

Oct 15, 1934
Meeting

MEETING HELD AT MUSKOGEE

October 15, 1934.

SENATOR ELMER THOMAS

COMMISSIONER JOHN COLLIER

WHEELER-HOWARD BILL

ORIGINAL COPY
OF PROCEEDINGS.

UNITED STATES
DEPARTMENT OF THE INTERIOR
FIVE CIVILIZED TRIBES
MUSKOGEE, OKLA.

October 26, 1934.

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

My dear Senator Thomas:

There is transmitted herewith transcript of
the meeting held in Muskogee, re the Wheeler-Howard Bill,
on October 15th, 1934. We also transmit herewith the
transcript of the meeting held at Miami on the 16th.

With kindest regards and best wishes,

I am

Very truly yours,

W. L. Landman
Superintendent.

LMR

MEETING HELD AT CITY HALL, MUSKOGEE, OKLAHOMA

October 15, 1934

Senator Elmer Thomas:

Mr. Collier, Members of the Several Committees, Ladies and Gentlemen of the Five Civilized Tribes:

My voice is somewhat bad but in just a few moments I will try to make myself heard throughout the entire hall. I come here today as your representative, as your Senator, as a public official; I have invited our Commissioner, Mr. Collier, to come and go with me to visit the several agencies in Oklahoma; we have seven of them. Our Commissioner is here to see the Indians face to face, to make such suggestions as he cares, to have you make such suggestions as you wish to him. He likewise is your public servant. He is working for you. I have known Mr. Collier for many years. I have been in Washington for some twelve years. Mr. Collier has always been present when matters of Indian importance came before the House and The Senate. During the past seven years, I have been a member of the Indian Affairs Committee of the United States Senate. Every time an important bill comes before the Senate Committee, Mr. Collier was present even before he became Commissioner of Indian Affairs. I have had a chance to become well acquainted with Mr. Collier. Upon a former occasion a committee of the Senate visited practically all of the reservations in the United States. Mr. Collier accompanied the Committee. Therefore, during that month, traveling throughout the United States, I became well acquainted with him. I know he has the interests of the Indians at heart; he wants to be helpful to not only the Indians of Oklahoma but to the Indians of the entire United States. Mr. Collier comes from the far west. He is acquainted with the Indians in California, New Mexico, Arizona and those reservation Indians in that far western country. Mr. Collier has not been in Oklahoma so very much. I think it is fair and reasonable for me to say that he knows much more about the reserva-

tion Indians of Arizone, New Mexico and the far west than he knows about the Indians of Oklahoma. It is because of that fact that I asked him to come and go with me and I am glad he is here. Mr. Collier is at the head of the Indian Service, in a sense, he is the Indian Government, not only for Oklahoma Indians, but for all the Indians of the United States, and we have something like 300,000 Indians located in twenty states of this republic. In Oklahoma we have about 140,000 Indians, almost one-half of all the Indians in the entire United States reside in Oklahoma. We have here something like fifty tribes, seven agencies, each agency a supervisor of from five tribes up, some as many as ten or twelve. Some of these tribes only have a very few members, for example, at Anadarko, we have under that agency perhaps fifteen different tribes supervised and governed by the agent at that point. The Wichita, Caddo, and affiliated bands embrace about ten other bands. These are situated in the southwestern part of the state, controlled and supervised by the agent at Anadarko under general rules promulgated by Mr. Collier's Department.

Above Mr. Collier is the Congress of the United States. The Congress makes the policies under which the Indian Officer operates, so the all important branch of the federal service is the Congress of the United States. It is important that your senators and congressmen be acquainted with your problems and because of that your new congressman, perhaps I am speaking prematurely, but I will let the statement stand, your new congressman, Jack Nichols, is likewise here. If Mr. Creager is in the audience, I will ask him to come to the platform. Inasmuch as he is a candidate and was at one time in Congress, I think it only proper to invite him to the platform.

So, my friends, it is all important that your congressmen from Oklahoma be acquainted with your problems. You have no one else to look to save your congressmen and these Indian agents. These Indian Agents know of your problems but they are here to administer the laws passed by the Congress and rules and regulations promulgated by the Secretary of the Interior. I think I know of the utter helplessness

of the Indians, not only of Oklahoma, but all the Indians throughout the United States. Since I have been a member of Congress, in both the House and the Senate, I have given all the time that the Indians requested that I might be acquainted with their problems and know what they want and think about and that I might know what might be best for them in the way of laws to administer, govern and control the interests of the Indian citizens of this state. This state fortunately, I think, has the most intelligent Indians in the country. That is no disparagement of the other Indians of the country, two hundred tribes located throughout the west, north and south, but those Indians have not had the opportunity that the Oklahoma Indians have had. In the main, the other tribes live on vast reservations. The Navajo Tribe in Arizona has a large tract of land, hundreds of miles north and south and east and west, and on that vast tract of land, that you would call a desert, nothing but these Indians and sheep, perhaps a few cattle, can live. These Indians have no chance to get away from that reservation. Perhaps they do not want to leave. It is the purpose of the legislation that has been passed to help those Indians to make some progress out there on this desert portion of Arizona. Now, we have some very good reservations in the country. The Mescalero Reservation in southern New Mexico is a much better tract of land. It has timber, grass and is in a delightful climate. The Indians on that reservation can raise cattle and live stock. They could have good homes made out of logs and lumber. They are in a much better condition but they also desire to make progress. Those Indians in the far west living on vast reservations are now just where the Oklahoma Indians were seventy-five or one hundred years ago. Our Indians have gone through that stage. Our Indians one time owned this land. At one time these tribes, the Creeks, Cherokees, Seminoles, Chickasaws and Choctaws, had vast reservations, a system of government in each reservation, they were governing themselves and they were getting along fairly well but that was a long, long time ago. Since that time the Indians of Oklahoma have for some

reason or other, ceased to have these large reservations. You now have individual property, that is, some of you have. Too many Oklahoma Indians do not have property of any kind and it is the purpose of the present Indians Office and Mr. Collier and the Congress to try to provide land in some form for every Indian in the entire United States.

Now the question is what kind of land shall the government provide for the Indian citizens of the country? The Indian Office under Mr. Collier and Mr. Ickes, the Secretary of the Interior, desires to help the Indians, not only here but elsewhere. Last winter a bill was prepared. This bill was prepared by gentlemen who have the highest interest in the Indians. I have no hesitation in making that statement. I have here a copy of that bill as first prepared and sent to the Congress to be introduced. This bill contains 48 pages. It came in during the session just last winter. It proposes to change in many particulars the mode of government and the mode of living of the Indian population of the country. It effects 300,000 Indians and likewise perhaps effects all the white population that lives in the vicinity of the Indian population. It is desired by everyone that every Indian make the most progress possible. If you do not make progress, the white citizens who live near to you cannot make satisfactory progress. The whites cannot progress unless the Indians progress, and at the same time, the Indian cannot progress unless the whites progress, so it is important to all of us. We will all have to go up together or go down together. This bill was so large, it had so many provisions and so many chances proposed in this bill that the Senate Committee was not able in one short session to give this bill full consideration so in acting upon it, (Senator Wheeler is Chairman of the Committee, and I am the ranking member, not exactly the ranking member. Senator Ashhurst is now above me on the committee. When the new Congress convenes, Senator Wheeler will probably take another chairmanship. The next man on the Committee is Ashhurst who is now the Chairman of the Judiciary Committee of the Senate. That leaves me third and these two ahead being

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gone in other chairmanships, leaves me the ranking member of the Committee. You never know what is going to happen but if I go back to the Senate, I will be probably the next Chairman of the Senate Indian Affairs Committee. Having not only my Oklahoma Indians under my supervision in a sense, but in addition having all the balance of the 300,000 Indians of the U. S. likewise under my supervision, so far as laws are concerned. I make that statement as another reason why I am here today. First, as your direct, public representative, and second, as a prospective chairman of the Indian Affairs Committee; whether or not I am chairman, I will be a member. These bills that are to be considered by Congress will come before the Committee whether or not I am Chairman. Because this bill was so large and so important and made so many changes in Indian life, property and government, our committee was unable to give the entire bill due consideration, so we went through the bill and reduced it down to 5 or 6 pages, in other words, we took out of this bill the things that the committee thought that we could get by with in a year. That is not saying that the balance of this bill wont be considered nor adopted. It is not adopted now. So the Senate Committee took out of the bill what you see here in this law and we recommended 18 sections, covering five pages, be passed by the Congress. The bill came from the Senate Committee and the Senate passed it, it went to the House and passed, and was signed by the President on the 18th day of June. This is sometimes called the Howard-Wheeler Bill but it is now the Howard-Wheeler Law. It is the law we are governed by. I want to make this position clear.

There is a large number on a Senate Committee. The Senators come from the Indian states, Wheeler of Montana, Ashhurst of Arizona, the second most populace Indian state in the country, so the Indian Committee of the Senate is made up of Senators coming from Indian states. They speak for their Indians. I presume to speak for my Indians, and when I say my Indians, I mean the Indians that have honored me with the position of a member of the United States Senate. The other members of

the Committee wanted this bill to apply to their Indians. Almost every one of them has large reservations in his state with vast tracts of land held in trust by the government and on these reservations their Indian tribes reside. We have no Indian Reservations left in Oklahoma. The nearest thing we have to a reservation is the Osage Nation, but these lands have been allotted and the Indians have their own allotments and they live in the main upon these allotments. So in Oklahoma, we do not have a Navajo Reservation, a Zuni Reservation; the Indians of Oklahoma have their individual lands, allotments, and they are scattered among the white population.

I am going to discuss this bill frankly. We have to say what we mean and mean what we say. When this bill came up before the Committee, I told them that this bill was made, intended and shaped and fashioned for the reservation Indians out yonder in the west, whete the Indians live on public lands; that in my opinion this bill so far as the land feature was concerned, was not made for Oklahoma Indians. It was then late in the session, the session was almost over. I had no chance to come back to Oklahoma and confer with the eight agencies representing 150,000 Indians. They are going to pass the bill. I wanted to help my people but I could not get your reaction, your opinion, and let them take a chance of doing something that you would not approve of. I exempted the Indians of Oklahoma from the land provisions of this Act. You are ~~exempted~~ exempted now. That does not mean necessarily that you will always be exempted, but I did not want to do anything to hurt you Indians in Oklahoma, and I had no chance personally to come down and confer with you. When I did come back to the state, I took occasion, and this meeting is a result of my effort to confer with the Indians of the state. I have invited your Commissioner to be present so he can see the special problems that confront the Indian Office, you, and me as your Senator. That is the purpose of this meeting, a conference, a meeting, to advise you what this bill proposes for you, withholds for you and to see your reaction. There is no other purpose in this meeting. Ask any question that you want to later on. We will answer them if we can. Mr. Collier and his assistants will if they can and so will I.

We want to advise you what this bill proposes for you.

This bill, in Section 2, extends all restrictions of every kind and character on your land forever. The law says that they are extended until Congress otherwise provides. As a practical proposition, if that section becomes a law, as far as our state is concerned, it extends your restrictions forever, because the Indian Office will never agree to remove your restrictions and the Indian Office can defeat legislation. They can make rules and regulations but cannot pass legislation. They can interfere with legislation because they are close to the President. He accepts the advice of the Indian Office, so as a practical proposition, if Section 2 of this bill is made applicable to Oklahoma Indians, such restrictions as you now have on your land will remain on that land forever. You must construe Section 2 of this bill with Section 4. I exempted Oklahoma Indians from Section 2. You are in the same condition so far as your land is concerned, that you were before this bill was passed. Some of you Indians have deeds to your lands, some have allotment patents or certificated. If this bill should pass, your deed or trust patent is destroyed. You can still stay on the land under this law but when you die your children can still live on the land; you can never sell it, mortgage it, or lease without the approval of the Department. Here is the danger, I know Indians in Oklahoma whose children do not desire to go and be farmers and if you will pardon me, I will refer to the former Vice-President of the United States, a distinguished American citizen, a resident of Kansas, but the owner of land in Oklahoma. Mr. Curtis has lands in Oklahoma that are under trust. Those lands are not taxable. Mr. Curtis has never lived on those lands, but when he dies, his children, one a prominent attorney in Chicago, and the other the wife of a prominent army officer, cannot get title to this land. They will get a certificate that they own some interest in the land. The only way they will have any benefit will be to rent it. Suppose there is no rent, then they get no income. When these children die, their heirs cannot get title to the land. All they will get is a certificate that they have an undivided interest in this land. Supposing the

