Media Contact: Bureau of Indian Affairs
For Immediate Release: June 23, 1960
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Persons who are not enrolled members of the present-day Omaha Indian Tribe of Nebraska but are descendants of the Aboriginal Omaha Tribe and Nation should be permitted to share in the judgment fund recovered by the Tribe before the Indian Claims Commission last February, Assistant Secretary of the Interior Roger Ernst said today.

Mr. Ernst expressed this opinion in making known the views of the Department of the Interior on H. R. 11782, a bill providing for disposition of the judgment fund. The judgment was based on a "stipulation of settlement" between the Indians and the Department of Justice. While the stipulated amount was $2,900,000, this has been reduced by the payment of attorney's fees and expenses to $2,655,205.

The Department's position was based on a finding by the Claims Commission that the Tribe, in presenting its claim, was acting both on its own behalf and in a representative capacity on behalf of the descendants of the Aboriginal Tribe and Nation. The Commission further found that some descendants of the aboriginal group are not members of the present-day tribe but are entitled to share in the judgment.

For this reason, the Department recommended that the judgment fund should not be wholly placed under control of the Omaha tribal council as provided by H. R. 11782. Instead, it proposed (1) that the Department be directed to prepare a roll of persons who have one-eighth or more Omaha Indian blood and are living on the date of the act, (2) that the cost of preparing this roll be paid out of the judgment fund, and (3) that the balance of the fund be divided between the Omaha Tribe of Nebraska and the persons on the roll who are not members of the Tribe, proportionately according to the relative number of persons in the two groups.

The Department also recommended a change in the language of the bill which now provides that $250,000 of the judgment fund must be spent on community development projects proposed by the tribal organization.

The Tribe, Mr. Ernst pointed out, has prepared a $500,000 community development program and proposes to provide half of the financing from the judgment money and the other half through a loan from the Federal Government.

"We believe, II he added, "That the entire cost of the community development program should be financed out of the portion of the judgment fund that is allocable to the members of the Tribe, and that no Federal loan funds should be provided. We believe that it would be unwise to allow a tribe that has recovered a substantial judgment against the United States to borrow from the general revolving loan fund and thereby deprive needy tribes and Indians of access to the limited loan fund. In other words, if the Tribe wants a community development program it should not pay its judgment funds out on a per capita basis and then expect to borrow additional money from the United States."

In order to give the Tribe "clear notice" on this point, the Department recommended the inclusion of language in the bill requiring a referendum of the tribal membership to determine "whether $500,000

or any other sum shall be used for the community development program which the Tribal Council has planned." The Department's amendment would also make the Tribe explicitly ineligible to borrow from the general revolving loan fund of the Indian Bureau for the financing of this program.

Under the Department's proposal, the portion of the judgment allocated to persons who are not tribal members would be paid out directly to them on a per capita basis.