and show whether or not the parents are indigent??

Dr. Ryan:

Dr. Ryan: Yes, that is one of the things particularly. Each family listed on a sheet showing the number of children, the condition of the home and so on, whether living within reach of school and whether they could afford to go. It was perfectly clear that a large number of children attending that school were there as indigent children. If there were some, and there was, it became our job to see that they were taken care of by other schools.

Mr. Loofbourow: Has the Department made any estimate as to the cost of putting these buildings in condition so that they could be operated ~~in~~ the capacity at which it was being operated at the time it was discontinued for school purposes??

Dr. Ryan: That particular estimate was made before my period. We have estimated \$ 200,000.00 would put a plant there.

Mr. Loofbourow: To build what??

Dr. Ryan: Build a plant there.

Mr. Loofbourow: Build all new buildings??

Dr. Ryan: That is what it would have to be.

Mr. Loofbourow: \$ 200,000.00.

Dr. Ryan: That is merely an estimate.

Mr. Loofbourow: Counting the present building entirely useless??

Dr. Ryan: Yes, we do, with the possible exception of the cottages.

Mr. Dodd: The cottages are all right.

Dr. Ryan: Of course our main point at present would be --reciting past history again-- we have been trying to convince those people it was not wise to have boarding schools, in fact, we have advised that as a matter of counsel on our part, that even if they could from their funds build a school, and run a school, we have advised them not to do it, because we think it is not good for the education of their children.

Mr. Loofbourow: I think these members of the Seminole Nation who have talked with us have endorsed that idea, but they think there ought to be a school maintained out there out of

their tribal funds to take care of the children of indigent children and to take care of the orphan children.

Dr. Ryan: I think the practical question would be, not whether we can find places where these children could be taken care of, with any funds they have. That is what the Choctaws are doing. The Choctaws are using part of their money to place children in other schools.

Mr. Loofbourow: In order that they may not become institutionalized.

Dr. Ryan: That is the idea.

Mr. Loofbourow: Do you propose to discontinue these boarding schools among the other Nations of the Five Tribes??

Dr. Ryan: We hope gradually to reduce the number of boarding schools in Oklahoma and throughout the country as fast as possible, except needs represented by special cases; for example, with regard to a large boarding school , we are keeping away from them, little children, any below the 6th. or 7th. grade, the idea being we can give them at these larger schools specialized training and the same with these smaller schools. If the State of Okla. had a program of child placing, for placing orphan children in the homes, we would feel we ought to move very rapidly in getting rid of these schools. But since Okla. does not have that policy, we think we could have some of these schools for some years.

Mr. Loofbourow: Does it have any bearing on your policy that in Okla. pupils in public schools are required to furnish their own text books at their own expense??

Dr. Ryan: Yes. We think our duty in reference to those families is to follow those cases and see that they are helped with text books and the necessary food and clothing, rather than send them off to a boarding school.

Mr. Loofbourow: You can see that such expenditure as that is a considerable burden on poor families. Some states have that plan, and some do not.

Dr. Ryan: I wonder if I might read a comparatively short letter on that very point? It is not very long.

Mr. Loofbourow: I think that is important.

Dr. Ryan: Mr. Wells is an Oklahoma man who come into our service as State Supervisor of Indian Education. (reading)

" This follows discussion we have had with members of the tribe- I am bothering you one more on the Seminole matter, because I want to be certain that we are handling this thing right. Mr. Higgins and I talked the matter over again today with representatives of the Tribe, we told them frankly that we would not consider re-opening of the school. We have assured them, however, that we will do our best to see that good school facilities were provided, that attendance would be kept up to the maximum, that textbooks, clothing and food, in necessary cases would be furnished to make attendance possible, and that where other means failed, especially in the case of orphans, we would see that they were taken care of in existing boarding schools. Now the difficulty is that: We have had Thompson's original report and we have Lewis' reported answers to our inquiries. There appears to be a real discrepancy between what is reported to us and what the tribe has obtained. I am sending you for your information, copies of affidavits made by a number of school Superintendents in Seminole County. Some of them sound all right; some of them sound very bad. For example you will note that the Strother School in the U. G1 District No. 7, 53 Indians are reported enrolled of whom 52 are listed as full bloods and an average attendance of 60 per cent is given. The really significant statement however, appears in a note at the bottom of the page where Mr. Cavin says " approximately 25 full bloods of scolastic age are not enrolled". There seems to be a very definite conviction on the part of some of the Seminole Indians and white people in the region-- I talked with particularly well informed and intelligent man , father of two teachers in your public school system, who share this view-- that we are not getting the real information from Seminole County. There is a further intimation that we are getting "rosy" reports

Think
because the field people ^{think} that is what we want. I have told the representatives of the tribe and their white friends that what we want are the actual facts as a basis of a program of education. The matter is of more importance than the actual number of Indians may make it appear, for the reason that this is more or less a test case of our determination to supersede a boarding school program with an adequate program of public school attendance and follow up".

Mr. Loofbourow: Since this Mekasukee School was closed, have you actually furnished text books to the Seminole children??

