

Description and Analysis of Tribal Self-Governance of the Choctaw Nation, 1906-1983

by

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I. The Historical Context of the Modification of Choctaw Tribal Government

It is well established that Congress has plenary power and authority over Indian tribal relations and property. In regard to the Five Civilized Tribes of the Indian Territory, Congress expressed its clear intent in legislation enacted between 1893 and 1907 to liquidate tribal lands and resources held in common, to establish Federal jurisdiction over all persons in Indian Territory, to extend U.S. citizenship to tribal members, to dissolve tribal courts, laws, and governments, and to transform the Indian Territory into the new State of Oklahoma. The majority of the voting members of the Choctaw and Chickasaw Nations consented to these measures by affirming agreements with the United States in referendums held in 1898 and 1902.

By Act of March 3, 1893, Congress appointed a Commission to the Five Civilized Tribes (The Dawes Commission) to carry out the task of allotting the lands of the five Nations in severalty and purchasing surplus tribal lands remaining after allotment. Angie Debo, a prominent scholar on the history of the Five Tribes, concluded from her study of the Dawes Commission that the 1893 statute demonstrated that “the United States had finally determined to break down the autonomy of the Five Tribes and erect a white man’s state upon the ruins of the Indian governments.”

As part of the Indian Department appropriations act of June 7, 1897, Congress established that after January 1, 1898, the United States courts would have exclusive jurisdiction and authority over all civil and criminal cases in Indian Territory. This statute further authorized the Dawes Commission to exercise its established statutory powers and jurisdiction over “all persons and property” in the Territory. Additionally, the law provided that the laws of the United States and the State of Arkansas then in force would apply to all persons in the Territory “irrespective of race, and that the Federal courts would also exercise jurisdiction of all persons.

On April 23, 1897, the Dawes Commission negotiated an agreement with the Choctaw and Chickasaw Nations (the Atoka Agreement) that provided, among other things, for the allotment of their tribal lands in severalty and the dissolution of their tribal governments. The Atoka Agreement, as amended, was incorporated into the Act of June 28, 1898 (The Curtis Act). The Atoka provisions of this statute significantly modified the judicial and legislative authority of the tribal governments of the Choctaw and Chickasaw Nations. It granted to United States Courts exclusive jurisdiction over the lands and resources within tribal territory, as well as most crimes. It vested no specific authority or duties in the existing tribal councils and courts, but provided that after allotment most council acts, resolutions, and ordinances effecting tribal property and individuals would require the approval of the President.

The Curtis Act vested most remaining tribal authority, including new duties, in the tribal executives. The Principal Chief of the Choctaws and the Governor of the Chickasaws were authorized to execute allotment patents, to appoint a commissioner to a

town site commission, to recommend to the President the appointment of a coal trustee, and to announce a tribal referendum on acceptance of the Atoka provisions in the act, as well as to serve on a board certifying the vote. The National secretaries of the tribes and the existing precinct officers were also given limited tasks. The statute provided that these modified tribal governments would continue until March 4, 1906. This stipulation was made with the view that there would be no need for further change by that date, because the tribal lands would then be sufficiently dissolved to permit the admission of the former Indian Territory as a State of the Union. The act provided further that the Choctaws and Chickasaws would become citizens of the United States “when their tribal governments cease.”

Prior to the 20th century, the Federal Government generally held affiliation with an Indian tribe to be inconsistent with the concept of national and State citizenship. Under the Constitution, the only Indians considered to be citizens of the United States by birth were those who had not been born into tribal membership or those whose tribe was no longer extant as a distinct entity. From the 1850s until 1924, when Congress made all native-born Indians citizens, the United States used the enticement of citizenship like a dangling carrot in its program to assimilate tribal members into the dominant Anglo-American culture and thereby terminate their status as tribal Indians.

Before 1871, when Congress ended its policy of making treaties with the tribes, naturalization was extended to a limited number of Indians by virtue of treaties and special statutes. Such naturalization was usually conditioned on the voluntary severance of tribal affiliations and the removal of Federal trust protection, which, in turn, was often

based on a clear demonstration of allegiance to the United States and competence to manage their own affairs.

Section 6 of The General Allotment Act of 1887 provided that upon the acceptance of land allotment patents, members of Indian tribes would become subject to the civil and criminal laws of the State or Territory in which they resided and would become citizens of the United States. This section also extended citizenship to those tribal members that voluntarily took up residence “separate and apart” from their tribes and “adopted the habits of civilized life.”

It was within the context of the idea of implementing allotment and citizenship as tools to achieve acculturation and dissolve tribal entities that Congress established the Dawes Commission, ratified the tribal agreements of 1897 (Atoka) and 1902 (Supplementary), and enacted the 1906 statute for a “final disposition” of the affairs of the Choctaw and Chickasaw Nations. Even prior to the compilation of the final tribal rolls, which was accomplished in 1907, Congress on March 3, 1901, amended Section 6 of the General Allotment Act to extend United States citizenship to “all Indians in Indian Territory.”

The Curtis Act of 1898 provided that the Atoka provisions required ratification “by a majority of the whole number of votes cast by the members of said tribes at an election held for that purpose” prior to December 1, 1898. On August 24, 1898, members of the tribes approved acceptance of these provisions in a joint referendum. By a margin of 783 votes the agreement was approved by the two tribes. Historian Angie Debo maintained that because the Act of June 7, 1897 had previously established provisions

stripping the Nation's of their judicial and law enforcement functions, "the surrender of tribal government was not a voluntary action dependent upon ratification of the Atoka Agreement." However, the Atoka Agreement was negotiated with tribal officials on April 23, 1897, six weeks before the 1897 appropriations bill was enacted and of the two measures only the Atoka Agreement established Presidential control over the executive and legislative branches of the constitutional government of the Choctaw Nation.

An Act of July 1, 1902, known as the Supplementary Agreement, specified more detailed provisions for the allotment and sale of Choctaw and Chickasaw tribal lands and resources and the development of tribal rolls for the purpose of distributing revenue from the sale of tribal assets. The Dawes Commission was given primary responsibility for the administration of allotments, sales, and enrollment, and no role in these affairs were assigned to the tribal councils or courts. The chief executive of each tribe was additionally authorized to execute and deliver patents to purchasers of coal and asphalt lands and deposits. To recommend to the President a tribal member to serve on a commission to oversee the sale of the coal and asphalt lands as well as to appoint a tribal member to a board of appraisers for the sale of town sites. However, the statute provided that if the chief executive failed or refused to appoint a tribal representative to the town site commission, the Secretary of the Interior would fill the vacancy. The act also established a Choctaw and Chickasaw Citizenship Court to make the final judicial determination of contested enrollment cases. The court consisted of three judges appointed by the President and confirmed by the Senate.

On September 25, 1902, both tribes ratified the Supplementary Agreement by a

sizable majority of the vote. The Choctaw voted for ratification by a margin of 1,641 to 509, and the Chickasaw by a vote of 499 to 195.

Many members of the Five Tribes held out hope for the creation of Indian-controlled State that would encompass the Indian Territory. Choctaw Principal Chief Green McCurtain was one of the leaders of this movement. On August 21, 1905, representatives of the Five Tribes met in convention at Muskogee and drafted a constitution for the proposed new State of Sequoyah, named in honor of the leader that developed the Cherokee alphabet. The convention elected delegates to petition Congress and the legislation proposed were overwhelmingly endorsed by referendum throughout Indian Territory. This statehood proposal also assumed the dissolution of tribal government, but was viewed as a means by which tribal members might retain more control over their former territory. Statehood bills introduced in Congress gained little political traction because the Republican-controlled legislature was well aware that the majority of the residents of the Indian Territory were Democrats.

As the authorized date for the tribal governments was expiring, Congress passed a joint resolution on March 2, 1906 (34 Stat. 822) that provided for the continuation of the tribes and their governments until the all tribal property was disposed of and the proceeds of the sale of these assets distributed to individual tribal members, or unless Congress provided otherwise.

By Act of April 26, 1906 (34 Stat. 137), Congress supplemented the Curtis Act of 1898 and the Supplementary Agreement of 1902. This statute was entitled “An Act to Provide for the Final Disposition of the Affairs of the Five Civilized Tribes in the Indian

Territory,” and it contained numerous references to the “dissolution of tribal governments.” The Atoka Agreement provisions for modified tribal governmental functions for the Choctaw and Chickasaw Nations expired on March 4, 1906. The intent of the April 26 statute was to provide further stipulations and procedures, including the continuance of limited tribal governmental functions, designed to hasten the processes of enrollment of and allotment of lands to tribal members, the liquidation of all tribal lands, resources, and assets, and the eventual “dissolution of said tribes.” This act concentrated even more of the former powers of the constitutional tribal governments in the hands of the Executive Branch of the Federal Government. It gave the President the authority to remove the tribal chief executives if they refused or neglected to “perform the duties devolving upon him,” presumably meaning the statutory duties vested in them by the acts of 1898, 1902, and 1906. The President was also given the power to replace the tribal chiefs in the event of their removal, death, or disability. The statute provided that those so appointed by the President must be “a citizen by blood of the tribe,” but did not require the appointees to be nominated by any tribal body or elected by the members of the tribe. The existing powers of the chief executives were further eroded by a stipulation that gave the Secretary of the Interior the authority to approve instruments of conveyance without the signature of the tribal executive if the chief did not sign a prepared instrument within thirty days.

In common with the 1898 and 1902 acts, the 1906 statute made no reference to tribal councils or courts. Additionally, it transferred many of the former powers of the tribal governments to the Secretary of the Interior, including control over tribal schools,

appointment of officers to collect tribal revenues, and authority to sell tribal buildings and furnishings. Furthermore, it abolished the levy and collection of tribal taxes.

The 1906 statute did not require approval through the mechanism of a tribal referendum. However, its general purpose, the final disposition of tribal affairs and dissolution of the tribes, had been approved by a majority of Choctaw and Chickasaw voters in the referendums of 1898 and 1902.

Section 28 of the 1906 act provided that the “tribal existence and the present tribal governments” of the Five Civilized Tribes would continue “in full force and effect for all purposes authorized by law,” but that the sessions of the tribal councils would be limited to thirty days per year and that all acts and ordinances, all contracts involving money and/or property, and most resolutions of the councils would have no validity without the approval of the President.

The key phrase in Section 28 is “purposes authorized by law.” It may be reasonably assumed that Congress meant by this phrase those purposes authorized by Federal law and not tribal law. Under the acts of 1898, 1902, and 1906, the modified tribal governments were authorized to perform limited functions for the purposes of disposing of the final affairs of the tribes and their dissolution as tribal entities. These acts made no reference to tribal laws or constitutions.

In 1953, the Muskogee Area Director reported to the House Interior Committee on Interior and Insular Affairs that following the 1906 act “tribal affairs in the five tribes continued as one Federal judge has summed it up – ‘a continuance of the Indians in mere legal effect, just as in many States corporations are continued as legal entities for

purposes of winding up their affairs.”

In 1958, the Commissioner of Indian Affairs interpreted the authority for “all purposes authorized by law” to rest solely in the appointed tribal executives. He stated that while the tribal executives were recognized as tribal spokesmen for their tribes, “the legal requirement for the continuation of these positions was merely for disposing of remaining tribal lands, and were not meant to continue after the Statehood of Oklahoma.” Oklahoma became a State on November 16, 1907.

II. The Remaining Purposes of the Choctaw Constitution

Prior to the Atoka Agreement, the government of the Choctaw Nation operated under a constitution established on January 11, 1860 and subsequently amended. This document was popularly known as the Doaksville constitution because it was drafted at Doaksville, one of the principal Choctaw towns in the Indian Territory. Key provisions of this constitution were rendered invalid by Federal statutes enacted between 1893 and 1907. For example, Article V, Section 1 of the Choctaw Constitution provided that supreme executive power would be vested in a Principal Chief, assisted by three District Chiefs, who would serve two-year terms and could not serve more than two terms in succession. Section 2 provided that qualified electors of the Nation would elect these chiefs at elections held every two years. The Five Tribes Act of 1906 provided that the President would appoint the Principal Chief to serve until his removal by the President or his disability or death. The 1898, 1902, and 1906 acts neither referenced the District Chiefs nor established any statutory authority in their offices.

Article III, Section 1 of the Choctaw Constitution established tribal legislative authority in a General Council consisting of a senate and a house of representatives. The General Council became popularly known as the National Council. The tribal senate was composed of four senators from each of the three districts. The house was composed of representatives from the tribal counties in proportion to the tribal population in each county. Worried in 1905 that the Choctaw would gradually have no voice in tribal policy making, the general council, at the request of Principal Chief Green McCurtain, passed a bill that vested all tribal governmental power in the Principal Chief and two associates to be appointed by the chief. President Theodore Roosevelt vetoed this bill because he anticipated that Congress would soon enact similar provisions. However, the joint resolution of March 4, 1906 provided that the existing tribal government would temporarily continue.

The Doaksville constitution established local tribal government structures and officers in three districts and sixteen counties. In the wake of the Supplementary Agreement of 1902, Principal Chief McCurtain recommended that the general council end the district and county governments. In 1905, the council passed a bill liquidating the district and county entities. The central tribal government assumed the financial obligations of the local governments and the functions of the local officers were eliminated in 1906.

Article III, Section 8 of the Choctaw Constitution provided that bills passed by both houses of the Choctaw legislature would become law upon being signed by the Principal Chief. Both the 1898 and the 1906 statutes provided that the President must

also approve any such acts.

Article IV of the Choctaw Constitution vested judicial power in a Supreme Court and in tribal circuit and county courts. The appropriations act of 1897 and the Curtis Act of 1898 established that the United States courts would have exclusive civil and criminal jurisdiction within the territory occupied by the Choctaw and Chickasaw tribes. The Act of March 1, 1907, abolished all Choctaw tribal courts. All civil and criminal cases then pending on the tribal dockets were transferred to Federal courts.

Article VII, Section 16 of the constitution gave the general council the authority to create such regulations and commissions, and appoint superintendents and such other officers, as the case may be, required for the promotion and advance of all schools in the nation.” However, the Nation lost its control of the tribal school system when it gave up its authority over the coal and asphalt lands. The Atoka Agreement provided that the revenues from the mineral leases would be deposited in the U.S. Treasury and utilized for educational purposes. The Secretary of the Interior (SOI) held that this provision thereby placed the tribal schools under his jurisdiction. John D. Benedict, who was appointed by the SOI as the Indian Territory superintendent of schools in 1899, claimed that the Choctaws were quite willing to relinquish control of their school system.

The Choctaw Constitution also provided for punishments of imprisonment and fines for violations of tribal laws, law enforcement by elected sheriffs and rangers in each tribal county, declarations of war, and a “militia to enforce the laws of the nation, to suppress insurrections and repel invasion.” Beginning with the 1897 Act and ending with the admission of Oklahoma as a State a decade later, the Choctaw Nation gradually lost

all its police and war powers

Implementing the governing powers established in the 1860 constitution, the Choctaw imposed taxes on items such as cattle. Because the jurisdiction of the Nation's law was based entirely on tribal citizenship, the general council periodically enacted statutes setting forth rules and procedures for determining such citizenship, such as the marriage act of 1875. In the 1890s, Congress established the authority to determine Choctaw citizenship exclusively in the Dawes Commission and Section 11 of the Five Tribes Act of 1906 abolished all tribal taxes.

Thus, the Choctaw governmental "purposes authorized by law" remained few after the admission of Oklahoma as a State. The remaining tribal authority was vested almost exclusively in the Principal Chief. Federal law did not define a role for the General Council. The judicial branch of tribal government, the local district and county governments, and the law enforcement and military functions of the Choctaw Nation had all been eliminated.

Upon the admission of Oklahoma to the Union, Choctaw tribal members, who had previously been naturalized as citizens of the United States, became subject to State law and could vote in State and local elections, sharing citizenship with other citizens of the State. Even before statehood, tribal members became affiliated with the political parties in the State. Some members, such as future Principal Chief William Durant, took part in the State's constitution convention. As a result, the rivalries for tribal political leadership tended to break along party lines. For example, Principal Chief Green McCurtain (1902-1910) was aligned with the Republicans, while the tribal full bloods tended to

support the Democratic Party. The strongest opposition to the administration of any of the appointed Principal Chiefs after 1906 was usually led by those not affiliated with his political party. Tribal members were very active in the partisan political machinery of Oklahoma, many were elected or appointed to State or local governmental offices, including judgeships and boards of education, and some were elected to the State legislature, including tribal leaders William Durant, Thomas Hunter, William Semple, and Hollis Roberts. William Stigler, a tribal member who served as the Choctaw National Attorney, was elected to the U.S. Congress in 1944. Until 1978, all of the Principal Chiefs appointed after 1910 were college-educated men, most of whom had trained as lawyers or teachers or both.

Despite the statutory modification of their tribal government and its proposed dissolution, there is ample evidence to demonstrate that the Choctaw Nation continued to function as an active and viable political entity. Many tribal members actively participated in tribal affairs and made their political positions known to tribal executives, Department of the Interior (DOI) officials, and members of Congress. Tribal executives, including the Principal Chiefs and tribal attorneys, consistently took action to resolve issues that tribal members identified as being of importance, such as the pursuit of historical legal claims, per-capita distribution of tribal proceeds, preservation of restrictions on allotted lands, and the sale of the remaining unallotted tribal resources, including the timberlands and the segregated coal and asphalt lands and deposits. Local politicians paid close attention to Choctaw tribal issues because tribal members represented a significant political constituency in Oklahoma. If tribal executives and/or

members could not get tribal issues resolved through the DOI, they often successfully requested members of the Oklahoma Congressional delegation to introduce bills that addressed tribal issues. Tribal attorneys were also very active in both pursuing and defending claims in Federal, State, and local courts, especially in regard to historical treaty provisions and tribal boundaries, the expenditure of tribal funds, and issues of legal fees, enrollment, guardianships, and probates.

III. The Election of Green McCurtain, 1902 and 1904

The President never appointed Green McCurtain as Principal Chief. Rather, he was elected to that position in 1902 and re-elected in 1904. Far from being a token tribal member who might serve as a lackey for Federal officials, McCurtain was an experienced and popular tribal leader who had a distinguished political pedigree. He was a mixed-blood descendant of the Shak-chi-homa tribal chiefs of western Tennessee and his brothers Jackson F. McCurtain and Edmund McCurtain had been elected to serve terms as Principal Chief in the 1880s. Both brothers had previously served on the Choctaw General Council and had also been commissioned as officers in the Confederate Army. The McCurtain family emigrated from Mississippi to Indian Territory in 1833.

In 1896, the Tuskahoma Party nominated Green McCurtain as a candidate for Principal Chief. This party was a progressive mixed-blood faction that supported negotiations with the Dawes Commission. Prior to this nomination, McCurtain had served the Nation as Speaker of the House, District School Trustee, District Attorney, National Treasurer, and Delegate to the United States. He first won election as Principal

Chief in 1896 and subsequently played a key role in the negotiation of the Atoka Agreement. McCurtain ran for Principal Chief again in 1898 on a platform that supported ratification of the Atoka provisions. He was reelected and his Tuskahoma Party also gained control of the General Council.

Ineligible under the provisions of the Choctaw constitution to run for a third consecutive term as chief in 1900, McCurtain was elected again to the Choctaw House of Representatives, where he served as Chairman of the Finance Committee. In 1902, he was again elected Principal Chief in a bitter and disputed election in which his Tuskahoma Party ran on a platform supporting the Supplementary Agreement. This campaign all but silenced the political opposition to the McCurtain faction, with the result that he was reelected Principal Chief in 1904.

Thomas Hunter, the nominee of the National Party in 1902, opposed McCurtain again in the 1904 election. The platform of the Tuskahoma or Progressive Party supported the provisions of the Supplementary Agreement, the immediate distribution of per-capita payments from tribal funds, the immediate sale of the coal and asphalt lands, and the fulfillment of the timberland allotments. It opposed a recent statute that transferred probate matters from tribal courts to Federal courts. The platform endorsed McCurtain as the man who would provide a “vouch-safe and honest settlement of our tribal affairs and an honorable ending of our tribal government.”

A local newspaper stated that the event was to be “the last tribal election to be held in the Choctaw nation.” In the final tally, McCurtain won by a majority of 1,224 votes, carrying fourteen of the seventeen Choctaw counties. A local newspaper observed

that the Tuskahoma Party was “most popular as even the fullbloods have become tired of treating and being held in suspense and are anxious for action and [the] final settlement of Indian affairs....

In her classic history of the Choctaw Nation, Angie Debo wrote that Green McCurtain

had a penetrating intellect and a statesmanlike grasp of the problems confronting his people. His opponents sometimes found him stubborn and domineering, but so great was his ability and patriotism that his countrymen upon the whole were glad to trust his judgment, and follow his leadership.

In regard to his leadership during the transition period between 1902 and 1910, Debo wrote further that McCurtain was not so much the chosen leader of a self-governing people as he was the agent of vast and complicated corporate interests which it was his duty to administer. His opinion was listened to with respect by Federal officials and followed almost slavishly by his Council.

Unlike all of the Principal Chiefs who succeeded him, McCurtain had not attended college. His formal education consisted entirely of his attendance at neighborhood schools within the Choctaw territory.

IV. The Election of Wesley Anderson, 1906

In August 1906, Choctaw member Wesley Anderson was elected to serve as Principal Chief. The details of this election have yet to be documented by primary sources. According to Peter James Hudson, an active participant in Choctaw affairs both then and after, Anderson ran unopposed but failed to be confirmed because of “the fact

that the tribal government was supposed to have expired on March 4, 1906.” Hudson evinced an understanding that the Principal Chief was no longer to be elected by the Choctaw tribal members.

Hudson was a college educated teacher who was listed on the final Choctaw roll as a full blood. He was active in and familiar with tribal affairs until his death in 1938. He served as an auditor for the Tribal Council in 1911 and as one of the tribal delegates in Washington, D.C. He described the election of Anderson in a 1934 article he wrote about the Choctaw chiefs.

As a member of the tribal Progressive Party, Wesley Anderson had served as Speaker of the tribal House of Representatives beginning in 1892. He subsequently served as a tribal delegate to the Dawes Commission and to Washington and supported ratification of the Atoka Agreement. In 1902, Anderson was among the Tuskahoma Party members who supported the election of Green McCurtain and the ratification of the Supplementary Agreement. Thus, Anderson’s political background suggests that even if his election as chief would have been confirmed in 1906, his administration might not have been dissimilar to that of Green McCurtain’s in regard to the issues of liquidating the remaining tribal assets and dissolving the tribal government.

Under the provisions of the Choctaw constitution, Green McCurtain was elected Principal Chief in 1904. In accordance with the 1906 statute, it was not necessary for the President to appoint McCurtain. Neither was the President authorized to replace him unless he failed or neglected to perform his duties or became disabled or died. The President was not statutorily obligated to recognize the election of Wesley Anderson

because the 1906 act, which preceded the election, provided that the replacement of the Principal Chief existing at the time of the statute was to be accomplished by appointment of the President and not by an election of the Choctaw people. The President did not replace McCurtain until 1910, after the chief died. Death was one of the conditions that permitted the President to appoint a Principal Chief in accordance with the 1906 statute.

On September 5, 1907, Secretary James R. Garfield, the son of President James A. Garfield, held that “it was not contemplated” by the Five Tribes Act of 1906 “that further elections should be held in the various nations...” On September 25, 1911, Acting Secretary Samuel Adams informed a member of Congress that the “affairs of these tribes have been administered upon this theory since that time.”