Curtis land, that the Indian Office sometime in the future says: Here's some good land which once belonged to the Vice President of the United States. We will move some of these poor Indians over on this land and let them use this land and try to make a living. I am telling my interpretation of the operation of this bill. Section 4 must be construed in relation to Section 2. It provides that you cannot sell your land, you cannot will it away, give it away except to the tribe or a corporation. Indians desiring to leave their property to their children cannot do it. They must take chances on the future rules of the Indian Office, because the land is under the control of the Indian Office. If this bill should pass, every acre of Indian land in Oklahoma will come under the supervision and management of the Indian Office in Washington. It was not drawn for our people; in Section 4, Indians cannot deed their land to their children, they cannot will it to them, but if they die, their children can live on and farm it, and so on, but the title is in the government. It will be kept there forever and the Indians now and of the future will be living on land the title of which practically is in the U. S. Government. If you want that, that is what you will get. If you want things left as they are, you do not want this section. Every line of this bill is seeking to get the Indians off of their allotments now and back onto a reservation. Take this law and read it; it holds out the hope to the Indians that eventually you will have a reservation and you will be living on same under your own government and supervision. If you think you can organize a state among yourselves and do a better job than you are doing now, of course, you are justified in wanting to go back to the reservation where your forefathers were 75 or 100 years ago. That is what this bill provides for the Indians of Oklahoma. You cannot borrow money from the government without first going on a reservation and they being on a reservation first, you cannot borrow money unless you organize you a government and when you organize yourselves a government then perchance you can borrow some money if there be any money then. The whole theory, intent of this big 48-page bill, the whole theory of this 5-page bill, is to get the Indians off of their present lands over

in some place on a reservation. You Chickasaw citizens vision the future. Down here someplace in southern Oklahoma on the poorest land that a white man can find, because that is the land the Government always buys for you. I have seen reservations in California, North Carolina, and South Carolina, the poorest land nothing can grow on it. There on that poor land that nothing could live on, 191 are settled in a little group on a five hundred acre tract, the poorest land in South Carolina. The houses are made out logs, some have no doors, the Indians have to go through the windows. Their only furniture is a fire place and a skillet. Nothing to eat but musty flour, which they mix up with water, and bake, fry or burn, whatever happens. You can see through the houses. Imagine one family, two or three living in one room of a house of that kind. Fortunately these Indians are not under the supervision of the Government. Mr. Collier has no legal responsibility over these Indians. These Indians assisted our forefathers, but they live back in the East where the Indian citizen is the lowest type of individual that can live. That is what you are looking forward to when you confine a bunch of Indians on a reservation. California has 22,000 Indians and the poorest land that California has is where you find these Indians. They live back in the mountains, where they have to haul water from mountain streams. They are practically starving to death. They likewise are not the legal responsibility of Mr. Commissioner. They are not recognized as Indian citizens. In this state we have several thousands Indians not under Mr. Collier's supervision, belonging to lost tribes. They are Indians nevertheless. They have Indian blood coursing through their veins. They have been robbed of their lands and they are here among us landless, and not under the supervision of the Indian Office. I have contended by the hour on the floor of the United States Senate that these Indians are Indians just as much as if they had money or land, but the Indian Office before this administration held that unless an Indian had land or money he was not an Indian, and they had no concern for him. Mr. Wilbur, Secretary of

of the Interior, came before our committee in behalf of an Indian bill. I asked him why it was that his Department did not permit us to help those Indians in South Carolina, would not permit us to help the Seminoles in Southern Florida. Let me tell you how these Indians in southern Florida regard the Government of the United States. A hundred years ago or more the Government decided to remove the Seminoles from Florida to Oklahoma. Oklahoma was to become the Siberia of the Indian race of America, and the Government decided to remove the Seminoles to Oklahoma, and the Seminoles learned of that fact and when they agents of the Government went down into Florida to force them to come to Oklahoma, about one-half of them refused to come. All they did find they brought to Oklahoma. We have as a result the great Seminole Nation. Back in Florida, 400 or 500 Seminoles are there now. You go down into Florida and raise the American flag and as soon as the Indians in that community can get away they are gone. They will not live in the vicinity of the American flag. When they hear that a Government Official is coming to see them, they leave. They won't confer with any of them. Our committee went down to see them. They heard we were coming. We were taken to the camps and they were gone. They have such a hatred and prejudice against the Government. The same thing is true of the Cherokees of the Carolinas. They were forced to come to Oklahoma in exile. Some of them would not come. Back there now they have a little Indian reservation about 2,000 remnants and descendants of the Cherokees. I would not say it is the poorest land in Carolina, but it is a hilly country, but there is timber and a beautiful stream of water. They have some game, plenty of water and fish, but they have scarcely any land. They are recognized as a part of the Indian population of America.

I want to do what is best for you. I was not willing to have this law extended to you without first conferring with you, and telling you what this bill does to you. This bill provides that Congress has the power to appropriate two billion dollars to take care of you, but you must first get on a reservation;

second, have your government and charter. When you get back on your reservation you can make application for money. Whether or not you will get it, I cannot say. That is the procedure now. If you want to go along as you are, having your restrictions from year to year, as in the past, you do not want this bill. As your Senator, I am not now in favor of withdrawing restrictions from a single acre of Indian land in Oklahoma. I am not trying to get your land on the tax rolls. On the other hand I am opposed to a policy which says you are going to lose your property and in return get some land on a reservation where you can live, your children can live and which will belong to the United States Government. The only money you get will be the money you make on your reservation or is given to you by the Government. But suppose the Government sometime says that we are not going to appropriate any money for the Indians. Then what are you going to do? What will these salaried people do? This bill holds out for Oklahoma Indians the future of having a reservation some place with all members of the tribes back on that reservation, but you will remove yourself from the Government of this State. You cannot live under both. If you would prefer a reservation some place, with laws made by yourselves, governed by yourselves, perhaps you are justified in being in favor of this bill. You could not sell your land. No young Indian child can look forward to the time when he will have any benefit from that land, save to live on a reservation managed and controlled by the Government. We had that one hundred years ago, seventy-five years ago. If these young Indians want to look forward to the time of their forefathers, then they should come under this bill, but if they want to live under Oklahoma laws, then they don't want to mess up with some Government that they do not now know what holds for them in the future.

Sections Two and Four, as I have outlined them, do not apply to you. If you want them to apply to you, make yourselves known to your Congressmen. Get to Jack Nichols and let him know that that is what you want. Make yourselves

known to your Senators. Make your wants known to your other Congressmen. Inform your present Congressmen as to your views and wishes. Otherwise there would be no reason for promoting this kind of legislation. This legislation is alright for the Navajos, and those who have their vast reservations. This bill does give them the right to frame a Government to help themselves, but we passed that seventy-five years ago. If you want to go back seventy-five years, petition me to come under this bill. Before you can have a Government of your own, you must have a reservation. You have no reservation now. Not a tribe in Oklahoma can organize a charter now, because not a tribe has a reservation now. Read the first line of Section 16 - "Any Indian tribe, or tribes, residing on the same reservation". You must have first an Indian tribe or tribes residing on the same reservation before you can organize a separate government. Until you get the reservation, you cannot have a charter. You cannot borrow money under this bill until you have a charter. There may be some present who will take exceptions to my interpretation of this bill. I heard the discussion both in Congress and in my committee in favor of and opposed to this bill. I am giving you the interpretation that the Senate Committee placed upon this law. I came to the conclusion that the Indians of Oklahoma would never surrender their present lands and move onto community property and take chances. Sections 16, 17 and 18 provide the means for forming your Government, if you get the reservation, but Section 4 provides that you cannot exchange your present land for an interest in a reservation. You cannot sell your land under this bill; it is held perpetually in the hands of the U. S. Government, managed and controlled from Washington. If you want to surrender your allotment contracts to the Office in Washington, petition your Congressmen.

After I shall have concluded, and I think that I have said all that I care to say, I want to introduce your Commissioner, Mr. Collier and let him tell you what his plans and hopes are. As citizens of a great country, we are more interested

in our own homes and tribes. We are not so much interest in the hope and plan of the Navajos. We are more interested in the Oklahoma tribes. While as a United States Senator, I represent those Indians in the West, but they did not elect me. I was elected by Oklahomans, and while I represent them, I will do what I think they should have done for them. In Oklahoma, I insist upon the right of coming before the Indians of Oklahoma, and telling you what I think should be done for you and then I will ask you what you want done. Many of you have no lands, no doubt. I am in favor of the Government appropriating money and buying lands for the landless Indian citizens of Oklahoma, but I am not in favor of buying the kind of lands that was bought in South Carolina and California. I am in favor of appropriating money and buying the kind of lands for Indians that the white man can make a living on. It is unreasonable to expect an Indian to live on lands that a white man can't making a living on. I am in favor of buying the best lands we can find in Oklahoma for these Indians. That won't take much money. In the past two or three years, we have spent not by the millions, but by the multiplied billions, and the fact that these Indians owned these lands at one time, and have since lost it, is one reason why as your Congressman and Senator I have supported every bill in Congress to give every Indian in Oklahoma the privilege and right to go into the Court of Claims and present your claims. I am not speaking for these western states here. I am speaking for Oklahoma Indians. I am opposed to going out here and buying the poorest land in Eastern Oklahoma and then ask you Indians to surrender your homes and farms for that poor land. I am opposed to going back to the reservation idea. So long as I am in Congress I will oppose the spending of a single dollar to buy such lands for the Indians. It means that we will take lands that no body wants, and we will call that an Indian reservation, and appropriate some money and build some houses and move our Indian citizens over and the United States Government will have to take care of them. They will become the shunned, avoided, disreputable Indian poor farmers of Oklahoma, of which we will all be ashamed. I am not for that system. I am for the system of opening our schools to

the Indian race. You know of children, Indians, that cannot go to the white schools. They have not the clothing - they have not the facilities, they have no money to buy books. If they could get into the white schools, they would have no food to sustain them. Under the management of the Five Civilized Tribes Agency of Oklahoma, they have given your Indians the name of "civilized Indians", the most intelligent in America. You have here in Oklahoma not hundreds, not thousands but literally tens of thousands of children in no school whatever, for the reason they have no clothing to keep clean, no books nor food. I am in favor of placing those little fellows in Indian schools where they can have those things they need. In former years, the Indian Office, not Mr. Collier, have come before our Committee and tried to abolish these Indian schools in Oklahoma, and when they are abolished, if they ever are, they will have no school open to them. You now have thousands of them who have never seen a school house. Some people in Washington think that all of the Indians have oil wells. I regret that we have some of the poorest Indians in Oklahoma. Some cannot keep their children clean, cannot buy them books and food. These children have never been inside of a school. If we open the white schools to them, these Indians will not enter. The Indian race is a timid, temperamental and proud race. If they went to a class with white children, who taunted them, they would not go back. When you taunt an Indian, you make an enemy of him. Indians never forget. The retarded Indians cannot be gotten into the white schools.

There is another class of Indians in Oklahoma. The orphan Indian boys and girls. At Tahlequah there is a great institution for that class of Indians. That school should never be closed as long as we have even remnants of orphans in Oklahoma. So when the Indian Office came to my committee and wanted to close some of the schools in Oklahoma, I rebelled and I have spent hours and hours of speaking on the floor of the U. S. Senate portraying the conditions of the Indians in America. I am in favor of maintaining sufficient Indian boarding schools to give an education to every Indian boy and girl that cannot get into the white

schools of Oklahoma. As fast as they can get into the white schools, I think it is better for them. We have to live together unless you prefer to go some place in the hills and live, get some land, make a reservation and live there. I do not think you want it, at least I was unwilling to believe that until I could come here and meet you face to face and let you tell me what you want. I request that the business committee or the tribal council of every tribe in Oklahoma, after you have heard what I have said and heard Mr. Collier and have investigated and know what it means for you, then you business committees meet and set forth your conclusions and send it to me. To every Indian of Oklahoma, I ask you, I request you sometime when you think you are able, to get a piece of paper and a pencil, (I get most of my letters from Oklahoma Indians written on the typewriter) write me a letter, tell me what you think about this bill, what you think should be done for you. I will not show that letter to Mr. Collier, to anyone, because if you thought I would show it to anyone, you would never write me a letter. Mr. Collier is not criticized. In the end his view is for the reservation Indians in the west and my views are for Indians in Oklahoma. This bill is all right for the reservation Indians, but it is no good for the Indians in Oklahoma who have land and property. I want you to write me those letters. If I get letters from the Tribal Councils and many thousands of the citizens of Oklahoma, writing me what they think, I will be in a position to do something to help you. I want to use my power not to hurt you, but to help you as I exempted you from the land provision and reservation provision.

There are 19 sections in the bill. You are under all those sections except six. This bill provides that the Congress can appropriate \$2,000,000 a year to be used in buying land for Indians. I will be in favor of appropriating the money. I am on the Appropriations Committee so I am glad to say that I shall favor an appropriation to buy land for landless Indians but I will not be in favor of buying this poor land. When they come to spend money in Oklahoma and if it takes

a special limitation in the appropriation bill, I will try to see to it, I will put a limitation that they cannot use this money to buy worthless land. We want to buy the kind of land that white men can live on. We want the Indians to make progress because if the Indians do not make progress, the white citizens cannot make progress.

This bill provides for appropriation of \$250,000.00 for children who desire to attend higher schools. They may want to go further and get some more education. Many have parents who cannot send them to school at all. This money is to be loaned to ambitious students. The only trouble about the matter is that the amount is not enough. If I can get the consent of the Indian Office, ~~if~~ I will be in favor of increasing this fund. We are under that provision.

This bill provides that the Indian population, if they will prepare themselves, can look forward to getting positions in the Indian Service, in the schools, hospitals, agencies. Every position that has to do with Indians. I am for that and that applies to Oklahoma. We have just as much right to get Indians in these public places as does any state in the nation. We should have three times as many as our Indians are more advanced, perhaps as much as one-half. The office will fix the qualifications but that section applies to every Indian in Oklahoma. That is in the law.

In conclusion let me say, that I kept in this bill every section and provision that I thought would be beneficial to the Indians of Oklahoma. Then I exempted the Indians of Oklahoma from those six sections that I was not sure about. The first conference is being held. Your Commissioner is here and at this time I commend Mr. Collier for his presence here. Mr. Collier, your Commissioner of Indian Affairs.

Mr. Collier:

It will soon be the lunch hour and I expect you want to stop here for a while and come back. Let me say just a few words, however: I am very happy to be here with Senator Thomas and that we are going to the different agencies to here

from the Indians. I am confident that a complete agreement between the Indians and Senator Thomas and the Interior Department officials is possible and will be easily arrived at. I believe that after we go at the subject in a practical way, we will find that we are in substantial agreement and that if the Wheeler-Howard law needs to be changed, so that it more accurately fits the needs of the Five Tribes, that can be done by amendment which can be worked out in conference. I would not merely for reasons of courtesy say what I am going to say. I am saying it because I believe it. I earnestly hope that Senator Thomas will be the next Senate Chairman of Indian Affairs. I have watched him in relation to Indian matters over a good many years. He has given unlimited time and not only to the Indian matters of Oklahoma but has gone all over the country, has been fair and faithful and progressive in relation to Indian matters. He is one of the foremost and consistent progressives in Congress and by progressive I am not using the word necessarily in a political way, the progressive in Congress, anywhere, is the man who pays attention to the human element of life, who is concerned with folk, people, with the needs and problems and perplexities of the people rather than being primarily concerned with business and property and all that. The progressive is the man who feels the urge of the people as they are moving forward and in that sense, I mean that Senator Thomas is one of the leading and tireless progressives and therefore, I have no fear as to the ultimate outcome of this Indian legislation or any Indian question if left in his hands. A little later when we come back from lunch, I am going to ask that you allow me to give you some details. Senator Thomas and I are in agreement except for one thing, that is the construction, the legal effect of the Wheeler-Howard Act as passed by Congress. I do not think some of those provisions will have quite the effect that he thinks. If we remain in disagreement on that, it would only be ultimately a court case that would determine opinion. I will remind you that the Wheeler-Howard Act was crystalized into its present form in the last ten days of Congress. It went back

and forth with great rapidity. At the end the two committees passed bills that were not identical and the differences had to be compromised in great haste. Under those conditions, it is certain that any legislation would be obscure in places, difficult to construe and not perfectly all right. In other words, whatever I may tell you about the meaning of any part of this bill might be wrong just as I think what Senator Thomas things might be not exactly right, but I am confident that all of the basic matters we are in agreement. I think I ought to stop right here and allow you to have your lunch.