Dr. Ryan: I could not answer. I tried this morning to see if we could check up on that. We have in the five charts at various places helped wherever we could. We are in this letter our intention to do it if it has not already been done. You appreciate if you start a program of giving even text books without very careful study of the needs, you do damage.

Mr. Loofbourow: I realize that. But the Seminole Nation has the funds out of which it can be done and these other tribes have not. And this Nation is the smallest tribe of the Five Nations. and it seems to me that the policy of the bureau ought to be that the Seminole Nations funds ought to be used for their benifit.

Dr. Ryan: True.

Mr. Loofbourow: And that indigent children and the children of indigent parents and orphan children ought to have the benefit in the way of clothing and school books of this fund which belongs to the Seminole Nation.

Dr. Ryan: The intersting thing is right on that point, that if they took what little money they could now and spent it in some such way as this, that a social worker would find out what the needs are, and aid in clothing and feeding. They could make a very little money go so much farther than at a boarding school. That is the thing we are trying to do.

Mr. Loofbourow: But evidently you have not done either.

Dr. Ryan: No. As a matter of fact, we have not.

no, that is true, and I dont think we should offer any alibi in it. But I think one essential thing is this: that we will have to know who the representatives of the tribe are. The difficulty in the past has been--

Mr. Loofbourow: Do they not have a tribal council, a council regularly elected from the 12 bands??

Dr. Ryan: They tell us they do not-- I mean the members themselves have told us that. I should think it would be a grand thing for the tribe if they could get together for the purpose of electing a council.

Mr. Loofbourow: They assure me that they have such a council; that it meets once a year, and it has elected a Chief of the Seminole Nation. He is here, and they do have a regular constituted national council of the Seminoles.

Dr. Ryan: I know- I think these men will testify , I tried to find out. Think this is a very important case, and I have tried very hard to meet the representatives of the tribe, but members of the group called upon me and said certain other people did not represent the tribe, and so on.

Mr. Peavey: Let me ask you, Dr Ryan, is it not true that 14 bands have through their delegates to a central council made and selected the Chief of their Tribe, and that has been done on four or five different occasions, and that the Department refused to recognize their chief as a chief, if he, in turn, would not obligate himself to sign oil leases??

Dr. Ryan: That is aprt of the history I do not know about.

Dr. Marschalk: They have not any Chief so far as I know.

Mr. Peavey: That is true, but they have elected a Chief, and because he did not sign leases, the Department was notified, and they again elected another Chief , and he refused

(1)

to sign leases and finally, as I understand it, in the last case the Department asked the Chief in Advance if he would sign a lease if he was recognized, and again he refused.

Dr. Mraschalk: I do not recall any such pressure as that at all.

Mr. Peavey: I am just giving you the information that has come to me.

Mr. Loofbourow: He is right here, and he is the man whom the Department asked them to elect as Chief down there, and because he would not sign a deed conveying other lands similarly situated as this Mesauskey land, they would not recognize him. The trouble about it, I think is---

Mr. Crain: That is Fish. He declined the appointment, because he knew it was for that specific purpose. He was to be appointed one day to sign a lease, or deed. He did not have anything to convey; consequently he did not take the appointment.

Mr. Loofbourow: Because he would not sign the deed??

Dr. Ryan: If they can get any kind of representation we would be more than glad to deal with them. We dealt with the Choctaws. We published in our report that we believed the Indians themselves should be taken into full counsel on the educational program. I cannot speak about land matters or anything else; that is not my field, but I can speak ^{on}~~on~~ educational programs.

Mr. Loofbourow: Dr. Ryan, that is what they complain of, that they are not recognized. The Seminole Nation complains of that. They say their Council of the Nation is not recognized. They have 12 bands, and each of these bands elects a Chief and two law makers, that constitutes the representation of that band in the council, and the General Council meets once a year and discusses the affairs of the tribe.

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Now that is a well organized representative body, and what they want is that this body be recognized. Now the difficulty came up with the transfer of this other property, and the Interior Department, they tell me, has refused to recognize any tribal organization or any national organization among the Seminoles, because their representatives refused to recognize to sign a conveyance of this other property which was sold. That is the difficulty that they complain about here. The actions of the Department do not show a disposition to actually meet the Seminole Nation fairly and as a body, and that is what they complain of; and that is what they want changed.

Dr. Ryan: I cannot talk about past history. But so far as the educational program is concerned, we are not only willing to do that, but we are doing it.

Mr. Loofbourow: How long have you occupied the position you do with the Indian Bureau??

Dr. Ryan: Twelve years. We would like to do with this group exactly what we did with the Choctaws. We do not take any action in the Choctaw educational matters without informing the Chief of the Choctaws, and asking him his views on it.

Mr. Brunson: You have a regular Chief of the Choctaws??

Dr. Ryan: I think there is.

Mr. Peavey: Just a moment, please, before we leave this subject of education. I would like to ask Dr. Ryan; They have either Indian or White, regular schools districts around there, and that is what you refer to as public schools??

Dr. Ryan: Oh' yes.