The Choctaw Nation did not again elect a Principal Chief until 1934. It did not again provide for a new representative body until that same year.

Throughout the Choctaw governmental transition period between the establishment of the Dawes Commission in 1893 and the enactment of the Five Tribes legislation in 1906, there existed a minority political faction, consisting primarily of full bloods, who opposed the Dawes Commission proposals and the allotment of tribal lands in severalty. In 1895 this faction, which became known as the “full-blood Nationals,” broke from the conservative National Party and nominated Jacob B. Jackson as Principal Chief. Following the 1896 tribal election, in which McCurtain defeated Jackson by a margin of just 210 votes, the so-called “irreconcilables” among the Choctaws and Chickasaws began a movement that favored selling all tribal land and moving to Mexico or South America. Representatives of this group shopped for land in Mexico during the

winter of 1897-98. In 1906, Jackson testified at a Senate special committee field hearing that his group consisted of 2,000 full bloods from both tribes and the group memorialized Congress to allow their emigration to Mexico. However, the Jackson group never managed to purchase land in Latin America and, as historian Angie Debo has noted, “the irreconcilables finally accepted allotment with the rest of their people.” Despite their political failures during the transition period, the full-blood factions continued after 1906 to actively participate in tribal affairs and make their political positions known to both tribal and Federal officials.

V. The Continuation of the General or National Council, 1906-1911

After the enactment of the Five Tribes Act in July 1906, the Choctaw General Council continued to meet periodically, to pass bills and resolutions, and to memorialize the Federal Government until at least October 1911. Between July 1906 and October 1910, the council passed approximately 29 bills, 23 of which were to authorize the expenditure of tribal funds. The issues of importance to the council, as reflected in its official actions during this period, included, but were not limited to, the immediate sale of the unallotted lands and the per-capita distribution of the proceeds from such sales, tribal representation in Washington, D.C., retention of legal counsel to both pursue and counter claims, provision of proper accounting for the coal and asphalt royalties, restriction of the tribal rights of the Choctaw freedman and the right of the Federal Government to utilize tribal funds in the administration of Choctaw affairs, and the preservation of the old Choctaw Council house at Tuskahoma.

The Principal Chief and the President approved many of the bills and resolutions

passed by the General Council. These included acts authorizing special delegations to represent tribal interests before the DOI and Congress and to retain the law firm of McCurtain and Hill as general counsel, as well as those authorizing the expenditure of tribal funds to meet the costs of the tribal government. As tribal attorneys, David C. McCurtain, son of the Principal Chief, and E.P. Hill, were largely occupied with guardianship cases in Federal court. The Choctaw were the only one of Five Tribes that employed legal counsel to protect the rights of their children.

The Choctaw General Council protested a few of the actions of the Federal Government, but it did not protest the sale of tribal resources or request that they be reserved. Neither did it protest the eventual dissolution of tribal government nor request an election of its members.

On October 15, 1907, the General Council protested the DOI's proposal to establish a timber reserve on tribal land in a memorial it addressed to Congress. The basis of the protest was the fact that the council was opposed to the suspension of individual land allotments in the area of the proposed reserve. Upon receipt of this memorial, the Commissioner of Indian Affairs wrote the SOI that the document did not require executive action, " being simply an expression of the views of the Council on the subject." However, the Department took no further steps to reserve a portion of the tribal timberlands.

Congress placed further restrictions on the Choctaw General Council in 1909. The Act of March 3, 1909 (35 Stat. 781) provided that the council would only receive compensation for the length of time it was authorized to meet by the Secretary. The Five

Tribes Act of 1906 had provided that the council could be in session for up to thirty days per year. In 1915, an Assistant Secretary questioned the validity of a General Council meeting based on the limitation established by the 1909 Act. In a letter of December 16 to Principal Chief Victor M. Locke, Jr., Assistant SOI Bo Sweeney stated that:
It might possibly be held that the right was reserved to the Secretary of the Interior to grant authority for meetings of the Tribal Council, and to say when and for what length of time such meetings should be held, and it may be questioned whether the meeting of the Senate of [the] Choctaw Nation in October 1915 was properly called.

In the years following the 1909 Act, subsequent meetings of the General Council have only been documented for 1910, 1911, and the questioned meeting of 1915. The Nation did not again provide for a formal representative body until the Choctaw Advisory Council was established in 1934. However, the various tribal factions frequently held mass meetings at which political issues were discussed and resolutions were passed and forwarded to the Principal Chief and/or the President, the Secretary, or the CIA, and/or members of Congress.

By memorial of October 11, 1909, the Choctaw General Council protested the DOI's use of tribal funds for the administration of tribal affairs. In one of its last resolutions during the McCurtain administration, the council on October 6, 1910 also protested the provisions of the 1906 Five Tribes Act that gave a preferential right to the Choctaw and Chickasaw freedman to purchase additional tribal lands at their appraised allotment value. The issue of the Government's use of tribal funds to cover administrative costs had historical persistence and would eventually be litigated by the Nation in both the U.S. Court of Claims and before the Indian Claims Commission.

Perhaps the last act of the General Council during the McCurtain years was to memorialize Congress on October 6, 1910 to sell the remaining unallotted lands and provide for the immediate distribution of the proceeds of such sale in accordance with the Supplementary Agreement of 1902.

Principal Chief Green McCurtain also protested Federal actions on some issues. For example, in January 1908, he complained to the DOI regarding the action of Congress in permitting the continuation of leases on the tribal coal and asphalt lands after the Nation had agreed that these lands should be sold. He forwarded for executive action a bill the Choctaw General Council had enacted in July 1905 calling for the immediate sale of the mineral lands. He also complained at the same time about the fiasco resulting from the Nation's loss of jurisdiction over tribal citizenship, which he claimed had cost the Nation approximately \$1 million in legal fees to challenge fraudulent claims.

For as long as it remained viable, the Choctaw General Council continued to hold its customary annual meetings in October at Tuskahoma, at which the Principal Chief gave his annual address and tribal issues of importance were discussed. At the 1908 meeting, Chief McCurtain expressed his disappointment that he had to deliver an annual message because under the Atoka Agreement the affairs of the tribe were to have been settled by March 4, 1906. He repeatedly indicated that the Choctaw welcomed a final settlement of their affairs and he requested those present to contact members of Congress on various issues. He stated that he did not favor a forest reserve on tribal lands because "the sale of our lands as agreed upon would bring more money."

At the 1910 National meeting, McCurtain again expressed his dismay over the

"continuance of the unsettled state of our tribal affairs." He called for the swift promulgation of regulations for the disposal of unallotted lands; the immediate per capita distribution of the proceeds of the sale of tribal assets; and the sale of the segregated coal and asphalt lands. He expressed his dissatisfaction with the DOI's policy of taking administrative costs for the sale of unallotted lands out of tribal funds and with the alleged heirs that continued to sue the Nation in the U.S. Court of Claims.

In July 1908, McCurtain called together a mass meeting of Choctaw and Chickasaw citizens to discuss Congressional proposals to remove restrictions on allotments and make them taxable. The meeting resolved that allotments should not be taxed by the State and that the Nation should bring suit against Oklahoma to prevent such taxation. The meeting passed a resolution directing McCurtain and two other tribal citizens to constitute a committee to contract with legal counsel to litigate the issue. McCurtain collected contributions for a legal fund for this purpose. He also circulated a letter to members of both tribes informing them of the resolutions passed at this meeting.

The taxation issue was resolved in 1912 when the U.S. Supreme Court decided in the case of *Choate v. Trapp* that the tax exemptions of Indian allotments were constitutionally protected. Attorney John Frank McMurray of McAlester solicited contracts from 8,000 allottees of the Five Tribes to litigate the case. Although the suit he brought involved a Creek allottee, the Supreme Court decision represented a significant victory for the individual Choctaw members that had paid fees to McMurray, as well as to all other Indian allottees throughout the United States.

VI. The Appointment of Victor M. Locke, Jr., as Principal Chief,

1911

When Green McCurtain died in December 1910, the Government was faced for the first time with the necessity of having to appoint a Principal Chief that had not been elected by the Choctaw people. The vetting process for the nomination has not been well documented, but on January 3, 1911, David C. McCurtain was initially appointed to serve “during the pleasure of the President for the time being.” David, who had worked as an attorney for the Nation, was Green McCurtain’s son. However, after reconsideration, President Taft concluded that the younger McCurtain was not qualified because he did not speak the Choctaw language. This suggests that the ability to directly communicate with all of the Choctaw members was considered by Taft to be an important criterion for the office of Principal Chief. President Taft also reportedly thought that David McCurtain could better serve the Nation by continuing in his capacity as legal counsel. Apparently, McCurtain had also failed to submit the required oath of office. Partisanship may have also been an issue in McCurtain’s dismissal. Unlike his father, David was a Democrat.

On February 11, 1911, President Taft appointed Victor M. Locke, Jr., to the position of Principal Chief. Locke, a mixed-blood Choctaw who had served as Green McCurtain’s private secretary, was fluent in the Choctaw language. His maternal grandfather, Thompson McKinney, served a term as Principal Chief of the Choctaw beginning in 1886. A local newspaper reported that the Taft appointed Locke because he was familiar with “the language, customs, and official affairs of his people” and because he believed Locke “would be in close touch with the people.”

Locke attended college in Texas and Missouri and was a non-combat veteran of the Spanish American War. He held a commission as Captain in Oklahoma National Guard. In 1904, he served as an Oklahoma delegate to the Republican National Convention that nominated Theodore Roosevelt as its presidential candidate.

Locke was a loyal Republican, but he was also a Roman Catholic. He was the first Indian converted to Catholicism at the St. Agnes Mission School in Antlers, Indian Territory, and he had helped Father William Henry Ketcham, the head priest at the school, translate the Catholic prayer book into Choctaw. Locke's Catholicism caused some people to be suspicious of him, since a strong anti-Catholic bias existed in Oklahoma. Choctaw teacher and historian Muriel Wright wrote in 1930 that it was generally believed that Locke had been appointed through the influence of the Catholic Church, despite the fact that the Choctaw people were predominately Protestant.

One of the first difficulties that the new Principal Chief faced was a growing pressure on the part of the Government to reduce the number of tribal offices. Senator Owen introduced a bill in 1910 that would abolish all of the offices of the Five Civilized Tribes with the exception the chief executives, their secretaries, mining trustees, and tribal attorneys. [Peter J. Hudson, the Choctaw National Auditor](#), challenged any attempt on the part of the DOI to abolish tribal offices, citing Section 28 of the 1906 Act that provided for the continuation of the tribal governments. In defense of the status quo, Hudson argued that:

The Choctaws look to their tribal officials for information concerning their interests. In my case, I have and am carrying on [a] great deal of correspondence in [the] Choctaw language in answer to letter[s] of inquiry from the Choctaws who are not able to write English. As tribal officer I considered it my duty to advise and furnish any and all information that I

am able to those who has [sic] an interests in the affairs. It takes [a] great deal of time to accommodate these people.

In the summer of 1911, some prominent leaders of the Democratic faction of the Choctaw Nation requested the President and members of Congress to consider granting the Nation the privilege of electing its Principal Chief. These leaders included William H. Harrison and William F. Semple, both of whom would later serve as Principal Chief. In response to these requests, Acting SOI Samuel Adams informed Representative Charles Carter of Oklahoma, who had forwarded some of the requests, that the question of an election was closed as a matter of law and policy. Adams cited the provisions of Section 6 of the 1906 Act, which provided for the presidential appointment of the tribal chiefs and governors, and added that on September 5, 1907, the Secretary had held that “it was not contemplated” by the 1906 Act “that further elections should be held in the various nations....” Adams stated further that the “affairs of these tribes have been administered upon this theory since that time.”

In October 1911, Locke called for a regular session of the General Council to meet at Tuskahoma. As there were a number of vacancies in both houses, the Principal Chief appointed eligible citizens to fill the offices. The body then proceeded to elect a president of the senate and a speaker of the house. Locke recognized all of the council members that had previously been elected and interpreted the 1906 Act as giving him the right to fill council vacancies. William A. Durant, the Speaker of the House, challenged the Principal Chief’s authority to take this action and held that the Locke’ appointees were not properly sworn in and that the Principal Chief had not properly recognized the elected leaders. He stated that it was customary in accordance with the Choctaw

constitution for the president of the senate and the speaker of the house to swear in council members, after the Chief Judge had sworn in these tribal officers. He also claimed that Locke appointed members to fill offices that were not legally vacant.

Durant, who was the last elected speaker of the house, contended that Congress did not intend the 1906 Act to abolish any tribal office and blamed the Government for destroying the tribal election machinery:

It is my contention that the Act of Congress extending the tribal government indefinitely also extended the personnel of the office as well as the office itself that was extended by the Act, because Congress limited the number of officers and power and jurisdiction of the tribal government; destroyed all machinery by which an election could be held re-electing any officer whose time might have expired under the constitution and laws of the Choctaw Nation. The Act especially mentioned how the Chief could be appointed in case of death, resignation, or failure to perform his duties, but it did not refer to any other tribal officer. Extending the tribal government and certain officers thereunder without extending the personnel of the office, after destroying the machinery for election, would destroy not only the personnel of the office but also the office itself, and I do not believe that was the intention of Congress when it passed the Act.

Locke stated in an affidavit that while the tribal constitution provided for the senate president and house speaker to be sworn in by the Supreme Judge, that position had been abolished and the Principal Chief was now the only executive officer. Since the Principal Chief was authorized by the constitution to administer the oath of office in certain cases and had customarily sworn in other tribal officers, Locke administered the oath to the council members. In a separate affidavit, G.W. Dukes, the president of the Senate and a former Principal Chief and Supreme Judge, stated that Locke had administered an oath of office to all council members and that he had done so after

consulting with him. Dukes maintained that it had been customary for the Principal Chief to fill vacancies in tribal offices both before and after the 1906 Act. He also agreed that appointments had not strictly adhered to Section 5, Article 3 of the Legislative Department of the Choctaw Constitution that authorized the Principal Chief to make temporary appointments.

After completing a thorough investigation of Locke's alleged irregularities, U.S. Indian Inspector James McLaughlin concluded that the allegation that the Principal Chief had not properly recognized the elected members was unfounded and that his procedure "was the same as theretofore obtained." McLaughlin also reported that after the initial controversy, the remainder of the General Council proceedings was orderly and harmonious.

In addressing the issue of the Locke appointments, none of the parties involved directly referenced the larger issue of why members of the General Council were no longer elected. After the voluntary dissolution of the district and county tribal governmental structure in 1907, the Nation no longer had the customary machinery in place to provide for the election of county senators and district representatives. While some tribal representative requested the right to hold a special session of the council to elect the Principal Chief, apparently no tribal members asked for an election of members to the General Council. While references in the extant correspondence to the Secretary's 1907 interpretation that no further elections would be held were made only in regard to Principal Chief, perhaps it was also assumed that this interpretation applied to tribal elections of any kind.

VII. The Appointment of Patrick J. Hurley as National Attorney, 1912

In 1912, Principal Chief Locke appointed Patrick J. Hurley to serve as the Choctaw National Attorney. Although Hurley was not an Indian, he was born in the Choctaw territory and educated at the Indian University (now Bacone College). After earning a law degree from the National University of Law in Washington, D.C., he started his practice in Tulsa. As tribal attorney, Hurley proved to be both aggressive and effective in advocating for the best interests of the Choctaw Nation. After leaving his tribal position in 1917, he had a distinguished career as an Army officer (reaching the rank of Major General), a Presidential cabinet member (Secretary of War in the Hoover Administration), and a diplomat (Ambassador to China). During his various assignments in Washington, D.C., Hurley continued to provide advice and consultation to tribal leaders and to use his influence to bring tribal issues to the attention of the President, the Secretary, and members of Congress.

VIII. The Locke/Hurley Administration, 1910-1917

Among the primary tribal goals that Principal Chief Locke and National Attorney Hurley pursued were the sale of the segregated coal and asphalt lands and unallotted timberlands, the per capita distribution of tribal funds, claims for the Leased District lands, protection against numerous claims to expand the tribal rolls, and restoration of the old Choctaw council house.

A. The Segregated Coal and Asphalt lands

As previously noted, the Nation wanted to sell both the land and mineral deposits in the segregated coal and asphalt lands. When Hurley arrived in Washington, he found that other parties had introduced bills to sell the surface lands, including one that provided for purchase by the Government. At committee hearings in both the Senate and House, Locke and Hurley opposed the separation of the land from the minerals and requested that they be sold together or, if necessary, that the coal and asphalt deposits be sold first. When it became clear that Congress was opposed to the sale of minerals or any Government purchase, the Choctaw delegation requested and was granted certain amendments to the bill that was enacted as law on February 19, 1912. This statute provided for the sale of surface rights to the mineral lands.

Hurley reported that the law contained two provisions to which the delegation had strenuously objected, one to allow the Town and Country Club of McAlester to purchase the land it occupied (on the grounds that it granted special privileges to a class of people), and the other an authorization to withdraw \$50,000 from tribal funds for the purpose of appraising the lands. The Nation's position was that Government should cover this expense. Tribal representatives also strenuously opposed a bill that would permit leasing of the unleased portion mineral lands on the grounds that there was no demand, that the present leases were not fully operating, and that further leases would eliminate the possibility of a Government purchase of the mineral deposits. Hurley reported that this bill was unlikely to be enacted.

Choctaw representatives then drafted and had introduced a bill to provide for the sale of the mineral deposits. This bill gave a first purchase option to the Government, but

provided that the deposits be sold in small tracts if the Government failed to exercise its option. Senator Robert L. Owen of Oklahoma supported the sale of the tribal mineral deposits in a speech on the Senate floor, and may have been the sponsor of the bill. Owen, a Democrat, was a member of the Cherokee Nation and had served in the 1880's as superintendent of the OIA's Union Agency, which oversaw the affairs of the Five Civilized Tribes.

B. The Unallotted Timberlands

The Choctaw government favored the sale of the unallotted timberlands just as it did the segregated coal and asphalt land and deposits. With the approval of the Choctaw leaders, the DOI offered 1,278,400 acres for sale by sealed bids on May 1, 1912. The lumber companies bid on just a small percentage of the tracts and all but one of these tracts received only one bid, the prices offered being only slightly above the minimum appraised value. Hurley reported that it was obvious that there was "a thorough understanding" between the companies prior to the bidding. As a result, Locke and Hurley protested against acceptance of the bids because they were non-competitive and inadequate. The DOI subsequently rejected the bids.

C. Enrollment Claims

The Choctaw Nation was under constant pressure to have its final rolls expanded to include the Mississippi Choctaw and other claimed tribal citizens, several of whom had filed suit in the U.S. Court of Claims. The claims of the Mississippi Choctaw to Choctaw Nation citizenship were supported in legislation introduced by Representative Pat Harrison of Mississippi. His bill pending in Congress in 1912 would have permitted

30,000 applicants to be enrolled as citizens of the Choctaw and Chickasaw Nation.

Patrick Hurley described the potential re-opening of the tribal rolls as “the most serious question that confronts the citizens of the Choctaw and Chickasaw Nations.” He saw a direct connection between the remaining assets of the tribes and the growing number of citizenship claims and argued that the threat of expanding the rolls “was one of several reasons why every effort on the part of the officials and representatives of the tribe should be made to secure a final distribution of the tribal estate.” Hurley spent considerable time in Washington lobbying legislators on the issue and testifying at hearings in opposition to re-opening the rolls.

Elected to the House of Representatives in 1910, the political goal of Pat Harrison was to enroll the Mississippi Choctaw claimants and delay the distribution of per-capita payments to the Choctaw and Chickasaw Nations until his constituents were permitted to enroll. The claims for the Mississippi Choctaw were complicated by the fact that there were full bloods that were never enrolled because they refused to cooperate with the Dawes Commission out of the fear that they would lose their land. However, there were also a much greater number of people who thought they had Choctaw blood who were encouraged by lawyers working on contingency fees (of 25 to 35 percent) to pursue their citizenship claims. The bill that Harrison introduced in 1912 not only proposed to re-open the rolls, but also to authorize the SOI to approve legal contracts for the cases, and guarantee a \$2,080 payment to each claimant.

Patrick Hurley prevailed in 1913 in his efforts to block the Harrison bill, but Harrison countered by stripping a Choctaw \$100 per-capita payment provision from the

Indian appropriations act of that year. Harrison argued that a distribution would greatly reduce the benefits the Mississippi would receive when their enrollment was authorized.

Hurley argued against the Harrison legislation at the 1913 Lake Mohonk Conference of Friends of the Indians. This conference, which was held annually in upstate New York between 1883 and 1916, provided a forum for the discussion of American Indian policy reforms. Hurley claimed that attorneys for the alleged Mississippi Choctaw represented up to 50,000 claimants and that each claim was worth \$5,000 to \$8,000. He blamed the Government for encouraging these claims by its failure to sell the remaining unallotted lands. In her recent history of the Choctaw, scholar Clara Sue Kidwell wrote

The per capita payments that enrolled tribal members had been led to expect as a result of the Supplemental Agreement were being held hostage by lawyers and legislators who had been acting variously out of self-interest or some vague idea that that Indians had been wronged or that the federal government had failed to live up its obligations under treaties. Hurley's arguments point to significant reasons why the Choctaw Nation persisted as a political entity.

D. Per-Capita Payments

The continued efforts of Representative Harrison and Senator John Sharp Williams of Mississippi in 1914 and 1915 to re-open the Choctaw rolls and block per-capita payments caused political uproar within the Choctaw Nation. In 1914, Senator Williams added an amendment to the proposed \$100 per capita payment for the Choctaw that made the appropriation contingent upon recognition of the Mississippi claimants. In order to defeat the amendment, those supporting the Choctaw payment were compelled to withdraw their provision, with the result that the Chickasaws were authorized a per-capita payment but the Choctaws were not.

Choctaw tribal members were particularly disturbed by these developments. In August 1914, David C. McCurtain and other tribal citizens petitioned Patrick Hurley to file an injunction preventing the CIA from distributing funds to the Chickasaws. In September 1914, the CIA received a petition, allegedly drafted at a meeting in Hugo, OK calling for the election of a new Principal Chief and General Council. However, the tribal member whose name appeared on the petition as chairman subsequently denied any knowledge of the meeting.

In early October 5, 1914, a group of tribal citizens, including full bloods, held a mass meeting at the old Choctaw Council House in Tuskahoma to discuss issues and pass resolutions. Although the resolutions have not yet been found, Patrick Hurley reported that those present were “satisfied with our attitude both in regard to the Mississippi Choctaw situation and in regard to the per capita payment to the Chickasaws.” While this was not a meeting of the General Council, it is probably not a coincidence that the organizers of this meeting held it at the same place and during the same month that the annual meetings of the General Council were held.

E. The McAlester Convention, 1914

Later in October 1914, a group of tribal citizens headed by Wesley Anderson and McCurtain called for conventions to be held in all the Choctaw counties on October 24 and a General Delegation Convention in McAlester on October 28 to address the issue of how “the Mississippi Choctaws seriously threaten to obstruct and delay per-capita payments ... and a final settlement of our affairs.” Patrick Hurley wrote McCurtain that he would attend the general convention and urged him to also invite the Chickasaw

Governor and National Attorney, since the Nations had identical interests and should cooperate in their efforts.