AFTERNOON SESSION, Oct. 15, 1934.

SENATOR THOMAS:

Ladies and Gentlemen: We closed the morning session at twelve o'clock. It is now past one, and while all are not back here we are ready to proceed. Mr. Collier was preparing to make a statement when we closed just before noon. I started to make one statement, and was diverted. I want to make that statement now. I started to tell you what Mr. Wilbur told our committee in Washington. Mr. Wilbur told us that his Department was not hunting for Indians; that meant Mr. Wilbur and the other Indian Bureau did not want to take over the supervision of any Indians not now under their supervision. In other words, Mr. Wilbur, the former Secretary of the Interior, did not want to take over the supervision of the Seminoles of Florida, did not want to take over the supervision or to help any of the Catawbias of South Carolina. We have some Indian tribes in this State not under the supervision of any Indian Agency. We have some Indians who have had their restrictions removed and in effect they are not under the supervision of the Indian Agency; The former administration did not want to take over any work affecting any Indians that were not then under their supervision.

Now Mr. Collier can speak for himself; but I am satisfied that Mr. Collier wants to help every Indian; help those who have no land, no home, even more than those having homes and land,

because the Indians having lands and homes can get along pretty well, but those who have no land or home are just as much Indian and just as much entitled to governmental protection as those who do have lands and homes. My policy will be to try and help the Indians who need help, and that means those who have no home or land, and as far as I am concerned I am going to help the landless Indians to get some place they can call home.

Now Mr. Collier, your Commissioner and friend, will resume his speech begun just before noon. Mr. Collier.

COMMISSIONER COLLIER:

I will say a few words about the matter Senator Thomas has just spoken of. For many years Senator Thomas has been waging a battle to compel the Government to do its duty to all the Indians. I have heard him a number of times. I remember one time he stood on the floor of the Senate for about eight hours and presented the case of the landless, homeless and neglected Indians. It has been the policy of the Executive Branch of the Government for years -- not the Legislative, or Congress -- but the Executive Branch to deny aid to the landless Indians. It had a curious idea that only the Indians having property were entitled to Federal protection and aid. The Indian who had lost his property, at the same time lost the protection and aid of the Government. If you will go into

the reason why the Indian lost his property and his land, in practically every case he lost it because of some wrong doing by this Federal Government. In practically all the cases he lost it because he had to lose it as a result of laws Congress had passed. For the Government then to take the position that just because the Indian had been plucked clean by the Government, that he is not entitled to any Government aid, is a very cruel position and it is against that policy that Senator Thomas has waged a battle for several years in Committees and on the floor of Congress. I have always agreed with him and I may say that the present administration has not got that policy. We have the policy that Senator Thomas has indicated. We think that the Government's first duty is to the poorest of Indians and its last duty to the richest Indians. Our ability to carry out this new policy - let us call it the "Thomas policy" - is largely dependent upon appropriations. Unless we get them we can not do as much as we want to do. We have completely reversed the ~~old~~ policy for which Secretary Wilbur stood, which was, to quote him, "hand the Indian a pickle and let him howl."

Now to come back to the Wheeler-Howard Act. I am going to try to be brief, because I am sure that Senator Thomas wants to hear from you rather than from me, and I want to hear from you rather than have you hear from me. But if you will allow me I will say a few words before touching on the Act at all. I am going to make a certain number of propositions and see if we do not agree. Forget all about the Wheeler-Howard Act for a moment and let us

think only of the Oklahoma Indians. The first proposition is this: There are in Oklahoma a good many thousands of Indians who are very poor and who have no land. I imagine that this statement is agreed to by everybody. The second proposition is: If we can get for the landless and homeless Indians - those very poor Oklahoma Indians - if we can get land for them and if we can get appropriations to enable them to develop that land, we want to do it. I suppose everyone will agree on that. Probably every citizen in Oklahoma, every Indian citizen, knows of the poor Indians. The Government has a duty to them and the Government should fulfil that duty in supplying land and capital for developing the land. That is not the only duty of the Government. The Government should supply education, the Government should co-operate with the State of Oklahoma in supplying good schooling, college education, good health facilities, and so on. But the basis of their well being must be accomplished through developing self-support, and for a large number of them that is going to mean self-support on the land. I suppose in so far we are in agreement - everyone is. Now I think we would be in agreement on another proposition. The Oklahoma Indians still possess a good deal of land. The total of land that is restricted and tax-exempt in the Five Civilized Tribes is a million and a half acres. The Kiowas have got 496,000 acres of land. The total land which is ~~restricted~~ and tax-exempt in Oklahoma is about 2,200,000 acres - that is land the Indians have

now restricted and tax-exempt. It is not equally distributed, but they have that much land. Now as far as I know everyone agrees that they ought to keep that land, and I do not know of anybody that wants to subject that land to taxation, at the present time at least. Another fact on which I think we will all agree is that the land owned by the Oklahoma Indians has been shrinking very fast. The Five Civilized Tribes originally received allotments totalling more than 15,000,000 acres and they have only about 1,500,000 acres left, and much of that is poor land. If the selling off of the land after death of the allottee is continued, if that goes on, it will have the effect of further reducing the land which the Oklahoma Indians now have, and ultimately most of that land will pass out of Indian ownership. Now I doubt if anybody desires that result. I am stating these facts to build up to the idea of the kind of legislation that everybody wants. Some other things I expect we will all agree on. Let us think of any one of the Five Civilized Tribes; let us say for the sake of argument, the Choctaws. If the Choctaws want to get together and help each other, get together for a common action looking toward their well being, toward the protection of their common interests, want to unite like everyone else is free to unite, we should let them organize if they want to. We will all agree on that, I suppose. We will also, no doubt, agree that if an Indian prefers to live off by himself in a white neighborhood, he should do that; but if there are ten Indians who

prefer to have Indian neighbors, to live in a little community of their own, there isn't anyone who would forbid them or who would want to say they can't do it. Let me add this - again coming back to the work Senator Thomas has been doing in Washington - if you take the expenditures of the Federal Government for Indians and break it down by states, you will find that Oklahoma, on any proper basis of measure, gets very much less of Federal money than any of the other Indian states, except New York state. The Federal Government has always been niggardly toward the Oklahoma Indians; has always discriminated against them in its appropriations, and that is still the condition, one of the reasons being that the Federal Government began in 1908 a series of acts which have been construed as being acts for getting rid of the Indians and getting rid of Federal responsibility toward them. I do not think the acts have that meaning or ought to be allowed to have that meaning. If we could get a system of appropriations which would break down the Federal expenditures by areas and by states, instead of appropriations in a lump sum as at the present time, then the new Budget would show this discrimination against the Oklahoma Indians in a very startling light.

Now coming over to the Wheeler-Howard Act. First, I want to point out that the condition of the Indians in different parts of the country is extremely varied. Senator Thomas pointed out that there are large reservations - solid bodies of Indian lands. He mentioned the Navajos. Their reservation contains 25,000 square miles

miles of Indian land - solid - but in addition there are all over the country reservations which have been broken up and checker boarded until there are more whites than Indians within the reservation boundaries. You will find that in North Dakota, South Dakota, Nebraska -- all over. Again there are unfortunate groups of Indians outside of Oklahoma who have lost nearly all their land, or absolutely all of their land. For example, the Oneidas of Wisconsin have lost at least 98% of their land through the system of fee patents. The Yankton Sioux have not enough land to take care of 5% of the Indians, so you see we have a tremendous variety of conditions. We have tribes who own their land, but in amounts so small they would perish if they tried to live on it. We have that in many different states. Now in trying to draw one covering act to take care of all this vast variety of conditions, one meets great difficulties - one covering act, such as the Wheeler-Howard Bill was intended to be. I think we wanted it primarily because it was possible to organize - to put behind one big bill enough business support to pass it. It was possible to get the President of the United States to actively endorse the bill carrying big appropriations, whereas if we broke it up into little bills we probably could not get Congress to pass it. This is our reason for trying to deal with the variety of conditions in one Bill. We are paying the penalty, by having a Bill that falls a little short of what the Indians want and does not meet the conditions in any one place. I am sure it will have

to be amended, not only for Oklahoma, but for other Indians. It will not fit all conditions until a good many amendments have been made. I do not think all the amendments will be adopted at the next session of Congress. I think it will be 3, 4 or 5 years before the Bill is finally perfected where it meets the needs of each group of Indians. The administration, just as much as your friends in Congress, is seeking light on how to make the Bill more perfect than it is. It is now very imperfect. However, I do not think it is as imperfect as Senator Thomas may have conveyed this morning. When you are conducting a discussion, it is always a good thing to state one side strongly, and to state the other side just as strongly - the facts will lie somewhere in between. I am going to state my side strongly. I am going to give my understanding of the Bill, even though I appear to be disagreeing with the Senator more than I am really disagreeing.

Now the first thing - I wish you all had a copy of the Bill. I do not suppose many of you have a copy. How many have a copy of the Wheeler-Howard Act - will you please raise your hands? (Only five or six hands raised). It is awfully hard to discuss a piece of legislation when you do not have the proposition before you. However, I want to make clear that under Section 4 of this Act, if applied to Oklahoma, the descent of property would ~~not~~ go right ahead according to existing State laws. I will read the language of the Act: ***** and in all instances such lands or interests shall descend or be devised, in accordance with the then existing

laws of the State, or Federal laws where applicable, in which said lands are located." As a matter of fact that legislation was drawn by Congressman Hastings in order to fit the Bill to Oklahoma conditions.

The next thing that I want to point out has to do with the perpetuation of the trust period. Here I think we do encounter a definite short-coming of the Bill as applied to the Five Civilized Tribes. As you know, in other parts of the Indian country, where lands have been allotted, the Secretary of the Interior has the authority to issue a patent in fee, thereby lifting all restrictions, so that where the land ought to be sold it can be sold. The Indian applies for a patent in fee, gets it, and then he may do as he will with the land. In the bill, as originally introduced, there was language prohibiting the issuance of patents in fee - would not allow any more fee patents. That matter was fully discussed by the Indian Committee of the Senate, and a certain member of the Committee pointed out that such language would be unworkable. Some cases in point of the Supreme Court were brought out to prove that the language would compel the Government to retain supervision of the lands until the day of doom. The Department agreed with them, and the record will show that the language as to fee patents discontinuance was omitted. As a result of that record, the Department now considers that patents in fee may be issued in South Dakota, North Dakota, Wyoming, and everywhere that patents in fee are the method of lifting the restrictions. Now when you come to Oklahoma - The Five Civilized

Tribes - it is not the same situation, as I understand it. Your land here is restricted, you have patents already, but there is a restriction on the patents. Section 2 and Section 4 have the effect of prohibiting a removal of restrictions, so that the effect would be to make it impossible to sell any Indian lands that are now restricted in Oklahoma - any at all. It does not have that effect in the other areas where you may issue patents in fee, but it does do that here. To have the Bill apply to Oklahoma, the language will have to be changed giving someone authority to lift the restrictions in those cases where the land ought to be sold. I am not clear as to how that language should be drawn, but we do not want to adopt legislation prohibiting all sales of all lands for all time. Often the land ought to be sold, and there should be some authority ~~in~~ with the power to allow it to be sold. I think there would be no difficulty in finding the right language for that. The reason why the committee did not work out that particular detail for Oklahoma was that it had already been agreed for the time being that certain sections did not apply in Oklahoma, otherwise it would have been fixed up in the committee. I am dwelling on this point not only because it is important, but in order to show that we all recognize this Bill is not perfect and we all recognize this bill is not perfect and we want to find out how to make it right. Everyone has the same interest in making it right.

Now the next point I want to deal with is this matter of "Reservation". The use of that word in the Act has resulted in a lot of misunderstanding. The word is used in eifferent parts of the Act,

and if you will turn to Section 19, where definitions are given, you will not find any definition of the word "Reservation". No body knows what it means, I think the committee was not clear as to its meaning, they just left the word "reservation". For example - how are we going to construe that word? Suppose the bill applied to Oklahoma, now what is a Cherokee reservation, what is a Creek reservation, what is a Seminole reservation, and so on and so on? We do know what the Kiowa reservation is, and some of those reservations in the West could be covered by that word, but you can not cover the Five Civilized Tribes with the word "reservation". We are going to have that same difficulty in other places. Take the Indians in Minnesota. The minnesota Indians are widely scattered - very much like you are here. Some of them have land and many of them have no land. What is a reservation? How are we going to organize the Indians when the time comes for organizing those Indians. It is clear to me that we have either to amend the Bill by breaking down that word "reservation" into something having the same meaning, or else we have to get a liberal construction so that it will not create endless confusion. However, I think some of the confusion that has arisen is unnecessary. For example - Senator Thomas this morning expressed this fear; that ^{if} the Indians wanted to come in under the land sections of this Bill, they would have to give up their land and go onto a reservation. In other words, there would be some new place established and the Indian would have to move to that place, otherwise he could not take

advantage of the Bill. Now we have already seen that the Bill goes very far in prohibiting the alienation of any land the Indian has at present. The Bill is over-safe in that way, and evidently it could not have been the intent of Congress to compel the Indian who has land to go off somewhere else and settle in a colony in order to get the benefits of the Bill. That would be unreasonable, the courts would construe that that was not the intent, and Congress would promptly change the law. Actually the word should be "tribe", or "committee", or "reserve". Take the situation of the Choctaws, who are scattered. They could organize into a corporation and get the benefits of the credit that the Bill established. At the same time the Navajos who do occupy a solid reservation could come in any group of Indians who have a common interest ought to be able to unite and do business under the Act. I am confident we will have to do something in the next Congress to supplement the word "reservation", or to so define it that it will meet the situation of the scattered Indians and of the homeless Indians who have no home at all, and who ought to be able to move in and take advantage of the Bill.