Mr. Peavey: Let me ask you, is it not possible that your Department could, in plain terms such as these Indians would understand, et cetera, initiate a program under

which these Indians, if educated in public schools, and so on, would receive benefits like those given, for instance, in my section of the country--tuition??

Dr. Ryan: Tuition is paid there.

Mr. Peavey: Some tuition is being paid??

Mr. Loofbourow: Among the Seminoles??

Dr. Ryan: To all Five Tribes. It is not as high tuition as paid in other parts of the country.

Mr. Peavey: How about transportation??

Mr. Ryan: We try in other parts of the country to pay enough so transportation can be furnished, but I do not think the rate is enough in Oklahoma to make sure---

Mr. Peavey: How about lunches??

Dr. Ryan: Lunches have been arranged for. I think more in point is certain types of vocational training. There are public schools that do give some vocational training, but I do not think they are particularly strong. I think we should help the schools in those things these people need.

Mr. Peavey: Has your Department participated in the building of schools, directing the operation, or hiring teachers in the schools to which you expect these Indians to go?? Have you ever co-operated with them in assuming part of the cost??

Dr. Ryan: Oh! yes; it is the regular policy. We try to pay enough in most parts of the Country so that we can include lunch. We regard lunch as a very important element.

Mr. Peavey: Let me get, if I can, this: Is it not possible for you to write that in terms that mean something to these Indians? Perhaps you are not familiar with them, but I am having this same experience in my own district, and the one trouble we are trying to iron out is to convert the Department's general terms or promise into something specific that the Indians will know what they are going to get.

Dr. Ryan: That is why I am interested in their having a tribal representative of the group. I cannot conceive of any educational program that does not take the Indians into it. It is not enough, we think, that we are doing something for them. That is the reason I have been talking so frankly about the boarding school. (3)

Mr. Peavey: And the success of that very undertaking of educating these Indians children in public schools that you and I are committed to as the best in their interest-- does not that largely depend upon the Department getting the confidence, good will and co-operation of the Indians??

Dr. Ryan: Oh, yes.

Mr. Peavey: And how can you get that unless you do allow them to participate in the business of their own affairs??

Dr. Ryan: I think it means also, and very definitely, on the part of our representatives in the field, that the Indian has an important place in the program. That is one of the things we have been trying very hard to get over. We do not have enough parent teachers organizations and things of that sort.

STATEMENT OF MR. E. W. KEMP

Attorney, Representing some of the Seminole Indians.

Mr. Peavey: Please state your whole name and whom you represent.

Mr. Kemp: My name is E. W. Kemp, an attorney representing some of the Indians present from the Seminoles. We brought a resolution up here signed by every band Chief in the Seminole Nation in regard to these schools. I turned it over to Dr. Ryan yesterday, and I would like for that to go into this record.

Mr. Loofbourow: Have you it here??

Dr. Ryan: I have one copy, I will put it in the record.

Mr. Peavey: Will you give that to the reporter Dr. Ryan, or have you another copy.

Dr. Ryan: I will find a copy. That is one of the things we must overcome. If the Seminoles really want us to Co-operate in this program, they will have to agree on such matters as this.

Mr. Gilchrist: I would like to ask Mr. Dodd a question, please. The statute that you read, under which you acted in this case, seems to refer to Indian lands and not allotted lands; is that right??

Mr. Dodd: Yes, lands which have been reserved for schools or agency purposes.

Mr. Gilchrist: Does this land in question come within the purview of the statute: in other words, has not this particular land been allotted and therefore is not within the meaning of the statute that you relied upon??

Mr. Dodd: It would not be classed as allotted land in any sense of the word.

Mr. Gilchrist: It would not??

Mr. Dodd: It is a tribal school reserve.

Mr. Loofbourow: The fee title is in the Seminole Nation, not in any individual??

Mr. Dodd: Yes.

Mr. Brunson: And not in the Government of the United States either.

Mr. Loofbourow: No; it is in the Seminole Nation.

Mr. Peavey: We will take up the hearing where we left off in regard to selling leases and making leases.

Mr. Dodd: I read there a letter of July 28, 1926, --- I have not had a chance to get all the way through this file, signed by the inspector in charge of the Five Civilized Tribes of the Agency at that time. (Reading) I find in going back through this file that the lease was executed earlier than I thought, and it seems that real development work had not reached the point that it has today by far. It was not a prospective status. Prior to this sale the tract has been appraised by an oil and gas inspector as having a value of about \$ 25 per acre. In between the time of the first advertisement was issued and the execution of this lease, some future developments have taken place which led the inspector to advance his appraisal value of the property from \$ 25 to \$ 50 per acre, and it brought \$ 101 per acre bonus during the auction.

Mr. Peavey: Let me ask you this; With numerous oil companies-- promotion companies operating in the field-- how do you account for the fact that there are only two legitimate bidders?? It would seem to me on an occasion like this there should be many bidders.

Mr. Dodd: Principally in a case of this kind, the controlling factor is the acreage that a concern may have near by. They attempt to get a block of it, and it would be evident from this bidding that the Gypsey and whatever company it was that had adjacent land, and that is why they were bidding such a high figure.