The McAlester convention established itself as a permanent organization, electing Hampton Tucker as chairman, Walter .J. Turnbull as secretary, and an executive committee headed by William C. Durant. These men were all lawyers, Democrats, and opponents of the Locke administration. The convention also passed resolutions. Not all of the resolutions have been found in the record, but one instructed Patrick Hurley to institute mandamus proceedings against the SOI for the immediate distribution of per-capita payments.

In a special session of Congress in early 1915, Representative Harrison again introduced a bill to re-open the Choctaw rolls to Mississippi claimants. His bill never made it to a floor vote, but on the Senate side, an appropriations bill that provided for a \$200 per capita payment to the Choctaw and a \$100 per capita payment to the Chickasaw appeared to be headed toward passage. However, after Senator Robert LaFollette of Wisconsin introduced a bill to reconsider opening the rolls of all of the Five Tribes, a filibuster prevented a vote on the per-capita payment provisions before the mandatory adjournment of the session.

F. The Durant Convention, 1915

Further outraged by this development, the McAlester convention group of 1914 held another mass meeting at Durant in April 1915. The Durant convention called for the ouster of Principal Chief Locke and National Attorney Hurley. Many partisans wondered

why the Democratic Administration of President Woodrow Wilson had not replaced the Republican Locke with a tribal member who was a Democrat. They maintained that the Democratic Congress withheld per-capita payments to the Choctaws because their leader was a Republican.

A newspaper editorial explained that while the Choctaws were largely Democrats, their party loyalties were “beginning to sag in the middle” because the Democrat delegations from the Southern states had aligned with the interests of the Mississippi Choctaws. The Oklahoma Choctaws were thus relying mostly on the Northern delegations and some tribal members were reluctant to draw party lines because “many of their best friends in Congress are Republicans.”

The Durant convention nominated candidates to replace the Locke administration. Walter J. Turnbull was nominated to be Principal Chief and Hampton Tucker as National Attorney. The convention also selected William C. Durant and Thomas W. Hunter as tribal delegates to Washington. All of these men were lawyers, and Hunter was then a member of the State legislature. The convention also adopted resolutions demanding the distribution of the per-capita payments by July 1, 1916 and for the immediate sale of the coal and asphalt lands.

In its coverage of the Durant convention, the *St. Louis Post Dispatch* noted that not all of the delegates were in favor of nominating new tribal officers; “some of the full-bloods, of which there were about 40 in attendance being particularly opposed.” An editorial in another newspaper stated that Principal Chief Locke did not attend the meeting:

taking the view that his office was not vacant. The bulk of the fullbloods

are included in his following, and the wishes of the fullbloods have always received the fullest consideration in Washington. The convention was organized against Locke and without his resistance. He was willing, however, to submit the question to the Choctaw voters.

The editorial also described Locke as a leader whose “sympathies are with the full-bloods, who have great affection for him.” It noted further that he was fluent in the Choctaw language, that he had voted against the two agreements providing for the dissolution of the tribal government, and that he preferred to be labeled as a ‘non-progressive.’ Of Patrick Hurley, the editorial reported that he “was commonly regarded by his Choctaw companions with whom he grew to manhood, as one of their own people,” even though he was not a Choctaw by blood or through marriage. “It is said of Hurley,” the editorial continued, “that during the years he has been tribal attorney, he has never lost a case for the Choctaw.”

Both newspaper items also described the political dynamics of the Choctaw Nation. The editorial stated, “for decades politics has been the consuming ambition of fullbloods and all other degrees of blood in the Choctaw country.” The *Post-Dispatch* article observed that:

In Choctaw politics there are factions of all kinds and ages.... If a Choctaw is an active “jiner,” he can easily and consistently belong to half a dozen or a dozen factions. Sometimes several little factions can make a big one. Calling and holding a convention among the Choctaws seems to be a divine right that may be exercised by any tribal citizen who can produce the stationery and postage stamps.”

G. *The Last Recorded Meeting of the General Council, 1915*

Principal Chief Locke called for the Choctaw General Council to convene at the old Council House in Tuskahoma on October 4, 1915. At this meeting, the tribal Senate

passed a resolution approving two delegates that Locke had appointed to accompany he and Hurley to Washington to lobby for the per-capita payment and other favorable legislation. The delegates were Peter J. Hudson and Dr. James H. Miller.

On November 22, 1915, Locke wrote the CIA requesting recognition of the delegates and authorization by the SOI for the payment of their expenses out of tribal funds. In response to this request, Assistant SOI Bo Sweeney wrote the Principal Chief on December 16, 1915, denying the request for recognition of and compensation to the appointed delegates on several grounds. Sweeney cited first the Act of March 3, 1909, which provided that compensation to tribal council members could only be authorized for the length of time approved by the SOI. Sweeney implied that this statute gave the Secretary the authority to establish the time and duration of council meetings, and that the Choctaw meeting authorizing the delegates had therefore not been properly called. Citing the provisions of the Five Tribes Act of 1906, Sweeney also pointed out that the President had not approved the resolution as required. In addition, Sweeney explained that the authorization for payment of the delegations' expenses out of tribal funds required Congressional approval. Section 17 of the he Indian appropriations act of August 1, 1914 (38 Stat. 582) had prohibited the expenditure of tribal funds without specific authorization from Congress, except for certain purposes.

Representative Harrison again introduced legislation to open the Choctaw rolls to his Mississippi claimants in the regular session of Congress in 1915 and threatened to again obstruct the per-capita payments. The Oklahoma Congressional delegation staunchly supported the payment, in large part because it would help boost the State's

sagging economy, and the Mississippi delegation could not muster enough votes to block the appropriation. The Choctaw Nation finally gained its per-capita distribution and ultimately prevented the Mississippi Choctaw from being added to its rolls, although attempts to gain special legislation or judicial decisions were continued by the claimants up until the late 1920s. In the end, the Federal Government gradually recognized the Mississippi Choctaw as a separate tribe, beginning in 1918 when it appropriated funds to establish an OIA agency to serve them.

H. The Leased District Claim

During his tenure in office, National Attorney Patrick Hurley also pursued the Choctaw's Leased District claims. These claims grew out of alleged unfulfilled treaty obligations. In an 1855 treaty, the Choctaws and Chickasaws agreed to lease 7.7 million acres (beyond the 98th and the 100th meridian) to the Government to be used by other Indian tribes. By terms of an 1866 treaty, the two Nations "ceded" the same land (and land beyond the 100th meridian) for \$300,000. The Choctaw claimed that they did not understand that the 1866 agreement was a land cession rather than a lease. The \$300,000 was to be paid to the Nations if they agreed within two years to adopt their freedmen as citizens and allot each of them forty acres of tribal land. If they did not do so, the money was to be used to remove the freedman to the Leased District.

Neither the Choctaws nor the Chickasaws adopted their freed slaves within the required period. The Choctaw Nation did not adopt their freedman until 1883, by which time they had settled in separate towns. The Chickasaws never extended citizenship to

their freedmen. The Choctaws claimed that they understood the 1866 treaty provisions regarding the Leased District to allow the Government to hold the land in trust solely for the use of other tribes, but that ownership was still retained by the Nations. When the Government used the provisions of the General Allotment Act of 1887 to allow non-Indians to settle on the surplus lands of the Cheyenne and Arapaho within the Leased District, the Choctaw maintained that this was a violation of the 1866 treaty provisions and demanded full payment for the 2,393,160 acres that were opened to non-Indian settlement. Amidst a swirl of accusations of fraud involving exorbitant legal contingency fees and the alleged bribery of General Council members, the Choctaw tribal government managed in 1891 to obtain from Congress a judgment of nearly \$3 million.

Although this award was a genuine political victory for the Nation, its political factions fought over which group would get credit for a per-capita distribution, with the result that the 1892 tribal election campaign turned into a civil war. Partisans of the Nationals Party killed four Progressive Party officials and Federal troops were brought in to maintain order. Historian Clara Sue Kidwell maintains that the internecine dispute paralyzed the tribal government at precisely the time when charges of political corruption and lawlessness reinforced the Government's determination to establish a territorial government and allot the tribal lands in severalty.

In 1895, the Choctaws and Chickasaws sought payment for the surplus lands opened to non-Indian settlement after the Wichita portion of the Leased District was allotted to members of that tribe. The Nations brought suit in the U.S. Court of Claims. That Court ruled in favor of the Nations in 1899, but the U.S. Supreme Court overturned

this decision in 1900, maintaining that the term “cede” in the 1866 meant a complete cession of the lands.

In the meantime, the Nations’ Leased District claim became part of the Atoka Agreement of 1897, with a provision that the U.S. Senate should determine a final settlement. However, Congress, without tribal consent, deleted this provision of the agreement. After the Supreme Court denied them in 1901, the Choctaws memorialized Congress for reconsideration of their claim, arguing that Congress had demonstrated the understanding between 1855 and 1892 that the Nations had not divested their title to the Leased District. Congress did not respond to the tribal memorial.

In 1912, after thoroughly investigating the Leased District claims, Patrick Hurley prepared a memorial setting forth his interpretation of the claim, which he and Principal Chief Locke submitted to Congress. Pursuit of the claim then became a contest between competing interests within the two Nations. A group calling itself the Choctaw-Chickasaw Treaty Rights Association also sent three delegates to Washington to represent these claims, none of which was associated with the Choctaw tribal government. Attorney John Frank McMurray apparently generated this association as a means to develop further business. He had grown prosperous representing the interests of the Choctaw Nation before the Citizenship Court and defending the tax exemption of individual allotments of the Five Tribes. McMurray claimed credit for crafting the language of the Supplementary Agreement of 1902. Representing individual allottees in a 1912 test case involving a Creek allotment, he successfully argued before the U.S. Supreme Court for the constitutional protection of the tax immunity of allotments in the

seminal case of *Choate v. Trapp*.

Hurley refused to cooperate with McMurray on the Leased District claim and was prepared to work with Chickasaw tribal attorney George P. Rodgers on the issue. However, McMurray and Chickasaw Governor Douglas Johnson then submitted a separate memorial to Congress. Although the two tribal memorials were similar, they served to bring attention to the factional conflicts that were growing both within and between the two Nations. McMurray demonstrated that he still had strong influence among tribal members who saw the potential of financial gain through litigation. Hurley charged, but never proved, that the members of the Treaty Rights Association who supported McMurray had a financial interest in the legal fees he would claim.

In 1913, Congress considered two bills to authorize the U.S. Court of Claims to hear the case. Hurley claimed that Congress's opposition to McMurray (he was the subject of 1910 Congressional investigation) delayed consideration of the legislation. Although both were eventually reported favorably out of committee, neither proceeded further in the 63rd Congress.

The Choctaw Nation continued to pursue the Leased District claims long after Principal Chief Locke and National Attorney Hurley left office in 1917. However, when the U.S. Court of Claims finally issued a decision in 1939, it based its findings on the arguments Hurley had crafted in 1912.

IX. The Appointments of Edwin O. Clark as National Attorney and William Finley Semple as Principal Chief, 1917-1918.

In 1917, both Principal Chief Locke and National Attorney Hurley resigned their positions to enter active duty as Army officers to serve in World War I. Hurley left office first and became a Lieutenant Colonel with the American Expeditionary Forces in Europe. Locke nominated Edwin O. Clark, a Republican from Stigler, to replace Hurley as National Attorney and President Woodrow Wilson approved this appointment. On October 30, 1917, Locke, who was a Major in the Oklahoma National Guard, resigned to become an active duty infantry officer. The office of Principal Chief remained open until July 13, 1918, when President Wilson appointed William Finley Semple to fill the position. Clark continued as National Attorney.

Nothing has yet been found in the record that describes the nomination and vetting process for the appointments of these tribal officers. Semple (1883-1969) was a Democrat and the great grandson of Peter Pitchlynn, who served as the Choctaw Principal Chief in the 1860s. After earning a law degree at Washington and Lee College in Virginia, he opened a private practice in Durant, OK, specializing in land titles. He served as a district attorney under the old tribal government. He also represented Bryan County in the State House of Representatives between 1909 and 1913.

X. Choctaw Tribal Governance, 1918-1945 (See Outline Below)

XI. Choctaw Tribal Government During the ICC Filing Period, 1946-1951

A. The Durant Administration

When the Indian Claims Commission Act became law on August 13, 1946, William C. Durant served as the Principal Chief of the Choctaw Nation. President Franklin Roosevelt had appointed him to office on January 16, 1937. A Democrat, Durant had had a long career in tribal politics, having been elected as Speaker of the House of the Choctaw General Council in 1891. Trained as both an educator and lawyer, he was also elected to serve in Oklahoma's first legislature, where he served in the House between 1907 and 1919. During the 1920's, Durant served as secretary to the Commissioners of the Land Office for the State of Oklahoma in Oklahoma City.

A Choctaw Advisory Council assisted Durant in his tribal governance. This body was established through a tribal electoral process in 1934 and sanctioned by the CIA in 1935 to investigate tribal affairs and recommend legislation. The Council was created at a tribal convention held at the **Goodland Indian School in Goodland, OK** of delegates elected at previous meetings to represent each Choctaw county. The delegates authorized the Principal Chief to appoint eleven tribal members to serve on the Council; one from each county and an at-large member. They elected Durant to serve as chairman of the Council and Ben H. Dwight to continue as Principal Chief. The election of Dwight represented the first tribal election of the Choctaw chief executive since 1904. President Franklin Roosevelt validated this election by reappointing Dwight as Principal Chief.

In a 1937 address, Principal Chief Durant told the Advisory Council:
when I went to Washington and went before those bodies of committeemen and asked for something they asked me invariably if that was the wish of my people and I could answer them with resolutions passed by this body of representatives of our nation and

we got consideration by reason of that action taken by the Council.

One of the goals of the Durant government was to establish a tribal farm at Tuskahoma. Tribal representatives were successful in lobbying Congress for an appropriation of \$123,000 for this project in 1939. The legislation provided that the funds would be expended under the direction of the Advisory Council, as approved by the CIA.

In 1946, the Advisory Council consisted of members of some of the most prominent families in Choctaw history. They included Peter Wayland Hudson, a member of the Choctaw General Council beginning in 1900, whose great uncle George Hudson had served as Principal Chief in the 1850s. Historian and educator Muriel Wright, who served as secretary of the Advisory Council, was the granddaughter of Allen Wright, Principal Chief from 1866 to 1870. Her father, Dr. Eliphalet N. Wright, a physician, was an unsuccessful candidate for Principal Chief in the 1900 tribal election and was among those considered for the 1929 appointment to that office. Council member Sidney J. Folsom was a descendant of Principal Chief Jackson Frazier McCurtain (1880-1884).

At the time of the passage of the ICC Act, Ben H. Dwight was serving as the Choctaw National Attorney, having been appointed in 1944. He had served the Nation as Principal Chief from 1929 to 1936. Dwight was reappointed as chief in 1934 following his election at the tribal delegates convention at the Goodland School in Hugo, making him the first elected tribal executive of the Choctaw Nation since 1904. He had earned his law degree from Stanford University after receiving an undergraduate degree at Columbia University. According to William Durant, Dwight played a key role in the enactment of

the Oklahoma Indian Welfare Act of 1936. He also successfully lobbied for legislation providing funds for the preservation of the old Choctaw Council House at Tuskahoma, as well as for an act permitting tribal members of half Indian blood or more to lease their restricted lands.

In 1942, Dwight became an administrative assistant for Oklahoma's Democratic Governor Robert S. Kerr, a position he continued to hold while serving as the Choctaw National Attorney. After Governor Kerr was elected to the U.S. Senate in 1948 and Harry Belvin was elected Principal Chief, Dwight left his tribal post to become a member of Kerr's Senate office staff, where he served until his death in 1953. One observer noted that Dwight's experience as Principal Chief "served him well as Kerr's assistant, as he had represented the Choctaws in Washington on issues such as property rights and social welfare."

Tribal member Hampton Tucker was then serving as the Mining Trustee for both Nations. He had held that position since 1929. Tucker had served as the National Attorney from 1924 to 1929 and as the Mining Trustee for the Choctaw Nation from 1912 to 1918. As the National Attorney in 1924 he played a key role in lobbying for the jurisdictional act that authorized the Choctaw Nation to file claims with the U.S. Court of Claims.

Tribal member Grady Lewis also continued to work on retainer for the Nation as special counsel for specific claims. Like many of the members of the Durand tribal government, he was a descendant of a historical tribal leader. His maternal ancestry was linked to the Nita-she, an early Choctaw chief. After attending the University of

Oklahoma, Lewis earned a law degree in Tennessee and was admitted to the Oklahoma bar in 1920. Principal Chief Ben Dwight appointed him as the Choctaw National Attorney in 1930. In 1932, Lewis was successful in getting Representative Wilburn Cartwright to introduce a bill (H.R. 8682) providing for a \$10.2 million payment for the tribal coal and asphalt lands. After he left the position of National Attorney, Principal Chief Dwight contracted with him to litigate the Leased District claim in the U.S. Court of Claims. Lewis moved to Washington, D.C., where he pursued this and other tribal claims and lobbied for policies and legislation that would further the initiatives of the Choctaw tribal government. With the outbreak of World War II, he volunteered for service in the U.S. Army, where he became a commander of a foreign claims office in Europe and was promoted to the rank of Lieutenant Colonel. After his release from military service in December 1944, Lewis returned to his practice as special counsel for the Choctaw Nation, as well as for several other tribes.

The Choctaw also had a close political ally in Representative William Grady Stigler, a Democrat who had been elected to Congress in 1944. Stigler was a Choctaw tribal member and had served as the Choctaw National Attorney prior to his 1944 appointment. He had also served as a State senator between 1924 and 1932. In his 1944 campaign, Stigler defeated Republican Edwin O. Clark, another Choctaw tribal member and former Choctaw National Attorney. Stigler served on the Indian Affairs Committee during his tenure in Congress, which ended with his death in 1952.

The Choctaw tribal government of 1946 was hardly a group of mere functionaries of the Federal Government incapable of defending tribal interests and without authority

to establish and pursue its own political goals. Rather, the Choctaw government of that time was a politically sophisticated and experienced group of leaders who were representative of the Choctaw communities and families and who had significant links to the pre-1906 tribal government. These leaders had long demonstrated and would continue to demonstrate their ability to challenge Federal authorities in the pursuit of tribal interests and assert tribal claims in a variety of venues, including Congress and Federal, State, and local courts.

As was usual regarding the pattern of Choctaw politics, there also existed in 1946 at least one organized group of citizens largely opposed to the existing tribal government and/or comprised of partisan members loyal to the political party out of power. In 1946, the Choctaw-Chickasaw Confederation was the leading opposition group. This organization was established in 1942, primarily to focus of the issue of selling the remaining coal and asphalt lands. It was headed by Harry J.W. (“Jimmy”) Belvin, a flamboyant Choctaw educator who would use his growing popularity as a Choctaw leader to catapult himself into the position of Principal Chief in 1948.

Among the key issues that the Choctaw tribal government faced in 1946 was the upcoming expiration of the appointment of the Principal Chief, who should fill the position, and whether tribal members might have the opportunity to elect their chief executive. Chief Durant was then about 80 years of age and his appointment was due to expire on August 18. On March 19, 1946, the Choctaw Advisory Council passed a resolution endorsing Durant’s reappointment. The resolution stated that Durand had since Statehood used his influence, efforts, and prestige to properly advance the interests

and welfare of the Choctaw tribe, ... has been diligent in the proper protection of the property of said tribe ... has made every possible effort to see that proper attention be given to the business of the tribe, ... has caused an appropriate adjustment to be made in the educational facilities ... has been instrumental in securing additional hospital and health facilities for the members of the Choctaw tribe, and he has had introduced and directed the enactment of Congressional legislation looking toward a proper adjustment of the business of the tribe

A few days later, on March 23, the Choctaw-Chickasaw Confederation met in Oklahoma City, and passed a resolution supporting Harry J.W. Belvin for Principal Chief.

Both prior and subsequent to these endorsements, DOI officials received petitions and letters from many tribal citizens requesting that the Choctaw be permitted to hold an election to select the candidate for the next Principal Chief appointment. In November 1945, in response to one of these letters, Assistant CIA Zimmerman recommended CIA Brophy to authorize an election process before the Durant appointment expired:

The Washington Office [due to the exigencies of World War II, the OIA was then based in Chicago] has sent here without comment a letter addressed to you by William Campbell, a Choctaw Indian of Oklahoma. Mr. Campbell renews a complaint which has been made by a number of the Choctaws, that the tribal sentiment was ignored in the last reappointment of Mr. Durant as Principal Chief.

The Choctaws are hopelessly broken up into numerous factions, several which have no use for Mr. Durant. It is also undoubtedly true that Mr. Durant's health has been failing, and that he is now not physically able to travel as freely as he formerly did. Although the failure to reappoint Mr. Durant will certainly hurt his feelings and may involve us in an argument with Representative Stigler, I am inclined to recommend that the Choctaws be asked to hold a convention or in some other way indicate their wishes in the matter before the Secretary makes his recommendation to the President for the appointment. If this decision is made, it should be

communicated to many people, in addition to Mr. Campbell.

In early August, as the expiration date of Durand's appointment drew near, Harry Belvin came to Washington to discuss the issue with OIA officials. It was agreed in conference that Durand would be reappointed, but that the Superintendent of the Five Civilized Tribes Agency would be instructed to work with Choctaw leaders to establish an election process for future appointments. On August 9, 1946, President Harry S. Truman reappointed Durant as Principal Chief.

In January 1948, the DOI approved regulations for a tribal election of its chief, which was subsequently held on June 21, 1948. Harry Belvin won the election over Peter W. Hudson, a member of the Advisory Council. On August 1, 1948, William Durant died, and President Truman subsequently appointed Harry Belvin to a four-year term. Belvin was reappointed in 1952 and 1954, again following his victory in tribal referendums. He would continue to serve as Principal Chief until his death in 1975.

Thus, the Choctaw Nation had an elected Principal Chief for three of the five years that comprised the ICC filing period. Far from being a "yes man" for the Federal Government, Chief Belvin became notorious for his run-ins with BIA officials.

One of the accomplishments of the Durant government was the final sale of the segregated coal and asphalt lands. The sale of the mineral lands and deposits had been a political goal of Choctaw government since the Supplementary Act of 1902. In 1938, the Advisory Council passed a resolution calling for the sale of the mineral assets. In 1939, Tribal leaders drafted a bill authorizing a sale, which they persuaded Representative Cartwright to introduce in Congress. They also lobbied to get a bill

introduced to repeal a 1938 statute that prohibited new leases on the coal and asphalt lands, again after the Advisory Council had passed a resolution supporting such action in December 1938. These bills were not favorably considered.

In 1940, National Attorney William Sigler filed a suit in the U.S. Court of Claims for the recovery of \$2 million that the Government allegedly withdrew from tribal trust funds to meet the expenses of carrying out the provisions of the Atoka Agreement. Of this amount, \$68,165 was claimed for the expenses incurred in trying to sell the coal and asphalt lands and deposits. Although this suit was ultimately denied, its filing, in common with the legislation introduced in 1939, demonstrated that the Durant tribal government was fully capable of defending tribal interests and challenging Federal policies and statutes.

Following the outbreak of World War II, coal again became a critical resource. In 1942, as part of the war effort, SOI Harold Ickes proposed that coal deposits from the tribal lands be leased for use in coke plants. Many Choctaw members opposed the leasing plan, preferring instead the sale of the deposits, which would generate a larger per-capita payment. The Choctaw Advisory Council had consistently advocated for the sale of the mineral deposits, including in a resolution it passed on February 13, 1941.