Now I want to dwell on the organization of the tribes under Sections 16 and 17. Section 16 is the one which deals with the right of tribes to organize and to have certain powers when they organize. What are those powers? Do they become a state within a state when they organize under Section 16? No; the powers they will have are just these:

"***** the power to prevent the sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe."

In other words, the Secretary of the Interior would no longer have the authority to control tribal affairs, he would have to ask the consent of the tribe to do this - not only the lands, but the tribal assets. The tribe organized under this Bill would control its own tribal funds and the Department no longer could spend tribal funds without the consent of the tribe. Further, they would have the power to negotiate with Federal, State and local Government about anything, and finally where the tribe is organized the Secretary of the Interior would have to come to that tribe and discuss any proposed appropriations with the tribe before he goes to Congress. But that is the end of the authority granted to the organized tribe. You can see that that would not set the tribe up as a state within a state at all.

Such an organization would protect the tribe against a faithless administration, if we have one. We have had them and we will have them. It does not set them apart from their neighbors, it does not set up a government. It does not involve any question of their citizenship in the state, or their right to vote, and so on. It merely gives them the measure of authority over strictly tribal matters, which is necessary to protect them against an unwise or faithless Secretary of the Interior.

Now we come to the corporation, and by the way, Senator Thomas, I did not know myself until I re-read the Bill that the

organization of the corporation in that section says nothing about reservation. Under Section 17, a tribe of Indians - Creek, Choctaw, and so on - upon petition of one-third of the members, may have a charter of incorporation issued to the tribe. What does that charter give to the tribe? It gives to the tribe the power to buy land with whatever money it has, to accept gifts of lands for its members, to accept bequests of land for its members, to hold, manage, operate and dispose of common property that it buys, or that it receives by bequests. It gives it the power, where an Indian wants to surrender his allotment to the corporation, to give him a certificate of interest - that is stock. This is in cases where the tribe has large timber holdings with a steady income. The Indian may not want to farm, but he can turn that land back to the tribe and take a guaranteed income from the tribe. The tribe can then turn the land over to some Indian who wants to use it. However the corporation will have no authority to sell, mortgage, or lease for a period exceeding ten years, any of such lands, and finally, that corporation becomes the Federal instrumentality in handling the credit system. That \$10,000,000 credit fund - (by the way, \$10,000,000 is not nearly enough)- would be granted in credits to the tribe and then the tribe, under rules and regulations of the Department would lend that money to members of the tribe. When they repay the money, it would go into the tribal fund to be loaned again and again. The Red Lake Chippewas maintain a system of credit by utilizing their tribal funds, lending it to its members and when they pay it back it is loaned again. It is our feeling

that the Government at Washington ought not to embark upon a big money arrangement, where it would lend money to individual Indians all over the country. It is far better to have the Indians organize a credit association, the money when turned over to the credit association to be locally administered by the Indians themselves with the cooperation of the Superintendent.

Now the corporation, as provided in that section, could do more or less. It might organize for nothing but the administration of credit. It might go beyond that and be a land holding corporation. It might go beyond that, if it had a forest and establish its own saw mill. It might borrow from the loan fund the necessary money to build a tribal saw-mill and it might run that mill. It might go into any reasonable kind of business and use the loaning funds to capitalize such enterprise.

The minimum which it would have to do under the Act would be to serve as a credit union association, administering the Federal credit grant for the benefits of its members. We have a hundred cases in our white life that are identical with this. The idea that it is some sort of going back into tribalism, going back into the primitive, is something I do not see at all, for our white life is full of this. The white farmers and city business men have found it necessary to organize and incorporate to carry on their business, and why not extend that system to the Indians, if they want to use it.

I agree with Senator Thomas that the \$250,000.00 credit for higher education will be much too small. However, I think it is all

we can wisely spend in the first fiscal year. When the need is proven we will be able to get that amount increased. It is my impression, Senator Thomas, that that is as much as we should have the first year until the Indians prove they could use it; in fact we had difficulty in preventing the House Committee from making it \$1,000,000.00 for the first year, but we did not want to plunge in such a way that the Budget would get its back up against us.

There is another thing that will vex us, not only in Oklahoma, but in other places. It is Section 19 with the definition of the term "Indian". It says the term "Indian", as used in this act for the purposes of this act, shall include all persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction". That is clear. But how about those tribes where enrollment stopped ten or twenty years ago and the young people are not enrolled. We do not want to shut them out. We want to make sure that they are members of the tribe for the purposes of this act and entitled to its benefits. And then it says, "shall further include all other persons of one-half or more Indian blood". You get a situation here where children born after the rolls were closed, and are of one-fourth Indian blood - and he could not help it. I think that regulation ought to be changed from one-half to one-quarter, in order that the very thing that Senator Thomas and I have been talking about may be diverted.

Now about the matter of land purchased. It is perfectly true that in the past the Interior Department has wished some terrible land off on the Indians. I do not mean in the past long ago. Sen.

Thomas referred to the California lands that have been bought for those Indians under special appropriations during the last fifteen years. Eighty per cent. of those lands^{that}/have been bought in recent years have been worthless either for farming or grazing. That is a scandalous fact. I do not need to say that we do not intend to do that kind of thing any more, and if we do that kind of thing I earnestly trust that Senator Thomas will denounce us with all his great power. The object of this land purchase plan is to buy land on which people can make a living. Land that is attractive to live on, practical land, whether it be for farming or grazing, GOOD land. We ought to be put out of office if we do not buy that kind of land and I hope before this administration passes out of office we can establish such a standard of land purchases, and such a trained organization for the buying of land, that in the future the standard can not be broken down. At least, I can promise that we will not repeat the errors of some past administrations. But I will add this: The act permits the buying of land, whether for groups of Indians, or for individual Indians. Its language is completely flexible. Under the act a homestead for one solitary Indian could be bought, or a big piece of land could be bought for 100 families. If a big piece of land is bought for 100 families, then under the Act they could either use it in common, if they preferred to, or it could be broken down into separate homesteads, where perpetual use would be vested in owning families. They would own their improvements and could transmit them to their children, or children's

children, or sell them back and forth between Indians, BUT THEY COULD NOT SELL TO WHITE PEOPLE. Usually it will be found more practical to buy land in fairly large blocks and to establish there the conveniences to make it attractive to live on the land, the co-operative machinery that you need to succeed in modern farming. Generally it will be better to buy for groups of Indians rather than an individual Indian, but there is no requirement in the Act as to which you should do, and certainly this administration has no dogmatic plans about it. If you will go down and inspect the subsistence homesteads at Chilocco, or look over the little Choctaw camps that are being completed near here, you will agree that that is a very desirable way to supply land to Indians. But I insist that the law does not require that it be done that way, and we have no set policy about it. We are going to do what the Indians want us to do in any given way within the limits of the fund. Now the fund is small, only \$2,000,000 a year - of course, that is \$10,000,000.00 in five years. That is not enough. I may tell you the result of the recent study carried out under the President's National Resources Board, as to how much lands it will require for the Indians of the whole country. The conclusion is that they need about 17,000,000 acres more land, at a cost of \$100,000,000.00. Now that is for Indians in the whole country. When you come to Oklahoma, the tribes in the West already have, in most cases, enough land, they need to make better use of their lands, they need credit, but they have enough land; but in the case of the Five Civilized Tribes, it will require 2,000,000 acres of new land, carefully selected for farming and grazing. Of course,

they may not all want to go on land, we might cut it in half and say they need one million acres. I tell you that \$2,000,000.00 is quite an amount of money, and I am sure we are going into Congress within the next two years and ask for more money, but not until we can prove to Senator Thomas that we are capable of buying GOOD land and have Indians living on the land and making a living off that land.

I think that I have covered all the points that I ought to talk about now, because this is your meeting. I think you will see now why I am so confident that there will not be any disagreement between the Department and Senator Thomas. I am sure we want essentially the same thing, and I know that the Indians of this State have gone on record in favor of the Wheeler-Howard Act. I know that. But I do not believe that action was on the basis of an absolutely close analysis of the Act. It was rather that they felt it was the sentiment of the present administration, and that President Roosevelt is honestly trying to do the right thing, to get more land, more credit, better conditions for the Indians. They had confidence in the good sense of Congress. They believed that they would try to get the right thing for them. I am perfectly confident that under the leadership of Senator Thomas, Congress is going to adopt some Bill in which the Department will concur and for which everybody down here will throw up their hats. I believe that, because I know the Senator is intensely honest and is determined to get results for the Indians. Of course, if this administration is going to stand on the idea that the Bill is perfect and that it is the last word, then nobody would dare
37 challenge it or change it, then we will get in a deadlock. We would

get nothing for the Oklahoma Indians - nothing in the world. We all know that the Oklahoma Indians need a lot of things, but that is not Senator Thomas' disposition, and that is not our disposition. What we need is for everyone of you to put your mind on the question of how to make the Wheeler-Howard Bill right, so that it will meet your needs, - the Cherokees, Choctaws, Chickasaws, Seminoles and Creeks. You will find that Congress is ready to go along with you, and certainly you will find the Department ready to go along with you. I do think that the method of getting what you want probably should be in amending this Act rather than introducing a special Act, because this is already a law and it already authorizes land purchases and money. If you start in with a new Act you will have the job of convincing the Budget, and overriding its natural desire to retrench, but that is a question of procedure only. As far as the Department is concerned we would not care whether the Oklahoma situation was met by fixing up the Wheeler-Howard Act a little bit, or by introducing a new Act. We only want results. Now, I am sure that Senator Thomas wants what I want, and that is to hear from the Indians themselves.

SENATOR THOMAS -

I wish to assure Mr. Collier, the Business Committees and the Indians assembled, that I have no exception to any statement he made. As I told you this morning, and I will tell you again, that I am sure we can come to some agreement in an effort to try and help the Indians of this State. Now in order that Mr. Collier and myself can be advised, I am going to ask that representatives of the various tribes, if you desire, come to the platform and be heard. This meeting is for the special purpose of a conference over the Wheeler-Howard Bill - over this law. We have five tribes here - the Cherokees, Choctaws, Chickasaws, Seminoles and Creeks. I am going to ask first that a representative of the Choctaw Tribe come to the platform and make such statement as you may desire to make to Mr. Collier and to myself, to the end that you may be heard. I invite you now to come to the platform, such of you who want to advise Mr. Collier and myself as to your wishes and your desires relative to this pending piece of legislation. Now, of course, what is here is already the law. Mr. Collier suggests that the law needs amendments. I am sure that it must be amended if it ever serves any good purpose on these controversial points. It is the amendments that I think should be discussed. What is there in this bill that you want taken out, if anything? What is there that you want placed in this bill that is not there, if anything?

Now if the Choctaws will come forward first, we will hear them, followed by the Chickasaws, then followed by the Cherokees, Seminoles and Creeks. After we have heard from the spokesmen of

these five tribes, then if there be any questions you want to ask, the meeting will be open to all. Personally, I will stay here as long as necessary. You can ask any question you want to of me, and I am sure you can ask Mr. Collier. I may not answer the question you ask, and Mr. Collier may not be able to give you a satisfactory answer, but we will be glad to have you ask us the questions - if we can answer them, all right - if not, it will give us something to work on. It is a conference to help you. We are asking you to help us to help you.

I now present an old time friend of mine who has served in public life, how long I can't remember. In 1907, when we first secured statehood, I was sent to the Senate and Bill Durant came to the House, and during these 27 years he and I have worked side by side in an effort to benefit the people of Oklahoma - both whites and redmen. I am glad now to introduce to you an outstanding citizen of Oklahoma - W. A. Durant.

W. A. DURANT -

Senator Thomas, Commissioner Collier and Indian Friends - I desire to state that last June the Choctaws met in delegate convention and discussed this Wheeler-Howard Bill and we decided in that convention that there were certain features of the bill that were very beneficial to our Indians, and we organized and selected an advisory council to our Chief, who would confer with him and through him, and that council, as representatives of the Choctaw Indians, then to confer with Senator Thomas and Senator Gore and our Congressmen, and also with the Department of the Interior on necessary amendments in our opinion to make that bill fit the conditions and the

property interests of the Choctaws of this State. We have done considerable work and made propositions, but we have not completed our labors, and we have not come to a final conclusion as to just what amendments are necessary to make in order that the Choctaws can get the full benefit of this Wheeler-Howard Bill. But I believe, after conferring here with Senator Thomas, and talking a few minutes with Commissioner Collier, and hearing the addresses of both of these gentlemen this morning and this afternoon, we are of the opinion that this Choctaw Advisory Council and the Choctaw Chief will be able, through some kind of a committee, to draft such amendments to this bill. After it is completed, it will be submitted to Senator Thomas for his approval, and also submitted to Commissioner Collier for his approval, and the Department of the Interior for approval, and after we have got their approval, there is no question in my mind but that Congress, under the present administration, will approve what we want. I realize and I appreciate that never before in the history of my people - I am talking for the Choctaws - in fact the Indian people of this State of Oklahoma have never had such friends, either in the Congress, or representatives of the Department, or the President of the United States, as we have at this time. And I believe the time is here when the Indians of this State, if those of you in the different tribes will organize yourselves in the right kind of business, body, or council of some kind, and get together with the view of doing some good for your people, now is the occasion for it. Here is what you will have to look out for - the man who has been accustomed to separating the Indian from his property - you will find him on every corner telling you not to do anything that would benefit yourself. You are going to find some,

whom we term "the grafter," grafting the Indian out of his money and property. Everyone knows that you will find those that will tell you to let this bill alone; that it cannot be amended; that Commissioner Collier does not want it; and the President does not intend to try to help you; but intends to sell the property; and we may be left in such condition that they can separate it from us under the guise of laws. My friends, they are not your friends - they are not friends of the white people, or friends of good government. We find that element, not only in Oklahoma, but all over the United States. My friends, you will have to go among the Indians yourself and be interested in their personal welfare - some of you may be ambitious to seek office - some of you may be over zealous to be a leader among your people. You will have to submerge your personal feelings and your personal ambition in the interests of your own people. If we do this, then this whole thing will follow. My friends, we have to turn a new leaf ourselves. We have got to think about our brother Choctaws, our brother Chickasaws, and also the Plains Indians in the West. We have to think of the Indian people themselves and see if we cannot, as Indian citizens, get together and do something for the benefit of the whole. We have to think of those brothers who have not had the opportunity that some of us have, and those who do not have the mental capacity, or do not rate as high as some of the others of the tribe. I want to tell those of you who have been working for your own interests, thinking how you could build yourself up, and ~~xxx~~ only be self-sufficient unto yourself, making a big name in a material way, that I think the last few years has changed that opinion in a good many ways of the Indian, and in the minds of the white fellow living among us. A few years

ago the most of them thought there was nothing in this country but material wealth - that's all they cared for, and that was their god, and the Indians have been brought down too. There are men today who were worth considerable money a few years ago who are glad to secure work on the Federal CWA or FERA. The material thing that they thought was so sure, wealth, that they threw all their efforts to obtain it, has failed them and always will fail them. I am appealing to you Indians to make it your solemn obligation to go out among your tribes and show that you are willing to work for the best interest of the tribe and of all Indians and for some brother who has not had the same opportunity that you have had and use your best efforts to bring him to a higher level and let him enjoy the same privileges as we have, make his life worth while and let him enjoy living as much as you can.