Mr. Peavey: And the Department ~~rely~~ wholly upon the report of ~~the~~ one inspector who is an employee of the Department??

Mr. Dodd: Yes, he is known as an oil and gas inspector, who went around and appraised Indian lands under our jurisdiction before they were advertised for lease.

Mr. Peavey: You rely entirely upon his judgement and finding as to the value, in accepting or rejecting bids??

Mr. Dodd: Yes.

Mr. Peavey: In other words you do not confirm his appraisal in any way, either by conference with the members of the tribe, or with any one else in that locality??

Mr. Dodd: No. He is an employee of the Federal Gov't. upon whom that duty is placed.

Mr. Peavey: You have no means of knowing then, whether at the time this sale was made at \$ 101 per acre these prices of \$ 800, \$ 1,000 and as high as \$ 5000, were at that time being paid for adjoining lands??

Mr. Dodd: But based upon experience we have had it would appear to me, just as an individual, that the higher prices after came ~~from~~ some real development had been made.

Mr. Peavey: And after this lease had been made??

Mr. Dodd: Yes. I might say that the oil inspector that we have employed in the Five Tribes, Osage and other places where oil developments are carried on, take into consideration the value of the area and what has been taking place in connection with the

in connection with the so-called commercial leases, that is, white owned lands, and I think that they have rather jealously guarded the interests of the Indian in the execution of these leases.

Mr. Loofbourow: Mr. Dodd; the situation here is this: This 320 acres is under lease for the extraction of oil and gas at the present time; that is true is it not??

Mr. Dodd: Yes, sir.

Mr. Loofbourow: The lease has not long yet to run??

Mr. Dodd: The lease was executed in July 1926, for a period of five years, and as long thereafter as oil and gas are found in paying quantities.

Mr. Loofbourow: That is the customary provision in oil leases, as I understand it??

Mr. Dodd: yes, sir.

Mr. Loofbourow : That also carried with it the right to use so much of the surface land as is necessary for the oil operations??

Mr. Marschalk: That is so, Mr. Congressman.

Mr. Loofbourow: And with this oil lease in operation covering the whole area, what is the emergency now that requires any sale of the surface rights? This is not a time to be selling oil property, because prices are low, and why sell it now??

Dr. Marschalk: This is not a sale of the oil property. This is a sale of the surface of the land, and the buildings on it. The mineral rights are reserved to the tribe.

Mr. Loofbourow: Why do it at this time?? The Indians are not requesting it; they do not desire it. They have this fund of \$ 202,000.00 on hand, which they are not asking to be distributed to them in any pro rata.

Dr. Ryan: The Commissioner has already assured various people that he does not intend to sell it.

Mr. Loofbourow: I am glad to hear that.

Mr. Ryan: I think Mr. Dodd has a letter to that effect.

Mr. Loofbourow: This certainly is not an appropriate time to sell even surface rights.

Mr. Dodd: In the case of the abandonment of the school, the property has been abandoned; and that has been taken as day schools or as other schools, have been abandoned, we proceeded with any further delay in the disposal of the property.

Mr. Loofbourow: Yes, but the consideration of the interests of the Seminole Nation, I should think, would suggest immediately that this is not an appropriate time to sell anything connected with oil property, because prices are at the very low ebb.

Mr. Dodd: The Doctor has mentioned----

Mr. Loofbourow: This lease runs to whom?

Mr. Dodd: The gypsey Oil Company, Tulsa, Oklahoma.

Mr. Loofbourow: That is a subsidiary of the Gulf, is it not??

Mr. Marschalk: I think the Gulf and the Gypsey are the same.

Mr. Loofbourow: Thay are the same??

Dr. Marschalk: I think so.

Mr. Loofbourow: And that is one of the largest operating companies in the two Americas, is it not? The Gulf??

Dr. Marschalk: I cannot answer that. I know it has rather large holdings.

Mr. Loofbourow: How much of the surface does the Gypsey Oil Company occupy now??

Dr. Marschalk: It has a lease covering 320 acres.

Mr. Loofbourow: And there are how many wells??

Dr. Marschalk: I think 9 wells.

Mr. Loofbourow: Is there any tank farm on this property??

Dr. Marschalk: Not to my knowledge.

Mr. Loofbourow: Any pipe lines??

Dr. Marschalk: There are pipe lines along the edge of it. There are several tank farms adjacent to it.

Mr. Loofbourow: But not upon this property??

~~Dr. Marschalk: But not upon this property.~~

Dr. Marschalk: I think not.

Mr. Loofbourow: The property is not being cultivated, I suppose??

Dr. Marschalk: Only a small section of it is cultivated by the man who is there as a sort of caretaker.

Mr. Loofbourow: Representing the Department??

Dr. Marschalk: Yes, sir.

Mr. Loofbourow: Well, it is Agriculture land, is it not??

Dr. Marschalk: I think it could be called as such. I do not think I could answer that question definitely.