After many years of inaction on the issue, the Government finally agreed in 1944 that purchasing the tribal mineral assets was more practical than leasing. The Act of June 28, 1944, authorized the SOI to contract for the purchase of the segregated mineral deposits. The statute provided that the contract was to be negotiated with the tribes and approved by Congress.

The final negotiation of a sale price did not take place until May 1947. The negotiations were held in the office of Assistant SOI Oscar Chapman and chaired by Assistant SOI Warner W. Gardner. Also present were Assistant CIA William Zimmerman, Congressmen Carl Albert and William Stigler of Oklahoma, and numerous DOI officials. Governor Floyd Maytubby represented the Chickasaw Nation, along with three tribal attorneys. National Attorney Ben Dwight represented the Choctaw Nation, along with tribal member Roy A. Jones, a geologist familiar with the tribal deposits. Principal Chief William Durant was apparently unable to attend.

On the opening day of the negotiations, the Government representatives made an offer of \$3.5 million for the deposits, which was more than the appraised value of \$2,211,991.08 that had been determined by the U.S. Geological Survey. On the next day, the tribal negotiators countered with a higher asking price and, by the end of the day, the parties agreed on a price of \$8.5 million. Even Harry Belvin, who was given permission as the head of the Choctaw-Chickasaw Confederation to come to Washington to monitor the talks, was astonished that the tribal negotiators had “in a matter of hours” managed to settle on the price that was significantly higher than the Government’s initial offer.

In 1948, Congress ratified the purchase contract and between 1949 and 1952, the BIA administered the per-capita distribution of the \$8.5 million to eligible tribal members. Fifty years after the Choctaw and Chickasaw Nations had agreed to the provisions of the Atoka Agreement in 1898, the Nations and the Government had finally managed to sell most of the joint tribal estate, a goal that was a primary intent of the

agreement.

The Durant tribal government also managed to sell the remaining unallotted tribal timberlands in 1937. Shortly after his appointment as Principal Chief, William Durant and National Attorney Stigler informed the CIA on February 23, 1937, that the Nation desired to sell the remaining timberlands at not less than their 1912 appraised value before there was further deprivations of the timber resources. Tribal officials had previously agreed to sell the all the remaining tracts as a single unit to F.J. Buschow in a sale planned for January 1937, but Buschow withdrew the offer when the DOI did not authorize the sale within 90 days as he had proposed.

On March 26, 1937, the CIA authorized a timber sale at public auction, which was then schedule to be held on May 6, 1937. A few tribal members and local business interests protested the sale on various grounds, including the fact that the timber was not being sold separate from the land, that the asking prices were too low, and that the tracts offered were too small. In response, Durant wrote Commissioner Collier:

It is hoped that no favorable consideration will be given to these protests. Our timber is being constantly stolen and unless it is sold now it will be only a short while until we will have none. The argument is being advanced that on account of all the timber being advertised to sell as a unit the little fellow will have no opportunity to place a bid. We desire to call your attention to the fact that heretofore some of these parties have never asked that any part of these timber tracts be put up for sale.

Despite Durant's views, the Commissioner postponed the sale without consulting the Principal Chief. Collier wanted to reconsider the option of offering smaller tracts.

OIA officials eventually rescheduled the sale on July 30, 1937, offering four tracts organized by county at a minimum of the 1912 appraised value, with the option of selling

the lands as a single unit. Various tribal members and factions also protested this sale, but the OIA was now convinced that the terms of the reauthorized sale represented the best solution for all parties.

On the day of the sale, lumberman Frederick Dierks bid \$88,500.74 for all of the acreage on behalf of the Dierks Lumber and Coal Company of Kansas City. This was \$14,003.25 above the total of the highest bids on the separate units, and \$8,053.00 more than the 1912 appraised value of the timberlands in the five counties. Principal Chief Durant attended the sale and later wrote Superintendent Landman recommending acceptance of Dierks' bid for the following reason:

I believe it is to the best interests of the Choctaw nation that the price be accepted for the entire acreage as I feel that if we do not sell the timber lands located in Pittsburg and Latimer Counties at this time, we shall never be able to obtain a sale thereof.

Two days later, Governor Johnston of the Chickasaw Nation wrote the Commissioner also urging acceptance and approval of the Dierks offer.

Thus, twenty-five years after regulations for the sale of the unallotted tribal timberlands had been reviewed by the tribal chiefs and authorized by an Assistant SOI in 1912, the Nations finally reached their consistent goal of disposing of their jointly owned timber resources.

In addition to accomplishing the sale of the unallotted timberlands and segregated mineral deposits, the Durant tribal government was successful in obtaining

legislation in 1937 that reserved oil and gas rights on the remaining tribal lands. After the Coalgate Chamber of Commerce sought to buy some tribal lands thought to have oil potential, tribal representatives lobbied Congress to enact legislation that would protect their subsurface mineral rights. The Act of August 25, 1937 authorized the SOI to reserve mineral rights, “including oil and gas” for the Choctaw and Chickasaw Nations in all future sales of tribal lands.

The establishment of an Indian Claims Commission was an issue in which the members of the Durand tribal government were involved several years before Congress authorized the ICC in 1946. The Choctaw Advisory Council passed a resolution in 1941 supporting the creation of the commission. It also nominated one of its members, Judge Thomas A. Hunter as a candidate to serve on the ICC. Hunter had had a long and distinguished career in both tribal and State politics. He had served as a Speaker of the House of Representatives of the Choctaw General Council and had unsuccessfully challenged Green McCurtain in the highly disputed 1902 election for Principal Chief, having campaigned in opposition to the Supplementary Agreement. He ran again and lost to McCurtain in 1904. After statehood, Hunter served eight terms in the State legislature, serving for a time as the Speaker of the House of Representatives. After leaving the legislature, he had served as a County judge in Choctaw County for many years.

Also in 1941, the Inter-Tribal Indian Council, of which Ben Dwight served as president, also endorsed a “Court of Indian Claims,” and Principal Chief Durant spoke in favor of such a court at the organization’s convention in Oklahoma City. This council

consisted of representatives of thirty-four tribal entities in Oklahoma.

Tribal attorneys Ben Dwight and Grady Lewis lobbied members of Congress to introduce and support legislation creating a claims commission. A biographical article on Lewis, claimed that he was “instrumental in working out plans” for the ICC, and that after its authorization in 1946 he “continued to work night and day” on the Leased District claims. In January 1945, Representative William Stigler, the former Choctaw National Attorney, introduced H.R. 1198, a bill to create an Indian Claims Commission. Stigler subsequently chaired the hearings on the bill before the House Committee on Indian Affairs. Mining Trustee Hampton Tucker gathered letters supporting the legislation and forwarded them to U.S. Representative Paul Stewart of Oklahoma, who replied to Tucker that he had been promoting the bill. On March 19, 1946, National Attorney Ben Dwight informed the Choctaw Advisory Council that Representative William Stigler was garnering support for the legislation, while in Oklahoma City a meeting of tribal citizens that endorsed Harry Belvin for Principal Chief, also passed a resolution declaring “That we endorse the Claims Commission bill sponsored by the Hon. William Stigler, and urge its final passage by the U.S. Congress.”

The evidence of the Durant tribal government’s key role in the Indian Claims Commission legislation prior to its enactment on August 8, 1946, indicates that the Choctaw Nation was aware of provisions of the legislation and its potential for litigating tribal claims long before the Commission sent Principal Chief Durant an official explanation of the statute on June 11, 1947.

The Durand tribal government filed the first of its claims to the ICC on

November 1948, within a year of its official notification from the Commission on June 16, 1947 of its opportunity to bring suits. This claim for the value of the Leased District was the sixteenth case docketed by the Commission. Special tribal council Grady Lewis filed the petition. Lewis had met defeat in his previous efforts to litigate these claims in 1939 when the U.S. Court of Claims dismissed his suit. On July 14, 1950, the ICC awarded a judgment in favor of the Choctaw Nation on the Docket 16 Leased District claim. This decision has the distinction of being the first rendered by the ICC in favor of a tribal petitioner. In an article that William Semple later co-authored with Grady Lewis's sister Winnie Lewis Gravitt, the writers noted that Lewis had finally accomplished his goal "after twenty-five years [of] intensive research, study, and work on this case."

B. The Belvin Administration

After Harry Belvin was appointed Principal Chief in August 1948, following his election by eligible tribal citizens, he appointed William Finley Semple to serve as the Choctaw National Attorney. Semple had served as the Choctaw Principal Chief from 1918 to 1922. Following the jurisdictional act of 1924, which authorized the Choctaw Nation to file suits in the U.S. Court of Claims, Principal Chief Harrison contracted with Semple's law practice (Hatchett & Semple) and another firm (Johnson & McGill) to litigate the tribal claims before the Court, in coordination with Choctaw National Attorney Hampton Tucker. Semple continued to work as special counsel for the Nation until his appointment as National Attorney in 1924. As previously noted, attorney Grady Lewis was retained by the administration of Principal Chief Dwight to litigate the

Leased District claim in the U.S. Court of Claims.

On October 25, 1949, the Choctaw Nation filed two more claims with the ICC; one for the illegal withdrawal of tribal trust funds between 1860 and 1854 (Docket 50), and another for the value of per-capita payments distributed to ineligible enrollees (Docket 51). Tribal attorneys Grady Lewis, William Semple, and H. L. Fitzgerald, Jr., filed the petitions for these cases. Fitzgerald was likely a partner or associate in Semple's law practice in Tulsa, OK. Lewis and/or Semple were the attorneys of record in all of the Choctaw Nation's subsequent cases before the ICC.

There is a significant connection between the Nation's claims before the U.S. Court of Claims, litigated between 1924 and 1941, and those before the ICC, beginning in 1948, in that tribal attorneys William F. Semple and Grady Lewis played a key legal role in both. As articulated by Principal Chief William Durant in 1941, a primary reason that the Nation supported the creation of an ICC was because it had not prevailed in its cases before the Claims Court.

Several of the claims that the Choctaw Nation's attorneys filed with both the U.S. Court of the Claims and the Indian Claims Commission involved issues that either developed after the Five Tribes Act of 1906 or continued after that statute was enacted. For example, Docket 181 (1926) before the Claims Court sought to recover the value of lands allotted to the Chickasaw and Choctaw freedman, including allotments made after 1906. Docket 182 (1926) before the same Court challenged a 1922 authorization for the payment of legal fees to an attorney representing the Mississippi Choctaws. Docket H-37 (1927) sought the recovery of per-capita payments made to the Mississippi

Choctaw, as well as rental fees from eight railroads for the period 1907-1927. Docket L-253, filed in 1930, sought an accounting of the proceeds from the leasing of tribal coal and asphalt lands up to that date.

Of the ICC claims involving post-1906 issues, Docket 51 (1949) sought the value of the per-capita payments made to forty-one individuals who were allegedly enrolled illegally under the provisions of a 1914 statute. Docket 55 (1950) sought the recovery of \$753,401.41 plus five-percent interest for the administrative expenses that the Government charged to tribal funds in regard to the sale of tribal assets. This included the costs involved in selling the unallotted timberlands and the segregated coal and asphalt lands and deposits, all of which took place after 1906. Docket 56 (1950) sought recovery of the income the Nation lost when the Government reduced the interest rate on one of its trust funds from 5 percent to 3 percent in 1908. Docket 249 (1951) sought, in part, an accounting of tribal trust funds since 1929.

In addition to filing post-1906 tribal claims before the Indian Claims Commission, tribal attorneys also protected tribal property rights in the 1950s by litigating post-1906 legal matters in the U.S. District Court. For example, the team of Lewis, Semple, and Fitzgerald filed suit to recover 700 acres of former tribal land on the Texas-Oklahoma border that was adjudged by the U.S. Supreme Court in 1930 to be a part of Oklahoma. In 1952, Semple brought suit against the City of Atoka to recover damages and quiet title to 450.96 acres of former tribal land that the City had condemned in 1907. Semple, in 1958, brought two additional suits to gain title to lands along the north bank of the Red River in Bryan County, OK that were discovered in

1950 to have accreted to the Nations. These cases, to which the United States was not a party, were all appealed to the U.S. Court of Appeals for the Tenth Circuit.

XII. Choctaw Tribal Governance, 1952-1958 (See Outline Below)

XIII. Timberland Claims and Protests, 1906-1951

Little evidence has been found of tribal opposition to the sale of the remaining unallotted timberlands in 1937 on the grounds that the timber resources should remain the property of the Nations. On April 24, 1937, tribal member Joshua Anderson complained to Commissioner Collier that the sale was not in the best interests of the Choctaw people because the Nations should be allowed to keep their common lands as part of their sacred heritage. Yet, Anderson was not opposed to selling the timber. He suggested that the OIA should reappraise the timber values and sell the timber separate from the land “on reasonable cutting terms, for cash in advance or on log scale basis.” He thought the land should be preserved for potential oil and gas development.

Other tribal members and factions opposed the sale on other grounds, including their opinion that the land should be offered in smaller tracts, that the valuations were too low, that subsurface mineral rights should be reserved, and that better prices for the

timber and potential oil could be realized in the future. After the sale, Walter Colbert, on behalf of the Atoka Treaty Rights Association, claiming to represent 80 percent of the tribal citizens, protested that the Government had failed to protect and preserve the unallotted tribal timberlands and demanded an accounting and payment for the value of the timber that had been removed prior to the sale. Colbert did not state that the timberlands should be reserved for the Nations in perpetuity. Rather, he appeared to be setting the stage for a potential claim for prior timber deprivations.

No evidence has yet been found that there was any tribal citizens or political faction of the Choctaw Nation between the 1906 Five Tribes Act and the 1937 final sale that favored the preservation of the unallotted timberlands as a perpetual tribal timber resource. Neither has evidence yet been found of the articulation or support by any tribal citizens or factions for a claim against the United States for the recovery of the tribal timberlands between the time when they were first sold in 1914 and the expiration date of the ICC filing period in August 1951.

XIV. Full Restoration of the Choctaw Tribal Government, 1983

Beginning in the late 1940s, the Federal Government launched a legislative and administration initiative that aimed to terminate Federal services to those American Indian tribes determined to be capable of sustaining themselves without Federal assistance and the protections provided by the Federal trust status of tribal lands and resources. In 1953, Choctaw Principal Chief Harry Belvin favored a plan to establish tribal control over the remaining Choctaw lands and resources. Through the county

councils that he had organized, Belvin proposed that if he were allowed to control tribal affairs the assets of the Nation would reap huge benefits in the future. He wanted the Nation to take over the BIA's administrative roles, to obtain outside funding for the exploration of oil and gas, and to distribute the proceeds of this venture to all tribal members on a per-capita basis. Belvin was willing to allow the Government to sell the surface rights to remaining lands, but wanted the Nation to retain a one-half interest in subsurface mineral rights (the other half to be held by the Chickasaw Nation). It was pointed out to him that Congress might consider terminating Federal responsibility for the Nation and that this might occur at a time when Congress was also being asked to consider extending the trust responsibility on individual allotted lands whose trust restrictions were set to expire on April 26, 1956. Belvin was initially reluctant to agree to the sale of all interests, in light of previous positions he had taken, without trying further to persuade the local councils on the idea of exploiting the lands. He told BIA officials that he would hold a series of meetings to place before the people the idea of the Government disposing of all surface and subsurface rights and that he would advise them of what decision should be made.

Belvin evidently felt that his plan was sufficiently endorsed by the local Choctaw councils, because he requested Representative Carl Albert of Oklahoma to introduce a bill that would terminate Federal authority over the Nation. Albert agreed to sponsor legislation that would amend the Five Tribes Act of 1906. Its intent was to hasten the

disposal of tribal resources by placing them under a private trust fund managed by a tribal corporation. The tribal assets then consisted of a three-quarter interest in 7,731 acres of land that remained unallotted, the 8,610 acres purchased for the Nation and held in trust by the Government, and the Nation's one-half interest in subsurface rights held jointly with the Chickasaw Nation. It was the understanding of both Belvin and Albert that this plan would not affect the services that tribal members received from the Federal Government because of their status as Indians. Having been assured that the services would be retained, the majority of tribal citizens who expressed their views on the proposal were interested in the potential distribution of per-capita payments by the tribal corporation.

Congress enacted the so-called Choctaw Termination Act on August 25, 1959. Historian Clara Sue Kidwell has observed that this legislation transformed the Choctaw tribal entity: "it was now based on a vestige of original tribal communal-land holding, and it was a political entity with decision-making powers over limited communal assets rather than a governing body over a group of people."

The Termination Act turned out to be a failure for the same reason that made it difficult to actualize the intentions of the Atoka Agreement; namely, that unexpected complexities hampered the sale of tribal assets. Many of the heirs of original allottees, who held inherited shares in the tribal assets, could not be identified or located. Mineral resources could not be sold in several cases because title to the surface lands was clouded. In addition, the Belvin plan suffered a serious blow when the BIA interpreted the 1959 Act as a complete termination statute that rendered Choctaw members

ineligible for its services, including critical loans.

The 1960s marked the beginning of a new era of tribal political activism across the United States, as well as a renaissance of Native American culture, both of which were inspired by the civil rights movement for African-Americans. Political activists increasingly challenged Principal Chief Belvin's authority. They included a new organization, Oklahomans for Economic Opportunity, which organized many community-based political activities. A significant number of tribal members wished to reconstitute the Choctaw government with an elected chief and representatives. The 1959 act had ended the popular election of the Principal Chief, which had been reinstated in 1948. Tribal members also wanted also to regain their eligibility for BIA services and their Federal status as Indians. The only way that these two goals could be accomplished was through legislation repealing the 1959 Termination Act. Sensing that this was the majority opinion of the tribal citizens and realizing the failures of his termination plan, Principal Chief Belvin gave his full support to the repeal effort.

The end date of the termination process, by which time all the tribal assets were to be sold, was extended several times by Congress but was most recently set to expire on August 25, 1970. However, on August 24, Congress enacted legislation repealing the 1959 Choctaw termination statute.

Later that year, on October 22, Congress passed a bill that permitted all of the Five Civilized Tribes to elect their tribal chief executives. In accordance with this statute, the Choctaw Nation held an election in August 1971, and again selected Harry Belvin as Principal Chief, the office in which he had already served for 23 years. Belvin

ran again in 1975, but was defeated by Clark David Gardner, a college professor and U.S. Navy veteran. Gardner had advocated for a more representative tribal government. Following his election, he turned the Nation's attention to the task to drafting a new governing document.

In 1977, Noel Morris and other Chickasaw and Choctaw tribal members brought suit against the DOI and the chief executives of the Chickasaw and Choctaw Nations in U.S. District Court for the District of Columbia to assert, among other things, the continued validity of the 1860 Choctaw constitution (as well as the 1867 Chickasaw constitution). While this suit was pending, two critical events took place. On January 13, 1978, Principal Chief Gardner died (at the age of 37). In a special election held on April, Choctaw voters elected Hollis E. Roberts as Principal Chief. Roberts, who had previously served in the Oklahoma House of Representatives, continued to serve as tribal chief until 1997, when he was convicted on felony charges of sexual abuse.

The second important event was that the Nation adopted a new constitution that was approved by the Acting Deputy CIA on March 21, 1979 and ratified in a referendum election of qualified tribal voters on May 17, 1979.

The District Court subsequently validated this referendum, after which the Morris group appealed this decision to the U.S. Court of Appeals for the District Circuit. The Appeals court found on January 27, 1981 that the tribal referendum procedures were inadequate in as much as they did not "fully and fairly involve the tribal members in the proceedings leading to constitutional reform." The Court remanded the case to the District Court and instructed that body to instruct the Nations to establish more

appropriate referendum procedures.

On March 9, 1983, the District Court ordered new procedures for the adoption of revised governing documents. The Choctaw Nation drafted a revised constitution, which was approved by the Deputy Assistant Secretary – Indian Affairs on June 9, 1983. On July 9, 1983, this constitution was ratified by a vote of qualified tribal voters.

The new constitution provided for a Tribal Council consisting of one representative from each of the twelve tribal districts established by the governing document. It provided for an initial election of the members of the Tribal Council on the first Monday in September 1983. The constitution provided further for a unique system for determining the staggered terms of Council members:

At the hour of twelve (12) noon on October 1, 1983, following the ratification of this Constitution, the successful candidates for Tribal Council shall meet with the elected Chief and the Choctaw Election Commission at the Capital at Tuskahoma at which time and place the Chairperson/Arbitrator will place twelve (12) slips of paper in a receptacle, six (6) of which will have the number four (4) on them and six (6) will have the number two (2) written on them. Each slip will be folded so that the number thereon cannot be seen. In the presence of each other and the elected Chief, each successful candidate shall draw one (1) of the slips from the receptacle and the number on the slip each of the successful candidates draws will be the number of years he shall serve during the first term.

With the determination of the terms of the elected Council members, the constitutional government of the Choctaw Nation

was fully restored on October 1, 1983.

OUTLINED SECTIONS

X. Choctaw Tribal Governance, 1918-1945

Clark replaced Hurley as tribal attorney. Hurley went to serve in WW1. Clark continued as attorney through Semple's administration and into the Harding Administration.

Muriel Wright to Harry Blake, 2/12/1930, C-4077. **Ex. 42.**

Coal and Asphalt in 1918

Act of Feb 12, 1918 permitted SOI to sell the deposits. Sales occurred in 1918, 1919, 1920, and 1925. 86,532 acres of deposits were sold for \$2,365,456.

Tucker in C-4087, 6/5/1934. **Ex. 159.**

C-4391 **Ex. 160.**

1919 12 18

The Ardmore Statesman. Transcribed article on a meeting called "by a committee of interested members" of the Choctaw in order to arrange for the sale of the segregated coal & asphalt lands; to clear up "alleged indefinite" matters re: treaties of 1865 and 1866.

Notes the falling prices of the coal & asphalt lands.

New Principal Chief, William H. Harrison, 1922

Locke left office on Oct 30, 1917. Evidently the office remained vacant until Semple was appointed on July 13, 1918

Excerpts from Departmental Personnel Files," c. February 1953, C-3432.2. **Ex. 34;** CIA Dillon S. Myer to Representative Carl Albert, February 27, 1953, C-125, **Ex. 35.**

1918-1922: Tribal website holds that William F. Semple was appointed by Wilson to serve as PC. A descendant of the Pitchlynn family, he earned a law degree and established a practice in Durant specializing in land titles. Served in Oklahoma House.

<http://www.choctawnation.com/History/index.cfm?fuseaction=HArticle&HArticleID=24>

Served in House in 1909 and 1911. **Ex. 69.**

<http://74.125.47.132/search?q=cache:q2ofA1AmKwoJ:www.okhouse.gov/Documents/CenturyAppendixIII.pdf+William+F.>

[+Semple+and+Oklahoma+House+of+Representatives&cd=4&hl=en&ct=clnk&gl=us&client=safari.](http://74.125.47.132/search?q=cache:q2ofA1AmKwoJ:www.okhouse.gov/Documents/CenturyAppendixIII.pdf+William+F.+Semple+and+Oklahoma+House+of+Representatives&cd=4&hl=en&ct=clnk&gl=us&client=safari) **Ex. 70.**

Semple resigned on July 22, 1922 and the President appointed Harrison

Excerpts from Departmental Personnel Files,” c. February 1953, C-3432.2. **Ex. 34**; CIA Dillon S. Myer to Representative Carl Albert, February 27, 1953, C-125, **Ex. 35**.

