Media Contact: United States Department of the Interior
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Dear Sir or Madam:

In view of the special concern of all persons interested in Indian affairs in the extension of the Indian Claims Commission Act, I am attaching a copy of the Department's most recent report on this important legislation.

Sincerely yours,

Glenn L. Emmons
Commissioner Indian Affairs

June 25, 1956

My dear Senator Murray:

On February 9, 1956, the Senate Subcommittee on Indian Affairs held a hearing on H. R. 5566, a bill "To terminate the existence of the Indian Claims Commission, and for other purposes." The purpose of the hearing was to consider a proposed amendment to the bill that would restrict the present jurisdiction of the Indian Claims Commission with respect to claims that arise out of original Indian title. After the hearing, the Chairman of the Subcommittee asked Mr. H. Rex Lee, Legislative Associate Commissioner, Bureau of Indian Affairs, to obtain the Department's position on the proposed amendment.

Although we understand the factors which led to suggestion of the proposed amendment, our careful study of it leads us to recommend that it be not enacted for the following reasons:

1. The jurisdiction of the Indian Claims Commission to adjudicate this category of claim has been fully litigated. After an exhaustive review of the issue, which was comprehensively briefed, the Court of Claims decided that Congress intended to give the Indian Claims Commission jurisdiction over this category of claim when it enacted the Indian Claims Commission Act in 1946, and the Supreme Court has declined to review that decision (Otoe and Missouria Tribe v. United States, 2 Ind. Cls. Comm. 335, aff'd. 131 Ct. Cls. 593, cert. den. 350 U.S. 848). The scope of the 1946 Act is therefore settled.
2. Many Indian tribes have incurred considerable expense in preparing their claims based upon original Indian title, and it would be construed by them to be a breach of faith to withdraw at this late date, ten years after the Indian Claims Commission Act was enacted, the jurisdiction of the Commission to adjudicate those claims.
3. Although the sums claimed in the pending claims based upon original Indian title may be several billion dollars, as represented, previous experience clearly indicates actual liability will be only a fraction of the potential liability, and we believe that this consideration should not be the determining factor when considering the most practical method of hearing and disposing of the claims.

4. The purpose of the Indian Claims Commission Act was to end the practice of passing special jurisdictional Acts on a tribe-by-tribe basis, and to provide for a final adjudication of all tribal claims. Claims based upon original Indian title have in the past been the subjects of special legislation, and if the Commission's jurisdiction were limited as now proposed Congress would be urged to return to that old and unsatisfactory system. That system is an expensive and inadequate method of dealing with the subject, and it lacks uniformity.

The Bureau or the Budget has advised us that there is no objection to the submission of this report.

Sincerely yours,

Wesley D'Ewart
Assistant Secretary of the Interior
Hon. James E. Murray
Chairman, Committee on Interior and Insular Affairs
United States Senate
Washington 25, D.C.