Mr. Loofbourow: The Department has announced its intention not at this time to proceed with the sale of the surface rights on this 320 acres of land, that is called the Mekasuke property??

Dr. Ryan: That is the intention.

Mr. Gilchrist: I would suggest that these Attorneys who appeared for the tribe here, be given leave to ask any questions they desire.

Mr. Loofbourow: Yes, I think that ought to be done? Judge Brunson is here.

Mr. Peavey: Do you Gentlemen have any desire to be heard?? Do you desire to ask any questions??

Mr. Kemp: I would like to ask a couple of questions. Mr. Dodd: Did you have a contractor make an estimate of that building??

Mr. Dodd: No, not to my knowledge.

Mr. Kemp: Who made the examination??

Mr. Dodd: Of the condition of the buildings??

Mr. Kemp: Of the condition of the building.

Mr. Dodd: We have had a number of inspectors who have gone there and reported on the condition of that building.

Mr. Kemp: Do you have their names??

Mr. Dodd: We could furnish them for the record. Samuel H. Thompson is one. The Assistant Commissioner of Indian Affairs has been there and went over the plant.

Mr. Loofbourow: What is his name??

Mr. Dodd: J. Henry Scattergood. Not only has he been over the plant, but he met the local interested people there and he told the people on the ground that it was not the intention to reopen the school; after his examination of the plant, he felt that it would be a crime to place Indian children in that school.

Mr. Kemp: Did he make an estimate of the cost of repairing the building??

Mr. Dodd: I do not think there is in the files any estimate of what it would cost to repair the building.

Dr. Ryan: The report I have read said it could not be repaired.

Mr. Kemp: How big are those towers out in front??

Mr. Dodd: My estimate of the diameter of the tower is about 14 feet.

Mr. Kemp: They are very small, are they not?? In comparison with the building.

Mr. Dodd: Yes.

Mr. Kemp: They could be removed, could they not, without damaging the building??

Mr. Dodd: I am not a construction engineer, competent to pass on that, but, if I recall, it required considerable masonry to rectify the holes in the corners where those towers would come off.

Mr. Kemp: Do you know whether or not any local contractor have viewed the building??

Mr. Dodd: I cannot say.

Mr. Kemp: And made any estimate on it??

Mr. Dodd: I cannot say.

Mr. Kemp: Did they have with them any representatives of the Indians, when they went over it??

Mr. Dodd: I think there has been a representative of the Indians, in there with some of our supervisors.

Mr. Kemp: Do you have any statements from any of the representatives??

Mr. Dodd: No.

Mr. Kemp: As to what it would cost??

Mr. Dodd: No.

Mr. Kemp: Would you believe a contractor would say it could be repaired for \$ 25,000.00 and put in good shape??

Mr. Dodd: We get different figures from different constructors, and I would not be in a position to pass upon any explanation, that they might make.

Dr. Ryan: A number of those buildings are supposed

to be better than others.

Mr. Dodd: Since that question is raised, there are certain features in connection with the building that I think any person will realize are most undesirable. For example, the diding room is in the basement, has a wooden floor, it is damp and musty, dark. The boys toilet is down in the basement, has a wooden floor, they have recently; I do not know just how long; managed to get some outside ventelation. As I went through the building I was impressed with the toilets that are used by the employees without a bit of outside ventilation, nothing in the world but dark holes in the walls, with no outside ventilation whatsoever.

Mr. Kemp: Mr. Dodd, that has a basement wall 4 feet thick, does it not??

Mr. Dodd: I dont know the thickness of the walls.

Mr. Kemp: And estimates have been made that it would stand a ten story building, have they not??

Mr. Dodd: I cannot answer that.

Mr. Kemp: And there is no real defect that can not be remedied at small cost today, is there?

Mr. Dodd: I do not believe the face of that building could be strengthened, except by tearing it down and rebuilding.

Mr. Kemp: Have you any estimate as to what it would cost??

Mr. Dodd: No sir.

Mr. Kemp: Do you think it could be done for \$ 60,000.00, rebuilt from the ground up??

Mr. Dodd: I do not feel compitent to answer to your question as to what it would cost to put that building in any sort of shape.

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Mr. Kemp: Do you know whether Mr. Thompson is qualified to make those estimates, the man who viewed it??

Dr. Ryan: He was not sent there for that purpose he was sent there to find out whether the education---

Mr. Kemp: Do you know whether Mr. Thompson is qualified??

Mr. Dodd: He has information on which he could make estimates.

Mr. Kemp: Has there been any man, to your knowledge, who was qualified??

Mr. Dodd: Do the records indicate anybody??

Mr. Dodd: No, sir. but everyone who has seen it has said that it would not justify rebuilding.

Mr. Peavey: Does any other representative here want to ask these Gentlemen questions??

Mr. Brunson: Mr Dodd, you made the statement that you thought it would take \$200,000.00 to build a plant there that would be suitable. Now on what information or report do you base that statement??

Dr. Ryan: That did not happen to be Mr. Dodd's statement that was mine.

Mr. Brunson: I beg your pardon.