Harding Administration appointed William H. Harrison as Principal Chief in 1922. A half-blood Choctaw, he earned a law degree and was admitted to practice before the U.S. Supreme Court in 1907. Tribal website states: “He was a loyal advocate of tribal traditions and he carefully safeguarded them. He vigorously opposed Congressional efforts to pass legislation to open the citizenship rolls of the Choctaw and Chickasaw Nations. His personal lobbying to the Oklahoma delegation as well as to other members of Congress prevented passage of the bill.

<http://www.choctawnation.com/History/index.cfm?fuseaction=HArticle&HArticleID=25>

Ex. 161.

Muriel Wright wrote in 1930 that Harrison was not a strong personality and that he “was largely dominated by the influence.” That he “held himself aloof” from the various councils. Muriel Wright to Harry Blake 2/12/1930, C-4077. **Ex. 42.**

Clark served as tribal attorney. Fought election of Senator Pine, was removed after Pine got to Washington. Muriel Wright to Harry Blake 2/12/1930, C-4077. **Ex. 42.**

April 28, 1921 **Ex. 162.**

Capital-Democrat. Transcribed editorial on Choctaw politics involving the appointment of a new Supt, Five Civilized Tribes and speculating that Victor Locke may leave the office of Choctaw Principal Chief to take the Supt position. Notes L.G. Disney is lobbying hard for the position.

Locke is $\frac{1}{4}$ blood, worked in Indian service as field clerk in younger days. Served as McCurtain’s private secretary. Served in Spanish-American War and continued association with the state militia. Reached rank of major. Elected to state legislature as rep from Pushmataha County in fall of 1920. Garnered support for appointment as Supt of the Five Tribes Agency. Supported by tribal members “He is very popular with the Indians of the Choctaw Nation.”

C-4387. **Ex. 163.**

1921 04 28 Locke nominated as Superintendent. Appointment part of slate of Republicans.

Hugo Convention, April 1923

C-3608 (1-2). **Ex. 164.**

1923 04 12

Chairman, Choctaw Convention to Congressman Carter transmitting resolutions passed at the convention of Choctaw citizens held on April 10, 1923 at Hugo, OK re: Supt suggestions for the establishment of a permanent school fund with Choctaw tribal funds. The convention was opposed to such a move. Resolution asked that all monies be distributed as soon as possible and rapid settlement of all tribal affairs. W.J. Belvin was

one of the signers. 150 attended convention. Sent resolution to Congressman Chas D. Carter.

Carter was of Chickasaw descent. He was the first representative elected from the Fourth Dist after statehood. He served on the Chickasaw Council in 1895. Served on House Indian Affairs Committee 1917-21. Lost Democratic primary in 1926 to Wilburn Cartwright. <http://digital.library.okstate.edu/encyclopedia/entries/C/CA066.html>. **Ex. 165.**

Carter forwarded the resolution to SOI Hubert Work.

Ardmore Meeting of May 1923

C-4385. **Ex. 165.**

1923 05 03

The Ardmore Statesman. Transcribed article reporting on a "very large" Choctaw meeting at Ardmore, OK. "Practically unanimous" opposition to Choctaw Principal Chief Locke's plan to capitalize tribal funds for the support of Choctaw schools was noted. 255 members of both tribes. Also supported sale of C&A lands. Resolutions sent to DOI in DC and to Muskogee.

Durant Convention of June 1923

C-4539. **Ex. 166.**

1923 06 27

Choctaw Principal Chief to Hampton Tucker thanking Tucker for forwarding resolutions from the Durant Convention and discusses Republican/Democrat Choctaw politics.
States his intent to settle affairs ASAP

C-4599. **Ex. 167.**

1923 07 16

Choctaw Principal Chief to E.N. Wright, Henry J. Bond, and Hampton Tucker regarding resolutions of the Durant Choctaw convention and his lack of authority, absent approval from the CIA and SOI to call a meeting of the Choctaw Council and claims litigation/ attny contracts being "two of the greatest menaces to the final settlement of our tribal affairs..."

C-3609. **Ex. 168.**

1923 07 27

Acting SOI to Choctaw Principal Chief stating "no consent or recognition can be given to any meeting of the Choctaw Council or to any convention of Choctaw delegates." who may claim tribal funds for expenses. Incoming correspondence from Choctaw Principal Chief not present. References 1923 Act that prohibited DOI from expenditure of tribal funds without Congressional appropriation except for certain named purposes.

C-4674. **Ex. 169.**

1923 08 23

SOI to Dr. E.N. Wright re: Wright's forwarding the 1923 Choctaw Convention resolution and letter. SOI states the issue of the disbursement of tribal funds is fully provided for under current law.

Exchange of ltrs between tribal member Anna McClendon and tribal leader Wm A. Durant illustrates issues of concern: (1) per capita payments and (2) when Govt will settle affairs. Durant replies that there are not sufficient funds for a per capita payment, and that affairs cannot be settled until the coal lands are sold. "There are some very large suits filed against the Choctaws, and we in fact should sue the Government for some claims we have against them and there is not a chance to have a final settlement until suits are all settled."

1924 03 09. **Ex. 170.**

Anna McClendon to William Durant enquiring if there would be a Choctaw Chickasaw per capita payment that year; also asking when her restricted lands were to become taxable.

Durant then served as secretary to the Commissioners of the Land Office for the State of Oklahoma. See C-4668. **Ex. 73.**

He had served in the Choctaw legislature and was elected Speaker of the House in 1891. Following statehood he served three terms in the State legislature. Trained as a lawyer, he was a staunch Democrat. He would later serve as Principal Chief between 1937 and 1948. <http://www.choctawnation.com/history/index.cfm?fuseaction=HArticle&HArticleID=27>

Ex. 72.

C-4673. **Ex. 171.**

1924 03 10

William Durant to Anna McClendon stating that there would not be a per capita payment that year; that her restricted lands would become taxable 25 years after they were patented.

Harrison serves as Principal Chief, who was a Republican. Opposition faction led by Dr. E.N. Wright, a Democrat. Clarke served as National Attorney in 1924. Harrison and Clarke were trying to get Congress to settle the Leased District issue through a direct appropriation, because they thought they could not prevail in court. The Wright faction favored a jurisdictional act that would permit the Nation file a claim in the US Court of Claims. Harrison asked Hampton Tucker to lobby Senator-elect William .B. Pine on this issue.

C-4595. **Ex. 88.**

1924 12 26

Choctaw Principal Chief to Hampton Tucker discussing Dr. E.N. Wright's opposition to the Chief's lobbying Congress for a direct appropriation to settle the Leased District claim and attempting to have jurisdictional legislation introduced; and requesting that the Attny speak to Senator Pine about the situation and appraise the Senator of additional

information about "Dr. Wright and his Bunch."

Pine was an oilman and Republican, who served one term in the Senate beginning in 1925. http://en.wikipedia.org/wiki/William_B._Pine. **Ex. 172.**

Wright formed Board of Committee at a meeting in Albion in 1920 or 1921. Included Henry Bon, Peter Hudson, Davis James, Victor M. Locke, Jr. Purpose was to find an attorney to bring claims against US in Court of Claims. Entered an agreement to have former Senator Joe Bailey of Texas represent them. This was before jurisdictional bill was passed in 1924. After that, Wright organized several conventions to oppose the attorneys appointed by Harrison and campaigned for his appointment as PC. (Robert E. Lee to Harrison, 10/20/1925, C-4578.) **Ex. 173.**

1924 Jurisdictional Act and Suits Filed Subsequently

Act of June 7, 1924 authorized the ChicChocs to file suits against the US in the Court of Claims growing out of treaties or arising under acts of Congress. Suits to be filed within five years. PC Harrison employed two law firms to represent the Nation, Hatchett & Semple of Durant and Johnson and McGill of Ardmore. SOI approved these contracts. National Attorney Hampton Tucker was directed to assist these attorneys. **Ex. 174.**

Two suits filed on June 4, 1926:

Suit 1, Docket 181, on behalf of both tribes, to recover the value of approximately 39,774 acres of tribal lands the Govt allotted to Chic and Choc freedman under provisions of the Acts of April 26 and June 1 1906. Plaintiffs maintained that this was a violation of their agreements with the U.S.

Suit 2, Docket 182, to recover funds paid to former Senator Robert L. Owen and associates for legal services rendered to the Mississippi Choctaws. Miss Chocs did not have sufficient funds to pay fees. Act of Sept 22, 1922 authorized SOI to pay the fees amounting to \$139,156.75 out of Choctaw funds.

Suit 3, Docket, H-37, filed by both nations on Feb 2, 1927. To recover value of per-capita payments made to enrolled Miss Chocs out of proceeds of the sale of Chic and Choc tribal property (amounting to \$1,577,280). Nations maintained that Supplemental Agreement of 1902 did not authorize per capita payments to the Miss Chocs. Second count, is a claim against 8 railroads for rental fee of \$15 per mile for lines running through tribal lands between statehood in 1907 and 1927. Third count is for value of tribal lands, estimated at \$2,883,620, allotted to 5,546 Choctaw freedman. Claim that such allotment violated treaty provisions.

Other suits in process.

See C-4483. **Ex. 140.**

1927 08 23

Choctaw National Attny to Choctaw Principal Chief transmitting public statements for the Chief regarding the suits brought by the Choctaw in the Court of Claims.

See also Tucker to Scott, 9/23/1927, C-4484. **Ex. 141.**

Expanded to 12 suits, also sued for excess amounts paid Chickasaws our of Choctaw share of common funds see Tucker to Brown, 11/22/29, C-4464. **Ex. 175.**

Tucker later wrote that Senator Harreld had carried forth the bill that resulted in the jurisdictional act.

Tucker to Peter Conser, 10/12/1926, C-4494. **Ex. 176.**

For a more detailed description of claims pending in 1934 see Grady Lewis in C-5304, 6/5/1934. **Ex. 177.**

The Wright faction was opposed to the attorneys Harrison appointed. W.F. Semple of Hatchett & Semple was a Choctaw tribal member and Hatchett was married to a tribal member. Hampton Tucker wrote to Senator-elect Pine that the attorneys chosen were “well qualified to represent the tribe in the litigation” and he urged Pine to support the approval of their contracts then pending before the DOI.

C-4596. **Ex. 178.**

1924 12 31

Hampton Tucker to Senator Pine discussing the contract with the legal team and the Choctaw Principal Chief for claims and the opposition to these contracts from Dr. E.N. Wright.

Wm Durant urges SOI Work to approve contracts.

C-4668. **Ex. 73.**

1925 01 21

National Attorney E.O. Clark’s contract was expiring in June 1925. Wm Durant urged Harrison to renew his contract (C-4669). **Ex. 179.** The President approved a contract with Hampton Tucker, who was nominated by Harrison, over objections of Indian Rights Association and others. (Sen Pine to Harrison, 9/12/1925, C-4526). **Ex. 180.** Hampton Tucker implies in ltr to Harrison that Senator Pine opposed Clark (C-4527). **Ex. 181.** Harrison later states that “Clark was personally obnoxious to Senator Pine (Harrison to Tucker, 11/07/1925, C-4587). **Ex. 182.**

Hugo Convention of October 1920

Harrison met with Malcolm McDowell Secretary of the Board of Indian Commissioners at Muskogee. He understood that McDowell wanted to meet with as many Choctaws as possible to discuss the issue of extending trust restrictions and other matters. Harrison suggested a mtg at Broken Bow in McCurtain County, which would be

attended by a large number of full bloods. Instead Wright calls convention at Hugo, not to consider these issues, but to discuss the present tribal officials.

Tucker to Harrison 11/21/1925 C-4585. **Ex. 183.**

Wright faction calls for convention in Hugo on October 20, 1925. Meets with members of Board of Indian Commissioners. (Tucker to Harrison 10/9/1925, C-4528). Passed resolution requesting President to remove present PC, to Harrison asking for his resignation, and to Oklahoma Congressional delegation. (William H. McKinney to Harrison, 11/02/1925, C-4579.). **Ex. 184.**

Harrison prepared to respond to resolutions of the Wright faction. He asked Tucker, who was in DC, to visit with the SOI and CIA and ask permission for him to provide copies of govt letters as part of his response (Harrison to Tucker, 11/8/1925 C-4588, 11/10/1925, C-4589). **Ex. 185.** He also suggested that Tucker accompany Sen. Pine in mtgs with the President and the SOI. Also suggest having Carter visit SOI and Board of Indian Commissioners (Harrison to Tucker, 11/14/1925, C-4590). **Ex. 186.**

Issue of Calling Meeting of tribal Council

One of the resolutions of the Hugo Convention held that Harrison refused to call a session of the Tribal Council. Tucker wrote Harrison suggesting how he should respond to McDowell of the Board. Stated that SOI had construed existing law to mean that there is no authority for holding a Council meeting and no necessity. That Hugo Convention was in error in supposing that the laws and constitution were still in effect, because they were superceded by the 1906 Act and the construction placed on Section 28 of the Act by DOI holds that the Principal Chief holds office at the pleasure of the President and can only be removed for purposes set forth in that Section.

Tucker wants Harrison to make point that Wright Committee was self-constituted. That it was a mass convention and not one consisting of duly elected delegates from each county, that it was underrepresented by McCurtain County, the county with the most full bloods, and that it did not address constructive tribal issues such as extending restrictions, disposition of the coal lands, or other matters of concern to the Choctaw people. Tucker to Harrison 11/21/1925 C-4585. **Ex. 187.**

Harrison asks Tucker to request that Sen Pine visit the President and the SOI in regard to the resolutions. Harrison to Tucker 11/25/1925. C-4591. **Ex. 188.**

Leased District Issue and Bill of 1925

By treaty of 1855 Chics and Chocs agreed to lease 7.5 million acres to Govt to be used by friendly Indians. By terms of 1866 treaty, this same land was ceded for \$300,000. Choctaw claimed they did not understand that it was a land cession rather than a lease. \$300,000 to be paid to tribes and their freedmen if they adopted them. If not, freedmen were to be moved onto this land and paid \$100 a piece out of the \$300,000. Land included Greer County, disputed between OK and TX. Choctaws understood this to be the subject of additional lease. In 1891, Govt held that Choctaws had not ceded land and it paid \$1.25an acre to the tribes for a portion of the district for the use of the Cheyenne and Arapaho. Agreed under condition they could test claims in Court of Claims. Court in 1899 tribe ruled tribes were entitled to payment, but Supreme Court

overturned the decision in 1900.
Grady Lewis in C-5304, 6/5/1934. **Ex. 177.**

In 1925, Senator Pine introduced bill to pay the ChicChoc \$1.25 per acre for the leased district. Was referred by resolution of the Senate by Senator Thomas to Court of Claims on whether claim should be paid. Was not resolved by 1934.
Grady Lewis in C-5304, 6/5/1934. **Ex. 177.** At time of referral to CC, Lewis was tribal attorney, was retained to follow case.

How Tribe lobbied for legislation

Harrison writes to Tucker that he wants he and McVay? (Chic attorney) to draft a bill that is the same as the Carter-Harrelld bill (HR 9017 and S. 4259, jurisdictional act?). Harrison talked to Pine about the matter (not specified). Pine suggested that Harrelld should introduce the bill and get it out of his committee and that Carter should introduce a bill in the House. Assures that Congressman Hastings will support it. Asks Tucker and McVay to lobby Harrelld. Harrison had already lobbied his local Commercial Club
Harrison to Tucker 11/23/1925. C-4468. **Ex. 189.**

John W. Harrelld was Republican who served in Senate for one term from 1921-27. He served as chairman of the Indian Affairs Committee during 68th and 69th Congresses.

<http://bioguide.congress.gov/scripts/biodisplay.pl?index=H000227>. **Ex. 190.**

Apparently, this was a bill for a direct appropriation for the Leased District.
Harrison to Tucker 12/24/1925. C-4600. **Ex. 191.**

Antlers Convention and 1926 election

Wright faction held a meeting at Antlers on July 1, 1926 in opposition to Senator Harrelld and Representative Carter, who were running for reelection. To counter this, Harrison proposed a convention of both Chocs and Chics in Durant on July 24 to support the incumbents. Also wants regular and special attorneys to attend as well as Governor Johnston from Chics.

Tucker to Mack, 7/21/1926, C-4510. **Ex. 192.**

The Choctaw Committee led by Wright called for election on August 11, 1926 of Chief, National Secretary, and Tribal Council. The reasons for the call were outlined in flyer. They included their allegation that their appeals “to gain the right of the Choctaw people to have a voice in the final winding up of their tribal affairs’ have been ignored, that Section 28 continued tribal govt, that Albion Convention of 1922, recommended establishment of five delegates to settle tribal affairs, that since PC Harrison has refused to call a council, Committee wants to test “their rights under the Law”.

Call for Choctaw Election, C-4438. **Ex. 193.**

The convention elected Wright as Chief and other officers. Among those elected included Victor Locke Jr., and P.J. Hudson, elected to the Senate, former National Attorney E.O. Clark elected as a judge of the supreme court, “No women were allowed

to vote, as Choctaw law forbids such suffrage.” Stated that Choctaw council consisted of 20 members of House and 12 in Senate. That last election was in 1924, that only one of those elected in 1924 was in attendance, that not more than ¼ of those elected in 1924 were still living.

Transcribed article summarizing a meeting held at Antlers, OK on the election of Choctaw officers and candidate for Principal Chief. Meeting called by Choctaw faction opposed to Principal Chief Harrison. 8/16/1926 C-4499.1. **Ex. 194.**

Wright and Locke met with Senator Harreld and told him that they could not support his election unless he recognized Wright’s election as Chief. According to Tucker, this caused Harreld to be “uneasy” about his Choctaw support.

Tucker to Harrison 9/3/1926/ C-4500. **Ex. 195.**

Carter was defeated in a primary election and Cartwright was nominated. William Semple attributed the defeat to an unpopular bill he had introduced and the “Klan vote.” Harrison thought that Cartwright was associated with the Klan and Carter had been criticized for having a Catholic secretary.

Harrison to Tucker, 9/4/1926 C-4496. **Ex. 196.** Tucker wrote that the Choctaws lost a good friend with the defeat of Carter. He supported the re-election of Harreld because he had helped pass the jurisdictional act, introduced the direct appropriation for the Leased District claims, and was opposed to opening the Choctaw rolls. His opponent, Congressman Thomas, had previously introduced legislation that would have opened the rolls.

Tucker to Peter Conser, 10/12/1926, C-4494. **Ex. 176.**

On October 14, 1926, Indian bureau issued statement that it did not recognize the election of Wright as Chief. Article in Oklahoman described Wright as being hostile to Harrison.

The Oklahoman. Transcribed article describing Dr. E.N. Wright's attempt to be recognized as the Choctaw Principal Chief. Article describes Wright as being "hostile" to the Choctaw Principal Chief and the DOI. 10/14/1925, C-4491.1. **Ex. 197.**

In 1926 election, John W.E. Thomas was elected Senator from Oklahoma, replacing Harreld. Was a Democrat. Served as chairman of the Indian Affairs Committee in 74th through 77th Congresses 1935-1943.

<http://bioguide.congress.gov/scripts/biodisplay.pl?index=T000177>. **Ex. 198.**

Democrat Wilburn Cartwright also replaced Carter in Congress. Served until 1943.

<http://bioguide.congress.gov/scripts/biodisplay.pl?index=C000207>. **Ex. 199.**

Choctaw Protective Association, 1927

First reference to this organization in ltr from Tom Hunter to Wright, issues were to remove Harrison, gain views of Choctaws on their affairs, with a view toward aiding the new Senator Thomas in working on behalf of Choctaws.

Hunter to Wright, 5/26/1927 C-4064. **Ex. 200.**

Leased District bill, no action by Congress, Harrison working to get new bills introduced.

Tucker to Charles Bascom 8/8/1927 C-4979. **Ex. 201.**

George Scott campaigns for PC. See several docs.

Epworth League Meeting at Kullituklo August 15, 1927

Was annual convention of Choctaw Epworth League. Tucker and Bob Lee attended. 250 present, nearly all full bloods, Tucker addressed group, issues brought up included extension of restrictions, status of coal leases, **Greer County issue**. Tucker encouraged them to make their views known in letters to Harrison and they he would submit them to Washington.

Tucker to Harrison, 8/16/1927, C-4418. **Ex. 202**

. The **Epworth League** was an organization of the young people of the [Methodist Episcopal church](#), formed in 1889 at [Cleveland, Ohio](#), by the combination of five young people's organizations then existing. The purpose of the league was the promotion of intelligent and vital [piety](#) among the young people of the church.

http://en.wikipedia.org/wiki/Epworth_League. **Ex. 203.**

Tribal Political goals in August 1927

Harrison directs Tucker to meet with Senator Pine to discuss tribal affairs. Discusses those campaigning to be appt Supt. Directs Tucker to draft a bill authorizing the Coal Trustee to lease coal and asphalt lands under DOI regulations, as well as jurisdictional bill authorizing the Leased District claim to be presented to the Court of Claims, waving any statute of initiations as well as any appeal to the Supreme Court. Harrison to Tucker, 8/20/1927, C-4487. **Ex. 204.**

The election of the Democratic legislators provided more political leverage to Choctaw Democrats led by Wright. Thomas W. Hunter, an attorney who specialized in "Indian matters" was one of the Committee that organized the Hugo Convention. He wrote Wright about having another general convention at which Thomas, Pine, and Cartwright would attend. As an alternative, suggested that Tribal Council could be called.

Hunter to Wright, 9/1/1927, C-4065. **Ex. 205.**

Issues addressed by Cephus Scott, brother of George Scott and answered by Tucker in September 23, 1927

Per Capita Payments; DOI says there are not sufficient funds, Harrison will insist on a distribution when there are.

Restrictions: OK Attorney General held that restrictions on homestead and surplus land patents of intermarried whites and Indians of less than one half blood, and the surplus of those of less than three-quarter blood expired in January of the year following the expiration of the 21 years from the date of the patent. The restrictions on full bloods and Indians of one half blood or more continue until January 1, 1932 and are not subject to taxation. Tucker says he will work to retain these restrictions.

Addresses suits filed under 1924 jurisdictional act, including 3 filed in February 1927.

Tucker to Scott, 9/23/1927, C-4484. **Ex. 141.**

Davis James was aligned with the Wright faction, was opposed to Tucker addressing the Epworth League meeting. Wrote to Wright that he had met with Cong Cartwright who told that the Choctaw Committee elected him. Also stated that Cartwright would visit Wright before going back to Washington.

James to Wright, 9/23/1927, C-4067. **Ex. 206.**

Cartwright promised Wright in ltr of Oct 13 that he would try to attend mtg of Choc Comm at Oct 20 on Hugo. Senator Thomas was going to be there. Cartwright wrote that he was in favor of a property settlement ASAP, that he believed that Choctaws should have a voice in their own affairs, but that he was opposed to the extension of restrictions beyond 21 years.

Cartwright to Wright, 10/13/1927, C-4068. **Ex. 207.**

Tucker ran into Sen Thomas coincidentally on the Ardmore train, said he was going to Hugo mtg, Tucker had no knowledge of mtg. Peter Hudson was with him. Tucker advised that it was a factional meeting that Harrison would confer with him on tribal issues in Washington during the Congressional session. Thomas said he was going to confer with Bill Durant and Charlie Carter and others. Tucker doubted that Thomas would support the Wright faction.