I want to say to you, that ^{whatever} ~~whatever~~ legal suggestions we make to Senator Thomas and Commissioner Collier, they will go back to Washington and have this Wheeler-Howard Bill amended in such a way that every Indian in Oklahoma will be benefited by it and then we can get them a home - put them on the road to prosperity. Now the only way that this can be done, is for the Indian to make up his mind that when he is put in possession of land and a home, that he is going to work for a living. This thing of obtaining happiness, except by labor, it does not exist anywhere. It is labor that brings happiness to us, if it is happiness along the right line, and a labor we enjoy. I have heard it said that full blood Indians won't work, they are too lazy. If you will go down to this little camp of the Choctaws, near Wilburton, there are 130 men working, nearly all full bloods, and they have built some of the nicest homes there which are

a credit to anybody. And they have high recommendations from the Department Supervisor who has supervised the work. They are taking that land and putting it in a good state of cultivation, and they are doing a good work, and I tell you that the full bloods do work. They are sending the money home that they earn to their families to be spent for the wife and children to live on, except the little that they keep to take care of incidental expenses. Senator Thomas and my friend Collier here, through this Wheeler-Howard Bill, have fixed the machinery and property by which we can lift our Indians up and bring them out of this despair they are in now. And I'll tell you something else - while we are working along this line, I do not believe that our Federal Government is going to bring Mr. White Man out of the depression, except by some similar kind of proposition, because they cannot live on the dole and we do not want the Indians to live on a dole. Given the opportunity, I know they will work and make a living the same as Mr. White Man does.

SENATOR THOMAS -

The next - is there some representative here for the Chickasaw Tribe - Is there someone present?

I now have the pleasure of introducing to you Mr. Hayes of Ada - Mr. Joseph W. Hayes, who represents the Chickasaw Tribe of Indians.

JOSEPH W. HAYES -

Mr. Commissioner, Senator Thomas, Ladies and Gentlemen - I need not say at this time the previous actions of the Chickasaw Tribe in regard to the Wheeler-Howard Bill. Since its inception to the public mind, we have repeatedly taken action upon it and in our last resolu-

tion, briefly, we have accepted its broad principals, and we were mindful also for the purposes of this bill for rehabilitating Indians. There are strictly two classes that we have been able to divide - first is the young, or mixed blood Indian, like myself - and then we have the full blood. Speaking their language I can appreciate their thought. I can appreciate their reactions in not being able to understand fully all the provisions of the bill. They have not been able to be as responsive as we mixed bloods and those of us who understand more fully the English language.

Now at this time I want to speak officially and unofficially for this full blood class. I do not mean by that that they have not been fully represented in the past understoodly, but I do say they have been limited in bringing their concensus of opinion to all our law making. I find in my trips and conversations that they want almost all the provisions of the Wheeler-Howard Bill, and I find also it is not segregation - it is not placing them onto reservation, because I find they are already in reservation, if we might consider the communities in which they live as reservation without boundary. In my own country my Chickasaw people are divided into four districts. Possibly that has been the result because of necessity - their lands have been sold - they have lost ownership, ownership has passed out of their hands - until the few that are living are in a community that could be regarded as a small reservation. However, I want to steer away from that word "reservation." I would rather refer to it as an Indian community, for if the Indian cannot organize into communities, as a county or other sub-division, then we are denied to organize for any purpose. So it is for this

to the attention of the proper authorities. There is another phase of the bill - the self-government phase, if we might call it that. If these phases are optional, I myself, in patriotism to the Indian, will never oppose the desire of the full blood to live in their community. I think they are entitled to it. I have heard some of them say - I would give my property in a moment to live with my people in a group. On the other hand, the mixed bloods may think entirely different. Yet, even construing and accepting all these provisions, if it is optional, as a patriotic duty, I would like to see the amendments inserted covering all the Oklahoma Indians, particularly the Chickasaws.

I do not wish to take more time, but I am glad to be here and to know Senator Thomas. I am glad to know that we are guided by two such fine men on each side of us who can guide us to an end that I hope will be the most beneficial. The plight of the Indian we all agree on. I think it is the system or method whereby we can bring relief and diversion.

Paraphrasing Edwin Markham's poem - "The Man With The Hoe," which I quote -

"The Man With The Bow."

"Bowed by the weight of centuries of dishonor and
shame
He leans upon his bow and gazes across foreign land.
Empty hope written upon his bronze face,
And upon his back, rests, the unassumed burdens of
his race.
Who made him dead to rapture and despair,
A thing that grieves not, and that never hopes,
Stolid and stunned, a brother to the ox?
Who loosened and set down his firm jaw?
Whose was the hand that slanted back his brow?
Was it the paternalistic breath that blew out the
light within his brain?

Is this the thing the Lord God made and gave,
To have dominion over his hunting land?
To trace the stars and search the heavens for
power;

To feel the passion of eternity?
Is this the Dream He dreamed who shaped the suns
And marked their ways upon the ancient deep?
Down the long Hellish Trail-of-Tears to its last
gulf

There is no shape more terrible than this -
More tongued with censure of man's blind greed -
More filled with signs and portents for the soul -
More fraught with menace to the universe.

What gulfs between him and the seraphim.
What to him are the songs of the morn -
The rift of dawn and the reddening time of the
rose?

Through this dread shape suffering ages speak;
Time's tragedy is in that aching stoop;
Through this dread shape humanity betrayed,
Plundered, profaned and disinherited,
Cries protest to the rules of the land,
A protest that is also prophecy.

O masters and rulers of the land,
Is this the handiwork you give to God,
This monstrous thing distorted and soul-quenched?
How will you ever straighten up this shape;
Touch it again with immortality;
Give back the upward looking and the light;
Rebuild in it the music and the dream;
Make right the immemorial infamies,
Perfidious wrongs, immedicable woes?

O masters, lords and rulers,
How will the present reckon with this man?
How answer you this brute question in this
present hour?
How will it be with those who shaped him
To the thing that he is?
Today this dumb terror cries to God,
As the revealing echoes of centuries past."

SENATOR THOMAS -

Is there someone present who desires to speak for the Cherokee Tribe?

Ladies and Gentlemen and Mr. Collier - I now present Mr. John Smith, who will speak for the Cherokee Tribe - Mr. Smith.

JOHN SMITH -

Senator Thomas, Mr. Collier - First place I am not educated man. I am not going to make very long talk. I am not very well. I have been sick. There has been lot said about the Indian here before us today. Senator Thomas and Commissioner Collier has went into full detail as to our condition in Oklahoma as well as the whole Indians of United States. Now as a Cherokee I am going to speak, as far as I know. I am now nearing 60 years old. In my community out in the Cherokee country I know the conditions just as well as anyone does. When I was a boy I knew some great Cherokees and womens. They loved their country and now they are not living.

They are dead. But you ride along by the houses where they used to live you find white people living there with great improvements. I was passing by other day, where there used to be full blood settlement up there and I see some fine houses and fine farm up the valley, but not a full blood to be seen. The full blood lives back up in the hills in the homes with little patches. Now the conditions of the Cherokee - they are destitute - that is I mean the full blood element. They are most of them homeless - no land - lots of them have children growed up since the Dawes Commission made rolls and they have no land and no work whatever. If they can get work anywhere in United States, they are willing to go to it and they do it and that makes them go way from home they love. Maybe go way never to return, but they are willing to risk themselves and go way and make living for themselves and their mother and father. Now I am speaking of the so-called Keetoowah Society.

The Keetoowah is a religious society and the Cherokee has what they call seven clans. Once when our forefathers lived back in the East - back yonder - we had been told we originated from the East, and by spiritual organization we would be brought to the light. The Indians was once up in high civilization, but they violated their religion and was destroyed and had to be punished. That is the punishment we are getting now. We had forgotten the Creator. There was once a Chief Medicine Man - one time the Chief wanted to know what was going to be in future and what was going to become of his people - He decided to go to the highest peak in the country and fast for seven days and seven nights. Each clan was represented by Chief Medicine Man. He was Chief Medicine Man of his clan. He conferred with other medicine men. He decided they would go to highest peak to

pray to God - what was going to be the result. That night there was another man from another clan came up and this kept on until all seven were there, and on the seventh night God told them - you will be "Keetoowahs." So "Keetoowahs" is a word of God. So we have preserved it. We have been oppressed. Now in the communities which we have, we have lost lands and homes and we have been scattered out so we can hardly have meeting to carry on our religion, but we have preserved it up to date, and that is a religion for the people and if it is good for me it is good for all. The Cherokees has seven clans, which represents the seven churches and the seven heavens. It was handed down and told to the grandchildren to go far West - at the edge of prairie, where we stopped - then you will find leader - you clan will be disregarded and the Chief will not be minded - there will be disobedience amongst you, but you will find leader that will help you and take you toward the East, if you are cautious. So I think we are here at edge of prairie praying and we hear the voice of the Divine through these gentlemen - Senator Thomas and Commissioner Collier. So God has created the Indians, giving us color and language, and given us the religion as a tribe - that is a God given right - and I am glad to be here this evening and believe that these gentlemen will bring us protection through this Wheeler-Howard Bill. If they can get it right, like we want it, we as Cherokees are willing to approve the bill. However, we are not ready to present petition to you right now, but later on you will receive our petition. So I thank you for attention. I think that is about all I have to say. I am not able to go any further.

The following resolution was handed to Mr. Collier with the request that it be made a part of this record:

"Goingsnake District,
Oct. 5th, 1934.

"Seven Clan Society.

"We the members of the Seven Clan Society Christians under the faith of God, consisting of the membership of the Seven Clans, do hereby adopt the following resolution:

"Resolve that the members of the Seven Clans Society looking for the future good of our people and their children and trying to save a home for all hereby ask this meeting called Senator Thomas to assist us in forming a Reservation or Colony where we can hold our lands in common and where we can have a home as we understand the Wheeler-Howard bill, to give us that right.

"Our people who still hold their allotments are willing to make a will giving to the said Society what land they still own. We think that the Government should be willing to meet us with a like amount as our members still hold. We have a membership of 297.

"Most of our members of the Seven Clan Society are mostly uneducated full bloods who does not speak and fully understand the English language and on that account don't understand what is being done whenever their right are japerdized.

"We very respectfully ask your earnest consideration and help for a poor and needy people.

Sam R. Chewey
Sect'y.

Water Oakball }
Henry McClain } Committee.
Johnson Mannon }

Eli Pumpkin
Chairman."

SENATOR THOMAS -

We will next hear from some representative of the Seminole Tribe.

Mr. Commissioner, Ladies and Gentlemen - I now present Mr.

Charles E. Grounds of the Seminole Tribe who will address you

CHARLES E. GROUNDS -

Honorable Commissioner, Senator Thomas, Ladies and Gentlemen -
Hearing all this oratory here reminds me of an old Sioux story
told in broken English and using the sign language. It goes some-
thing like this - An old Indian sitting on his mat - gazing off
in space - he decided he take ride - goes for his horse and
started looking around - horse jumped - almost fell off - good
Indian stayed on - heard lot of talk down there - horse afraid of
rattlesnake - he got off horse and tied it to a bush - he said
there was clear space - big old snake make lot talk - kinda look
round - there was another snake - he pick up pebble and **throw** it
see what happened - he made lot of talk - both snakes make lot
of talk - they ate on each other - finally ate each other up.
My son - a lot of talk - do not mean a dam.

As spokesman for the Seminole Tribe, I read you our report:

"We the delegates representing the Seminole Tribe of Okla-
homa, came to this meeting up an open mind seeking information.
We are not against the Wheeler-Howard Bill in toto, nor are we
for it in toto. We are unable to see where the Seminole Tribe

in Oklahoma is specifically provided for in the bill, or where we are assured of really anything under the provisions of the bill. Unless specific benefits can be pointed out and assurance given that our rights are fully protected, we will be forced to register disapproval of the bill. We have heard you beg to be permitted to formulate our reply at a later date.

We will say, however, if we are asked to place our approval upon any legislative program now in the making or to be made in the future, we give notice now that we must have a voice in the initiating of such program and a part in its administration. And further, the Seminole people of Oklahoma as a tribe, are not seeking and will not seek to destroy one single right or privilege which we now enjoy as citizens of Oklahoma."

I thank you.

SENATOR THOMAS -

We will now hear a representative from the fifth and last Tribe - the Creek Tribe of Oklahoma.

Mr. Commissioner, ladies and Gentlemen - I present to you Charles Ward of Okmulgee, who will speak for the Creek citizens.