Dr. Ryan: The kind of a plant you must have for a boarding school, you need very many things that you do not need for any other, and one building usually means various, separate dormitories and a new plant should be made on the cottage system instead of the institute type, and I know of no plant that can be erected for much less, that will serve 100 to 200 pupils.

Mr. Brunson: Do you have a plant under your supervision and in the service, such as you mention??

Dr. Ryan: Most of our plants are difficult to value exactly, under present conditions, but we could not think of estimating for any plant such as I have in mind, for much less

A single building, a single dormitory for 100 children, will cost \$ 150,000.00 based on actual studies. We have recently estimated for private organizations interested in settling up everything, an inexpensive school plant, and my estimate for \$ 260,000.00 for that is considered too low by many people in the office.

Mr. Brunson: Describe where these institutions are located. Are they more numerous than the Seminole Nation??

Dr. Ryan: I do not see that that bears on your question, although I am perfectly willing to answer. I was answering in terms not of school buildings, for Indians, or this tribe alone, but certainly the amount it would take to put up an ordinary plant.

Mr. Boudinot: Mr. Dodd, you said something about asking the Seminoles if they would want these funds to be used for reconstructing and repairing that building. Did you mean just that? Or was it related to the Seminoles in general terms-- whether they would consent to have those funds, the proceeds from the oil lease used for educational purposes??

Mr. Dodd: My impression of the question was put up to them, was the use of their oil money for the reconstruction of the Mekasukey plant. I do not have the file before me. I am giving it as I understand the situation, based on the answer-- on this statement I read a while ago.

Mr. Boudinot: The proposition was put up to the Seminoles officially by request of the Department through its Superintendent down there, and in turn the Superintendent to a mass meeting of the Seminoles, was it not??

Mr. Dodd: I believe so.

Mr. Boudinot: Do you know whether their objection was not to the use of their funds for educational purposes, but to the use of any of those funds for any purpose at the time because they denied the validity of the Gypsey lease??

Mr. Dodd: I cannot answer you on that.

Mr. Boudinot: Do you know anything of a man by the name of R. H. Chase, a contractor who lives in that vicinity??

Mr. Dodd: I do not.

Mr. Boudinot: Do you know of a man by the name of E. J. Keifer , an architect??

Mr. Dodd: I do not.

Mr. Boudinot: Mr. McKeown telegraphed within the last few days to Mr. Chase, a contractor, down there, whom Mr. McKeown is well acquainted with, and says he is a very reliable man, to go and inspect ~~the~~ this building and send him an estimate of what it would take to rebuild it, not rebuilding just one house, but to take all above the basement or foundation, and build a modern one story or two story dormitory, and he had Mr. Chase's reply in two telegrams. I would like them to go in the record.

Mr. Peavey: All right, we will insert them at this time.

Mr. Brunson: Are these the same telegrams (exhibiting same?)

Mr. Boudinot: I suppose that is the same thing. I forgot to say that those telegrams were sent after inspection.

Mr. Peavey: They will be inserted in the record at this time

Seminole, Oklahoma.

Mr. Tom McKeown, M. C.

Washington, D. C.

After consultation with Architect E. J. Peters, of Shawnee our conclusion is to suggest a one story building with basement, for administration and dormitory purposes using present sound construction in and on present foundation with a separate modern four room and auditorium school building stop. Estimated cost to cover two buildings above \$40,000.00 . To this should be added about \$ 7,500.00 for repairs, and extension of present mechanical equipment including heating, plumbing, water service, electric wiring. This on basis of present ordinary type of construction. If in fire-proof construction which is recommended, add \$ 7,500.00 making total \$ 60,000.00. Cost would reduce about 10% to build two stories above the basement instead of one on the present sound foundation, and include school administration and dormitories facilities under one roof. Glad to co-operate further in any way you suggest.

R. H. Chase.

Seminole, Oklahoma.

Hon. Tom. D. McKeown:

Just viewed Meknsukay basement, built five feet above ground of native stone in good shape. Practical improvement in my opinion raise building to first floor, rebuild building two story modern plant, and design, house 150 pupils, in good shape. Can utilize heating plant boiler, laundry, and much of dimension material in the new building. This will be cheaper than building dormatories.

R. H. Chase.

Mr. Boudinot: They state they are to be modern buildings, two stories high, to accommodate 150 pupils, and could be constructed at a cost not to exceed \$ 65,000.

Mr. Gilchrist: Concerning the authority of this man Jones that you spoke of a while ago, I ask if you know whether it is true that he had been appointed as a representative of the Seminole Tribe at the time he transmitted that letter.

Mr. Dodd: I cannot answer that. I know Mr. Jones has had some correspondence with the office, and at the time we discussed the abandonment of the Mekasukee school we addressed a letter to Mr. Jones, advising him of the situation.

Mr. Gilchrist: I think it is fair in this hearing to have it appear, if it is true, that he was the representative of the tribe at the time. I have had some intimation that that is the truth.

Mr. Dodd: I will insert an answer to that question in the record.