Tucker to Harrison, 10/22/1927, C-4475. **Ex. 208.**

Extension of Trust Period, May 1928

Harrison's advocacy led to the passage of the Act of May 10, 128, that extended the restrictions on Choctaw allottees of one or more blood for 25 years to April 26, 1956 C-4558. **Ex. 209.**

Status of Suits in 1928, Filed and Contemplated

In addition to those already noted.

Claims for \$85,000 due as part of consideration for the leased district country.

For breach of treaty in not selling the coal lands.

Suits contemplated:

For use of funds in maintaining schools for the benefit of Indian children not enrolled as Choctaws.

For the land itself or compensation for use of lands in towns by different railroads where they subleased their rights of way for commercial purposes.

For an accounting of tribal funds.

In letter to Peter Hudson, Tucker noted that they were not permitted to bring into litigation the right to recover the Leased District country and they have not considered the filing of such a suit. Asked Hudson for advice on other possible litigation.

Hudson was part of opposition faction, letter also distributed to Hunter, Locke, Clark, Wright, Davis James, Durant, Harrison and others.

Tucker to Peter Hudson, 7/30/1928, C-4470. **Ex. 210.**

Death of Harrison, Sept 25, 1929

Indian Memorial Assn authored a resolution memorializing his accomplishments on Oct 17. It noted his opposition to legislation opening the Choctaw rolls, his rejection of offers to settle unjust claims, his appointment of special attorneys to file claims before the Court of Claims, got all suits filed within the time limit. He advocated the passage of the Act of May 10, 128, that extended the restrictions on Choctaw allottees of one or more blood for 25 years to April 26, 1956
C-4558. **Ex. 209.**

The Extensive Vetting Process for a New Appointee, 1929-1930

Opened up a campaign by several candidates to succeed him and much politicking in Choctaw country and DC.

George W. Scott of Stigler was aligned with the Wright faction. Tucker opposed him because he was actively supported by attorney J.F. McMurray of McAlester, who had filed claims against the Nation.

Tucker to S.M. Brosius, Indian Rights Assn, 10/4/1929, C-4557. **Ex. 211.**

Tucker to CIA Rhoads, 10/4/1929, C-4543. **Ex. 212.**

The former National Attorney Patrick J. Hurley, was then a political appointee in the Hoover Administration as Asst. Secretary of War. Several tribal leaders and others corresponded with him in regard to the appointment of a new PC. This included Clark Wasson, a tribal member who represented Pushmataha County in the State House of Representatives. Wasson advised Hurley that he was not supporting a particular candidate but that it should be a Republican "I have no interest in the matter other than the interests of the Tribes themselves and the Hoover Administration."

Wasson to Hurley, 10/7/1929, C-4349. **Ex. 213.** Hurley played a critical role in vetting the candidates.

Dr. Wright lobbied for the support of William G. Skelly, an Oklahoma member of the Republican National Committee. Skelly wrote Hurley that he was vetting candidates. In terms of qualifications, he said he was looking for a WW I veteran who was also a Legion Man "Of course there are many controversies in this Indian situation and it takes a man particularly fitted, from the standpoint of temperament and as a conciliator, instead of a disturber."

W.G. Skelly to Hurley, 10/2/1929, C-4348. **Ex. 214.**

Hurley was leaning toward Walter Veach, who had been an Army Captain in WW I. But after calling up his military record for review, he was disappointed to learn that he had been discharged after a board of review in France found him unqualified to continue in service.

Hurley to Ben Dwight, 9/20/19129, C-4355. **Ex. 215.**

On Oct 7, Hurley wrote to Skelley describing Ben Dwight, a lawyer who had been educated at Columbia and Stanford universities. He noted that Pres Hoover had also attended Stanford. That he had served as an sergeant in WW I. "He is said to have a very good reputation and is an all an exceptional young Indian." I do not know whether

Ben will measure up to all the requirements or not.” Noted that Victor Locke had suggested Grady Lewis. Hurley did not know if Lewis wanted the position, but stated that if he did “it would be a solution to a difficult situation as far as I am concerned.” He asked Skelley to, ask Lewis if he wanted the position. “I am sure, with your endorsement, that we can get it for him.”

Hurley to W.G. Skelley, 10/9/1929, C-4347. **Ex. 216.**

Hurley had already talked to CIA Rhoads about Dwight, a $\frac{3}{4}$ blood Choctaw. On Oct 11, he wrote Walter H. Newton, secretary to President Hoover, about his discussion of Dwight with Rhoads, but noted that since then Lewis had been suggested, and that if he wanted it “no more satisfactory appointment could be made.

Hurley to Newton, 10,11/1929, C-4357. **Ex. 217.**

Dr. Wright was also a candidate. A Choctaw tribal member wrote to Senator Pine advising him of Wright’s alleged involvement in bribing the Choctaw tribal Council to grant a railroad right of way in 1894. Wright allegedly distributed \$10,732 to council members. Claims Wright boasted of this action and that facts regarding it were previously set out by a member of the Dawes Commission.

C.H. Victor to Senator W.B. Pine, 10/18/1929. **Ex. 218.**

The Oklahoman. "Few Changes Likely in US Jobs in Senate." Article reports on several Federal appointments open, and the vacancy for Choctaw Principal Chief. Does not discuss candidates specifically. *Notes 13 candidates*

10/20/1929

C-4582. **Ex. 219.**

Article described chief “as a yes man for the Indian Bureau and whoever is appointed will be of a type not inclined to rock the boat when he appears before committees of Congress to say what the Indians want.”

Dr. Wright’s daughter Muriel was a teacher and historian affiliated with the Oklahoma Historical Society. She had served as secretary to the Choctaw Committees organized by her father. <http://digital.library.okstate.edu/encyclopedia/entries/W/WR005.html>. **Ex. 80.**

On Oct 21, 1929, she wrote VP Charles Curtis, endorsing her father’s candidacy as PC. Curtis was of Kaw descent and had lived for a time among the Kaw on their reservation in Kansas.

Wright to Curtis, 10/21/1929, C-4088. **Ex. 220.**

The CIA Rhoads requested Tucker to assess the 12 candidates presented to the DOI for PC and discuss the possibility of a convention and election.

O.L. Blanche was full blood familiar with tribal affairs, but was demoted in his position with the OIA.

Ben Dwight was then engaged in securing leases for oil companies. He has never taken part in any factional fights among the Choctaws. He is capable and honest. However, he has not been identified with Choctaw affairs and is not generally acquainted among his tribesmen outside of his county.”

Peter J. Hudson was a full blood, familiar with tribal issues, had served as

national auditor and as delegate to Washington. Aligned with Dr. Wright and would be dominated by him.

Grady Lewis (considered by Hurley) was 1/32 blood, a lawyer and a GOP member of state legislature from Creek County. Not previously identified with tribal affairs.

George W. Scott, 1/8 Choctaw was long prominent in Choctaw affairs, but identified with McMurray.

Walter Veach, 1/4 Choctaw was a farmer not familiar with tribal affairs. Allen Wright was a lawyer, the brother of Dr. Wright, not active in Choctaw affairs not known outside of his county, but free of factional controversies and questionable land transactions, capable, honest, and a longer of standing.

Dr. E.N. Wright, 1/2 blood, politically active for many years, badly beaten in 1900 in election for PC. Leader of factional controversies. Allegedly involved in bribing council in 1894, tried to oust Harrison, appoint his own special attorneys

Re; Convention: Tribal government discontinued many years ago. Council no longer meets. Therefore, most members of more than one-half blood no longer take an interest in tribal affairs. Not much interested in office of PC, because position has no patronage.

Members of one-half or less blood would take more interest in convention to select a chief. Therefore, convention would not reflect the "wishes of the real Indians."

Re: Election. Last election in 1904 "The tribal government, with greatly reduced powers and personnel, continued until April 26, 1906. After that, govt. consisted of PC, tribal attorney, mining trustee, and occasionally a delegate to Washington. Last council meeting in October 1911. Practically all of the 1904 council is deceased. Govt would have to provide the machinery for an election.

Might be difficult to determine eligible voters. Would include all on 1906 list, but those born after March 4, 1906 are not on rolls. Citizenship could not be proven by the approved rolls. Govt not authorized to spend tribal funds for such purpose. Bill introduced by Wisconsin Senator Blain for election in last Congress, but DOI opposed the bill..

Indians of more than one-half blood might not be interested in election, if held in county seats, might not attend the elections, especially in those counties where full bloods live. Tucker to CIA Memo of Nov 1, 1929, C-4562. **Ex. 81.**

Sample endorsed Dwight to Hurley, 11/8/1929, C-4337. **Ex. 221.**

Wasson assesses candidates to Hurley, 11/8/1929, No-number. **Ex. 222.**

Cant be for either Wright, Veach has problems with his military record.

Hudson stands well with Choctaw people, but is a Democrat, so Wasson can't endorse him. Hudson also with OHS.

Likes Lewis, but info has it he is not a candidate.

Scott is son-in-law of Green McCurtain, was formerly Choctaw National Treasurer, is Republican and county chair of Haskell Co. Is familiar to Choctaws and their affairs, but is hurt by his connection with McMurray.

Dwight is member of American Legion, Stanford grad, managed Hoover campaign in Bryan County, and was previously a Democrat. Knows little of Choctaw

affairs, knows very few of his own people. And they do not know him. “but I don’t suppose it makes much difference because they are not interested in such things like they once were.” Claims he is supported by Tucker and Semple, that Tucker will probably influence Senator Pine’s choice. Wasson states that he may endorse Scott, the Haskell County chair, since he wants the support of that county in his bid to become U.S. Marshall.

Semple to Hurley, 11/9/1929, **Ex. 223** describes Wright scheme to hire attorneys to fill claims under jurisdictional acts. Roy Johnson advanced Wright \$6000 in effort to defeat contracts with special attorneys.

Tucker to Allen Wright, 11/13/1929, C-4569. **Ex. 224.**

DOI expected to make appointment, but is being overly cautious because of the large number of candidates “to get a man against whom there will be no general objection, who has not been engaged in factional fights among the Choctaws, and who will stand the most rigid investigation. Acting Agency Supt McMillan was to make an investigation. Tucker advises Wright to attend the mtg of the GOP State Committee to lobby Sen Pine.

Dr Wright also attending, has advantage of being a Coal County rep of State Committee.

Tucker to Semple, 11/13/1929. C-4568. **Ex. 225.**

States that appointment is not likely to be made until Hurley returns from Panama. Advises that Dwight should also attend GOP meeting, that Pine is of the impression that he is a Catholic, a rumor probably spread by Dr. Wright, and that Tucker clarified to Pine that he was not.

By late December, Skelly had decided to endorse Edwin Oliver Clark of Stigler. Clark was national Attorney 1921-25, educated at Columbia and Northwestern U, ¼ blood. Wrote letters of endorsement to SOI Wilbur, 12/31/29 C-4649, **Ex. 226**, and CIA Rhoads, same date, C-4648, **Ex. 227**. Also to Walter Newton, secretary to the President, same date, C-4650.1, **Ex. 228**. Newton forwarded this letter to Hurley, who was then Secretary of War.

Hurley was named the Secretary of War on December 9, 1929

http://en.wikipedia.org/wiki/United_States_Secretary_of_War, **Ex. 229**

Hurley wrote Skelly that SOI Wilbur told him that CIA Rhoads and Asst CIA Scattergood were dubious about fight appointment of Clark might cause. Wilbur told Hurley that he would follow Skelly’s endorsement, but that he thought Dwight was a splendid candidate. Asked if Skelly would endorse him.. Hurley wrote that Dwight would be good, but that he was not of the same caliber as Clark “I think if you could say definitely that Pine will have the proper opponent in the near election, that Rhoads and Scattergood would not hesitate to move in.” In the meantime, Hurley said nomination is help up, pending further word from Skelly. Advised him to write another letter in support of Clark.

Hurley to Skelley, 1/3/1930 C-4651. **Ex. 230.**

Which he did SOI Wilbur on 1/6/1930 C-4652. **Ex. 231.**

In the meantime, Muriel Wright was named as a potential candidate in the *Daily*

Oklahoman. Was teacher and historian at OHS, daughter of Dr. Wright, active in Choctaw affairs. Wrote a definitive history of the Five Tribes in 1930s.

Gertrude Bowman to Muriel Wight, 1/19/1930, C-4072. **Ex. 231.**

Steady correspondence with her parents about tribal issues. Envisioned herself as a compromise candidate in case her father was not acceptable.

Wright to Parents, 2/6/1930 C-4075. **Ex. 232.**

By Feb 8, 1930, Hurley phoned Grady Lewis to state that Skelley would support Dwight if Lewis will be tribal attorney Memo of phone call 2/8/30 C-4413. **Ex. 233.**

On Feb 12, Muriel Wright wrote to Harry Blake explaining tribal affairs and their historical evolution.

When the governments of the Five Civilized tribes ceased to exist, on the admission of Oklahoma as a state, it was found necessary to retain the principal chiefs of each for the purpose of officially representing their respective peoples in the signing of deeds and safe guarding common interests such as the leasing or sale of lands which were still held under tribal ownership. This was of especial importance in the case of the Choctaw Nation, which owned vast tracts of mineral (i.e. coal and asphalt) lands and timber lands, the value of which amounts to many millions of dollars. The possession of such a vast unsettled estate attracted the interested (not to say greedy) attention of various factors, financial, industrial, professional, and ecclesiastical. The Choctaw people has been promised by a solemn agreement on the part of the Government that all of this business would be settled in 1906. Throughout a period of nearly a quarter of a century, such action has been deferred by one pretext or another, just as the settlement of big private estates have been known to be postponed while certain agencies continue to draw generous sums of the principal thereof in the form of stipends and expenses. Meanwhile, the value of these properties have been decreasing and deteriorating.”

Muriel Wright to Harry Blake 2/12/1930, C-4077. **Ex. 42.**

Muriel Wright thought that Senator Pine wanted her father to be PC. Although Locke supported her father, she thought that he was working against him. Stated that Locke was not available as a candidate because of “ecclesiastical reasons” (he was Catholic) and the GOP could not support him, and because he was facing a trial, already having once been convicted of murder.

Muriel Wright to Harry Blake 2/12/1930, C-4077. **Ex. 42.**

Muriel Wright was a college graduate, who attended graduate school at Columbia. She worked as an educator, serving as a high school principal and supt. Of a rural school. Under the tutelage of Joseph B. Thoburn, she became a local historian, associated with the OHS. Involved in writing a comprehensive history of OK. She was a Republican, she unsuccessfully ran as a candidate for county supt of schools in 1924 and for the State House of Reps in 1928.

Joseph B. Thoburn to Muriel Wright, 2/12/1930, C-4076. **Ex. 234.**

Ben Dwight Appointed Principal Chief, 1930

Dwight was appointed 2/18/30 (for 4 year term)
Excerpts from Departmental Personnel Files,” c. February 1953, C-3432.2. **Ex. 34;** CIA

Dillon S. Myer to Representative Carl Albert, February 27, 1953, C-125, **Ex. 35.**

By Feb 21, 1930 it was announced in the *Daily Oklahoman* that Dwight had been appointed.

Muriel Wright to Mamma and Papa, 2/21/1930 C-4079. **Ex. 235.**

On Feb 24, Dwight wrote to Secretary Hurley "I sincerely appreciate your making me Chief of the Choctaws."

Dwight to Hurley, 2/24/1930, C-4911. **Ex. 236.**

Tucker's contract as tribal attorney expired on June 30, 1930. On May 29 Dwight informed CIA Rhoads that he wanted Grady Lewis approved to fill this position.

Dwight to CIA Rhoads, 5/29/1930, C-4655. **Ex. 90.**

Dr. Wright again tried to organize a Choctaw Convention at Durant on October 22, 1930 and requested the CIA to provide \$15,000 towards meeting the expenses of this council. CIA Rhoads declined, because such an appropriation was not authorized by Congress. He cited that 1906 Act continued tribal existence and tribal governments, but that certain limitations were placed on the tribal governments. Department interpreted section 28 as meaning then existing tribal officials were continued, but that it was not contemplated by the act that further elections would take place. Under Section 6, Principal chief was to be appointed by the President. A 1916 act prohibited appropriations of tribal funds without authorization from Congress. Most recent appropriation act of 1930 did not provide funds for a tribal council.

CIA Rhoads to Dr Wright, 10/01/1930, C-3614. **Ex. 237.**

Tribal Issues 1930

In a memorandum to the Subcommittee of the Senate Com on Indian Affairs meeting at Durant on Nov 10, 1930, a Choctaw leader (Durant?) identified three outstanding tribal issues in addition to the claims pending before the Court of Claims:

1. Disposition of the coal and asphalt lands that were supposed to be sold by Govt by 1905. Practically the only tribal asset left. Decreased in value with the coming of oil and gas. Tribe has no specific solution, but seeks an equitable settlement.
2. Cease funding tribal schools with Choctaw tribal funds. No children born after 1906 are enrolled citizens, the children admitted to these schools are not Choctaw citizens. Have suits pending to recover value of these funds, but asked that Congress halt Expenditures.
3. Leased District claim. In 1864, Choctaws and Chics ceded to US these lands for consideration of \$300,000. Amount never paid. In 1889 US paid compensation for a part of these lands to be used as a Cheyenne-Arapaho reservation . Nations introduced jurisdictional bill to bring this claim before Court of Claims in last session of Congress, was passed in the Senate and is now pending in the House. Asked Comm to help get this bill enacted.

Memo C-4324. **Ex. 238.**

Proposed Timber Sale

In Jan 1931, two companies sought to purchase unallotted timber tracts. Acting Supt

suggests a public auction. 1/2/31 C-3950 **Ex. Dwight** agrees. Dwight to McMillan 1/9/31/ C-3948. **Ex. 239.**

Tribal Organization Proposal, 1931

In November 31, Dwight proposed the organization officered by tribal members to promote the general welfare of the Choctaws. Wanted to call together nine leading citizens to organize organization.

Dwight to Durant, Dwight to Muriel Wright, 11/2/1931 C-5475, **Ex. 240**, C-4093. **Ex. 241.**

Bill for Disposition of Coal Lands

Apparently Dwight and Lewis drafted a bill that was introduced by Rep Cartwright, (HR 8682) in 1932. Asked for settlement of \$10,227,537.70, ½ to be paid in per-capita payments in 1938, the other half to be paid out in ten annual payments for welfare and educational work. Dwight asked Muriel Wright for her views

Dwight to M. Wright, 2/4/1932, C-4091, **Ex. 91**, M. Wright to Dwight, 2/10/1932, C-4092 **Ex. 92.**

Coal and Asphalt in 1932

Act of April 21, 1932 provided that purchasers of coal deposits could pay their balances in five annual installments beginning May 25, 1932.

Tucker in C-4087, 6/5/1934. **Ex. 159.**

Goodland School Meeting of 1933

Dwight organized a meeting for all Choctaws to be held at the Goodland Indian School near Hugo, MAY 18-20, 1933. Purposes: to report on tribal affairs, to consider future tribal business, to form a permanent tribal organization for the welfare of the tribe, for tribe to consider other matters. Wanted to prepare for participation in "New Deal".

Dwight to Durant, 3/9/1933, no number. **Ex. 242.**

Ben Dwight Reappointed as Chief, 1934

On January 30, 1934, President Roosevelt reappointed Dwight for a term not to exceed six months effective Feb. 18.

Zimmerman to Landman, 2/3/1934 C-3615. **Ex. 243.**

Tribal Meeting to consider IRA Bill provisions, March 22, 1934

An unknown number of Choctaw representatives assembled at Muskogee to review the provisions of the Wheeler-Howard bill, S.2755, which eventually became the Indian Reorganization Act of 1934. The bill was later amended to exclude the Oklahoma Indians. The reps submitted their views to CIA Collier. May have included former tribal attorney Hampton Tucker, since a draft of the ltr to Collier was found in his papers.

The reps indicated that any plan to form a Choctaw reservation was not acceptable, that they supported the continuation of the two government schools for Choctaw children, did not think there remaining property (coal and asphalt deposits, other

property ,tribal funds) should be used for the purpose of establishing a reservation. In contrast to the bill provisions, they wished to have probate jurisdiction retained by the State., favored the extension of restrictions on allotted and inherited trust lands, that tribal members who held interest in such lands continue to have the right to hold them or dispose of them in accordance with existing laws. They found appealing the provision for the organization of local self-government and economic enterprises.

They requested that the Choctaws be permitted to manage their own affairs through a government organized under a Principal Chief selected by tribal members and appointed for a two year term by the President, assisted by one tribal attorney, and by seven advisors of Choctaw blood selected by the Principal Chief to represent the different sections of Choctaw country, and that the expenses of this government to be authorized to be paid out of tribal funds.

Ltr to Collier, 3/22/1934. C-4529. **Ex. 244.**

Delegate Convention at Goodland School June 1934: Choctaw Advisory Council Election of Dwight as PC

At a tribal convention held at the Goodland School in Hugo, OK between June 4-8, 1934, tribal members authorized the creation of a CAC consisting of 11 members, one selected from each of the ten counties that comprised the old Choctaw nation, and one at large member.

W.O. Roberts to A.L. Miller, 6/30/1953, C-3372. **Ex. 11.**

Meetings scheduled on May 5th to select delegates
Notice of Choctaw Mtgs C-4517. **Ex. 246.**

After delegates were chosen, Tucker sent an assessment to Dwight of those who supported him. Tucker to Dwight, 5/11/34 C-4518. **Ex. 247.**

•
CIA Collier requested Choctaw select delegates for Convention prior to June 30, 1934.

A Delegate Convention of Choctaws met at the Goodland Indian School on June 5 to organize. On the third day, Hampton Tucker, the Coal Trustee gave report on tribal coal properties, and Grady Lewis ,described as the former trustee, gave report on the CC claims.

Stigler was temp chairman. Muriel Wright secretary. By vote of 116-49 elected Durant to serve as chair. Was the last remaining living member of the old Choctaw General Council.

Adopted the Wheeler-Howard bill. Passed resolution creating a board to be known as the Advisory Council. Was passed with amendments.

Passed resolution to refer tribal property issues to Advisory Council.

Voted for PC. 113 votes for Dwight, 38 for Will Gardner.

Minutes C-4085, **Ex. 76;** C-4086. **Ex.**

List of Delegates C-5367. **Ex.**

Coal and Asphalt Status, 1934

Tucker gives detailed history of status of coal and asphalt.

C-4087, 6/5/1934, **Ex. 159.**

19,421 acres of deposits cancelled for lack of payment. Still remained 371,471 of coal deposits and 2,880 of asphalt deposits

Status of Claims 1934 reported to Convention by Lewis.

Grady Lewis in C-5304, 6/5/1934. **Ex. 177.**

Issue of Taxation on Surplus Lands

Convention also passed resolution addressing this issue. Act of May 10, 1928 provided that tax restrictions would be extended but that holdings in excess of 160 acres would be taxed after April 26, 1931. Convention wanted tax restrictions extended because many faced possible foreclosure.

C-5304. **Ex. 177.**

Advisory Council 1934

Approved Advisory Council consisting of 11 members, one each from 10 districts and one at large, to meet annually, empowered to investigate tribal affairs and recommend legislation, chaired by PC. Hear complaints of members, appointed by CIA upon recommendation of the PC., alternating terms 6/8/1934 **Ex.**

Opposed opening the rolls. C-5365.

Advisory Council Oct 11-15, 1934

Appointed by Dwight on Oct 11, 1934 Included Locke, Durant, Muriel Wright, James Culberson (full blood), Rev. Elam Johnson, E.A. Moore, C.B. Bascomb, Ben C. Palmer, and Silas E. Cole. Durant elected chair, Wright as Sec.