CHARLES W. WARD -

Mr. Chairman, National Commissioner, Mr. Collier, Ladies and Gentlemen, and Friends - I will assure you that it is no small degree of pleasure of mine, to be here this afternoon to say a word on behalf of the Creek Tribe. After listening to the address of Senator Thomas this morning, and to the National Commissioner this afternoon, Mr. Collier, and after listening to him discuss the features of the bill and its benefits, I am opposed to the measure for the reason that it deprives thousands of Indians of their rights who are less than half bloods. I am reminded of a story - There was an animal convention held and the Bear was Chairman and the delegates came into the convention, and while the convention was in session a skunk cat came into the convention and everyone began to look around and begin to leave the convention. Finally there was no one in the convention. The skunk cat said to the bear, Mr. Chairman, why is it that all of the delegates left as soon as I came in, I haven't did nothing and I haven't harmed anyone. The bear said to the skunk cat - it is not that you have did anything in the past, but it is what you might do.

Now my friends, there is some contention or question as to me

representing the Creeks, but I want you to know that I represent the entire Creek Nation, through the National Creek Council, as your National president, and the National Council has been approved by the Honorable President, Mr. Roosevelt, and your Commissioner, Mr. Collier, and if there is any doubt about it, I am prepared to prove it here today. I was elected your president in State Convention called by legal publication, and in compliance with the resolution that was approved in a Convention of the Five Civilized Tribes, by Mr. Collier, on the 22nd day of March, 1934, and a resolution and agreement by and between the restricted and unrestricted Indians organizations on the 18th of June, 1934, and setting time and place as July 9, 1934, at Okmulgee, Oklahoma, and that the Creeks are still governed by the laws and treaties that have been ratified by the Creek Nation and the United States Government in 1901, approved by the Creeks in 1902, and that law still stands.

Why is it that Mr. Collier, the Honorable Commissioner, stated to the committee on its hearing in Washington, that they owed the Indians billions of dollars, but he did not want the committee to act on that question for that was a hot iron - what he wanted was to get the bill passed. I agree with Mr. Collier, that they do owe the Indians millions, and if they would pay us, we could buy our own reservations and get deeds to it.

Now under the Creek agreement the officials of the Government cannot spend one dollar of the Creeks' money unless it is approved by the National Council and approved by the President of the United States, and that law has never been changed. In 1918 Congress made an appropriation of over \$2,000,000.00 and in 1919 the Secretary of the Interior prescribed that \$1,999,000.00 be paid out to the members

and citizens equalization moneys on the \$860.00 basis. For some unknown reason there was \$98,000.00 short and 1,185 members did not get their moneys. Under the law they must receive their money before any other money can be paid out to the Tribe in a per capita payment. In our National Convention that was held on the 29th day of August, 1934, we endorsed a resolution calling for that money to be paid out at once to the citizens, and I am informed that money is now being paid to those who had not received their money.

And my friends, as long as I am president of the Creek Nation I am going to see that every member and citizen shall receive his money equally. Mr. Thomas stated that as his time was limited that he regretted that he did not have the time to go into the details as he so desired at this time. However, in my closing remarks to this convention, I wish to state that we have millions of dollars of the Creek funds that should be paid out to the members and citizens through our National Council, in accordance with Section 598. I now present Mr. Elmer Thomas with our resolution and credentials of the National Council.

(The following resolution was handed to Senator Thomas)

"OFFICIAL DELEGATES AS REPRESENTATIVES OF THE NATIONAL
CREEK COUNCIL OF THE MUSKOGEE CREEK NATION.

"TO CONFER WITH MR. JOHN C. COLLIER, NATIONAL COMMISSIONER OF INDIAN AFFAIRS.

C. W. Ward,
John T. Ward,
Washington Addams
Wm. Adams
Mrs. Adie Toblin,
Joe Nails
W. T. Berryhill,
Green Hodge,
Wm. E. Posey,

Creek
Creek Census Card #3378

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"
"
"
"
"
"

Robert Grayson,
Mrs. Granger,
Sandy Ponds,

Creek Census Card #3378
"
Creek Freedman.

Attested and approved
October 13, 1934

C. W. Ward, National President

John T. Ward, Vice President

Washington Adams, Secretary.

R E S O L U T I O N .

OF THE OFFICIALS OF THE

CREEK NATIONAL ORGANIZATION COUNCIL

OF THE MUSKOGEE CREEK NATION.

TO ALL TO WHOM THESE PRESENT SHALL COME GREETING:

WHEREAS, THE OFFICIALS OF THE CREEK NATIONAL COUNCIL OF THE
MUSKOGEE CREEK NATION:

Has assembled in the City of Okmulgee, County of Okmulgee, State of
Oklahoma, on this the 13, day of October, 1934, at the call of the
President, for the purpose of the discussion of sending Deligates
to Muskogee, Okla., on the 15, day of October.

Whereas, the National Commissioner, of Indian Affairs, will be
in the City of Muskogee, Okla., on the 15, day of October, for the
purpose of discushion of the WHEELER HOWARD INDIAN RIGHT BILL, Passed
by Congress and signed by the President on the 18, day of June, 1934,
itst features.

And whereas, on the 22, day of March, 1934, in the City of
Muskogee, Oklahoma, Mr. Collier, the Commissioner, in a Convention
with the Five Civilized Tribes, did approve and adopt, a Resolution
offered in that Convention, Seting forth the plans and procedure, of
perfecting a National Council, and that on the 9, day of July, 1934,
the National Creek Council was perfected, in compliance with the
Resolution, of March the 22, 1934, and a Resolution and Agreement
by and Between the Restricted and Unrestricted Indian Organization's
of the Muskogee Creek Nation, on the 18, day of June, 1934, and Sec.
598, of the Indian Land Laws, page 487, and the Act of Congress
March the 1, 1901, and ratified by the Creeks in 1902, and the Act
of Congress, April 26, 1906.

And Whereas, The National Council, was approved by the Proper
Officials of the United States Government, in accordance with Sec.

598, on the 17, day of August, 1934, and September the 28, 1934,
from the WHITE HOUSE.

And Whereas, The National Council, of the Muskogee Creek Nation, did hold a National Convention, Legaly by publication printed in three of the leading newspapers, within the boundaries of the orignal Creek Nation founded now in the State of Oklahoma of the United States for a period of two weeks. And the proceedings of that Convention, was sworn to and sent to the proper Officials of the Government, in accord with section 598, and that the results of that convention, is being complied with, by the United States Government, in paying of the 1185, citizens their equlization, payment, in accordance to the agree-ment, approved by and between the Creek National Council, and the United States Government, that all equlization must be paid be fore any other Citizen shall receive a per-captiol payment.

AND WHEREAS, We note from the press that there is a group proposing to be National representatives of the Creek Nation, and have selected deligates to meet Mr. Collier, Commissioner, of Indian Affairs, in Muskogee, Okla., on the 15, day of October, 1934, to represent the Creek Nation.

THEREFORE BE IT RESOLVED, That any person or persons so reper-sent them selves as above mention, that is Not a National repersenta-tive of the National Organization Council, of the Muskogee Creek Na-tion, that was chosen by the Members and Citizens of the Creek Nation, in a National Convention, on the 9, day of July, 1934, and was ap-proved by theHonorable President: Of the United States of America, on the 17, day of August, 1934, shall not be as of record as reper-senatives of the Creek Nation.

We, The Officials of the National Creek Council, of the Muskogee Creek Nation, are now ready and willing to confer with Mr. Collier, Commissioner of Indian Affairs, and the Repersenative of Oklahoma Congressional Districts, on any matters pertaining to the Creek Tribe, by Resolution, or personal.

BE IT FURTHER RESOLVED, That the bill now under discushion, has been actted upon, by the Creek Members and Citersons in a National Convention, and any further consideration of the Bill will hafter be taken up throug the National Council, in accordance with Section 598, in a national convention, in accordance with the National By-laws and constitution, govnering the National Council, and the same has been approved by the Honorable President, Franklin D. Rosevelt, of the United States of America.

BE IT FURTHER RESOLVED, That the Official of the National Or-ganization Council of the Muskogee Creek Nation, in compliance with the act of Congress April 26, 1906, Sec. 598, send a copy of this resolution, to his Execelency: Franklin D. Rosevelt, President of the United States of America, as of our action in this Executive Council, now assembled.

IN WITNESS WHEREOF, We the Members of the National Organizatin

Council, of the Muskogee Creek Nation, and members and Citizens of the Creek Nation, and as members of the Executive Council, have hereunto set our hands the day and year above mention.

And to be presented to Mr. Collier Commissioner, of Indian Affairs on the 15, day of October, 1934, in Muskogee, Oklahoma, in a convention, to be held on that date.

Respectifuly submitteed,

DELIGATES:

W. T. Berryhill.

Green Hodge.

Wm. E. Posey.

Robert Grayson.

Mrs. Granger.

Sandy Ponds.

C. W. Ward, National President.

John T. Ward, Vice. & Bussine manager.

Washington Adams, National Sec.

Wm. Adams, Treasurer.

Mrs. Toblin, Auditor.

Joe Nails, Interpreter."

SENATOR THOMAS -

I will now present to you another representative who will speak for the Creek Indians - Mr. Van Court. To my certain knowledge Mr. Van Court is the attorney for the Creek Nation and represents them in a number of cases pending before the Court of Claims at Washington. He advises that he has been selected officially to present the views of the Creek Indians at this meeting.

MR. VAN COURT -

Senator Thomas, Mr. Collier and my Indian Friends - The Creek Nation perhaps, even in spite of this little mistake here, is the best organized of all of the Five Tribes. It has a meeting the last Thursday in every month at New Town Church - what is called by the

Creek Nation are permitted to vote and to debate any matter, and to discuss anything of interest to the Creek Tribe. The members of that convention are largely full bloods and it is difficult for them to express themselves in a meeting, at least they feel so. Therefore, though I am a white man, with no Indian blood, I was asked to come before this committee - to come before Senator Thomas and the Commissioner, and express to you the views of the Creek Indians on the present situation.

My instructions were very definite and very close and were to discuss a number of points on the bill, but Senator Thomas, by his extremely able statement, has made it unnecessary for me to do that. Senator Thomas is almost one of our local men, a man who knows what is for the benefit of the Five Tribes. I have found from his statements that under my instructions there is almost nothing for me to discuss, because all the provisions of the Wheeler-Howard Bill, in adapting it to the Creek Nation, have been kept in mind by Senator Thomas. Upon the effect of several of those provisions, the Creek Nation and Senator Thomas are absolutely in agreement - there can be no question of that. Senator Thomas is one of the ablest lawyers we have in the State and his construction of the provisions he has discussed is the same as that of any well read Indian lawyer. There seems to be, to the intense pleasure of the Creek Nation, almost an absolute agreement between Senator Thomas and the Commissioner at this time, leaving only details to thrash over. The Creek Nation is infinitely pleased because two men, in which it has absolutely unlimited confidence, and our friends, and they are Senator Thomas and Commissioner Collier. Therefore, after discussing the matter with

the committee, of which I am spokesman, they have decided to report Senator Thomas' position and the views which he endorses, back to the convention and permit them to debate it and to carry out the suggestion made by Senator Thomas, that they furnish him with a written statement of their views in regard to these matters. So it makes it unnecessary for me to outline the provisions that were called attention to by Senator Thomas. It makes my instructions almost useless, and, therefore, I can only add what the Creek Nation has told me to say - to express the deepest confidence in Senator Thomas and his ability, as well as to express its confidence in the present Indian administration. The Creek Indians feel that if there ever was a time that they had a chance, by exercising good judgment, to receive the benefits that are coming to them under this new administration, that that time is the present.

Now my friends - I thank you.

SENATOR THOMAS -

Ladies and Gentlemen - the hearing for tomorrow is at Miami. That is a long distance from here, and in order to get there by ten o'clock, it will be necessary for some of us to leave tonight, because personally I have an engagement at Claremore to inspect the Indian Hospital. But before we open the meeting for questions, I am going to take the liberty of introducing to you the coming successor of Congressman Hastings - Mr. Hastings is not here - he did not run for reelection - he voluntarily retired from public office and his successor may be the man to whom I now introduce to you - Mr. Jack Nichols, the Democratic Nominee for Congressman from the Second Dis-

trict - Mr. Nichols.

JACK NICHOLS -

Mr. Commissioner, Senator Thomas, Members of the Five Tribes - I came into this meeting as a spectator, hoping that by sitting here listening to the learned discussion by both the Senator and Commissioner of this muchly debated bill, that I would be in a position, when I reach Congress, to intelligently act upon it. I feel confident that I will be the next Congressman from this District - the Second Congressional District. I believe I am safe in saying that the Second Congressional District is probably the heaviest Indian populated Indian District in Oklahoma. That being the case, I, of course, have a great interest in the Indians. I have lived among you for twenty years, practiced law, which has been highly specialized in Indian matters, and by reason of that fact have attempted to familiarize myself with this bill.

Now I want only to do this. If it were possible for me to know what the wishes of the majority of the Indians in my district are, your wishes would certainly govern my action on this piece of legislation. I was present at the last Indian meeting, when the Commissioner was here before, when the Wheeler-Howard Bill was up for discussion. I see many of those present here today who were present then. The thought occurred to me then, and it occurs to me now, that probably a great number of the Indians, whom this legislation would affect, were not present at that meeting and are not here at this meeting. Senator Thomas asked for an expression from the individual Indians by letter as to their views of this bill, as it

has been explained to them and discussed by them. Any of you who write letters, as Senator Thomas has suggested, and which will help me to understand your views better, I would be very glad to receive the same letters and the same communications.

Now I would like to suggest, if I might be permitted to do so, that when you folks go back to your several communities, in order that as many of the Indians as is possible be advised of what took place here today, it seems to me that your council and committees and your representative bodies should make an effort to call together as nearly 100% of the Indians affected by this legislation as possible and get from them an expression of what they want.

While I have never been a member of the National Legislature, or Congress, I have been there a number of times and I am impressed with this fact - that the men who represent you, and those of other states, on committees in that Congress, want only to do those things which they believe their constituents want them to do, and very often an active minority leads the members of Congress to believe that a majority of the people want something which they do not actually want. So if it were possible to know what a majority of the Indians want, and present it to your representatives in Washington, it would aid them very materially to get that thing for you. So long as I am in the public service, I shall certainly be guided by the wishes of the majority of the Indians who are affected by this bill, and I only hope that those people who are to be affected by it, will use every means to supply the members of Congress with accurate information as to what the views of the various tribes are and what their wishes are.