Mr. Gilchrist: All right, if you please, whatever the facts prove to be, if he is shown to have had any authority, state where it emanated. X

Mr. Peavey: I would like to ask the gentlemen from the Department a question myself: Do any of the three of you here this morning, know of any reason or explanation of the circumstances by which the Department of the Interior, Bureau of Indian Affairs, has refused or at least failed in the past to recognize as Chief of these Indians, men selected by them as Chief, growing out of these oil lease relations with the Government -- Do you know of any reason in the Department's policies, rules and regulations, or anything else, why the Department would and has refused to recognize those Chiefs so selected by them??

Mr. Marschalk: Only, Congressman, my knowledge of the fact that they have so little tribal business to attend to, that whenever anything comes up for us where it would require to appointment of a Chief to sign a lease, then they ask the President to appoint for one day to sign and make the conveyance required by law. That is the only knowledge I have of it.

Mr. Peavey: And the man who has signed these conveyances on the part of these Indians of their property, et cetera, has then been somewhat selected by the Department and not a chosen representative of the tribe??

Dr. Marschalk: Well, he would be a member of the tribe. I think the law requires that a member of the tribe be appointed.

Mr. Peavey: That is not my question.

Dr. Marschalk: All right, sir.

Mr. Peavey: I say, the man who has signed these deeds and leases for the tribe in the past, even though a member of the tribe, is not the chosen representative of the tribe or any member whom they have selected to represent them in that transaction; they have, in fact, selected men repeatedly and the Department has refused to recognize them as Chief because they would not sign it, is not that true??

Dr. Marschalk: No, sir. I dont think that is true, Mr. Peavey, I expect in some cases where it was necessary to appoint a chief the possibility would be that some portion of the tribe might recommend some one, and that the Department, on the other hand, would prefer to take the representation of another to appoint another man rather than to have one the other folks might recommend for appointment.

Mr. Peavey: Let me ask you this question, then: Of course, I realize you gentlemen would not want to speak, in a binding manner for the present Commissioner or Assistant Commissioner, in the matter of policy without consulting or conferring with them. But, suppose, this committee should see fit to recommend to the Congress the adoption of this legislation, I would like to have you ascertain from your Chief and reply to this: Would you in the Bureau of Indian Affairs for future actions and business effecting this tribe be opposed in any to recognize a Chief selected by these 14 bands as their Chief in all future business pertaining ^{to} the tribe?

Dr. Marschalk: You are asking me a question??

Mr. Peavey: I am asking you the question personally, with the idea that you will confer with the Commissioner, and Assistant Commissioner and reply to it, so we will know.

Dr. Marschalk: You do not care for an answer now??

Mr. Peavey: No, I would not expect you to answer now. Are there any further questions??

Mr. Loofbourrow: Before we adjourn, I want to say to these Indians, for myself, and not for the Committee, I think the Seminole Nation ought to co-ordinate and these Indians ought to get together annually and keep up that National organization. If there is one faction that gets into the Annual council and they are outvoted, they must stay with the Council, the majority must rule, and in some proper way you must certify to the Department your decision about who is to be the Chief of the Nation, and then I want to say to the Department, I think the Department should recognize that national organization and consult with that Chief about these property matters, and about these matters of education.

But it depends on you boys in the Seminole Nation to coordinate among yourselves so as to have a definite, authoritative head who speaks for the Nation; and then I have no doubt the Department will recognize you about these educational and property matters. I am speaking now only for myself. To me it seems that is the important thing for the people down there to do. They must coordinate among themselves.

Mr. Crain: May I say that that is in effect at present. They have their representatives. We are all in accord with the proposition here. As a matter of record we represent the 14 bands. However, there are really only 12 bands of Indians. the two other bands are Negroes.

Mr. Loofbourow: Freedmen??

Mr. Crain: Freedmen. And they have no say in the proposition, because of the fact that the law segregates them. So there is nothing they could ask for. They could not participate in our schools if they were reestablished. But I can assure you that the organization will function in accord.

Mr. Loofbourow: These 12 bands must get together just like that.

Mr. Gilchrist: Personally I subscribe to the sentiments of Mr. Loofbourow. Of course this does not bind the whole Committee nor this sub-committee.

Dr. Marschalk: That is the very thing they are asking for in this bill.

Mr. Peavey: In conclusion, I think that the record ought to show this: I hope that the Gentlemen of the Department will understand that this Committee is not delving into these things from the standpoint of making trouble for the Department or anyone else, or to find something on which we can criticise somebody in

in the Department, present or past. The purpose id to reach some understanding between these Indians, and your Department will take care of these things in an amicable way and to the satisfaction to the Indians hereafter, so that the Congress of The United States will not have to be considering legislation to effect and secure their rights which can just as well be secured by negitiation directly between themselves and the Department.

Dr. Marschalk: Mr. Congressman: I think since I have been in the Indian Office, the heads of the Bureau have always been more than willing to deal with the real respesentatives of the different tribes and, of course , where conflicting interests as it seems to be in the case of the Seminoles here, and there, it is difficult to please one without displeasing the other, too. Therefore they all ought to get together.

Dr. Ryan: I know the Commissioner wants that.