Met over a 5-day period. Did a markup of the W-H bill with suggested amendments. One goal was to establish a tribal welfare program, wanted funding for a hospital and the expansion of schools.

Stigler justified continuation of tribal attorney, partly because of need to file a test suit on question of taxation, to protect rights in regard to abandoned RR rights of way, should revert to tribes rather than adjacent owners.

Council approved Stigler continuation for one year, Tucker continuation as coal trustee. Minutes, C-4682 **Ex.**

Resolution to preserve the old Choc council bldg. C-5480. **Ex.**

The Folsom Bill, 1934

Albert Folsom, an accountant in OK City, drew up bill for Choctaw to create a Commission for the purpose of resolving the unfinished affairs of the tribe.

Propose to transfer all DOI functions over tribe to tribe. Election of delegates to general convention, paid out of tribal funds, to create Dwight Commission of 3 elected members. Folsom to Durant 11/28/34 C-5452. **Ex.**

Was introduced as H.R. 9247 by Cong Cartwright on 8/23/1935. After the fact, Folsom appeared before AC to gain support. AC appointed resolution committee to review it. Minutes, C-5581. **Ex. 74.**

Taxation Issue, 1935

J.B. Wright served as a Field Clerk for the OIA. He recognized the problem of the lifting of tax restrictions on surplus lands (could effect up to 300,000 acres). Reported same to Muskogee office without response, discussed issue with Cong Cartwright, wrote and talked to Sen. Thomas. Taxes are being assessed and are now 3 years delinquent. Supt denied his request to go to DC to present issue. Brought status of issue to attention of Muriel Wright, urged that PC Dwight work with Cong delegation to address issue. J.B. Wright to Muriel Wright, 1/21/35, C-4031. **Ex.**

Muriel replied noting that Sen. Thomas had been opposed to Sec 2 of the IRA of 1934 that extended restrictions in perpetuity. M Wright to Uncle Brookes, 1/24/35 C-4032. **Ex.**

Advisory Council March 1935

Resolution opposing bill introduced by Gassaway to re-open rolls 3/19/35 C-4713. **Ex.**
Minutes C-4711 **Ex.**

Durant chairs

Supt Landman attended

Thomas Hunter now also on Council

Others attending, Stigler as attorney, Tucker as coal trustee, attorneys Semple and D.C. McCurtain, J.B. Wright, OIA Field Clerk, Peter Hudson.

Reviewed proposed Thomas-Rogers bill (Ok Ind Welfare Act) recommended passage.

Opposed Gassaway bill

Discussed colony projects on coal lands as potential housing projects

Resolved to Support general hospital at Talihina

Semple asked for request of additional funds to meet litigation expenses.

Resolved to request \$20,000 out of tribal funds.

CIA Collier Sanctions Advisory Council, 1935

By telegram of 10/4/35 Collier recognized Council for one year beginning Oct 1. Minutes 10/7-8/1935 C-5581. **Ex. 74.**

Bascom Petition 1935

Charles Bascom, a full blood, and member of the Advisory Council, petitioned Council meeting on 10/7/35 to recommend payment to him of \$103 as his share of Leased District payment made in 1893. He was then a minor orphan. His share deposited in unknown bank.

Bascom to Durant 10/5/35 C-5583. **Ex.**

Advisory Council, October 1935

Endorsed Thomas-Rogers bill, resolved for DOI and Congress to resolve taxation issue, Stigler asked for resolution to file test suit, requested DOI to take actions to prevent deprivations on remaining timber lands (protect or sell)

Minutes C-4497, **Ex.** C-5581. **Ex. 74.**

Stigler reported that he visited Washington twice for two weeks each in winter and summer. That Lewis also worked as a delegate. Reported on adverse enrollment bills.

Stigler withdrew previous request to file test suit on taxation issue until after Congress responded to AC resolution.

Deferred action on Bascom petition, voted to submit it to Congress.. Resolved to make the National Attorney a Special Assistant Attorney General of US. Supported restoration of old Council House.

Coal Royalties 1936

Tucker recommends to Supt Landman a 2-cent per ton increase in coal royalties. Ltr of 4/21/1936 **Ex.**

Claims Report of Attorney Stigler to Muriel Wright 6/30/36 C-5483 Ex. 85

Settled several suits in Federal courts against coal companies for past due royalties.

Recommended settlement in other cases, new suits in others.

Appealing decisions in claims against **Central Coal & Coke Co** in Missouri.

Lobbied bills before Congress for 3 weeks in July 1935.

Abandoned ROW cases.

Disposed of two enrollment bills in 1936 session:

Robert Fix claim for he and four others, introduced by Cong Gassaway in HR and Sen. Frazier in Sen. Fix appearing before Cong for 5-6 years. Indian Affairs subcom reported unfavorably on bill.

Underwood bill, supported by Miss Underwood would add 399 names to roll, all non-residents of OK. Also introduced for five or six years, also lobbied to get adverse report. Would have cost tribes millions of dollars.

Reports PC Dwight played key role in lobbying for passage of **OK Indian Welfare Act**.

Also Dwight lobbied for and obtained \$7,500 to acquire and preserve old **Tuskahoma Council House**.

Another act permitted leasing of restricted lands of those of half blood or more for up to five years subject to SOI approval.

Several suits pending that Semple is litigating Lewis has **Leased District claims**.

Several Inquiries about **per capita payments**. Not sufficient funds.
C-5483 **Ex. 85**.

William Durant Appointed as Principal Chief, 1937

1/16/37 C-5384 **Ex. 71**.

To fill unexpired term of Dwight

DOI promoted Dwight as organizer among tribes to carry out Thomas Rogers Act.

Involved higher compensation, he accepted and resigned as PC.

Durant to Folsom 1/30/37 C-5437. **Ex.**

Dwight resigned on 12/31/36 to accept position in the OIA. Durant appointed 1/12/37 for 2-year term; reappointed 8/18/38, 8/18/40, 8/18/44, 8/18/44/8/18/46, and served until his death on 8/1/48.

Excerpts from Departmental Personnel Files," c. February 1953, C-3432.2. **Ex. 34**; CIA Dillon S. Myer to Representative Carl Albert, February 27, 1953, C-125, **Ex. 35**.

Seems not to have been any controversy about Durant's appointment. Was then the chair of the AC and the last surviving member of the 1906 Council.

Issue of Preserving the Old Choc Council House at Tuskahoma

AC passes a resolution supporting it in 1934. Obtained a \$7,500 appropriation from Congress 6/22/1936. Complicated by fact that Southeastern State Teachers College held an interest in the property. Necessitated an act of the State legislature to authorize the Governor to convey the property.

Stigler to Landman 1/22/37 C-5883 **Ex.**

OIA authorized 5 Tribes Supt to make payments for the property and record deeds.

Zimmerman to Landman, 3/18/1937 C-5237 **Ex.**

Durant sought authorization of an additional \$10,000 from tribal funds for restoration.

Durant to Landman 4/12/1937 C-5380. **Ex.**

Abandoned RR Right of Way Claims

DOJ decided that Govt should file suit on behalf of Nation. Case turned over to U.S. Attorney.

Asst CIA Zimmerman to Durant 1/28/1937 C-5430. **Ex.**

Intent to Sell Remaining Timberlands in Order to Halt Deprivations

Agreed to sell all for not less than 1912 appraised value.

Durant and Stigler to CIA 2/23/1937 C-1326. **Ex. 108**.

CIA authorized sale on 3/26/1937

Asst. Supt McMillan to Durant 4/7/1937 C-5389.. **Ex. 110.**

Tribal member Joshua Anderson writes CIA that sale should be halted, timber sold separately and land preserved for future development, possibly oil and gas.

Anderson to CIA 4/28/1937 C-1318. **Ex. 112.**

Sale scheduled for 5/6/1937

Durant advises CIA to give no favorable consideration to several letters of protest

Durant to CIA 4/30/1937 C-2434. **Ex. 111.**

Also advises Senator Rogers on situation, Durant to Rogers 4/30/37 C-5473. **Ex.**

Bryan County Attorney Ben Carter wrote Durand that asking price was too low and that small bidders should have opportunity to buy smaller tracts.

Carter to Durant 4/30/1937 C-5440. **Ex. 113.**

CIA cancelled sale in light of protests without consultation with Durand. Stigler advises Durant that most protests came from small lumber companies and sawmills, not many from tribal members. "It would seem that your wishes are not to be taken in consideration." Stigler to Durant 5/1/37 C-5598. **Ex. 114**

Timber sale authorized for July 20, 1937. Bids not offered for all tracts as separate units. Therefore requested bids for one unit. Offered \$88,500.74 for 22,904.55 acres. Durand asks Supt to accept this bid/

Durant to Landman 7/20/1937 C-3852. **Ex.**

Sale protested, but Zimmerman advises Senator Thomas that sale is believed to be in best interest of tribes. 7/29/1937 C-3858. **Ex.**

Case of Disproportionate Distribution of Funds to Chics

Court of Claims found that Chics had received \$660,000 in excess of its proportionate share, but held that tribal officials had acquiesced to this distribution for more than 50 years. Supreme Court denied cert. Semple was outraged.

Semple to Durant 3/12/37 C-5456. **Ex.**

Enrollment Issues Before Congress in 1937

Stigler presented brief on bills holding that claimants were not entitled to enrollment Memorandum Brief of W.G. Stigler 5/20/37 C-5547. **Ex.**

Sale of Other Unallotted Lands that were not Timberlands, 1937

Tracts 115-120 advertised for sale at public auction in early March 37. Bids received for 115, 116, and 120 but none for 117-119. Sale of 118 protested by Sinclair Prairie Oil Company. These lands involved former railway ROW. Tribal chiefs and attorneys request that sales be approved and that unsold tracts be offered again. Express intent to have ROW issue resolved in court of necessary.

Choc PC and National Attorney and Chic Governor and Special Attorney to CIA, 6/7/37 C-5391. **Ex.**

On 8/27/37 Tracts 110-112 offered for sale. Sinclair bid on Tract 111. Nation holds that this was concession that ChicChoc owned lands. Asked OIA to approve sale.

PC and Tribal Attorney to Landman, 9/17/37 C-5601. **Ex.**

Progress Report on Claims by Stigler, 1937

Stigler to Durant, 6/22/37 C-5603. **Ex.**

Abandoned ROWs

Unpaid Royalties

Urges sale of timberlands

Annual Report on Attorneys Activities

Stigler to Durant, 8/26/37 C-5596. **Ex.**

Abandoned ROWs

Unpaid Royalties

Lobbied in DC in May 1937 against enrollment bills

Fought against legislation that provided for off-sets to Indian claims

Chronology lists varied activities throughout year.

Advisory Council Expenses Paid out of Tribal Funds with Commissioner's approval.

Armstrong to Durant, 9/21/1937 C-5386. **Ex.**

Advisory Council Meeting 10/4-5/37 In McAlester.

Resolutions

Authorized PC to enter discussions with Governor and SOI to lease coal deposits.

C-5946. **Ex.**

Requested funding to add 200 acres to Council House grounds C-5490

Authorized appointment of committee of 3 to consider organizing under Sec 3 of OK Indian Welfare Act C-5489. **Ex.**

Appointed trustees to administer appropriated emergency funds C-5488

Authorized tribal reps to contact Congressman to propose that distribution of funds be made under Oklahoma descent statute rather than Arkansas statute as they had been.

C-5484. **Ex.**

Message of Chief Durant, 1937

Accomplishments of Dwight Administration:

Schools and Sanitarium: In 1932 not sufficient income from coal leases to support these institutions. Tribal committee prepared report submitted to Senate Indian Affairs Comm. Requesting that institutions come under Govt funding. Sen Thomas was then chairman of the Comm. Congress authorized Govt to take over operation of the two boarding schools, contract schools, and the tubercular hospital.

New Hospital: lobbied Sen Thomas and Rep Rogers for bill to build 50-bed hospital.

They gained legislation for a 200-bed hospital at Talihina. Gained provisions on this and other Indian projects that Indians would be hired to do the construction.

Council House: Obtained funding to restore it.

Coal Lands: Argues for not selling the land "As long as we keep our coal lands, we must keep our government in at least its skeleton form>" Mentions some new leases by small companies. DOI approved increase in royalty rate.

Coal Suits: Stigler recovered thousands of dollars by brining litigation to collect past due royalties. Companies went out of business they were still bonded.

Timber Lands: Lobbied for more policing. Asked that they be sold> **SOI Ickes position was that he was not going to sell any more lands.** Tribe brought pressure against this stance. Finally agreed to sale. The stopped sale due to protest. Tribe lobbied again for sale.

OIL and Gas Rights: Coalgate Chamber of Commerce wanted to buy some tribal coal lands thought to have oil potential. Tribe then worked to get legislation in 1936 or 1937 to reserve oil and gas rights on all remaining tribal lands. **Excepted the timberlands because did not want to handicap sale.**

Abandoned ROWs: Are selling lands but may have to test claims in court.

Red River: considering claims for accreted lands.

Advisory Council as Representative Body:

Durant:

“When I went to Washington and went before those bodies of committeemen and asked for something they asked me invariably if that was the wish of my people and I could answer them with resolutions passed by this body of representatives of our nation and we got consideration by reason of that action taken by the Council”

...”I want you to express to my through resolutions your wishes in order that I may go before Congress and say to them that this is the wish of my people and here

Message of the Chief 10/4/37 C-5361. **Ex. 77.**

Advisory Council. 1938

12/05/08 c_4686 Choctaw Advisory Council Resolution No. 3 calling for the **sale of the segregated coal & asphalt lands to Govt.**

Choctaw Advisory Council Resolution No. 4 requesting removal of restrictions for allottees on surplus lands, so they could sell them before they are foreclosed on for taxes.

12/05/38 C-4686. **Ex.**

1938 Resolutions 12/05

C-4683. **Ex.**

84 lift restrictions on allotments

85 transfer hospital to US

86 sale coal lands

87 extend restrictions on restricted lands

88 lease unallotted lands on Red River

89 requests legislation to limiting gratuity offsets

91 legislation to redress problems with distribution of per capita payments

99.1 Minutes

99 sent to CIA

Response of OIA to resolutions

C-5419 Asst CIA to Durant 3/17/39. **Ex.**

1939 Resolutions

C-4698, 6/7/1939 **Ex.** Minutes of the Choctaw Advisory Council. Topics included an address on budget and goals for the Tuskahoma Project by the Choctaw Principal Chief; a report from the Mining Trustee; and debate of various resolutions. Resolution to add more lands to Tuskahoma grounds.

C-4699, Minutes 6/17/39, **Ex. 103.** Tucker reports bills pending in Congress. Cartwright bill for purchase of coal and asphalt lands, objected to by SOI. Bill to repeal act of 1930, which did not allow new leases, was introduced after Resolution for same was passed by Advisory Council in December 1938.

C-5362, Address of Durant 6/19/39: Ex. 78.

Tuskahoma Project: Nation got an appropriation authorized for restoration of capitol building. Later got \$50,000 for land and improvements near the capital, but have difficulty purchasing titles.

Durant to Nation 6/19/39

“Those of you who have had experience in dealing with the United States Government have learned that you have to do business just the way they want to do it and you must come within their rules and regulations in all these matters>”

Land was taken in trust by US. Acquired options on nearly 900 acres. Wanted to build a rehabilitation camp on new land. The “last Congress” made appropriation for \$123,000. Bill provided that money would expended under direction of the Advisory Council and approved by CIA (look up bill). Committee appointed by council established plan, which was approved by Supt. Wanted to develop farming

Summarizes accomplishments of Dwight administration:

Curriculum change in schools

Asked Govt to improve medical care, and received new hospital at Talihina.

“everything we have gone to the Department about and asked help, they have responded”

References projects at McCurtain and Wilburton projects.

C-4700 **Ex.** Choctaw Principal Chief's address on the budget and Tuskahoma Project to the Choctaw Advisory Council. Describes project.

1940 Resolutions

C-3881 **Ex.** 3/24/40 Supt Five Civilized Tribes to CIA, describing resolutions passed by the Choctaw Advisory Council on 1940 01 09, including a resolution to create a revolving fund for Choctaws that does not require appropriations by Congress

1940 Mining Bill

C-3361, 1/19/40 **Ex.**

Mining Trustee for Choctaw and Chickasaw Nation to Choctaw Principal Chief transmitting a coal bill introduced by Congressman Cartwright. The introduced bill contained the language not in the draft bill put forward by either the Choctaw Advisory Council or the re-drafted bill sent to the Hill by the SOI. Explains the lease sale process as envisioned in the current bill; the problems with selling the coal and asphalt lands; and other language inserted into the SOI's draft.

Cases Before Court of Claims 1941

C-5469 2/11/41 **Ex.**

Choctaw National Attny to Choctaw Principal Chief submitting a brief report on cases before the U.S. Court of Claims.

Leased District Claims

C=4664, 2/12/41 **Ex.**

Choctaw Advisory Council Resolution No. 3 requesting appropriation from Congress for full compensation for the Leased District. Two file copies.

ICC

Supt Five Civilized Tribes to CIA, describing resolutions passed by the Choctaw Advisory Council on 1941 02 12, including resolution 11, requesting the establishment of an "Indian Claims Commission" **Ex. 127.**

1941 AC Resolutions

C-1806 Choctaw Council Resolution No. 9, Taxed Surplus Restricted Lands **Ex.**

C-5507 Sale of Coal Lands **Ex. 104.**

C-5508 Taxed Surplus Restricted Lands **Ex.**

C-5509 Resolution No 11 For ICC Ex. 127.

C-5010 Bed Lands of the Red River **Ex.**

C-5011 Nominate Judge Tom Hunter to serve on ICC 2/13/1941 Ex.

Inter-Tribal Indian Council. Met in OK City,2/28-3/1/41 Ex. 130.

Ben Dwight was President . 31 of the 34 recognized tribal entities were represented Dwight advocates for ICC, Council passes resolution endorsing a Court of Indian Claims Stigler addresses council. Also Durant who states that he is for an ICC because they haven't gotten claims resolved in Court of Claims (4)
Floyd Maytubby also addresses group.

3/41

C-1806 Choctaw Council Resolution No. 9, Taxed Surplus Restricted Lands **Ex.**

C-1807 Choctaw Council Resolution No. 6, Towns reserved for coal mining **Ex.**

C-3922 **Ex.** Supt Five Civilized Tribes to CIA, enclosing a proposed contract between Choctaw Principal Chief and WG Stigler, Attorney, for a period of one year, along with a letter from Chief, justifying the contract, and stating that 1941 02 12 **Choctaw Advisory Council recommending reappointment of Stigler**

Call for Elections 1940-

04/14/40 C-4326 **Ex.** News article, "Indians Meet Wednesday at Atoka" Newspaper unknown. Prints the resolutions of the Coleman Cole-Pushmataha Choctaw Indian Club

sent to CIA. Called for a delegate convention to select PC. Sent letter to SOI Ickes. Those involved, Thomas Wade, Pres, Peter Noah, Act Sec. Committeemen Nelson Morris, Lewis W. Armstrong, Gilbert W. Daney, Sam Downing.

01/24/42/ C-3353 **Ex.**

Full blood John J. Baker to Congressman Will Rogers complaining about the lack of an elected Choctaw government, and about the Choctaw Principal Chief. Also requests answers for the number of persons paid out of Choctaw tribal funds; what offices they occupy and what the salary is.

In June 1942, an organization of tribal members calling itself the Choctaw Indian People of Oklahoma met at Talihina and unanimously approved a resolution for the calling of a delegate convention to select a Principal Chief. Durant's term was due to expire on Aug 18. Group requested that appointment be stayed until a convention could be held.

A.R. Telle to Senator Elmer Thomas 8/8/1944. C-3989. **Ex.**

Those involved, Choctaw Convention Committee

George Hall, Joe Ralls, Gilbert W. Daney, Ben P. Choate, Rev. A.W. Hancock, L.W. Armstrong, A.R. Telle. Daney and Armstrong were part of Coleman Cole-Pushmataha Choctaw Indian Club. Daney was a county judge in Atoka. Armstrong was a farmer there/

Daney to CIA, 8/24/44, C-3719. **Ex.**

Proposed Sale of Coal lands to Sheffield Corp 1942

Proposal to sell 4300 acres of tribal coal lands to McAlester Fuel Company for use by Sheffield Corp of Texas. Price was \$145,487.48. Sale at this price approved by tribal chiefs, tribal councils, and Stigler. Supt recommended approval.

WW Short, Pres Choc-Chic Coal and Asphalt Land League to Zimmerman, 7/17/42 C-1583, **Ex.** ; Supt Landman to CIA, 7/2/42, C-1585 **Ex.**

Choctaw-Chickasaw Confederation

Draws up Constitution and by laws in OK City 10/19/42 C-3941. **Ex.**

The Confederation was organized into county units. In May 1945, the Oklahoma County Unit wrote to CIA Brophy protesting the administrative expenses of officials of the two tribes.

This wanton and outrageous waste of our Tribal funds has been going on since the surrender of our Tribal Governments to the United States in 1903 and 1904. The Choctaw and Chickasaw Tribes of Indians have no voice in which their Tribal officials are, nor the amount of salaries or expenses which they receive, yet these salaries and expenses are paid out of their own Tribal funds.

We also oppose any Tribal funds being used for the Choctaw Council and the Chickasaw

Protective Association for the reason that these members are appointed by the Choctaw Chief and the Chickasaw Governor, and are only "yes men". They meet in secret session and other members of the tribes are not informed in any way with regard to the time and place of these meetings, the business discussed, or any matters pertaining to Tribal affairs.

Executive Committee, Oklahoma County Unit, Choctaw-Chickasaw Confederation, to CIA5/15/45 C-775. **Ex.**

Signed by W.W. Short, H.E. Hickman, W. Bynam, O.L. Cox

Confederation condemned amount Tucker asked for coal sales. Ben Dwight wrote Under SOI Chapman that "the attitude shown by these Oklahoma City people is not the attitude of the great majority of Choctaws and Chickasaws." Pointed out that group was influenced by Myrtle Creason, who was opposed to reappointment of Durant. Dwight to Chapman 5/13/1946 C-165. **Ex.**

Tribal officials asked for \$33 million in September 1946 C-150. **Ex.**

How DOI Interpreted Section 6 of 1906 Act: There is no requirement that an election be held for the purpose for choosing the appointee...and if an election was held, it would be advisory only and not binding on the President.

Paul L. Fickinger, Chief Admin Officer, OIA, Memo to CIA Brophy, 6/9/1945 C-773. **Ex.**

Sale protested by several groups of Indians^

Attorney to Replace Stigler

In 1944, Wm Stigler, who had served as National Attorney since 1934 was elected to Congress. On 10/9/1944, members of Advisory Council sent individual letters to Supt Landman endorsing the appointment of Ben Dwight. See C-3887 **Ex.** for example.

Later records indicate that Dwight was selected.

Removal of Restrictions

01 14 1944 C-108 **Ex.**

A.B. White, Hettie White and Henry Wrene, representatives of the "Coleman Cole and Pushmataha Indian Club" to CIA, US Senators, etc., re: bill before Congress to remove restrictions on Oklahoma Indians, bill to sell coal and asphalt deposits. The writers and 165 signees state their opposition to these bills. The writers state the club consists of restricted Choctaw and Chickasaw Indians.