I am very happy to be here and I want you to know that I will

cooperate with the Senator and other members of Congress in doing anything which is for the best interest of your people - the Indians - in my district. I thank you.

SENATOR THOMAS -

Is there present at this time any other member of Congress, or nominee for Congress?

This conference was called for the particular purpose of discussing this bill. We will not have time to go into other matters than this particular bill. I have before me a notice that Haskell County has sent here a special representative of the Choctaws in that community in the person of Mr. Noel, a representative of the full blood Choctaws in Haskell County. I will now ask Mr. Noel to talk to you regarding their views on the Wheeler-Howard Bill - Mr. Noel.

MR. NOEL -

Ladies and Gentlemen and Fellow Tribesmen - I am glad to have the opportunity to express the sentiment of my Tribe. I am going to talk in behalf of the Wheeler-Howard Bill in the sentiment of a full blood, but I will speak in English.

The full bloods of my community has told me just what they want me to say in regard to the Wheeler-Howard Bill. I will tell it as nearly as possible. I will try to hurry with the discussion as fast as possible. The first proposition they wanted me to mention in regard to the Indians is this. It will first begin with 1830.

Then came the Treaty of 1830. The Treaty of 1830 left a trail of tears from Mississippi to Oklahoma. Then after we got here in Oklahoma, for many years we were left alone. Then another deal in 1866. Our trials and tribulations from the deal of 1866 brought many things upon our tribesmen that we did not want. It was either that or lose our land, and that was to accept our slaves. Now comes another new deal. The full blood Choctaws in my county are wondering if this new deal will be like those of the past - whether they will keep their promises, or whether they will not, is a question that the full blood Choctaws are wondering about. As I pled with them in our meeting, I told them that we had with us and fighting in our behalf our Honorable Senator Thomas who is fighting for our protection and our interests. They did not want to give up what they had at present. Some of them had children that were going to school and progressing under the white man's rules and some of the children had entered the white man's schools. Some of those who do not have land were progressing without their lands, that is, they were renting land and going right ahead like the ordinary white man. And furthermore, they told me in our meeting for me to express onething to our fellow tribesmen. If the allotment system had been let alone, had never been tampered with, the Indian today would be living prosperous and happy, but the Indian had looked forward for a happy and prosperous and progressive life during the allotment system by Congress. It was not the Congress wholly together that destroyed the allotment system - it was largely the men who cared little for the redman. They were seeking the lands where the Indian lived and, therefore, the treaty was broken and our Indians were allowed a removal of restrictions.

Now my fellow tribesmen - as I speak in behalf of my full blood

friends, they are willing to accept the Wheeler-Howard Bill under the condition in this wise - that there be a special legislation passed wherein they could be provided with money to buy homes, if they needed them, and educate their children and to do other things necessary to carry on the organization of the full blood Choctaw Indian. I believe that that could be done without going into contract with the Wheeler-Howard Bill. That is what they say. Now my fellow tribesmen - the fact of the business is, the full blood Choctaw he says he is tired of Departmental rules and regulations. In our meeting one of the Choctaw says - I think Secretary of Agriculture Wallace's restrictions on the white farmer in going to the Court House before selling his cotton, is going to cause them to better understand our situation. This is one result of progressiveness.

SENATOR THOMAS -

Before we open the meeting for some questions to be submitted to Commissioner Collier and myself, I desire to present another speaker who will address you briefly, a representative of the National Council of American Indians. I now call upon Mr. Gibbs.

MR. GIBBS -

Thank you Ladies and Gentlemen, Senator Thomas and Honorable Commissioner - I am very glad to be with you. I have not much to say. I represent the National Council of American Indians, just a small local organization. For further discussion of Wheeler-Howard Bill for the Indian people - it takes a lot off his work if we

create and get together in harmony. We are hard workers, Mr. Thomas and Mr. Commissioner, and it gives us people a power if we harmonize together. The Wheeler-Howard Bill puts us together for one, two, or three..... It gives us an opening. It gives you a business wherever you go. It is not the co-called reservation - it does not surround you, it protects you. So far is my understanding.

I will read my paper covering the Wheeler-Howard Act in which it gives Indian power. It was written by me and passed by National Council of American Indians on October 11, 1934.

(As Mr. Gibbs read his report, stenographer did not write it up; however, Mr. Gibbs failed to file the report with the stenographer and we, therefore, have to omit it from the transcript of proceedings).

SENATOR THOMAS -

Because our tribes are scattered so widely and there are a number of groups represent the same tribe who have selected speakers and expect them to be heard briefly, if I can get the Commissioner to remain, I will stay as long as necessary, even if no one else does.

At this time I am going to call upon C. E. Long of Nowata, representing a group of Cherokee, and I will ask him to confine his remarks to the Wheeler-Howard Bill.

(Mr. Long had left the hall and could not be heard at this time.)

Under he returns, if he does, I have another request from another speaker asking for an opportunity to make a brief statement by a representative from another section of the country, prepared in behalf of the Creek citizens - John T. Ward will talk briefly.

JOHN T. WARD -

National Commissioner, Honored Guests, Members of the Creek Tribes, and representatives of the Nations Allied with us in our Country. I am grateful to your presiding officer for the privilege and opportunity of being permitted to say a word to this splendid gathering. Being permitted upon this platform, and with no intimation that this great privilege might be accorded me, I am indeed glad to be here with you in his "Beautiful City of Roses" to greet you and the Honored Guest upon the occasion of your convention. And as I stand here today I cannot refrain from permitting my mind to wander and to give consideration to the thought that might have been the thought of the Father of Our Country, were he permitted or privileged to stand like myself upon this platform here today. To witness the scene that has taken place here, the interchange of

beautiful courtesies between our National Commissioner of Indian Affairs, the Honored Guest, and the reply by the presiding officer of this convention, could not fail to bring a thrill of genuine joy to the heart of the Father of our Country, George Washington, at the realization that the seed of friendship planted by Washington, has through the years grown and flourished, and found complete fruition in the interchange of our country from a desert to a beautiful metropolitan of the West. I well appreciate the joy that would come to his heart at the knowledge of the splendid and vibrant patriotism that is manifested within the walls of this building. Your gathering here today is not only opportunity for renewed friendships and recollections of old times, but is also an occasion upon which you recall to the Nation the principles for which you stood in 1866, and for which you still stand.

As the years go by you become more mature, and you concern yourselves more and more with the serious affairs of life. You take on added influences and added responsibility. You assist in shaping and guiding the policies of your Nation. You can set standards for public thought and public duty that can go far toward maintaining red blooded Americans and banishing mush and nonsense. You can become the great balancing wheel of American life. And by balance wheel I do not mean "straddling," but definite programs for the welfare of the Nation as a whole. In this way, will the dignity of the Indians continue to command the respect and admiration of the World? Ah, but there is a lot of sadness in the gathering. I can well realize the sadness that would come to the hearts of the forefathers of our Country in the knowledge that notwithstanding the fact that we were

along social and economic lines than any other nation in the history of the world, in a shorter period of time, this great and rich country of ours has lost that which Washington and his followers gave to America and sincerely hoped never might be lost, faith, fortitude and courage. I would to God for the salvation of our country that that faith might be restored, that that fortitude might be evidenced, that that courage might every where be presented, that we might walk into the future with head erect, with courage undimmed, prepared to meet out obligations and prepared to overcome any obstacles that might present themselves. I have an appreciation of how the Father of our Country's heart would be saddened at the knowledge that millions of men in America are without opportunity for a livelihood. I can appreciate how the heart of that great hero would be saddened and filled with sorrow with the knowledge that some of those victims of our social order, who in the hour of crisis, stood ready to make the supreme sacrifice that free government might not perish from the earth, because they were victims, because they pleaded for that to which they were entitled, that they were shot down like dogs. But I am not fearful of the future. No man is who is conversant with the history of our Country. The old law of compensation never fails. Right is always rewarded. Wrong is always punished.

Mr. Commissioner, Honored Guests, Ladies and Gentlemen - In my conclusion, it is a most distinct privilege and pleasure of mine to have been offered this opportunity to appear before you and to present my personal greeting as Vice President and Business Manager of the Creek National Council, also the greetings of the National Council. I am more than happy to tell you that this year, in spite of

the difficulties encountered, has been a most successful year in our organization. This has been largely due to the fine cooperation that has been given us by the entire Congress, through the untiring efforts of the distinguished gentlemen who form our Congressional District - Senator Elmer Thomas, Mr. Rogers, Congressman at Large, and our good and honored retired friend, Mr. Hastings.

Now in my last remarks, I feel that I would be remiss in my duty if I did not publicly thank National Commissioner Collier and Superintendent Landman, and the entire official staff in Washington for the fine assistance that they have given to us this year - their loyal support has been a source of inspiration in bringing about a year of distinct accomplishment in our organization.

Mr. Commissioner, I wish for you a most successful convention and it is my sincere hope that the vital problems to be discussed here may be the means of reuniting this beloved Creek Nation of ours into one compact organization which can be nothing but successful.

I thank you.

SENATOR THOMAS:

I called upon Mr. Long a few minutes ago and he was absent from the Hall. I understand that he is now present, so we will hear from him at this time. While we are waiting for him to come to the platform ---- (announcement was made from the floor that Mr. Long had not yet returned).

Ladies and Gentlemen this will conclude the regular presentation of speeches. I am going to afford the Indians on the platform the opportunity of asking any questions they desire of Mr. Collier and myself, and after we have answered, or attempted to answer the questions, we would like to hear from those on the floor who desire to ask questions. I will ask, however, that you confine your questions to the Howard-Wheeler Bill.

BLUE MURPHY, of Kenwood, Oklahoma, asked to be heard.

Mr. Senator and Mr. Commissioner of Indian Affairs. I represent a small group of Cherokee Indians in the eastern part of Mayes County. We have formed a small organization. We held our meeting on the 11th; probably we had 300 people there on that day and half of them were Indians. As I started in to say, while driving down the roads I overtaken Indians on foot and horseback, some of them had babies on their backs, and discussed with them the Wheeler-Howard Bill in order that they might come to the conference and see whether or not we wanted the reservation. We asked them to raise their right hand, all those that loved their own land who

wanted to go and live on a reservation. Not a hand was raised. Then I asked them if all those who loved their home land wanted to remain as they are now and reject the Wheeler-Howard Bill. Everybody's hand went up cause everybody loved his home. We are under the protection of the Indian Department. When we are in trouble we go to the Superintendent or any of his men in the field service and we always get along mighty well. The Government forces us to learn English and get an education ~~some~~ we can associate with the white people. I have a boy who is in his last year at Bacone College. What benefit will it be that he spend his lifetime getting an education if he has to go on a reservation. We are proud we can talk the white man's language and that we live among the white people. My youngest child does not understand a word of Cherokee. She came home the other day from school and said she had had a good time with them Indians. I asked her how did she have a good time with the Indians. She said, "I called them Gun-i-ka" (meaning nigger) and I said, "Baby, don't let me hear you say that word again". She said, "Daddy, I did not know I was saying anything wrong, I don't want ever to say anything wrong to my own people". It is not unusual for people who do not understand the Cherokee language to learn something that is not right, and I will admit that when I learned how to talk English - I was 18 years old - I first learned something that I should not have. You will all admit that, and that is why these Cherokees and white children do not get along is because the white children

(* the words underscored above were supplied by the stenographer)

learn Cherokee words which they do not know the meaning of and the Cherokee children learn English words of which they do not know the true meaning or definition. I appreciate very highly the Government schools being established all over the country. The Commissioner stated that we are going to build Government Day Schools over the district, and we all went to work and was interested. I took the Department man who was sent out to locate the schools, out among the Indians and schools are being built now. We are glad Senator Thomas you are here. Now about the land in the hills near Kenwood. I was talking to Gabe Parker up there about these lands being bought for the Indians and he says there are 96 springs there that never run dry. What else have we got? We can't live on water. The rest of the lands are barren and rocky. All I could find were three springs on that 20 acres. Then he says the grass is waist high. It would take about ten acres of that land to graze one cow through the summer, and if we pastured it too heavy, there would be no grass at all in two years. I thank you.

SENATOR THOMAS: I am not sure that I can answer that question.

Commissioner Collier:

Ans. Our friend, I think, was speaking about one of the tracts of land that is being considered for purchase out of what is called sub-marginal land money. This is not under the Wheeler-Howard Act, not out of that \$2,000,000.00 a year fund at all. But, as many of you know, \$25,000,000.00 was set aside a good while ~~ago~~ back to be spent in buying land which ought to be taken out of commercial production. Some of
74 that land is being put into national forests, some of it is being

bought for soil erosion control purposes, and we were able to get \$5,000,000.00 set aside to buy grazing land for Indians in the different parts of the country. We believe that such grazing land can be used to supplement the farm lands which the Indians either have now or which we can buy for them under the Wheeler-Howard money. As a matter of fact, the land which can be bought under that sub-marginal land grant must be such land as has been farmed in the past. In other words, it must have a certain value as farm land, and its average value will be \$7.00 or \$8.00 per acre. We do not know whether or not we will be allowed to spend any of that money in Oklahoma, but do not confuse that purchase of sub-marginal land with purchasing land under the Wheeler-Howard Bill. We can get good grazing land under the sub-marginal land grant and we can locate good farm land under the Wheeler-Howard Bill where we can buy any land we want to. I wanted to make this explanation in answer to the one who just spoke.

SENATOR THOMAS: Are there any questions to be propounded to Mr. Collier or myself by the gentlemen on the platform?

(Name of man asking question not given): Q I would like to ask a question: Take Section 2; will it continue restrictions on Indian lands?

SENATOR THOMAS: He asks if this bill continues restrictions on Indian land.

Ans. I construe that section to continue existing restrictions on Indian lands forever, or until Congress repeals the law.

Q. And section 13, it excludes certain tribes including the Delawares and Shawnees, and other tribes in Oklahoma?

Ans. (Senator Thomas) This bill extends restrictions on alienation on all Indian lands in the entire United States, save Oklahoma. I placed an amendment in the law to exclude Oklahoma from that provision, and because of the amendment it does not apply to Oklahoma land. Your lands are exactly as they were. Section 2 does not apply to you in any particular.