Mr. Peavey: I know that is true, and I have no doubt that the gentlemen here expressing it, but the fact remains that there is, undenied in the record here, that these Indian have on four or five occasions, selected a Chief to act upon all important questions of signing leases and deeds, and the Department for some reason or other saw fit not to recognize such representatives because he would not sign the deeds that the Indians did not want given.

Dr. Marschalk: I do not recall that as the reson, but my recollection is that the response made to them was that there was not sufficient business to demand the appointment of a Tribal Chief to continue in office.

Mr. Brunson: Do you know Mrs. Davis??

Dr. Marschalk: I remember she was appointed Chief.

Mr. Brunson: Do you remember Emma Haka--
she is not Chief; she was dismissed from the service. Do you
remember that??

Dr. Marschalk: You mean dismissed as Chief??

Mr. Brunson: Yes.

Dr. Marschalk: She was to be appointed Chief only
for a day.

Mr. Brunson: She had been Chief for a considerable
length of time at the time she ~~was~~ refused.

Mr. Peavey: Will you supply the Committee for this
record immediately, so we can arrive at a conclusion on this bill,
that information as to the Departments stand upon that question
before the Committee??

Dr. Marschalk: Yes, sir.

Dr. Ryan: We will be glad to do that.

Mr. Boudinot: I would like to ask that a copy
of the deed for the Enahaka land be included in this record.

Mr. Peavey: Who has this deed??

Mr. Boudinot: It is in the Department.

Mr. Dodd: You want a copy at this time of the
Deed for the disposal of the Emma Haka property??

Mr. Boudinot: I have a photostatic copy here.

Mr. Peavey: If that is agreeable, we will insert
that in the record.

Mr. Dodd: All right.

The copy of the Deed referred to is as follows:

PATENT CONVEYING TRIBAL PROPERTY.

SEMINOLE NATION, OKLAHOMA.

TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

WHEREAS, The Act of Congress approved April 30, 1908
(35 Stats. L. 71) provides that:

" The Secretary of the Interior shall take possession of all buildings on land belonging to themFive Civilized Tribes, now or hereafter used for Governmental, school or other tribal purposes, together with the furniture therein, and the land appertaining thereto, and appraise and sell the same at such time and under such rules and regulations as he may prescribe and deposit the proceeds, less expenditure incident to the appraisal and sale, in the Treasury of the United States to the credit of the tribe respectfully owning the said land and improvements, and immediately after any such sale, patents for the realty thus sold, shall be made and delivered in the same manner as now provided by law for other tribal property. Provided: That when practicable preference right shall be given to the State, county and municipalities of Oklahoma to purchase said lands and improvements at the appraised value; And provided, that pending such appraisal and sale, the Secretary of the Interior may temporarily lease such buildings for the benefit of the tribes respectively to which they belong".

AND, WHEREAS, In accordance with said provision of law the Secretary of the Interior has taken possession of the hereinafter described tribal property and advertised the same for sale to the highest bidder; and,

WHEREAS, the bid of Walter Ferguson of Holdenville, Oklahoma, in the sum of twenty seven Thousand Two hundred eighty and no/ 100

Dollars was the highest received; and

WHEREAS, the said Walter Ferguson did, on Nov. 28, 1922, assign his interest in said property to Vernon V. Harris of Oklahoma City, Oklahoma, and said Harris having completed payment of the amount of the consideration together with the required interest, which amount with interest has been paid in full and deposited in the Treasury of the United States to the credit of the Seminole Nation.

NOW THEREFORE, I, the undersigned, the principal Chief of the Seminole Nation, party of the first part by virtue of the power and authority vested in me by law and in consideration of the sum of twenty seven thousand two hundred eighty dollars, paid in full, the receipt whereof is hereby acknowledged, have bargained, sold, granted, conveyed, and transferred, and by these presents do bargain, sell, grant, convey, transfer and deliver unto the said party of the second part the following described property:

The South Half of the North East Quarter and the South east quarter of Section Seven (7) and the Scutj Fifteen and 78/100 (15.78) acres of lot Three (3) and Lot Six (6) and Seven (7) of Section Eight (8) all in township (7) North and Range Eight (8) East, of the Indian Base and Meridian containing Three Hundred Twenty (320) acres more or less, as the case may be according to the United States survey thereof.

IN WITNESS WHEREOF, I, The Principa Chief of the Seminole Nation have hereunto set my hand and caused the Great Seal of said Nation to be affixed at the date hereinafter shown.

Date----- 192-----

Principal Chief Seminole Nation

Department of the Interior

Office of the Secretary

Approved December 22, 1924, under Section 6 of the Act of Congress, approved April 26, 1906 (34 Stat. L., 137) on refusal of the Principal Chief of the Seminole Nation to sign this instrument.

Hubert Work.

Secretary.

Filed for record on the 10th. day of January, 1925, at nine o'clock A. M.

Mr. Peavey: Is that all. If so, we will close this hearing.

Thereupon at 12:15 o'clock p.m. the Sub-Committee adjourned to meet at the call of the Chairman.