Sale of Coal Lands

The Act of June 28, 1944 (68 Stat 596-7) authorized the SOI to contract for the purchase of the tribal coal and asphalt lands. This provided that this contract must be approved by the tribes and approved by Congress. The sale of the coal lands had consistently been part of the Choctaw political agenda since the authorized sale was halted by the 1938. The Advisory Council had worked for the sale since at least 1938. See Asst SOI

Chapman to Smallwood, 5/29/45 C-1490. **Ex. 106.**

Asst CIA Zimmerman Recommends Delegate Election November 1945

On this date, Zimmerman sent the following memo to CIA Brophy regarding the PC. Due to the exigencies of World War II, the OIA's central office had been moved to Chicago.. C-3716 11/3/45 **Ex. 98**

The Washington Office has sent here without comment a letter addressed to you by William Campbell, a Choctaw Indian of Oklahoma. Mr. Campbell renews a complaint, which has been made by a number of the Choctaws, that the tribal sentiment was ignored in the last reappointment of Mr. Durant as Principal Chief.

The Choctaws are hopelessly broken up into numerous factions, several which have no use for Mr. Durant. It is also undoubtedly true that Mr. Durant's health has been failing, and that he is now not physically able to travel as freely as he formerly did. Although the failure to reappoint Mr. Durant will certainly hurt his feelings and may involve us in an argument with Representative Stigler, I am inclined to recommend that the Choctaws be asked to hold a convention or in some other way indicate their wishes in the matter before the Secretary makes his recommendation to the President for the appointment. If this decision is made, it should be communicated to many people, in addition to Mr. Campbell.

Brigadier

Wm Durant's interpretation of the effect of the 1906 Act

"As I recall, I came home to the Choctaw Nation from school in 1886. The following year (1887), I visited the General Council that convened in this Council House and have attended every session since. I ran for the office of representative in the General Council twice before the close of our Choctaw Government—i.e., before Oklahoma became a state in 1907. The last time that I was elected was in Governor McCurtain's administration, at the last election held in the Old Choctaw Nation, which under provisions by a law of Congress entitled me to membership in the Choctaw Council for life."

Durant also served during the OK Constitutional Convention and as a state representative for 11 years.

Choctaw Advisory Council Minutes, 3/19/46 C-5531. **Ex.**

Ben Dwight on intent to close final affairs:

"The close of Choctaw tribal affairs was provided by terms of the Atoka Agreement in 1898, and further provisions on this matter were included in the Supplementary Agreement in 1902. As the years passed, the Federal Government has not lived up to all the provisions of these two agreements or treaties.

Dwight on the Advisory Council: The Goodland Convention authorized this organization the members of which are appointed by the Principal Chief. This Council has been in existence since 1934 and has made recommendations to the Indian Office

upon matters to be acted on by this office and Congress. The Council merely acts in an advisory capacity and makes recommendations to the Indian Bureau and to Congress. In his won work and in that of the Advisory Council, Chief Durant has had a remarkable record of success.”

Choctaw Advisory Council Minutes, 3/19/46 C-5531. **Ex.**

XII. Choctaw Tribal Governance, 1952-1958

Appointment of Harry Belvin as PC, 1948

Durant died on 8/1/48,

Excerpts from Departmental Personnel Files,” c. February 1953, C-3432.2. **Ex. 34;** CIA Dillon S. Myer to Representative Carl Albert, February 27, 1953, C-125, **Ex. 35.**

Won election and was appointed on August 4, 1948 for four-year term.

Excerpts from Departmental Personnel Files,” c. February 1953, C-3432.2. **Ex. 34;** CIA Dillon S. Myer to Representative Carl Albert, February 27, 1953, C-125, **Ex. 35.**

Reappointed on Aug 18, 52 to serve through 12/31/53

Excerpts from Departmental Personnel Files,” c. February 1953, C-3432.2. **Ex. 34;** CIA Dillon S. Myer to Representative Carl Albert, February 27, 1953, C-125, **Ex. 35.**

Terms of PC’s

1937 Durant was appointed to fill the unexpired term of Dwight. In 1938, 40, 42, 44, and 46 was appointed for two-year terms.

List of PCs C-3558 Aug 1948

The voting regs limited those eligible to vote to those whose names were on the final Choctaw roll. Were complaints that this excluded unenrolled, intermarried whites, and freedman that that there was no provision made for absentee ballots. Newspaper report indicated that Belvin recd . See Conlan to Sen Thomas 6/28/48 C-3708. **Ex. 102.**

Belvin Requests to Make Decisions Without Representative Body

1948 9 11 Belvin wrote Supt Roberts. Roberts had asked that Belvin confer with officers of the tribe and that a resolution be prepared recommending increased salaries for PC, attorney, and mining trustee. Belvin informed him that the Advisory Council formed under Durant had not functioned since 1942 and tat some of its original members were no longer living. Asked if he had authority to approve and if it was necessary to appoint or elect advisory council.

“if it is not necessary to have this advisory council, I am sure much delay and some possible confusion in our official business transactions could be avoided if we could perform the same services without one.” Documentary record indicates that AC was still functioning in 1946 (see above)

Belvin to Roberts 9/11/48 C-3314.1. **Ex.**

Asst CIA Zimmerman wrote Belvin, 10/11/48, that advisory council was desirable but not

mandatory. C-3315. **Ex.**

Red River Timber Claims

Choctaw Nation, Principal Chief to Five Tribes Supt, re: timber on tribal lands near Red River 1949 02 17 C-4567. **Ex.**

Belvin's Council 1951:

Belvin established a Choctaw Council consisting of groups in all of the counties within the old Choctaw territory. These councils functioned through mass meetings. Any tribal member could participate. Each county council had its own officers. Belvin envisioned these councils as a "clearing house for information from the Government and the Chief." Stated it was organized "on a more or less temporary basis to serve a definite and pressing need and will continue its existence as long as this need has not been fulfilled.

Tribal Issues, 1951

Outlined issues that Council might focus on:

- 1 per capita payments from Leased District funds
- 2 the commutation bill and voting to accept its provisions
- 3 sale of the unallotted lands
- 4 per capita payments from suits
- 5 dead claim payments from coal and asphalt funds
- 6 removal of restrictions from lands of senior tribal citizens for the purpose of placing them on Old Age assistance.
- 7 continuation of boarding schools
- 8 health and medical problems
- 9 tribal affairs, including land, education, health, economics, and conservation,
- 10 recent damage to old council house

Belvin to all Choctaw Council members 3/12/1951, C-3929. **Ex.**

AD Roberts Antagonism with Belvin

In 1953, the Muskogee Area Director, W.O. Roberts, reported to the House Committee on Interior and Insular Affairs, that Belvin discontinued the Advisory Council and that he now "selects such persons as he wishes for his advisory group. They have no relation to the communities of Indians, and there has not been much opportunity for the agency staff to work with this group as is customary with the other four tribes....Many Indians who exercise constructive leadership throughout the Choctaw Nation are not affiliated with the Chief's group. They wish opportunity for participation in policy and programming with the Agency, and are listed on the official mailing list for information pertinent to Choctaw affairs."

Roberts to Chairman A.L. Miller, 6/30/1953, C-3372. **Ex. 11.**

Roberts reports further that the BIA no longer receives regular minutes of meetings or resolutions. It forwards to Washington whatever is received.

W.O. Roberts to A.L. Miller, 6/30/1953 C-3372. **Ex. 11.**

Not in Stack

1951 01 15 C-3503. **Ex.**

Choctaw Principal Chief to ICC recommending "the fee that should be his" in compensation to Grady Lewis, attny for the Choctaw Nation in Docket 16 (Leased District), decided in favor of the Choctaw Nation.

Annual Labor Day Meetings, 1947-

These started in 1947, held at Old Council House (1951 was 4th annual).
W.O. Roberts to A.L. Miller, 6/30/1953 C-3372. **Ex. 11.**

1951 Reorganization of Choctaw-Chickasaw Confederation

In Sept 1951 at the 4th annual labor day meeting, group reorganized the Confederation. Primary objective was to bring about final settlement of tribal estate. Elected officers in every county.

W.O. Roberts to A.L. Miller, 6/30/1953 C-3372. **Ex. 11.**

Termination Issue 1952

1952 02 13 C-3745. **Ex.**

Memo to file G. Warren Spaulding, minutes of a meeting with CIA, Choctaw Principal Chief, Congressman Carl Albert, and others on Belvin's view of tribal affairs (his platform called for bringing a close to all tribal matters).

Commutation Referendum

BIA developed regulations for voting.

Delegation of Authority to SOI to Appoint PC

Ex order No. 10250 gave SOI authority to appoint Principal Chief, 6/5/51
McNickle to Fast Memo 7/20/51 C-3556. **Ex.**

Per-Capita Payments

Belvin requests per capita payments

SOI Intent to Terminate Tribal Affairs and Hold Referendum

1952 07 02 C-3674. **Ex.**

SOI to "All Enrolled Members of the Choctaw Tribe" relating steps towards the termination of Choctaw tribal affairs, including the 1952 per capita payment from the sale of the coal and asphalt lands and the judgment for the Leased District; notification of the upcoming referendum to select a candidate for Choctaw Principal Chief. Ballot attached.

Chapman noted "a number of developments have taken place which have led

toward the termination of Choctaw tribal affairs.' Coal and asphalt lands sold and money distributed. On 2/14/52 Muskogee AD authorized to distribute per capita all remaining tribal funds from the settlement of annuities, the recent ICC award in the Leased District case, as well as other tribal funds. Other claims pending before ICC. Expresses few that there will no longer be a need to pay the annual salary and expenses of the PC, that payment should be made on per diem basis. But would authorize continuance of present status until Jan 1 1954 if tribe wants. Prepared ballot for members to vote on whether PC should be eliminated, reappointed without an election, or through recent process of voting. Allowed write-in for PC. Also to vote on PC.

07/11/1952 C-3673. **Ex.**

SOI to Muskogee AD revoking regulations governing Choctaw selection procedures for a candidate for the office of the Principal Chief and sending instruction for the referendum to select a candidate for Choctaw Principal Chief. Referendum to be conducted by mail ballot.

SOI Chapman on Appointment of PC Historically

President's authority designated to SOI in 1951. The 1906 act "does not require that the views of the Indians be obtained in selecting a candidate, but it has been customary to seek an expression of opinion from members of the Choctaw tribe."

Chapman to Oliver LaFarge 8/4/52 C-3672. **Ex.**

Status of Belvin Sept 1952

Belvin's appointment expired on Aug 18, 52. Write-in ballot favored him by margin of 11-1. Chapman did not make appointment and halted payment of his salary and expenses out of tribal funds. Oliver LaFarge head of Association on American Indian Affairs in NYC, the leading Indian rights organization, wired CIA Nash and White House urging appointment of Belvin in accordance with referendum.

LaFarge to Nash tele, 9/29/52 C-3671. **Ex.**

Results of 1952 referendum 7,832 ballots were mailed, of which 4073 were returned. Approximately 52 % of eligible voters returned a ballot. Belvin received the most votes 1529. Vote was limited to those on final rolls. Only Descendants of original enrollees were given no consideration. Thus Belvin won by receiving just 38% of the total votes. His total represented only about 20% of the eligible voters. The 1950 Federal Census identified 8,866 Choctaw Indians living in the counties within the former Choctaw Nation. The BIA estimated in 1953 that there were approximately 14,000 individuals traceable to the final Choctaw rolls.

W.O. Roberts to A.L. Miller, 6/30/1953 C-3372. **Ex. 11.**

Tribal member J.B. Wright later complained to the SOI that the announcement of the election a month before it took place, did not allow candidates opposing Belvin sufficient time to campaign, that no nominees were listed on the ballot, and that Belvin consequently won "by default."

J.B. Wright to SOI McKay 5/19/54 C-4051. **Ex.**

Evidently, Belvin was appointed approved budget for FY 53 included small amount for “Inter-Tribal Council” and Labor Day Meeting.”

Forrest to Belvin 11/13/52 C-1220. **Ex.**

When Belvin did not get the amount of funding he requested, he appealed to Cong Carl Albert and took out his wrath on AD W.O. Roberts:

“It is all these little vengeful acts that accumulate over the years which redound to the discredit of an administrator, and it is doubtful that the pleasure and gratification he enjoys through such tactics is ever enough to compensate for the loss in popularity that he suffers with those whose confidence and respect he should command. The time always comes when people rise in righteous indignation after they have suffered long enough, and they find a way to balance the scales of Justice.”

Belvin to Roberts 1/26/53 C-1271. **Ex.**

Roberts wrote the CIA that Belvin and lawyer Semple visited his office in November 26. Roberts stated that Belvin had “in a very doubtful courtesy, expressed considerable indignation about the whole situation.” He stated further that “if Mr. Belvin did address your office in the tone and manner in which he addressed this office that it could scarcely be considered within the protocol generally observed by responsible officials. Roberts to CIA 1/28/53 C-1216. **Ex.**

Tribal Grievances 1953

In March of 1953, Congress authorized the House Interior Committee to conduct an investigation of the BIA. Chief Belvin wrote SOI McKay with a list of grievances. He stated “we have suffered at the hands of the bureaucrats of the Indian Bureau...”

9 grievances:

- (1) Our rights have been invaded and dissipated,
- (2) We have been spurned from the inner sanctum by these high and mighty [sic] bureaucrats who have looked upon us as interlopers in our own homeland,
- (3) Our democratic rights concerning tribal affairs have been prostituted,
- (4) Our financial affairs have been mismanaged (per capita Payments delayed, obviously, to continue the Per Capita Payment Section indefinitely).
- (5) Restrictions and forced sale of old people’s property has been effectuated, thus leaving these old people destitute and at the mercy of the Department of Public Welfare,
- (6) Tribal funds spitefully withheld preventing the Chief from employing stenographic help (documents on file in the erstwhile Commissioner’s office will corroborate this. I have been doing my own stenographic work since October 15, 1952.),
- (7) Choctaw tribal Attorney’s contract as general counsel for the Tribe has been disapproved, although the Tribe pays these expenses out of tribal funds,
- (8) Restrictions on the property of incompetent Indians have been flagrantly removed, unconditionally, thus leaving these people at the mercy of the grafters,
- (9) The mail ballots pertaining to the Choctaw tribal election last July were opened in the Area Office and the past [sic] mark was being destroyed until the Choctaw Tribal attorney and I protested by long distance telephone. This was done in July and the official counters did not arrive for duty until August 1. The postmark was the

determining factor as to whether each ballot was placed in the mail in time to be counted, July 31, 1952.

Belvin to McKay 3/26/53 C-3580.2. **Ex.**

AD Roberts on Tribal Status in 1953

House Interior Comm launched investigation of BIA, collected data on tribes and their administration. On 5/15/53, BIA officials were requested to complete a questionnaire regarding the tribal organizations they administered. In his response of 6/30/1953, W.O. Roberts wrote that the Choctaw “are in most instances culturally assimilated in all affairs of the State, County, and communities where they live...They share in all affairs of the State in all practical ways equal to other citizens including the benefits and prerogatives accorded others...Self-government in any practical sense among the Choctaw people means the same kind of self-government any other citizen exercises. There is no separate or special “self-government” for Choctaw Indians.”

“The Indians, according to county registration officers, register and vote in all elections at about the same proportion as other citizens.

“As a result of Federal legislation, Indian Service leadership, and the general good stock of Choctaw Indians, they have progressed well toward full and complete assimilation. Many are excellent farmers, some are quite wealthy, including oil and gas interests; they are in the professions and in business industries, nearly to the equal of other citizens.”

W.O. Roberts to A.L. Miller, 6/30/1953 C-3372. **Ex. 11.**

Resolution Supporting Termination, 1957

Belvin submitted a resolution signed by 12 council members proposing to withdraw the Choctaw from tribal affairs that was presented to AD Roberts. Roberts showed the document to Martin Woods, a tribal member that also worked for the BIA in the per-capita payment section in Muskogee. Woods was opposed to termination and wrote to his friends to protest to the CIA. Belvin reported Woods to the Acting CIA stating that he was sabotaging his program and requested that he be fired. No action was taken. Woods had had a previous run-in with Belvin. Belvin had announced his interest in being the CIA. Belvin became angry with Woods when he was not supportive.

Martin Woods to CIA Emmons 10/15/57 C-122. **Ex.**

Choctaw Council House project

2,619 acres in 1953

W.O. Roberts to A.L. Miller, 6/30/1953 C-3372. **Ex. 11.**

Vital Statistics 1953

Trust Funds in Treasury \$123,631.45

Lands Held in Trust approx 5,993 acres

Unallotted Lands 9,462 acres

Tribal Lands 2619 **Ex.** (Council House)

BIA Field Study 1953

The BIA requested Belvin to determine if Nation would like BIA assistance in making a field study to determine advisability of withdrawal of tribal affairs. County councils passed resolutions requesting such assistance. No answer, two months later sent another resolution.

Resolution of 7/6/1953 C-3415. **Ex.**

Intent of BIA to Terminate Choctaw:

Asst CIA Barton Greenwood wrote that they were almost at a point where they could close out tribal affairs and eliminate the PC. Looked to end position on 12/31/1953. Belvin was constantly assertive with BIA officials and fought to keep his job as a full-time position.

Greenwood to Asst SOI Orme Lewis 6/22/53 C-3667. **Ex.**

County Councils

Did not address many issues, mostly passed resolutions demanding the continuance of the PC position. Resolution of 10/17/53 C-3483. **Ex.**

Belvin Plan to Establish Tribal Control Over Lands

Through the county councils that he had organized, Belvin proposed that if he was allowed to control tribal affairs the assets of the tribe would reap huge benefits in the future. He wanted tribe to take over admin maintained by Govt , obtain outside funding for the exploration of oil and gas, and distribute the proceeds to all members. He was willing to allow the Govt to sell the surface rights to remaining lands , but wanted tribe to retain the one-half interest in subsurface mineral rights. It was pointed out to him that Congress might consider terminating Federal responsibility for the Nation. That this might occur at a time when Congress was being asked to considering extending the trust responsibility on individual allotted lands in H.R. 6218 that would extend for the life of an allottee the trust restrictions set to expire on April 26, 1956. Belvin was reluctant to agree to the sale of all interests, in light of previous positions he had taken, without trying further to persuade his groups on the idea of exploiting the lands. He told BIA officials that he would hold a series of meetings to place before the people the idea of the Govt disposing of all surface and subsurface rights and that he would advise them of what decision should be made.

CIA to Asst SOI Orme Lewis 12/29/53 C-5249. **Ex. 149.**

Extension of Belvin's Appointment

On 12/21/53 the SOI extended his term through June 30, 1954. CIA wanted further time to study options for withdrawal.

CIA Emmons to Baile W. Vinson 2/5/1954 C-3434. **Ex.**

J.B. Wright pointed out that prior to this, the President had always appointed a Chief that

belonged to the same political party. "We knew that an abided by the decision. It is quite extraordinary in politics for a political party to surrender its appointive power to a plebiscite and more especially to a candidate from the opposing party." Wright thought that the administration should appoint a Republican like himself.

J.B. Wright to SOI McKay 5/19/54 C-4051. **Ex.**

DOI Conducts Another Referendum, 1954

On or before 6/15/54, poll to include both members on final rolls and descendants of original roll members. Questions: (1) whether PC should continue after 6/30/54, (2) whether SOI should appoint PC after vote of members by mail or at polling places (3) should PC be appointed without vote (4) should PC be paid (5) what amount should PC be paid. Also allowed each voter to indicate his or her choice of candidate to fill the position.

BIA Press Release 5/14/1954 C-5340. **Ex.**

J. B. Wright declared himself as a candidate for PC. He complained again to the SOI about the short notice being a disadvantage to candidates other than Belvin. That at a council meeting, Belvin talked for an hour and only allowed him to speak for about five minutes. That the Republican administration should support a Republican candidate.

J.B. Wright to SOI McKay 5/19/54 C-4051. **Ex.**

Myrtle Creason, President of the Choctaw-Chickasaw Confederation complained to the CIA that many members might not return their ballots, that opposing candidates did not have ample opportunity to campaign, that provision should be made for unbiased ballot counters, and that the ballots should require the signature of the voter. The CIA responded failure to return a ballot might reflect a lack of interest in tribal affairs, that if their might be a run-off election of the top two candidates, that the AD would select 15 outstanding Choctaw citizens to count the votes, that a signature requirement would defeat the purpose of a secret ballot,

CIA Emmons to Myrtle Creason, 7/15/54 C-? **Ex.**

Results of 1954 Referendum

Majority favored continuing PC and that he be paid a salary and expenses out of tribal funds. Belvin and Hampton W. Anderson received most votes. Decided to hold another election by mail between 9/20/54 and 10/10/54 to determine tribal choice.

Greenwood Acting CIA to Acting AD, 8/6/54 C-1201. **Ex.**

Belvin won by a vote of 5254 to 2602, 8624 ballots were returned Election Board to AD, 10/10/54 C-3935. **Ex.**

Belvin Accused of being in Violation of Constitution

J.B. Wright wrote to his sister Muriel that the Choc Constitution provided that the PC could not hold any other office. Belvin was also a State representative from Bryan County. Wright planned to protest.

J.B to Muriel, 3/1/55 C-4052. **Ex.**

Money for Tribal Attorney

Belvin pointed out to AD Fickinger that yearly budget worked out by BIA did not contain sufficient money for the tribal attorney to pursue claims 101, 21, and 234. Asked for an additional \$3,500/

Belvin to AD Fickinger, 12/1/55 C-1104. **Ex.**

Organizational Chart for County Councils

12/28/1956 C-3430. **Ex.**

Complaints About Belvin, 1957

Martin Woods was a tribal member who retired from BIA service. He had worked in the per-capita payment section in Muskogee AO. He wrote to CIA Emmons to complain about Belvin's behavior and recommend that the position of PC be eliminated. He stated that while Belvin claims to consult members about their welfare, his meetings are mostly of his followers. He complains about the BIA, tells them that he is responsible for the removal of Roberts, the per-capita payments, talks about oil potential along the red River. He claims that he provides beef for annual meetings, but provisions are paid for out of tribal funds, that he urges members to vote for the Democrats. Asked that his position be abolished, that he does not have enough duties to merit a salary. He is also against any referendum on tribal matters. Which in his opinion are "useless." Claims Belvin is the only chief of the 5 tribes that draws full pay.

Martin Woods to CIA Emmons, 10/15/1957, C-122. **Ex.**

Issue of Reappointment of Belvin and Status of Five Tribes September 1958

At 1958 annual mtg in Sept attended by 200 members, vote taken to authorize delegation to come to DC to discuss issue of appointment of PC, Belvin's term was due to expire on Nov 3, 1958. Ad recommended approval, CIA denied request.

Belvin's followers requested another referendum.

CIA on background Primary function of appointed tribal executives was to sign land conveyances. Held that After the sale of the tribal coal and asphalt lands in 1948, the needs of the tribal execs diminished. The other tribes had very few land transactions and only occasional need for tribal executives.

The Cherokee chief was always appointed without a tribal election. Because most tribal assets were distributed, chief served without compensation.

Until 1955, the Creek chief was nominated for appointment by the Creek General Convention, which was a tribal organization consisting of tribal reps from 44 towns in the Old Creek Nation.

It was customary for the BIA to recommend for appointment as Seminole chief, someone certified by the Seminole General Council, consisting of 3 reps from each 12 tribal towns and two Freedman towns. In 1958 no longer had appointed chief. BIA informed in 1956 that tribe was no longer interested in filling the position.