A. Another question Mr. Senator: Does it have to be a corporation in order to borrow money?

Ans. He asks if under this law it is necessary for Indians to form a corporation in order to be able to borrow money. The Commissioner advises that no citizen could borrow money, or a group unless they are first incorporated. If I am wrong in that, kindly correct me; but that is my understanding - that you must have formed a corporation before you can borrow any of this \$10,000,000.00 under the provisions of the law. Of course, you can not form any corporation, and none of this money can come to Oklahoma until we can devise some plan to get the money made available to us. If we can devise such a plan then we can get some of the money, but there is no provision in the law for any of this \$10,000,000.00 to come to Oklahoma.

COMMISSIONER COLLIER: Senator Thomas has stated the matter clearly, as I understand it. The one thing we have told you is that the Government at Washington ought not to be the credit association,

extending individual credit to individual Indians. There ought to be some kind of local organization so that the Indians can take the money and administer the credit and the funds. It will be easy to amend the Bill so that if you do want it, you can form some kind of an organization which could function as a credit association.

SENATOR THOMAS: I have had submitted to me a question as to whether or not an adult Indian, not on the rolls, is entitled to vote?

Ans. As I construe it, there will be no vote taken in Oklahoma, because the provision providing for the vote does not apply to Oklahoma. However, I am not sure - you will have to ask at the Indian Agency.

SENATOR THOMAS: Are there any further questions?

Joseph W. Hayes of Ada, Okla.

Q. Section 13 exempts certain sections of the Bill as applying to Oklahoma, sections, 3, 4, 7, 16, 17 and 18. Does Section 10 make available the money for a credit fund to Oklahoma Indians under this Act?

COMMISSIONER COLLIER:

Ans. Section 10 makes the credit fund available only to the corporations organized under the Act. The only way that Oklahoma Indians can have access to that credit fund is first - to organize or incorporate as provided by the Act; second, to amend the Act so that other kinds of associations, or co-operative bodies, could have the credit.

Ques. What is your interpretation of Section 19, as to the term Indian?

COMMISSIONER COLLIER:

Ans. I explained that in my earlier talk. The way the thing now stands, the definition of Indian would be members or persons of Indian descent who are members of any recognized tribe now under Federal jurisdiction. In the case of the Five Civilized Tribes that would mean enrolled members, or all other persons of one-half or more Indian blood. There are no reservations in Oklahoma and I think that language should be reconsidered and broadened with respect to the Five Civilized Tribes.

SENATOR THOMAS: I have a question submitted in writing which I will read:

Ques. Will the freedmen be included under the terms of the Bill?

Ans. Now here I will have to ask a question first: Are the freedmen on the Creek rolls at present?

Mr. Gulager replied: "They have a separate roll; some are on the citizen roll and some are not".

SENATOR THOMAS: Are the freedmen members of the Creek Tribe?

Mr. Jack Nichols: No; however, some are on the by blood roll.

SENATOR THOMAS:

Ans. The answer to that question is that if they are members of the tribe, then they would be entitled to come under this Bill.

Now if that is all the questions from the platform, if there are any gentlemen or ladies on the floor who desire to ask any questions, we will be glad to hear from them if they will rise in their place and

ask their questions relative to this Bill, we will answer them if we can.

William E. Brown (Billy Brown) from Sapulpa, Okla:

Ques. I am a member of a small band of Indians that you perhaps have never heard of. We are called Eucheas. We are on the Creek rolls and all we ever got for blood we gave was Creek allotments. There are just a few of us, probably 1,000. They allotted us with the Creeks. When the Indians came West we were left over in Arkansas to starve. I guess we must be the lost tribe of Israel. We were allotted in the Creek Nation as Creek citizens, but if you will look up our record back in the past you will find where our forefathers gave their blood to help the Government out and that is the result. We have never signed no kind of an agreement to this date, but we are legally members of the Creek Tribe.

MR. COLLIER:

Ans. Your situation would be the same as in the case of the Catawbas. If you are not members of the Creek Tribe, but members of the Eucheas Tribe, you would have to incorporate the same as though that tribe was under the Federal jurisdiction. My view of that matter is that the Catawbas are under the jurisdiction of the Government. I would say that you are under Federal jurisdiction the same as the Indian tribes of New York State. As members of the Creek Tribe or as members of your own tribe, you could come in and get the benefits under the Bill.

Billy Brown:

Ques. We have not discussed the matter so much as to being affiliated with the Creek Tribe, but I would like to say that anything that would better the tribes would be better than segregation with starvation. I have great admiration for John Collier as the man and John Collier as the Commissioner. He is the first man who has ever stood up and fought for the things that he thought was right for the Indian people, and I am speaking for myself. I want you to understand my position in the matter. I am Acting Chief for the Eucheas - my father was Chief, but he is nearing the century mark and I have been taking his place - no, not that either; I might act in his place, but I could never fill his place. We are affiliated with the Creeks and want to know if we are going to be

SENATOR THOMAS: Are there any further questions.

Miss Virginia Shutt of Pryor, Okla:

Ques: Senator Thomas, does not the Government owe some money to the Cherokees?

SENATOR THOMS:

Ans. The lady asks whether the Government does not owe the Cherokees some money? Congress was unable to answer or determine that question, so Congress passed bills giving the tribes the opportunity to go into Court of Claims and present claims for such moneys as the tribes claim to be due them. Those cases are now pending in the Court of Claims. The

Cherokees have presented their claims and have their attorneys for making their cases before this Court, so if you have a claim and that claim is properly presented, I feel sure the Court will give you justice. . If the Court decrees that the Government owes you money, when that decision is made it will go to Congress, and as a members of Congress I will say that all claims presented are promptly paid. As soon as that Court decision is made, Congress will appropriate the money for settlement of the claim.

(Here a question was asked by some lady on the floor, but stenographer was not able to hear the question. Senator Thomas replied that the question answered itself).

SENATOR THOMAS: Are there any more questions?

Mrs. Alice K. Carr, Muskogee, Okla. (FCT Agency):

Ques. How would the Wheeler-Howard Bill affect the interests to held in trust by the U. S. Treasury, Tribal funds/of enrolled mixed-bloods of less than 1/2 Indian blood.

Ans. The Commissioner says that it would not have any affect whatever upon the interests of such Indians.

MR. GARDNER: Supposing the Wheeler-Howard Bill should pass, would a certain amount of money have to be appropriated each year?

SENATOR THOMAS: The Wheeler-Howard Bill has already passed and is now a solemn law of this land. Now answering the other part of your question, "will there be a special appropriation necessary each year to carry out the provisions of the Wheeler-Howard Bill", there

are several appropriations provided for in the Bill - for example: The \$2,000,000.00 a year to be made available for buying land must be appropriated in the Interior Bill each year; but if Congress sees fit not to appropriate the money then, of course, it will not be appropriated. The Bill merely authorizes Congress to make the money available, it does not direct it to make \$2,000,000.00 available each year to be placed in the hands of the Interior Department with which to buy land; however, I think Congress will appropriate the money from year to year.

I desire to present to you a Cherokee Indian whom most of you know, and who has very ably served you in the State Senate - Senator Gulager.

MR. GULAGER:

To my Indian friends and people: This is a wonderful day in the history of all Indians in Oklahoma. In my limited time on this earth it is the first time I could ever look my people in the face and say that the Legislative branch of my Government and the Executive Branch of the United States are in union to do something for us people and those who need it. I have sold my allotment, the government does not owe me anything. I think today they have manifested that the greatest spirit of harmony exists between these two Departments of the Government. I think it is wonderful that Mr. Landman, Commissioner Collier and Senator Thomas are taking their time to patiently explain this Bill to you Injuns and answering your questions. I think they are sincerely honest and doing what they can for the In-

82dians of Oklahoma. God grant the continuing of such people in the

service of the U.S.A.

SENATOR THOMAS: Ladies and Gentlemen; I want to thank Mr. Collier for coming to Oklahoma. He is the last word in Indian administration in Washington. Of course, the Secretary signs the orders, but Mr. Collier and his staff furnish and prepare the orders, so it is Mr. Collier who does the work and Mr. Ickes does the signing. I am glad he is here and I thank him for his coming.

I wish to thank the Business Committees for coming here and making talks. I wish to thank the Indians individually for coming here also. I wish to thank the management of Muskogee for extending the use of this great Hall. And I wish to thank Jack Nichols for permitting us to use the loud speaker. Mr. Nichols saw that I could not be heard this morning and he very kindly volunteered to send to Eufaula and have his brother send up the loud speaker, and in a very short time the speaker was here and installed. I am under many obligations to him.

I wish you could stay here indefinitely, for I think a new day is dawning for the Indian citizens of Oklahoma. The fact that the Indian Office is giving its time and attention to Indian progress and programs convinces me that the Indians are in for better times, more consideration, better laws, more money to be appropriated, and more attention in the future than in the past, and I think I can speak for the Oklahoma delegation in Congress as one man that it is our earnest desire and wish to secure for the Indian people every possible benefit.

Are there any more questions?

Ques. Will the reservations be established in the confines of our present jurisdiction, or will other tribes be permitted to come in? For instance, the Choctaws in the Choctaw country, the Cherokees in the Cherokee country - or will they be taken some place else in Oklahoma, or outside of Oklahoma?

COMMISSIONER COLLIER:

Ans. I think the wishes of the Indians concerned would be followed in every case. I wish that word "reservation" were not in the Bill. What we ought to think of in answering your question, is a body of land bought because a group of Indians want ^{it} and because the Government thinks it is good land and bought where they want it. The Indians should decide. The part of the Government is to try and make the money go around and advise the Indians to buy good land, and for a reasonable price. Some Indians might want to go to some other state; if so, they should be allowed to go; or they should be allowed to stay where they are. Do you not think so?

SENATOR THOMAS: The question has been asked, "Where an Indian has had his restrictions removed, would the Bill put that restriction back?"

COMMISSIONER COLLIER:

Ans. There is no such legislation that I know about. There is legislation where a fee patent has been forced on an Indian against his protest, that land may be bought back.

(Someone asked the following question):

Q. Would he be under restrictions?

COMMISSIONER COLLIER:

A. Any new land that is bought would be restricted.

Ques. Suppose the Indian had his restrictions removed and went and bought other land; would the Bill put the restrictions back on it?

Ans. Not on the land he had sold, no.

Q. (Someone prompted the Commissioner by explaining the questioner meant lands he had acquired for himself/

A. No; it could not do that.

MR. JAMES ROGERS:

Mr. Chairman, I have a question I wish to ask. There is is group of Indians, of which I am a member, who refused to accept the allotment system. Back in the early days, when it was created it was called the "Keetoowah Society" and later on the "Knighthawk Keetoowah Society". That group of Indians sent their patents back to the Government, refusing to accept their allotments. Later, a smooth tongued politician came down in their midst urging them by promises and other rewards to apply to the Superintendent (name not given) for a removal of restrictions so they might enter the commercial world, which was done. Although this group of Indians had refused to accept the patents, the Government had set aside their allotments for them. After the restrictions were obtained and the lands mortgaged, a bank was inaugurated or established, whichever term you wish, and some

blooded cattle was bought with the proceeds. That bank ultimately failed, closed its doors, with only 69¢ in the Treasury. The cattle were not paid for and the land was gone. Mr. Collier, will they be able to recover anything under the practiced by that politician?

COMMISSIONER COLLIER:

Ans. As I understand the statement, the Knighthawks proposed to buy lands and saved money for that purpose, then they got robbed of it?

Ques. They were allotted, but they refused to accept their allotments - I mean their patents, and later did accept their allotments; it was this land from which they had their restrictions removed, and this smooth tongued man came along and caused them to mortgage this land and create a bank known as the Illinois State Bank and it went broke through investments in blooded cattle.

COMMISSIONER COLLIER:

ANS. There would be no redress; all we can do is to get them new land and supply them credit with which to stock the land and improve it. There would be no redress for what has already happened.

SENATOR THOMAS: In conclusion I hope you have the conviction that Mr. Collier is trying to help you, and I hope you have the conviction that the delegates in Congress are trying to help you. There is no occasion for you to go back home and fight each other, and, of course, I will regret to know you are fighting over this Bill. I think the best thing for you to do, in my opinion, is for you to get together

you and your tribes, and discuss what can be done to help you. After you have discussed the matter and have come to some conclusion and prepared your statements of what you want, send your conclusions and statements to Mr. Collier, or file them with Mr. Landman and he will forward them for you, or send them in direct. I want you to send copies of your statements to me and those, who are not members of any tribe, I want you to feel free to write me what you want, so I will be better prepared to represent you in Congress in future legislation.

I have a hopeful outlook for the future and I believe the Indian citizens, if we can get together and work together, and agree on as much as we can, we can get a lot for you in the Coming Congress and in the Congresses in the future. I certainly thank you for this wonderful meeting here today.

COMMISSIONER COLLIER:

When I asked you while ago how many had copies of the Wheeler-Howard Bill, only a few hands were raised. Now it is evident that all should have copies. You should read the Bill and know for yourself what it contains. If you will request Mr. Landman here at the Indian Agency to give you a copy, he will give it ^{to} you or he will mail it to you.

I only want to add a word to what Senator Thomas has said. Let us try to avoid getting into deadlocks of opinion at this time. It is possible to agree and to agree on something that is going to be very, very beneficial. Let us bend our minds, not on what we could agree on, but on what we can agree on. Let us be determined that something must be perfected in the next Congress, not the perfect thing perhaps, but that something really good and true be enacted for the Oklahoma Indians.

A paper addressed to Senator Thomas was handed to the Indian Commissioner with request that it be included in the record:

"To Senator Thomas:

We are nearly all fullblood Indians. We learned of the Wheeler-Howard Bill to help Indians when Commissioner Collier explained it in Muskogee last Spring. Then we didn't hear any more about it. Our people live far from the towns and most of them stay on their places because they have no way of coming in. Then we learned that the bill had passed, but that the Oklahoma Indians did not come in under it. We found out that they cannot have their own constitution. We learned that we cannot have any loans from the government. We want you to change the law so that we can have our own Constitution and Council and government loans. We want you to know that Joseph Bruner does not speak for the full-blood Creeks. We speak for ourselves. We want to be under our own law.

Paper signed by 335 Creek Indians; also by 67 Cherokee Indians, total of 402 signatures.

